

NOTICE OF MEETING

The City of Lake Elmo Planning Commission will conduct a meeting on Monday May 23, 2016 at 7:00 p.m. AGENDA

- 1. Pledge of Allegiance
- 2. Approve Agenda
- 3. Approve Minutes
 - a. April 11, 2016
- 4. Public Hearings
- 5. Business Items
 - a. ZONING TEXT AMENDEMENT: The Planning Commission is being asked to hold a public hearing in regards to a zoning text amendment to change the accessory structure ordinance in regards to fish houses.
 - b. ZONING TEXT AMENDMENT: The Planning Commission is being asked to consider the Low Density Residential setbacks discussion.
 - c. ZONING TEXT AMENDMENT: The Planning Commission is being asked to discuss the VMX Zoning District.

6. Updates

- a. City Council Updates May 3, 2016 Meeting
 - i. Inwood 3rd Addition Developers Agreement passed.
 - ii. Palmquist Wedding Ceremony Venue IUP passed.
- b. City Council Updates May 17, 2016 Meeting
 - i. Boulder Ponds 2nd Addition Final Plat Passed
 - ii. Boulder Ponds 2nd Addition Developers Agreement Passed
 - iii. Exception to Accessory Structures in Front Yard On hold.
 - iv. Clarification on Zoning Code Amendment for Rural districts City Council clarified motion to reveal some uses in these districts.
- c. Staff Updates
 - i. Upcoming Meetings:
 - June 13, 2016
 - June 27, 2016
- d. Commission Concerns
- 7. Adjourn



City of Lake Elmo Planning Commission Meeting Minutes of April 25, 2016

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

COMMISSIONERS PRESENT: Kreimer, Dunn, Griffin, Dodson, Larson, Lundquist and Williams.

COMMISSIONERS ABSENT: Haggard & Fields

STAFF PRESENT: Planning Director Wensman, City Planner Becker & City Administrator

Handt

Approve Agenda:

The agenda was approved as presented.

Approve Minutes: April 11, 2016

M/S/P: Williams/Lundquist, move to approve the April 11, 2016 minutes as amended,

Vote: 7-0, motion carried unanimously.

Public Hearing – Zoning Text Amendment Noise Ordinance

Becker started her presentation regarding an amendment to the noise Ordinance. Based on the feedback from the Commission, they are recommending changing the ending hours from 6pm to 7pm. Also, with written permission there would be exemptions for public infrastructure projects. Becker stated that the City Attorney said it was not discriminatory to exempt public infrastructure projects and it was ok for the City Administrator to grant those administratively.

Becker distributed an email from the City attorney that outlines the consequences for not following the noise ordinance.

Williams asked if either version included feedback from the City Engineer. Becker stated that she sent it to the City Engineer and did not receive any further feedback other than that he actually wrote the section regarding the public infrastructure projects.

Public hearing opened at 7:16 pm

No one spoke and there were no written comments.

Public hearing closed at 7:16 pm

Dunn stated that residents have concerns about changing the hours. There are people that work various shifts and it is difficult.

Dodson would like to see the second version vs. the first. Larson agreed and would like to keep it as simple as possible and not get into specific equipment that is used, but focus on the sound. Williams thinks that in the second version, the word variance should be avoided and the word exemption should be used. He favors the second version as it is a little more flexible. At the top of the second page, it talks about the City Administrator holding a public hearing and he thinks it should say City Council. Becker agrees that it should be the City Council as it is an ordinance and not a land use. It also needs to be responded to within 30 days of receipt.

Kreimer asked people what they thought about the hours. He is not in agreement with extending the hours and neither is commissioner Dunn. Williams and Dodson are in favor of extending the hours Monday through Friday.

Williams suggested the words City initiated projects to differentiate between City ordered projects vs. public infrastructure for developments. Williams is wondering if the City Attorney should give feedback on this particular issue. Wensman said they understand what the Commission would like to see and they can word smith to get it to be what the Commission wants and then they can run it by the City Attorney.

M/S/: Williams/Dodson, move to recommend approval of the second version of the noise ordinance amendment with the stipulation that the staff consult with the City Attorney to reword C5 to exclude work in private developments before the infrastructure has been turned over to the City, along with the other changes suggested by the Planning Commission.

M/S/P: Kreimer/Dunn, move to amend the original motion to change the hours in section 1a from 7:00 pm to 6:00 pm, *Vote: 4-3, motion carried.*

M/S/P: Kreimer/Dunn, move to amend the original motion to change C2 to read that the location shall not be less than 1000 feet in any direction from any dwelling, **Vote: 7-0, motion carried unanimously.**

P: Original motion to approve second version with changes and the two amendments, **Vote: 7-0, motion carried Unanimously.**

Business Items – Boulder Ponds 2nd Addition Final Plat

Wensman started his presentation for the Boulder Ponds 2nd addition final plat and PUD Plans for 18 single family lots for detached Villa homes. This is a mixed use development with 7.79 acres of outlot for future commercial and 2.42 acre outlot for future senior living. Staff is recommending 8 conditions of approval.

