

Lake Elmo, MN Code of Ordinances
CHAPTER 154: ZONING CODE

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ARTICLE I. GENERAL PROVISIONS

§ 154.001 TITLE.

This chapter shall be known, cited and referenced to as the City's zoning ordinance.

(Ord. 2012-062, passed 9-18-2012)

§ 154.002 PURPOSE.

This chapter is adopted for the purposes of:

- A. Protecting the public health, safety, comfort, convenience, and general welfare;
- B. Implementing the City of Lake Elmo Comprehensive Land Use Plan;
- C. Promoting orderly development of the residential, commercial, industrial, recreational and public areas;
- D. Conserving the natural and scenic beauty and attractiveness of the city;
- E. Conserving natural resources in the city;
- F. Minimizing environmental pollution; and
- G. Conserving energy through the siting of buildings and encouragement of solar and earth-sheltered structures where appropriate.

(Ord. 2012-062, passed 9-18-2012)

§ 154.003 STATUTORY AUTHORIZATION.

This chapter is adopted pursuant to the authorization contained in Minnesota Statutes, Chapter 462, or successor statutes.

(Ord. 2012-062, passed 9-18-2012)

§ 154.004 JURISDICTION.

This chapter shall be applicable to all lands and waters within the corporate limits of Lake Elmo, Minnesota.

(Ord. 2012-062, passed 9-18-2012)

§ 154.005 COMPLIANCE REQUIRED.

Except as in this chapter specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose in any manner which is not in conformity with this chapter.

(Ord. 2012-062, passed 9-18-2012) Penalty, see §154.999

§ 154.006 RULES OF CONSTRUCTION AND INTERPRETATION.

The following rules of construction and interpretation apply to this chapter:

- A. *Minimum Requirements.* In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements for the promotion of the public health, safety and welfare.
- B. *Conflict.* Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, chapter, statute, resolutions or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

(Ord. 2012-062, passed 9-18-2012)

§ 154.007 SEVERABILITY AND VALIDITY.

It is hereby declared to be the intention that the several provisions of this chapter are severable in accordance with the following:

- A. *Severability.* If any court of competent jurisdiction shall adjudge any provisions of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter.
- B. *Validity.* If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building, or structure, such judgment shall not affect other property, buildings or structures.

(Ord. 2012-062, passed 9-18-2012)

§ 154.008 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its date of passage and approval by the City Council.

(Ord. 2012-062, passed 9-18-2012)

ARTICLE II. DEFINITIONS

§ 154.009 INTRODUCTION AND PURPOSE.

The purpose of this article is to define general terms used in this zoning ordinance, to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts, and to establish the rules for interpretation of language in this ordinance.
(Ord. 2012-062, passed 9-18-2012)

§ 154.010 INTERPRETATION OF CERTAIN TERMS.

In the construction of this zoning ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise:

- A. The present tense shall include the future.
- B. The singular number shall include the plural, and the plural the singular.
- C. The word “shall” is mandatory, and not discretionary.
- D. The word “may” is permissive.
- E. The word “should” is advisory.
- F. The word “building” includes the word “structure.”
- G. The words “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- H. The word “lot” shall mean “zoning lot” unless otherwise specified in this ordinance.
- I. The words “lot,” “parcel,” or “premises” may be used interchangeably.
- J. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken.

(Ord. 2012-062, passed 9-18-2012)

§ 154.011 GENERAL DEFINITIONS.

Unless specifically defined in this chapter, common definitions, words and phrases used in this chapter shall be interpreted as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

(Ord. 2012-062, passed 9-18-2012)

§ 154.012 ZONING USE TYPES AND CLASSIFICATIONS.

- A. Rules of Interpretation for Zoning Use Types and Classifications.
 - 1. *Purpose of Use Types.* The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts. The Use Types section also facilitates

the process of determining the applicable use type of any activity not clearly within any defined use type.

2. *Interpretation.* In the event of any question as to the appropriate use type of any existing or proposed use or activity, the Planning Director shall have the authority to determine the appropriate use type. In making such a determination, the Planning Director shall consider the operational and physical characteristics of the use in question and shall consider the classification contained in the most recent edition of the Standard Industrial Classification Manual published by the U.S. Office of Management and Budget. In addition, the Planning Director shall consider the specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists. The Planning Director may also determine that a proposed use or activity is sufficiently different from any use type listed below and will require an amendment to the text of this chapter.
3. *Determinations in Writing.* The Planning Director shall make such determinations of appropriate Use Types in writing, which shall include an explanation of the reasons for the determination.
4. *Appeal.* A determination of the Planning Director may be appealed to the Board of Adjustment pursuant to the procedures for administrative appeals outlined in § 31.10.

B. Use Types and Classifications.

1. Residential and Related Uses.

a. Family Living

Live-Work Unit. A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

Manufactured Home Park. A development on a site under a single ownership which consists of two or more spaces for the placement of manufactured homes for dwelling or sleeping purposes, regardless of whether or not a fee is charged for the utilization of such space.

Multi-Family Residential. A building containing three (3) or more dwelling units. The term includes cooperative apartments and condominiums, but not condominium-hotels. (See CONDOMINIUM and CONDOMINIUM-HOTEL under § 11.01.)

Secondary Dwelling. A residential dwelling unit, but not a manufactured home, located on the same lot as a single family dwelling unit, either within the principal structure, above a detached garage, or within a detached structure.

Single Family Attached. A building containing one dwelling unit attached to another building containing only one dwelling unit, with each building on a separate lot.

Single Family Detached. A building containing only one dwelling unit, surrounded by landscape area or yards on all sides.

Two-Family or Duplex. A building on a single lot or adjacent lots containing two dwelling units, either side-by-side or stacked vertically.

b. Group Living

Congregate Housing. A dwelling providing shelter and services for the elderly, which may include meals, housekeeping, and personal care assistance and minor medical services, but not intermediate, long term, or extended nursing care for residents.

Correctional Facilities. A public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

Group Home. A residence shared by six or fewer handicapped persons in addition to resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

Group Residential Facility. A licensed public or private establishment, which, for gain or otherwise, regularly provides one or more dependents with 24-hour a day substitute for the care, food, lodging, training, education, supervision, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the dependent's own home. This term includes, but is not limited, to state institutions under the control of the Commissioner of Public Welfare, foster homes, maternity shelters, group homes as defined herein with seven or more residents, schools for handicapped children, and homes for battered children or battered spouses.

Halfway House. An establishment providing accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol, drug addiction or other similar disorders, or to persons re-entering society after being released from a correctional facility or other institution.

Semi-Transient Accommodations. Semi-transient accommodations include boarding houses, rooming houses, fraternity and sorority houses, or lodging rooms, as defined by this chapter. Semi-transient accommodations do not include CONDOMINIUM-HOTELS, as defined in § 11.01.

2. Public and Civic Uses

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium's, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Colleges and Universities. Institutions of higher learning which offer courses of general or specialized study leading to a degree or certificate. They are certified

by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

Community Services. Establishments of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities may incorporate membership provisions, and are open to the general public to join at any time {for instance, any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature. Accessory uses may include offices, meeting areas, food preparation areas, parking, health and therapy areas, day care uses, and athletic facilities. Examples include libraries, museums, senior centers, community centers, social service facilities, early childhood learning facilities, and other special educational services.

Day Care Center. Any facility operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a 24 hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24 hour period.

