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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Wednesday, May 28, 2014 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. May 12, 2014
4. Public Hearing
 - a. ZONING TEXT AMENDMENT - SHORELAND ORDINANCE UPDATE
The Planning Commission will consider a draft ordinance that would update the City's Shoreland Management Ordinance. The proposed ordinance would add the recently adopted urban development districts to the City's Shoreland regulations and update other sections of this code.
 - b. ZONING TEXT AMENDMENT – PERFORMANCE STANDARDS ATTACHED GARAGES. The Planning Commission will consider a draft ordinance that would amend section 154.457, the performance standards for Residential accessory structures.
 - c. MINOR COMPREHENSIVE PLAN AMENDMENT – DENSITY RANGES.
The Planning Commission will consider a minor Comprehensive Plan Amendment that would clarify the density ranges in the Urban Districts.
5. Business Items
 - a. None
6. Updates
 - a. City Council Updates – May 20, 2014 meeting:
 - i. City Code Amendment – Driveway width Perfecting Amendment passed.
 - ii. City Code Amendment – Net Density passed.
 - iii. Street Vacation – Approved a partial vacation of 12th Street.
 - iv. Developer's Agreement – Approved the Savona Developer's Agreement

b. Staff Updates

i. Upcoming Meetings:

- June 9, 2014
- June 23, 2014

c. Commission Concerns

7. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of May 12, 2014**

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

COMMISSIONERS PRESENT: Williams, Dodson, Kreimer, Larson, Haggard, Dorschner and Lundgren.

COMMISSIONERS ABSENT: Morreale and Yocum.

STAFF PRESENT: Community Development Director Klatt and City Planner Johnson .

Approve Agenda:

The agenda was accepted as presented.

Approve Minutes: April 28, 2014

M/S/P: Dorschner/Kreimer, move to approve the minutes as amended, **Vote: 7-0, motion carried unanimously.**

Public Hearing: Hammes Estates Preliminary Plat

Johnson presented information concerning a proposed preliminary plat to be named Hammes Estates that would include 164 single-family residential lots. Johnson started his presentation by reviewing the details of the preliminary plat application and the current site conditions on and around the site.

Johnson noted that the City will need to move forward with amendments to the Shoreland Management Ordinance in order to proceed with the development as proposed due to the current lot size restrictions around Goose Lake. Staff has drafted a revised ordinance and has scheduled a public hearing to consider these ordinance amendments at the May 28, 2014 Planning Commission meeting.

Johnson reviewed the requirements associated with wetlands on the property, and stated that all wetlands and wetland buffers will need to be marked in the field prior to the construction of any homes on the site. He also pointed out issues where the wetland buffers encroach into road right-of-way or trails, and explained that the plat would need to be revised to eliminate these conflicts.

Johnson reviewed other critical issues identified by Staff during the course of its review and as identified in the Staff memorandum to the Planning Commission. He summarized the conditions of approval as drafted by Staff that are being proposed to address the deficiencies noted by Staff as part of the review. He noted that there are enough issues that the applicant will need to resubmit an updated preliminary plat before moving forward with a final plat submission.

Tom Kreimer asked why the recommendation of the landscaping consultant include the option of planting materials in a near-by park. Johnson noted that this requirement is an option under the tree preservation ordinance in cases where no additional trees can be planted on-site.

There was a general discussion concerning the impact of some of the recommendations from Staff, and that the applicant may need to eliminate some lots in order to comply with some of these requirements.

Dodson asked about the reclamation on the site, and what work the developer is allowed to complete earlier in the process. Johnson replied that the City's agreement with the Hammes family concerning the gravel operation allows for the restoration of the site, including grading and rebalancing the property.

The Commission discussed the calculations for park land dedication within the subdivision area. Johnson indicated that the City would accept land for public dedication when the developer builds multi-purpose trail corridors as part of the development. Staff is recommending that trails be dedicated as part of an outlot to the City wherever feasible.

Brian McGoldrick, representing the developer, addressed the Planning Commission and summarized the site characteristics that limit the development potential for the property. He noted that the plan submitted attempts to lay the groundwork for a better development by increasing the lot sizes in the northern portions of the development, which will provide opportunities for custom builders to build homes in the neighborhood. He stated that he is working to develop architectural covenants for the development that will require a high-level of quality in building materials and design.

Kreimer questioned how the trail would cross the narrow inlet of Goose Lake that extends south into the development area. Ryan Bluhm, the project engineer, stated that he is still working on the design for the crossing, which may include a boardwalk or a bridge.

Chairman Williams opened the public hearing at 8:04 p.m.

Todd Ptacek, 812 Julep Avenue, stated that he bought a lot in Stonegate back in the late 1990's. He noted that the Stonegate development included a series of trails that were

promised, but were never finished. Of particular concern is the fact that the trails could not be completed because of the Goose Lake inlet crossing. Mr. Ptacek questioned the spirit and intent of the Comprehensive Plan, and indicated that the original plan included a stepping down of densities away from the highway. He objected to the acceptance of a linear park and the use of the buffer area for a park, and expressed concern that the City would not be able to maintain these trail areas. He asked the Commission to improve the Stonegate Trails and to require the developer to provide their own connection to the surrounding parks.

Wayne Prowse, 697 Julep Avenue, addressed the Commission and expressed concern that the proposed developments were not including enough area for parks within each development. He requested that the development plans include an area for homes on larger lots adjacent to the existing rural area developments. He asked the Commission to include additional park areas and encouraged the Commission to reduce the density of the homes planned adjacent to Stonegate.

Williams read a letter from Walt Krueger, 694 Jewel Avenue, stating his concerns about the location of the trail to the south of his property.

The review letter from Molly Shodeen, DNR, was also entered into the record.

Williams closed the public hearing at 8:23 p.m.

Williams noted that the recommendation included a lot of conditions and that he was not comfortable making a recommendation with the number of issues that are outstanding as part of the preliminary plat. Johnson noted that the technical aspect of the review comments can typically be addressed prior to submission of a final plat, but that the Commission is able to table the application and request the plans to be resubmitted.

Haggard requested that the plat include parkland and that the buffer areas should not count towards the overall dedication requirements. She noted that the City may have additional flexibility to adjust the Comprehensive Plan based on the City's revised forecast numbers.

Dodson expressed concern that there were too many outstanding conditions, and expressed concern that the environmental report should be submitted before the City takes action on the request. He also questioned the lack of park areas and the use of buffer areas for trails.

Johnson stated that the City may seek additional park land beyond the required dedication amount, but would need to buy the additional land if the developer met the land dedication requirements. He commented that the Park Commission has reviewed

the proposed plan and stated its preference for the trail system and connections with improvements to the Goose Lake property.

Larson stated that the Goose Lake property could be improved as part of the Hammes development, and that this would provide for some additional recreation opportunities for the neighboring properties.

There was a general discussion concerning the dedication of land for parks and trails. Johnson noted that the City's policy has been to accept land on which trails are located for public dedication as long as these areas are free from other encumbrances and restrictions.

Haggard stated that she does not want to see any wetland buffers encroaching onto any of the private lots. Dodson noted that the wetlands as shown are much smaller than indicated by aerial photographs, and that the proposed buffer encroachments are not as much of a concern for him.

Kreimer questioned who would be responsible for retaining walls on City-owned outlots. Johnson stated that the City would be responsible for these, and that the staff recommendation is to limit these structures as much as possible in new development.

Kreimer questioned why the buffer around Wetland F needed to extend all the way to the border of Stonegate. Ryan Bluhm responded that the required buffer increases based on the quality of the wetlands, and that Wetland F requires an average buffer of 75 feet. This buffer is larger than some of the other wetlands. He is looking into options for providing trails through these areas, but that the Watershed District requirement will make it difficult to build a paved trail through these areas. He noted that the developer has adjusted the buffer areas to encroach no more than 10 feet into any private lot.

Dorschner stated that the numerous conditions indicate that the issues are being addressed through the review process. He noted that he is supportive of the trail system as opposed to the creation of smaller tot lots.

Williams recommended adding a condition that the developer provide a copy of the declaration related to the common interest community be provided for review by the City prior to consideration of the final plat. There was general consensus to include this condition as part of the Commission recommendation.

Haggard made a motion to postpone consideration of the preliminary plat and have it brought back to Planning Commission once certain issues are addressed. Those issues would include getting the environmental review (condition 5), dedication of trail areas on outlots (condition 14), improvements to Goose Lake Park (condition 18G), access around Wetland A and pond 2 (Condition 16B), trail segment between lots 14 and 15

(condition 16C), and how to address the pinchpoint (18C). Dodson asked that this consideration also include the provision of trail corridors as requested by Staff (14).

Johnson requested that as many of the outstanding issues as possible be addressed prior to further consideration of the preliminary plat by the Commission. Williams noted that the passage of the motion would indicate that the other conditions would be deemed acceptable by the Commission for addressing prior to final plat approval.

Larson seconded the motion with the amendments as noted.

Kreimer expressed concern that the Planning Commission's recommendation did not address the lack of park land within the subdivision. Larson supported the inclusion of additional park land to provide for more recreation opportunities. Johnson stated that the Park Commission did unanimously adopt a motion to recommend approval of the park plan as presented, with improvements to the property south of Goose Lake.

Dorschner asked about the planning for parks and what role the Planning Commission plays. Klatt talked about the park plan the City adopted and was reviewed by the Parks Commission. Operationally, concerns about taking on too much park land and the associated maintenance has been discussed at the Park Commission.

Johnson commented on staffing levels and planning for parks and what the balance is for that. We would need to remember that any park areas that are added need to be maintained.

Mr. Prowse spoke up stating that he feels strongly that there should be a park in this development.

Larson noted that additional clarity between the Park and Planning Commission are needed in the future.