Griffin asked about the gasline easement. Deb Ridgeway, Excelsior group, stated that it is on the survey given to homeowner and is an encumburance on the deed of the property.

Williams would like to add another condition that notice be given that there is a gasline easement.

Deb Ridgeway stated that Lennar will be connecting 5th street this year and as part of phase 3 of Boulder Ponds, 5th street will be connected to Inwood next year.

M/S/P:Williams/Lundquist, move to recommend approval of Boulder Ponds 2nd addition with 9 conditions of approval as drafted by staff based on the findings of fact with the additional condition of notice of BP gasline easement with purchase agreement for those lots that are applicable, *Vote: 7-0, motion carried Unanimously.*

Business Item - 2016 Planning Commission Work Plan

Wensman is looking for feedback from the Planning Commission on the work plan. Dodson would like to see the codification of the code as a high priority. Kreimer doesn't see anything on here regarding the reduction of the densities based on target densities. Wensman stated that he is waiting for direction from the City Council and it might be part of the Comprehensive Plan. Williams asked about the Village AUAR updated. Wensman stated that it is overdue and once the Engineer has time, he will work on it and it should be a B1.

There were questions regarding the Land Use plan for the Washington County Landfill and the Water Plan update. Wensman added them to the work plan as those were items he came across and did not want them to get lost. Williams thinks that there might be a few too many priority ones on the schedule. He thinks the Home Occupation should be a priority 2 and the LDR setbacks should be a one. Dodson asked if it would be possible to have the LDR setbacks for the next meeting. Wensman stated that if there is time to notice the public hearing.

There was some discussion regarding the landscape ordinance. The landscape architect might want some changes to the ordinance to provide some flexibility to the ordinance. The Commission made the landscape ordinance a D5.

The Commission would like the Manning Avenue Project added back into the Transportation planning projects section. They also feel that the development review section could just be removed. Williams asked that the Commission receive a revised plan after all of the revisions are made.

Council Updates – April 19, 2016 Meeting

- 1. Approve Inwood Water Tower Zoning Map Amendment
- 2. Approve Home Occupation Definition Change
- 3. Comprehensive Map Amendment for MUSA
- 4. Village Preserve 2nd Addition Final Plat
- 5. Inwood 3rd Addition Final Plat
- 6. Inwood 3rd Developers Agreement

Staff Updates

- 1. Upcoming Meetings
 - a. May 9, 2016
 - b. May 23, 2016

Commission Concerns

Dunn asked about Tartan Park updates. Wensman stated that they had a meeting regarding grading, but there was no application yet. Dunn asked if the lighting issues in the new developments were resolved. Wensman stated that Xcel no longer offers a product that would meet our dark sky ordinance. Wensman stated that the City Contract engineer is the inspector and will not sign off if they are not compliant.

Meeting adjourned at 8:44 pm

Respectfully submitted,

Joan Ziertman Planning Program Assistant



PLANNING COMMISSION

DATE: 05/23/2016

ITEM #: 5aDiscussion Item

CASE # 2016-17

AGENDA ITEM: Exempting Fish Houses from requirement that no accessory structure be constructed

prior to principal structure on a lot.

SUBMITTED BY: Emily Becker, Planner

REVIEWED BY: Stephen Wensman, Planning Director

SUMMARY AND BACKGROUND:

At its May 3, 2016 meeting, City Council directed Staff to amend the City's Accessory Structure ordinance to exempt "fish houses" that are 120 square feet or less in size from the requirement that principal structures be constructed or accessory use be located on lots prior to accessory structures in the Rural Single Family Zoning District.

The request was made due to a significant number of non-conforming lot sizes in the Rural Single Family Zoning District upon which a house would likely not meet setback requirements. Because a significant number of these lots could not be built upon without first obtaining a variance, the request was made so that these lots could be utilized for the recreational purpose a fish house would allow. Allowing an accessory structure to be erected prior to the existence of or issuance of a building permit for a principal structure is not allowable by variance, so a text amendment is needed in order to permit this to occur.

Staff would also like to take this opportunity to amend Section 154.406 (D) to strike out the -exception by Resolution of the City Council to be made to the requirement that accessory structures must be located nearer to the front lot line than the principal structure. Staff believes the exception is a defacto variance without findings. The City Attorney has also given support for this amendment. The variance process is the appropriate mechanism to grant such exceptions.

ISSUE BEFORE PLANNING COMMISSION:

The Planning Commission should consider if fish houses, with certain provisions, should be exempt from the requirement that principal structures be constructed on lots prior to accessory structures in the Rural Single Family Zoning District.

The Planning Commission should also consider if the language in Section 154.406 (D) of the Zoning Code that allows accessory structures to be located nearer to the front lot line than the principal structure by Resolution of the City Council should be stricken. Striking this language will require applicants to go through the variance process.

