



3800 Laverne Avenue North
Lake Elmo, MN 55042

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NOTICE OF MEETING

The City of Lake Elmo

Planning Commission will conduct a meeting on

Monday February 27, 2017 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. January 9, 2017
 - b. February 13, 2017
4. Public Hearings
 - a.
5. Business Items
 - a. Zoning Text Amendment -Village Low Density Residential Zoning: The Planning Commission will discuss a draft for the V-LDR Zoning.
 - b. Zoning Text Amendment – Planned Unit Development Zoning: The Planning Commission will discuss a draft for Planned Unit Development Zoning.
 - c. Solar Ordinance Discussion: The Planning Commission will discuss a draft ordinance for Solar.
6. Updates
 - a. City Council Updates – February 21, 2017
 - i. OP-ALT Zoning District Repeal - passed
 - ii. Shoreland Management Overlay Ordinance Amendment – failed and tabled to next meeting
 - iii. ZMA and CUP for 3549 Lake Elmo Ave - passed
 - b. Staff Updates
 - i. Upcoming Meetings:
 - March 13, 2017
 - March 27, 2017
 - ii. MAC CEP Report
 - c. Commission Concerns
7. Adjourn

***Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo
Planning Commission Meeting
Minutes of January 9, 2017**

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

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

COMMISSIONERS ABSENT: Haggard, Fields and Dorschner

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

Approve Agenda:

M/S/P: Dodson/Lundquist, move to approve the agenda as amended, ***Vote: 6-0, motion carried.***

Election of Officers:

M/S/P: Williams/Dodson, move to elect Tom Kreimer for Chair, ***Vote: 6-0, motion carried unanimously.***

M/S/P: Lundquist/Griffin, move to elect Todd Williams for Vice Chair, ***Vote: 6-0, motion carried unanimously.***

M/S/P: Dodson/Griffin, move to elect Rolf Larson for Secretary, ***Vote: 6-0, motion carried unanimously.***

Approve Minutes: December 12, 2016

M/S/P: Williams/Griffin, move to approve the December 12, 2016 minutes as presented, ***Vote: 6-0, motion carried unanimously.***

Public Hearing – Zoning Map Amendment and Minor Subdivision– rezone the property at 3880 Laverne Ave

Becker started her presentation regarding the Zoning Map Amendment and Minor Subdivision. The Zoning Map amendment is requested to rezone from GB to VMX. This land is guided for VMX in the Comprehensive Plan, which has not minimum lot size for non-residential. The subdivision will create three separate parcels.

This property does qualify for an exception to platting as it is not creating more than four parcels. There is a cash contribution for park land dedication of \$5,220 required. GB requires 1.5 acres per parcel, so if this is not rezoned, those 2 lots cannot be created.

Some engineering comments are that they are recommending a combined driveway access for Parcel A & B. There is also a need for a number of easements. There were more engineering comments regarding sewer & water and stormwater. The zoning map amendment is consistent with the Comprehensive plan. Staff is recommending 13 conditions of approval.

Dodson asked if the City Engineer considered access of parcel B to Laverne Ave. Becker stated that the City Engineer did not look at that. The condition could be changed to state reviewed by the City Engineer.

Williams is wondering why the condition doesn't require shared parking vs. just encouraging it. Becker stated that there might be circumstances where that might not work.

Tim Freeman, represents Zignego, the idea of sharing parking is something that they are interested in. He talked about suburban type zero setbacks for the VMX district. He thinks making a condition of approval for the building setback and combined parking, limits things for this approval and could be dealt with when a project comes forward. Freeman feels that the parkland dedication has already been paid for this area by the acre. He feels replatting this property does not add any acreage, it just further subdivides it. Instead of having that be a condition of approval, he would like to see something like this will be reviewed a little further with the City Attorney.

Dodson asked the developer what the motivation of subdividing the lots is vs. just adding buildings to the existing lot. Freeman stated that the new lots would most likely have different ownership. Dodson stated that when property subdivides, Parkland dedication is paid. Freeman stated that the fee was already paid on all of the acreage. Wensman stated that the City Attorney has already reviewed this. There was debate about collecting it on 2 lots or 3. The discovery of the previously paid fee, limited it just to the 2 newly created lots. The City Attorney is the one that recommended it as a condition of approval.

Public Hearing opened at 7:30 pm

No one spoke and there were no written comments

Public Hearing closed at 7:31 pm

Williams agrees that there is a conflict of the VMX zoning and the required utility easement. This area needs to be looked at for if it should be a parkway or something else. He is interested in removing number 7 as a condition of this project approval.

Wensman would recommend changing the wording of condition #8 to read if there is an access to 39th street, that it be a shared driveway. Williams is wondering if it would be better to say that there will be only one access permitted to 39th Street for those 2 lots.

Williams would like condition 9 to state that the City will work with the owners of Brookfield II building to analyze parking needs with the possibility of shared parking with Brookfield II building and submit their findings to the City within 60 days of approval. Wensman stated that there are no building plans yet and they should be required to submit that with the site plan review. Dodson's concern is that the building plans will not come at the same time.

Williams is wondering if something should be included in the findings that it would be desirable for the existing Brookfield parking to be shared with the new development. That way it is not a condition of approval, but makes it should desirable.

M/S/P: Dodson/Williams, move to recommend approval of the zoning Map amendment to rezone the property located at 3880 Laverne Ave to Village Mixed Use, **Vote: 6-0, motion carried unanimously.**

M/S/P: Dodson/Lundquist, move to recommend approval of the Minor Subdivision request for the property located at 3880 Laverne Ave, subject to the 11 outlined conditions of approval as amended and based on the amended findings, **Vote: 6-0, motion carried unanimously.**

Public Hearing – Comprehensive Plan Amendment – to create a new land use designation called “Golf Course Community” with updated maps and figures

Wensman started his presentation regarding the Comprehensive plan amendment for the former Tartan Park property. There would be 5 changes to the comprehensive land use plan. 1) A new land use category called “Golf Course Community” 2) updated density of 1.5-2.49 3) updated planned land use map 4) “Preservation of Community Amenities” will be added which describes the need for “Golf Course Community” land use 5) updated map to reflect the changes to the MUSA.

The City has broad discretion when regarding property. The Golf Course Community specifically ties the residential development to the golf course and cannot be redeveloped if the golf course is eliminated. The Royal Golf development will be a PUD and if an amendment was requested to eliminate the golf course, it would be inconsistent with the Comprehensive Plan and would be denied.

There are 4 changes to the Comprehensive wastewater management plan 1) reference made to the Golf Course Community on former Tartan Park property 2) Community Forecast for areas served by regional sewer service (REC Units) was updated to reflect the addition of Royal Golf development 3) Table 6B updated to reflect the increased sewer flows by the addition of Royal Golf Course Development 4) Maps were updated to reflect changes in the MUSA to accommodate the Royal Golf development.

Staff is recommending not guiding the Emerson property to Golf Course Community at this time because 1) net density is .46 if platted alone, less than 1.5 min 2) if platted with Royal Golf, net density would be 1.43, brings the average d.u.a. to lower than 1.5 3) not ready to plat at this time 4) Brings MUSA average from 3.7 with RG to 3.3 d.u.a.

A letter was received from the Homestead Homeowners Assoc which asked for less density and greater buffers.

An email was received from Mike Tate giving support for the Golf Course Community.

Dodson stated that he is still concerned about the road access to 10th Street. Wensman stated that he is under the impression that there is an agreement with Mr. Emerson for the road access.

Williams stated that on page III-13, the changes in blue do not incorporate the changes that the Planning Commission recommended at their meeting on December 12, 2016. He is wondering if this property was developed as an OP development, could the Golf Course be included as the open space. Wensman stated that would be a possibility, but there would be no urban services. The Shoreland ordinance requires urban services, so there is a conflict in the codes.

Clark Schroeder, Royal Golf, stated that the road going through the Emerson property is an absolute according to the City Engineer for Cul-de-Sac length and for the gravity system going through there. The city will own a lift station on the Emerson property with an easement through that property.

Public Hearing opened at 8:06 pm

Terry Emerson, 2204 Legion Lane Circle N, he is not interested in being with the Golf Course Community, but he would like to see the MUSA line include his property because he believes the sewer should be along the lake and that is what the Shoreland Ordinance calls for. He doesn't see any ordinance that his property would fit under. Emerson stated that this is a 28 acre piece of property and he is looking to put in about 13 lots with sewer and water.

Philip Simonet, 11125 14th Street, he feels the density is way too high and is inconsistent with the mission statement of Lake Elmo. He would like to see some restrictive covenants for the golf course not being redeveloped. He feels that the setbacks should be much more substantial.

Shelli Wilk, 11253 14th Street, she is pleased that the City is looking at Golf Course Community instead of the Village Transition. However, she has a petition signed by over 160 residents asking for Rural Area Development on this property. This is more in line with what is in the current Comprehensive Plan. She would like to see lower densities to protect the natural resources in this area which is more in line with the DNR recommendations.

Ann Bucheck, 2301 Legion Ave, she feels that this comprehensive plan is tailored to one property and might even be considered spot zoning. She doesn't believe that Tartan Park is a City Amenity, but was a private amenity. She also feels that there should be a conservation easement on the open space. The city decided that the sewer would be kept south of 10th Street and in the Village Area. What has changed? Why are we giving up the low density that was supposed to be north of 10th Street? She feels that this property could easily be developed in an OP development. The Shoreland Ordinance does not require that a development be sewerred.

Michael Zwiefel, 2055 Manning, the developer purchased this property as a golf course. There was no guarantee that anything else would be allowed there when the property was purchased. If the City is going to accommodate residential, he is still confused on why anything other than what is around the rest of the area would be allowed.

Stacey Stoffregen, 2390 Legion Lane, she is concerned about the safety of 20th Street for biking and pedestrians. It is already congested and will get increasingly so with additional housing.

Tim Mandel, 2479 Lisbon Ave, he feels that when comprehensive Plan changes are made, it affects a lot of people. He feels that it is an important document that should not change frequently. This Golf Course will be doing a lot of things such as the fitness center to make money. These are all things that people have to get to, which will create a lot of traffic.

Public Hearing closed at 8:30 pm

Williams is concerned that there is no significant guarantee that the golf course will remain. He is concerned that double the houses could be put in. The DNR and PCA consider community septic as legitimate public sewer. He is interested in having this OP density served with a community septic with the golf course being in a conservation easement.

Wensman stated that the DNR states that municipal sewer is required if available. Our ordinance currently requires it. That ordinance is under discussion later on this agenda.

Lundquist stated that she feels it should be sewerred because of the Shoreland. Her concern is to ensure the open space. She is also concerned about the setback. She feels it should be much greater. She is concerned about 20th Street. It is already unsafe and with more traffic, it will be even worse.

Dodson is concerned about preserving the golf course for open space. His concern with using the open space ordinance is that it cannot have municipal sewer. He is not a fan of community septic. He is also concerned that if the Emerson property is not included in the MUSA tonight, he will have a difficult time getting it put in at a future date. Wensman stated that if we went down to a minimum density of .46, this would bring us below the 3.00 required by the Met Council and this Comprehensive Plan would not be approved.

Williams stated that we do not need more sewerred development to meet Met Council guidelines. Until 2011, it was not public and was not an asset of the City and we need to stop referring to it as something that needs to be preserved.

M/S/W: Williams/Dodson, move to postpone consideration of the Comprehensive Plan Amendment until we receive an analysis of the West metro golf course case from the City Attorney, ***Motion was withdrawn.***

Larson wants people to recognize that this is a good development. There are some negatives, that have room for discussion, but this is a very unique and historic golf course.

Administrator Handt stated that she did receive a memo from the City Attorney today. The court concluded that the deciding factor was whether the denial of the Comprehensive Plan Amendment leaves the property owner with any reasonable use. If there is a less dense development that is economically viable, the court could make a different decision. Williams is still concerned that once this property develops with the golf course, at some future date when the golf course is no longer viable, a developer will come forward to redevelop the golf course and the City will have no alternative but to allow housing there as a park or open space at that time is not a reasonable use. The only way to protect against that is to put it in a conservation easement.

Lundquist asked how much of the land is required to remain open with the Shoreland Ordinance. Wensman stated that a minimum of 50% of the Shoreland area needs to remain open. Most of the golf course is not in Shoreland.

Kreimer asked about developments on golf courses in other communities. He is wondering if when people buy these homes if they are just risking that it will always

remain a golf course. Williams stated that the significant thing here is that the City is extending sewer and having more density.

Sheila Smith, 2121 Legion Lane, residents that surround the golf course are already in this situation. They bought their homes believing that Tartan Park would always be there and they are finding out that is not the case. She is concerned about the density with or without the future of the golf course. If the golf course fails, it will be even more dense.

Clark Schroeder, Royal Golf Course, if you have a private golf course, everyone in the development would own part of the golf course and it would be run by the HOA and there are requirements for all of the homeowners. They do not feel that is a viable business model. They feel that for the golf course to be successful, it would need to be debt free and they need the density they are proposing for that to happen.

Williams would like something put in where it talks about the preservation of the golf course that it state some kind of a period of time. They had previously talked about a 25 year guarantee. Wensman stated that it seems unenforceable. Williams stated that they could put it in and the City Council could take it out after talking to the city attorney. Dodson stated that he would strike that whole sentence.

M/S/P: Williams /Dodson, move to recommend adding to page III-3 one expansive open space that does not share the same certainty of continuance, ***Vote: 6-0, motion carried unanimously.***

M/S/P: Williams /Lundquist, move to make the following changes: change the words “destination within the community” to an “expansive open space” that is worth saving if at all possible. At the end of the paragraph, delete “amenity rather than develop the land as a standard OP rural development”, ***Vote: 6-0, motion carried unanimously.*** Kreimer asked if these additional 292 units can be used to reduce the number of required units south of 10th or in the Village Area. Wensman stated that anything that is already in the MUSA has to remain at a minimum of 3. We need to stay pretty much at what we already have to meet the 3 tiers of the Comprehensive plan such as affordability in the Comprehensive Plan.

Williams stated that there is a practical limit to what we can lower the density to. He doesn't think that they can go any lower if they want to have sewer there. Dodson stated that alternate uses for that property could be an open space development or rural residential or residential estates. Dodson is leaning towards residential estates vs. golf course community because there is too much uncertainty around the golf course.

Williams asked Dodson for clarification if he would rather have this property rezoned residential estates rather than having a golf course. Dodson stated that he would. Williams stated that we don't need a golf course in Lake Elmo as there are many golf

courses within driving distance. Williams likes the idea of residential estates. Lundquist stated that this property was sold by one private property to another. Her concern is that the City needs to be accountable for protecting the Community and upholding our standards, but also recognizing the rights of the property owner. She is uncomfortable with the conversation of rezoning it to residential estates. Williams stated that at the Comprehensive Plan level, they would be talking about zoning it as rural development which would include AG, RR and RE. The City has the most discretion at the Comprehensive Plan level as long as it is a reasonable use of the land.

Handt stated that she would encourage them to either approve this or deny this tonight. The whole reason that this is back is that what is talked about needs to be advertised. They do not have to go into the details of if they do not do the golf course community, what would they like it to be at this time. They can either approve this Comprehensive Plan Amendment, or start developing findings for denial.

Kreimer asked if the City Council asked them to start developing standards for the Golf Course Community. Handt stated that they did. There was interest from the Council in the Golf Course Community and the Council asked that the Public Hearing be held to talk about it. Williams stated that he was told by at least one member of the City Council to be sure and tell the City Council what the Planning Commission wants, not what they think the City Council wants.

Wensman stated that if the Planning Commission wants to go with a different land use designation, they would have to deny this application. The City would then have to advertise and hold a public hearing for a different land use designation.

Dodson stated that he takes into consideration private property rights of one property and weighs it against the property rights of the surrounding neighbors. Those 2 are sometimes in conflict with one another.

M/S/: Williams/Dodson, move to recommend denial of the comprehensive plan amendment proposal to create a new land use designation called "Golf Course Community" with the following findings 1) we do not need any more sewered units 2) the current Comprehensive Plan reflects the overwhelming desire of Lake Elmo residents to limit residential growth and sewered growth 3) one of Lake Elmo's core values is to preserve rural character 4) sewered development north of 10th street does not preserve the rural character 5) there is a significant but unknown level of risk that the golf course would be redeveloped into more housing in the future 6) there are a significant amount of Lake Elmo residents that live in the area that object to the project based on density that would come with the sewer, ***Vote: 3-3, motion did not pass, with Lundquist, Larson and Kreimer voting against.***

Kreimer is not in favor of denying the proposal. He feels this development has a lot to offer and that the developer has done a lot to make this a very nice development. He is

concerned about what else this could be if this is denied. Larson agrees that it would be unfortunate if they let this development go. He doesn't think anything this good will come forward in the future.

Williams asked Kreimer for clarification of what he thinks the good aspects of the development are. Kreimer stated that he thinks the types of houses vs the types of houses in some of the other developments we have are much more quality. He feels they are high value homes that will make a beautiful neighborhood which would be a great asset to the City. Larson thinks the connectivity and the ability to have access to all the landscapes of the golf course and environmental features that will be connected by trail system.

