

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, March 11, 2013 at 7:00 p.m.

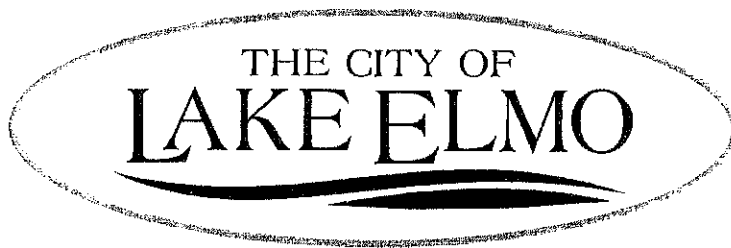
AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. None
4. Public Hearing
 - a. ZONING TEXT AMENDMENT - TREE PRESERVATION ORDINANCE. The planning Commission is asked to consider a zoning text amendment to add a Tree Preservation Ordinance to the environmental performance standards section of the Zoning Code. The Tree Preservation Ordinance established tree preservation standards for lots that include significant woodland coverage in Lake Elmo. The ordinance would apply to all development, grading and building activities on woodland lots and parcels.
 - b. ZONING TEXT AMENDMENT - RURAL DISTRICTS CODE UPDATE. The Planning Commission is being asked to consider amendments to the City's Rural Districts that will update these provisions for consistency with recent additions to other sections of the Zoning Ordinance. The proposed amendment would include the creation on a new RT – Rural Development Transition District for those portions of the City to be served by regional sanitary sewer.
5. Updates
 - a. City Council Updates
 - i. Urban Residential Zoning District ordinance approved at the 3/5/13 City Council Meeting.
 - ii. Subdivision Ordinance Amendment related to public land dedication-fee schedule amendment approved at the 3/5/13 City Council Meeting.
 - iii. Comprehensive Plan Amendment – Village Land Use Plan approved at the 3/5/13 City Council Meeting.
 - b. Staff Updates
 - i. Upcoming Meetings:
 1. Planning Commission Workshop Meeting, 3/25/13

- Workshop may include the following: Village Mixed Use Zoning District and Special Provisions zoning amendments

c. Commission Concerns

6. Adjourn



Planning Commission
Date: 3/11/13
Public Hearing
Item: 4a

ITEM: PUBLIC HEARING: Zoning Text Amendment – Tree Preservation Ordinance

REQUESTED BY: Planning Department

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a zoning text amendment to the Zoning Ordinance to add a Tree Preservation Ordinance to the Lake Elmo City Code. The existing Subdivision Ordinance calls for a vegetation protection and preservation plan at Preliminary Plat phase, but does not specify any specific standards for conducting such a preservation plan. The proposed Tree Preservation Ordinance is an attempt at clarifying the preservation requirements and process as applicants proceed through the Preliminary Plat process of land subdivision. In addition, a Tree Preservation Plan would also be required in instances of commercial or large-scale construction, as well as for work requiring a City Grading Permit.

ADDITIONAL INFORMATION

As the City has recently been working through a potential residential subdivision in the I-94 Corridor, it came to Staff's attention that the City did not specify specific standards pertaining to tree inventory and preservation requirements at Preliminary Plat. In an effort to make operational improvements to the development process, Staff determined that it was prudent to draft a tree preservation ordinance before future subdivisions were proposed in Lake Elmo. In addition, this effort is consistent with Staff's overall goal of incrementally improving the Zoning Ordinance to prepare the City for sewered development in the I-94 Corridor and Village. To draft the proposed attached ordinance, Staff conducted research into the tree preservation requirements of several surrounding communities in the Twin Cities Metropolitan Area. This research informed the proposed ordinance.

The proposed Tree Preservation Ordinance is applicable to all development and subdivision related applications, including construction and grading, but is not applicable to single family home constructing on an existing platted lot of record. It is also important to note that the tree preservation requirements would be in addition to, not in place of, landscaping requirements for development in the City's urban districts. In most cases, the applicant would be required to submit a Tree Preservation Plan as part of a Preliminary Plat submission, as long as the property in question is considered a "Tree Protection Zone".