PROPOSAL DETAILS/ANALYSIS:

Fish House Exemption:

Definition. The definition of water-oriented accessory structure or facility in Lake Elmo's City Code lists fish houses as an example of such a structure. Water-oriented accessory structures are exempt from setback regulations of the Shoreland Overlay District if certain provisions are met including not exceeding a height of ten feet, not being over 250 square feet in size, being set back at least ten feet from the Ordinary High Water Level (OHWL) on a recreational development lake and 50 feet from the OHWL on a natural environment lake, being treated to reduce visibility as viewed from public waters, must not be used for human habitation or contain water supply or sewage treatment facilities. The Code does not currently clearly define fish houses.

Restriction. Because fish houses are classified as accessory structures, regulations of accessory structures must be met. By City Code, no accessory structure can be constructed or accessory use be located until a building permit has been issued for a primary structure on a lot. The Code provision is typical in cities in order to maintain control over use of properties for storage and to protect the City against a proliferation of unwanted storage structures.

Logic Behind Zoning District Restriction. Staff recommends that if an exemption for fish houses from the requirement of a principal structure is considered, the exemption should be restricted only to the RS - Rural Single Family Zoning District for a number of reasons. First, there are a number of lots in this zoning district that are non-conforming, and on which a house could not be built without a variance. Additionally, many of the lots in the RS District are located adjacent to a lake, and allowing fish houses to exist on lots without primary structures would allow owners who do not wish to construct a primary structure to enjoy recreation on the lake without having to haul their fish house to the lake each winter season.

Potentially-Affected Parcels. There are currently 221 parcels located in the Rural Single Family District on which a principal structure does not exist. 191 of these parcels are non-conforming lots in that they do not comply with the 1.5 acre minimum lot size the Rural Single Family Zoning District requires. A map is included as an addendum to this report to illustrate the locations of these parcels.

Regulation. Fish houses are considered accessory structures and therefore will require a Certificate of Zoning Compliance, as any accessory structure located on a property that does not require a building permit requires this Certificate. It is at this time that Staff will be able to determine if most of the requirements of a fish house outlined in its definition are met. Of course, some requirements will not easily be determined, and there may be need for code compliance investigations if complaints are received or it is observed by the City that a property is in violation.

Potential Impacts. There are a number of potential impacts that may result from allowing fish houses to exist on parcels without primary structures. First, fish houses may be used solely as storage. Even though the definition outlines that they may not be used for storage, it is hard to know and regulate what occurs inside a structure that is not viewable from the street without going through the proper processes. Also, the design of fish houses is not regulated nor do they require a building permit, so the appearance, safety and durability of the structure are at risk. Section 154.406 of the Zoning Code requires that accessory structures are required to be similar or compatible with the design and construction of the principal building, but without a principal building, there is nothing by which its exterior appearance can be regulated. Additionally, it is hard to regulate fish houses from being used as dwellings, even though the definition does not allow this. On the other hand, allowing fish houses to be constructed/located on a lot

without a primary structure would increase the utility of the lot for the owner without them having to go through a variance process and constructing a primary structure and could potentially benefit neighboring properties as adjacent lots can remain mostly vacant, increasing their peace and privacy. The extra requirements; that a fish house is located on a lot with direct access to a water body; maintains a current license with the Minnesota Department of Natural Resources regardless if it is left on a water body overnight; is 120 square feet or less; and complies with Shoreland regulations and RS Rural Single Family setback requirements, are intended to limit some of the potential impacts.

Requiring the Variance Process for an Accessory Structure to be Located Nearer to the Front Lot Line than the Principal Structure:

Variance Process. The Board of Adjustment has the power to grant variances to the provisions of this chapter under certain procedures and standards. All requests for variances shall be reviewed in accordance with the required findings. A public hearing is to be held by the Planning Commission, after which findings are considered and a recommendation is made to the Board of Adjustment. The current process of allowing accessory structures to be located nearer the front lot line than the principal structure does not follow this process outlined in Section 154.109: Variances of the Zoning Code.

History. Since 1993, Staff has found that approximately 29 approvals for accessory structures to be located nearer to the front line than the principal structures have been made by Resolution of City Council.

FISCAL IMPACT:

Allowing fish houses to be located on lots in the absence of principal structures may increase the amount of time Staff spends in response to code compliance complaints as fish houses may be used for storage or habitation as is not allowed per the proposed ordinance.

Requiring the variance process for accessory structures to be located nearer to the front line than the principal structure may increase the amount of time Staff spends on such requests, though the cost of a variance is much higher than the cost of the request of Resolution by City Council (\$750.00 vs. \$200.00, respectively). The change may also reduce the number of requests.

OPTIONS:

The Planning Commission should consider if fish houses should be exempt from the requirement that principal structures be constructed on lots prior to accessory structures. If it is determined that fish houses should be granted this exemption, the provisions under which this is allowed should be evaluated and determined.

As for the exception for accessory structures closer to the front lot line, the option is whether to allow accessory structures to be located nearer the front lot line, or not. If not, the variance process is the appropriate mechanism for exceptions to the ordinance.

RECOMMENDATION:

Staff recommends that the Planning Commission discuss the proposed zoning text amendment and provide feedback to Staff. On June 13, 2016, at the Planning Commission meeting, a public hearing will

be held to obtain public comment and a formal recommendation from the Commission for the City Council.