M/S/: Kreimer/Lundquist, move to recommend approval of the comprehensive plan amendment proposal to create a new land use designation called "Golf Course Community", with the amendments as discussed in the 2 previous motions, with the following findings 1) golf course community would protect a regional amenity that the City wishes to maintain 2) the sewered development would protect the Shoreland from pollution 3) the densities would support an efficient level for municipal sewer 4) the golf course is another form of open space 5) there are a significant of residents around the property that object to the density and subsequent traffic increase, **Vote: 3-3, motion did not pass, with Griffin, Williams and Dodson voting against.**

Dodson is concerned with the thought process of relying on the fact that this developer is a quality developer. Things can change and that doesn't always maintain throughout the development.

M/S/F: Williams/Dodson, move to recommend to the City Council that this land be guided for rural development with a preference for residential estates zoning, **Vote: 2-4, motion failed.**

Rick Packer, Royal Golf, stated that they have initiated the process to reguide this property. The Planning Commission has chosen not to give a recommendation to the City Council. He doesn't understand why the City has a burning desire to guide this property rural development. He is not sure why the City would want to guide this property for something that they are not asking for.

Williams is not in favor of extending sewer north of 10th Street. He is in favor of a property owner having a reasonable use of his land. In Lake Elmo, north of 10th Street, excluding the Village Area, a reasonable use of property is rural residential development. Packer stated that if the motion fails, to do anything with this property, they would need to come back in and ask to have the land reguided to something else. Williams stated that the motion on the floor asks the City Council to guide the property as rural development without any further initiation from the property owner.

Kreimer is not in favor of the motion. He thinks they should just wait for the Comprehensive Plan Amendment process and see what the Council comes back with. Larson is in agreement with that. Williams stated that in defense of the motion, it is reasonable to give the City Council an alternative since there was not a specific recommendation one way or another on the request that was before them.

Public Hearing – Zoning Text Amendment to create “Golf Course Community” Zoning.

Becker started her presentation of the ZTA for the Golf Course Community Zoning District. This is a rough draft of what a golf course community would look like as a land use plan. Becker went through the uses that would be allowed in GCC either as permitted or conditional uses. The density for residential would be 1.5-2.49 units per acre. Becker went through the minimum lot size and setbacks and comparisons to LDR zoning and why staff is recommending these. The recommended open space is something that they need to discuss. Staff is recommending 50% of the gross acreage be dedicated to either a golf course, its accessory uses or as open space. There would be a 100 foot buffer required from external residential lots within the City. The buffer area shall be part of the required 50% open space. This buffer may be reduced by the council if there is a visual buffer provided. There must be connectivity and adequate street design to support the proposed uses. There are a number of site development standards set forth for allowed and conditional uses, in addition to the ones already established in the City Code. Staff also is proposing to add semi-transient accommodations at the request of Royal Golf. If this use is added, there would be standards specific to Golf Course Community. The only comment that the City has received from the public hearing notice is to include more standards for indoor recreational facility.

Dodson asked if the semi-transient accommodations would be considered commercial. Wensman stated that would probably be used for the owners or relatives of residents who live in the community.

Williams thinks that on page 14 of proposed zoning code (O) (4), regarding street designs can be struck as they are required to meet current street standards anyway.

Clark Schroeder, Royal Golf Course, stated that the concept of the cottages is something they have not fully vetted out, but is still in the idea stage. Schroeder stated that the buffers are currently very similar to the OP buffer setbacks. Dodson is wondering why the City would deal with the cottage issue now if it is just a concept and not at a future date so they can really think about what conditions might be necessary. Wensman stated that they would not have to approve this tonight. They noticed the public hearing for tonight, but it could come back at a future date.

Public Hearing opened at 10:35 pm

Ann Bucheck, 2301 Legion Ave, she hopes that the public hearing is extended as this is the first time that they are hearing about some of these things. She feels that adding 4 more cottages increases the density again. She doesn't think the cottages are necessary on site which is more like a B & B. There a lot of places to stay in the area and she does not feel these are necessary at the golf course. She does not feel the minimum lot size should be reduced from the 20,000 square feet. She feels this area does not need the substantial traffic indicated with the recreational use. She does not want to see any exterior secondary dwellings as they are not appropriate for this development. There is a standard of a 100 foot buffer. She would argue to make it bigger vs. smaller. She would like the public hearing extended as new things have been brought up and the public has not had a chance to look at them completely.

Tim Mandel, 2479 Lisbon Ave, he is wondering if they can issue a conditional use permit for anything they want on this property. This is not a commercially zoned property, and these cottages would be "commercial". He does not want to see a lot of these more "commercial" things put in as if the golf course fails, those buildings will be used for other things.

Public Hearing closed at 10:42 pm

Dodson would like to change the lower end of the density from 1.5 to .9 to allow for the lowest density possible. Kreimer is concerned about that because of what it will do to the other areas to keep minimums for the Met Council.

Williams is concerned about the secondary dwelling. He is fine if it is inside the dwelling, but he is not in favor of having additional structures on the properties. If this is specific to Golf Course Community, he would like the definitions and standards for secondary dwelling to read a residential unit located within the principle structure or above an attached garage. Becker stated that this is a definition for this use for anywhere that this is allowed, not just for Golf Course Community.

M/S/P: Williams/Dodson, motion to have a definition for secondary dwelling specific to Golf Course Community that reads a residential secondary dwelling unit is located within the principle structure or above an attached garage, **Vote: 5-0, motion carried unanimously.**

M/S/P: Williams/Kriemer, motion to add letter Q on page 15 to add indoor recreation Golf Course Community district this a conditional use only if it is owned and operated by the same entity that owns and operates the golf course or CIC. This is not allowed as a free standing commercial operation open to the public, **Vote: 5-0, motion carried unanimously.**

M/S/P: Williams/Dodson, motion to change Item (O) (3) connectivity on page 14 to read “Trails, walkways and paths must make planned connections to planned external trails and walkways and paths within the community, **Vote: 5-0, motion carried unanimously.**

M/S/P: Dodson/, motion to delete Item (O) (4) on page 14 regarding street design, **Vote: 5-0, motion carried unanimously.**

M/S/P: Dodson/, motion to delete Item (O) (4) on page 14 regarding street design, **Vote: 5-0, motion carried unanimously.**

M/S/P: Williams/Dodson, move to require that the restaurant and drinking establishments must be in the same structure as the clubhouse and golf shop, **Vote: 5-0, motion carried unanimously.**

M/S/P: Dodson/Williams, move to require the clubhouse follow the city’s commercial design guidelines and standards manual for Lake Elmo, **Vote: 5-0, motion carried unanimously.**

Williams is not in favor of including the semi-transient accommodations without further definition. Kreimer stated that he doesn’t feel that they need to do that now. Wensman stated that this would be the time to include it and get the definition set, otherwise they will need to do a zoning text amendment in the future. Handt suggested that they could table this to the next meeting which would give staff time to draft the standards.

There was discussion regarding the 9000 square feet minimum lot size and how that number was arrived at.

M/S/P: Williams/Kreimer, move to table the addition of a Golf Course Community Zoning District to the Zoning Code until standards are received for the semi-transient accommodations, **Vote: 5-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment amending the City’s Shoreland Management Overlay District

Becker started the presentation with some history regarding the Shoreland Ordinance. In 2014, a Shoreland ordinance was drafted that was modeled after Woodbury’s. It was submitted to the DNR, but the DNR did not approve it. In 2016, staff started working to make amendments to submit to the DNR. Definitions were removed, 4 water bodies were removed, Berschen’s Pond was added, and the language for water oriented accessory structures was kept. The DNR suggested that the City include a Forest Land Conversion as a conditional use with standards. They also suggested deleting the riparian dedication, changed the setbacks and impervious standards. Standards are

addressed for lots intended as controlled access to public waters, restrictions on roads, driveways and parking areas and subdivision standards. There is a nonconformities section and a more detailed list for the planned unit development section. The proposed ordinance for a PUD maps out what the open space can and cannot be. There were 2 public comments received. One comment was asking for an increase to setbacks for sewer development on Natural Environment Lakes from 100 ft. to 150 ft. The second comment is requesting that Goetschel pond not be removed.

Dodson asked if community septic is considered sewer or unsewered. Becker stated that by City standards it would be considered unsewered. The DNR might have a different standard.

Dodson stated that the proposal states that when municipal sewer is not available, a community septic is required. Is there a minimum number of lots for that? Becker stated that by City PUD standards, a minimum of 5 acres is required and they would have to adhere to the minimum base standards of the district.

Williams would like the wording regarding the requirement for 50% open space more clear to say only in the shoreland area vs. the total project area.

Public Hearing opened at 11:39 pm

Ann Bucheck, 2301 Legion Ave, she is wondering how much of the shoreland area has to be open space. Becker stated that they spoke to the DNR and they stated that it does not mean the open space needs to be in the shoreland area and that it can transfer to anywhere in the project area. She is wondering if it is requiring city sewer. Becker stated that with a PUD, when city sewer is not available, a community septic is allowed.

Terry Emerson, 2204 Legion Lane Circle N, went through a few of the water bodies on the list and a number of them would not meet the ordinance. He thinks there will be a lot of issues with the current homes on the lakes that do not meet the code and are going to be coming in for variances. He feels that changing the building setback from 100 to 150 feet is a little excessive as compared to the lakes that are already developed.

Public Hearing closed at 11:56 pm

M/S/P: Williams/Kreimer, move to recommend keeping Goetschel Pond in the Shoreland classification table, ***Vote: 5-0, motion carried unanimously.***

M/S/P: Williams/Kreimer, move to recommend clarifying the open space requirements for PUD: open space must constitute at least 50% of the total project area within the Shoreland, ***Vote: 5-0, motion carried unanimously.***

M/S/P: Williams/Kreimer, move to recommend approval of Ord. 08- . amending section 154.800: Shoreland Management Overlay District of the Zoning Code, ***Vote: 5-0, motion carried unanimously.***

City Council Updates – December 20, 2016 Meeting

- i) Boulder Ponds 2nd addition Final Plat and PUD extension – passed.
- ii) Village Area AUAR – passed.
- iii) Diedrich Property zoning map amendment – passed.
- iv) Comprehensive Plan to meet population targets and growth plans – forwarded to Planning Commission.
- v) Moratorium ordinance – repealed.
- vi) Low impact development standards – referred to Planning Commission.
- vii) Noise Ordinance – failed.

City Council Updates – January 3, 2017 Meeting

- i) Hammes Estates 2nd Addition Final Plat – passed.
- ii) Planning Commission appointments of Gary Fields and Dale Dorschner.

- 1. Upcoming Meetings
 - a. January 23, 2017
 - b. February 13, 2017

Commission Concerns

Meeting adjourned at 12:30 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



**City of Lake Elmo
Planning Commission Meeting
Minutes of February 13, 2017**

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

COMMISSIONERS PRESENT: Kreimer, Dodson, Dorschner, Williams, Lundquist and Hartley

COMMISSIONERS ABSENT: Fields, and Larson

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

M/S/P: Williams/Dodson, move to approve the agenda as amended, adding picking a member of the Planning Commission to be on the Comprehensive Plan Advisory Board as item 5b, ***Vote: 6-0, motion carried, unanimously.***

Approve Minutes: January 9, 2017

M/S/P: Williams/Lundquist, move to approve the January 9, 2017 minutes as amended, ***Vote: 6-0, motion carried unanimously.***

Approve Minutes: January 23, 2017

M/S/P: Dodson/Dorschner, move to postpone consideration of the January 23, 2017 minutes until the next meeting, ***Vote: 6-0, motion carried unanimously.***

Public Hearing – Zoning Text Amendment and Conditional Use Permit – 3549 Lake Elmo Ave

Wensman started his presentation for the Zoning Map Amendment and CUP for 3549 Lake Elmo Ave. Christ Lutheran Church owns this property and now has a buyer for the property. The Church would like to separate part of the parking lot and keep that portion of the property. In 2013 the Church had approval for a variance and lot split. They did not proceed with the lot split as they did not have a buyer for the bank building. The variance is now expired, as they are only good for 1 year. This property is currently guided Village Mixed Use. Wensman stated that a variance is not the way to go forward at this point. It would be more appropriate to rezone the property to Village Mixed Use. There is no minimum lot size in this district which would allow the property owner to subdivide. A parking lot is a conditional use in this zoning district.

The City is suggesting 3 conditions of approval. 1) that there be a shared parking agreement between the church and new property owner 2) a drainage easement be provided along the storm water infiltration area that collects storm water runoff from both parcels 3) a formalized document for a drainage and utility easement for the storm sewer pipe reinstalled as part of downtown project executed and recorded.

Williams asked if the minor lot split was administrative. Wensman stated that it is administrative, but cannot be done until the property is rezoned to Village Mixed Use. (statement corrected on page 4)

Dorschner asked why the City would ask for the shared parking agreement if VMX does not have required parking. Wensman stated that it is to ensure that both users will have access to that parking lot. Dorschner stated that he thinks that should just be a private agreement between property owners and not a condition of approval. Wensman stated that was a condition for the variance and they just brought it forward, but the Planning Commission can remove if they desire. Dorschner is wondering if the drainage and utility easement is the same thing. Wensman stated that it is 2 different things. One is for the pipe and one is for the shared drainage area in the parking lot. Hartley asked if either property is sold, will they have to come back to the City to change the use on the property. Wensman stated that if it is a conditional use, it would have to come back through the process. If it is a permitted use, it would be a certificate of zoning compliance and the staff would review it for compliance administratively.

Jim Kelly, for Christ Lutheran Church, stated the Church purchased this property primarily for use of the parking lot, but they have also maintained the building and have rented it in the past. They are ready to sell the building and get it back on the tax rolls.

M/S/P: Williams/Dodson, move to hold the 2 public hearings simultaneous for the Zoning Map Amendment and CUP, **Vote: 6-0, motion carried unanimously.**

Public Hearing opened at 7:21 pm

No one spoke and there were no written comments

Public Hearing closed at 7:22 pm

M/S/P: Lundquist/Williams, move to recommend approval of the zoning map amendment to rezone the property located at 3549 Lake Elmo Avenue from GB – General Business to VMX – Village Mixed Use, **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Lundquist, move to recommend approval of a Conditional Use Permit for a parking facility on the property legally describes as “Lot 29 except the south 40 feet thereof, County Auditor’s Plat No. 8, Washington County, MN” with the findings and recommended conditions of approval, **Vote: 6-0, motion carried unanimously.**

M//P: Dorschner/, move to make an amendment to remove condition #2, requiring an easement for shared parking, **Vote: 3-3, motion fails. (Note: there was no formal second)**

Dorschner feels the shared parking agreement should be between the 2 business owners as it is not a requirement of the VMX zoning district. Wensman stated that it might be worth touching base with applicant to see what their preference would be.

Mr. Kelly, representing Christ Lutheran Church stated that it was a requirement of the variance at the request of City Staff. The Church feels that that fewer agreements that go into the future would be preferable from a property standpoint. They would be in support of the amendment as described.

Wensman asked the Commission to reaffirm their recommendation of approval for the lot split and corrected a previous statement that the lot split did require Commission and Council approval which was granted by Resolution 2013-46.

John Whitcomb, representing the buyer of the property, stated that the easement will be in place regardless of the action tonight. There is an agreement in place between the buyer and the seller that this easement will be put in place.

Dorschner stated that his reason for recommending removing this condition is because VMX does not require parking and he does not want to see the City setting a precedent to require commercial to find parking.

Williams would like to speak against the motion because even though it isn't required in the VMX, it is very valuable downtown and at a premium. He thinks the shared easement will benefit both properties as well as the City. Kreimer agrees with Williams and would like to see the easement put in place. Dorschner agrees that parking is at a premium, but he feels it is something the Planning Commission needs to think about, not putting that burden on the business owners that currently have that asset. If parking is required, it should be required and not done piece meal.

Hartley agrees with Dorschner from the standpoint that if parking is important to businesses in the VMX district, than it should be required of all businesses. He feels that the City needs to look down the road and consider what could happen in the future on those two properties. This creates an oddity in the VMX zone. He feels this is somewhat of a backdoor requirement for parking. Dodson asked what would happen if they want to change the number of parking spaces. Would that violate the easement? John Whitcomb stated that the easement is a benefit to both property owners and the only way that the easement can be changed is if both parties agree to the change.

Hartley stated that both of the parties have agreed to an easement agreement that they are comfortable with. He does not feel that the City needs to be involved with the private agreement. He feels that since VMX does not have a parking requirement, if the City requires the agreement, it is creating an awkward situation for the future. If something changes with the properties, with the City requiring an agreement, it would have to come back to the City vs. the property owners working out a different agreement.

Williams stated that the conditions are for the Conditional Use for parking. Parking is a Conditional Use in the VMX zoning and therefore he feels that it is very appropriate for the City to put conditions on the parking that are useful for the City and the property owners. Nothing that he has heard so far has indicated to him that anybody is losing anything by having this condition retained. He feels it does not set a precedent as it is specifically related to this CUP, not the general zoning district.