Public Assembly. Facilities owned and operated by a public or quasi-public agency accommodating public assembly for non-recreation purposes. Typical uses include auditoriums, convention facilities, exhibition facilities, convention halls, or armories.

Religious Institutions. Establishments that are intended to primarily provide meeting areas for religious activities. Accessory uses include Sunday school facilities, parking, caretaker's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.

Schools, Public and Private. Establishments at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Examples include public and private daytime schools, boarding schools, and military academies. Exemptions: 1) preschools are classified as day care facilities, and 2) business and trade schools are classified as educational services.

3. Services

Business Center. A building or group of buildings planned, constructed, and managed as a total entity, with common on-site parking for a group of commercial service establishments, with office uses also permitted. In the central business

district, the requirement for common on-site parking need not be met in order to classify a development as a business center.

Business Services. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services, and computer programming/data processing services.

Communication Services. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephone mechanisms. Excluded from this use type are facilities classified as essential services or broadcasting and communications towers. Typical uses include television studios, telecommunications service centers, telegraph service offices or film and sound recording facilities.

Educational Services. Establishments engaged in furnishing specialized academic or technical courses, normally on a fee basis, such as vocational or correspondence schools, barber college, data processing schools, or secretarial schools, along with non-degree granting schools such as post-secondary colleges and universities, martial arts, music, art, ceramic, and dramatic, schools, and dance instruction.

Financial Institution. Provision of financial and banking services to consumers or clients. Walk-in and drive-in services are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and drive-up automatic teller machines (ATMs).

Funeral Home. Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

Lodging. See Transient Accommodations.

Medical Facilities. Establishments engaged in providing diagnostic services, extensive medical treatment (including surgical services), and other hospital services, as well as continuous nursing service, including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio-medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including animal hospitals.

Membership Organization. Organizations operating on a membership basis for the promotion of the interests of the members included such uses as trade associations, business associations, professional membership organizations, labor unions, civic or fraternal organizations, but not including churches, hospitals, golf and country clubs, or credit unions.

Nursing and Personal Care. Establishments primarily engaged in providing intermediate or long-term nursing and health related care to individuals, typically classified as nursing homes.

Offices. A building or portion of a building use for office purposes by a business, service, professional, or institutional establishment, including medical offices or clinics, studios for those involved in art, sculpture, music, and the like, and all other establishments similar in character.

Personal Services. Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as barber shops, clothing rental, salons and health clubs, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants) or coin operated laundries.

Repair and Maintenance Shop. Establishments engaged in miscellaneous repair services, primarily of household oriented products such as radios, televisions, washers and dryers, furniture (including re-upholstery), small engine repair, bicycles, or locksmiths.

Self Service Storage Facility. An establishment designed and utilized for the purpose of renting or leasing individual storage spaces to tenants who have sole private access to such space for storing personal property.

Trade Shop. Any lot, land, building, or structure that serves as the headquarters for contractors involved in specialized activities such as plumbing, painting, plastering, masonry, carpentry, roofing, well drilling, landscaping and the like, where tools, equipment and materials used in the business are stored. The category also includes establishments involved in specialized trades such as sheet metal, sign painting, drapers, and exterminators.

Transient Accommodations, Lodging. Establishments in which lodging is provided and offered to the public for compensation, and which is open primarily to transient guests, as distinguished from semi-transient boarding or rooming facilities. Typical uses include hotels, motels, and inns. Meeting and restaurant facilities may be included accessory to this use type. Condominium-hotels shall be considered as a type of transient accommodation.

Transportation Services. Establishments furnishing services related to the arrangement of persons and goods movements, such as freight forwarding, parking services or the rental/leasing of automobiles or two-axle trucks.

Veterinary Service. Establishments engaged in the practice of veterinary medicine, dentistry or surgery, along with those providing animal related services such as kennels, grooming, or breeding services.

4. Food Service

Drinking and Entertainment. Establishments primarily engaged in the selling of drinks for consumption on the premises, where entertainment may be provided and the incidental sale of prepared food for consumption on the premise is permitted. These establishments may often charge a fee or admission charge for the entertainment provided. Included in this category are bars, beer gardens, discotheques, nightclubs, taverns, and dance halls.

Drive-In Restaurant. An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter and a drive-up or drive through service facility or which offers curbside service.

Fast Food Restaurant. An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter. This use type does not employ a drive-up or drive-through service facility, and does not offer curbside service.

Standard Restaurant. An establishment whose principal business is the sale of food and/or beverage to customers in a ready to consume state, and whose principal method of operation includes one or both of the following: 1) customers, normally provided with an individual menu, are served their food and beverage by restaurant employees at the same table or counter at which the food and/or beverage are consumed, 2) a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

5. Sales of Merchandise

Garden Center (Retail Agriculture). Establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, and plant materials primarily for agricultural, residential, and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include nurseries, retail greenhouses, plant stores, and lawn and garden centers.

Neighborhood Convenience Store. Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

Retail Trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. These establishments are characterized by the following: 1) they buy and receive as well as sell merchandise; 2) they may process some products, but such processing is incidental or subordinate to the selling activities; and 3) they predominantly sell to customers for their own personal or household use. Retail trade is divided into the following subcategories for the purposes of this chapter.

1. General retail
2. Antiques and collectibles store
3. Art gallery
4. Bicycle sales and repair
5. Book store, music store

6. Clothing and accessories
7. Craft or needlework shop
8. Drugstore, pharmacy
9. Electronics and appliance sales and repair
10. Florists
11. Specialty food store, including bakery, butcher shop, delicatessen, and the like.
12. Jewelry store
13. Hardware store
14. Newsstands, magazine sales
15. Pet store
16. Photographic equipment and supplies
17. Picture framing
18. Secondhand store, thrift or consignment store
19. Sporting goods store
20. Stationery store
21. Tobacco store
22. Video rental or sales
23. Building supplies sales
24. Furniture and appliance sales, rental, showrooms
25. Grocery, supermarket
26. Liquor store
27. Warehouse club sales

Shopping Center. A group of commercial establishments planned, constructed, and managed as a total entity with shared access, customer and employee parking provided on-site, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Wholesaling. Establishments engaged primarily in selling merchandise to retailers, or to industrial, commercial, institutional, or professional business customers, or to other wholesalers, or on a mail order basis to individuals or firms, or which serve as agents or brokers buying merchandise for, or selling merchandise to, individuals and companies.

6. Automotive/Vehicular Uses

Automobile Maintenance Service. Repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales

and installation, wheel and brake shops, oil and lubrication services and similar repair and service activities where minor repairs and routine maintenance are conducted.

Automobile Parts/Supply. Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments, which offer minor automobile repair services as an accessory use.

Car Wash. Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes.

Commercial Vehicle Repair. Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops, and other similar uses where major repair activities are conducted.

Gasoline Station. Any place of business with fuel pumps and underground storage tanks that provide fuels and oil for motor vehicles. A neighborhood convenience store associated with automobile fuel sales shall be considered a gasoline station.

Parking Facility. Any structure associated with a non-residential use whose purpose is to provide the required off-street parking spaces for a principal use, or any site utilized for parking which constitutes the principal use on a parcel of land. This category also includes community Lots, which are established to meet the parking needs in a residential area, and park + ride lots.

Sales and Storage Lots. Establishments engaged in the display for sale or lease of automobiles, trucks, machinery, recreational vehicles and manufactured homes, including auto dealerships or the farm commercial storage of privately owned trailers, boats, campers, or similar vehicles.