Dodson questions the maintenance costs associated with trails compared to normal parks. Johnson commented that there are some opportunities to provide for less expensive maintenance options associated with trails.

M/S/P: Haggard/Larson, move to postpone consideration the preliminary plat and have it brought back to Planning Commission once certain issues are addressed. Those issues would include getting the environmental review (condition 5), dedicated of outlots (condition 14), improvements to Goose Lake Park (condition 18G), access around Wetland A and pond 2 (Condition 16B), trail segment between lots 14 and 15 (condition 16C), how to address the pinchpoint (18C). Dodson asked that this consideration also include the provision of trail corridors as requested by Staff (14). The other conditions will remain in place until the plat comes back for consideration.

Vote: 5-2, motion carried, with Dodson and Williams voting no. Dorschner indicated that he thought that the issues were properly addressed through the conditions of approval.

Business Item: Village Area AUAR Five-Year Update

Klatt gave an update concerning the Village Area AUAR and explained the mandatory five-year update that is being prepared by the City. He explained that AUAR stands for Alternative Urban Area-wide Review. To provide additional background to the Planning Commission, Klatt explained various forms of environmental review, including EAW, EIS and Phase 1 Environmental Reviews. He noted that the benefit of an AUAR is to study greater cumulative impact of a larger amount of development over a larger land area. He noted that the City completed the AUAR for the Village to study the potential impacts of proposed development associated with the Village Master Plan.

Klatt provided a high level description of the various development scenarios studies in the AUAR. Klatt noted that the AUAR would be eligible for a simple update because no development has been approved to date. To complete the update, staff has to complete a straight-forward technical memorandum. Klatt presented both the City's adopted land use plan for the Village and the Village Master Plan to highlight the similarities. Finally, the technical memorandum will include the status of various infrastructure projects that impact the Village, such as the sewer force main project, the Manning Ave Project, Lake Elmo Ave. Reconstruction, and others.

Dodson asked if the TH 5 realignment will be included in the update. Klatt noted that some reference should be included.

Business Item: Net Density Calculations

Klatt presented the research that staff found on how other Cities and the Met Council define gross and net density. Staff would recommend that the City Council adopt the Met Council Definition.

M/S/P: Dorschner/Dodson, move to recommend that the City Council adopt the Met Council definition for net density, **Vote: 7-0, motion carried unanimously.**

Business Item: Single Family Residential Garage Standards

Klatt began his presentation by explaining what the current development standards are in regards to front yard setback and minimum width of residential garages. He went on to explain why this item should be looked at.

The Planning Commission looked at examples of homes from Gonyea & Lennar to get a feel for these houses.

Williams and Kreimer felt that 60% garage was adequate.

Haggard made a motion to leave the code alone and not go to public hearing. The motion failed for a lack of a second.

M/S/P: Dodson/Kreimer, move to schedule a public hearing for a proposed ordinance amendment to eliminate the garage recession requirements from the LDR zoning district, **Vote 6-1, motion carried**, with Haggard voting no.

Dodson requested that at the public hearing, he would like to see examples of houses that would not meet the City standards. Haggard would also like pictures from the builders requesting the changes demonstrating how that would look.

Updates and Concerns

Council Updates – May 6, 2014 Meeting

1. Verizon Wireless Communications Tower CUP passed with 16 findings of fact and 4 conditions of approval.
2. Zoning Text Amendment – Commercial Wedding Venue Ordinance was adopted.

Staff Updates

1. Upcoming Meetings
 - a. City Council joint workshop Tuesday evening.
 - b. May 28, 2014
 - c. June 9, 2014

Commission Concerns -

Haggard would like joint meeting with Park Commission.

No plans for school district expansion have been presented to the City. Dorchner would request presentation from the school district. Staff will follow up with the School district.

Meeting adjourned at 10:40 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

DRAFT



PLANNING COMMISSION

DATE: 5/28/14

AGENDA ITEM: 4A – PLANNING COMMISSION

CASE # 2014 - 20

ITEM: Zoning Text Amendment – Shoreland Ordinance Update

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director
John Hanson, Valley Branch Watershed District

SUMMARY AND ACTION REQUESTED:

The Planning Commission is asked to hold a public hearing on a draft Shoreland Ordinance intended to update the City's shoreland provisions in advance of upcoming sewer growth in the community. The Planning Commission reviewed the ordinance at the meeting on 4/28/14. Staff is recommending that the Planning Commission recommend approval the draft shoreland ordinance.

REQUEST DETAILS:

The Planning Commission last reviewed the proposed shoreland ordinance on 4/28/14. At that meeting, staff explained the purpose of the ordinance update is to adopt shoreland standards for sewer properties in Lake Elmo. The existing Shoreland Ordinance does not address dimensional and bulk standards for properties that are sewer. Alternatively, the current ordinance contains standards for individual zoning districts as opposed to sewer vs. non-sewer properties. As the City is now planning for sewer growth in both the I-94 Corridor and Village Planning Areas, it is critical to update the City's shoreland standards to account for these new types of land uses.

In terms of the review of the draft shoreland ordinance that was presented to the Planning Commission, staff has updated the ordinance based upon the discussion and other refinements intended to improve the document. The proposed changes in the document can be identified in redlines. The proposed refinements to the ordinance include the following:

- A definitions section was added to include key terminology that accompanies the shoreland standards. While the definitions of these terms are already included in the definition section of the City Code, staff thought it would be helpful to include these definitions in the ordinance itself.
- Table 17-1 was updated to include the known Ordinary High Water Level (OHWL) of various lakes and surface waters in the community. While the OHWL for some water bodies is undetermined, staff thought it is helpful to include this information for known lakes in the ordinance as a reference, which the current ordinance also provides.
- The list of public water bodies has been cross-referenced with the DNR's listed public waters database. In addition, staff has provided an updated shoreland map (Attachment

#3) identifying the locations of the registered public waters and their associated shoreland districts.

- The ordinance has been updated in the following areas in response to the review by the Valley Branch Watershed District:
 - Clarification was added to the title of Table 17-2 to identify what the abbreviation P (Permitted) and C (Conditional) refer to in terms of allowed land uses.
 - Table 17-3 was updated to reflect that the minimum low floor elevation allowed must be two feet above the 100-year flood elevation as opposed to Ordinary High Water Level.
 - Note c of Table 17-3 was updated to clarify that any exceptions to setback requirements must meet the rules and regulation of the applicable watershed district.
 - The section related to shoreland alterations was updated to reflect that all grading and filling activity must comply with the requirements of the Wetland Conservation Act.
 - Language was added to the section that relates to storm water management to clarify that wetlands and natural drainage ways should be used in a manner that is consistent with watershed district rules.
- The section related to water-oriented accessory structures was amended to clarify that rooftop decks on top of accessory structures must not be enclosed with an additional roof. This clarification has been requested by the DNR in the past.

These changes identified, most of which identified in redlines, summarize the refinements that have been completed by staff since the Planning Commission last reviewed the shoreland ordinance. In addition to some of these changes, the Planning Commission requested that staff review other public water bodies to see if any of them would benefit from required riparian buffering. In staff's judgment, no other lakes in the community other than Goose and Kramer would benefit from these provisions, as these are the only two lakes that are directly adjacent to areas guided for urban development.

In addition to the staff recommended changes, it should be noted that the Valley Branch Watershed District reviewed the proposed ordinance and submitted comments (Attachment #4). The draft ordinance was sent out to the DNR and the three watershed districts that are located in Lake Elmo (Valley Branch, Brown's Creek and South Washington). At the time of drafting this staff report, staff has not received any comments from the DNR, Brown's Creek Watershed District or the South Washington Watershed District. If any comments are submitted, staff will distribute the review comments electronically and address them at the Planning Commission meeting.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of the updated shoreland ordinance through the following motion:

“Move to recommend approval of the updated Shoreland Ordinance (§154.800)”

ATTACHMENTS:

1. Draft Shoreland Ordinance (§154.800), dated 5/28/14
2. Existing Shoreland Standards (§150.250) (hard copies distributed previously)
3. Shoreland Map (Updated)
4. Valley Branch Watershed District Review Letter

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by StaffPlanning Staff
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Questions from the Commission Chair & Commission Members
- Discussion by the Commission Chair & Commission Members

ARTICLE 17. SHORELAND MANAGEMENT OVERLAY DISTRICT

§154.800 Shoreland Management Overlay District

§154.800 Shoreland Management Overlay District

- A. *Purpose.* The purpose of the Shoreland Management Overlay District is to preserve and enhance the quality of surface waters and conserve the economic and natural environmental values of shorelands through the following activities:
1. Regulate placement of sanitary and waste treatment facilities on shorelands of public waters to prevent pollution of public waters and public health hazards resulting from the facilities.
 2. Regulate alteration of shorelands of public waters to prevent excessive sediment pollution, increased water runoff and excessive nutrient runoff pollution.
 3. Preserve and enhance the unique aesthetic appearance and ecological value of the shoreland.
 4. Regulate the construction of buildings and changes of land use in shorelands to minimize property damage during periods of high water.
- B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Bluff.* A topographic feature such as a hill, cliff, or embankment having the following characteristics. (An area with an average slope of less than 18% over a distance of 50 feet or more shall not be considered part of the bluff.)
1. Part or all of the feature is in a Shoreland area;
 2. The slope rises at least 25 feet above the ordinary high water level of the water body;
 3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and
 4. The slope must drain toward the water body.
- Bluff Impact Zone.* A bluff and land located within 20 feet from the top of a bluff.
- Boathouse.* A structure designed and used solely for the storage of boats and boating equipment.
- D.N.R.* The Minnesota Department of Natural Resources.
- Land Alteration.* The excavation or grading of land involving movement of earth and materials in excess of 50 yards.
- Shore Impact Zone.* Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.
- Shoreland.* Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or foliage; and 300 feet from a river or stream, or the landward extend of a flood plain designated by ordinance on a river or stream; whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.
- Water-Oriented Accessory Structure or Facility.* A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls which, because of the

relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of the structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

