



3800 Laverne Avenue North  
Lake Elmo, MN 55042

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[www.lakeelmo.org](http://www.lakeelmo.org)

## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, November 23, 2015 at 7:00 p.m.**

## AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. October 26, 2015
4. Public Hearings
  - a. **CONDITIONAL USE PERMIT AMENDMENT:** A request from the Oakdale Gun Club to permit the construction of two new trap shooting pads on their existing trap shooting range at 10386 10<sup>th</sup> Street North – Agricultural District (A) PID 26-029-21-34-0001.
  - b. **ZONING TEXT AMENDMENT – PERMITTED INTERIM & CONDITIONAL USES IN RURAL DISTRICTS:** The planning Commission will review permitted, conditional and Interim uses in the Rural Residential and Agricultural zoning districts as they pertain to secondary dwellings, cemeteries, agricultural sales business, commercial stables and kennels, golf courses and restricted recreation.
5. Business Items
  - a.
6. Updates
  - a. City Council Updates – November 17, 2015 Meeting
    - i. None
  - b. Staff Updates
    - i. Upcoming Meetings:
      - December 14, 2015
  - c. Commission Concerns
7. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of October 26, 2015**

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

**COMMISSIONERS PRESENT:** Dodson, Dorschner, Fields, Haggard, Larson, Williams, and Kreimer

**COMMISSIONERS ABSENT:** Griffin

**STAFF PRESENT:** Contract Planner Gozola and Interim Administrator Schroeder

**Approve Agenda:**

The agenda was accepted as presented.

**Approve Minutes:** October 12, 2015

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

**Public Hearing – Preliminary and final Planned Unit Development (PUD) Home 2 Suites**

M/S/P: Dorschner/Dodson: move to table the Preliminary and Final Planned Unit Development (PUD) Home 2 Suites, **Vote: 7-0, motion carried unanimously.**

**Public Hearing – Open Space Concept Plan – Legends of Lake Elmo**

Gozola began his presentation for an application for an open space development concept plan on 110 acres to the North of 50<sup>th</sup> Street north and South of the Sanctuary Development. This concept plan has been revised from a previous submission and now includes 44 residential lots. Gozola stated that the phasing has been changed to go from south to north, the number of lots has decreased from 51 to 44, which is still over the 40 that is allowed by code. The buffers have been extended. Gozola talked about the septic areas and some things related to that.

Gozola pointed out some lots that could potentially have issues with the buildable area, especially if people want to put in pools or other structures. Staff feels that the secondary access connecting to Linden Ave is critical, even though there is opposition from Sanctuary residents. This connection is critical for both developments for safety and access issues.

There are 2-4 deviations requested which will require a 4/5 vote from the Council. Those are higher density, not meeting the buffer setbacks on some lots, lot design with the communal drainfield, and that some lots are on the prime farm land.

The entry point has been changed per the City Engineer suggestion to meet access spacing.

Kreimer asked if there was a setback for the drainfield to the property line. Gozola stated that there is not one.

Dorschner asked if there has been any preliminary soil testing on these sites, or if this is just preliminary.

Todd Erickson, project engineer, talked about the drainfield sites. He stated that the tanks and pipes are all privately owned.

There was a brief discussion regarding the park.

Council member Fliflet, 4577 Lily Ave, spoke regarding the termination of Linden Ave. She feels public safety includes more than just emergency response time. She is concerned that it will become a cut through route to highway 36 which would create a safety concern. She would like the Planning Commission to consider eliminating the connection.

Public Hearing opened at 8:10 pm

Danny Hecker, 11658 50<sup>th</sup> Street, supports the overall concept of the development. They are the most affected neighbor and they are asking that the required setbacks be maintained.

Jeff Kloewer, 11928 56<sup>th</sup> Street, main concern is the road connection and how the access to highway 36 will change.

Michelle Chickett, 5711 Linden Ave N, opposed to the road connection. Linden is narrow and curvy and there are some blind spots. The idea of a cul-de-sac is a good one as it would be available if needed for emergency purposes.

Pamela Chickett, 5711 Linden Ave N, agrees with previous speakers and would like them to consider that there is over 100 kids in their neighborhood. Would be creating a very unsafe situation for kids in Sanctuary and Legends.

Carolyn Carey, 5701 Linden Ave N, she lives close to where this road connects. She would like to see the 2 neighborhoods connected by a trail and one that could be used for emergency vehicles.

Amy Vanderhoff, 11384 50<sup>th</sup> Street, is concerned about the 10 acre area next to Hecker's being used for septic. Feels that the code should be met with no deviations. The 200 foot buffer setback is not being met in South corner and is also concerned with driveways that would go out to 50<sup>th</sup> Street.

There were 2 emails received from Greg Sansbury and Suzanne Meyers asking that Linden not be connected.

Public Hearing closed at 8:30 pm

M/S/P: Williams/Fields, move to find that the land use is consistent with the comprehensive plan. **Vote: 7-0, motion carried unanimously.**

The Planning Commission decided to break up the details into discussions about the park, sewer, Linden Ave and buffer setbacks.

Discussion was had regarding a possible park in this development. Williams suggested possibly restricting discussion to if the Planning Commission would like to see a park in this development or not.

M/S/P: Williams/Haggard, move to recommend a park be included in the development and that the developer meet with the park commission to determine the best location. **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Haggard, move to amend the above motion to read that the Planning Commission requests the Park Commission to consider if a park should be included in this plan and if so, where the best location would be. **Vote: 7-0, motion carried unanimously.**

Larson would like it noted that the discussion of the Park should also factor in that in this area having a park could be a safety issue so that kids are not playing in the street.

M/S/P: Fields/Larson, move to recommend that the developer provide a Cul-de-Sac by Linden Ave with a provision for an emergency access. **Vote: 2-5, motion failed.**

Dorschner, Larson and Williams are opposed to the motion. Larson feels the added cost for plowing is a factor. Williams brought up the fact that the code does not allow a cul-de-Sac longer than 600 feet which this is. The stub has always been there and should go through.

M/S/P: Dorschner/Williams, move to recommend that Linden Ave be connected through from Legends of Lake Elmo and Sanctuary as shown on the concept plan. **Vote: 5-2, motion passed.**



M/S/P: Williams/Dorschner, move to recommend that a connection road be constructed between Linden Ave and the west property line. **Vote: 6-0, motion passed, (Larson did not vote as left the room).**

M/S/P: Fields/Dorschner, move to recommend that all setback requirements be met with the exception of the Eastern Boundary. **Vote: 7-0, motion passed, Unanimously.**

Gozola clarified that the buffer setback is for any structure or driving surface.

M/S/P: Haggard/Dodson, move to recommend an amendment to the motion to add in some sort of physical delineator between the property line of Carriage Station and the East side of the development in places where there is a small amount of open space. **Vote: 5 -3, motion passed.**

Williams suggested possibly a 2 foot tall marker or sign designating the open space.

M/S/P: Williams/Haggard, move to amend the original motion to insert the words "adjacent to Carriage Station". **Motion Withdrawn.**

Dodson started the discussion about the drainfield issue. He likes this proposal better than the communal drainfield. The City Engineer comments are that the drainfield should be on the individual lots and the lots should be bigger.

M/S/P: Williams/Dodson, move to postpone consideration of the drainfield portion only until they receive the staff evaluation of these types of systems which are allegedly in Sunfish Ponds and Whistling Valley. **Vote: 7-0, motion passed, Unanimously.**

Williams asked if there was any information regarding how the land trust feels about the drainfields on the open space. He would like that as part of the research as well.

