CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-138

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

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

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

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

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

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

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

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

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

Storage or Tool Shed. A 1-story accessory building of less than 200 square feet gross area with a maximum roof height of 12 feet.

C. *Principal Structure Necessary*. No accessory building of structures shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal structure to which it is accessory. *Exemption*. Fish houses as defined in this Code and located in the RS Rural Single Family District are exempt from this requirement provided the following criteria are met: must be located on a lot half acre in size or more with direct access to a water body; is 120 square feet or less; and complies with Shoreland regulations and RS Rural Single Family setback requirements. One fish house per lot may exist without a principal structure. The structure must maintain a current Fishhouse license with the Minnesota Department of Natural Resources regardless if it is left on a water body overnight. If a current Minnesota Department of Natural Resources Fishhouse License is not obtained for the structure, the structure must be removed from the property within 60 days.

D. *Proximity to Principal Structure*. Accessory buildings shall maintain a six (6) foot setback from the principal structure. An accessory building or structure will be considered as an integral part of the principal building if it is located six (6) feet or less from the principal structure.

E. *Storage or Tool Sheds*. One storage or tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings, provided it complies with the maximum area requirements of the zoning district, and a principal structure exists on the lot.

F. *Exempt Structures*. The following residential improvements shall be exempt from the maximum allowed structure size and number requirements in residential districts:

1. Unenclosed playhouses
2. Gazebos up to a total of 120 square feet in size and a maximum of twelve (12) feet in overall height
3. Detached decks over thirty (30) inches in height up to a total of 120 square feet in size
4. Outdoor swimming pools
5. Patios
6. Tennis and sport courts
7. Structures, sheds or coops up to a total of two hundred (200) square feet in size used to house permitted animals, such as chickens, horses, or other livestock. These structures must not exceed twelve (12) feet in height and must meet all required setbacks per MPCA guidelines and the City's animal ordinances.
8. Water oriented accessory structures as permitted in accordance with the City's Shoreland Ordinance.

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

A. *Phasing. No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.*

B. *Incidental to Principal Use. The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.*

C. *Subordinate to Principal Use. The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.*

D. *Function. The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.*

E. *Location. The accessory use or structure shall be located on the same zoning lot as the principal use or structure.*

F. *Exemption.* Fish houses as defined in this Code and located in the RS Rural Single Family District are exempt from this requirement provided the following criteria are met: must be located on a lot half acre in size or more with direct access to a water body; is 120 square feet or less; and complies with Shoreland regulations and RS Rural Single Family setback requirements. One fish house per lot may exist without a principal structure. The structure must maintain a current Fishhouse license with the Minnesota Department of Natural Resources regardless if it is left on a water body overnight. If a current Minnesota Department of Natural Resources Fishhouse License is not obtained for the structure, the structure must be removed from the property within 60 days.

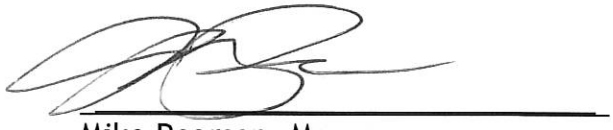
SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 404: Accessory Structures, Rural Districts., Subd. D to read the following:

D. *Structure Location, Rural Districts.* No detached garages or other accessory buildings shall be located nearer to the front lot line than the principal building on that lot.

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

SECTION 6. Adoption Date. This Ordinance 08-___ was adopted on this _____ day of _____, 2016, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:

_____

Julie Johnson, City Clerk

This Ordinance 08-138 was published on the ____ day of _____, 2016.