B.C. Shoreland Management Overlay District

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

Table 17-1: Shoreland Classifications

DNR ID #	Name	Location	Ordinary High Water Level	Class	150 FT ^a Riparian Dedication Required
82011601	Armstrong (north of CSAH 10)	Sec 28, T29, R21	<u>1020.3</u>	NE	No
82011602	Armstrong (south of CSAH 10)	Sec 28, T29, R21	<u>1019.3</u>	NE	No
82009900	Clear	Sec 2 & 11, T29, R21	-	NE	No
82010100	DeMontreville	Sec 4, 5 & 9, T29, R21	<u>929.3</u>	RD	No
82011000	Downs	Sec 24, T29, R21	<u>889.1</u>	NE	No
82010900	Eagle Point	Sec 22 & 27, T29, R21	<u>896.5</u>	NE	No
82010600	Elmo	Sec 13, 14, 23, 24 & 26, T29, R21	<u>885.6</u>	RD	No
82010800	Friedrich Pond	Sec 15 & 22, T29, R21	-	NE	No
82011300	Goose	Sec 27, 34 & 35, T29, R21	<u>924.4</u>	NE	Yes
82011100	H.J. Brown Pond	Sec 26, T29, R21	-	NE	No
82007400	Horseshoe	Sec 25, T29, R21	<u>876.8</u>	NE	No
82010400	Jane	Sec 9 & 10, T29, R21	<u>924.0</u>	RD	No
82011700	Kramer	Sec 35, T29, R21	-	NE	Yes
82041900	Margaret	Sec 26, T29, R21	-	NE	No
82010300	Olson	Sec 8 & 9, T29, R21	<u>929.3</u>	RD	No
N/A	Raleigh Creek North (to Eagle Point Lake)	Sec 16, 21 & 22, T29, R21	-	T	No
N/A	Raleigh Creek South (Eagle Point Lake to Lake Elmo)	Sec 22, 23 & 227, T29, R21	-	T	No
82011200	Rose	Sec 25 & 36, T29, R21	-	NE	No
82010700	Sunfish	Sec 14, T29, R21	<u>896.4</u>	NE	No
82010000	Unnamed	Sec 4, T29, R21	-	NE	No
82031300	Unnamed	Sec 12, T29, R21	-	NE	No
82041700	Unnamed	Sec 25, T29, R21	-	NE	No

DNR ID #	Name	Location	<u>Ordinary High Water Level</u>	Class	150 FT ^a Riparian Dedication Required
82048400	Unnamed	Sec 11, T29, R21	-	NE	No
N/A	Unnamed to Wilmes Lake	Sec 33, T29, R21	-	T	No
N/A	Unnamed Tributary	Sec 25, T29, R21	-	T	No

Classifications

RD = Recreational Development Lake Classification

NE = Natural Environment Lake Classification

T = Tributary River Classification

Notes to Table 17-1:

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

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

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

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

Notes to Table 17-2:

- City owned parks and open space and any uses or structures accessory to such uses are permitted within shoreland areas.
- Vegetative clearing within shore and bluff impact zones and on steep slopes is not permitted.

- Shoreland Standards.* The following standards in Table 17-3 shall apply within shoreland areas to principal, conditional and accessory uses and structures:

Table 17-3: Shoreland Standards

Standards	Shoreland Classification		
	Recreational Development	Natural Environment	Tributary River
Minimum structure setback from County, State or Federal road right-of-way	50 feet	50 feet	50 feet
Minimum structure setback from an unplatted cemetery or historical site ^a	50 feet	50 feet	50 feet
Minimum structure setback from the Ordinary High Water Level (OHWL) ^{b, c}			
Riparian dedication required	200 feet	200 feet	200 feet
Riparian dedication not required ^d			
Sewered	75 feet	100 feet	75 feet
Unsewered	100 feet	150 feet	100 feet
Minimum structure setback from top of bluff	30 feet	30 feet	30 feet
Minimum septic system setback from OHWL	75 feet	150 feet	75 feet
Minimum low floor elevation above <u>the 100-year flood elevation</u> OHWL	2 feet	2 feet	2 feet
Maximum impervious lot coverage			
With riparian dedication	50%	50%	50%
Without riparian dedication			
Sewered ^e	30%	30%	30%
Unsewered	15% or 6,000 square feet (sf), whichever is larger		
Minimum lot size ^f , riparian lots			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, sewered			
Single family detached	20,000 sf	40,000 sf	Same as zoning district
Two-family or duplex	35,000 sf	70,000 sf	
Riparian dedication not required, unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning district
Minimum lot size ^f , non-riparian lots			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, sewered			
Single family detached	15,000 sf	20,000 sf	Same as zoning district
Two-family or duplex	17,500 sf	26,000 sf	
Riparian dedication not required, unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning

			district
Minimum lot width ^f			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, sewerer			
Single family detached	80 feet	125 feet	80 feet
Two-family or duplex	135 feet	225 feet	115 feet

Notes to Table 17-3:

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

4. Design Criteria for Structures

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

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

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

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

- c. Use of fertilizers, pesticides or animal wastes within shoreland areas must be done in a way to minimize impact on the shore impact zone or public water by proper application.
 - d. New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
10. *Private Utilities.* The following provisions shall apply in shoreland areas:
- a. Private subsurface sewage treatment systems shall meet applicable City and County requirements and Minnesota Pollution Control Agency's Chapter 7080 standards. Publicly owned sewer systems shall be used where available.
 - b. Any private water supply to be used for domestic purposes shall meet quality standards established by the Minnesota Department of Health and the Minnesota Pollution Control Agency.
11. *Planned Unit Developments.* Residential planned unit developments shall be permitted in shoreland areas subject to the requirements of Article XVI of this chapter.
- a. Design criteria for planned unit developments within shoreland areas:
 - i. At least 50 percent of the total project area shall be preserved as open space. The open space computation shall not include road rights-of-way, or land covered by roads, structures or parking surfaces.
 - ii. Open space shall include areas having physical characteristics that are unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries.
 - iii. Open space may contain outdoor recreational facilities for use by the owners of residential units or the public.
 - iv. The appearance of open space areas, including topography, vegetation and allowable uses, shall be preserved.
 - v. PUDs shall be connected to public water supply and sewer systems.
 - vi. Before final approval of a PUD is granted, the developer/owner shall provide for the preservation and maintenance, in perpetuity, of open space and the continuation of the development as a community.
12. *Nonconformities.* Nonconformities, substandard lots and structures, and nonconforming on-site sewage treatment systems within shoreland areas shall meet the requirements specified in Article IV of this chapter.
- a. The expansion or enlargement of a riparian substandard structure shall meet the shoreland development standards set forth in subsection (3) except as follows:
 - i. The extension, enlargement or alteration of a riparian substandard structure or sanitary facility may be permitted on the side of the structure or facility facing away from the OHWL without following the variance process.
 - ii. An improvement to a riparian substandard structure or sanitary facility may be allowed to extend laterally by a conditional use permit (parallel to the OHWL) when the improvement is in compliance with the other dimensional standards of this chapter. In no case shall the improvement extend closer to the OHWL than the existing structure.
 - iii. Decks may be allowed without a variance where riparian dedication is not required, provided as follows:

- a) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing OHWL setback of the structure;
 - b) The deck encroachment toward the OHWL does not exceed 15 percent of the existing shoreline setback of the structure from the OHWL or does not encroach closer than 30 feet, whichever is more restrictive; and
 - c) The deck is constructed primarily of wood, and is not roofed or screened.
 - iv. If a riparian substandard structure is demolished, replacement shall comply with the dimensional standards of this section.
- C. *Required Notice to the Department of Natural Resources.* The zoning administrator shall send copies of notices of any public hearings to consider variances, plats, ordinance amendments, PUDs or conditional uses under local shoreland management controls to the commissioner of the department of natural resources or his designee at least ten days prior to the hearings. In addition, a copy of the approved amendments, plats, variances and conditional uses shall be sent to the commissioner or his designee within ten days of the final decision.

Lake Elmo, MN Code of Ordinances

SHORELAND DISTRICT**§ 150.250 PURPOSE.**

(A) The shorelands within the city are designated as shoreland district. Regulations set forth in §§ 150.250 *et seq.* shall govern land use and other activities within this district. The classification of the lakes shall govern the use, alteration, and development of land within the shoreland district.

(B) The uncontrolled use of shorelands adversely affects the public health, safety, and general welfare by contributing to pollution of public waters and by impairing the local tax base. In furtherance of the policies declared in M.S. Ch. 103G, 103F, 115, 116, 394, and 462, as they may be amended from time to time, the Commissioner provides the following minimum standards and criteria for the subdivision, use, and development of the shore lands of public waters. The standards and criteria are intended to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of water and related land resources of the state.

(1997 Code, § 325.01)

§ 150.251 INTENT.

It is the intent of the city to:

(A) Regulate placement of sanitary and waste treatment facilities on shorelands of public waters to prevent pollution of public waters and public health hazards resulting from the facilities;

(B) Regulate alteration of shorelands of public waters to prevent excessive sediment pollution, increased water runoff, excessive nutrient runoff pollution;

(C) To preserve and enhance the unique aesthetic appearance and ecological value of the shoreland; and

(D) Regulate the construction of buildings and changes of land use in shorelands to minimize property damage during periods of high water.

(1997 Code, § 325.02)

§ 150.252 DEFINITIONS.

Unless specifically defined below, words or phrases used in §§ 150.250 *et seq.* shall be interpreted so as to give them the same meaning as they have in § 11.01 with common usage in this and all other sections of the code. For the purpose of this §§ 150.250 *et seq.*, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

(1997 Code, § 325.03)

§ 150.253 ADMINISTRATION.