Dorschner feels that by putting this condition in place for the parking lot, it is not treating the old bank building property like a VMX property. It is placing a condition on it that they have to have an easement with the church for the parking.

M/S/P: Williams/Kreimer, move to recommend re-affirming approval of Minor Subdivision granted by Resolution 2013-46, **Vote: 6-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment to repeal OP-ALT District

Wensman started his presentation giving background about OP-Alt District that was created in 2010. This was repealed from the Comprehensive Plan, but it still exists in the zoning code. There is nothing guided for this zoning, so staff has prepared a Zoning Text Amendment to repeal it from the zoning code.

Public Hearing opened at 7:43 pm

No one spoke and there were no written comments

Public Hearing closed at 7:43 pm

M/S/P: Williams/Dodson, move to recommend approval of repealing Article XV – OP-Alt District from the Zoning Code, **Vote: 6-0, motion carried unanimously.**

Business Item – Village District Zoning Discussion

Wensman started his presentation by stating that there are some projects coming forward that are guided for Village LDR, but there are no standards set forth for this district. There are a couple of the Village developments that were approved using the

LDR guidelines, but he thinks that was more of a convenience utilizing a loophole in the zoning language. Staff has created draft Village LDR and Village MDR regulations. At the end of the last meeting, it was discussed about having staff prepare a basic, streamlined ordinance that could be worked on over time. It is important to get this in place now as there are a couple of developments likely to come forward that this would apply to.

There were some things looked at and taken out, such as the requirement for sidewalks on both sides of the street. There has to be some kind of balance between density and requirements for infrastructure.

Lundquist asked which properties this would apply to. Wensman put up a map showing which areas of land this pertained to. Williams asked what the densities are for the LDR that was approved. Wensman stated that it has a density of 2.5 and the V-LDR is guided for 2.49 du/ac in the Comprehensive Plan. Part of the discussion at the last Planning Commission centered on the densities for the Village area being lower than South of 10th Street.

Hartley asked what the density is for a sewered area. Wensman stated that Met Council wants the average MUSA area to be a minimum of 3.0 throughout the City sewered area. Hartley asked if they redo this density, would the City still meet the required MUSA densities for sewered properties. Wensman stated that as the Village develops, the City will need to watch and manage the development below 3.0. Royal Golf will bring our average down, but not below 3.0. Hartley is wondering if the City is backing itself into a corner. Wensman stated that most developers are going to want to get the most density that they can get on a piece of property, based on what the market demand is. Wensman stated that the Comprehensive Plan currently guides the Gonyea West property as V-LDR & V-MDR. With the Comprehensive Plan update on the horizon, that may be something that the City might want to consider. Dodson asked how the density is calculated in the MUSA and if open spaces are included. Wensman stated that some of the developments seem denser as we allow smaller lot sizes. It is almost like a transfer of density which leaves some areas more open, and the lot area more dense.

Williams asked if any of the developers that are guided for low density have requested to be guided for higher density. Wensman stated that the only one that he is aware of is Easton Village. They would like to do the rest of the development as Villas and smaller lots, but cannot.

Dodson is wondering how the MUSA is calculated as far as the density goes. Staff explained that it is determined by how the land is guided in the Comprehensive Plan. Hartley stated that his point is that the City not set ourselves up by specifying low densities that get used and then we find out down the road that we have to put in a high density high rise to get out of issues with the Met Council. Wensman stated that the Met Council also has requirements for affordable housing and as a result of that,

there needs to be a certain amount of land guided for medium and/or high density to meet those requirements. The amount of medium and high density guided currently meets those requirements through 2040.

Williams stated that the residential developments that have been approved so far are at the low to middle density ranges, and he is concerned about the trend toward getting closer to going under the 3.0 units per acre. Williams stated that in other cities there are lots that are smaller and narrower, but you see a more modest home on the lot. He is not sure how the City can have proper urban development with these huge homes on the lots. Williams cannot recall why the density is lower in the V-LDR than it is for LDR. He is wondering if anyone else knows what the reasoning was as it seems counterproductive. Williams is wondering if they can postpone taking action on this until they can consider the density issue. Wensman stated that it would be something he would need to talk to the City Attorney about.

There is a precedent that the LDR zoning was used in the Village in the past. He is not sure how appropriate that was. Wensman stated that they can certainly postpone, but if a development comes forward, the developer will need to know how to proceed.

Dorschner asked if all of the medium and high density is south of 10th Street. Wensman stated that there are places in the Village area that allows VMX which is up to 10 units per acre. The VMDR is essentially the same density as the LDR found south of 10th Street.

Lundquist stated that she feels in the past, the City has not paid close enough attention to the terrain. The 2 developments north of Old Hwy 5, Village Preserve and Wildflower at Lake Elmo, has had flooding. The Gonyea West property is a field now that has regular ponds there regardless of if there are crops there. If houses go there, she is concerned that they will have water problems. Wensman stated that any new development is required to capture their runoff on-site so there will be extensive ponding to address the runoff.

Dodson asked about page 9 of the proposed ordinance talking about new housing types and why there can be no more than ¼ of lineal frontage of a developed block converted to townhouse units. Wensman stated that it was taken from the MDR language for townhouse as it is a conditional use. Wensman believes the language was intended more for redevelopment so that they do not tear down a whole block of existing homes for townhouses. Wensman suggested this should be rewritten to only address redevelopment.

Williams is interested in getting the City Attorney's opinion on whether what was done in the past was appropriate and how they should proceed to effectively increase the density in the V-LDR. Wensman stated that to increase the V-LDR density, a Comprehensive Plan Amendment is required. Williams would like to see a

Comprehensive Plan Amendment to see the Gonyea West property changed to V-MDR which would match LDR. Wensman stated the alternative is to see what Gonyea West proposes. If they propose something less than 2.5, the ordinance could be quickly adopted or if they are interested in higher density we can let them know that there is some support for it. Hartley doesn't feel it is appropriate to have the developer put money and effort into plans based on a certain density and then the City changes what it is looking for. Dorschner is wondering what the real concern is as we haven't even looked at south of 10th Street yet. He is wondering if the Comprehensive Plan is followed the way it is, would there be a problem? Wensman stated that the plan as it is now, is still above 3.0 units. Wensman stated that it isn't the issue of the numbers, but of the desire for connectivity and for the Village to be a viable commercial district. The more homes, the easier it is to achieve this. Dorschner feels that looking at changing densities needs to be looked at as a complete package including the south of 10th Street area. He doesn't think that residents want overall greater numbers throughout the City and does not want to see higher density somewhere it is not needed.

Wensman stated that it is part of the larger Comprehensive Plan discussion that will take place over the next 6-8 months. The problem is that Gonyea West and Village Park Preserve will probably come in sooner than that. There is no action item before the Commission, but the City needs to get ready with a zoning district for when the projects come in. Hartley is wondering if he can tell them what the overall sewered density is compared to the Met Council requirements and if density changes somewhere, do we know where we will be at. Wensman stated that there is a worksheet from the Met Council that calculates that. Williams stated that he is not in favor of more development, however, he is trying to be realistic about the development patterns in the Village and what would be a good scheme to make it viable. He feels that if some of the Village properties are adjusted, there are ample opportunities south of 10th street to make adjustments. Dorschner feels that to the North of the Gonyea West property is open space and to make it higher density does not give that buffer zone. He thinks the higher densities should be closer to the central Village and they should be lower as it moves out as there are larger properties and open space developments as you move out. Williams agrees with that statement.

Dodson wanted to talk about the maximum setback requirements. At the last meeting there was a build to line and he would like to see what the rest of the Commission thinks. Wensman stated that a build to line makes more sense in an urban district like VMX, but not so much in the V-LDR/M-LDR district. If a build to line is put into VMX, they will need to decide what areas to put it in as it does not make sense in all places. Kreimer feels that they should move forward with the zoning district so that the City has something in place if development comes forward. If the Council is interested in higher density on the Gonyea West property, the City could move forward with a Comprehensive Plan amendment.

Lundquist does not want to see this land developed higher than it is currently designated. She does not feel the terrain and the wetlands would support it without problems.

Wensman stated that he could put together the ordinance for V-LDR that would mimic LDR with a few differences and bring back a draft before holding the public hearing. The V-MDR can be addressed after the Comprehensive Plan update. The Planning Commission was agreeable to that. Williams asked that when the V-LDR ordinance is brought back could there be findings included. He would like the imminence of the Gonyea West development noted as well as the fact that the Planning Commission is interested in increasing the density of the VLDR, but it requires a Comprehensive Plan Amendment.

Comprehensive Plan Advisory Board

Wensman stated that they are kicking off the Comprehensive Plan process. They have met with the consultant SHC. They proposed the Comprehensive Plan Advisory Board which would include a representative from the Parks Commission, Planning Commission, possibly Environmental Committee and possibly at large community members. Tonight he is asking that the Planning Commission Member be appointed to the Board which is not a steering committee, but an advisory board. Wensman thinks this board would meet about 6 times between now and November. Jesse Hartley volunteered to be the Planning Commission representative, with Dale Dorschner willing to be an alternate if the dates and times do not work for Hartley.

City Council Updates – January 17, 2017 Meeting

- i) Zignego Minor Subdivision and Zoning Map – passed
- ii) Golf Course Community Zoning District – passed with amendments
- iii) Shoreland Management Overlay District Ordinance Amendment – tabled
- iv) Inwood 4th Addition Developers Agreement – passed
- v) Hammes Estates 2nd Addition Developers Agreement – passed
- vi) Work Plan – Approved with addition of adding secondary dwelling as allowed conditional uses in rural districts

Staff Updates

- 1. Upcoming Meetings
 - a. February 27, 2017
 - b. March 13, 2017
- 2. Appointment of Keith Bergmann as citizen representative to the MAC Citizen Engagement Process Committee.

Commission Concerns

Dodson stated that in regards to the upcoming solar ordinance discussion, that was a topic that was brought up at the class that he went to. They mentioned the need for

the ordinance to control where solar gardens can be as they can be quite large. He is also concerned about lighting standards for streets. He is not necessarily in favor of all new developments having street lights, but now the City requires them. He would like more information regarding the standards. He would like there to be a proven need for street lights, such as high speed. He does not feel that they are always necessary in residential developments. Wensman will do some research regarding where those standards came from and what those standards are and then the Commission can talk about it. Dorschner thinks that in conjunction with the solar, they should also think about wind turbines.

Meeting adjourned at 9:02 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



PLANNING COMMISSION
DATE: FEBRUARY 27, 2017
AGENDA ITEM: 5A - BUSINESS ITEM
CASE #2016-59

TO: Planning Commission
FROM: Emily Becker, Planner
SUBMITTED BY: Zoning Text Amendment – Village Urban Districts
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

Planning Staff has amended the draft ordinance creating standards for the Village Urban Low Density (V-LDR) zoning district as well as clarified some setback standards for the Village Mixed Use (VMX) District based on feedback provided by the Planning Commission at its January 23, 2017 and February 13, 2017 meetings.

ISSUE BEFORE THE COMMISSION:

Staff respectfully requests that the Commission review the revised draft ordinance of the Village Urban Residential Districts and provide additional feedback before a public hearing and formal recommendation is made.

PLANNING/ZONING ANALYSIS:

Summary of Discussed Changes to Proposed Ordinance.

Previously proposed V-MDR District is removed. The proposed standards for the V-MDR District were generally the same as those of the existing Urban Low Density Residential (LDR) zoning district standards, and so it was not necessary to create this separate zoning district.

All Specific Site Development Standards for sidewalks and trails were removed. The Commission felt the proposed additional standards were cost prohibitive in a less dense development.

Theming Elements. The Commission recommended that elements of the 2013 Lake Elmo Theming Project be encouraged within this district, and so language involving theming was added to the ordinance. Theming would pertain to lighting, benches, sidewalks, etc.

Lot Dimensions and Bulk Requirements.

- *Setbacks.*
 - *Maximum setbacks.* While the normal minimum setback standard of the LDR district is proposed in the proposed V-LDR ordinance, maximum setbacks are also proposed in order to maintain a consistent environment where homes and family life are not too far away from the street, sidewalks, or their neighbors.
 - Side and rear yard setbacks are large enough to maintain privacy and comfortable distances between buildings and are consistent with urban residential district standards.
- *Minimum Lot Size.*
 - Slightly larger than that of the LDR zoning district (9,000 vs. 8,000).

- *Maximum Impervious Surface.*
 - Slightly less than that of the LDR zoning district (30% vs. 40%)

Preserved Open Space and Buffers.

- *Buffers Part of Open Space, Not Residential Lots.* Clarification that open space as designated in the Village Open Space Overlay District must be included in the buffer area and not as part of residential lots.

Minimum size standards for single family detached dwellings were added. These same size standards (960 square feet and 24 foot width minimum for single family detached houses) are in the rural residential and urban residential sections of the Zoning Code.

Secondary Dwelling Standards. The standard that Secondary Dwellings be located within the principal structure is added, as this was a recommendation by the Planning Commission during the Golf Course Community public hearing. The Commission should keep in mind this provision was struck by the City Council in the adopted ordinance.

Setbacks within the VMX District. Clarification on the 0-20 setback standards is provided in 154.505 (B) (1). The language indicates that the front yard setback of a new non-residential building within the VMX district shall maintain the front yard setback of the adjacent property fronting the same public street, or a maximum setback of 20 feet, whichever is less. This will assist with the challenge posed by the Village Parkway street design, which is not conducive to a zero lot line setback, as is encouraged in the VMX district.

Findings.

The Planning Commission drafted the following findings at its last meeting:

1. That certain areas of the Old Village are guided for Urban Limited Density Residential in the Land Use Plan of the Comprehensive Plan, which designates a density of 1.5-2.49 units per acre.
2. That there currently does not exist a Village Limited Density Residential zoning district which has a density of 1.5-2.49 units per acre within the Zoning Code.
3. That the Village Limited Density Residential zoning district is being proposed due to the imminence of the Gonyea West Development, which is expected to be proposed to be located within the Old Village in an area guided for Village Limited Density Residential.
4. That the Planning Commission would be interested in exploring increased densities within the Old Village as an amendment to the Comprehensive Plan.

RECOMMENDATION:

Staff recommends that the Planning Commission review and provide feedback on the addition of the proposed V-LDR Zoning Districts to Article XIII of the Zoning Code:

ATTACHMENTS:

1. Draft Ordinance

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-__

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES PERTAINING TO
STREET NAMING

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage;
Chapter 154: Zoning Code; Article XIII: Village Mixed Use District; to read the following:

ARTICLE XIII: VILLAGE ~~MIXED-USE~~ DISTRICTS

§ 154.500 PURPOSE AND DISTRICT DESCRIPTION

(A) *V-LDR Village Limited Density Residential.* The purpose of the V-LDR zoning district is to provide opportunity for lower density residential development within the Old Village and create a transition and connectivity between the heart of the Old Village and surrounding rural areas. Residential development within areas zoned V-LDR will occur at a density of 1.5-2.49 units per acre.

(B) *VMX – Village Mixed Use District.* The purpose of the VMX district is to provide an area for compact, mixed use development made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment. This district is intended to continue the traditional mixed use development that has occurred in the Village area by allowing retail, service, office, civic and public uses as well as residential units. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. The placement of building edges and treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian friendly environment envisioned for the VMX district. The standards in this chapter are intended to implement and effectuate the principles and relationships established in the Village Master Plan, which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping. Renovation and infill of traditional storefront-type buildings is encouraged, and parking standards may be waived to recognize the availability of on-street and shared parking facilities.

§ 154.501 PERMITTED AND CONDITIONAL USES

Table 11-1 lists all permitted and conditional uses allowed in the urban residential districts. “P” indicates a permitted use, “C” a conditional 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.* The following use types may be combined on a single parcel:

1. Principal and accessory uses may be combined on a single parcel.
2. A principal and secondary dwelling unit may be combined according to the standards of Section ~~155.137~~ 154.454 (C).

B. *Combinations of uses in the VMX District*

1. Single-family attached or multi-family complexes designed for rental or condominium occupancy, since these typically include multiple units and buildings on a single parcel.
2. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
3. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this Article. Office or studio uses on upper stories are encouraged.