Due to the fact that many of the subdivisions that may occur in Lake Elmo will take place on open farm areas that currently have limited stock of significant trees, the proposed ordinance establishes a threshold for preservation. According to the ordinance, a parcel must contain 40% woodland coverage to be considered a "Tree Protection Zone". Once a parcel receives this designation, a tree preservation ratio must be maintained for all healthy significant trees according to the base zoning of the property; urban residential properties require a preservation

ratio of 35%, while commercial and mixed-use parcels require a preservation ratio of 20%. If a property owner is unable to maintain the required preservation ratio, then a Mitigation Plan is required. Once again, this process is only triggered if the parcel qualifies as a "Tree Protection Zone". For parcels that do not qualify for this designation, Staff recommends that a Tree Inventory still be completed at Preliminary Plat so that as many significant trees can be preserved as possible.

Once again, the effort to draft a Tree Preservation Ordinance is part of an overall project of making improvements to the City's Zoning Ordinance before additional growth and subdivision is to occur in Lake Elmo. In addition to these efforts, the City may have to make some minor adjustments to the City's Subdivision Ordinance to be consistent with the requirements of the Tree Preservation Ordinance. Staff will outline these minor changes at the Public Hearing.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the proposed Tree Preservation Ordinance with the following action:

"Move to recommend approval of the proposed Tree Preservation Ordinance to specify the City's requirements for tree preservation in the subdivision and development process."

ORDER OF BUSINESS:

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

ATTACHMENTS (1):

1. Draft Tree Preservation Ordinance

ARTICLE 6. ENVIRONMENTAL PERFORMANCE STANDARDS

§154.250 Purpose

§154.251 Tree Preservation

§154.250 Purpose

The purpose of this section is to provide regulations of general applicability for property throughout the City that are intended to protect or enhance natural resources and processes, and minimize conflicts among land uses.

§154.251 Tree Preservation

- A. *Purpose.* Within the city of Lake Elmo, trees and woodlands are considered a valuable asset to the community. The City places a priority on protecting this asset and finds that it is in the best interest to regulate the development and alteration of wooded areas within the community. All builders, developers and subdividers shall comply with all the provisions in the Zoning Code which address the preservation of existing significant trees. All builders, developers and subdividers are encouraged to preserve all healthy trees of significant value even if the trees do not meet the size requirements to be considered significant trees.

- B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Common Tree. Includes Ash, Aspen, Basswood, Box Elder, Catalpa, Cottonwood, Elm, Hackberry, Locust, Poplar, Silver Maple, Willow and any other tree not defined as a hardwood deciduous tree or a coniferous/evergreen tree.

Coniferous/Evergreen Tree. A wood plant, which, at maturity, is at least twelve (12) feet or more in height, having foliage on the outermost portion of the branches year-round. Tamaracks are included as a coniferous tree species.

Critical Root Zone (CRZ). An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter. E.g. a twenty-inch diameter has a critical root zone with a radius of twenty (20) feet.

Deciduous Hardwood Tree. Includes Birch, Cherry, Hickory, Ironwood, Hard Maples, Oak and Walnut.

Diameter Breast Height (DBH). The diameter of trees at breast height, measured 4 ½ feet (54 inches) above the ground.

Significant Tree. A healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees, eight (8) inches in diameter for coniferous/evergreen trees, or twelve (12) inches in diameter for common trees, as defined herein.

Tree Preservation Plan. A plan prepared by a certified forester or landscape architect indicating all of the significant trees in the proposed development or parcel. The Tree Preservation Plan includes a tree inventory which includes the size, species and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.

Woodland Coverage. A density of trees equal or greater to 10 significant trees per acre.

- C. *Applicability*

1. This section applies to any application for development or subdivision approval except as otherwise provided in this section. This section applies to all developers and/or owners of real property involved with the erection, repair, alteration or removal of any building or structure as well as grading in anticipation of development.

2. This section does not apply to the harvesting of trees. For purposes of this section, "harvesting" means cutting or clearing trees for purposes relating to forestry operations, as defined in §154.012. "Harvesting" does not include the clearing of land for the purposes of development, even where the trees are sold for purposes of creating lumber for related purposes.
3. This section does not apply to the issuance of a development approval for a single-family residence on an existing platted lot of record.

D. Tree Protection Zone

1. For the purposes of this section, a "tree preservation zone" is established for any lot or parcel that has a woodland coverage of at least forty (40) percent. The tree preservation zone includes all woodland areas within the required setbacks and outside the designated building envelopes. The percentage of significant trees that must be preserved within the tree protection zone is established in Table 6-1.