(A) The city will provide for the administration and enforcement of their shoreland management controls by establishing permanent procedures for building construction, installation of sewage treatment systems, and grading and filling.

(B) (1) *Permits required.* A permit is required for the construction of buildings or building additions (including the related activities as construction of decks and signs), installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by § 150.255(E). Application for a permit shall be made to the city on the forms provided. The application shall include the necessary information so that the city can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

(2) *Variance.*

(a) Variance requests will be considered pursuant to the procedures set forth in the zoning code.

(b) For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a non-conforming sewage treatment system.

(3) *Notifications to the Department of Natural Resources.*

(a) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least 10 days before the hearings. Notices of hearings to consider proposed subdivision or plats must include copies of the subdivision or plat.

(b) When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in division (B)(3) of this section shall also include the Board of Adjustment's summary of the public record and testimony and the findings of facts and conclusions which supported the issuance of the variance.

(c) A copy of approved amendments and subdivisions or plats and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within 10 days of final action.

(1997 Code, § 325.04) Penalty, see § 10.99

§ 150.254 SHORELAND CLASSIFICATION.

(A) The public waters of the city have been classified below, consistent with the criteria found in Minnesota Rules, Chapter 6120.3000, as it may be amended from time to time, and the Protected Waters Inventory Map for Washington County, Minnesota. The shoreland area for the

water bodies listed below shall be defined in § 150.252 and as shown on the city's shoreland management area map.

(B) The classes of public waters for the city are natural environment lakes, recreational development lakes, and tributary streams.

(1) *Natural environment lakes.* Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development, such as high water tables, exposed bedrock and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

<i>D.N.R. I.D.#</i>	<i>Lake Name</i>	<i>Location</i>	<i>OHW</i>	<i>100-Year Elevation</i>
82007400	Horseshoe	Sec. 25	876.8	
82009900	Clear	Sec. 2, 11		
82010000	Unnamed	Sec. 4		
82010500	Berschen's Pond	Sec. 10		
82010700	Sunfish	Sec. 14	896.4	899
82010800	Friedrich Pond	Sec. 15, 22		913.0
82011000	Downs	Sec. 24	889.1	893
82011100	H.J. Brown pond	Sec. 26		
82011200	Rose (Sunfish)	Sec. 25, 36		
82011300	Goose	Sec. 27, 34, 35	924.4	

<i>D.N.R. I.D.#</i>	<i>Lake Name</i>	<i>Location</i>	<i>OHW</i>	<i>100-Year Elevation</i>
82011601	Armstrong (north of 10th Street)	Sec. 28	1020.3	
82011602	Armstrong (south of 10th Street)	Sec. 33	1019.1	

(2) *Recreational development lakes.* Recreational development lakes are generally medium- sized lakes of varying depths and shapes with a variety of land forms, soil, and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences. Many of these lakes have capacities of accommodating additional development and use.

<i>D.N.R. I.D.#</i>	<i>Lake Name</i>	<i>Location</i>	<i>OHW</i>	<i>100-Year Elevation</i>
82-101	DeMontreville	Sec. 4, 5, 9	929.3	931.0

82-103	Olson	Sec. 8, 9	929.3	931.0
82-104	Jane	Sec. 9, 10	924	925.0
82-106	Elmo	Sec. 13, 14, 23, 24, 26	885.6	889

(3) *Tributary streams.* Tributary stream segments consist of water courses mapped in the protected waters inventory that have not been assigned 1 of the river classes. These segments have a wide variety of existing land and recreational use characteristics.

<i>Location</i>	<i>Stream Name</i>
Sec. 33	Unnamed to Wilmes Lake
Sec. 16, 21, 22	Raleigh Creek North (to Eagle Point Lake)
Sec. 22, 23, 27	Raleigh Creek South (Eagle Point lake to Lake Elmo)
Sec. 25	Unnamed Tributary

(C) The permitted and conditional uses allowed in the underlying zoning district shall be those allowed in the natural environment lakes, recreational development lakes, and tributary streams shoreland districts.

<i>Land Use Matrix</i>											
<i>Land Uses</i>	<i>Zoning Districts</i>										
	<i>AG</i>	<i>R1</i>	<i>P</i>	<i>HB</i>	<i>GB</i>	<i>R3</i>	<i>RR</i>	<i>RE</i>	<i>LB</i>	<i>BP</i>	<i>OP</i>
Auto Service				P							
Churches and Schools			P								
Commercial Ag	P	P					P				P
Duplex Multi-Family											CUP
Farming	P	P		P	P	P	P	P			P
Greenhouses	CUP										CUP
Kennels	CUP				CUP		CUP				
Manufactured Homes; with sewer						P					
Manufacturing					CUP						
Office Uses				P	P				P	P	
Restaurants				P					CUP	CUP	
Retail Uses				P	P				P	CUP	
Single-Family Residential	P	P				P	P	P			P
Stables	CUP										CUP
NOTES TO TABLE:											

- (1) P=Permitted Use
- (2) CUP=Conditional Use Permit
- (3) The Land Use Matrix outlines general allowed uses, subject to restrictions and provisions of the zoning code. Reference the Chapter 154 of the city code for specific allowable uses in each district.

(Am. Ord. 97-16, passed 9-16-1997; Am. Ord. 08-005, passed 2-4-2008)

(1997 Code, § 325.05)

§ 150.255 SHORELAND STANDARDS.

(A) *General provisions.* The following standards shall apply to all shorelands of the protected waters. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth in §§ 150.250*et seq.*, the more restrictive standards shall apply. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

(B) *Lot area; no sewer.*

<i>Zoning District</i>	<i>Natural Environment Lakes</i>		<i>Recreation Development Lakes</i>	
	<i>Riparian</i>	<i>Non-Riparian</i>	<i>Riparian</i>	<i>Non-Riparian</i>
RE (No Sewer)	2.5 acres	2.5 acres	2.5 acres	2.5 acres
R1 (No Sewer)	80,000 square feet	80,000 square feet	1.5 acres	1.5 acres
RR (No Sewer)	10 acres	10 acres	10 acres	10 acres
AG (No Sewer)	40 acres	40 acres	40 acres	40 acres
OP (No Sewer)	0.5 acres	0.5 acres		
R3 (No Sewer)	40,000 square feet	20,000 square feet	20,000 square feet	15,000 square feet
GB (No Sewer)	3.5 acres	3.5 acres	3.5 acres	3.5 acres
BP (No Sewer)	3 acres	3 acres	3 acres	3 acres

(Am. Ord. 97-16, passed 9-16-1997)

(C) *Lot width.*

<i>Classification</i>	<i>Riparian Lot (No Sewer)</i>	<i>Riparian Lot (With Sewer)</i>	<i>Non-Riparian Lot (Without Sewer)</i>	<i>Non-Riparian Lot (With Sewer)</i>
Natural	200 feet	200 feet	200 feet	NA

Environment				
Recreational Development	150 feet	150 feet	150 feet	NA
Tributary Streams	100 feet	100 feet	NA	NA

(Am. Ord. 97-16, passed 9-16-1997)

(D) *Placement, design, and height of structures.*

(1) *Placement.* When more than 1 setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.

(a) *Structure and on-site sewage system setbacks.* Structure and on-site sewage system setbacks (in feet) from ordinary high water level.

<i>Setbacks From OHW</i>		
<i>Classification</i>	<i>Structures</i>	<i>Sewage Treatment System</i>
Natural Environment	150 feet	150 feet
Recreational Development	100 feet	75 feet
Tributary	100 feet	75 feet

(b) *Additional structure setbacks.* The following additional structure setbacks apply, regardless of the classification of the water body.

<i>Setback From</i>	<i>Setback (In Feet)</i>
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highways	Per underlying zoning district regulations and exceptions
Right-of-way line of town road, public street, or other roads or streets not classified	Per underlying zoning district regulations and exceptions

(c) *Bluff impact zone.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(d) *Significant historic sites.* No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

(e) *Steep slopes.* The city shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public water, assuming summer, leaf-on vegetation.

(f) *Proximity to roads and highways.* Per underlying zoning district regulations and exceptions.

(g) *Use without water-oriented needs.* Use without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public water frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(2) *Design criteria for structures.*

(a) *High water elevations.* Structures must be placed in accordance with any flood plain regulations applicable to the site. All principal structures shall have their lowest floor at a level at least 3 feet above the highest known water level or the ordinary high water level, whichever is higher.

(b) *Water-oriented accessory structures.* Each lot may have 1 water-oriented accessory structure not meeting the normal structure setback in § 150.255(D) if this water-oriented accessory structure complies with the following provisions.

1. The structure or facility must not exceed 13 feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed 8 feet above grade at any point.

2. The setback of the structure or facility landward from the ordinary high water level must be at least 10 feet on a recreational development lake and 50 feet on a natural environment lake.

3. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions.

4. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

5. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

6. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

(c) *Stairways, lifts, and landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements.

1. Stairways and lifts must not exceed 4 feet in width. Wider stairways may be used for public open space recreational properties.

2. Landings for stairways and lifts must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for public open space recreational properties.

3. Canopies or roofs are not allowed on stairways, lifts, or landings.

4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of divisions (D)(2)(c)1. to (D)(2)(c)5. above are satisfied.

(3) *Height of structures.* All structures in residential districts, except churches and non-residential agricultural structures, must not exceed 35 feet in height.

(E) Shoreland alterations.

(1) *Generally.* Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat. Best management practices are recommended to guide shoreland alteration activities.

(2) *Vegetation alterations.* Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by § 150.255(F) are exempt from the vegetation alteration standards that follow. Removal or alteration of vegetation, except for agricultural uses as regulated in § 150.255(H) is allowed, subject to the following standards.