Table 11-1: Permitted and Conditional Uses, ~~VMX~~ Village Districts

	V-LDR	VMX	Standard
Residential Uses			
Household Living			
Single-family detached dwelling	<u>P</u>	P*	155.504.A-154.505 (A) (1), (2), *(3)
Two-family dwelling	<u>-</u>	P*	155.504.A-154.505 (A) (1), *(3), (4)
Single-family attached dwelling	<u>-</u>	C	154.505 (A) (1), (4)
Multifamily dwelling	<u>-</u>	C*	154.505 (A) (1), (4), *(5)
Secondary dwelling	<u>C</u>	C*	154.505.D-154.454 (C) & *154.505 (A) (1), (6)
Live-work unit	<u>-</u>	P	155.505.J-154.505 (B) (6)
Group Living			
Group Home	<u>P</u>	P	155.102.C-154.301 (A)
Group Residential Facility	<u>-</u>	C	155.102.D-154.301 (B)
Congregate Housing	<u>-</u>	C	155.102.E-154.301 (C)
Semi-Transient Accommodations	<u>-</u>	C	155.102.F-154.301 (C)
Public and Civic Uses			
Community Services	<u>-</u>	P	155.103.C
Day Care Center	<u>-</u>	P	155.103.D
Public Assembly	<u>-</u>	C	155.505.M
Religious Institutions	<u>-</u>	C	155.505.N-154.303 (N)
Schools, Public and Private	<u>-</u>	C	155.505.O-154.303 (A)
Services			
Business Services	<u>-</u>	P	
Business Center	<u>-</u>	P	
Offices	<u>-</u>	P	
Communications Services	<u>-</u>	P	
Education Services	<u>-</u>	P	154.303 (A)
Financial Institution	<u>-</u>	P	155.505.P
Funeral Home	<u>-</u>	C	
Lodging	<u>-</u>	C	155.505.Q-154.302 (D)
Medical Facility	<u>-</u>	C	155.505.R-154.303 (B)
Membership Organization	<u>-</u>	C	155.505.N
Nursing and Personal Care	<u>-</u>	C	155.104.G-154.303 (C)
Personal Services	<u>-</u>	P	
Repair and Maintenance Shop	<u>-</u>	C	155.505.E-154.505 (B) (1)
Trade Shop	<u>-</u>	C	155.505.F-154.505 (B) (2)
Veterinary Services	<u>-</u>	C	154.505.G-154.505 (B) (3)

Food Services			
Standard Restaurant	E	P	
Restaurant with Drive-through	E	C	154.304 (A)
Drinking and Entertainment	E	P	155.505.S <u>154.304 (B)</u>
Sales of Merchandise			
Retail Trade ¹	E	P	155.505.T
Farmer's Market	E	C	155.505.AA
Garden Center	E	C	155.505.U <u>154.505 (B) (4)</u>
Neighborhood Convenience Store	E	P	155.505.V
Shopping Center	E	C	155.505.W
Wayside Stand	P	P	154.454 (D)
Automotive/Vehicular Uses			
Automobile Maintenance Service	E	C	155.505.X <u>154.505 (B) (5)</u>
Automobile Parts/Supply	E	P	155.505.X <u>154.505 (B) (5)</u>
Gasoline Station	E	C	155.505.X <u>154.305 (B)</u>
Parking Facility	E	C	155.505.X <u>154.505 (B) (7)</u>
Sales and Storage Lots	E	C	155.505.X <u>154.305 (C)</u>
Outdoor Recreation			
Outdoor Recreation Facility	E	C	155.505.Y <u>154.306 (C)</u>
Parks and Open Areas	P	P	
Indoor Recreation/Entertainment			
Indoor Athletic Facility	E	C	155.505.Z <u>154.307</u>
Indoor Recreation	E	C	155.505.Z <u>154.307</u>
Transportation and Communications			
Broadcasting or Communications	E	C	155.110.B
Accessory Uses			
Home Occupation	P	P	155.111.A,B <u>154.012 (12) (e)</u>
Bed and Breakfast	E	C	155.111.C <u>154.310 (A)</u>
Family Day Care	P	P	155.111.G <u>154.012 (12) (d)</u>
Group Family Day Care	E	C	155.111.G
Temporary Sales	P	P	155.107.B <u>154.509 (G)</u>
Parking Facility	E	P	154.505 (H) <u>(7)</u>
Solar Equipment	P	P	155.111.I <u>154.310 (C)</u>
Swimming Pools, Hot Tubs, Etc.	P	P	155.111.J
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	

Note: Standards listed in Table 11-1 are listed by Article, Section and Subsection.

¹Retail Trade in the VMX District includes all uses and activities defined as Retail Trade in ~~§155.507.B.5~~ 154.012 (5) (c) with the exception of building supplies sales and warehouse club sales.

§ 154.502 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS

Lot area and setback requirements shall be as specified in Table 11-2, Lot Dimension and Setback Requirements.

Table 11-2: Lot Dimension and Setback Requirements, ~~VMX Villages~~ Districts

	V-LDR	VMX
Minimum Lot Area (sq. ft.)^a		
Non-Residential Use	-	None
Single Family Detached Dwelling	<u>9,000</u>	5,000
Two-Family Dwelling (per unit) ^b	=	3,000
Single-Family Attached (per unit) ^c	=	2,500
Multi-Family Dwelling (per unit)	=	1,800
Secondary Dwelling	-	See 154.454 (C)
Live-Work Unit	=	3,000
Congregate Housing	=	155.102.E <u>154.301 (C)</u>
Other Structures	=	3,500
Maximum Lot Area (acres)		
Residential Structures	<u>N/A</u>	N/A
Other Structures	<u>N/A</u>	5
Minimum Lot Width (feet)		
Single Family Detached Dwelling	<u>70</u>	50
Two-Family Dwelling (per unit) ^b	=	30
Single-Family Attached (per unit) ^c	=	25
Multi-Family Dwelling (per building)	=	75
Live-Work Unit	=	25
Maximum Height (feet/stories)	<u>35</u>	35/3 ^d
Maximum Impervious Coverage		
Residential Structures	<u>30%</u>	75%
Other Structures	=	No Limit
Minimum Building Setbacks (feet)		

Front Yard	<u>25</u>	See 1554.506 , <u>154.505 (A) (3) (b)</u> & <u>154.505 (B) (1)</u>
Interior Side Yard	<u>10</u>	10 ^f
Corner Side Yard	<u>15</u>	0 ^g
Rear Yard	<u>20</u>	10
Maximum Building Setbacks	<u>40</u>	<u>See 154.506</u>

Notes to ~~VMX Village~~ District Table

- a. No development may exceed the residential density range as specified in the Comprehensive Plan for the ~~Village Mixed Use~~ corresponding land use category.
- b. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- d. Buildings up to 45 feet in height may be permitted as part of a PUD in the VMX District.
- e. ~~The front yard setback for single family homes shall be 25 feet in the VMX District.~~
- f. Side yard setbacks in the VMX District apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use.
- g. Corner properties: the side yard 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 shown in the table.

Commented [EB1]: This is already stated in 154.505 (A) (3) (b)

§ 154.503 DIMENSIONAL REQUIREMENTS AND PRESERVATION OF OPEN SPACE

- A. *Averaging of Lot Area.* When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.
- B. *Lot Dimension Reductions.* Other reductions in dimensional standards may be considered as part of a Planned Unit Development if these reductions provide for common open space within a development.

- C. Village Open Space Overlay District. Development of areas within the Village Open Space Overlay District, as designated by the Comprehensive Plan, is not allowed. Residential lots shall not encroach on the areas designated as open space per this overlay district, unless approved by Council.

§ 154.504 GENERAL SITE DESIGN CONSIDERATIONS – ~~LMX~~ VILLAGE DISTRICTS

Development of land within the ~~VMX~~ Village Districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Article 5, 6 and 7 as well as .

- A. *Circulation.* New access points to ~~State Highway 5~~ County State Aid Highway 14 may be refused or restricted to right-in right-out movement if alternatives exist. Internal connections shall be provided between parking areas on adjacent properties wherever feasible.
1. The number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.
- B. *Fencing and Screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principle structure.
- C. *Lighting design.* Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian, and shall comply with §150.035-150.038 *Lighting, Glare Control, and Exterior Lighting Standards.*
- D. *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to completely conceal the stored materials from view at eye level (measured at six feet above ground level) on the adjacent street or property.
- E. *Screening of Existing Residential Structures.* When a new development is proposed adjacent to an existing single family residential structure, screening shall be provided in accordance with §154.258.F. The City may require buffering or screening above and beyond this section in cases where the required screening will not provide an adequate separation between incompatible uses.
- F. *Sidewalks and/or Trails.* Where cul-de-sacs are permitted by the City, sidewalks or trails are required to connect the bulb of the cul-de-sac with the nearest through-road.
- G. *Lake Elmo Theming Study.* Elements of the Lake Elmo Theming Study not herein described must be incorporated in to development within Village Districts where applicable.

§ 154.505 DEVELOPMENT STANDARDS FOR SPECIFIC USES

Development of land within the ~~VMX Village & 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; other standards related to design and building type may be found at §154.506.

A. Residential Units, Village Districts

1. All Residential Units, Village Districts

- a. Residential housing units shall be designed to reflect the general scale and character of the Village, including front yard depth, height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.

2. Single-Family Detached Dwellings, Village Districts

- a. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
- b. Primary entrances are required to be along the front façade.
- c. Dwelling units 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.

3. Single-Family Detached and Two-Family Dwellings, VMX District.

- a. Single-Family ~~Detached~~ Dwellings are limited to those existing at the time of adoption of this Ordinance. Existing single-family dwellings shall be considered permitted uses, rather than nonconforming uses.
- b. Unless otherwise specified in this Article, Single and Two Family Dwellings in the VMX district shall adhere to the MDR district setbacks as specified in §154.452.

4. Single-Family Attached, Two-Family Dwellings, and Multi-Family Buildings V-MDR and VMX Districts.

- ~~a. A maximum of eight (8) units shall be permitted within a single building.~~
- a. The primary entrance to each unit shall be located on the façade fronting a public street; an additional entrance may be provided on the rear or side façade.
- b. For redevelopment projects, new housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than 1/4 of the lineal frontage of a developed block (measured around the entire block perimeter) may be converted to townhouse units, and no further townhouse, two-family or higher-density development is permitted once this threshold is reached.

- c. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of three hundred (300) square feet per unit.
 - d. No parking shall be located in the front yard or between the front façade and the street.
5. *Multi-Family Dwelling Units, VMX Districts.*
- a. Dwelling units (both condominium and rental) are restricted to the upper floors or rear or side ground floors of a mixed use building.
6. *Secondary Dwellings, Village District.* Restricted to lots occupied by single-family dwellings, and must meet the standards for secondary dwellings in residential districts, §154.~~134~~54 (C) and be located within the primary structure.

B. Non-Residential Uses, VMX District.

- 1. Setbacks, Generally. The front yard setback of a new non-residential building within the VMX district shall maintain the front yard setback of the adjacent property fronting the same public street, or a maximum setback of 20 feet, whichever is less.
- 2. *Repair and Maintenance Shop.* No outdoor storage is permitted unless fully screened from public view.
- 3. *Trade Shop.* Exterior materials storage must be totally screened from view from adjacent public streets and adjacent residential properties by a wall of the principal structure or a screen wall constructed of the same materials as the principal structure.
- 4. *Veterinary Services.* All activities must be conducted within an enclosed building.
- 5. *Garden Center.*
 - a. The storage or display of any materials or products shall meet all setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of Article 6, Section 155.89.F.
 - b. All loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
- 6. *Automobile Maintenance Service and Automobile Parts/Supply, VMX District.*
 - a. All vehicle repairs shall be conducted in a completely enclosed building

- b. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
7. *Live-Work Unit.* The purpose of a live-work unit is to provide a transitional use type between a home occupation and a larger commercial enterprise, and to provide neighborhood-oriented commercial services, while maintaining a generally residential character in which the work space is subordinate to the residential use.
- a. The work space component shall be located on the first floor or basement of the building.
 - b. The dwelling unit component shall maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.
 - c. The work space component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.
 - d. A total of two (2) off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit, or underground/enclosed.
 - e. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.
 - f. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
 - g. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than two (2) workers on-site at any one time who live outside of the live-work unit.
8. *Parking Facility.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street. The primary street-facing façade shall be designed for retail, office or residential use. The primary street façade may include an entrance into the parking facility.
9. *Outdoor Dining Accessory to Food Services.* Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block the sidewalk. A minimum of five (5) feet of sidewalk must remain open.

§ 154.506 VMX DISTRICT DESIGN AND DEMOLITION REVIEW

- A. *Review of Design.* For certain development activity as specified in the *Lake Elmo Design Standards Manual*, design review is required as part of the approval process for a building permit, conditional use permit, or certificate of zoning compliance under this Ordinance. All projects subject to design review shall be reviewed for conformance with the *Lake Elmo Design Standards Manual*. A separate process for design review is not established.
1. *Review Authority and Process.* Design review shall be the responsibility of the individual or body authorizing the permit or certificate and shall be incorporated in the established review of the applicable building permit, conditional use permit, or certificate of zoning compliance. For those applications under this Ordinance that require review by the Planning Commission (i.e. conditional use permits), the Planning Commission shall consider the standards in the *Lake Elmo Design Standards Manual* as part of its recommendation to the City Council.
 2. *Review by Professional.* The authorizing body may request review by a design professional of the proposed design or demolition. The cost of review by such design professional shall be charged by the applicant, and shall not exceed \$1,000 unless otherwise agreed to by the applicant.
 3. *Development Activity Defined.* Development Activity consists of new construction and redevelopment activities, including remodeling that expands the footprint of a structure, altering, or repairing a structure in a manner that will change the exterior appearance of said structure. Development activity also includes the construction of a new parking lots and installation of signage.
 - a. *Exempt Activities.* The following activities shall be exempt from under review of this Section:
 - i. Ordinary repairs and maintenance that will not change the exterior appearance of a structure;
 - ii. Removal of existing signage without replacement unless said signs are an integral part of the building;
 - iii. Emergency repairs ordered by the Director of Planning in order to protect public health and safety;
 - iv. Exterior alteration, addition, or repair of a structure used as a single-family residence, duplex, or two-family residence.
 - v. Temporary signage, installed in accordance with §154.212 of this Ordinance, or during which time an application for permanent signage is pending under this Ordinance;
 - vi. Maintenance of existing signage advertising an on-site business;
 - vii. Alterations only to the interior of a structure.

§ 154.507 ACCESSORY USES AND STRUCTURES

Accessory uses are listed in ~~the VMX District Use~~ Table 11-1 as permitted or conditional accessory uses. Accessory uses and structures in the ~~VMX Village~~ 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 the 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. *Residential Accessory Structures*

~~§ 154.5087~~ **RESIDENTIAL ACCESSORY STRUCTURES**

- ~~A.~~ 1. *Design Compatibility*. On parcels used for residential structures within the ~~VMX Village~~ Districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.
- ~~B.~~ 2. *Attached structures*. An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
 - a. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 - b. The structure shall not exceed the height of the principal building to which it is attached.
- ~~B.~~ 3. *Attached Garages*.
 - ~~3.~~ a. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
 - i. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or
 - ii. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or

- iii. The width of the attached garage shall not exceed 40% ~~(in VMX Districts) and 60% in (V-LDR and V-MDR Districts)~~ of the width of the entire principal building façade (including garage) fronting the primary street.

~~4.~~ b. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.

~~5.~~ c. Garage doors or openings shall not exceed fourteen (14) feet in height.

~~C.~~ 4. *Detached structures.* Detached accessory structures for permitted residential structures in the ~~VMX Village Districts must be in~~ accordance with the following requirements:

- a. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
- b. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
- c. Pole barns, as defined herein, shall be prohibited.
- d. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.
- e. Garagedoors or openings shall not exceed fourteen (14) feet in height.

~~§ 154.509 – ACCESSORY USES~~

~~A.~~ G. *Exterior Storage on Residential Parcels.* 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:

- a. Laundry drying,
- b. 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.
- c. Agricultural equipment and materials, if these are used or intended for use on the premises.
- d. Off-street parking and storage of vehicles and accessory equipment, as regulated in Article 5, Section ~~155.67-154.210.~~
- e. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view of adjacent properties.
- f. Outdoor parking.

~~B.~~ H. *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 for each event.

~~C.~~ I. *Accessory Uses and Structures Not Listed*

~~§ 154.51009 ACCESSORY USES AND STRUCTURES NOT LISTED~~

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

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article X: Division Into Districts; Section 154.350 to read the following:

<i>Zoning District</i>		<i>Reference</i>
R-2	One and Two Family Residential	154.033
GB	General Business	154.034
A	Agriculture	Article XI
RR	Rural Residential	Article XI
RT	Rural Development Transitional	Article XI
RS	Rural Single Family	Article XI
RE	Residential Estate	Article XI
LDR	Urban Low Density Residential	Article XII
MDR	Urban Medium Density Residential	Article XII
HDR	Urban High Density Residential	Article XII
<u>V-LDR</u>	<u>Village Limited Density Residential</u>	<u>Article XIII</u>
VMX	Village Center - Mixed Use	Article XIII
C	Commercial	Article XIV
CC	Convenience Commercial	Article XIV
LC	Neighborhood Office/Limited Commercial	Article XIV
BP	Business Park/Light Manufacturing	Article XIV
PF	Public Facilities	Article XV

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

SECTION 4. Adoption Date. This Ordinance 08-____ was adopted on this ____ day of _____, 2017, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-__ was published on the ____ day of _____, 2017.



STAFF REPORT

DATE: 2/27/2017

BUSINESS

ITEM #: 4B

TO: Planning Commission
FROM: Stephen Wensman, Planning Director
AGENDA ITEM: Planned Unit Development Ordinance Update
REVIEWED BY: Emily Becker, Planner
Ben Gozola, Consulting Senior Planner

BACKGROUND:

In October of 2016, the City approved a revision to the Open Space Development regulations changing the process for such developments from a conditional use permit process to a more appropriate planned unit development (PUD) process. The changes were a specific to open space development regulations, however, Staff believes the new PUD approval process is superior to that within the City's current PUD regulations. When the open space PUD regulations were approved, Staff was given direction by the Commission to proceed with updating our existing PUD regulations so that the processes would be consistent between both PUD ordinances.