ATTACHMENTS:

- Draft Ordinance Amendment to exempt fish house from the requirement of a principal structure.
- Quick notes on other cities' fish house requirements.
- Map depicting potentially affected parcels (fish house).

CITY OF LAKE ELMO COUNTY OF WASHINGTON STATE OF MINNESOTA

ORDINANCE NO. 08-

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY EXEMPTING FISH HOUSES FROM REQUIREMENT THAT NO ACCESSORY STRUCTURE BE CONSTRUCTED PRIOR TO PRINCIPAL STRUCTURE ON LOT AND STRIKING LANGUAGE THAT ALLOWS ACCESSORY STRUCTURES TO BE LOCATED NEARER TO THE FRONT LINE THAN PRINCIPAL STRUCTURES BY RESOLUTION OF THE CITY COUNCIL

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions by adding the following definition:

FISH HOUSE. A water-oriented structure meant to provide periodic shelter during the winter months while atop a frozen lake for use in fishing. A structure will be considered a fish house only if it is constructed with sleds, wheels or similar means to allow transport on to a frozen lake; and is not used on land for human habitation.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article 5. General Regulations; Section 213: Accessory Buildings and Structures, Generally; Subd. B: Definitions and Subd. D: Principle Structure Necessary to read the following:

B. Definitions. The following words, terms and phrases, when used in this section, and all sections pertaining to accessory buildings or structures, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Agricultural Farm Building. An accessory building used or intended for use on an active commercial food-producing farm operation of more than 20 acres. A Minnesota Pollution Control Agency permit may be required.

Detached Domesticated Farm Animal Building. A 1-story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building may require a Minnesota Pollution Control Agency feedlot permit in addition to site and building plan approval.

Fish House. A water-oriented structure meant to provide periodic shelter during the winter months while atop a frozen lake for use in fishing. A structure will be considered a fish house only if it is constructed with sleds, wheels or similar means to allow transport on to a frozen lake; and is not used on land for human habitation.

Detached Residential Accessory Building. A 1-story accessory building primarily used or intended for the storage of automobiles and other miscellaneous equipment. No door or other access opening shall exceed 14 feet in height.

Storage or Tool Shed. A 1-story accessory building of less than 160 square feet gross area with a maximum roof height of 12 feet.

D. Principal Structure Necessary. No accessory building of structures shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal structure to which it is accessory. Fish houses as defined in this Code and located in the RS Rural Single Family District are exempt from this requirement provided the following criteria is met: must be located on a lot with direct access to a water body; must maintain a current license with the Minnesota Department of Natural Resources regardless if it is left on a water body overnight; is 120 square feet or less; and complies with Shoreland regulations and RS Rural Single Family setback requirements. One fish house per lot may exist without a principal structure.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 405: Accessory Uses and Structures to read the following:

- 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.
- F. Exemption. Fish houses as defined in this Code and located in the RS Rural Single Family
 District are exempt from this requirement provided the following criteria is met: must be
 located on a lot with direct access to a water body; must maintain a current license with
 the Minnesota Department of Natural Resources regardless if it is left on a water body
 overnight; is 120 square feet or less; and complies with Shoreland regulations and RS Rural
 Single Family setback requirements. One fish house per lot may exist without a principal
 structure.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 404: Accessory Structures, Rural Districts., Subd. D to read the following:

D. Structure Location, Rural Districts. No detached garages or other accessory buildings shall be located nearer to 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.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. Th, 2016, by a vote of	is Ordinance 08 was adopted on this day of _ Ayes and Nays.
	LAKE ELMO CITY COUNCIL
	Mike Pearson, Mayor
ATTEST:	
Julie Johnson, City Clerk	<u> </u>
This Ordinance 08 was pu 2016.	ublished on the day of,

Pequot City:

102. **Fish House.** A structure placed on a lake during the winter for use in fishing. A structure will only be considered a fish house if it is 160 square feet or less, is moveable and has a current license.

Oronoco:

Defines gazebos, screen houses, **fish houses**, pump houses, and detached decks as accessory structures

Brianerd:

Water-oriented accessory structure or facility" means 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 such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

515-17-2: Dwelling Unit Restriction. No cellar, garage, tent, travel trailer, motor home, fish house, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit.

Mounds View:

Ordinance allows the storage of fish houses in residential front yard areas.

East Bethel:

Fish houses shall be included in the calculation of the gross maximum square footage for detached accessory structures. No more than one fish house shall be permitted on a lot. Fish houses must meet all required accessory structure setbacks.

Chanhassen:

Water-oriented structures (e.g. boathouses, gazebos, screen houses, fish houses, etc.) must maintain the minimum 10-foot setback from the ordinary high water mark. Water-oriented structures are permitted to be a maximum of 250 sq. ft., 10 ft. in height, and must not occupy more than 30% of the rear yard.

Rural Single Family Lots - No Principal Structure This map outlines parcels located in the Rural Single Family Zoning District on which a principal structure is not currently located. It also depicts the size of such parcels through color grading.