7. Outdoor Recreation

Campgrounds and Trailing. Establishments engaged in providing overnight or short-term sites for the placement of recreational vehicles or temporary housing, with or without facilities such as water and electricity.

Golf Course. A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par 3 golf courses. Specifically excluded are independent driving ranges or miniature golf facilities, which are classified as outdoor recreation facilities.

Marina. A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

Outdoor Entertainment. An outdoor facility developed for entertainment, amusement, or tourist purposes which typically involve large areas of land and

concentrated traffic peaks oriented towards events at the facility, including drive-in theaters, amphitheaters, outdoor concert halls, or theme parks.

Outdoor Recreation Facility. A commercial recreation facility that is primarily an open-air facility, such as baseball fields, swimming pools, skating rinks, golf driving ranges, or miniature golf facilities.

Parks and Open Areas. Uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses include, but are not limited to, clubhouses, maintenance facilities, concessions, caretaker's quarters, gazebos, pavilions, band shells, and parking. Examples include parks, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

Restricted Recreation. Commercial recreation facilities that are of greater nuisance than conventional outdoor athletic facilities because of 1) the noise and traffic volumes they may generate, 2) the glare they produce, or 3) the potential danger they may create from flying objects or the use of weapons. This category includes such uses as amusement parks, racetracks {auto, go-cart, motorcycle) or ranges (skeet, rifle, or archery).

8. Indoor Recreation/Entertainment

Adult establishment. See § 113.02.

Indoor Athletic Facility. A commercial recreation facility that provides completely enclosed or indoor recreation space, such as racquet clubs, indoor skating rinks, swimming pools, or gymnasiums.

Indoor Recreation. Establishment primarily engaged in activities intended to provide personal amusement, with the largest number of patrons typically during the evening hours or on weekends, and where food and refreshments may be provided as an incidental service, including such uses as bowling alleys, billiard, pool, or bingo parlors, amusement arcades, and indoor theaters (live or motion picture).

9. Agricultural and Related Uses

Agricultural Entertainment Business. An agricultural sales business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on-farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee-based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

Agricultural Production. Establishments engaged in the production of crops, plants or vines, including agro forestry, or establishments which are engaged in the keeping, grazing, or feeding of livestock for sale, value increase, or livestock increase.

Agricultural Sales Business. The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the agricultural sales business.

Agricultural Services. Establishments that perform services which support or assist the agricultural community, such as soil preparation services, crop services, farm management services, or breeding services on a fee or contract basis, along with experimental farms for research or educational purposes. This category is intended to apply where agricultural land is located, and may include buildings and other structures that provide office, warehouse, and storage areas for these establishments.

Agricultural Support. Establishments engaged in farm equipment sales and repair, farm produce sales and supply (feed grain, elevators) and small-scale farm product processing, such as cider mills, dairies, poultry or meat processing.

Forestry Operations. The use of land for the raising and harvesting of timber, pulpwood or other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper or grinder to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the City which shall be considered accessory to the development of the property.

Greenhouse, Non Retail. A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Wayside Stand. A temporary structure or vehicle used for the seasonal retail sale of agricultural goods, floriculture, and horticulture produced by the operator of the wayside stand, which is clearly a secondary use of the premises and does not change the character thereof.

10. Industrial and Extractive Uses

Heavy Industrial. Establishments involved in the manufacture, fabrication, processing, compounding, or assembling of materials from raw material or previously processed material. These uses have severe potential for adversely affecting surrounding land uses due to potential environmental impacts related to noise, smoke/particulate emissions, vibration, noxious gases, odor, glare/heat, fire/explosion hazards and waste disposal. In addition, these uses may generate large amounts of truck or auto traffic, may involve the use of large unenclosed production areas, or may require large, tall structures that are unsightly. Heavy

industrial uses typically involve primary production processes in the area of paper products (pulp mills), food processing (slaughterhouse, meat packing plant), chemicals (manufacture of inorganic chemicals, resins, plastics, paints, fertilizers, explosives, ink), petroleum products (refineries, bulk storage), primary metals (blasting, smelting, rolling), machinery and equipment manufacturer (auto assembly, engines, construction equipment), leather (storing, curing, tanning), gravel based products (manufacture of bricks, concrete, abrasives), and lumber products (saw mills).

Landfill. A disposal site employing an engineered method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Laundry Plant. Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, and linen supply services.

Light Industrial. Establishments involved in the processing, fabrication, assembly, or compounding of products where the process involved is relatively clean and nuisance free, usually completely enclosed, and with limited environmental effects. These uses can be made compatible with surrounding areas through landscape screening and through separation required by yard and height limitations. Typically, these uses result in the creation of finished products for sale on a wholesale basis to retailers or directly on a retail basis, and include uses in the following areas: lumber products (millwork, cabinet-making), electronics, textiles, printing and publishing services, bottling works, carpet and rug cleaning, furniture manufacture, paper (final processing of stationery, bags, etc., from purchased bulk stock), light metal finishing and light machining, rubber and plastics (compounding processed resins, molding plastics), gravel based products (pottery, cutting, finishing granite, firing and decorating clay products), and ice manufacturing.

Motor Freight and Warehousing. Establishments engaged primarily in either the storage or shipment of goods and materials, including terminal facilities for handling freight, and maintenance facilities in which the trucks (including tractor trailer units) involved with the operation of the business are stored, parked and serviced. Materials within a warehouse or terminal facility may be combined, broken down, or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed.

Non-Production Industrial. Establishments that normally are considered industrial in character even though they are not involved in the manufacturing or processing of products. These uses generate negative impacts largely through their need for outside storage of equipment and materials, the large expanse of land needed for this storage, and the creation of dirt, dust and noise, along with intermittent truck traffic. These uses generally can be made compatible through landscape screening and the imposition of limited performance standards, and thus are not

objectionable in most industrial or commercial districts. The types of uses categorized here include contractor's yards, lumberyards, utility yards, and public maintenance shops and yards.

Research and Testing. Establishments or other facilities for carrying on investigation in the natural or physical sciences, or engineering and development as an extension of investigation with the objective of creating end products, on a contract or fee basis, and including pilot plant operation.

Resource Extraction. A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specially excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision.

Salvage/Recyclable Center. Land or buildings where waste, discarded, salvaged, or recyclable materials are bought, sold, stored, exchanged, sorted, cleaned, packed, disassembled or handled on a commercial basis, including but not limited to, scrap metal, aluminum, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles. Any site containing two or more unregistered, inoperable motor vehicles is classified as a salvage center.

11. Utilities, Transportation and Communications

Air transportation. Establishments engaged in domestic, emergency, or foreign transportation of passengers or goods by air, including airports, flying fields, rotorcraft terminals, as well as any associated terminal facilities.

Broadcasting or Communication. Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication facility usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Broadcasting or communication facilities include wireless communications facilities and wireless communications towers as defined in § 11.01.

Essential Services. Overhead, aboveground or underground electrical, gas, steam or water transmission or distribution systems and structures of collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings.

Local Transit. Establishments primarily engaged in furnishing local and suburban passenger transportation, including taxicabs, passenger charter services, school buses, and terminals (including service facilities) for motor vehicle passenger transportation.

Railroad Transportation. Establishments engaged in domestic freight and passenger transportation by rail, and including railroad yards, freight stations and switching yards.