Table 6-1: Preservation Ratios

Area or Category	Preservation Ratio of Significant Trees (Percent of Tree Protection Zone)
All areas within a riparian buffer.	75%
Lots within any commercial, industrial or mixed-use zoning district.	20%
Lots within any urban residential districts, or within a planned development.	35%

2. For the purposes of determining the preservation ratio for a parcel of land, the more restrictive area or category always applies.

E. Significant Trees

For the purposes of this section, a "significant tree" means any hardwood deciduous tree that is equal to or larger than 6-inch diameter breast height (DBH), any coniferous/evergreen tree that is equal to or larger than 8-inch diameter breast height and any common tree that is equal to or larger than 12-inch diameter breast height.

- F. *Tree Preservation Plan.* All applicants shall submit a tree preservation plan prepared by a certified forester or landscape architect in accordance with the provisions of this section. During the review of an application for a building permit, grading permit or Preliminary Plat, the tree preservation plan will be reviewed according to the best layout to preserve significant trees and the efforts of the subdivider to mitigate damage to significant trees.

- G. *Tree Preservation Plan Requirements.* The Tree Preservation Plan shall be a separate plan sheet(s) that includes the following information:

1. The name(s), telephone number(s) and address(es) of the person(s) responsible for tree preservation during the course of the development project.
2. A tree inventory, including the size, species, general health and location of all existing significant trees located within the area to be developed or within the parcel of record. All significant trees must be tagged in the field for reference on the Tree Preservation Plan. These significant trees should be identified on the plan sheet in both graphic and tabular form.
3. Trees that were planted as part of a commercial business such as a tree farm or nursery do not need to be inventoried on an individual tree basis. A general description of the trees

and an outer boundary of the planted area must be provided. The burden of proof shall be on the applicant to provide evidence to support the finding that the trees were planted as part of a commercial business.

4. A listing of healthy significant trees inventoried in subsection (2) above. Dead, diseased or dying trees do not need to be included in the totals.
 5. A listing of the healthy significant trees removed, identified by the tree tag or some other form of identification used in the tree inventory in subsection (2) above.
 6. A listing of the healthy significant trees to remain, identified by the tree tag or some other form of identification consisted with the tree inventory in subsection (2) above.
 7. Outer boundary of all contiguous wooded areas, with a general description of trees not meeting the significant tree size threshold.
 8. Locations of the proposed buildings, structures, or impervious surfaces.
 9. Delineation of all areas to be graded and limits of land disturbance.
 10. Identification of all significant trees proposed to be removed within the construction area. These significant trees should be identified in both graphic and tabular form.
 11. Measures to protect significant trees.
 12. Size, species, number and location of all replacement trees proposed to be planted on the property in accordance with the Mitigation Plan, if necessary.
 13. Signature of the person(s) preparing the plan.
- H. *Implementation.* All sites shall be staked, as depicted in the approved Tree Preservation Plan, and the required tree protection fencing shall be installed before land disturbance is to commence. The City shall inspect the construction site prior to the beginning of the land disturbance to ensure that protective fencing and other protective measures are in place. No encroachment, land disturbance, trenching, filling, compaction, or change in soil chemistry shall occur within the fenced areas protecting the critical root zone of the trees to be saved.
- I. *Irreparable Damage.* Where the City determines that irreparable damage has occurred to a healthy significant tree that is designated to be preserved as part of the Tree Preservation Plan, the tree shall be removed and replaced, and protective fencing shall be provided.
- J. *Allowable tree removal.* Significant trees on any parcel of land being developed may be removed without replacement as long as the Preservation Ratio of Significant Trees (Table 6-1) is maintained per the applicable area or category. Replacement according an approved Mitigation Plan is required when the removal of significant trees exceeds the Preservation Ratio found in Table 6-1.
- K. *Mitigation Plan.* In the event that the removal of significant trees exceeds the amount required to maintain the Preservation Ratio (Table 6-1), the applicant is required to prepare a Mitigation Plan.
1. Any application where the allowable tree removal is exceeded, the applicant shall mitigate the tree loss by either:
 - a. Planting replacement trees in appropriate areas within the development to meet the applicable Preservation Ratio;
 - b. Planting an equivalent number of replacement trees on City property under the direction of the Public Works Superintendent; or
 - c. Some combination of above subsections (a) and (b) to total the equivalent number of required amount of replacement trees to meet the Mitigation Plan.
 2. The form of mitigation to be provided by the applicant shall be determined by the City.