M/S/P: Williams/Dorschner, move to recommend that prior to preliminary plat, all recommendations from the City Engineer in his letter dated October 22, 2015 be addressed. **Vote: 7-0, motion passed, unanimously.**

Haggard thinks it is weird that the trail goes in front of the homes and they get credit as parkland for what is virtually a sidewalk.

M/S/P: Williams/Dorschner, move to recommend that this proposal include a constructed trail along the north side of 50<sup>th</sup> Street along the property. **Vote: 7-0, motion passed, Unanimously.**

Gozola stated that the trail was already part of the Engineers recommendations and would already be covered.

The Planning Commission discussed the number of lots. 40 per code or the proposed 44. The developer stated that they came in with 44 as the engineer is requiring concrete curb which is very expensive. Dorschner asked if they will be able to meet the buffer setback requirement. The developer stated that it would be very difficult to put together a quality development and meet those setbacks. There was discussion about postponing vs. denial.

M/S/P: Dorshner/Williams, move to postpone consideration until Developer comes back with an alternate plan to address the setbacks and sewer concerns. **Vote: 7-0, motion passed, Unanimously.**

Business item to discuss the public hearing notice regarding changes to RR & AG. What direction would the Commission like to take? Should all of the 6 items be considered at the same time? Council Member Fliflet suggested that maybe the scope of the public hearing should be broader to be able to discuss all the uses that were added. The consensus was to have a meeting to discuss the current uses in the rural districts.

#### **Council Updates – October 20, 2015 Meeting**

1. Hammes Plat Extension - Tabled

#### **Staff Updates**

Tartan Park has been sold, but the purchaser has not been made public knowledge yet. They will bring that back once it is known.

Metro Transit is looking to put a park and ride in at 94 and Manning. This would probably happen in 2017. This would be independent of the BRT. The question to ask is if this is something the City wants.

1. Upcoming Meetings
  - a. November 9, 2015
  - b. November 23, 2015

#### ***Commission Concerns***

Dorschner is concerned about adding agenda items the night of the meeting. He is concerned about Council members coming and driving their meeting. Would like to stick to the agenda items that are in the packet.

Meeting adjourned at 10:50 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant

DRAFT



Planning Commission  
Date: 11/23/2015  
Item: 4a

ITEM: PUBLIC HEARING: Conditional Use Permit Amendment to add two trap shooting shelters to the overall site.

REQUESTED BY: Planning Department

SUBMITTED BY: Stephen Wensman, City Planner

REVIEWED BY: Ben Gozola, Consulting Planner

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#### **SUMMARY AND ACTION REQUESTED:**

The Oakdale Gun Club is requesting an amendment to its Conditional Use Permit to add two trap shooting shelters to the overall site plan. Staff is recommending approval of the request subject to the conditions listed in this report.

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#### **GENERAL INFORMATION**

*Applicant and Property Owner:* Oakdale Gun Club  
10386 10th Street North, Lake Elmo

*Location:* The SE ¼ of SW1/4 of Section 26, Township 29 north of range 21 west.

*Property Identification Number (PID):* 26-029-21-34-0001

*Lot Size:* 40 acres (active gun range property)

*Request:* Application for a Conditional Use Permit Amendment to add two trap shooting shelters to the overall site.

*Existing Land Use and Zoning:* Restricted Recreation - Agriculture

*Surrounding Land Use and Zoning:* The Lake Elmo Regional Park is located to the north and Rural Residential to the west, east and south.

*Comprehensive Plan:* Public/Park

*History:* The Oakdale Gun Club has been in operation continuously on its present site since 1964. The Gun Club is presently operating under an existing Condition Use Permit (88-5). The land use is considered restricted recreation by definition which is a conditional use in the Agriculture Zoning District. The Gun Club has amended its permit from time to time and would like to amend its permit to add two trap shooting shelters to their site.

*Deadline for Action:* Application Complete – October 23, 2015  
60 Day Deadline – December 14, 2015  
Extension Letter Mailed – No  
120 Day Deadline – N/A

*Applicable Regulations:*       Section 154.106 Conditional Use Permits.  
  Section 154.401 Permitted and Conditional Uses.  
  Section 154.306 Standards for Outdoor Recreation.

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**PROPERTY INFORMATION:**

The Oakdale Gun Club has been in operation continuously on its present site since 1964, which predates the City's current Zoning Ordinance. The City's file on this property goes back to at least 1965; however, for the purposes of the present review, Staff will be focusing on actions taken by the City since 1982. It was at this point in time that the City of Lake Elmo conducted a more thorough review of the Gun Club operations, and it appears that this is when the current conditions of operation were adopted by the City.

Between 1983 and 1997 the City reviewed the Gun Club operation as part of an annual review of conditional use permits that was presented to the City Council each year. Since 1997, it does not appear that the Council was presented information concerning existing Conditional Use Permits. Staff's assumption is that any reviews were conducted on an administrative basis.

Starting in the mid 1980's, the City Council adopted a resolution that specified the conditions of approval for the Gun Club. After 1988, subsequent reviews and amendments to the C.U.P. have used the resolution adopted in this year (Resolution No. 88-5) as the basis for compliance. All amendments since then have technically amended this resolution as it relates to the continued operation of the Gun Club. A summary of the more recent C.U.P. amendments for the Gun Club is as follows:

- 1998 (Resolution 95-58) New caretaker residence, accessory garage, and accessory storage structure.
- 2002 (Resolution not in file) Noise abatement cover for 25 ft. range.
- 2005 (Resolution No. 2005-111) Storage structure addition.
- 2006 (Resolution No. 2006-145) New storage building.
- 2008 (Withdrawn by Applicant) Construction of a building shell over an existing range/expansion of operations building.
- 2012 (Resolution 2012-21) Construction of sidewalls and overhead baffling.

The current use of the site includes a range operations building, several outdoor ranges of varying length, the caretaker's home, storage buildings, a covered shooting range (25 yards), an archery practice area, and other miscellaneous buildings. The actual use of the facility beyond target practice includes training and other educational programs.

The property owned by the club is divided into two larger tracts. The 22-acre eastern portion is not used for any formal range facilities while the 40-acre western parcel houses all of the formal range operations.

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**REVIEW:**

The club has been in operation long before the City adopted a Zoning Ordinance to regulate such uses. A Conditional Use Permit was first established for the use in 1988. Since that time, this Conditional Use Permit has been the basis for all amendments that have come after.

In accordance with the City Zoning Ordinance, an amended conditional use may be administered in a manner similar to that required for a new permit.

The Oakdale Gun Club is a not-for-profit outdoor recreational shooting range. The club presently has one employee. The hours of operation are 8 AM to ½ hour before sunset, 7 days of the week as defined in the existing Conditional Use Permit.

The purpose of the Gun Club's request is to amend the Conditional Use Permit to allow the construction of two 8 ft. x 8 ft. trap machine shelters and associated concrete shooter's stations (sidewalks) on a section of the club's existing range facility.

There has been an unprecedented demand for clay target (trap) shooting from Minnesota high school students. Trap shooting is a new sport that has been recognized by the Minnesota State High School League with rules and regulations established by the Minnesota State High School Clay Target League. Because of the demand, the Minnesota Department of Natural Resources (MnDNR) has requested outdoor shooting ranges in MN to assess whether their facilities can accommodate high school trap teams. The MnDNR has established a grant program to assist with such improvements.

For the past five years, the Gun Club has partnered with students from one high school to utilize the existing trap facility. The Gun Club has been able to do this while remaining in compliance with its Conditional Use Permit. Interest has grown and additional schools would like to participate in the use of the facilities. Based on analysis of the facilities, the Gun Club has determined that it is possible to expand their trap shooting facilities to accommodate the demand.