12. Accessory Uses

Bed and Breakfast. A private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation.

Commercial Wedding Ceremony Venue. A use involving a location to conduct wedding ceremonies, not including receptions, and usually operated in exchange for remuneration by providing the venue to the public.

Domestic Pets. The keeping of small domestic animals, such as dogs, cats, birds, rodents, fish, and the like, not primarily for produce or value increase, but rather for show, sport, or as pets.

Family Day Care. A residence licensed by the Minnesota Department of Human Services in which no more than 10 children at any one time receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

Group family day care. A residence licensed by the Minnesota Department of Human Services in which at least 11 but not more than 14 children receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

Home Occupations. Any gainful occupation or profession engaged in by the occupant, only, of a dwelling when carried on within a dwelling unit or in an accessory building, provided that no signs other than those normally utilized in a residential district are present, that no stock in trade over 1000 cubic feet is stored on the premises, that no over-the-counter retail sales are involved unless ancillary to the permitted business, and that entrance to the home occupation is or can be gained from within the structure. Uses include professional office, hair salons serving no more than 2 customers at a time, or teaching limited to no more than 3 students at any time, and other uses which do not create a nuisance as outlined in Chapter 96 of this code. A home occupation shall not be interpreted to include tourist homes, restaurants, disorderly house as defined by M.S. §609.33, Subd. 1, as it may be amended from time to time, or similar uses. No home occupation shall be permitted that creates the need for more than 3 parking spaces at any given time in addition to the parking spaces at any given time in addition to the parking spaces required by the occupants. Home occupations shall not be carried on except between the hours of 7:00 a.m. and 10:00 p.m.

Kennel, Private. The keeping, breeding, raising, showing or training of 4 or more dogs over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

Merchandise Parties. Private parties held for the purpose of soliciting sales. Merchandise parties shall include but not be limited to Tupperware, Mary Kay, and Avon parties.

Stable, Private. The keeping, breeding, or raising of horse or ponies exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.

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.

Swimming Pools. Any permanently located pool, used for swimming and/or bathing which is over 24 inches in depth, or which has a surface area exceeding 150 square feet.

Temporary Sales. Any isolated or occasional display and sale of used personal property or home-crafted items conducted on residential premises by the occupant of the residential property. Temporary sales shall include rummage sales, basement sales, yard sales, porch sales, craft sales, garage sales, and seasonal boutiques.

(Ord. 2012-062, passed 9-18-2012, Ord. 08-107, passed 5-6-2014 Ord. 08-135, passed 4-27-16 Ord 136, passed 6-14-16)

ZONING DISTRICTS

§ 154.030 CLASSIFICATIONS.

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

- | | | |
|-----|-----|----------------------------------|
| (A) | R-2 | One- and Two-Family Residential |
| (B) | GB | General Business |
| (C) | OP | Open Space Preservation District |
| (D) | OZD | Overlay Zoning Use District |

(1997 Code, § 300.07 Subd. 1) (Am. Ord. 97-192, passed 6-19-2007; Am. Ord. 97-195, passed 7-17-2005; Am. Ord. 2012-062, passed 9-18-2012; Am. Ord. 08-098, passed 2-05-14)

Cross-reference:

Open Space Preservation District, see Ch. 150

§ 154.031 BOUNDARIES.

Please see § 154.351.

(Ord. 2012-062, passed 9-18-2012)

§ 154.032 ZONING DISTRICT MAP.

Please see § 154.351.

(Ord. 2012-062, passed 9-18-2012)

§ 154.033 R-2 ONE- AND TWO-FAMILY RESIDENTIAL.

A. Permitted uses and structures.

1. One-family detached dwellings; and
2. Two-family dwellings, provided they do not exceed 50% of the units in a block.

B. Accessory uses and structures.

1. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
2. Private garages, carports, screen houses, conservatories, playhouses, swimming pools, and storage buildings for use by occupants of the principal structure, subject to specific standards of §§ 154.092 and 154.093;

C. (Am. Ord. 97-38, passed 11-17-1998)

1. Temporary real estate tract office for the purpose of selling lots on the tract upon which it is located; and
2. Home occupations.

D. Minimum district requirements.

R-2 Zoning District	
Lot Size	One-Family: 1-1/2 acre per unit without sanitary sewer; 7,500 feet per unit with sanitary sewer
	Two-Family: 1-1/2 acre per unit without sanitary sewer; 6,000 square feet per unit with sanitary sewer
Lot Width	One-Family: 75 feet at front yard setback line with sanitary sewer; 125 feet without sanitary sewer
	Two-Family: 100 feet at front yard setback line with sanitary sewer; 200 feet without sanitary sewer
Building setback from property lines (Also see § 154.082)	
Front:	30 Feet
Side (Interior):	10 Feet
Side (Corner):	25 Feet
Rear:	40 Feet
Arterial Street:	50 Feet
Primary Building Height (Also see § 154.083)	35 Feet
Accessory Buildings and Structures	See §§ 154.092 and 154.093
Accessory Building and Structures Height (Also see § 154.083)	14 feet
Off-Street Parking (Also see § 154.095)	3 Spaces per Unit
Septic Drainfield Regulations (Also see §§ 51.002 through 51.008)	All lots must have at least 1 acre 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.
Maximum Width of Primary Dwelling	All dwelling units must be at least 20 feet wide through the main living area of the structure.
Footings	The primary structure must have continuous frost footings. Continuous frost footings are not required for porches, decks, and other appendages so long as proper post type footings per existing Building Codes are constructed.
Maximum Impervious Surface Coverage	
Maximum Width of	See § 93.26

Driveways	
Signage	See §§ 154.212

(1997 Code, § 300.07 Subd. 4.D) (Am. Ord. 97-192, passed 6-19-2007)

§ 154.034 GB – GENERAL BUSINESS.

A. Permitted uses and structures.

1. The following service/office uses:

<i>General Business – Service/Office</i>	
Accounting	
Advertising	(Sign fabrication not permitted use)
Alterations	
Apparel Cleaning Pick-up Stations	
Apparel Repair and Alterations	
Architectural	
Art Gallery	
Auditing	
Bakeries	(With production of bakery goods limited to retail sales)
Barber Services	
Beauty Shops	
Bookkeeping	
Business and Management Consultant Offices	
Business Associations	
Cafes and Restaurants - Drive-up window	(Menu boards and intercom systems prohibited; Adequate vehicle stacking must be provided)
Cafes and Restaurants	(Limited to full table service operations)
Charitable	
Chiropractic	
Civic, Social and Fraternal Association Offices and Halls	
Collection and Adjustment Services	

<i>General Business – Service/Office</i>	
Credit Reporting (Consumer and Mercantile)	
Dental	
Detective and Protective Agencies	
Duplication	
Educational	
Employment Agencies	
Engineering	
Finance	
Galleries	
Governmental Offices	
Insurance	
Investment	
Labor Unions	
Legal	
Libraries	
Mailing	
Medical	
Medical Services	(The compounding, dispensing or retail sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the foregoing when conducted in the building occupied primarily by medical, dental, osteopathic, chiropractic or optometric offices)
Optometric	
Osteopathic	
Photo Gallery	
Professional Membership Organizations	
Real Estate	
Religious	
Scientific Research	(Excluding laboratory facilities)
Shoe Repair	

General Business – Service/Office	
Stenographic Service	
Therapeutic Massage	(See licensing requirements in § 114.01)
Welfare Offices	

