**CITY OF LAKE ELMO**
**COUNTY OF WASHINGTON**
**STATE OF MINNESOTA**

**ORDINANCE NO. 08-130**

**AN ORDINANCE AMENDING SECTION 154.600 OF THE LAKE ELMO CITY CODE TO EXEMPT ESSENTIAL SERVICES FROM THE PF- PUBLIC AND SEMI-PUBLIC DIMENSIONAL AND BUFFER REQUIREMENTS**

**The City Council of the City of Lake Elmo hereby ordains that Section 154.600 is hereby amended to read as follows:**

# ARTICLE I. PUBLIC AND SEMI-PUBLIC DISTRICTS

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

A. *Purpose and Intent.* The purpose and intent of the PF Zoning District is to allow uses and structures that are incidental and subordinate to the overall land uses permitted in the city. While allowing certain uses within the city, general performance standards have been established. This is intended to assure maintenance and preservation of the established rural character of the city by preserving agricultural land, woodlands, corridors, and other significant natural features, and provide buffering between PF and residential or other uses.

B. *Uses Allowed by Conditional Use Permit.* In addition to the specific standards and criteria which may be cited below for respective uses, each application shall be evaluated based on the standards and criteria set forth in §§ 154.015 through 154.021 of this code. Uses allowed herein that are in existence within the city at the effective date of this chapter may continue the use as a permitted use. The following uses are conditionally permitted in the PF Zoning District:

1. Cemeteries, provided that:

    a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial; and

    b. No mausoleum, crematorium, or other structure is permitted, except a 1-story tool or storage shed of 160 square feet floor maximum floor area.

2. Places of worship, provided that:

    a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial;

    b. No use may exceed 235 gallons wastewater generation per day per net acre of land;

c. No on-site sewer system shall be designed to handle more than 5,000 gallons per day;

d. Exterior athletic fields shall not include spectator seating, public address facilities or lighting; and

e. No freestanding broadcast or telecast antennas are permitted. No broadcast dish or antenna shall extend more than 6 feet above or beyond the principal structure.

3. Facilities for local, county and state government, provided that:

a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial;

b. The use and location is consistent with the community facilities element of the Comprehensive Plan; and

c. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive

4. Libraries and museums (public and private), provided that:

a. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive;

b. For private facilities, a plan is provided, together with a declaration and covenants to run with the title to the land, that prescribes perpetual maintenance, insurance and ownership responsibilities for all facilities and land area; and

c. Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial.

5. Public and private schools (except licensed day care), provided that:

a. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive; and

b. Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial.

6. Historic sites and interpretive centers, provided that:

a. Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial; and

b. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive.

C. *Uses Allowed by Interim Use Permit*. The keeping of horses in conjunction with churches provided that:

1. The keeping of horses does not constitute a feedlot per Minn. Rules.
2. The property is directly adjacent to only Agricultural (A) and Rural Residential (RR) zoned properties that are not developed as open space preservation subdivisions. Roadways shall be considered an adequate buffer.
3. Evidence is provided to show adherence to all livestock and horse regulations in city code.

D. *Accessory Uses and Structures.* Uses and structures, which are clearly incidental and subordinate to the principal permitted uses and structures. All exterior materials of accessory structures must be the same as those of the principal structure.

E. Minimum district requirements.

1. District requirements in PF Zoning District.

| ***District Requirements in PF Zoning District[a,b]*** | | |
|---|---|---|
| | ***With Structure*** | Without Structure |
| Maximum Parcel Area | 20 | N.A. |
| Lot Width – Minimum: | 100 Feet | N.A. |
| Lot Depth – Minimum: | 150 Feet | N.A. |
| Primary Structure Setback from Property Line | | |
| Front – Minimum: | 50 Feet | N.A. |
| Side (Interior) – Minimum: | 50 Feet | N.A. |
| Side (Corner) – Minimum: | 50 Feet | N.A. |
| Rear – Minimum: | 50 Feet | N.A. |
| Accessory Structure Setback from Property Line | | |
| Front – Minimum: | 50 Feet | N.A. |
| Side (Interior) – Minimum: | 50 Feet | N.A. |
| Side (Corner) – Minimum: | 50 Feet | N.A. |
| Rear – Minimum: | 50 Feet | N.A. |
| Principal Structure Height - | 50 Feet – Structure Side Walls Not | N.A. |

| | | |
|---|---|---|
| Maximum | to Exceed 3.5 feet | |
| Accessory Structure Height - Maximum | 35 Feet – Structure Side Walls Not to Exceed 18 Feet | N.A. |
| Unoccupied Structure Above the Highest Point of the Roof | 25 Feet | - |
| Septic Drainfield Regulations | See §§51.002 through §§51.008 | See §§51.002 through §§51.008 |
| Signage | See §§154.212 | See §§154.212 |

a. Essential services shall be exempt from the minimum district requirements of § 154.600, Subd. E, 1. Essential services with buildings shall maintain a minimum 10 foot setback from property lines.

b. Essential services that do not meet the minimum district requirements of § 154.600, Subd. E, 1, shall have increased four season screening and fencing.

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

| ***Maximum Parcel Area***[a] | Buffer Width (Feet) | Maximum Impervious Site Coverage |
|---|---|---|
| 0 to 5 acres | 50 | 39.5% |
| 5.1 to 10 acres | 100 | 38% |
| 10.1 to 20 acres | 150 | 35% |

a. Essential services shall be exempt from the buffering requirements of the PF Zoning District.