(a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.

(b) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs, and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas and permitted water-oriented accessory structures or facilities, provided that:

1. The screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

2. Along rivers, existing shading of water surfaces is preserved; and

3. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

(3) *Topographic alterations; grading and filling.*

(a) Grading and filling and excavations necessary for the construction of structures,

sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. The grading and filling standards in §§ 150.250*et seq.* must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

(b) Public roads and parking areas are regulated by § 150.255(F).

(c) Notwithstanding divisions (E)(3)(a) and (E)(3)(b) above, a grading and filling permit will be required for:

1. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and

2. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

(d) The following considerations and conditions in addition to §§ 150.215*et seq.* must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances, and subdivision approvals.

1. Grading and filling in any Type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland. (This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.)

a. Sediment and pollutant trapping and retention;

b. Storage of surface runoff to prevent or reduce flood damage;

c. Fish and wildlife habitat;

d. Recreational use;

e. Shoreline or bank stabilization; and

f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.

3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as grading is complete.

4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.

6. Fill or excavated material must not be placed in a manner that creates an unstable slope.

7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified

professionals for continued slope stability and must not create finished slopes of 30% or greater.

8. Fill or excavated material must not be placed in bluff impact zones.

9. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under M.S. § 103G.245, as it may be amended from time to time.

10. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

11. Placement of natural rock rip-rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to 1 foot vertical, the landward extent of the rip-rap is within 10 feet of the ordinary high water level, and the height of the rip-rap above the ordinary high water level does not exceed 3 feet.

(e) Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must comply with all provisions of §§ 150.250*et seq.* Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

(F) *Placement and design of roads, driveways, and parking areas.*

(1) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view of public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

(2) Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If the Council, at its discretion, determines that no alternative exists, the structures may be placed within these areas and must be designed to minimize adverse impacts.

(3) Public and private (intended solely for the use of the property owner) watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones, provided the vegetative screening and erosion control conditions of §§ 150.250*et seq.* are met. For private facilities, the grading and filling provisions of § 150.255(E) must be met.

(G) Storm water management. The following general and specific standards shall apply, in addition to all applicable requirements found in § 150.273.

(1) *General standards.*

(a) Existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.

(b) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as grading is complete and facilities or methods used to retain sediment on the site.

(c) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation,

various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration other than buried pipes and man-made materials and facilities.

(d) Use of fertilizers, pesticides, or animal wastes within shorelands must be done in a way as to minimize impact on the shore impact zone or public water by proper application.

(2) *Specific standards.*

(a) Impervious surface coverage of lots must not exceed 6,000 S.F. or 15% of the lot area, whichever is larger.

(b) When constructed facilities are used for storm water management, documentation must be provided by a licensed civil engineer that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

(c) New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(H) *Special provisions for public/semi-public, agricultural, and forestry.*

(1) *Standards for public and semi-public uses.*

(a) Surface water-oriented public or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards.

1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in §§ 150.250*et seq.*, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.

3. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.

4. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

(b) Use without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(2) *Agriculture use standards.*

(a) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management System) consistent with the field office technical guides of the local soil

and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. Best management practices of the Minnesota D.N.R. must be used. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

(b) Animal feedlots, as defined by the Minnesota Rules, Chapter 7020.300, as amended from time to time, for compliance with permits, must meet the following standards.

1. New feedlots must not be located in the shoreland of water courses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins.

2. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

(I) *Water supply and sewage treatment.*

(1) *Water supply.* Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency. Private wells must be located, constructed, maintained, and sealed in accordance with or in a more thorough manner than the water well construction code of the Minnesota Department of Health.

(2) *Sewage treatment.* Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows.

(a) Publicly-owned sewer systems must be used where available.

(b) All private sewage treatment systems must meet or exceed the standards contained in City Code Chapter 51 or the standards for individual sewage treatment systems contained in Minnesota Rules, Chapter 7080.0060, a copy of which is adopted by reference and declared to be a part of §§ 150.250*et seq.* In all cases the more restrictive regulation shall apply.

(c) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in § 150.255(D)(1).

(d) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in this division (I)(2)(d). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from onsite field investigations. Evaluation criteria:

1. Depth to the highest known or calculated ground water table or bedrock;
2. Soil conditions, properties, and permeability;
3. Slope; and
4. The existence of lowlands, local surface depressions, and rock outcrops.

(e) Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with § 150.256(B)(3).

(f) The discharge of non-treated raw sewage effluent into a lake, wetland, or stream is strictly prohibited and the condition will be required to be ceased immediately; and within a

reasonable period (not to exceed 30 days) of notice and order to comply by the Zoning Administrator, the property owner shall install a system which complies with Minn. Rules Chapter 7080, as it may be amended from time to time, and Chapter 51 of the city code, whichever is more restrictive.

(g) Gray water, meaning liquid waste from a dwelling produced by bathing, laundry, culinary operations, and floor drains associated with these sources, and specifically excluding toilet waste, must be treated in accordance with Minn. Rules Chapter 7080, as it may be amended from time to time. Discharge of gray water directly into a lake, wetland, or stream is prohibited and the condition shall cease immediately.

(h) Any discharge of chemically-treated water into a lake, wetland, or stream, such as an example only, the drainage of a swimming pool, must not be done without first obtaining all required permits from the Minnesota Pollution Control Agency.

(J) *Conditional uses.*

(1) Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established in the zoning code.

(2) The following additional evaluation criteria and conditions apply within shoreland areas.

(a) *Evaluation criteria.* A thorough evaluation of the water body and topographic, vegetation, and soils conditions on the site must be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

2. The visibility of structures and other facilities as viewed from public waters is limited;

3. The site is adequate for water supply and on-site sewage treatment; and

4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the ability of public waters to safely accommodate these watercraft.

(b) *Conditions attached to conditional use permits.* The Council, upon consideration of the criteria listed above and the purposes of §§ 150.250*et seq.*, shall attach the conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of §§ 150.250*et seq.* The conditions may include, but are not limited to, the following:

1. Increased setbacks from the ordinary high water level;

2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

3. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

(1997 Code, § 325.06) (Am. Ord. 08-005, passed 2-4-2008; Am. Ord. 08-024, passed 4-20-2010; Am. Ord. 2012-61, passed 9-4-2012; Am. Ord. 2012-63, passed 10-2-2012) Penalty, see § 10.99

§ 150.256 NON-CONFORMITIES.

(A) All legally established non-conformities as of the date of §§ 150.250*et seq.* may continue, but they will be managed according to applicable state statutes and other regulations of the city for the subject of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply to shoreland areas.

(B) (1) *Construction on non-conforming lots of record.*

(a) Lots of record in the office of the County Recorder on the date of enactment of §§ 150.250*et seq.* that do not meet the requirements of § 150.255(B) may be allowed as building sites without variances from lot size requirements, provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of §§ 150.250*et seq.* are met.

(b) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

(c) If, in a group of 2 or more contiguous lots under the same ownership, any individual lot does not meet the requirements of § 150.255(B), the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the 1 or more contiguous lots so they equal 1 or more parcels of land, each meeting the requirements of § 150.255(B) as much as possible.

(2) *Additions/expansions to non-conforming structures.*

(a) *Additions/expansions.* All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of § 150.255. Any deviation from these requirements must be authorized by a variance pursuant to § 150.253(B)(2).

(b) *Decks.* Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met.

1. The structure existed on the date the structure setbacks were established.
2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.
3. The deck encroachment toward the ordinary high water level does not exceed 15% of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive.
4. The deck is constructed primarily of wood and is not roofed or screened.

(3) *Non-conforming sewage treatment systems.*

(a) A sewage treatment system not meeting the requirements of § 150.255(I) must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered non-conforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

(b) The Council of the city has notified the D.N.R. Commissioner of its plan to identify non-conforming sewage treatment systems in shoreland areas. The city will require upgrading or replacement of any non-conforming system identified by this program within a reasonable period of time, which will not exceed 180 days of notice and order to comply by the Zoning Administrator. Sewage systems installed according to all applicable local shoreland management standards adopted under M.S. § 103F.201, as it may be amended from time to time, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems including cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above ground water than required by the Minnesota Pollution Control Agency's Chapter 7080, as it may be amended from time to time, for design of off-site sewage treatment systems, shall be considered nonconforming.

(1997 Code, § 325.07) Penalty, see § 10.99

§ 150.257 SUBDIVISION/PLATTING PROVISIONS.

(A) *Land suitability.* Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the city.

(B) *Platting.* All subdivisions shall be in accordance with the city's platting regulations and requirements.

(C) *Consistency with other controls.* Subdivisions must conform to all regulations for the city. A subdivision will not be approved where a later variance from 1 or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with § 150.255(D) and (I) can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of § 150.255(B), including at least a minimum contiguous vegetative area, that is free of limiting factors sufficient for the construction of 2 standard sewage treatment systems. Lots that would require use of holding tanks must not be approved.