(Am. Ord. 97-170, passed 5-2-2006; Am. Ord. 2012-064, passed 12-4-2012)

2. The following retail uses:

General Business - Retail
Antiques and Secondhand Merchandise
Apparel and Related Accessories
Automobile Repair and Services
Automobiles and Automobile Accessories
Bicycles
Books
Building Supplies
Cameras and Photographic Supplies
Cigars and Cigarettes
Drugs and Proprietary Items
Electrical Supplies
Flowers and Floral Accessories
Food and Grocery Products
Furniture
Gifts, Novelties and Souvenirs
Glass
Heating Equipment
Home Furnishings and Related Equipment
Jewelry
Liquors
Marine Craft and Accessories
Newspapers and Magazines
Nursery and Garden Supplies

<i>General Business – Retail</i>
Optical Goods
Paint
Pets
Plumbing Equipment
Sporting Goods
Stationery
Wallpaper

3. The following repair/service uses:

<i>General Business – Repair/Service</i>
Clock Repair
Electrical Repair and Supplies
Equipment–Rental and Leasing
Food Catering
Furniture Repair
Heating
Household Appliances
Jewelry Repair
Landscaping
Plumbing
Radio
Reupholstery
Television
Watch Repair

4. The following office uses (excluding equipment storage):

<i>General Business - Office</i>
Air Conditioning Contractor
Building Construction Contractor
Carpentry Contractor

<i>General Business - Office</i>
Decorating Contractor
Heating Contractor
Masonry Contractor
Painting Contractor
Plastering Contractor
Plumbing Contractor
Roofing Contractor
Sheet Metal Contractor
Stone Work Contractor
Tile Setting Contractor
Wallpaper Contractor
Water Well Drilling Contractor
Wood Flooring Contractor

5. Uses permitted by conditional use permit.

<i>General Business - Conditional Use</i>	
Bed and Breakfast Facility	15 Beds Maximum
Boarding Care Facility	15 Residents Maximum
Day Care Centers	40 Children Maximum
Family Entertainment Centers	
Fitness Studio	Maximum floor area not to exceed 5,000 square feet
Kennels	
Nursing Care Facility	15 Residents Maximum
Open Sales Lots	
Manufacturing	Any industrial manufacturing operation in existence within the city at the effective date of this chapter, including manufacture of wood products and plastic products, may continue the use as a conforming use without a conditional use permit. Nothing in this provision shall otherwise be construed to require the city to authorize any manufacturing use in the General Business Zone after the effective date of this chapter.

General Business - Conditional Use	
Veterinary Clinics	

(Am. Ord. 97-20, passed 10-21-1997; Am. Ord. 97-86, passed 10-2-2001; Am. Ord. 97-88, passed 10-2-2001; Am. Ord. 97-138, passed 9-7-2004; Am. Ord. 2012-064, passed 12-4-2012)

6. General requirements.

- a. All storage, services, repair or processing shall be conducted wholly within an enclosed building or behind opaque fence or wall not less than 6 feet high, except the outdoor display of merchandise;
- b. Incineration of waste matter shall be conducted in approved equipment located within the building wherein the permitted use is conducted;
- c. Where a proposed GB development abuts on RR, R-1, R-2, R-3, R-4, or RE district other than at a public street line, buffer provision shall be established. There shall be provided a protective strip of not less than 35 feet in width. The protective strip shall not be used for parking, off- street loading or storage and shall be landscaped. The protective strip must be approved by the Council as being in harmony with the residential neighborhood and providing sufficient screening of the commercial area;
- d. All lots must have at least 1 acre 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; and
- e. Must meet all requirements of §§ 51.002 through 51.008.

B. Accessory uses. Uses which are clearly incidental and subordinate to the allowed uses.

(Am. Ord. 97-38, passed 11-17-1998)

C. Minimum district requirements.

1. The Old Village District shall be defined as the Old Village Sign District described in § 151.117(S)(1)(a).

General Business	
Lot Size	1-1/2 acres (except as required by Interstate Corridor Overlay District, §§ 150.230 - 150.238)
Lot Width	150 Feet Minimum
Building Setback from property lines: (Also see § 154.082)	
Front:	10 Feet Minimum No setback required for properties located in the Old Village District and south of Minnesota State Highway 5
Side (Interior):	20 Feet Minimum

	No setback required for properties located in the Old Village District and south of Minnesota State Highway 5
Side (Corner):	50 Feet Minimum
Rear:	50 Feet Minimum
Building Height (Also see § 154.083)	35 Feet Maximum
Maximum area to be covered by buildings, parking lots, driveways and other hard surfaces:	
Up to 4 acres	40% of lot size
Larger than 4 acres to 8 acres	35% of lot size
Larger than 8 acres	25% of lot size
Lot Configuration	Maximum lot depth to width dimension ratio shall be no more than 3:1
Lot Size	Covered Area
Lot Configuration	
Maximum Width of Driveways	See § 93.26
Signage	See §§ 154.212
Septic Drainage Regulation (Also see §§ 51.002 through 51.008)	All newly subdivided lots shall have a minimum of 20,000 square feet of land 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.

(1997 Code, § 300.07 Subd. 4.H) (Am. Ord. 08-030, passed 10-5-2010)

D. Performance standards.

1. Purpose and intent.

- a. It is the purpose and intent of the city, by the adoption of the performance standards of this division, 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 2000-2020 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.
- b. 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.

2. 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:
 - a. Elevations of all sides of the buildings;
 - b. Type and color of exterior building materials;
 - c. Typical general floor plans;
 - d. Dimensions of all structures; and
 - e. Location of trash containers, heating, cooling and ventilation equipment and systems.
3. Applicability – structure additions and renovation.
 - a. 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 of any portion of an existing structure shall be exempt from the standards of this division where it is found that the new or replacement exterior surfacing proposed is identical to that of the existing structure.
 - b. 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 standards of this division.
4. Performance standards – primary exterior surfacing.
 - a. 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.
 - b. 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 chapter. Doors of any type of material, except glass, shall not be considered a primary exterior surface.
 - c. Each wall of the structure shall be calculated separately and, individually comply with the 70/30 formula.
5. Performance standard – exterior surfacing accents. Not more than 30% of the exterior wall surfacing, as defined by division (D)(4) 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:
 - a. Cedar, redwood, wood siding;
 - b. Cement fiber board;

- c. Standing seam metal;
- d. Architectural metal;
- e. Stucco;
- f. Poured in place concrete (excluding “tilt-up” panels);
- g. Architectural metal panels; and

(Am. Ord. 97-175, passed 6-20-2006)

- h. Porcelain or ceramic tile.
6. *Performance Standard – Accessory Structures.* All accessory structures shall comply with the exterior surfacing requirements specified by this division (D).
 7. *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.
 8. *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.
 9. *Applicability – New Construction.* The standards of this division shall be applicable to all structures and buildings constructed in the city, on and after the effective date of this chapter. The performance standards of this division shall not be in any manner minimized by subsequent planned unit development plans or agreement.

(Am. Ord. 97-108, passed 5-7-2002; Am. Ord. 97-192, passed 6-19-2007)

§ 154.035 OP - OPEN SPACE PRESERVATION DISTRICT.

Provisions governing the OP Open Space Preservation District are codified at §§ 150.175 through 150.189.

§ 154.036 OZD - OVERLAY ZONING USE DISTRICT.