F. Performance standards.

1. Generally

a. Architectural Standards

i. It is the purpose and intent of the city, by the adoption of the performance standards of this division (F), to ensure commercial buildings constructed within the city are of a high quality of exterior appearance, consistent with the terms of Non-Residential Development Policy #5 of the 2000-2010 Lake Elmo Comprehensive Plan. It is the finding of the city that a limited selection of primary exterior surfacing materials meets this standard of quality.

ii. It is the further finding of the city that several specific exterior surfacing materials are appropriate, and of sufficient quality, to be utilized only as accent materials in varying percentages. The variations of percentage of specific accent materials relates to a finding by the city as to the relative quality and rural character of those respective accent materials.

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

i. Elevations of all sides of the buildings;

ii. Type and color of exterior building materials;

iii. Typical general floor plans;

iv. Dimensions of all structures; and

v. Location of trash containers, heating, cooling and ventilation equipment and systems.

c. Applicability – structure additions and renovation.

i. Additions to existing structures resulting in an increase of gross floor area of the structure of less than 100%; and/or installation of replacement exterior surfacing any portion of an existing structure shall be exempt from the standards of this subdivision where it is found that the new or replacement exterior surfacing proposed is identical to that of the existing structure.

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

d. Performance standards – primary exterior surfacing.

i. The primary exterior surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or thin veneer brick or stone less than nominal 4 inches thick shall not qualify as complying with this performance standard

ii. Primary exterior surface shall be defined as not less than 70% of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this division. Windows and glass doors shall be considered a primary surface, but the sum area of this glass shall be deducted from the wall area for purposes of the 70% primary/30% accent formulas of this section. Doors of any type of material, except glass, shall not be considered a primary exterior surface.

iii. Each wall of the structure shall be calculated separately and, individually comply with the 70/30 formula.

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

i. Cedar, redwood, wood siding

ii. Cement fiber board;

iii. Standing seam metal;

iv. Architectural metal;

v. Stucco;

vi. Poured in place concrete (excluding "tilt-up" panels);

vii. Architectural metal panels; and

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

viii. Porcelain or ceramic tile.

f. *Performance Standards – Accessory Structures*. All accessory structures shall comply with the exterior surfacing requirements specified by this division.

g. *Performance Standard* – HVAC Units and Exterior Appurtenances. All exterior equipment, HVAC and trash/recycling and dock areas shall be screened from view of the public with the primary exterior materials used on the principal structure

h. *Performance Standard* – Visible Roofing Materials. Any roofing materials that are visible from ground level shall be standing seam metal, fire-treated cedar shakes, ceramic tile, clay tile, concrete, or slate.

i. *Applicability* – New Construction. The standards of this division (F)(1) shall be applicable to all structures and buildings constructed in the city, on and after the effective date of this division. The performance standards of this division shall not be in any manner minimized by subsequent planned unit development plans or agreement.

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

2. *Parking*. Each site shall be provided with off-street automobile parking as follows:

a. *Places of Worship*. One space for each permanent and temporary 4 seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings and uses shall be subject to additional requirements that are imposed by the city code.

b. *Facilities for Local, County and State Government*. One space for each 250 square feet of office area. Facilities as may be provided in conjunction with such buildings and uses shall be subject to additional requirements that are imposed by the city code.

c. *School, Elementary and Junior High (public or private)*. Three spaces for each class room.

d. *School, High School (public or private)*. One space for each 2 students.

e. *Historic Sites and Interpretive Centers, libraries, and museums (public or private)*. One space for each 300 square feet of floor area.

3. *Landscaping*. All yard area shall either be landscaped green areas or open and left in a natural state. Yards to be landscaped shall be landscaped attractively with lawn, trees, and shrubs in accordance with a plan prepared by a landscape architect. Areas left in a natural state shall be kept free of litter, debris, and noxious weeds. Yards adjoining any residential zone shall contain a buffer area consisting of berming, landscaping, and/or fencing for the purpose of screening noise, sight, sound, and glare.

4. *Buffering*. Where areas abut residential districts, a buffer area and setback in compliance with this division (F) is required. The buffer requirement shall be applicable to any interior parcel property line, and not applied to property lines abutting improved public streets. No public/private streets or driveways, or off-street parking facilities may be located in the buffer area. The buffer area shall be completely defined and designed, and approved by the city prior to all final city approvals for construction on site. Prior to the issuance of a building permit or commencement of any improvements on site, the owner shall provide the city with a financial security for a minimum of 24 months unless a shorter term of security is specifically approved by the City Council, approved by the City Attorney, to assure construction of the buffer area. All landscaping shall comply with § 151.070.

5. *Signage*. All signs shall comply with § 151.121 of this Code.

6. *Lighting*. All lighting shall comply with §§ 150.035 through 150.038.

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

8. *Noise.* All uses in the PF Zoning District shall comply with City's noise standards found in Section 130.45 through 130.48 of the City Code.

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

**Effective Date**

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

**Adoption Date**

This Ordinance No. 08-130 was adopted on this 19 day of January, 2016, by a vote of 5 Ayes and 0 Nays.

Mayor Mike Pearson

ATTEST:

Julie Johnson
City Clerk

This Ordinance No. __-___ was published on the ___ day of ____, 2016.