(D) *Information requirements.* Sufficient information must be submitted by the applicant for the city to make a determination of land suitability. The information may include the following at the discretion of the City Planner or City Engineer:

- (1) Topographic contours at 2 foot intervals or less;
- (2) The surface water features required in M.S. § 505.02, Subd. 1, as it may be amended from time to time, to be shown on plats obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
- (3) Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

(4) Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations: near-shore aquatic conditions, including depths, types of bottom sediments and aquatic vegetation: and proposed methods for controlling storm water runoff and erosion, both during and after construction activities;

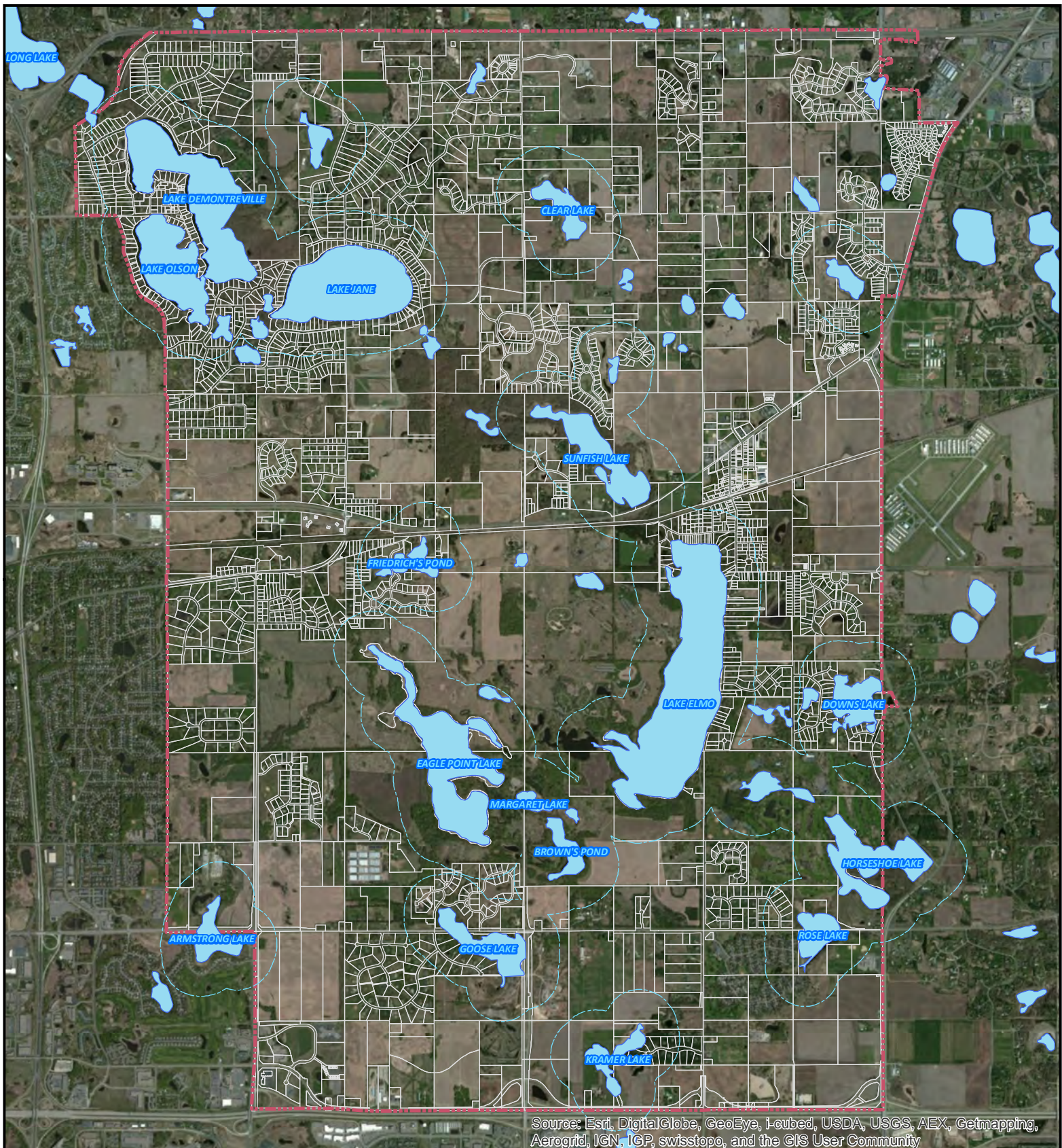
(5) Location of 100-year flood plain areas and flood way districts from existing adopted maps or data; and

(6) A line or contour representing the ordinary high water level, the "toe" and "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.






(E) *Dedications.* When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of storm water and significant wetlands.

(F) *Controlled access or recreational lots.* Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in § 150.255(B) and (C).

(1997 Code, § 325.08) Penalty, see § 10.99



Shoreland Areas (Updated) - Lake Elmo, MN

	<ul style="list-style-type: none">  Lakes/Public Water Bodies  Shoreland District  Municipal Boundary 	<p>City of Lake Elmo 5-22-2014 Data Source: Washington County, MN</p>	
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May 20, 2014

Mr. Nick Johnson
City Planner
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042



Re: Shoreland Management Overlay District Ordinance Amendment

Dear Mr. Johnson:

Thank you for submitting the proposed Shoreland Management Overlay Ordinance to me for review. On behalf of the Valley Branch Watershed District (VBWD), this letter provides my comments.

- Table 17-2 on page 3 includes P's and C's, but neither is defined.
- Note "a" of Table 17-2 on page 3 appears to automatically allow City-owned structures in shorelands. City-owned structures will need to conform to VBWD Rules and Regulations.
- Table 17-3 on page 4 indicates that minimum floor elevations of structures need to be 2 feet above the OHWL. This is not in compliance with the VBWD Rules and Regulations. Minimum floor elevations need to be at least 2 feet above the adjacent water's 100-year flood level. As the 100-year flood level is likely always higher than the DNR's OHWL, the row in the table should be changed to be comply with the VBWD Rules and Regulations.
- Note "c" to Table 17-3 on page 5 could create confusion. The VBWD limits the amount of fill that can be placed below the 100-year flood level of a water. Note "c" should be revised and/or include a statement that any exception will still need to comply with other entities' rules and regulations.
- Item C.7.e on page 7 should be clarified. All grading and filling must be in conformance with the Wetland Conservation Act. By having item "i" a subset of paragraph "e," there could be some confusion that only activities that move 10 cubic yards or 50 cubic yards must conform to the Wetland Conservation Act.
- With Item C.7.e.vii on page 8, please note that the VBWD requires permits for all activities below the 100-year flood level of waters. Waters are defined as a watercourse or a natural or constructed water basin, including the area around lakes, wetlands, stormwater ponds, lowlands, and intermittent and perennial streams.
- A revision might be needed to Item C.9.a on page 8. The VBWD has several requirements regarding stormwater discharges to wetlands. In some cases, the statement, "Existing...wetlands...must be used to convey, store, and retain storm water..." could be in conflict with the VBWD Rules and Regulations and the Wetland Conservation Act.

Sincerely,

John P. Hanson
Barr Engineering Company
Engineers for the Valley Branch Watershed District



DAVID BUCHECK • LINCOLN FETTER • DALE BORASH • JILL LUCAS • EDWARD MARCHAN

VALLEY BRANCH WATERSHED DISTRICT • P.O. BOX 838 • LAKE ELMO, MINNESOTA 55042-0538

www.vbwd.org



PLANNING COMMISSION
DATE: 5/28/14
AGENDA ITEM: 4B – PUBLIC HEARING
CASE # 2014-026

ITEM: Zoning Text Amendments – Single Family Garage Requirements
SUBMITTED BY: Kyle Klatt, Community Development Director
REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider amendments to the City's development standards for urban residential zoning districts, and specifically, the requirements concerning attached residential garages. The proposed amendments would eliminate the portion of the Zoning Ordinance that requires garages to be set back behind the façade of the house or behind a porch extension, and would also modify the maximum percentage of the width of the front façade of the house that could be occupied by a garage from 60% to 75%.

GENERAL INFORMATION

Applicant: City-initiated action for discussion, but based on feedback from home builders and developers
Request: Zoning Text Amendment
History: The City adopted the existing standards for attached garages as part of the 2012 code amendments for urban residential zoning districts. These provisions were further revised in early 2013 to reduce the minimum lot widths and side yard setbacks within these districts. In advance of homes within new subdivisions being constructed, several builders have expressed concern that the City's requirements for garages are overly restrictive and will reduce variety within new subdivisions.
Deadline for Action: None
Applicable Regulations: Zoning Ordinance – Article 10: Urban Residential Districts
Section 154.457 – Residential Accessory Structures

REVIEW AND ANALYSIS

A significant part of the City's 2012 zoning ordinance amendments included the creation of new urban residential zoning districts that were adopted to help implement the Lake Elmo Comprehensive Plan. These amendments were a critical part of implementing the Comprehensive Plan because they created the City's first sewered residential districts that would be able to accommodate the residential densities proposed in the Plan. A large portion of the residential zoning requirements focused on development standards for certain uses and activities, and included standards for attached accessory

structures in urban residential districts. The specific section of this ordinance that is the subject to the proposed revisions is found in Section 154.457 and includes the following provisions (the specific sections of the code that would be effected by the proposed amendments are underlined):

A. *Attached Garages.*

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

The intent of these provisions was to help ensure that garages did not become the dominant feature of newer subdivisions within the community, and to encourage a house design that was more friendly to pedestrians and non-motorists travelling through the development. When these provisions were drafted, there was not a lot of analysis performed to examine the types of houses that could and could not be built under these standards, nor did the City use any specific examples to illustrate the types of housing that was preferred. Please also note that the City Council has previously provided direction to the Planning Commission that it does not support design standards for single family structures within the community. While the attached provisions do not specifically relate to the design of single family homes, they do minimize the options for building certain types of house plans within new neighborhoods.

As builders have progressed further along with development plans for specific neighborhoods, Staff has heard from most of these developers that the City's garage requirements are overly restrictive and will reduce the choices of their customers to build a large portion of the house plans that are offered. The problem as expressed to Staff is that with the smaller lots allowed under the ordinance (which also helps promote a more intimate scale and is more pedestrian friendly), there is not a lot of room on each lot to accommodate a garage larger than two stalls in width. In addition, several builders have also indicated that they build a variety of housing types (some of which include a garage-forward design), and that eliminating some of their house plans because of the garage issue will lead to a more monotonous selection of houses along each street.