**Proposal Details:**

- The proposal is to install two trap machines, the associated protective shelters and sidewalk type shooting stations would allow the Gun Club to comply with the MnDNR's request.
- Clay target trap shooting activities have historically been available at the Gun Club to members and the general public. Proposed use of the new trap machines would be as follows:
  - Use by school teams for approximately ten weeks in the spring from the end of March to early June.
  - Potentially use in the fall for approximately six weeks; and
  - Available for high school matches on weekends.
- The trap ranges would shut down ½ hour before sunset on days when in use.
- All modification would take place on the Gun Club's property and would not be visible from off of the property.
- The Valley Branch Watershed District has reviewed the proposal and has determined there is no impact to the watershed.
- The new trap machines would be located in an area currently used for air gun competition (see aerial photo), which was used once per month.
- Clay targets fall area would be directly adjacent to the fall areas historically used for such target fall (see aerial photo).
- Students participating in the trap league at the Gun Club are required to possess evidence of having successfully completed a MnDNR Youth Firearm Safety course.
- All high school league trap shooting activities will be supervised by adult Gun Club members.

**NOISE:**

The additional two trap shooting ranges will increase noise some when in use. As requested, the use will be active primarily in the after school hours by high school teams in the spring, possibly in the fall, some weekends for high school matches. The ranges are displacing the air gun competition area. There is no immediate plans to replace the air gun competition area. When in use, there will only be one gun being shot at any one time. Noise could be mitigated by conditions to ensure use of the additional ranges be limited to the proposed afterschool hours, and during the spring and fall seasons and weekends as noted

## **TRAFFIC:**

The Gun Club has adequate parking area to accommodate the proposed use. 10<sup>th</sup> Street is a collector road. The increased traffic will be negligible.

## **CONDITIONAL USE PERMIT REVIEW CRITERIA:**

Reviewing this request requires that all general CUP criteria be examined. For these types of applications, the burden is on the City to show why the use should not be permitted due to impacts that cannot be controlled by reasonable conditions.

### *1. Effects on the health, safety, morals, convenience, or general welfare of surrounding lands.*

In the early 1980's, the City of Lake Elmo conducted an extensive review of the Oakdale Gun Club and developed a list of conditions that have been applied to this day to the present day. As part of the 2008 permit request Staff visited the site and found that the club was operating in accordance with the City's requirements at that time. One of the key factors that Staff recommends that the Planning Commission consider as part of its review is whether or not the proposed changes will create any external impacts beyond what presently occurs on the site. In this case, the addition of the two trap shooting ranges are in an area that was used by air gun competition and is adjacent the existing trap range. The new trap ranges will be used for high school teams for ten weeks, after school, between the end of March through early June, and possibly in the fall for six weeks and occasional weekends for matches. The new trap ranges will displace the air gun completion area. When in use, there will be only a single shot-gun fired at any one time. Staff finds that there will be no significant increase in noise or any other effect and that this criterion is satisfied.

### *2. Traffic & Parking conditions.*

Because the proposed improvements will mostly be used in the after school hours, the amount of traffic and parking associated with the proposed use will not significantly affect traffic and parking and adequate parking exists on site. The use will continue to be consistent with the existing operation. Staff finds that this criterion is met.

### *3. Effects on utility and school capacities.*

There will be no changes to the utilities already established for the site. Staff finds this criterion is met.

### *4. Effect on property values of surrounding lands.*

The Club has been in operation since before the City regulated such uses through zoning, and likewise, the club has been located on this site since before many of the surrounding land uses were established. Furthermore, since the request is for an amendment to a C.U.P. and not a new use, the Planning Commission should consider the potential impacts associated with this change and not the overall impacts of the site. If there are any violations of the previous conditions of approval for the site, the City may take action in accordance with the process specified in Resolution No. 88-5 or through enforcement of the City's Target Range ordinance.

The proposed changes will not significantly increase noise or traffic, therefore, staff finds that this criterion is satisfied as well.

### *5. Effect of the proposed use on the Comprehensive Plan.*

The property at 10386 North 10<sup>th</sup> Street is currently utilized for a target range facility. The Comprehensive Plan guides the property for public facility use in the future, but also provides for the continuation of existing uses until such time as the parcel is redeveloped. The City Code allows for such a use to be conditionally permitted on this site. Staff finds this criterion is met.

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**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the Conditional Use Permit Amendment with the following conditions:

1. The applicant shall submit an accurate updated site plan that accurately (to scale) identifies all buildings, ranges, fences, driveways and other site improvements for city review.
2. The 2<sup>nd</sup> and 3<sup>rd</sup> trap range use shall be limited as follows in any given calendar year:
  - a. January 1<sup>st</sup> through March 14<sup>th</sup> – no use authorized.
  - b. March 15<sup>th</sup> through June 15<sup>th</sup> – Both ranges may be used, but hours of operation shall be limited to 3PM to 1/2 hour before sunset;
  - c. June 16<sup>th</sup> through August 31<sup>st</sup> – no use authorized.
  - d. September 1<sup>st</sup> through November 30<sup>th</sup> – Use shall be limited to high school teams and high school competitions. The Gun Club may designate a six week period during this timeframe when both trap ranges will be available for practice and competitions. Additionally, both ranges can be used on weekends for matches during business hours
  - e. December 1<sup>st</sup> through December 31<sup>st</sup> – no use authorized.

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**ORDER OF BUSINESS:**

- Introduction ..... Stephen Wensman, City Planner
- Report by staff ..... Stephen Wensman, City Planner
- Questions from the Commission ..... Chair & Commission Members
- Open the Public Hearing ..... Chair
- Close the Public Hearing ..... Chair
- Call for a motion ..... Chair Facilitates
- Discussion of Commission on the motion ..... Chair Facilitates
- Action by the Planning Commission ..... Chair & Commission Members

**ATTACHMENTS:**

1. Proposed Trap Field Modification Drawing.
2. Statement for Amendment to Existing Conditional Use Permit.



# Aerial View - Oakdale Gun Club



CARETAKER'S  
RESIDENCE

AIRGUN  
RANGE

TRAP AREA

TRAP  
BUILDING

COMP  
RANGE

CLASSROOM

BATHROOMS

STORAGE  
BUILDING

STORAGE  
BUILDING

100 YD  
RANGE

50 YD  
RANGE

200 M  
RANGE

25 YD  
RANGE

10 YD  
MEMBER  
ONLY  
RANGE

FIREARMS  
SAFETY COURSE

MARAH  
CLUBHOUSE



Proposed location of the 2 additional trap areas  
adjacent to the existing trap area.

+joseph



Existing



Google

Oakdale Gun Club







## Statement for Amendment to Existing Conditional Use Permit



### Written statements

2(a) Oakdale Gun Club is a not for profit corporation located at 10386 10<sup>th</sup> Street, North, Lake Elmo, MN 55042. Club officers are elected on an annual basis. Our current president is Jerome Marah. His contact information is [president@oakdalegunclub.org](mailto:president@oakdalegunclub.org). Our current General Manager is Teresa Reiter. Her contact information is [gm@oakdalegunclub.org](mailto:gm@oakdalegunclub.org).

2(b) The Southeast Quarter of the Southwest Quarter (SE ¼ of SW ¼) of Section Twenty-six (26) in the Township Twenty-nine (29) North of Range Twenty-one (21) West, SUBJECT to easements in favor of American Telephone and Telegraph Company of Minnesota, recorded in Block 118 of Deeds, page 554, and 135 of Deeds, page 374, in the office of the Register of Deeds in and for said County and State. More commonly known as 10386 10<sup>th</sup> Street North; PID Number: 26-029-21-34-0001

2(c) Oakdale Gun Club has existed as a gun club/outdoor shooting range in its current location for approximately 50 years.