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LEGION LEGION Legend **RS Parcels No Principal Structure** acres 0.001931 - 0.500000 0.500001 - 1.000000 1.000001 - 1.500000 1.500001 - 17.956307 All Rural Single Family (RS) Parcels SurroundingParcels Source: Washington County 5/9/2016



PLANNING COMMISSION DATE: 5/23/16

AGENDA ITEM: 5B – DISCUSSION ITEM

CASE # N/A

ITEM: LDR/MDR- Setbacks

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Emily Becker, City Planner

SUMMARY AND ACTION REQUESTED:

Setback regulations in the LDR – Urban Low Density Residential District and MDR – Urban Medium Density Residential District have been raised as an issue by Staff early in 2016 and have been placed on the 2016 Planning Department Work Plan. Staff is requesting that the Planning Commission discuss the current setbacks in the LDR/MDR District to determine whether changes to the setbacks are warranted and whether Planning Staff should prepare an ordinance amendment.

REQUEST DETAILS:

In early 2016, the Building Department identified a concern with the 5ft. setback in the LDR/MDR Zoning Districts. The former Building Official had noted that the Building Code requires "fire rated assembly" within 5ft. of a property line. This Building Code requirement affects all structures built to the 5 ft. setback line with eaves or other appurtenances extending into the setback area; typically, 1-2 ft. eaves. The practical result is that soffit venting is prohibited within the setback area (no openings allowed under eaves within the 5' setback). The former Building Official recommended the 5 ft. setback be increased to 7 ft. in the LDR/MDR Zoning Districts.

In April of 2016, Mike Bent was hired as the City's new Building Official. Planning Staff asked Mike to review the issue in preparation for drafting changes to the setback regulations. Mr. Bent is a highly regarded Building Official with expertise in Fire Inspection as well as Building Code. Mr. Bent acknowledges the requirement, but does not feel the Building Code necessitates a change to the setback. There are other ways to vent the roof and builders have adapted accordingly.

The second perceived issue related to LDR District setbacks is that the lots are too narrow. Several Commissioners have raised this concern and have stated that wider lots are needed. Staff has no issue with the current width of LDR lots, and believes that wider lots will only embolden developers to put larger homes on them, decreasing the affordability of those lots with the same issues when walls are placed at the setback line.

The third issue is whether to allow living space behind the garage at the 5 ft. setback in the LDR District. Presently, the garage side is 5ft. and the house side is 10ft. Traditionally, the City has allowed living space above garages to be at the 5ft. setback, but has enforced the 10ft. setback when

behind a garage. Cities tend to vary on how this is enforced. This is not a Building Code issue, but strictly a Zoning Code issue based on local preference.

Presently, the city has been allowing, by policy, applicants to choose between the 5ft. /10ft. setback, or to have a minimum setback of 7.5ft. on both sides.

The last issue is related to Accessory Structure setbacks in the Urban Districts. The current required rear yard setback in this district is 20ft, but the requirements do not differentiate principal building rear yard setbacks from accessory structure rear yard setbacks. It is customary to have accessory structures located in the rear corner of a residential lot, and for most urban lots, this setback would eliminate the ability to have an accessory structure.

Current LDR/MDR/HDR Setback Requirements.

Minimum Building Setbacks (feet)								
	LDR	MDR	HDR					
Front yard	25 °	25 °	20 °					
Interior side yard ^e								
Principal Buildings ^{f,g}	10	10	10 ^d					
Attached Garage or Accessory Structures ^{f,g}	5	5	10 ^d					
Corner side yard g,h	15	15	15					
Rear yard	20	20	20					

Notes to Urban Residential Districts Table

- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- h. 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.

RECOMMENDATION:

Staff is recommending that the Planning Commission consider the issues and determine whether an amendment to the setbacks is warranted and provide staff with direction.



PLANNING COMMISSION

DATE: 05/23/2016

ITEM #: 4b-DISCUSSION ITEM

CASE # 2016-14

AGENDA ITEM: Rezoning Old Village GB – General Business District to VMX – Village

Mixed Use District

SUBMITTED BY: Emily Becker, Planner

REVIEWED BY: Stephen Wensman, Planning Director

SUMMARY AND BACKGROUND:

In November of 2013, creation of the Village Mixed Use District was approved in support of the 2030 Comprehensive Plan update for the Village Planning Area. The Village Mixed Use District was created to replace the existing intermingling of commercial, residential, and public zoning classifications within the central portion of the Village area. While the creation of the District was approved, the area for which it was meant for has not yet been rezoned. Currently, the majority of the parcels that are planned for VMX - Village Mixed Use zoning are zoned GB – General Business. In late 2015, the Arbor Glen Senior Living property was the first General Business property to be rezoned to VMX. It is not clear from the data currently available to Staff why this area has not yet been rezoned.

A major component of the land use plan for the Village Planning Area is the creation of a mixed-use development area around the existing downtown core. The intent of the VMX ordinance is to facilitate development that is consistent with a compact, walkable environment that builds upon the historical land use patterns of the Village. It has also been designed to allow a wide range of uses and activities and encourages the mixing of different use types. The ordinance includes standards for specific development types with provisions that address the unique character of the Village.