3. *Species requirement.* The City must approve all species used for tree replacement. Ornamental trees are not acceptable for use as replacement trees. Where ten or more replacement trees are required, not more than thirty (30) percent of the replacement trees shall be of the same species of tree.
4. *Warranty requirement.* Any replacement tree which is not alive or healthy, as determined by the City, or which subsequently dies due to construction activity within two (2) years after the date of project closure shall be removed by the applicant and replaced with a new healthy tree meeting the same minimum size requirements within eight (8) months of removal.
5. The planting of trees for mitigation on residential projects shall be in addition to any other landscape requirements of the City.
6. All trees, except ornamental trees, planted as landscaping on commercial projects may be counted towards tree replacement requirements.

L. Exceptions

1. *Exception Standards.* Notwithstanding the City's desire to accomplish tree preservation and protection goals, there may be instances where these goals are in conflict with other City objectives. These conflicts will most likely occur on small, heavily-wooded parcels. At the discretion of the City Council, exceptions may be granted if all of the following conditions exist:
 - a. The subject parcel is three (3) acres in size or less;
 - b. It is not feasible to combine the subject parcel with adjacent parcels that could use the parcel as required green space;
 - c. Strict adherence to the Tree Preservation Ordinance would prevent reasonable development that is consistent with the Comprehensive Plan and desirable to the City on the parcel; and
 - d. The exception requested is the minimum needed to accomplish the desired development.
2. *Reduced Mitigation for Exceptions.* If an exception is granted, relief from the requirements of the ordinance may take the form of reduced mitigation requirements, greater allowable tree removal, higher thresholds for determining significant trees, or any combination of the above. The City Council will determine which form of relief best balances the objectives of the City and tree preservation.

THE CITY OF LAKE ELMO

Planning Commission
Date: 3/11/12
Business Item
Item: 4b

ITEM: PUBLIC HEARING: Consideration of Amendments to Article 9 of the Zoning Ordinance – Rural Districts

REQUESTED BY: Planning Department

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider text amendments to the Zoning Ordinance to revise the zoning district regulations for the City's rural districts (those portions of the City that will not be served by the sanitary sewer system). The revised sections will be placed under Article 9 beginning at Section 154.400 in the new numbering system. All of the formatting for these sections is now consistent with the other recent changes to the Zoning Ordinance, including the urban residential district standards, definitions, and introductory provisions that have previously been approved by the City Council.

ADDITIONAL INFORMATION

Staff has made various modifications to the rural district standards in order to bring them up-to-date and to improve consistency throughout the code. The major changes from the existing ordinance include the following:

- The rural districts have been reformatted using the new ordinance numbering and organizational scheme.
- The districts are better organized using the urban districts as a guide.
- The rural districts now make use of the more complete list of use classifications and definitions previously approved by the City,
- The area that must be set aside on individual lots for septic drain fields has been reduced from 1 acre to 20,000 square feet in order to match the existing standards in RE – Residential Estate districts. Two treatment sites must still be identified on each building site for a primary and secondary system. Please note that the County rules require 10,000 square feet of area (5,000 for each of the primary and secondary sites) for drain fields.

The other significant change proposed is the addition of a RT – Rural Development Transition District that is intended to take the place of the City's existing holding zones in areas that are planned for future sewered development. Staff believes that the proposed RT district will serve the same purpose as the numerous holding zones that are currently used while greatly simplifying the overall ordinance.

Staff will review the entire ordinance in greater detail with the Planning Commission at the meeting.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the proposed amendments to Article 9 – Rural Districts as presented.

ORDER OF BUSINESS:

- Introduction..... Kyle Klatt, Planning Director
- Report by staff Kyle Klatt, Planning Director
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS (1):

1. Draft Article 9 – Rural District Amendments

Article 9 - RURAL DISTRICTS

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

§154.400 Purpose.

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

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

§154.401 Permitted and Conditional Uses.

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

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

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

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-family detached dwelling	P	P	P	P	P	154.454.A
Secondary Dwelling	-	P	-	-	-	154.404.D
Public and Civic Uses						
Cemetery	-	P	P	-	-	
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404.G
Commercial Kennel	C	C	C	-	-	154.404.I
Commercial Stable	-	C	-	-	-	154.404.I
Outdoor Recreation						
Golf Course	-	C	-	-	-	
Outdoor Recreation Facility	-	C	-	-	-	155.107.E
Parks and Open Areas	P	P	P	P	P	
Restricted Recreation	-	C	-	-	-	
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.111
Agricultural Production	P	P	P	-	-	
Agricultural Sales Business	I	I	I	-	-	154.110
Agricultural Services	C	C	-	-	-	154.404.J
Forestry Operations	-	P	-	-	-	
Greenhouses, Non Retail	C	C	C	-	-	
Wayside Stand	P	P	P	-	-	154.454.D
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404.G
Accessory Uses						
Bed and Breakfast	C	C	C	-	-	155.111.C

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

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

Notes to Rural Districts Table 9-1

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

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

§154.402 Lot dimensions and building bulk requirements.