2(d) Oakdale Gun Club (OGC) is requesting an amendment to its existing Lake Elmo Conditional Use Permit (88-5) under which the club has operated. OGC requests permission to construct two small (approximately 8 ft. x 8 ft.) trap machine shelters and associated concrete shooters stations (sidewalks) on a section of the club's existing range facility.

### Background:

The last 8 years have seen an unprecedented upsurge in the sport of youth clay target (trap) shooting in Minnesota. High school student participation in Minnesota is currently unparalleled anywhere else in the US. This relatively new high school sport is recognized by the general Minnesota State High School League with rules and regulations established by the Minnesota State High School Clay Target League. Current interest has reached a point where schools are unable to find sufficient facilities at which their students can participate. Facing this limitation on development of a youth sport in which all students can compete regardless of gender, the Minnesota Department of Natural Resources has requested outdoor shooting ranges throughout Minnesota to assess whether their facilities can accommodate high school trap teams. The DNR has established a fund of improvement grants to selected organizations willing to develop or accelerate high school student programs.

For the last 5 years, OGC has partnered with students from one nearby high school utilizing our existing trap range. To date, it has been possible to undertake this endeavor on a limited basis while remaining in full compliance with OGC's existing Conditional Use Permit. After recently being contacted by several other nearby high schools and with a desire to maximize the club's service to youth in the area, OGC has reevaluated trap shooting capability at its facility. It has been concluded that by

rearranging an existing section of the range, it would be possible to install two additional clay target throwing machines and the corresponding shooter's stations within the existing boundaries of the club property.

Installation of these trap machines along with the associated protective shelters and sidewalk type shooting stations would allow OGC to comply with DNR requests and provide several nearby high schools with a facility on which they could organize student participation in the sport of trap shooting. It is the construction of the two 8 ft. X 8 ft. concrete trap machine protective shelters and the adjacent concrete shooter's stations for which OGC is requesting an amendment to their Conditional Use Permit from Lake Elmo (See attached photos of the existing trap protective shelter, shooter's stations, and participating students). Points of note are:

- Clay target (trap) shooting activities have historically been available at OGC to both members and the general public. They have been conducted in the same location for approximately 40 years
- All range modifications would take place within OGC's existing property boundaries. (See two attached aerial photos)
- None of the proposed modifications can be seen from outside the facility
- The plan for the proposed machine protective shelters and shooter stations have been reviewed by the Valley Branch Watershed District and has been determined that the plan does not impact the watershed area. (See attached plan and Valley Branch Watershed District letter of exemption)
- The area for the two new trap machines and shooter's stations would be an area currently used for air gun competition. (See attached aerial photo)
- The clay target fall area would be directly adjacent to the fall area historically used for such target fall (See attached aerial photo)
- All students participating in the high school trap league at OGC are required to possess evidence of having successfully completed a DNR Youth Firearm Safety course.
- All high school league trap shooting activities will be supervised by adult members of OGC

Members of the Oakdale Gun Club can be made available to provide further clarifications should any be requested. A short tour of the existing trap shooting area and proposed adjacent modifications can be arranged for any interested individuals.

2(d)(ii) Oakdale Gun Club is a not for profit outdoor recreational shooting range. There is currently 1 employee. Our hours of operation are 8am to ½ hour before sunset, 7 days a week as defined in our existing CUP.



Planning Commission  
Date: 11/23/2015  
Business Item  
Item: 4b

ITEM: PUBLIC HEARING: Consideration of Amendments to Article IX of the Zoning Ordinance – Rural Districts

REQUESTED BY: Planning Department

SUBMITTED BY: Stephen Wensman, City Planner

REVIEWED BY: Ben Gozola, Consulting Planner

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#### SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider text amendments to the Zoning Ordinance to revise the permitted, interim and conditional uses for the City's rural districts (those portions of the City that will not be served by the sanitary sewer system). The request is to specifically review and consider whether the following permitted uses and conditional uses belong in the rural districts.

#### Permitted and Conditional Uses, Rural Districts

	RT	A	RR	RS	RE
<b>Residential District Uses</b>					
Secondary dwelling	-	P	-	-	-
Cemetery	-	P	P	-	-
Commercial Kennel	C	C	C	-	-
Commercial Stable	-	C	-	-	-
Golf Course	-	C	-	-	-
Restricted Recreation	-	C	-	-	-
Agricultural Sales Business	I	I	I	-	-

#### DEFINITIONS:

The land uses are defined in the City's Code as follows:

*Secondary Dwelling.* A residential dwelling unit, but not a manufactured home, located on the same lot as a single family dwelling unit, either within the principal structure, above a detached garage, or within a detached structure.

*Cemetery.* Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium's, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.



*Commercial Kennel.* The boarding, breeding, raising, grooming or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

*Commercial Stable.* The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies.

*Golf Course.* A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par 3 golf courses. Specifically excluded are independent driving ranges or miniature golf facilities, which are classified as outdoor recreation facilities.

*Restricted Recreation.* Commercial recreation facilities that are of greater nuisance than conventional outdoor athletic facilities because of 1) the noise and traffic volumes they may generate, 2) the glare they produce, or 3) the potential danger they may create from flying objects or the use of weapons. This category includes such uses as amusement parks, racetracks (auto, go-cart, motorcycle) or ranges (skeet, rifle, or archery).

*Agricultural Sales Business.* The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the agricultural sales business.

#### **DEVELOPMENT STANDARDS:**

Within the City Code of Ordinances, some uses have required standards. Restricted recreation is subject to the following additional standards:

1. *Location.* The facility shall have access to a collector or higher classification street. A minimum of two entry points to such facility shall be provided.
2. *Site Plans.* Site plans for such facilities shall indicate all proposed recreation areas and entertainment areas, sanitary facilities, storage areas, parking, circulation, estimated noise levels, and other information needed to assess the impacts of the proposed orientation on surrounding properties and road network. Conditions may be imposed to mitigate the potential impacts of the use.

#### **REVIEW:**

The permitted, interim and conditional uses in the table above are those that are the most intensive and have the potential for disrupting the quality of living, character and desirability of the rural zoning districts. The public hearing for the zoning text amendment that amended the permitted, interim and conditional uses in the rural districts was held on May 11, 2013, and at that time, there was little discussion about the uses.

The zoning text amendment following the May 11, 2013 public hearing added cemeteries as a permitted use in the A and RR district, golf courses as a conditional use in the A district. The text amendment also broke kennels and stables into commercial and private, adding commercial kennels as a conditional use in the RT, A, and RR districts, and adding commercial stables as a conditional use in the A district. Restricted recreation appears to be a newer land use, not specifically found in previous city code.

Cemeteries are considered a public/semi-public use subject to Article 13 of the city ordinances. They are a conditional use in the PF Zoning District with performance standards. There are lands zoned as PF within the city and if a public/semi-public use were proposed elsewhere, a comprehensive land use map amendment, rezoning, and a conditional use permit would be required.

On October 12, 2015, Kyle Klatt, the Community Development Director, requested that the commission review the City's land use classifications across all zoning districts. The intent of the exercise was to ensure that allowed uses were consistent with the intent and purpose of the Comprehensive Plan. At that meeting, the several uses presented above were discussed and it was requested that a public hearing be held to review and discuss whether these above uses should be permitted or conditional or stricken from the individual zoning districts.

The October 12, 2015 minutes refer to Agricultural Sales Business rather than Agricultural Production. Staff provided public hearing notice for Agricultural Production. Staff has sent letter notification to the three properties that hold Interim Use Permits for Agricultural Sales Business as directed by the City Attorney.