Currently, the only parcels zoned GB – General Business are located in the Old Village.

Rezoning these parcels to VMX – Village Mixed Use will leave the GB – General Business

District non-existent on the Zoning Map. Therefore, Staff is recommending that Section 034, GB – General Business be removed along with all other references to this zoning district. Staff has

also taken this opportunity to amend some inconsistencies in the numbering of the Table of Contents as it relates to numbering of the Sections in the body of the Zoning Code.

ISSUE BEFORE PLANNING COMMISSION:

The Planning Commission should consider rezoning the parcels currently zoned GB - General Business District to VMX - Village Mixed Use. It should also consider removal of 154.034: GB - General Business from the Zoning Code, as this district will no longer exist on the Zoning Map.

PROPOSAL DETAILS/ANALYSIS:

In general, the proposed rezoning will allow a much higher degree of flexibility for building and activity in the Village than is presently permitted under current ordinances. Attached are tables that outline differences in lot dimensions, setback requirements, and permitted uses in the two districts.

Staff has received a number of inquiries from occupants of parcels located in the GB – General Business District. As shown on the comparison tables, the regulations in these two districts are quite different, and it is difficult for Staff to determine which regulations should be applied. Rezoning will help clarify this.

Staff is also cognizant of the fact that the Planning Commission is in support of implementing a Form Based Zoning for the VMX District, as is supported in the Comprehensive Plan. The Form Based Zoning is currently on the 2016 Planning Department Workplan. The Commission should consider how plans for a potential form based zoning in the VMX District pertain to this rezoning.

FISCAL IMPACT:

Rezoning the subject area to Village Mixed Use zoning will provide greater flexibility, which may bring in new or different businesses and/or activity to the Old Village.

OPTIONS:

The Planning Commission has the following options:

- 1) Rezone all of the parcels located in the GB General Business District to VMX Village Mixed Use and omit Section 154.034 from the Zoning Code.
- 2) Rezone all of the parcels located in the GB General Business District to VMX Village Mixed Use and not omit Section 154.034 from the Zoning Code.
- 3) Not rezone any of the parcels located in the GB General Business District to VMX Village Mixed Use at this time and leave Section 154.034 in the Zoning Code for the time being.

RECOMMENDATION:

Staff recommends that the Planning Commission discuss the proposed rezoning of the parcels located in the GB – General Business District to VMX – Village Mixed Use and striking Section 154.034 from the Zoning Code. At the June 13, 2016 Planning Commission meeting, a public hearing has been scheduled to obtain public comment and a formal recommendation from the Commission for the City Council.

ATTACHMENTS:

- GB and VMX Lot Dimension and Setback Requirements Comparison Table.
- GB and VMX Permitted and Conditional Uses Comparison Table.
- Ord. 08-___ omitting Section 154.034 from the Zoning Code.

GB and VMX Lot Dimension and Setback Requirements Comparison Table

Requirements	General Business	VMX
Minimum Lot Area - Non-Residential Use		None
Minimum Lot Area - Single Family Detached Dwelling		5000 sf
Minimum Lot Area - Two-Family Dwelling (per unit)		3000 sf
Minimum Lot Area - Single-Family Attached (per unit)		2500 sf
Minimum Lot Area - Multi-Family Dwelling (per unit)	1.5 acres (65,340 sf)	1800 sf
Minimum Lot Area - Secondary Dwelling		7500 sf
Minimum Lot Area - Live-Work Unit		3000 sf
Minimum Lot Area - Congregate Housing		
Minimum Lot Area - Other Structures		3500 sf
Maximum Lot Area – Residential Structures	N/A	N/A
Maximum Lot Area – Other Structures	IN/A	5 acres
Minimum Lot Width - Single Family Detached Dwelling		50 ft
Minimum Lot Width – Two-Family Dwelling (per unit)		50 ft
Minimum Lot Width – Single-Family Attached (per unit)	150 ft	30 ft
Minimum Lot Width – Multi-Family Attached (per unit)		25 ft
Minimum Lot Width – Live-Work Unit		75 ft
Maximum Height	35 ft	35 ft
Maximum Impervious Coverage – Residential Structures	25% - 40%	75%
Maximum Impervious Coverage – Other Structures	depending on acreage	None

CITY OF LAKE ELMO COUNTY OF WASHINGTON STATE OF MINNESOTA

ORDINANCE NO. 08-

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING THE ZONING CODE BY OMITTING SECTION 034: GB - GENERAL BUSINESS

SECTION 1. The City Council of the City of Lake Elmo hereby strikes Title XV: Land Usage; Chapter 154: Zoning Code; by repealing Section 051: GB - General Business in its entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code Table of Contents to read the following:

Zoning Districts

Zoning Districts				
154.030	Classifications			
154.031	Boundaries			
154.032	Zoning district map			
154.033 - <u>154.044</u>	R-2 One- and Two-Family Residential			
154.034	GB General Business			
154.035 - <u>154.064</u>	OP – Open Space Preservation District			
154.036 - <u>154.065</u>	OZD – Overlay Zoning Use District			

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 030: Classifications by eliminating the following:

§ 154.030 CLASSIFICATIONS.