ISSUE BEFORE THE COMMISSION:

To review the draft update to the City's PUD Ordinance, Article XVIII – Sections 154.750-154.760

PROPOSAL DETAILS/ANALYSIS:

The proposed update to the City's PUD Ordinance is intended to improve the application process and to make it consistent with the City's recently approved Open Space Development PUD Ordinance.

The draft changes include:

- Making text changes to better describe the ordinance as regulating developments with overlay district, meaning that the regulations are over the underlying base zoning district regulations.
- 154.752; changes strikes reference to uses approved, rather refers to the PUD plans which codify uses, design and other regulatory requirements as needed.
- 154.752 (C); removes references to floor area ratios (FARs). These are defined in Chapter 11, however, the Zoning Code sets forth standards for impervious surface, not maximum gross floor area/floor area ratio. Therefore, it's difficult to deduce what would be the maximum allowed floor area ratio for a zoning district and therefore hard to allow an increase. Alternative language was

drafted to allow an increase in impervious surface in order to allow for more intense development.

- 154.752 (D); fixes reference by referencing Table 16-2
- 154.752 (G); fixes reference.
- 154.753 (A); changes text to say “development area”, rather than “lot area”. Removed the minimum acreage requirement for PUDs. For PUD requests on tracts greater than 5 acres in size a sketch plan is required for review by the Planning Commission to determine if a PUD meets criteria to move forward. For lots less than five acres, the sketch plan is optional, and the Planning Director makes the determination if the project meets the criteria to move forward.
- Table 16-2; the criteria for natural resources was amended because preservation of natural features and/or restoration of ecological functions is already a requirement of development. The criteria would require measures beyond that required.
- 154.756 Phasing and Guarantee of Performance; this section is stricken. The phasing is typically addressed in the developer agreement.
- 154.757 Control of PUD Following completion; this section is stricken as new section 154.757 PUD AMENDMENTS addresses any changes after construction.
- 154.661 PUD Review Procedure; this section is renumbered and amended to follow the procedures outlined in the City’s new Open Space Development PUD review procedure with a few exceptions to fit the PUD Ordinance. Please note these changes:
 - Sketch plans have a 6 month limitation of approval before they expire.
 - The City Council will vote on modifications proposed to the underlying zoning standards to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.
 - Effect of a PUD Sketch Plan Review; this language clarifies that the sketch plan process is primarily for information purposes
 - Preliminary PUD Plans must be distinctly similar to PUD Sketch Plans reviewed by the City Council
 - Limitation of Approval for Preliminary PUD Plans will be valid for 180 days, consistent with the City’s preliminary plat requirements, Section 153.07 (L)
 - Approved PUD Plans need to be constructed one year after final approval or they may be deemed void.
- 154.757 PUD AMENDMENTS; this section sets forth provisions for administrative amendments, PUD Ordinance amendments and PUD Plan amendments.

FISCAL IMPACT:

None

OPTIONS:

Staff is requesting that the Planning Commission review the proposed changes to the Planned Unit Development ordinance and direct staff to make changes as needed prior to scheduling a public hearing for the ordinance amendment.

ATTACHMENTS:

- Draft PUD Ordinance Amendment

ARTICLE I. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

§ 154.750 INTENT.

This article establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this ~~zoning ordinance~~Section and the applicable policies of the Comprehensive Plan. Because of the larger size of PUDs and to help achieve the identified objectives for planned unit development sites, this article provides for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD overlay district, with specific requirements and standards that are unique to that development.

(Ord. 08-070, passed 2-19-2013)

§ 154.751 IDENTIFIED OBJECTIVES.

When reviewing requests for approval of a planned unit development, the city shall consider whether one or more of the objectives listed below will be served or achieved. It is the responsibility of the applicant to provide a narrative of how the proposed planned development meets one or more of the city's identified objectives ((A) through (J)). Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
- B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
- C. Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques.
- D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
- E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- F. Preservation of historic buildings, structures or landscape features.
- G. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
- H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
- I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.

- J. Higher standards of site and building design than would otherwise be provided under conventional land development technique.

(Ord. 08-070, passed 2-19-2013)

§ 154.752 ALLOWED DEVELOPMENT.

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change ~~in the list of uses approved in~~ to [EB1] the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments. PUDs may allow for flexibility in the following:

- A. *Permitted Uses.* The PUD application shall identify all proposed land uses and those uses shall become permitted uses upon the approval of the planned unit development.
- B. *Placement of Structures.* More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.
- C. *Development Intensity.* The PUD may provide for an increase in the ~~maximum gross floor area or floor area ratio~~ maximum impervious surface by up to 20% [EB2] of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities.
- D. *Density.* The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Increased residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in ~~§ 154.209~~ Table 16-2. In addition, the city retains the right to evaluate all proposals for bonus density in accordance with the overall goals of the city's Land Use Element of the Comprehensive Plan.
- E. *Building Setbacks.* The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district(s).
- F. *Lot Requirements.* The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.

- G. *Other Exceptions.* As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in § 154.~~801~~751.

(Ord. 08-070, passed 2-19-2013)

§ 154.753 MINIMUM REQUIREMENTS.

- A. ~~*Lot Development*~~ Area. A PUD ~~must include a minimum of 5 acres or more for undeveloped land or 2 acres for developed land within the approved development. Tracts of less than 2 acres may be developed as a PUD only after a sketch plan review and the Planning Commission determines that approved only if the applicant can demonstrate that the project is of~~ project of superior design can be achieved to meet one or more of the identified objectives listed in § 154.~~801~~751, or that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process. ~~The Planning Commission shall authorize submittal of a PUD for a tract of less than 2 acres prior to submittal of a general concept plan application. For requests to establish Planned Unit Developments on tracks of land less than five (5) acres, the Sketch Plan is optional if the Planning Director determines that the project is of superior design can be achieved to meet one or more of the identified objectives listed in § 154.751, or that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process.~~
- B. *Open Space.* For all PUDs, at least 20% of the project area not within street rights-of-way shall be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.
- C. *Street Layout.* In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

(Ord. 08-070, passed 2-19-2013)

§ 154.754 DENSITY.

The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district. Applicants seeking increased residential density through a

Planned Unit Development are required to provide at least 1 or a combination of site amenities that equal the required amount of amenity points to achieve the desired density bonus.

- A. *Amenity Points and Equivalent Density Increases.* Increases in density will be awarded through a 1:1 ratio with amenity points. For every increase in amenity points for a Planned Unit Development, the applicant will be allowed an equivalent amount of density increase, up to a maximum increase of 20%. Table 16-1 outlines the required amount of amenity points to achieve various density increases.

Table 16-1: Amenity Points and Equivalent Density Increases

<i>Amenity Points</i>	<i>Density Increase</i>
5	5%
10	10%
15	15%
20	20%

- B. *Site Amenities.* Site amenities that are eligible for amenity points are listed in Table 16-2, including the associated standards of implementation. Some of the amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity. Where the amenity does not meet all of the standards required in Table 16-2, no points shall be awarded. Partial points for site amenities shall not be awarded, except as otherwise allowed in Table 16-2.
- C. *Site Amenities Not Listed.* The city may also consider the allotment of amenity points for site amenities that are not otherwise specified within this ordinance as part of the preliminary plan phase of the planned development.

Table 16-2: Site Amenities

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
5-10	Underground or Structure Parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25%. Amenity points will

		be awarded based upon the amount of surface parking stalls reduced (between 25-50%). For every additional 5% of surface parking stalls reduced above 25%, the applicant will be awarded 1 additional amenity point, up to a maximum of 10 amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development.
Points	Amenity	Standards
10	Additional Open Space	A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.
5	Fire Sprinkler Systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Contained Parking	The purpose of this amenity is to better integrate surface parking into the site and reduce the amount of visible surface parking from the public right-of-way. Parking should be rear-loaded and hidden by the building facade, or integrated into the site in some other fashion that is acceptable to the city. This amenity is separate from underground or structure parking.
5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Pedestrian Improvements	A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and /or around the site that comply with

		the Americans with Disabilities Act accessibility requirements.
5	Adaptive Reuse	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
5	Plaza	The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
Points	Amenity	Standards
1-5	Enhanced Landscaping	A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.
3	Enhanced Storm Water Management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
1-3	Theming	Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.
3	Natural Features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment greater than required by City ordinance or Engineering requirements.

(Ord. 08-070, passed 2-19-2013)

§ 154.755 COORDINATION WITH OTHER REGULATIONS.

- A. *Coordination with Subdivision Review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this subchapter shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.

- B. *Coordination with Other Zoning Requirements.* All of the provisions of this chapter applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

(Ord. 08-070, passed 2-19-2013)

~~§ 154.756 PHASING AND GUARANTEE OF PERFORMANCE.~~

A. ~~Development Schedule.~~ The City shall compare the actual development accomplished in the various PUD zones with the approved development schedule.

B. ~~Schedule Extension.~~ For good cause shown by the property owner, the City Council may extend the limits of the development schedule.

C. ~~Phasing of Amenities.~~ The construction and provision of all of the common open space, site amenities and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Development Review Committee ~~[SW3]~~ shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces, site amenities and public and recreational facilities have been constructed and provided, they shall forward this information to the City Council for action.

D. ~~Guarantees.~~ A financial guarantee or letter of credit shall be required to guarantee performance by the developer. The amount of this guarantee or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement. ~~[SW4]~~

E. ~~Changes During Development Period~~

1. ~~Minor changes in the location, placement and height of structures may be authorized by the Development Review Committee if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Planning Director.~~

2. ~~Changes in uses, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only under the procedures for zoning amendments, §§ 154.015 through 154.021. Any changes shall be recorded as amendments to the recorded copy of the final development plan.~~ ~~[EB5]~~

F. ~~Rezoning to Original District.~~ If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error. ~~[SW6]~~

(Ord. 08-070, passed 2-19-2013)

~~§ 154.757 CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION.~~

~~A. *Final Development Plan Controls Subsequent Use.* After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.~~

~~B. *Allowed Changes.* After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:~~

~~1. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the **Development Review Committee** if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cubic volume of any building or structure by more than 10%; and~~

~~2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.~~

~~C. *Amendment Required for Major Changes.* Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3.~~

~~(Ord. 08-070, passed 2-19-2013)~~

§ 154.661-756 PLANNED UNIT DEVELOPMENT REVIEW PROCEDURE

All requests to establish a Planned Unit Development on tracts of land greater than five (5) acres in size shall be initiated by following the steps below. For requests to establish Planned Unit Developments on tracts of land less than five (5) acres, the Sketch Plan is optional.:

A. **Pre-Application Conference.** Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.

(4)B. PUD Sketch Plan

(a) Purpose

The PUD Sketch Plan is the ~~first~~-second step in the development process which gives the applicant an opportunity to present their ideas to the **Planning Commission, the City Council** and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc. Feedback gained during the PUD Sketch Plan phase should be addressed within the subsequent PUD Preliminary Plan.

(b) PUD Sketch Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall

constitute a complete application for a PUD Sketch Plan.

1. General Information

- a. The landowner's name and address and his/her interest in the subject property.
- b. The applicant's name and address if different from the landowner.
- c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

2. Present Status

a. The address and legal description of the property.

~~a.b.~~ Gross site acreage.

~~b.c.~~ The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.

~~e.d.~~ A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.

~~d.e.~~ Site conditions. Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet shall be submitted and contain the following:

- i. Contours; minimum 5 foot intervals;
- ii. Location, type and extent of tree cover;
- iii. Slope analysis; and
- iv. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.

~~e.f.~~ A written narrative describing the proposed PUD, explaining the applicant's proposed objectives for the PUD, a listing of the proposed modifications from current zoning as may be applicable, an explanation of how the proposal achieves the objectives identified in §154.751 and the proposals statement generally describing the proposed PUD and showing its relationship to the City Comprehensive Plan.

g. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

- i. Calculation of the proposed density;
- ii. Area devoted to residential use by building type;

- iii. Area devoted to common open space;
- iv. Area devoted to public open space and public amenities;
- v. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
- vi. Approximate area, and floor area, devoted to commercial uses; and
- vii. Approximate area, and floor area, devoted to industrial or office use.

~~f.h.~~ Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.

i. Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities.

j. A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:

i. Ownership, management and maintenance of defined public or common elements;

ii. Maintenance of public and private utilities; and

~~g.~~iii. General architectural guidelines for principal and accessory structures.

~~h.~~k. Proposed PUD phasing if it is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage

~~i.~~l. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.

~~j.~~m. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

(c) PUD Sketch Plan Proposal Review

(i) Planning Commission

1. Upon receiving a PUD Sketch Plan proposal, the City shall schedule a date upon which the Planning Commission will review the proposal[BGA7].

n. The Planning Director shall review the PUD Sketch Plan proposal and prepare a report including, but not limited to, identifying proposed modifications from current zoning as may be applicable, how the proposal achieves the objectives

identified in §154.751 and the proposals relationship to the City Comprehensive Plan.

~~4.2.~~ The Planning Commission shall review the application and upon completing their review, the Planning Commission shall adopt findings and recommendations on the proposed PUD as soon as practical.

~~2.3.~~ The Director of Planning may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

(ii) City Council

1. The City Council may listen to comments from the public on the proposed development if they deem such necessary prior to discussing the proposed PUD Sketch plan.
2. After consideration of the Director of Planning's recommendation, the Planning Commission recommendation, and any public comments received, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.
3. For each of the identified modifications to the underlying zoning standards, the City Council shall take a vote to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.

(d) Effect of a PUD Sketch Plan Review

- (i) The City Council and Planning Commission's comments during the PUD Sketch Plan review are explicitly not an approval or denial of the project, and are intended only to provide information for the applicant to consider prior to application for a PUD Preliminary Plan.
- (ii) Proposed modifications that receive a majority vote of support from Council may be requested as part of the future PUD Preliminary Plan application, but support to pursue the modification as part of the PUD Sketch Plan in no way guarantees that the modification will be approved as part of the PUD Preliminary Plan.

(e) Limitation of Approval

The City Council's review of a PUD Sketch Plan shall remain valid for a period of six (6) months. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

B-C. PUD Preliminary Plan

(a) Prerequisite

No application for a PUD Preliminary Plan will be accepted unless an applicant's

proposal is distinctly similar to one reviewed in the completed the PUD Sketch Plan review process which is valid upon the date of application.

(b) PUD Preliminary Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for a PUD Preliminary Plan. ~~Applicable plans must meet requirements of the City's Engineering Design and Construction Manual. [EES]~~

1. Preliminary plat and information required by § 153.07.
2. General Information
 - a. The landowner's name and address and his interest in the subject property.
 - b. The applicant's name and address if different from the landowner.
 - c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.
 - d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.
3. Present Status
 - a. The address and legal description of the property.
 - b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.
 - c. A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.
 - d. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.
 - e. A statement of the proposed financing of the PUD.
 - f. Site conditions. Graphic reproductions of the existing site conditions at a scale of one 1 inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis
 - i. Contours; minimum two 2 foot intervals.

- ii. Location, type and extent of tree cover.
 - iii. Slope analysis.
 - iv. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.
 - v. Significant rock outcroppings.
 - vi. Existing drainage patterns
 - vii. Vistas and significant views.
 - viii. Soil conditions as they affect development.
- g. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- h. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - i. Area devoted to residential use by building type;
 - ii. Area devoted to common open space;
 - iii. Area devoted to public open space and public amenities;
 - iv. Approximate area devoted to streets;
 - v. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
 - vi. Approximate area, and floor area, devoted to commercial uses; and
 - vii. Approximate area, and floor area, devoted to industrial or office use.
- i. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD, and demonstrating that the proposed site amenities sufficiently achieve the desired density bonus. Applicant is required to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.
- j. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.

- k. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- l. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- m. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- n. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
- ~~n.o.~~ Applicable plans must meet requirements of the City's Engineering Design and Construction Manual. [EB9]
- ~~o.p.~~ The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

(c) PUD Preliminary Plan Review

- 1. As part of the review process for a PUD Preliminary Plan, the Director of Planning shall review the PUDs, and shall prepare a report and make a recommendation regarding the proposed Preliminary PUD Plan for Planning Commission and City Council consideration.
- 2. The Director of Planning shall prepare a draft ordinance to establish the potential PUD overlay zoning district to be established as a component of the PUD Final Plan.
- 3. The Planning Commission shall hold a public hearing and report its findings and make recommendations to the City Council on the merit, needed changes, and suggested conditions to impose on the PUD.
- 4. As a condition of PUD Preliminary Plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur prior to the filing of any future final plat.

K. Effect of a PUD Preliminary Plan Review

Preliminary Plan approval governs the preparation of the PUD Final Plan which must be submitted for final approval in accordance with the requirements of this Article.