After discussing this matter with several developers of newer subdivisions and viewing developments in other communities, Staff is recommending that the City revise the zoning ordinance to allow for additional flexibility in the design of single family homes. The recommendation is based on the following observations:

- A large number of the house plans that are being offered by developers in Lake Elmo include a three car garage, and these garages take up a large portion of the front façade of homes.
- Narrower lots do not provide the room needed to accommodate a side-loading garage. Larger lots that would provide such opportunities would cause neighborhoods to fall short of the City's planned density for low and medium density residential areas.

- The visual character of neighborhoods with three car garages does is not significantly impacted by the location of the garage or the portion of the lot frontage occupied by the garage.
- All builders that discussed this issue with Staff have noted that they intend to build a variety of housing designs within new neighborhoods, and that the existing ordinance will limit the choices that they offer consumers.
- The public improvements within a subdivision (i.e. road width, sidewalks, street trees, lighting, open space, trails, park areas, etc.) tend to have a greater impact on the character and feel of a neighborhood than the types of houses that built.
- The ability to bring garages forward on a lot can reduce the amount of driveway necessary to serve each home.

The specific amendments that are proposed are documented in the attached ordinance. These amendments would specifically eliminate all language concerning garages being recessed behind the front façade or a porch and increase the maximum percentage of the entire principal building façade that can be a garage to 75%. The Planning Commission is being asked to review these changes and to make a recommendation to the City Council on whether or not to adopt the ordinance as proposed or to make any additional amendments beyond the changes drafted by Staff.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of the amendments to Section 154.457 of the Zoning Ordinance concerning attached garages as drafter by Staff.

ATTACHMENTS:

1. Draft Ordinance Amending Section 154.457
2. Developer Comments:
 - a. Ryland Homes
 - b. Lennar
 - c. Hans Hagen Homes
 - d. Gonyea Company
 - e. Bob McDonald (McDonald Construction)
 - f. Amaris Homes

ORDER OF BUSINESS:

- IntroductionCommunity Development Director
- Report by StaffCommunity Development Director
- Questions from the Commission Chair & Commission Members
- Public Hearing.....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-_____

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

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

§154.457 Attached Garages, Urban Residential Districts

A. *Attached Garages.*

1. Attached garages are encouraged to be side or rear loaded. ~~If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:~~
 - ~~a. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or~~
 - ~~b. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or~~
2. The width of the attached garage shall not exceed ~~60%~~ 75% of the width of the entire principal building façade (including garage) fronting the primary street.

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

SECTION 3. **Adoption Date.** This Ordinance 08-_____ was adopted on this ____ day of _____ 2014, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-107 was published on the ____ day of _____, 2014.

TWIN CITIES DIVISION

7599 Anagram Drive
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www.ryland.com

May 12, 2014

Nick Johnson, City Planner
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: Urban Residential Zoning Standards

Dear Mr. Johnson:

On May 6, 2014, Ryland Homes was asked to give feedback on the City's current Urban Residential Zoning Standards. Specifically, two standards found in 154.457 regarding:

1. Garage Recession: Attached garages must be recessed 4 feet back from the façade of the principle structure or 4 feet behind the porch.
2. Garage Width: Front facing garages must not exceed 60% of the overall width of the principle building.

While Ryland understands the original intent of the standards to reduce the negative visual impact of garage dominated streetscapes, we believe that the standard forcing all garages to be recessed can have the same negative affect on a neighborhood by creating redundancy. Ryland's position is that a neighborhood with a variety of homes makes for a more attractive street scape.

The current garage width standard of 60% maximum, along with the market demand for 3 car garages, is difficult to achieve especially with smaller lot neighborhoods. As with Ryland's Hunters Crossing site, the minimum lot width requirement is 60 feet with a combined side yard setback of 15 feet for a 45 foot pad size. The maximum percent is automatically exceeded with the demand for a 3 car garage (30 foot garage/45 foot pad = 67%).

Ryland has submitted for a Preliminary Plat for Hunters Crossing with none of our planned homes meeting these current zoning standards. It's Ryland's position that both of the above Residential Zoning Standards be removed allowing for added flexibility and variation in product while still meeting the market demands.

Ryland looks forward to an appropriate resolution. Please feel free to contact Tracey Rust at 952.229.6063 or Mark Sonstegard at 952.229.6007, both with Ryland Homes, with any questions.

Sincerely,

THE RYLAND GROUP, INC.



Tracey Rust, PE
Entitlement Manager



Mark Sonstegard
VP of Land Development



Kyle Klatt
Community Development Director
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

May 9, 2014

RE: Lake Elmo Builders Poll – Urban Residential Zoning Standards

Thank you for allowing Lennar the opportunity to comment on the design standards relating to garages. As you know, we are actively marketing in Savona so this is a topic of particular interest to Lennar.

1. *Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:*
 - a. *The front of the garage is recessed at least 4 feet behind the plane of the primary façade; or*
 - b. *The front of the garage is recessed at least 4 feet behind a porch if the garage is even with the primary façade.*

Lennar requests the requirement relating to recessing garages be removed. Lennar would support a statement such as: 'garages are encouraged to be recessed from the façade of the principal structure, or front porch, whenever possible to draw visual attention away from the parking areas.' It is our feeling that encouraging but not requiring recessing the garage will allow the opportunity for an even wider variety of house styles further promoting an interesting streetscape. The majority of our house plans include a large front porch that draws attention to the primary entrance to the home. In regards to side loaded garages, our experience is that turning movements become problematic for homeowners and can decrease the desirability of that type of plan, especially on a narrower lot.

2. *The width of the attached garage shall not exceed 60% of the width of the entire principal façade (including garage) fronting the primary street.*

Lennar requests the requirement relating to garage not exceeding 60% of the front of the home be removed. The reason for this request is generated from our site plan. In today's market conditions single family detached homebuyers demand a three car garage. Developing with efficiency through the use of smaller lots creates a situation where it becomes problematic to create house plans that effectively use land and provide three garage stalls. For demonstrative purpose a typical three car garage is 32 feet. A home footprint not exceeding the 60% guide would need to be 53 feet wide. When the standard side setbacks are added the minimum lot size at front setback would need to be 68 ft. Our



Savona plat has a number of lots that are 65 feet wide. We intend to offset this concern with the use of covered front porches and architectural elements above the garage to de-emphasize the doors and bring the garage into the design of the home. In many cases, there is usable space built above the garage further promoting the notion that the garage is part of the home.

We are actively marketing our Savona neighborhood and need to bring this to resolution quickly. Thank you for your support. If I can be of further assistance, please let me know.

Joe Jablonski

A handwritten signature in blue ink, appearing to read "Joe Jablonski", written over a horizontal line.

Development Area Manager
Lennar



May 22, 2014

Nick M. Johnson
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: Comments on Attached Garages.

Dear Mr. Johnson:

Thank you for the opportunity to comment on the design standards for attached garages. While we agree with the intent of de-emphasizing garage doors, we believe the current standards are not appropriate for the variety of housing that will be constructed in the City of Lake Elmo. Further, we believe there are other creative ways to address the appearance of attached garages through the use of appropriate architecture, materials, and the design of the home.

It is very difficult to prescribe "good" architecture through zoning standards. At some level, any architectural standard for visual appearance is arbitrary. As such, any architectural standard or requirements should include a process to allow flexibility in the application of the standards, such as the PUD process. By allowing flexibility, you will avoid the "one size fits all" approach to dealing with garages. You will also encourage creativity and avoid monotony in the appearance of new neighborhoods.

Certain housing types and styles would be prohibited based on the current standards. For example, many housing styles for empty nesters are constructed on smaller lots with narrow lot frontage. This creates a situation where the garage occupies a large portion of the front façade. The design of these homes are based on established needs and desires of the empty nester household, and forcing alternative designs will jeopardize the marketability of these homes.

The visual appearance of a garage can be mitigated through a variety of architectural treatments, designs, and materials. Site planning, including home orientation, street design, landscaping, and other factors also influence the visual appearance of garages. The visual relationship of these factors cannot be quantified into a zoning standard. However, through the PUD process you can accommodate creative ideas and concepts for new neighborhoods in the City of Lake Elmo.

We appreciate the opportunity to provide feedback on your current ordinance and look forward to working with the City of Lake Elmo as we plan our new neighborhood.

Sincerely,

John Rask
Vice President of Land Development

From: Craig@gonyeacompany.com
To: [Nick Johnson](#)
Cc: [Kyle Klatt](#); [Dean Zuleger](#)
Subject: FW: Zoning Text Amendment
Date: Thursday, March 13, 2014 6:19:26 PM

Hi Nick,

Since the meeting on Monday night I've been thinking a lot about the item before ours on the accessory building ordinance updates. Admittedly, I wasn't paying a lot of attention until the discussion on side and rear loading garages, and I know Dave Gonyea made a few remarks to get clarification. I understand from the response he received that it is only encouraged to have side and rear loading garages and I remember hearing you state that you had reached out to single family builders for remarks. I did not hear if you had received remarks and what those were and was wondering if you could share a little of that feedback.

The item that I've been thinking the most about is the 4' recess required for a garage behind the primary facade or porch. Did you get any feedback from the builders on this requirement and if so, could you also share. I'm not sure about the national builders, but this could really limit a lot of the custom builders we work with. I think if you looked around on Gonyea Homes, McDonald Construction or Hanson Builders (all builders we've had site visits with in Lake Elmo) website you would find that the majority will not meet these requirements. I've attached a link below to the gallery on Hanson's website.

Could you let me know if you've received similar feedback?

<http://hansonbuilders.com/gallery.php>

Thanks,

Craig

B. Attached Garages, Urban Residential Districts

1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:

- a. The front of the garage is recessed at least 4 feet behind the plane of the primary facade; or
- b. The front of the garage is recessed at least 4 feet behind a porch if the garage is even with the primary façade.