For the purpose of this chapter, all land in the city is divided into zoning districts. The zoning districts shall be identified by the following classifications, including those districts identified in § 154.350:

(A) R-2 One- and Two-Family Residential

(B) GB General Business

(C) B OP Open Space Preservation District

(D) C OZD Overlay Zoning Use District

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 212: Sign Regulations; Table 5-3 to read the following:

Grou	nd Signs			
Zoning Districts		Aa, LDR, OP, RE, RS, RRa, RTa	MDR, HDR	BP, C, CC, GB, LC, VMX
No. of Total Traffic Lanes	Speed Limit (MPH)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)
1-3	0-34	-	6'/32	10'/32
	35-44 -		6'/32	10'/50
	45+	-	6'/32	10'/72
4-5	0-34	-	6'/32	10'/40
	35-44	-	6'/32	10'/64
	45+	-	6'/32	12'/80

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150.116: [Wireless Communications] Zoning Requirements to read the following:

■§ 150.116 ZONING REQUIREMENTS.

(A) Wireless communications facilities that require a conditional use permit, including the installation of a new tower, shall be permitted in the following districts and subject to the following height restrictions provided they meet all other requirements of this subchapter.

Zoning District	Maximum Height (in feet)	Minimum Parcel Area			
A- Agriculture			125	10	
RR - Rural Residential Zoning			125	5	

R-1, R-2, R-3 and R-4 Urban Residential	125	2.5
OP - Open Space	125	2.5
RE - Residential Estates	125	2.5
GB-, LB, CB, HB - Business	125	5
BP - Business Park	125	5
PF - Public Facility	125	None

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 153.14: Park Land Dedication Requirements to read the following:

Zoning Districts	Minimum Required Land Dedication				
GB , LB, HB, BP, CB,	Fee as set by Council resolution				
C, CC, LC, VMX	Fee as set by Council resolution				
RR and AG with OP Conditional Use Permit	7%				
RR and AG with OP-A Conditional Use Permit	10%				

SECTION 7. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 8. Adoption Date. This Ordir , 2016, by a vote of Ayes a	nance 08 was adopted on this day of nd Nays.
	LAKE ELMO CITY COUNCIL
	Mike Pearson, Mayor
ATTEST:	
Julie Johnson, City Clerk	

This Ordinance 08-___ was published on the ___ day of _____, 2016.

GB and VMX Permitted and Conditional Uses Comparison Table

	GB	VMX
Single Family Detached	-	P
Single Family Attached	-	P
Two Family	-	P
Multi Family	-	С
LiveWork Unit	-	P
Secondary Dwelling	-	С
Group Home	P	P
Group Residential Facility	P - allows Boarding Care Facility with 15 residents max.	С
Community Services	P	P
Congregate Housing	-	С
Semi-Transient Accommodations	-	С
Day Care	P	P
Public Assembly	P	С
Religious Institutions	P	С
Schools	-	С
Business Services	P	P
Business Center	P	P
Offices	P - specifies types of office uses	P
Communications Services	P	P
Education Services	P	P
Financial Institution	P	P
Funeral Home	-	С
Lodging	-	С
Medical Facility	P	С
Membership Organization	P	С
Nursing and Personal Care	P - allows Boarding Care Facility with 15 residents max.	С
	Allows Beauty Shops, Barber Services, Apparel Cleaning Pick-Up Stations, Apparel Repair and Alterations, Shoe Repair, Jewelry Repair, Fitness Studio (all defined as	
Personal Services	Personal Services)	P
Repair and Maintenance Shop	P - specifies types of repair services allowed	С
Trade Shop	-	С
Veterinary Services	P	С
Standard Restaurant	P	P
Restaurant with Drive-through	P - menu boards and intercom systems prohibited	С
Drinking and Entertainment		P
	P - Allows Antiques and Secondhand Merchandies, Bicycles, Art Gallery, Books, Electrical supplies, Flowers and Floral Accessories, Sporting Goods, Jewelry, Specialty foods, Drugs and Proprietary Items, Camera and Photographic Supplies, Furniture, Food and Grocery Products, Home Furnishings and Related Equipment, Apparel and Related Accessories, Liquor, Building	
Retail Trade	Supplies, Household Appliances, Bakeries	P
Farmer's Market	-	С
Garden Center	P	C
	•	i

Neighborhood Convenience Store	Р	P
	P - does not specify shopping center but allows certain	
Shopping Center	retail uses	C
Wayside Stand	-	P
Automobile Maintenance Service	P	С
Automobile Parts/Supply	P	P
Gasoline Station	-	С
Parking Facility	-	С
Sales and Storage Lots	P	С
Outdoor Recreation Facility	-	С
Parks and Open Areas	-	P
Indoor Athletic Facility	-	С
Indoor Recreation	P - allows Family Entertainment Centers (not defined)	С
Broadcasting or Communications Facility	-	С
Home Occupation	P	P
Bed and Breakfast	P - 15 beds maximum	С
Domestic Pets	Р	P
Family Day Care	P - allows Boarding Care Facility with 15 residents max.	P
Group Family Day Care	P - allows Boarding Care Facility with 15 residents max.	С
Temporary Sales	-	P
Parking Facility	-	P
Solar Equipment	-	P
Swimming Pools, Hot Tubs, Etc.	P	P
Other Structures Typically Incidental		
and Clearly Subordinate to Permitted	D.	
Uses	P P	P
Governmental Offices		-
Libraries	P	-
Therapeutic Massage	P	-
Kennels	P	-