L. Limitation of Approval

The City Council's approval of a PUD Preliminary Plan shall remain valid for a period of 180 days[sw10], unless a request for time extension is submitted in writing and approved by the City Council.

~~C.D.~~ PUD Final Plan

(a) Application Deadline

Application for a PUD Final Plan shall be submitted for approval within 180[sw11] days of City Council approval of the PUD Preliminary Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.

(b) PUD Final Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for a PUD Final Plan:

1. A final plat and information required by § 153.08;
2. Final plans drawn to a scale of not less than 1 inch equals 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:
 - a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
 - b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
 - c. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
 - d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
 - e. Location, designation and total area of all common open space;
 - f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
 - g. The location of applicable site amenities, if any;
 - h. Proposed lots and blocks, if any and numbering system;
 - i. The location, use and size of structures and other land uses on adjacent properties;
 - j. Detailed sketches and provisions of proposed landscaping;
 - k. General grading and drainage plans for the developed PUD; and
 - l. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan;

3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
4. A tabulation indicating the number of residential dwelling units and expected population;
5. Density calculations, including proposed density bonuses above the base zoning district. To be granted increased density of residential development, the applicant must submit a schedule of site amenities with proposed designs and standards. The applicant must demonstrate that site amenity standards in Table 15-2 have been met to be rewarded additional density;
6. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. retail or office);
7. Preliminary architectural “typical” plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes;
8. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses;
9. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan; and
10. A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Natural Resources Conservation Service, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures.

10-11. [Applicable plans must meet requirements of the City’s Engineering Design and Construction Manual.](#) [EB12]

(c) PUD Final Plan Review

1. The Director of Planning shall generate an analysis of the final documents against the conditions of the PUD Preliminary Plan approval, and make a recommendation as to whether all conditions have been met or if additional changes are needed.
2. The Director of Planning shall identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
3. The Director of Planning shall finalize the ordinance to establish the proposed **overlay district** for consideration by the Planning Commission and City Council.
4. The Planning Commission shall hold a public hearing [BGA13] on the proposed PUD ~~overlay District zoning district~~ ordinance and Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because a PUD Preliminary Plan was previously approved, the Planning Commission’s recommendation shall only focus on whether the Ordinance and PUD Final Plan are in substantial

compliance with the PUD Preliminary Plan and the required conditions of approval.

5. The City Council shall then consider the recommendations of the Director of Planning, the public, and the Planning Commission; and make a decision of approval or denial, in whole or in part, on the PUD Final Plan. A denial shall only be based on findings that a PUD Final Plan is not in substantial compliance with the approved PUD Preliminary Plan and/or the required conditions of approval.
6. As a condition of PUD Final Plan approval, publication of the PUD ordinance shall be required prior to filing of the approved final plat.
7. Planned Unit Development Agreement.
 - a. At its sole discretion, the City may as a condition of approval, require the owner and developer of the proposed PUD to execute a development agreement which may include but not be limited to all requirements of the PUD Final Plan.
 - b. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
8. As directed by the City, documents related to the PUD shall be recorded against the property.

(d) Time Limit

1. A Planned Unit Development shall be validated by the applicant through the commencement of construction or establishment of the authorized use(s), subject to the permit requirements of this Code, in support of the Planned Unit Development within one (1) year of the date of PUD Final Plan approval. Failure to meet this deadline shall render the open space PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions for validation of up to one (1) year if requested in writing by the applicant; extension requests shall be submitted to the Director of Planning and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the Planned Unit Development.
2. An application to reinstate an open space PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new PUD beginning at PUD Preliminary Plan.

§ 154.662-7567 PUD AMENDMENTS

Approved PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an

application to the city for a PUD amendment.

(A) Amendments to Existing Planned Unit Development

Amendments to an approved PUD shall be processed as one of the following:

(1) Administrative Amendment

The Director of Planning may approve minor changes if such changes are required by engineering or other circumstances, provided the changes conform to the approved ~~overlay~~ PUD zoning district intent and are consistent with all requirements of the PUD ~~district~~ [EB14] ordinance. Under no circumstances shall an administrative amendment allow additional lots, or changes to designated uses established as part of the PUD. An Administrative Amendment shall be memorialized via letter signed by the Planning Director and recorded against the PUD property.

(2) Ordinance Amendment

A PUD change requiring a text update to the adopted ~~o PUD overlay-zoning~~ [EB15] district language shall be administered in accordance with adopted regulations for zoning code changes in § ~~154.105~~ [EB16]. Ordinance amendments shall be limited to changes that are deemed by the Director of Planning to be consistent with the intent of the original PUD approval, but are technically necessary due to construction of the adopted PUD district language.

(3) PUD Amendment

Any change not qualifying for an administrative amendment or an ~~Ordinance ordinance~~ amendment shall require a PUD amendment. An application to amend ~~ana~~ PUD shall be administered in the same manner as that required for a new PUD beginning at PUD Preliminary Plan. [EB17]

~~§ 154.7587~~ CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION.

~~A. Final Development Plan Controls Subsequent Use. After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.~~

~~B. Allowed Changes. After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:~~

- ~~1. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cubic volume of any building or structure by more than 10%; and~~
- ~~2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter. [EB18]~~

C. ~~Amendment Required for Major Changes. Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3.~~ [EB19]

(Ord. 08-070, passed 2-19-2013)

§ 154.663-7598 PUD CANCELLATION

A PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the PUD district. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other application land use regulations; threatens public safety, health, or welfare; ~~has become void~~ [EB20]; or other applicable findings in accordance with law.

§ 154.664-759 ADMINISTRATION

In general, the following rules shall apply to all PUDs:

(A) Rules and regulations

No requirement outlined in the PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;

(B) Preconstruction

No building permit shall be granted for any building on land for which a PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed PUD plan.

(C) Effect on Conveyed Property

In the event that any real property in an approved PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the PUD zoning district.

§ 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below:

D. ~~Application Conference. Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this~~

~~subchapter before incurring substantial expense in the preparation of plans, surveys and other data.~~

~~E. *General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.~~

~~F. *Preliminary Plan.* Following approval of the general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in § 153.07. The application shall proceed and be acted upon in accordance with the procedures in this subchapter for zoning changes.~~

~~G. *Final Plan.* Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in § 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.~~

~~H. Schedule for Plan Approval~~

- ~~1. Developer presents the general concept plan to the Planning Commission for their review and comment.~~
- ~~2. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.~~
- ~~3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.~~
- ~~4. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.~~
- ~~5. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the general concept plan and attach such conditions as it deems reasonable.~~
- ~~6. Following approval of the General Concept Plan, the application may proceed to the preliminary plan phase.~~
- ~~7. Developer presents the preliminary plan to the Planning Commission for their review and comment.~~
- ~~8. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.~~

- ~~9. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.~~
- ~~10. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.~~
- ~~11. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the preliminary plan and attach such conditions as it deems reasonable.~~
- ~~12. Following approval of the Preliminary Plan, the application may proceed to the final plan phase.~~
- ~~13. Developer presents the Final Plan to the Planning Commission for their review and comment.~~
- ~~14. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.~~
- ~~15. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.~~
- ~~16. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.~~
- ~~17. After the receipt of the report and recommendations from the Planning Commission, the City Council may approve the Final Plan and attach such conditions as it deems reasonable.~~

(Ord. 08-070, passed 2-19-2013)

~~§ 154.759 APPLICATION REQUIREMENTS FOR GENERAL CONCEPT PLAN, PRELIMINARY PLAN AND FINAL PLAN.~~

~~Ten copies of the following plans, exhibits and documents shall be submitted at the general concept plan stage, preliminary plan stage and the final plan stage.~~



STAFF REPORT

DATE: 2/27/2017

REGULAR

ITEM #:5c

MOTION

TO: Planning Commission
FROM: Emily Becker, City Planner
AGENDA ITEM: Solar Energy Ordinance
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The creation of a solar garden/solar power ordinance is an item on the 2017 Planning Commission Work Plan.

ISSUE BEFORE COMMISSION:

The Planning Commission is being asked to clarify what should be included in the requested solar garden/solar power ordinance.

PROPOSAL DETAILS/ANALYSIS:

What's currently in the Zoning Code Regarding Solar Energy?

Definition of Solar Equipment 154.012.B.12

- Solar Equipment. Any solar collector, skylight, or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation.

Standards for Accessory Use 154.310 (C)

- A. Solar Energy Systems. Solar energy systems and solar structures are permitted accessory uses in all districts, provided the system is in compliance with minimum lot requirements and setbacks.
 1. A solar structure must comply with all setback, height and lot coverage restrictions unless a variance is granted.

Permitted Accessory Use.

- *Where permitted.* All zoning districts (except PF – Public and Quasi Public Open Space) list solar equipment as a permitted accessory use.
 - Note: 154.310 (C) indicates that solar energy systems and solar structures are permitted accessory uses in all districts, even though it is not an explicitly-stated accessory use in the PF district.

- *Cannot be located on vacant lot.* Because the Zoning Code states in Section 154.213: Accessory Buildings and Structures, Generally., that no accessory buildings or structures shall be constructed nor accessory uses located on a lot until a building permit has been issued for the principal structure to which it is accessory, this means that solar equipment cannot be located on a property unless there is already a principal structure or building on the property.

Why Add Additional Solar Energy Standards to the Zoning Code?

Comprehensive Plan. The Resource Protection section of the Comprehensive Plan, calls for the need to account for solar access through forward-thinking local planning and ordinances.

Protecting Solar Access. Adjacent structures or vegetation are prevented from shading solar collectors. Solar Energy Systems should be situated in areas where there are larger lots and/or adequate open space and height of surrounding buildings are limited.

Improve Competitive Markets. Solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market. Xcel has a Solar Rewards Community program, which allows subscribers to a solar garden to receive payment for a portion of the garden's solar energy produced as a credit on their energy bills.

Washington County Landfill. The Minnesota Pollution Control Agency (MPCA) has created a Land Use Plan for the Washington County Landfill management area that designates an area of the site as restricted from the use of park and open space available to the public. The plan does allow a solar energy farm. Minn. Stat. 115B.412, Subd. 9 requires all local land-use plans be consistent with the MPCA's land-use plans for landfill management areas. The creation of an ordinance more closely regulating solar energy systems would better help to prepare the use of solar energy on this site as a primary use.

Solar Equipment Not Allowed as Primary Use. Solar equipment is not currently allowed as a primary use on any lot. Therefore, no vacant lot could have solar equipment. If or when a new land use plan is adopted for the Washington County Landfill site, that land use plan could include a solar energy farm as an either conditional or permitted primary use. The Commission may wish, however, to recommend allowing solar equipment as a primary use on vacant lots within other zoning districts.

Standards to Regulate Design, Required Permits, Etc. The Commission may wish to recommend adding design standards, required certifications, regulations protecting solar access, or minimum lot size required for solar energy systems.

Other Cities' Examples. Staff has provided examples of other cities' solar energy ordinances. These are cities within Washington County that participate in Xcel Energy's Solar Rewards Community program, which enables community solar gardens to interconnect to Xcel Energy's systems and allows for a bill credit on subscribers' Xcel Energy electric bills which may, or may not, offset the cost of subscription. A summary table is attached for reference.

FISCAL IMPACT:

None.

OPTIONS:

The Commission may wish to:

- Specify desired amendments or additions to the Zoning Code regarding solar garden/solar power ordinance.
- Not recommend amending current standards or adding new ones.

ATTACHMENTS:

- Other cities' solar energy system ordinances and summary table

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-__

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADDING ADDITIONAL STANDARDS FOR SOLAR ENERGY SYSTEMS.**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.012; Subd. (B) (12) by amending the definition of Solar Equipment and adding definitions to Solar Equipment:

Solar Garden. A solar garden is a facility that generates electricity by means of a ground-mounted or roof-mounted solar photovoltaic device whereby subscribers receive a bill credit for the electricity generated in proportion to the size of their subscription. The solar garden must have a nameplate capacity of no more than one megawatt. Each subscription shall be sized to represent at least 200 watts of the community solar garden's generating capacity and to supply, when combined with other distributed generation resources serving the premises, no more than 120 percent of the average annual consumption of electricity by each subscriber at the premises to which the subscription is attributed.

~~Solar-Equipment Energy System. Any solar collector, skylight, or other solar energy device whose A device or structural design feature, a primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, providing daylight for interior lighting, or for power generation.~~

Building-Integrated Solar Energy Systems. An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.310 (C) to read as follows.

Solar Energy Systems. Solar energy systems ~~and solar structures~~ are permitted accessory uses in all districts, provided the system or equipment is in compliance with ~~minimum lot requirements and setback~~ requirements for accessory uses and structures of the zoning district including .

1. A solar structure must comply with all setback, height and lot coverage restrictions unless a variance is granted.

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

Commented [EB1]: This is confusing, as it leaves the questions if the lot must meet minimum lot size requirements.

SECTION 43 Adoption Date. This Ordinance 08-____ was adopted on this _____ day of ____ 2017, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2017.

LAND USE

L10	L50	L10	L50
65 dB	60 dB	55 dB	50 dB

The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed WECS for the following:

- (1) Existing or ambient noise.
- (2) Existing plus proposed WECS: maximum estimate of noise from the proposed WECS plus the existing noise environment.

No WECS shall be operated in such a manner as to create a noise level exceeding the decibel limit set in Table 1 at any location outside the parcel on which the WECS is located.

- b. Electrical codes and standards - Each WECS and any accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- c. Federal Aviation Administration- Each WECS shall comply with FAA standards and permits.
- d. Minnesota State Building Code - Each WECS shall comply with the International Building Code as adopted by the State of Minnesota.
- e. Interference - The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the City for permits. No WECS shall be constructed so as to interfere with City, County or Minnesota Department of Transportation microwave transmissions.

D. REQUIRED PERMITS

No person, firm or corporation shall erect, construct in place, re-erect, replace or make structural repairs to any tower without making application for and receiving an approved conditional use or administrative permit and building permit, when applicable. In all cases, review by the City of Afton Zoning Administrator and Building Official are required to ensure that necessary Administrative Permits and Conditional Use Permits are applied for and reviewed under the procedures established in this Ordinance.

E. SUBMITTAL REQUIREMENTS

1. The names of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid, if applicable.
5. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
6. Engineer's Minnesota State certification and project design specifications.
7. Documentation of land ownership or legal control of the property.

F. DISTRICT REGULATIONS

WECS will not be allowed in the VHS District. WECS will be administratively permitted in all other zoning districts.

Sec. 12-230. Solar Energy Systems.²⁵⁰

- A. *Scope.* This article applies to all solar energy installations in the City of Afton.
- B. *Purpose.* Consistent with the City Comprehensive Plan, the intent of this Section is to allow reasonable capture and use, by households, businesses, and property owners, of their solar energy resource, and

²⁵⁰ Ord 03-2015, 8/18/2015

encourage the development of renewable energy businesses, consistent with community development standards. The City of Afton has adopted this ordinance for the following purposes:

1. Comprehensive Plan Goals. To meet the goals of the Comprehensive Plan and preserve the health, safety and welfare of the City's citizens by promoting the safe, effective and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy. The following solar energy standards specifically implement the following goals:
 - a. *Goal* – Encourage the use of local renewable energy resources, including appropriate applications for wind, solar, and biomass energy.
 - b. *Goal* – Promote sustainable building design and management practices in residential, commercial, and industrial buildings to serve the needs of current and future generations.
2. Green House Gas Reduction (GHG). Solar energy is an abundant, renewable, and nonpolluting energy resource and its conversion to electricity or heat will reduce our dependence on nonrenewable energy resources and decrease the Green House Gas (GHG) emissions and other air and water pollution that results from the use of conventional energy sources.
3. Local Resource. Solar energy is an under-used local energy resource. Encouraging the use of solar energy will diversify the community's energy supply portfolio and [limit](#) exposure to fiscal risks associated with fossil fuels.
4. Improve Competitive Markets. Solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.

- C. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where expressly defined in another section, article or the context clearly indicates a different meaning.

Building-integrated Solar Energy Systems - An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Community Solar - A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute. A community solar system may be either an accessory or a principal use.

Grid-intertie Solar Energy System - A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Off-grid Solar Energy System - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System - A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System - A solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement - An easement that limits the height or location, or both, of permissible development on burdened land on which the easement is placed in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the land on which the easement is placed, as defined in MN Statute 500.30 Subd. 3 or most recent version.

Renewable Energy System - A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

Roof Pitch - The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

LAND USE

Solar Access - Unobstructed ~~access~~ use of the solar resource (see definition below) on a lot or building, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Collector - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Collector Surface - Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

Solar Daylighting - A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

Solar Energy - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Device - A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar energy systems are designed as a solar energy device, such as a trombe wall, and not merely a part of a normal structure such as a window.

Solar Energy System - A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of sunlight for space heating or cooling, generation of electricity, water heating, or providing daylight for interior lighting.

Solar Farm - A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Heat Exchanger - A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System - An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

Solar Hot Water System (also referred to as Solar Thermal) - A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices - Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Resource - A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

Solar Storage Unit - A component of a solar energy device that is used to store solar generated electricity or heat for later use.