The following overlay districts are designed to promote orderly development or to protect some specific sensitive natural resources. These district regulations are in addition to, rather than in lieu of, regulations imposed by the existing basic zoning use districts. These districts are defined and established as follows:

- A. Flood Plain – See §§ 151.01 through 151.14 of this Code;
- B. Restrictive Soils Overlay District – See §§ 150.200 through 150.203 of this Code;
- C. Wetland Protection and Preservation Overlay District – See §§ 150.215 through 150.219 of this Code;
- D. Shoreland District – See §§ 150.250 through 150.257 of this Code;

- E. Interstate Corridor Overlay District – See §§ 150.230 through 150.238 of this Code; and
- F. Airport (reserved).

(1997 Code, § 300.07 Subd. 4.P) (Am. Ord. 97-192, passed 6-19-2007)

ADDITIONAL REGULATIONS AND MODIFICATIONS

§ 154.080 ADDITIONS AND EXCEPTIONS TO MINIMUM AREA, HEIGHT, AND OTHER REQUIREMENTS.

- A. *Existing Lot.* An existing lot is a lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or Registrar of Titles, on or before the effective date of this chapter. Any such lot or parcel of land which is in a residential district may be used for single-family detached dwelling purposes, provided the area and width of the lot are within 60% of the minimum requirements of this chapter; provided, all setback requirements of this chapter must be maintained; and provided, it can be demonstrated safe and adequate sewage treatment systems can be installed to serve the permanent dwelling. Any 1-acre lot which was of record before October 16, 1979 may be used for single-family detached dwelling purposes regardless of ownership of adjacent parcels, provided the lot meets all other requirements of this chapter.
- B. *Reductions in Lot Size for Municipal Purposes.* Any lot that has been reduced in size due to the acquisition of property for municipal purposes that would otherwise meet the requirements of an existing lot as described in division (A) above, may be used for a single-family detached dwelling, provided that the lots is not reduced in size by more than 10% of the minimum district requirements due to the municipal land acquisition and further provided the lot conforms to all other zoning district and subdivision standards for the district in which it is located. This provision shall apply to the subdivision of lots in existence prior to the adoption of this division that would have otherwise met the zoning district standards for lot size and that meet all requirements of this section.
- C. *Contiguous Parcels.* If, in a group of 2 or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the full width or area requirements of this chapter, the individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots or parcels under the same ownership so that the combination will equal 1 or more parcels of land, each meeting the full lot width and area requirements of this chapter.
- D. *Subdivision of Lots.* Any lot or parcel of land subdivided by any means after the effective date of this chapter for purposes of erecting a structure, must be approved as required by the subdivision ordinance.
- E. *Lake and Stream Frontage Lots.* All lots having frontage on a lake or stream shall be subject to the provisions of the shoreland management ordinance as well as the regulations provided by this chapter. All lots on unclassified bodies of water in the shoreland management ordinance shall meet the minimum setback requirements for a General Development Lake, except as provided in the Shoreland management section.
- F. *Lots in the Flood Plain.* All lots in a designated flood plain shall be subject to the flood plain ordinance as well as the regulations provided by this chapter.

- G. *Reduction of Required Yard or Lot Size Prohibited.* No yard or lot shall be reduced in area or dimension so as to make it less than the minimum required by this chapter, and if the existing yard or lot is less than the minimum required, it shall not be further reduced. No required yard or lot currently used for a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.
- H. *Sloping on Erodible Building Sites.* On sites with slopes of greater than 25% or on easily erodible soils as defined on the community soils maps and compiled by the County Soils Conservation Agent, no structure shall be constructed.
- I. *Minimum Area Requirements for Lots Without Public Sanitary Sewer.* In areas without public sanitary sewer, but where public sanitary sewer is proposed in the city's Capital Improvement Program, single- and 2-family homes shall demonstrate suitable soil conditions for adequate on-site sewage treatment area.
 - 1. In areas without public sanitary sewer where public sanitary sewer is not proposed in the City Capital Improvement Program or Comprehensive Plan, single- and 2-family homes shall demonstrate suitable soil conditions for a minimum-on-site sewage treatment area of 1 acre per dwelling unit.
 - 2. A building permit shall not be issued for a lot which either does not meet the minimum acres of acceptable soils for on-site sewage treatment; or does not have enough acceptable soils within the lot or under legal contract to construct at least 2 complete septic/drainfield treatment systems.
- J. *Lot Width on a Public Street.* All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel on a dedicated and approved public roadway to the width derived from applying the lot width requirement in each zoning district.

(1997 Code, § 300.09) (Am. Ord. 08-042, passed 5-3-2011)

§ 154.081 PERMITTED ENCROACHMENTS ON REQUIRED YARDS.

The following shall be permitted encroachments into setback and height requirements, except as restricted by other sections of this chapter.

- A. In any yards
 - 1. Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to 3 feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, sidewalks, fences, essential services exposed ramps (wheelchair), patios, stoops, decks not requiring railings in accordance with state building codes, or similar features, provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than 5 feet from any lot line nor less than 1 foot from any existing or proposed driveway; yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons; provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

2. Porches as defined in § 11.01 may encroach up to 6 feet into a required front yard setback or side corner yard, but in no case shall be setback less than 10 feet from the front property line. A porch is not allowed in a side or rear yard setback.
- B. *Side and Rear Yards.* Fences 30% open; walls and hedges 6 feet in height or less; bays not to exceed a depth of 3 feet or containing an area of more than 30 square feet; fire escapes not to exceed a width of 3 feet.
 - C. *Corner Lots.* Nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of 2-1/2 and 10 feet above the center line grades of the intersecting streets within 100 feet of the intersection.
 - D. *Off-Street Parking.* In no event shall off-street parking space, structures of any type, buildings, or other improvements cover more than 75% of the lot area. In no event shall the landscaped portion of the lot be less than 25% of the entire lot as a result of permitted encroachments. In Shoreland areas, no more than 1/3 of lot areas shall be covered with improvements.

(1997 Code, § 300.10) (Am. Ord. 08-017, passed 10-6-2009)

§ 154.082 SETBACKS.

- A. *Front Setbacks.* Where adjacent residential structures on the same side of the street between intersections have front yard setbacks different from those required, the front yard minimum setback shall be the average of the immediately adjacent structures. If there is only 1 immediately adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the required front yard setback exceed the required minimum established within the districts of this chapter.
- B. *Side and Rear Setbacks.* Subject to regulations contained in the Building Code and other applicable regulations, side and rear setback requirements may be waived, provided party walls are used and the adjacent buildings are constructed as an integral unit and are part of an approved shopping center, townhouse development, or other similar development. The waiver shall only be by issuance of a variance.
- C. *Setbacks from Private Roads.* All setback requirements of this chapter shall also be applicable to private roads and easement access rights-of-way.

(1997 Code, § 300.11) (Am. Ord. 08-003, passed 1-22-2008)

§ 154.083 HEIGHT.

A. Maximum Height

1. Antennas shall not be located on structures in excess of 65 feet in height unless the structures are existing water towers and the antennas are only an accessory use on the water towers.
2. No other structure shall exceed 35 feet in height including church spires, belfries, cupolas and domes, monuments, chimneys, and smokestacks, flag poles, public

facilities, except barns, silos, and other farm structures, utility transmission services, and transmission towers of commercial broadcasting stations.