The commission should consider whether the uses fit with:

1. The Purpose of the individual zoning districts;
2. The intent and purpose consistent with the Comprehensive Plan;
3. The likely impact of the uses on the individual rural zoning districts considering the typical lot sizes and densities of the neighborhoods; and
4. The site design and development standards.

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#### **RECOMMENDATION:**

Staff recommends that the Planning Commission consider the existing uses and make a recommendation as to whether the uses should be permitted, interim or conditional or be stricken from the individual zoning districts.

#### **ORDER OF BUSINESS:**

- Introduction.....Stephen Wensman, City Planner
- Report by staff.....Stephen Wensman, City Planner
- Questions from the Commission ..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing.....Chair
- Call for a motion ..... Chair Facilitates
- Discussion of Commission on the motion ..... Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

#### **ATTACHMENTS (1):**

1. Article XIII – Public and Semi-Public Districts
2. Article IX – Rural Districts
3. May 13, 2013 Planning Commission Minutes



## ARTICLE XIII. PUBLIC AND SEMI-PUBLIC DISTRICTS

### § 154.600 PF – PUBLIC AND QUASI-PUBLIC OPEN SPACE.

- A. *Purpose and Intent.* The purpose and intent of the PF Zoning District is to allow uses and structures that are incidental and subordinate to the overall land uses permitted in the city. While allowing certain uses within the city, general performance standards have been established. This is intended to assure maintenance and preservation of the established rural character of the city by preserving agricultural land, woodlands, corridors, and other significant natural features, and provide buffering between PF and residential or other uses.
- B. *Uses Allowed by Conditional Use Permit.* In addition to the specific standards and criteria which may be cited below for respective uses, each application shall be evaluated based on the standards and criteria set forth in §§ 154.015 through 154.021 of this code. Uses allowed herein that are in existence within the city at the effective date of this chapter may continue the use as a permitted use. The following uses are conditionally permitted in the PF Zoning District:
1. Cemeteries, provided that:
    - a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial; and
    - b. No mausoleum, crematorium, or other structure is permitted, except a 1-story tool or storage shed of 160 square feet floor maximum floor area.
  2. Places of worship, provided that:
    - a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial;
    - b. No use may exceed 235 gallons wastewater generation per day per net acre of land;
    - c. No on-site sewer system shall be designed to handle more than 5,000 gallons per day;
    - d. Exterior athletic fields shall not include spectator seating, public address facilities or lighting; and
    - e. No freestanding broadcast or telecast antennas are permitted. No broadcast dish or antenna shall extend more than 6 feet above or beyond the principal structure.
  3. Facilities for local, county and state government, provided that:
    - a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial;
    - b. The use and location is consistent with the community facilities element of the Comprehensive Plan; and

- c. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive
  - 4. Libraries and museums (public and private), provided that:
    - a. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive;
    - b. For private facilities, a plan is provided, together with a declaration and covenants to run with the title to the land, that prescribes perpetual maintenance, insurance and ownership responsibilities for all facilities and land area; and
    - c. Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial.
  - 5. Public and private schools (except licensed day care), provided that:
    - a. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive; and
    - b. Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial.
  - 6. Historic sites and interpretive centers, provided that:
    - a. Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial; and
    - b. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive.
- C. *Uses Allowed by Interim Use Permit.* The keeping of horses in conjunction with churches provided that:
- 1. The keeping of horses does not constitute a feedlot per Minn. Rules.
  - 2. The property is directly adjacent to only Agricultural (A) and Rural Residential (RR) zoned properties that are not developed as open space preservation subdivisions. Roadways shall be considered an adequate buffer.
  - 3. Evidence is provided to show adherence to all livestock and horse regulations in city code.
- D. *Accessory Uses and Structures.* Uses and structures, which are clearly incidental and subordinate to the principal permitted uses and structures. All exterior materials of accessory structures must be the same as those of the principal structure.
- E. Minimum district requirements.
- 1. District requirements in PF Zoning District.

<i>District Requirements in PF Zoning District</i>		
	<i>With Structure</i>	Without Structure
Maximum Parcel Area	20	N.A.
Lot Width – Minimum:	100 Feet	N.A.
Lot Depth – Minimum:	150 Feet	N.A.
Primary Structure Setback from Property Line		
Front – Minimum:	50 Feet	N.A.
Side (Interior) – Minimum:	50 Feet	N.A.
Side (Corner) – Minimum:	50 Feet	N.A.
Rear – Minimum:	50 Feet	N.A.
Accessory Structure Setback from Property Line		
Front – Minimum:	50 Feet	N.A.
Side (Interior) – Minimum:	50 Feet	N.A.
Side (Corner) – Minimum:	50 Feet	N.A.
Rear – Minimum:	50 Feet	N.A.
Principal Structure Height - Maximum	50 Feet – Structure Side Walls Not to Exceed 3.5 feet	N.A.
Accessory Structure Height - Maximum	35 Feet – Structure Side Walls Not to Exceed 18 Feet	N.A.
Unoccupied Structure Above the Highest Point of the Roof	25 Feet	-
Septic Drainfield Regulations	See §§51.002 through §§51.008	See §§51.002 through §§51.008
Signage	See §§154.212	See §§154.212

2. Maximum lot area, buffer width and impervious coverage shall be in compliance with the following table:

<i>Maximum Parcel Area</i>	Buffer Width (Feet)	Maximum Impervious Site Coverage
0 to 5 acres	50	39.5%
5.1 to 10 acres	100	38%
10.1 to 20 acres	150	35%

F. Performance standards.

1. Generally

a. Architectural Standards

- i. It is the purpose and intent of the city, by the adoption of the performance standards of this division (F), to ensure commercial buildings constructed within the city are of a high quality of exterior appearance, consistent with the terms of Non-Residential Development Policy #5 of the 2000-2010 Lake Elmo Comprehensive Plan. It is the finding of the city that a limited selection of primary exterior surfacing materials meets this standard of quality.
- ii. It is the further finding of the city that several specific exterior surfacing materials are appropriate, and of sufficient quality, to be utilized only as accent materials in varying percentages. The variations of percentage of specific accent materials relates to a finding by the city as to the relative quality and rural character of those respective accent materials.

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

- i. Elevations of all sides of the buildings;
- ii. Type and color of exterior building materials;
- iii. Typical general floor plans;
- iv. Dimensions of all structures; and
- v. Location of trash containers, heating, cooling and ventilation equipment and systems.

c. Applicability – structure additions and renovation.

- i. Additions to existing structures resulting in an increase of gross floor area of the structure of less than 100%; and/or installation of

replacement exterior surfacing any portion of an existing structure shall be exempt from the standards of this subdivision where it is found that the new or replacement exterior surfacing proposed is identical to that of the existing structure.

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

d. Performance standards – primary exterior surfacing.

- i. The primary exterior surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or thin veneer brick or stone less than nominal 4 inches thick shall not qualify as complying with this performance standard
- ii. Primary exterior surface shall be defined as not less than 70% of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this division. Windows and glass doors shall be considered a primary surface, but the sum area of this glass shall be deducted from the wall area for purposes of the 70% primary/30% accent formulas of this section. Doors of any type of material, except glass, shall not be considered a primary exterior surface.
- iii. Each wall of the structure shall be calculated separately and, individually comply with the 70/30 formula.

e. *Performance Standard – Exterior Surfacing Accents.* Not more than 30% of the exterior wall surfacing, as defined by division (F)(1)(d) above may be of the following listed accent materials, but no single accent material, except natural wood, may comprise more than 20% of the total of all accent materials; and no combustible materials shall be used:

- i. Cedar, redwood, wood siding
- ii. Cement fiber board;
- iii. Standing seam metal;
- iv. Architectural metal;
- v. Stucco;
- vi. Poured in place concrete (excluding “tilt-up” panels);
- vii. Architectural metal panels; and

(Am. Ord. 97-172, passed 6-20-2006)

- viii. Porcelain or ceramic tile.