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

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

	RT	A	RR	RS	RE
Minimum Lot Area (acres)					
Single Family Detached Dwelling	20	40 ^{a,b}	10 ^c	1.5 ^d	2.5 ^{e,f}
Minimum Lot Width (feet)					
Single Family Detached Dwelling	300	300	300	125	NA ^g
Maximum Principal Structure Height (feet)					
	35	35	35	35	35
Maximum Impervious Coverage					
	-	-	-	25%	15%
Minimum Principal Building Setbacks (feet)					
Front Yard	30	200	30	30	100
Interior Side Yard 0	10	200	10	10	50
Corner Side Yard ^h	25	200	25	25	80
Rear Yard	40	200	40	40	100
Minimum Accessory Building Setbacks (feet)					
Front Yard	30	200	30	30	100
Interior Side Yard	10	200	10	10	15
Corner Side Yard	25	200	25	25	30
Rear Yard	10	200	10	10	15
Minimum Agricultural Related Setbacks (Animal buildings, feedlots or manure storage sites)					
Any Property Line	200	200	200	-	-
Any Existing Well or Residential Structure	50	50	50	-	-
Any Body of Seasonal or Year-round Surface Water	200	200	200	-	-

Notes to Rural Districts Table 9-2

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

§154.403 Dimensional Requirements and Preservation of Open Space

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

§154.404 Site Design and Development Standards.

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

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

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

6. Non-agricultural low impact uses may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of facilities, whichever is more restrictive.
 7. The property owner shall maintain the remaining land or farm outside of the IUP Area in accordance with the permitted uses of the Agricultural zoning district and the required practices of the Soil and Water Conservation District.
 8. Rate and volume of stormwater runoff must meet the requirements of the City's Stormwater Ordinance.
 9. In the event that the property owner, or future property owner, initiates a Comprehensive Plan amendment and rezoning of any or all of the contiguous real estate from Agriculture to a more intensive use, the Interim Use Permit shall terminate and all non-conforming structures shall be removed from the site within 1 year from the date of the City Council's adoption of the Comprehensive Plan amendment and rezoning, unless the City agrees otherwise. This section shall not apply if the City initiates rezoning or if property owner is forced to transfer title to any part of the contiguous real estate due to eminent domain.
 10. All conditional use permits granted to a non-agricultural low impact use shall be reviewed on an annual basis, and may be rescinded, after a 2-week notice and a public hearing, if the Council finds that the public health, safety, or welfare is jeopardized.
 11. The standards for buildings or structures, as listed in the minimum district requirements of the Agricultural Zone, shall not apply to structures built prior to the effective date of this chapter.
- H. *Unserviced Lots, RT, A, RR Districts.* All lots that are subdivided without city sewer and public water service shall meet the following standards:
1. Lots, houses and other structures, driveways and any new streets shall be located in compliance with the comprehensive plan and any more detailed area plans for future roads, utilities and drainage.
 2. The Planning Commission may require a sketch plan showing how the entire tract could be divided when city services become available. Lots and buildings shall be sited and streets shall be laid out to facilitate future subdivision.
- I. *Commercial Kennel, Commercial Stable, or Accessory Kennel or Stable, RT, A, RR Districts.* The facility shall occupy a site at least ten (10) acres in size. Outdoor exercise areas shall be located at least 100 feet from adjacent properties; landscaping or other screening may be required.
- J. *Agricultural Services and Support, RT, A Districts.*
1. A facility established after the effective date of this ordinance shall have direct access to a collector or higher classification street.
 2. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.
 3. All processing of animal or dairy products shall take place within an enclosed building.

§154.405 Accessory Uses and Structures.

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

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

§154.406 Accessory Structures - Rural Districts.

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

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

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

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

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

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

§154.407 Accessory Uses.

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

§154.408 Accessory Uses and Structures Not Listed.

Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in Article 7, Specific Development Standards. These include uses

such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.