C = Conditional Use

P = Permitted Use

- = use not addressed

Development Status Sheet	<u>Final Plat Appro'</u> [DA Agreement Approved	DA Agreement Signed	<u>Plat Recorded</u>	Updated 5/13/16		Total #	Total # of	Total # of	Building	CO's	
Southern Developments	<u>.</u>	<u> Арргочец</u>	<u> Jigneu</u>		<u>Developer</u>	<u>Builder</u>	Of Homes	SF Homes	<u>Townhomes</u>	Permits Issued	<u>Issued</u>	Zoning
SAVONA - 310 Total												
Savona 1st	2/18/2014	5/20/2014	6/18/2014	9/25/2014	Lennar	Lennar	44	44	0	41	37	LDR
Savona 2nd	9/16/2014	9/16/2014	10/22/2014	4/14/2015	Lennar	Lennar	67	45	22	39	31	LDR/MDR
Savona 3rd	9/15/2015	9/15/2016	9/16/2015	11/19/2015	Lennar	Lennar	120	21 0	99 0	18 0	0	LDR/MDR
Savona 4th	3/15/2016	4/5/2016			Lennar	Lennar	78 309	110	121	98	68	LDR
BOULDER PONDS - 162 Total												
Boulder Ponds 1st	4/21/2015	4/21/2015	5/16/2015	6/5/2015	OP 4 Boulder Ponds	Creative Homes	47	47	0	11	7	PUD/LDR
Boulder Ponds 2nd	5/17/2016				OP 4 Boulder Ponds	Creative Homes	18	0	0	0	0	PUD/LDR
							65	47	0	11	7	
HUNTER'S CROSSING - 51 Total												
Hunter's Crossing 1st	7/1/2014	10/7/2014	10/15/2015	12/18/2014	Ryland/Cal Atlantic	Cal Atlantic	22	22	0	18	14	LDR
Hunter's Crossing 2nd	5/5/2015	5/5/2015	5/29/2015	8/4/2015	Ryland/Cal Atlantic	Cal Atlantic	29	29	0	14	9	LDR
							51	51	0	32	23	
INWOOD - 537 Total	5 /4 0 /2 0 4 5	F /4.0 /2.04 F	6 10 1001 5	0/0/0045			40	40		26	20	DUD /8 4DD
Inwood 1st	5/19/2015 9/1/2015	5/19/2015	6/9/2015	8/3/2015	Hans Hagen/MI Homes	MI Homes	40	40	0	36	28 0	PUD/MDR PUD/MDR
Inwood 2nd Inwood 3rd	4/19/2016	5/3/2016	11/19/2015 5/16/2016	11/23/2015	Hans Hagen/MI Homes Hans Hagen/MI Homes	MI Homes MI Homes	21 68	21 68	0	19 0	0	PUD/MDR PUD/MDR
mwood Sid	4/13/2010	3/3/2010	3/10/2010		rians riageny wil riomes	Wil Homes	129	129	0	55	28	1 OD/WIDI
HAMMES ESTATES - 163 Total					24 month extension to Fin	al Plat Deadline to 10/7	7/16.					
DIEDRICH/REIDER - 48 Total					12 month extension to Fin	al Plat Deadline to 12/1	1/16.					
						,	-,					
Northern Developments												
EASTON VILLAGE - 217 Total												
Easton Village 1st	3/3/2015	3/3/2015	7/23/2015	8/10/2015	Chase Development	Multiple	71 71	71 71	0	11 11	4	LDR
VILLAGE PRESERVE - 91 Total								71	0	11		
Village Preserve 1st	5/5/2015	6/2/2015	8/3/2015	8/25/2015	Gonyea Homes	Multiple	46	46	0	7	1	LDR
Village Preserve 2nd	4/19/2016				Gonyea Homes	Multiple	45	0	0		0	LDR
							91	46	0	7	1	
WILDELOWED 445 To 1												
WILDFLOWER - 145 Total Wildflower @ Lake Elmo 1st	7/21/2015	8/4/2015	8/27/2015	10/6/2015	Engstrom Companies	Multiple	60	60	0	c	1	PUD/MDR
Mildiomei @ rake Ellilo 120	//21/2015	0/4/2013	0/2//2013	10/0/2013	rugationi companies	iviuitipie	60	60	0	6	1	LOD/ MIDK
											<u> </u>	
					Cummulative Totals		776	514	121	220	132	

VILLAGE PARK PRESERVE - 100 Total extension to Final Plat Deadline to 4/15/17.