- f. *Performance Standards – Accessory Structures.* All accessory structures shall comply with the exterior surfacing requirements specified by this division.
- g. *Performance Standard – HVAC Units and Exterior Appurtenances.* All exterior equipment, HVAC and trash/recycling and dock areas shall be screened from view of the public with the primary exterior materials used on the principal structure
- h. *Performance Standard – Visible Roofing Materials.* Any roofing materials that are visible from ground level shall be standing seam metal, fire-treated cedar shakes, ceramic tile, clay tile, concrete, or slate.
- i. *Applicability – New Construction.* The standards of this division (F)(1) shall be applicable to all structures and buildings constructed in the city, on and after the effective date of this division. The performance standards of this division shall not be in any manner minimized by subsequent planned unit development plans or agreement.

(Am. Ord. 97-168, passed 5-2-2006)

- 2. *Parking.* Each site shall be provided with off-street automobile parking as follows:
  - a. *Places of Worship.* One space for each permanent and temporary 4 seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings and uses shall be subject to additional requirements that are imposed by the city code.
  - b. *Facilities for Local, County and State Government.* One space for each 250 square feet of office area. Facilities as may be provided in conjunction with such buildings and uses shall be subject to additional requirements that are imposed by the city code.
  - c. *School, Elementary and Junior High (public or private).* Three spaces for each class room.
  - d. *School, High School (public or private).* One space for each 2 students.
  - e. *Historic Sites and Interpretive Centers, libraries, and museums (public or private).* One space for each 300 square feet of floor area.
- 3. *Landscaping.* All yard area shall either be landscaped green areas or open and left in a natural state. Yards to be landscaped shall be landscaped attractively with lawn, trees, and shrubs in accordance with a plan prepared by a landscape architect. Areas left in a natural state shall be kept free of litter, debris, and noxious weeds. Yards adjoining any residential zone shall contain a buffer area consisting of berming, landscaping, and/or fencing for the purpose of screening noise, sight, sound, and glare.
- 4. *Buffering.* Where areas abut residential districts, a buffer area and setback in compliance with this division (F) is required. The buffer requirement shall be applicable to any interior parcel property line, and not applied to property lines

abutting improved public streets. No public/private streets or driveways, or off-street parking facilities may be located in the buffer area. The buffer area shall be completely defined and designed, and approved by the city prior to all final city approvals for construction on site. Prior to the issuance of a building permit or commencement of any improvements on site, the owner shall provide the city with a financial security for a minimum of 24 months unless a shorter term of security is specifically approved by the City Council, approved by the City Attorney, to assure construction of the buffer area. All landscaping shall comply with § 151.070.

5. *Signage.* All signs shall comply with § 151.121 of this Code.
6. *Lighting.* All lighting shall comply with §§ 150.035 through 150.038.
7. *Traffic.* All applications for a building permit responsive to the requirements of this section shall include a detailed report, certified by a registered engineer, demonstrating the extent of and quantitative impact on public roads from forecasted traffic of the use, based on ITE average daily and peak hour/event traffic. Forecasted traffic generation within the design capacity of an impacted public street, as determined by the City Engineer, shall be the primary determinant for approval of the site plan.

(Am. Ord. 97-62, passed 9-5-2000; Am. Ord. 97-192, passed 6-19-2007; Am. Ord. 97-204, passed 12-11-2007)

## ARTICLE IX. RURAL DISTRICTS

### § 154.400 PURPOSE

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

- A. *RT Rural Development Transitional District.* The RT District is an interim holding zone that will regulate land uses within those portions of the City planned and staged for development that will connect to regional sewer service in accordance with the Comprehensive Plan. The future zoning classification for areas zoned RT and the timing for any zoning map amendments to rezone property in this district will be determined by the City Council upon the extension of public sanitary sewer and water services into these areas. In the meantime, agricultural and existing residential uses will be allowed to continue in addition to other uses that are consistent with the A and RR zoning districts.
- B. *A Agricultural District.* The A District will apply to agricultural or undeveloped areas in Lake Elmo, including any newly annexed areas. The purpose of the district is to allow for agricultural and other activities typically associated with agriculture, including non-farm dwellings at a density of 1 unit per 40 acres. Future residential development may occur at the aforementioned density or through the Open-Space Preservation Development process. These parcels are expected to be served by on-site wastewater treatment facilities. In addition, some limited agriculture-related businesses, such as wayside stands and outdoor recreation, are appropriate short-term or interim uses for this district.
- C. *RR Rural Residential District.* The RR District is established for lands that have existing small-scale agricultural activity, as well as single-family residential dwellings. Future residential development may occur at a density of 1 dwelling unit per 10 acres, or through the Open-Space Preservation Development process. These sites are expected to be served by on-site wastewater treatment facilities. Some limited agriculture-related businesses, such as wayside stands, are appropriate as interim uses for this district.
- D. *RS Rural Single Family District.* The RS District is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive Land Use Plan. This district provides an environment of predominantly single-family detached dwellings on moderately sized lots in areas that have typically not been provided with public sanitary sewer services.
- E. *RE Residential Estate District.* The purpose of the RE District is to allow for single-family detached dwellings on large lots. The large lots and setbacks provide for an open-space environment that is consistent with the rural character of Lake Elmo. Planned residential subdivisions are allowed on a minimum of 20 acres (nominal) with an average subdivision density of 3.33 acres per residential unit. Lot sizes should be adequate to provide for on-site wastewater treatment.

(Ord. 2012-073, passed 3-19-2013)



## § 154.401 PERMITTED AND CONDITIONAL USES.

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

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

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

	RT	A	RR	RS	RE	Standard
<b>Residential Uses</b>						
<b>Household Living</b>						
Single-Family Detached Dwelling	P	P	P	P	P	154.454.A
Secondary dwelling	-	P	-	-	-	154.404.D
<b>Public and Civic Uses</b>						
Cemetery	-	P	P	-	-	
<b>Services</b>						
Self Service Storage Facility	I <sup>a</sup>	I <sup>a</sup>	-	-	-	154.404.G
Commercial Kennel	C	C	C	a)	-	154.404.I
Commercial Stable	-	C	-	b)	-	154.404.I
				c)		
<b>2) Outdoor Recreation</b>						
Golf Course	-	C	-	-	-	
Outdoor Recreation Facility	-	C	-	-	-	155.107.E
Parks and Open Areas	P	P	P	P	P	
Restricted Recreation	-	C	-	-	-	
<b>Agricultural and Related Uses</b>						
Agricultural Entertainment Business	I	I	I	-	-	154.111
Agricultural Production	P	P	P	-	-	
Agricultural Sales Business	I	I	I	-	-	154.110
Agricultural Services	C	C	-	-	-	154.404.J
Forestry Operations	-	P	-	-	-	
Greenhouses, Non Retail	C	C	C	-	-	
Wayside Stand	P	P	P	-	-	154.454.D
<b>Industrial and Extractive Uses</b>						
Motor Freight and Warehousing	I <sup>a</sup>	-	-	-	-	154.404.G