- D. *General requirements.* All solar energy systems shall comply with all applicable local, state and federal regulatory codes including all electrical, building and plumbing code requirements.

AFTON CODE

1. *Permitted accessory use.* Active solar energy systems shall be allowed as accessory to the primary land use in all zoning districts in which structures of any sort are allowed and are designed to supply energy for the primary use.
 2. *Solar Access.* The City encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes.
 - a. No structure shall be erected that will block solar access for existing principal structures or infringe on the solar access of the buildable area of a vacant lot or parcel.
 - b. Right to Solar Access. No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners shall forbid installation of solar energy systems or create design standards that effectively preclude solar energy installations.
 - c. Easements Allowed. The City has elected to allow solar easements to be filed, consistent with Minnesota Stat. Chapter 500 Section 30. Any building owner can purchase an easement across neighboring properties to protect access to sunlight. The easement is purchased from or granted by owners of neighboring properties and can apply to buildings, trees, or other structures that would diminish solar access.
 - d. Subdivision Solar Easements. The City may require new subdivisions to identify and create solar easements when solar energy systems are implemented as a condition of a PUD, subdivision, conditional use, or other permit, as specified in Section 8 of this ordinance.
 3. *Safety Conditions.* All applicable health and safety standards shall be met.
 4. *Required Permits.* Building Permits, Electrical Permits and/or Plumbing Permits are required to construct and install solar energy systems in the City of Afton, whether residential or commercial and whether ground-, pole-, building-, or roof-mounted. Electrical Permits are obtained through the State of Minnesota. Building and Plumbing Permit applications are obtained through the City and shall include:
 - a. "To-scale" horizontal and vertical (elevation) drawings of the solar energy system, including:
 - i. For a Pitched Roof Mounted System - the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - ii. For a Flat Roof Mounted System - the distance to the roof edge or parapets on the building, identifying the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof and/or parapet.
 - b. Site drawing showing the type and locations of the systems and their placement on the property, including required setbacks and property lines.
 5. *Interconnection agreement.* All electric solar energy systems that are connected to the electric distribution or transmission system through the existing service of the primary use on the site shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Solar energy systems connected directly to the distribution or transmission system must obtain an interconnection agreement with the interconnecting electric utility. Off-grid systems are exempt from this requirement.
- E. *Standards.* All solar energy systems are subject to the accessory use standards for the district in which it is located, including, but not limited to, setback, height, and coverage limits.
1. *Aesthetic.* Solar energy systems are subject to the following aesthetic standards:
 - a. Installation on Residential structures must be designed to blend into the architecture of the building.
 - b. Installation on Commercial structures shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.
 - c. The color of the solar collector is not required to be consistent with other roofing materials.
 - d. Active solar energy systems that do not meet the aesthetic standards will require a Conditional Use Permit.
 2. *Size.* For residential applications, under no circumstances shall a solar array exceed 40 kW.

LAND USE

3. *Height.*
 - a. Building- or Roof-mounted systems. Shall not exceed the maximum height allowed in any zoning district.
 - i. Shall be no higher than twenty-four (24) inches above the roof.
 - ii. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed, except that solar energy systems shall not be required to be screened.
 - b. Ground- or Pole-mounted systems. Shall not exceed 20 feet in height when oriented at maximum tilt.
 4. *Set-backs.* Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
 - a. Building- or Roof-mounted systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - b. Ground- or Pole-mounted systems. Must be set back from the property line the same distance as required for other accessory structures and may not extend into the side- or rear-yard setback when oriented at minimum design tilt.
 5. *Impervious Coverage.* The surface area of pole- or ground-mount systems must comply with the City's overall impervious coverage requirements.
 - a. Impervious coverage will be calculated based on the footprint of the system at minimum tilt.
 - b. Building- or Roof-mounted systems. Shall allow for adequate roof access to the south-facing or flat roof upon which the panels are mounted.
 - c. Ground- or Pole-mounted system. The collector surface of any foundation, compacted soil, or other component of the solar installation is considered impervious surface.
 - d. Vegetated ground under the collector surface shall be used to mitigate stormwater runoff.
 6. *Glare.* All solar energy systems shall minimize glare so as not to affect adjacent or nearby properties.
 - a. Measures to minimize glare include selective placement of the system, screening on the north and/or sides of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
 7. *Historic Buildings.* Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) will require an administrative permit and a design review by the Heritage Preservation Commission (HPC).
- F. *Zoning District and Lot Size requirements.*
1. *VHS districts:*
 - a. For Ground-Mounted systems, the maximum solar panel square footage allowed is 150 square feet or 1% of the total square footage of the lot, whichever is less.
 - b. Roof-Mounted systems solar panel square footage is not restricted, however, it may be limited by the size of the roof or the roof structure.
 - c. Must meet City of Afton historical preservation standards.
 - d. Requires an administrative permit and design review by the Heritage Preservation Commission (HPC).
 2. *Rural Residential (RR) and Agriculture (Ag) districts:*
 - a. *On lots up to 10 acres:*
 - i. If not fully screened:
 - (1) A maximum height of 15 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.

- ii. If fully screened:
 - (1) A maximum height of 20 feet and a total panel square footage of 1,000 square feet, subject to being fully screened from public roads and neighboring properties, and subject to statutory and/or public utility power generation restrictions.
 - b. *On lots 10 to 20 acres:*
 - i. If not fully screened:
 - (1) A maximum height of 15 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.
 - (2) A maximum height of 15 feet and a total panel square footage of 500 square feet if setback 200 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
 - ii. If fully screened:
 - (1) A maximum height of 20 feet and a total panel square footage of 1,000 square feet, subject to statutory and/or public utility power generation restrictions, at the required setback.
 - c. *On lots 20 acres or greater:*
 - i. If not fully screened:
 - (1) A maximum height of 20 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.
 - (2) A maximum height of 20 feet and a total panel square footage of 500 square feet if setback 200 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
 - (3) A maximum height of 20 feet and a total panel square footage 750 square feet if setback 250 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
 - ii. If fully screened:
 - (1) A maximum height of 20 feet and a total panel square footage of 2,000 square feet if fully screened, subject to statutory and/or public utility power generation restrictions, at the required setback.
 - 3. *Industrial districts:*
 - a. Rooftop community systems are permitted only in the Industrial districts.
 - b. Ground-mount community solar energy systems are allowed only in the Industrial districts and are allowed as conditional uses.
 - c. Solar farms are only allowed in the Industrial districts.
- G. *Standards for specific solar uses.*
- 1. *Community solar energy systems.* Roof or ground-mount solar energy systems, may be either accessory or primary use, designed to supply energy for off-site uses on the distribution grid, consistent with Minn. Statutes 216B.1641 or successor statute.
 - a. Rooftop community systems are permitted only in the Industrial districts.
 - b. Ground-mount community solar energy systems are allowed only in the Industrial districts and are allowed as conditional uses.
 - c. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
 - d. All structures must comply with setback, height, and coverage limitations for the district in which the system is located.
 - e. Ground-mount systems must comply with all required standards for structures in the district in which the system is located.
 - 2. *Solar farms.*
 - a. Solar farms are only allowed in the Industrial districts.
 - a. Solar farms require a Conditional Use Permit.
 - b. Solar farms are subject to the City's stormwater management and erosion and sediment control provisions and National Pollutant Discharge Elimination System (NPDES) permit requirements.
 - c. Foundations. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.

LAND USE

- d. Power and communication lines. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the City in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Zoning Administrator.
- e. Site Plan Required. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the City. The site plan should also show all zoning districts, and overlay districts.
- f. Aviation Protection. For solar farms located within 500 feet of an airport or within the A or B safety zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- g. Agricultural Protection. Solar farms must comply with site assessment or soil identification standards that are intended to protect agricultural soils.
- h. Proper Maintenance. All solar installations shall be maintained according to industry standards and shall be in working order for the duration of its useful life.

H. *Discontinuation and Decommissioning.*

1. A decommissioning plan shall be required to ensure that facilities are properly removed if they are known to be dysfunctional or are discontinued after their useful life.
2. Decommissioning of solar panels must occur in the event they are not in use for six (6) consecutive months.
3. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site.
4. Disposal of structures and/or foundations shall meet the provisions of the City's Solid Waste Ordinance.
5. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

Sec. 12-231. Farmers Market. ²⁵¹

A. *Performance Standards.*

1. A farmers market requires a special event permit.
2. In the VHS-R, a farmers market can be held only in a public park.
3. A farmers market shall be operated by a local non-profit organization, and shall not be operated by a commercial entity.
4. The sale of food products is subject to obtaining any required permits or licenses from the Public Health Department.
5. Parking and display areas associated with the farmers market shall not distract or interfere with existing business operations, traffic circulation patterns or parking.
6. The site shall be kept in a neat and orderly manner and display of items shall be as compact as possible so as to not interfere with existing business, parking or driveway operations.
7. Sales merchandise trailers, temporary stands, etc., shall be located on an asphalt or concrete surface unless approved in a city park through a special event permit.
8. A farmers market with a valid special event permit may have one temporary sign not to exceed 24 square feet in area and not more than six feet in height.
9. The operator shall have the written permission of the current property owner to locate on a specific site.
10. A daily clean-up program shall be presented as part of the permit application.
11. Signage and lighting plans shall be approved by the zoning administrator prior to any sales.
12. Dates, times and location of the sales shall be approved as part of the special event permit.

²⁵¹ Ord01-2015; 05/19/2015

11-4-10: SOLAR COLLECTOR SYSTEMS:

A. Purpose: Cottage Grove supports the use of solar collection systems as an accessory use in all zoning districts and as a conditional use in special zoning districts whereby it is determined that rural and urban agricultural land is unproductive farmland. The development of solar energy farms should be balanced with the protection of the public safety and the existing natural resources in Cottage Grove. This section is to provide for the regulation of the construction and operation of solar collector systems in Cottage Grove, subject to reasonable conditions that will protect the environment, public health, safety, and welfare. The provisions of this section shall apply within all zoning districts; allowing solar panels as an appurtenance to rooftops and exterior walls, and allow modest adjustments to regulations to allow applicants access to solar resources on their property. In no case shall the provisions of this section guarantee rights to solar access.

B. Definitions: The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section:

ALTERNATIVE ENERGY SYSTEM: A ground source heat pump, wind or solar energy system.

COMMUNITY SOLAR GARDEN: A solar electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off site from the location of the solar energy system, under the provisions of Minnesota statutes 216B.1641 or successor statute.

PHOTOVOLTAIC SYSTEM: An active solar energy system that converts solar energy directly into electricity.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical, or electrical energy.

SOLAR COLLECTOR SURFACE: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

SOLAR DAYLIGHTING: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY DEVICE: A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to

provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar energy systems shall clearly be designed as a solar energy device such as a trombe wall and not merely a part of a normal structure such as a window.

SOLAR ENERGY SYSTEM: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

SOLAR ENERGY SYSTEM, BUILDING INTEGRATED: A solar energy system that is an integral part of a principal or accessory building, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within or substitute for roofing materials, windows, skylights, awnings and shade devices.

SOLAR ENERGY SYSTEM, GRID INTERTIE: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

SOLAR ENERGY SYSTEM, GROUND MOUNT: A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

SOLAR ENERGY SYSTEM, OFF GRID: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

SOLAR ENERGY SYSTEM, ROOF MOUNTED: A solar energy system mounted directly or abutting the roof of a principal or accessory building.

SOLAR FARM: A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated electricity.

SOLAR HEAT EXCHANGER: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

SOLAR HOT AIR SYSTEM (Also Referred To As SOLAR AIR HEAT OR SOLAR FURNACE): An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south facing wall.

SOLAR HOT WATER SYSTEM (Also THERMAL SYSTEM): A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

SOLAR MOUNTING DEVICES: Racking, frames, or other devices that allow the

mounting of a solar collector onto a roof surface or the ground.

SOLAR RESOURCE: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four (4) hours between the hours of nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. standard time on any day of the year.

SOLAR STORAGE UNIT: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

C. Standards:

1. **Building Integrated Solar Energy System:** A building integrated solar energy system shall be allowed only on principal structures in all zoning districts and regulated as any other building element. Wall mounted solar collection systems are prohibited on the side of a principal structure facing a public street.
2. **Minimum Lot Size:** A minimum lot area of five (5) acres is required for ground mounted solar energy systems for all residential properties in any zoning district.
3. **Height:** Roof mounted solar energy systems shall comply with the maximum height requirements in the zoning district that the property is zoned. In nonresidential zoning districts, ground mounted solar energy systems may be permitted in the front, side or rear yards, but must set back a minimum of twenty feet (20') from the property line.
4. **Roof Mounting Devices And Roof Mounted Solar Energy Systems:** Roof mounting devices and roof mounted solar energy systems shall be flush mounted on pitched roofs. Solar energy systems located in nonresidential districts or on nonresidential uses may be mounted at an angle to the roof to improve their efficiency; however, the highest point of a solar panel shall not be more than five feet (5'), measured in a straight line above the roof upon which the panel is mounted. Roof mounted devices and roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems is prohibited to extend beyond the perimeter of the building.
5. **Mirror Reflecting Designed Solar Energy Systems:** Mirror reflecting designed solar energy systems are permitted only on properties with five (5) acres or larger and located outside the metropolitan urban service area (MUSA). A conditional use permit is required.
6. **Easements:** Solar energy systems shall not encroach on public drainage or utility easements.
7. **Aesthetics:** Reflection angles from solar energy systems shall be oriented away from neighboring windows. Where necessary, screening may be required to address glare.

8. Ground Mounted Solar Energy Systems: Ground or pole mounted solar energy systems shall not exceed fifteen feet (15') in height when oriented at maximum tilt. Ground mounted solar energy systems shall comply with the accessory structure setback standards for the applicable zoning district in which they are located. Community solar gardens or solar farms shall comply with the principal structure setback standards for the applicable zoning district in which they are located. Solar energy systems may not extend into the minimum side or rear yard setbacks when oriented at minimum or maximum design tilt.
9. Standards: Solar energy systems shall meet the minimum standards outlined by the International Electrotechnical Commission (IEC), the American Society Of Heating, Refrigerating, And Air-Conditioning Engineers (ASHRAE), ASTM International, International Organization For Standardization (ISO), Underwriter's Laboratory (UL), the Solar Rating And Certification Corporation (SRCC) or other standards as determined by the community development director.
10. Certification: Solar energy systems and components shall be certified by Underwriters Laboratories, Inc. (UL), the National Renewable Energy Laboratory, and Solar Rating And Certification Corporation (SRCC), or other appropriate certification(s) as determined by the city. The city reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.
11. Building Permit Required: All solar energy systems require a building permit. A building permit application and plan submittal must comply with the following requirements:
 - a. Applications For Solar Energy Systems: An application to the city for a building permit under this section shall contain the following information, including, but not limited to, the following:
 - (1) A building permit application.
 - (2) A site plan of existing and proposed site conditions.
 - (3) Number of solar collectors to be installed.
 - (4) Location and spacing of solar panels.
 - (5) Ground mounted system applications shall identify existing vegetation on installation site (list vegetation type and percent of coverage; i.e., grassland, plowed field, wooded areas, etc.), and provide a maintenance plan for controlling vegetative growth on site upon installation of the solar energy system.
 - (6) A description of the method of connecting the array to a building or substation and a signed copy of the interconnection agreement a copy of the application to with the local electric utility be included with the conditional use permit application or a written explanation outlining why an interconnection agreement is not necessary.
 - (7) Planned location of underground or overhead electric lines connecting the solar electric system to the building, substation or other electric load.

(8) New electrical equipment other than at the existing building or substation that is the connection point for the solar electric system.

(9) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.

(10) Existing and proposed (if existing grade will be altered) topography at two foot (2') contours.

12. Feeder Lines And Grid Interties: All power lines shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid. All grid intertie systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility. Off grid systems are exempt from this requirement.

13. Special Exceptions: A solar collection system with a cumulative area of six (6) square feet or less is permitted in all zoning districts and does not require a building permit. No more than three (3) solar collection panels are permitted. Examples of these systems are outdoor accent lighting systems, power supply for traffic control systems, powering a water pump for water gardens, telecommunication systems, backup power systems during power outages, and etc.

D. Community Solar Garden Or Solar Farm: A conditional use permit is required for community solar garden or solar farm systems and must be located within the designated areas shown in exhibit A attached to the ordinance codified herein. Utility scale solar energy systems are allowed in all zoning districts. A minimum of five (5) acres of land is required.

E. Decommissioning: A decommissioning plan shall be submitted with all applications for community solar garden or solar farm systems.

1. Decommissioning plans shall outline the anticipated means and cost of removing the system at the end of its serviceable life or upon its becoming a discontinued use. The cost estimates shall be made by a competent party, such as professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the system. Owners of residential solar energy systems may rely on manufacturer's data to submit estimates.