2. The width of the attached garage shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street.

3. Attached garages shall not exceed 1,000 square feet in area at the ground floor level except by conditional use permit.

Craig Allen
10850 Old County Road 15
Suite 200
Plymouth, MN 55441
Cell: 952-270-4473
craig@gonyecompany.com

From: Craig@gonyeacompany.com
To: [Nick Johnson](#)
Subject: Fwd: Lake Elmo Builders Poll - Urban Residential Zoning Standards
Date: Friday, May 16, 2014 3:58:06 PM

Craig Allen
10850 Old County Road 15
Suite 200
Plymouth, MN 55441
Cell: 952-270-4473
craig@gonyeacompany.com <<mailto:craig@gonyeacompany.com>>

Begin forwarded message:

From: Bob McDonald <bobm@mcdonaldconstruction.com <<mailto:bobm@mcdonaldconstruction.com>> >
Date: May 16, 2014 at 3:03:00 PM CDT
To: "Craig@gonyeacompany.com <<mailto:Craig@gonyeacompany.com>> " <Craig@gonyeacompany.com>
<<mailto:Craig@gonyeacompany.com>> >
Subject: RE: Lake Elmo Builders Poll - Urban Residential Zoning Standards

To: Craig Allen and Lake Elmo City Planner.

I have reviewed the Urban Residential Zoning Standards and would like to bring to you attention a problem with the attached garage section. I did a development in Woodbury which required the garages be behind the front of the home. This causes a large design problem with narrow lots. Example – 65’ wide with 15’ setback leaves 50’ structure. With 60% being garage (almost every person wants a 3 car garage as they have 2 cars and use the 3rd stall for storage yard equipment and toys) leaves only 20 feet for the home. When the garage is behind the front that creates a 20 foot wide by 22 foot area along the length of the garage. So now you end up with a 22’ hallway before you can do anything behind the garage. When lots are less than this it compounds the problem even more. After discussing this with the ARC committee in Woodbury and explaining the problem they changed that requirement as they could see that it hindered the interior design. The recessed garage requirement impedes the design tremendously and limits the option of the floor plan. I know that everyone for some reason has something against garage doors but in reality everyone knows that you have a garage with garage doors. I am not sure how setting the garage 4 feet back from the front of the home hides the fact that there is a garage. One thing that we have done is use garage doors that have a design or windows which softens the garage doors.

Thank you for allowing me to give you the input of a builder.

Thanks

Bob McDonald

From: raypruban@gmail.com on behalf of [Raymond Pruban](#)
To: [Nick Johnson](#)
Cc: Dave@gonyeacompany.com; Craig@gonyeacompany.com; [Sonstegard, Mark](#); [Rust, Tracey L.](#); [Brian McGoldrick](#); [Joe Jablonski](#); [Steven Ach](#); [Raymond Pruban](#); jenpratt@pratthomes.com; [Tom Wolter \(tom@wolter-mn.com\)](mailto:Tom Wolter (tom@wolter-mn.com)); [Robert Engstrom](#); [Kyle Klatt](#); [Dean Zuleger](#); [Tim Brown](#)
Subject: Re: Lake Elmo Builders Poll - Urban Residential Zoning Standards
Date: Tuesday, May 06, 2014 1:25:54 PM

Nick,

If a house gets a 3-car garage (36'+/-) and the pad is 50' wide that is 72%. If limited at 60% on a 50' wide pad that leaves only 30' which is not enough for a 3-car garage.

I would also expect garages to be forward on most of these homes.

We will need to add this to the PUD on our project if not adjusted in the underlying ordinance.

Sincerely,

Raymond Pruban
Chief Manager
Amaris Homes, LLC
Custom Green Home Builder... *where healthy living is built in!*
rpruban@amariscustomhomes.com
Cell 651-248-3631

Amaris Custom Homes works primarily on a referral basis. If you know of anyone thinking about building or remodeling, please consider passing our name along.

On Tue, May 6, 2014 at 11:59 AM, Nick Johnson <NJohnson@lakeelmo.org> wrote:

Greetings,

I am writing on behalf of the City to poll the various builders who will likely be working in the sewered districts of Lake Elmo to receive feedback on a couple of performance standards found in the City's urban residential districts of the Zoning Code. Attached you will find the City's Urban Residential Districts (Article X). I have highlighted the applicable sections that I would like to inquire with you about. More specifically, there are two standards that some builders have expressed concern about with regards to sewered single family residential homes. These standards are found in 154.457 and are the following:

1. Garage Recession: Attached garages must be recessed 4 feet back from the façade of the principal structure or 4 feet behind the porch.
2. Garage width: Front facing garages must not exceed 60% of the overall width of the



PLANNING COMMISSION
DATE: 5/28/14
AGENDA ITEM: 5C – PUBLIC HEARING
CASE # 2014-028

ITEM: Minor Comprehensive Plan Amendment – Residential Land Use Density Ranges

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 public hearing and consider minor amendments to the Lake Elmo Comprehensive Plan to remove gaps in the residential density ranges used to differentiate between the various residential land use categories. The proposed amendment will not alter the single family categories in any manner, and will instead revise the density range for medium density uses to close existing gaps at both the low and high end of this land use category. The only other land use category that would be revised is the Village Mixed Use area, in which case the minimal density would be lowered by 1 unit per acre.

The proposed changes are summarized in the following table:

Land Use Category	Existing Density Range (Units Per Acre)	Proposed Density Range (Units Per Acre)
Urban Low Density	2.5 – 4	2.5 – 4
Urban Medium Density	4.5 – 7	4 – 7.5
Urban High Density	7.5 – 15	7.5 – 15
Village Low Density	1.5 – 2.5	1.5 – 2.5
Village Medium Density	3 – 4	2.5 – 5
Village Mixed Use	6 – 10	5 - 10

REQUEST DETAILS

At the time Staff was working with work groups to draft Comprehensive Plan Amendments for the I-94 Corridor and Village Planning Area, a key part of the discussions concerning these land use plans was the allocation of housing units throughout these development areas. In order to track projected development in the future sewer areas, Staff used the low end of the density range for each residential land use categories in order to calculate total housing unit numbers. While this system allowed the City to prepare a plan that met the obligations of the MOU and was consistent with Lake Elmo's systems statement (Met Council Forecasts), the ranges ultimately used included gaps between the low, medium, and high density land use categories as

documented above. While these gaps did not present any immediate issues concerning the plan itself, as Staff has been reviewing specific development proposals it has created issues for interpreting the appropriate the land use category for residential projects that fall within one of the density gaps.

With the City Council's recent adoption of a specific definition for "net density", Staff is recommending that the Comprehensive Plan be amended to provide a continuous range of residential densities across all residential land use categories in order to eliminate any potential confusion or points of conflict between future development plans and the Comprehensive Plan. Staff is recommending the following changes to the Comprehensive Plan in order to carry out this objective:

- Revising the lower and upper ends of the Urban Medium Density and Village Medium Density and use categories to line up with the upper end of the low density land uses and lower end of the high density land uses.
- Adjusting the "break point" between Village Medium Density and Village Mixed Use down from 6 units per acre to 5 units per acre.

The attached amendments document the specific changes to the Comprehensive Plan as proposed by Staff.

Please note that the proposed amendments will need to be reviewed by the Met Council, and the final approval should be conditional upon the completion of this review.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of amendments to the Lake Elmo Comprehensive Plan to remove gaps in the density ranges that differentiate the various residential land use categories, provided the following condition is met:

- Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved. Acknowledgement of these comments and final adoption of the Comprehensive Plan Amendment will not require any formal action by the City Council.

ATTACHMENTS:

1. Proposed Comprehensive Plan Amendments to Chapter III – Land Use

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public HearingChair
- Close the Public HearingChair

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

The official land use plan categories are as follows:

URBAN LOW DENSITY – The Urban Low Density land use category is intended primarily for single-family detached housing serviced by public sewer and water. This category allows net residential densities from two and one-half (2.5) to four (4) units per acre. Significant new areas of urban low density are guided both within the Old Village and along I-94. [Corresponding Zoning District: LDR]

URBAN MEDIUM DENSITY – The Urban Medium Density land use category allows net residential densities from four ~~and one-half (4.5)~~ to seven and one half (7.5) units per acre; with greater densities only allowed if deemed appropriate and approved through the PUD process and that meet incentives for density bonus as allowed under the PUD ordinance. This category allows for a variety of housing types including single-family detached, duplexes, townhomes, and small two- and three-story apartment buildings and/or senior living centers. Significant new areas of urban medium density are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): R-3, MDR]

URBAN HIGH DENSITY – The Urban High Density land use category is intended for higher density, compact urban residential development. This category allows for a net residential density range of seven and one-half (7.5) to fifteen (15) units per acre; however zoning may allow a greater net density if approved through the PUD process. The appropriate building height will vary by development and depend upon the characteristics of the development and its surroundings. In addition to residential development, a small proportion of supportive retail and service is also appropriate in this land use category. Retail, service and office beyond those supporting the residential development would only be permitted as part of a mixed-use planned unit development. Significant new areas of urban high density are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): HDR]

Village Land Use Plan

The Village Land Use Plan, [Map 3-5](#), identifies three primary land use categories within this planning area that will accommodate growth, and incorporates an open space overlay category to specify which portions of the area will be designated for open space. The land use categories as applied in the Village Planning Area include:

- V-LDR – Village Urban Low Density Residential at 1.5 to 2.5 units per acre
- V-MDR – Village Urban Medium Density Residential at ~~3.02.5~~ to 4.05.0 units per acre
- VMX – Village Mixed Use with residential densities of ~~6.05.0~~ to 10.0 units per acre

All of these categories are defined in the previous section of this Chapter. The Village Open Space Overlay category is further described below.