B. *Parapet Walls.* Parapet walls shall not exceed more than 4 feet above the height permitted of the building.

(1997 Code, § 300.12)

ARTICLE III. ZONING ADMINISTRATION AND ENFORCEMENT

§ 154.100 DIRECTOR OF PLANNING.

The City Council shall appoint a Director of Planning. The Director of Planning, or his/her designated agent, shall enforce this chapter and shall perform the following duties:

- A. *Permits.* Issue zoning permits pertaining to the zoning ordinance and make and maintain records thereof;
- B. *Inspections.* Conduct inspections of buildings and use of land to determine compliance with the terms of this chapter;
- C. *Records.* Coordinate with the City Clerk to maintain permanent and current records of this chapter, including but not limited to: all maps, amendments and conditional uses, variances, appeals and applications therefore;
- D. *Applications.* Receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies;
- E. *Interpretation.* Interpret the provisions of this chapter and related provisions of the City Code, including determinations of Zoning Use Types and Classifications as specified in §154.012.
- F. *Enforcement.* Institute in the name of the City any appropriate actions or proceedings to enforce this chapter;
- G. *Work Program.* Recommend a program of work pursuant to Section §32.032 of the City Code to the Planning Commission prior to the beginning of each calendar year and at such other times as the Planning Commission may request.
- H. *Reporting.* Submit a yearly report to the Planning Commission in January of each year summarizing the activities of the Planning Department during the previous year, including information related to housing, public infrastructure, City facilities, industrial and commercial development, enforcement actions, and other such information as the Director of Planning deems relevant. This report should also include any recommended changes to the Comprehensive Plan or various land use ordinances.
- I. *Planning Commission.* Serve as an ex-officio, non-voting member of the Planning Commission.

(Ord. 08-085, passed 7-2-2013)

§ 154.101 APPLICATIONS REVIEW PROCESS.

- A. *Application Form and Fee.* The following general provisions apply to all applications required under this chapter.
 - 1. *Application Form.* All applications for any site plan, conditional use permit, zoning verification, variance, or for any other City approval required by this

chapter, or to amend this chapter, shall be made in writing on a form provided by the city, to the Director of Planning.

- a. *Information Required.* Every application shall contain the legal description of the property and a statement of the specific permit or action being sought. In addition, every application shall include the submission requirements listed in §154.101.B.1. Nothing in this section shall be deemed to prevent the city from requesting additional information from the applicant upon which to base a decision.
2. *Fee.* The application shall be accompanied by the required fee as established by resolution of the City Council. If a dispute arises over a specific fee imposed by the City, the amount of the fee must be deposited and held in escrow, and the person aggrieved by the fee may appeal to the district court, as provided by M.S. 462.361 (judicial review), as it may be amended from time to time. The application shall proceed as if the fee had been paid, pending a decision of the court.

B. Application Requirements

1. *Submission Materials.* Submission materials for applications required under this chapter shall include the following specific information:
 - a. Site plan drawn to scale showing parcel and building dimensions.
 - b. Location of all buildings and their size, including square footage.
 - c. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
 - d. Landscape plans meeting the requirements of Section 155.89 of Article 6 of this Zoning Ordinance.
 - e. If grading or storm water management is proposed, grading and storm water, erosion, and sediment control plans meeting the requirements of §150.270 through §150.284, §151.017, and §151.027 of the City Code.
 - f. Type or types of business or activity and proposed number of employees.
 - g. Proposed floor plan of any building with use indicated.
 - h. Building elevation drawings of any new construction or building renovation proposed.
 - i. Sanitary sewer and water plans with estimated flow rates.
 - j. Soil type and soil limitations for intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome the limitation shall be made part of the application; and
 - k. For applications that require a public hearing, a certified list of property owners located within 350 feet of the subject property obtained from and certified by a licensed abstractor.

- 1. The Director of Planning may require that the applicant supply proof of ownership of the property for which a permit is requested.
- m. The Director of Planning may require traffic generation information to determine the adequacy of existing transportation infrastructure.
- n. Such other information as may be required by the Director of Planning, Planning Commission, or City Council.
- 2. *Waiver of Submission Materials.* The Director of Planning may waive certain submission requirements for projects that will have a minimal impact on surrounding properties or in instances when said submission requirements are impractical given the nature of the proposed development.
- C. *Amended Applications.* An amendment to any permit issued under this Chapter shall be processed in the same manner as a new application.
- D. *State Established Time Limit for Final Action.* The City shall comply with the time limits as established by Minnesota Statute 15.99 (time deadline for agency action), as it may be amended from time to time, with regards to taking action on any applications subject to said Statute.

(Ord. 08-085, passed 7-2-2013)

§ 154.102 PUBLIC HEARING REQUIREMENTS.

This section contains requirements for public hearings held by the Planning Commission, Board of Adjustment or City Council under this Ordinance.

- A. *Notification of the General Public.* The Director of Planning shall set the date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, and not less than ten days prior to the hearing.
- B. *Notification of Surrounding Property Owners.* For any application for which a public hearing is required, the Director of Planning shall notify all property owners within the affected zone and within three hundred and fifty feet (350') of the outer boundaries of the property in question.
 - 1. Failure of any property owner to receive such notification shall not invalidate the proceedings.
 - 2. The City Council may waive the mailed notice requirements for a city-wide amendment to the zoning ordinance initiated by the Planning Commission or City Council.
- C. *Hearing Procedures*
 - 1. Public Hearings conducted by the Planning Commission, City Council, and Board of Adjustment.
 - a. The Director of Planning or his/her representative shall summarize the application and any associated information.

- b. The applicant shall be allowed to summarize the request and call any witnesses to support his/her request.
 - c. The public shall be allowed to make statements concerning the request subject to reasonable limits that may be set by the body conducting the hearing.
 - d. The Planning Commission, City Council and Board of Adjustment may establish other procedures as needed to ensure due process for those parties involved with the hearing.
2. *Appeal Hearings.* The Board of Adjustment shall hold a hearing and make a decision on any appeal submitted in accordance with §154.108 of this Article. The Board of Adjustment shall establish rules for due process during appeal hearings and any part to the appeal may appear at the hearing in person or by agent or attorney. At a minimum, the following hearing procedure will be followed:
- a. Appellant shall present a case and may call any witnesses necessary in support thereof;
 - b. Respondent may ask questions of appellant's witnesses;
 - c. Respondent may call witnesses;
 - d. Appellant may ask questions of respondent's witnesses;
 - e. Respondent may summarize his or her position;
 - f. Appellant may summarize his or her position;
 - g. Generally, the Minnesota District Court Rules of Civil Procedure shall apply for the conduct of the hearing.

(Ord. 08-085, passed 7-2-2013)

§ 154.103 PERMITS, CERTIFICATES AND LICENSES.

A. Building Permits

- 1. *Compliance.* A building permit is required for the construction or structural alteration of a building or any part thereof. Other construction activity may require a permit in accordance with the Minnesota State Building Code. Demolition, wrecking or removal of any structure shall require a demolition or moving permit. No building permit shall be issued for any construction, enlargement, alteration or repair, demolition or moving of any building or structure on any lot or parcel until all requirements of the Minnesota State Building Code as adopted by the City of Lake Elmo pursuant to Chapter 151, Title XV of the City Code have been fully met.
- 2. *Concurrent Applications.* If the proposed development requires a zoning amendment, variance or conditional use permit, or other permit required under this Article, the applicant shall secure all required permits prior to the issuance of a building permit for said development.