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

	RT	A	RR	RS	RE	Standard
<b>Accessory Uses</b>						
Bed and Breakfast	C	C	C	-	-	155.111.C
<i>i.</i> Domestic Pets	P	P	P	P	P	
Family Day Care	P	P	P	P	P	155.111.G
Home Occupation	P	P	P	P	P	155.111.A,B
Kennel, Private	C	C	C	-	-	154.404.I
Solar Equipment	P	P	P	P	P	155.111.I
Stable, Private	C	C	C	-	-	154.404.I
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	155.111.J
Temporary Sales	P	P	P	P	P	155.107.B
Water-Oriented Accessory Structures	P	P	P	P	P	
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			
<b>Open Space Preservation Development</b>						
OP Development	-	C	C	-	-	154.650
OP-Alt Development	-	C	C	-	-	154.700

Notes to Rural Districts Table 9-1

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

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

(Ord. 2012-073, passed 3-19-2013)

## § 154.402 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

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

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

	RT	A	RR	RS	RE
<b>Minimum Lot Area (acres)</b>					
Single Family Detached Dwelling	20	40 <sup>a,b</sup>	10 <sup>c</sup>	1.5 <sup>d</sup>	2.5 <sup>e,f</sup>
<b>Minimum Lot Width (feet)</b>					
Single Family Detached Dwelling	300	300	300	125	NA <sup>f</sup>
<b>Maximum Principal Structure Height (feet)</b>	35	35	35	35	35

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

	RT	A	RR	RS	RE
<b>Maximum Impervious Coverage</b>	-	-	-	25%	15%
<b>Minimum Principal Building Setbacks (feet)</b>					
Front Yard	30	200	30	30	100
Interior Side Yard	10	200	10	10	50
Corner Side Yard <sup>g</sup>	25	200	25	25	80
Rear Yard	40	200	40	40	100
<b>Minimum Accessory Building Setbacks (feet)</b>					
Front Yard	30	200	30	30	100
Interior Side Yard	10	200	10	10	15
Corner Side Yard	25	200	25	25	30
Rear Yard	40	200	40	10	15
<b>Minimum Agricultural Related Setbacks</b> (Animal buildings, feedlots or manure storage sites)					
Any Property Line	200	200	200	-	-
Any Existing Well or Residential Structure	50	50	50	-	-
Any Body of Seasonal or Year-round Surface Water	200	200	200	-	-

**Notes to Rural Districts Table 9-2**

- a. 1 dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (1 per 40 acres), each farm is allowed one farm dwelling per farm.
- b. Nominal 40 acres: a 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations.
- c. Nominal 10 acres: a 10-acre parcel not reduced by more than 10% and/or a 10-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road rights-of-way and survey variations.
- d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.
- e. A minimum of 1.25 acres of land above the flood plain or free of any drainage easements is required.
- f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1 – Flag lots are prohibited.

- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

(Ord. 2012-073, passed 3-19-2013)

#### **§ 154.403 DIMENSIONAL REQUIREMENTS AND PRESERVATION OF OPEN SPACE.**

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

(Ord. 2012-073, passed 3-19-2013)

#### **§ 154.404 SITE DESIGN AND DEVELOPMENT STANDARDS.**

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

- A. *Single-Family Detached Dwelling, All Rural Districts.* All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.
- B. *Septic Drainfield Regulation, A, RR, and RS Districts.* All lots must have at least 20,000 square feet of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.
- C. *Septic Drainfield Regulation, RE District.* All new subdivided lots shall have a minimum of 20,000 square feet of land to be dedicated for septic system use and suitable for that use. This land may compromise up to 2 separate areas, each of which is contiguous to the 1.25-acre building site or contained within it, and each of which contains at least 10,000 contiguous square feet. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.
- D. *Secondary Dwelling, A District.* One non-farm dwelling per each 40 acres, or part of a dwelling on a prorated basis, not already containing a farm or non-farm dwelling, is permitted provided:
  - 1. The dwelling unit is located on a separate parcel of record in the office of the County Recorder and/or County Auditor, which shall be at least 1-1/2 acres in size;
  - 2. The parcel on which the dwelling unit is located must have at least 125 feet of frontage along a public street, be rectangular in shape and no dimension to be greater than 3 times the other; and
  - 3. The dwelling is separated by at least 300 feet from the nearest farm building.

- E. *Parking Standards, A, RR and RS Districts.* 3 space of off-street parking required per dwelling unit.
- F. *Parking Standards, RE District*
1. 2 enclosed spaces minimum (200 square feet minimum per space).
  2. 2 exterior spaces within minimum setback of 50 feet from any property line.
- G. *Non-Agricultural Low Impact Use, A, RT Districts.* The City recognizes that allowing non-agricultural low impact uses, strictly controlled and regulated by Interim Use Permit, might allow a farmer or large property owner an economical use of his or her property that is zoned Agricultural. The following standards may apply to these types of uses.
1. All of the property owner's real estate that is contiguous to the non-agricultural low impact use must be zoned Agricultural and remain so zoned while the conditional use permit is in effect.
  2. The area where the non-agricultural low impact use is located shall be legally defined and approved by the city and is hereafter known as the "Non-Ag Area." The Non-Ag Area shall not exceed 4% of the property owner's contiguous agricultural zone gross lot area. The building footprints and asphalt and concrete surfaces within the Non-Ag Area shall not exceed 1.5% of the property owner's contiguous agricultural zone gross lot area. Landscaping, berms, ponds, gravel driveways, and other improvements that would otherwise be permitted in the Agricultural zone may be located outside of the Non-Ag Area.
  3. Non-agricultural low impact uses shall only be allowed on a parcel of a nominal 40 acres or larger.
  4. Non-agricultural low impact uses shall not generate more than 3 trips per day per acre of contiguous agriculturally zoned area, with the exception of land with sole access to Hudson Boulevard that shall not generate more than 6 trips per day per acre.
  5. Any uses under this section involving the outside storage of vehicles, equipment, or goods shall be located a minimum of 200 feet from any public roadway or adjacent landowner's boundary, except that the setback from the I-94 frontage road shall be not less than 50 feet. In addition, any such outside storage shall be screened from view from adjacent property and the public roadway by berms and landscaping. A plan for such screening shall be submitted with the application for the Interim Use Permit which shall clearly demonstrate by view cross-sections that said screening will be effective immediately, and in all seasons. Degradation of such screening by loss of landscape materials, outdoor storage of items that exceed the screened height or for any other reason shall be grounds for rescinding the outdoor storage portion of the Interim Use Permit.
  6. Non-agricultural low impact uses may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of facilities, whichever is more restrictive.

7. The property owner shall maintain the remaining land or farm outside of the IUP Area in accordance with the permitted uses of the Agricultural zoning district and the required practices of the Soil and Water Conservation District.
  8. Rate and volume of stormwater runoff must meet the requirements of the City's Stormwater Ordinance.
  9. In the event that the property owner, or future property owner, initiates a Comprehensive Plan amendment and rezoning of any or all of the contiguous real estate from Agriculture to a more intensive use, the Interim Use Permit shall terminate and all non-conforming structures shall be removed from the site within 1 year from the date of the City Council's adoption of the Comprehensive Plan amendment and rezoning, unless the City agrees otherwise. This section shall not apply if the City initiates rezoning or if property owner is forced to transfer title to any part of the contiguous real estate due to eminent domain.
  10. All conditional use permits granted to a non-agricultural low impact shall be reviewed on an annual basis, and may be rescinded, after a 2-week notice and a public hearing, if the Council finds that the public health, safety, or welfare is jeopardized.
  11. The standards for buildings or structures, as listed in the minimum district requirements of the Agricultural Zone, shall not apply to structures built prior to the effective date of this chapter.
- H. *Unserviced Lots, RT, A, RR Districts.* All lots that are subdivided without city sewer and public water service shall meet the following standards:
1. Lots, houses and other structures, driveways and any new streets shall be located in compliance with the comprehensive plan and any more detailed area plans for future roads, public water services, and drainage.
  2. The Planning Commission may require a sketch plan showing how the entire tract could be divided when city services become available. Lots and buildings shall be sited and streets shall be laid out to facilitate future subdivision.
- I. *Commercial Kennel, Commercial Stable, or Accessory Kennel or Stable, RT, A, RR Districts.* The facility shall occupy a site at least ten (10) acres in size. Outdoor exercise areas shall be located at least 100 feet from adjacent properties; landscaping or other screening may be required.
- J. *Agricultural Services and Support, RT, A Districts*
1. A facility established after the effective date of this ordinance shall have direct access to a collector or higher classification street.
  2. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.
  3. All processing of animal or dairy products shall take place within an enclosed building.