2. Decommissioning of the system must occur within ninety (90) days from either of the following:

a. The end of the system's service life; or

- b. The system becomes a discontinued use.
 - c. A system shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the zoning administrator outlining the steps and schedule for returning the system to service.
 - d. The city may at its discretion require the owner and/or operator of the commercial or utility scale system to provide financial security in the form of a cash escrow, bond, or irrevocable letter of credit in an amount equal to one hundred twenty five percent (125%) of a cost estimate for decommissioning the system.
3. The owner of a utility scale system must notify the city in writing when feeder lines and/or grid interties are disconnected from the local utility transmission line.

F. Abandonment: If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure and components. (Ord. 948, 10-7-2015)

Print

Forest Lake, MN Code of Ordinances

§ 153.307 SOLAR ENERGY SYSTEM REQUIREMENTS.

(A) *Zoning districts.* Solar energy systems in accordance with the standards in this section are allowed as a permitted accessory use in all zoning districts.

(B) *Standards.*

(1) *Exemption.* Passive or building-integrated solar systems are exempt from the requirements of this section and shall be regulated as any other building element.

(2) *Height.* Roof mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground mounted solar energy systems shall not exceed 15 feet in height.

(3) *Location.* In residential zoning districts, ground mounted solar energy systems are limited to the rear yard. In non-residential zoning districts, ground-mounted solar energy systems may be permitted in the side yard meeting accessory structure requirements in § 153.110.

(4) *Setbacks.* Ground mounted solar energy systems shall comply with all accessory structure setbacks in the applicable zoning district. Roof mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

(5) *Roof mounting.* Roof mounted solar collectors shall be flush mounted on pitched roofs unless the roof pitch is determined to be inadequate for optimum performance of the solar energy system in which case the pitch of the solar collector may exceed the pitch of the roof up to 5% but in no case shall be higher than 10 inches above the roof. Solar collectors may be bracket-mounted on flat roofs.

(6) *Easements.* Solar energy systems shall not encroach on public drainage, utility roadway, or trail easements.

(7) *Screening.* Solar energy systems shall be screened from view to the extent possible without impacting their function.

(8) *Maximum area.* In the SF, MXR-1, MXR-2, MXR-3, and MF residential districts, ground mounted solar energy systems shall be limited to a maximum area of 200 square feet. In C, A and RR residential zoning districts, ground mounted solar energy systems shall be limited to a maximum area consistent with the accessory structure requirements in § 153.110 or no more than 25% of the rear yard whichever is less.

(9) *Aesthetics.* All solar energy systems shall be designed to blend into the architecture of the building to the extent possible without negatively impacting the performance of the system and to minimize glare towards vehicular traffic and adjacent properties.

(10) *Feeder lines.* The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points on interconnection to the electric grid.

(11) Structures shall not be located such that solar power access blocks a neighboring property.

(C) *Safety.*

(1) *Standards and certifications.*

(a) *Standards.* Solar energy systems shall meet current industry standards.

(b) *Certification.* Solar energy systems shall be certified by an appropriate industry certifying entity.

(2) *Utility connection.* All grid connected systems shall have a completed contractual agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided.

(a) *Abandonment.* If the solar energy system remains nonfunctional or inoperative for a continuous period of 6 months, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at the owner's expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

(b) *Permits.* A building permit shall be obtained for any solar energy system prior to installation.

(Ord. 596, passed 2-8-2010)

**CITY OF SCANDIA
ORDINANCE NO.: 162**

**AN ORDINANCE AMENDING
ORDINANCE NO. 122, THE SCANDIA DEVELOPMENT CODE,
CHAPTER 1, DEFINITIONS AND CHAPTER 2, SECTIONS 2.0, REGARDING
DISTRICTS AND 4.0 STANDARDS FOR USES**

The City Council of the City of Scandia, Washington County, Minnesota hereby ordains:

Section 1. Amendment. Ordinance No. 122, the City of Scandia Development Code (“Development Code” or “Code”), Chapter One, Section 4.2, Definitions, shall be amended to add the following definitions:

- (1) Community Solar Garden: A community solar energy system that generates electricity by means of a ground-mounted or building-integrated solar system and that is supplied to multiple community members or businesses residing or located off-site from the location of the solar energy system under the provisions of Minnesota statutes 216B.1641 or successor statute.
- (2) Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.
- (3) Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- (4) Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.
- (5) Solar Energy System, Building-Integrated: A solar energy system that is an integral part of a principal or accessory building, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within or substitute for roofing materials, windows, skylights, awnings and shade devices.
- (6) Solar Energy System, Ground-Mounted: A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.
- (7) Solar Energy System, Passive: A system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

- (8) Solar Farm: a commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated energy.

Section 2. Amendment. Ordinance No. 122, the City of Scandia Development Code (“Development Code”, or “Code”), Chapter Two, Section 4.0, Standards for Uses, shall be amended to add the following subsections:

4.33 Passive solar energy systems. Passive solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

4.34 Solar Farms and Community Solar Gardens. Solar farms and community solar gardens shall comply with all of the following standards:

(1) Districts and Permits

(A) Solar farms and community solar gardens are allowed within the Agriculture Core (AG C), Agriculture Preserves (AP), and General Rural (GR) zoning districts and require a Conditional Use Permit.

(B) The City prohibits solar farms and community solar gardens within the following districts:

1. Within areas designated as Shoreland Districts by the Department of Natural Resources and the City of Scandia Shoreland Ordinance.
2. Within six hundred (600) feet of areas designated or formally protected from development by Federal, State or County agencies as wildlife habitat, wildlife management areas, or designated as National Wild and Scenic land or corridor.
3. Within wetlands to the extent required by the Minnesota Wetlands Conservation Act.
4. Within the Floodplain District.

(2) Accessory solar farm and community solar garden uses are exempt from the Residential and Agricultural Accessory Structure standards regarding the square footage and number of structures permitted on a parcel, but must conform to the setback and lot coverage standards in this Development Code.

(3) Permit Application

(A) Existing Site Plans Required. The applicant for a solar farm or community solar garden shall submit a detailed site plan of existing conditions, showing site boundaries; existing access roads, driveways, and easements; existing structures; setbacks; surface water drainage patterns, floodplains, Shoreland districts, delineated wetlands, toe and top of bluffs, ordinary high water mark and other protected natural resources; existing vegetation, soil types, topography (2-foot contour intervals), and all other items required in Chapter

1, Section 5 of this Code for Conditional/Interim Use Permit applications or by the City. The Existing Site Plan shall include a graphic scale not less than 1:100 and a north arrow.

- (B) Proposed Site Plan Required. The applicant shall also submit a site plan of proposed conditions, including the proposed number, location and spacing of solar panels; proposed height of panels; location of access roads; planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load; new electrical equipment other than at the existing building or substation that is the connection point for the solar farm; proposed stormwater management facilities; proposed erosion and sediment control measures, and other information as required by the City. The Proposed Site Plan shall include a graphic scale not less than 1:100 and a north arrow.

The application shall also include a vertical sketch elevation of the premises accurately drawn to a scale identified on the drawing, depicting the proposed solar energy conversion system. The sketch shall depict the proposed system's relationship to structures on adjacent lots within 150 feet of the parcel boundary (if any). The sketch elevation shall include a graphic scale not less than 1:50, or as needed to clearly show the vertical relationship between the proposed solar facilities and structures on adjacent lots.

- (C) Use of Public Roads. The applicant shall obtain all necessary approvals from the appropriate road authority for site access and driveways.
- (D) Interconnection Agreement. The applicant shall complete an interconnection agreement with a local utility and provide a copy of the agreement to the City before approval of electrical, building, or other required permits. The system operator shall provide a visible external disconnect if required by the utility.
- (E) Liability Insurance. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate, and provide proof that it meets the insurance requirement to the city.
- (F) Decommissioning Plan. The applicant shall submit a decommissioning plan to ensure that facilities are properly removed after their useful life. If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure decommissioning.

(G) Payment In Lieu of Taxes. Notwithstanding that Minnesota Statutes Section 272.02, Subdivision 24 (or its successor) classifies real property upon which a solar energy generating system is located that is used primarily for solar energy production (subject to the production tax under Minnesota Statutes Section 272.0295) as class 3a, the City may require the applicant to enter into a Payment In Lieu of Taxes Agreement to compensate the City for any prospective tax revenue that may be lost due to such reclassification.

(2) Performance Standards

- (A) Solar farms which have a generating capacity of 50 megawatts of power or more shall fall under the jurisdiction of the Minnesota Public Utilities Commission. The limitations on the number or cumulative generating capacity of community solar garden facilities is regulated by Minnesota Statutes 216B.164 and related regulations.
- (B) Solar farms and community solar gardens shall be located on a parcel of at least 5 acres.
- (C) Solar farms and community solar gardens shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; the National Electric Code, as amended; the State Plumbing Code, as amended; the Minnesota Energy Code, as amended.
- (D) All solar farms and community solar gardens shall comply with the principal structure setback standards and lot coverage standard for the applicable zoning district in which they are located.
- (E) Solar farms and community solar gardens shall be setback a minimum of 200 feet from the centerline or 150 feet from the right-of-way of minor arterial roadways, whichever is greater.
- (F) Ground-mounted solar energy systems shall not exceed fifteen feet (15') in height. Building-integrated solar energy systems shall not exceed the maximum height permitted in the zoning district.
- (G) Solar farms and community solar gardens shall be screened from view from the public right of way to the extent possible by setbacks, berming, existing vegetation, landscaping, or a combination thereof.
- (H) Solar farms and community solar gardens are subject to stormwater management and erosion and sediment control best practices and NPDES permit requirements, and shall obtain required permits from the MPCA, local Watershed District, City and others.

- (I) The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- (J) Power and communication lines that are not defined in this ordinance as Essential Services and running between banks of solar panels and to electric substations or interconnections with buildings that are on adjacent parcels shall be buried underground. Exemptions may be granted by the City in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines, or the distance to a substation or other point of interconnection reasonable precludes burial.
- (K) All solar farm and community solar garden facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties, as well as adjacent street rights-of-way. Steps to control glare nuisance may include selective placement of the system, screening on the side of the solar array facing the reflectors, reducing use of the reflector system, or other remedies that limit glare. Solar farms utilizing a reflector system shall conduct a glare study to identify the impacts of the system on occupied buildings and transportation rights-of-way within a half mile of the project boundary. The glare study shall also address aviation impacts.
- (L) The surface area of ground-mounted systems in combination with driveways, structures and other impervious surfaces on the parcel shall not exceed the maximum lot coverage standard of the applicable zoning district.
- (M) A clearly-visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the landscaping provisions of the Development Code.
- (N) If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit. Removal includes the entire structure including transmission equipment.

Section 3. Effective Date. This ordinance shall be in full force and effect upon its adoption and publication according to law.

Passed and adopted by the City Council of the City of Scandia this June 16th, 2015.


Randall Simonson, Mayor

ATTEST:


Kristina Handt, Administrator/Clerk

City	Zoning District in Which Solar Energy Systems are Allowed / Permitted or Conditional / Principal or Accessory Uses	Aesthetic Standards	Size and Height Standards, Setbacks and Impervious Coverage	Permits, Agreements, Industry Standards, and Discontinuation and Decommissioning Required	Protection of Solar Access	Standards for Specific Uses
<i>Afton</i>	<ul style="list-style-type: none"> Solar energy systems are permitted accessory use in all districts (unless aesthetic standards are not met) Rooftop community systems and solar farms are permitted uses and ground-mount community solar energy systems as conditional uses in the <i>Industrial District</i> 	<ul style="list-style-type: none"> Must be designed to blend in to the architecture of the building Must be contained on roof of commercial buildings Those not meeting design standards require a CUP 	<ul style="list-style-type: none"> Same as zoning district unless Pole mounted systems to be setback same distance from property line as height of pole Size Regulated by district: VHS District: <ul style="list-style-type: none"> -Max panel sf: 150 sf or 1% of total sf of lot RR and Ag Districts: <ul style="list-style-type: none"> -Lots up to 10 acres: <ul style="list-style-type: none"> -If not fully screened: Max height: 15 ft Max panel sf: 150 sf -If fully screened: Max height: 20 ft Max sf: 1000 sf -Max size restrictions increase as lot size increase <ul style="list-style-type: none"> Height not to exceed maximum height allowed in any zoning district 	<ul style="list-style-type: none"> Clarifies that appropriate City permits are required for installation Requires interconnection agreement for systems connecting to electric distribution or transmission system through the existing service Requires a decommissioning plan Panels must be decommissioned if not in use for six months May require escrow to ensure proper decommissioning 	<ul style="list-style-type: none"> Prevents blockage of solar access Prevents homeowners' agreements, etc. from forbidding solar energy installations Allows easements across neighboring properties and can prevent erection of structures that would diminish solar access 	<ul style="list-style-type: none"> Sets forth standards for specific solar uses including community solar energy systems and solar farms Solar array shall not exceed 40 kW
<i>Scandia</i>	<ul style="list-style-type: none"> Solar farms and community solar gardens are allowed within 	<ul style="list-style-type: none"> Solar farms and community solar garden must be 	<ul style="list-style-type: none"> Regulates passive solar energy systems as any other building element Exempts accessory solar farm and community solar farm garden uses 	<ul style="list-style-type: none"> Solar farm or community solar garden requires Conditional Use Permit application 		<ul style="list-style-type: none"> Solar farms with a generating capacity of 50 megawatts to fall

	<p>certain Ag and Rural zoning districts as a conditional principal use</p> <ul style="list-style-type: none"> Prohibits solar farms and community solar gardens in the shoreland district, within 600 feet of formally protected wildlife areas, wetlands, floodplain district 	<p>screened from public ROW</p> <ul style="list-style-type: none"> To be designed and located to prevent reflective glare toward inhabited buildings on adjacent properties, ROW Warning sign concerning voltage required Mechanical equipment to be enclosed by fence and screened 	<p>from maximum square footage and number of structures standards of accessory structures</p> <ul style="list-style-type: none"> Solar farms are to be located on lots of at least 5 acres Solar farms subject to principal structure setbacks and lot coverage standards and must be setback a minimum of 200 ft from centerline or 150 ft from ROW of minor arterial roads Ground-mounted solar energy systems not to exceed 15 ft in height Building-integrated not to exceed height of building 	<ul style="list-style-type: none"> Requires interconnection agreement Requires liability insurance Requires decommissioning plan Must be decommissioned if not operable or operated for one year May require posting of bond, letter of credit, etc. to ensure proper decommissioning Requires payment in lieu of taxes for prospective tax revenue lost due to reclassification of property to solar energy generating system Qualified engineer to certify foundation and design is within accepted professional standards Specifies that solar energy systems must meet all applicable standards and regulations 		<p>under jurisdiction of MN Public utilities</p>
<i>Forest Lake</i>	<ul style="list-style-type: none"> Solar energy systems are allowed as permitted accessory uses in all district 	<ul style="list-style-type: none"> To be screened from view to extent possible Shall be designed to blend in to architecture of building to extent possible 	<ul style="list-style-type: none"> Roof-mounted solar energy systems: <ul style="list-style-type: none"> -Max height requirements of zoning district -Setbacks to comply with building setbacks and not extend beyond exterior perimeter of building -Shall be flush mounted on pitched roofs Ground-mounted solar energy system: <ul style="list-style-type: none"> -Max height: 15 ft 	<ul style="list-style-type: none"> Specifies that solar energy systems must meet industry standards and certified by appropriate industry certifying entity System must be abandoned if system is nonfunctional or inoperative for continuous period of six months 	<ul style="list-style-type: none"> Structures shall not be located such that solar power access blocks a neighboring property 	<ul style="list-style-type: none"> Passive or building-integrated solar systems are exempt from the requirements

		<ul style="list-style-type: none"> • Feeder line to be placed underground 	<ul style="list-style-type: none"> -Setbacks to comply with accessory structure setback requirements -Limited to 200 sf in size in more urban residential districts -Restricted to rear yard in residential districts and side or rear yard in non-residential districts 	<ul style="list-style-type: none"> • Building permit required 		
<i>Cottage Grove</i>	<ul style="list-style-type: none"> • Solar collection systems are an accessory use in all zoning districts • Community solar garden or solar farm is a conditional, principal use in designated areas 	<ul style="list-style-type: none"> • Reflection angles oriented away from neighboring windows • Screening may be required • Power lines to be placed underground with exceptions 	<ul style="list-style-type: none"> • Wall mounted solar collection systems prohibited on side of building facing a street • Ground-mounted systems: <ul style="list-style-type: none"> -Minimum lot size of 5 acres for all residential properties -Non-residential properties: may be in front, side, or rear yard if set back 20 ft -Max height: 15 ft -General systems must comply with accessory structure setbacks -Community solar gardens or solar farms are to comply with principal structure setback requirements • Roof-mounted systems: <ul style="list-style-type: none"> -Max height requirements of zoning district -Must be flush with roof with exceptions to nonresidential uses • Building integrated solar energy system allowed on principal structures in all zoning districts and regulated as building element • Mirror-reflecting systems allowed only on properties 5 acres or larger 	<ul style="list-style-type: none"> • Must meet minimum standards as outlined and receive outlined certification • Building permit required with exceptions • Requires decommissioning plan • Decommissioning required after 1 year and 90 days of discontinued use or abandonment or 90 days after end of service life 		