(Ord. 2012-073, passed 3-19-2013)

#### § 154.405 ACCESSORY USES AND STRUCTURES.

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

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

(Ord. 2012-073, passed 3-19-2013)

#### § 154.406 ACCESSORY STRUCTURES, RURAL DISTRICTS

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

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

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

Notes to Table 9-3

- a. Maximum structure size accounts for the total maximum area allowed for all permitted accessory structures combined.



- b. The 1,200 square foot allowance is for the combined area of the attached and detached accessory structure or residential garage.
- c. To be allowed additional accessory buildings beyond two total buildings, the buildings must be agricultural buildings as defined in §154.213 or clearly serve an agricultural purpose in the judgment of the City.
- B. *Additional Accessory Buildings.* Allowances for additional accessory buildings in A and RR zones may be considered via a conditional use permit.
- C. *Structure Height, Rural Districts.* No accessory building shall exceed twenty-two (22) feet in height or the height of the principal structure, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City. Building projections or features, such as chimneys, cupolas, and similar decorations that do not exceed twenty-five (25) feet in height are permitted in rural districts.
- D. *Structure Location, Rural Districts.* No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot, unless, by Resolution of the City Council, an exception is made to permit a detached garage or accessory structure nearer the front lot line than the principal building.
- E. *Exterior Design and Color.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
  - 1. Detached domesticated farm animal buildings
  - 2. Agricultural farm buildings
  - 3. Pole buildings, as defined and regulated in §154.214.
  - 4. Gazebos
  - 5. Swimming pools
  - 6. Other structures in which the required design is integral to the intended use, such as a greenhouse.
- F. *Openings and Doors.* Garage doors and other openings shall not exceed fourteen (14) feet in height for all accessory structures, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City.
- G. *Attached Garages, Size.* Attached garages must not exceed the footprint size of the principal building.

(Ord. 08-104, passed 3-18-2014) Penalty, see § 154.999

#### **§ 154.407 ACCESSORY USES.**

- A. *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:



1. Laundry drying
2. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.
3. Agricultural equipment and materials, if they are used or intended for use on the premises.
4. Off-street parking and storage of vehicles and accessory equipment, as regulated in Article 5, Section 155.67.
5. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view from adjacent properties.
6. Outdoor parking

B. *Temporary Sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two (2) per calendar year per residence, not to exceed four (4) days in length.

(Ord. 2012-073, passed 3-19-2013)

#### **§ 154.408 ACCESSORY USES AND STRUCTURES NOT LISTED.**

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

(Ord. 2012-073, passed 3-19-2013)

### **Business Item: Zoning Text Amendment – Sign Ordinance**

Johnson reviewed proposed changes to the City's sign code in anticipation of increased demand of signage associated with sewered growth in Lake Elmo. As new use classifications come to Lake Elmo, the current Sign Ordinance does not adequately address all of the needs for future signage.

Staff used a model ordinance from the City of Middleton, WI. This model ordinance is comprehensive and addresses a multitude of different sign types in terms of current best practices. The ordinance is easier to navigate allowing for better administration.

Johnson pointed out that overall the proposed ordinance is less restrictive than the existing ordinance. Some of the major differences include the following:

- The existing ordinance does not address signage needs for properties that have a zero lot-line or no setback.
- The current ordinance exempts signs less than 6 square feet. The new ordinance recognizes that some smaller signs do need to be regulated.
- The existing ordinance created specific sign districts for I-94 and the Village district. Staff feels that it is more appropriate to regulate signs through zoning or use classification.
- The proposed ordinance also allows for electronic variable signs which are currently not allowed in the existing ordinance. The proposed ordinance does not allow for any flashing or blinking lights however.
- The ordinance will also be located in the Zoning Code (Chapter 154) instead of in the Building Code (Chapter 151).

The Planning Commission had a good discussion and asked Johnson a multitude of questions. Johnson will conduct additional research to address these signage related questions. The Commission discussed sign location and sign projection, and asked if address signs could be attached to fences. There was also a discussion about sign illumination. Finally, the Planning Commission asked for additional images or pictures of some of these signs to serve as examples.

Williams was interested in the light source for illuminated signs in the context of the City's dark skies ordinance, requiring the light source to only shine downward. Reeves was not as concerned about the direction of the light as about the glare to passing motorists and pedestrians and adjacent properties.

Williams thought that for temporary window signs restricting to 30% of the window area was too restrictive as well as the awning size of 36 inches was too small. Johnson reminded the Commission that window signs did not require a permit, so it was important to come up with a number of some sort. The Commission felt that 48 inches may be more appropriate for awnings. Planner Johnson noted that he will complete additional research in the context of the existing awnings downtown.

The Commission acknowledged that it is difficult to come up with a signage provision that would address every scenario that could occur. If the Commission is interested in being more restrictive in the Village, they may want to explore a comprehensive downtown signage district.



Johnson noted that this signage district should not apply to Hwy-5 given the different streetscape, travel speeds and wide right-of-way.

The Commission asked for some minor changes for menu signs, real estate signs and garage sale signs.

Reeves asked where monument signs for residential subdivisions fell in the code. Planner Johnson said he will look into how they should be addressed.

The Planning Commission directed the staff to hold the public hearing May 29<sup>th</sup>, 2013.

**Business Item: Zoning Text Amendment – Administration and Enforcement**

Johnson reviewed the proposed revisions to the Zoning Ordinance that establish how the ordinance will be administered. The proposed changes would replace sections 154.015 through 154.021. The following components were reviewed:

- Identifying the City Staff responsible for issuing permits, enforcing code, keeping records, processing applications and performing other administrative duties related to the Ordinance.
- This ordinance describes the application and review process that now includes a unified list of application requirements for each type of permit.
- There would be a unified public hearing review process.
- The proposed ordinance describes all permits that are required under the Zoning Ordinance and is recommending a new category called “certificate of compliance”.
- Staff also recommended that the Ordinance describe the design review process associated with the Lake Elmo Design Standards Manual.
- The proposed Ordinance also describes the process for addressing enforcement.

The Planning Commission had some clarifying questions regarding mailed notifications, grading permits, zoning amendments, and who fulfilled the role of zoning administrator. Johnson clarified these items.

Williams suggested that for zoning amendments initiated internally, there should be a statement that if initiated internally, all of the submission requirements would be submitted or waived by the Director of Planning.

Haggard asked about revoking a CUP. She wanted to know how hard it is to do and if it has ever happened in Lake Elmo. Johnson explained that it would have to be something pretty blatant and it would require a public hearing. It is more difficult to suspend a CUP than a license, such as a massage therapy license.

Williams asked that the provisions regarding public hearing within the Planning Commission section be made consistent with original public hearing section.

The Planning Commission directed the staff to hold a public hearing May 29<sup>th</sup>, 2013.

**Business Item: Zoning Text Amendment – Fence Ordinance**