3. *Administrative Review of Permits for Existing Platted Lots.* If the proposed development does not involve a zoning amendment, variance or conditional use permit, and proposes a use, structure or expansion of an existing structure on an existing platted lot, the Director of Planning may review the application and authorize the Building Official to approve or to deny the permit.
4. *Expiration.* Any building permit issued by the city shall expire and by limitation be null and void if a certificate of occupancy and final completion has not been issued within the following applicable period of time after the date of permit issuance:
 - a. Single-family residential dwellings, including new construction, remodeling or additions: 12 months;
 - b. Multi-family and nonresidential construction: 12 months unless a longer time is specified by the City Council at the time the original permit is issued;
 - c. Extension. The Building Official may grant an extension prior to the expiration of any building permits in accordance with the Minnesota State Building Code. An expired building permit may be reissued once, by the Building Official, for one-half the original permit fee. Thereafter, if the permitted work is not completed within the applicable time period, a new permit may be issued only upon such conditions as the City Council by resolution may prescribe, including financial guarantees to guarantee completion by a specified date.
 - d. Time Limitations for Exterior Work. All exterior work shall be completed as follows:
 - i. All disturbed and exposed ground shall be covered with landscaping in accordance with §150.070 through §150.078 of the City Code.
 - ii. All exterior construction, including siding, roofing, doors, windows and finish shall be completed and present a finished appearance within six (6) months of the start of construction. Tar paper, unfinished plywood, fiberboard insulation, foam insulation, brown coat or scratch coat of stucco, plastic sheeting and other similar materials not designed to be an exterior finish shall not be considered an acceptable exterior finish. Extensions for weather sensitive work may be granted by the Building Official.
 - iii. Failure to complete exterior work as required herein shall result in suspension of the existing permit until a reinstatement fee equal to 100% of the original building permit has been made. Reinstatement of a building permit does not extend the original term of the permit. The reinstatement fee shall also be paid prior to re-issuance of any subsequent permit for exterior work that was not completed under a prior permit that expired.

- B. *Certificate of Zoning Compliance.* A certificate of zoning compliance is a zoning permit that is intended as a means of administratively reviewing a new use, change in use, or structural change that does not require a building permit.
1. *When Required.* A certificate of zoning compliance is required for the following activities:
 - a. A new use classification within an existing building or structure;
 - b. A change of use classification within an existing building or structure;
 - c. Addition, removal or change in parking or other on-site improvements;
 - d. Small accessory structures that do not require a building permit;
 - e. Home occupations;
 - f. Swimming Pools;
 - g. Antennas, including amateur radio antennas and wireless communications facilities that meet the criteria for administrative review in §150.111(C);
 - h. Fences six feet and less in height;
 - i. Driveways that are not authorized as part of an approved building permit;
 - j. Storm water management activities and structures not otherwise permitted as part of a development application;
 - k. Other situations requiring additional review or interpretation, as specified elsewhere in this ordinance.
 2. *Expiration of a Certificate of Zoning Compliance.* Where a certificate of zoning compliance use has been established and is discontinued for any reason for a period of one (1) year or longer, the certificate of zoning compliance shall become null and void.
- C. *Certificate of Occupancy.* No vacant land shall be occupied or used and no buildings hereafter erected, altered or moved shall be occupied until a certificate of occupancy has been issued by the Building Official. Such certificates shall show that the building or premises or part thereof and the use thereof are in conformity with the Minnesota State Building Code and the provisions of this chapter. Such certificate shall be issued only when the building or premises and the use thereof conform to all the requirements of the City Code.
- D. *Sign Permit.* A sign permit shall be authorized for a sign that conforms to the sign regulations in §154.212. An application, on a form provided by the Director of Planning, shall be submitted with the required fee by the owner of the proposed sign. The Director of Planning shall issue a sign permit if all of the regulations in §154.212 are met.
- E. *Special Event Permit.* A special event permit may be issued for certain events for activities or events not otherwise permitted under the Zoning Ordinance in accordance with §110.070 of the City Code.
- F. *Grading Permit.* A permit shall be required for all non-agricultural project(s) or activities that will result in the movement of more than fifty (50) cubic yards of earth or the

disturbance of more than one-half acre of land, and for construction of a building or structure on steep slopes, as specified in Article 6, Section 155.84. The Director of Planning may issue a grading permit only if the grading plan meets the requirements of the Lake Elmo Storm Water Management and Erosion and Sediment Control Ordinance.

1. *Public Hearing.* All grading and excavating applications, for the purpose of creating wetlands, berming, landscape amenities, and other natural features that result in the moving of more than 400 cubic yards of material per acre of site area shall require a public hearing.

(Ord. 08-085, passed 7-2-2013)

§ 154.104 PLANNING COMMISSION.

The Planning Commission shall provide assistance to the City Council in the administration of this chapter. The recommendations of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings, and make recommendations to the City Council on all applications for zoning amendments, variances, and conditional use permits using the criteria of this Article. The Planning Commission shall be formed and operate in conformance with Chapter 32 of the City Code and specifically with Sections 32.025 through 32.042.

(Ord. 08-085, passed 7-2-2013)

§ 154.105 ZONING AMENDMENTS.

- A. *Criteria for Granting Zoning Amendments.* The City Council may adopt amendments to the zoning ordinance and zoning map in relation to land uses within a particular district or to the location of a district line. Such amendments shall be used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan.
- B. *Types of Amendments.*
 1. *Rezoning.* A change in the boundary of a zoning district or a change from one district to another on the Official Zoning Map, referred to as a rezoning.
 2. *Text Amendment.* A change in the text for specific zoning district regulations or any other provision of this Chapter.
- C. *Initiation of Proceedings.* Proceedings for a text amendment or a rezoning may be initiated by one of the following three methods:
 1. By petition of an owner or owners of property that is proposed to be rezoned or for which a text amendment for a change in a district regulation is proposed;
 2. By recommendation of the Planning Commission;
 3. By action of the City Council.
- D. *Application Requirements for Zoning Amendments Initiated by Petition.* A petition for a Zoning Amendment shall be submitted to the Director of Planning on such form as required by §154.101 of this Article and accompanied by the following information:

1. Conceptual site plan drawn to scale showing all affected parcels and a general concept for any proposed development of said parcels.
 2. General location of all buildings and their approximate dimensions and square footage.
 3. Approximate location of all curb cuts, driveways, access roads, parking areas, off-street loading areas, and sidewalks.
 4. Conceptual landscape plan indicating general planting areas for trees, shrubs, and lawns.
 5. Conceptual grading, erosion control, and storm water management plan.
 6. Conceptual sewer and water utility plan for the development.
 7. Narrative indicating the types of uses or businesses that are contemplated for the development, number of employees, parking and traffic impacts, and other pertinent information about the proposed development.
 8. The Director of Planning may require the applicant to supply proof of ownership of the property for which the amendment is requested that illustrates legal or equitable interest in the property.
- E. *Hearing Requirements.* The Planning Commission shall hold a public hearing on each complete application for a Zoning Amendment as provided in §154.102 of this Article. After the close of such hearing, the Planning Commission shall consider findings and shall submit the same together with its recommendation to the City Council.
- F. *Effect of Denial of Application.* No application of a property owner for an amendment to the text of this chapter or the zoning map shall be considered by the Planning Commission within the one year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- G. *Relationship to Comprehensive Plan.* Any rezoning shall be consistent with the current City of Lake Elmo Comprehensive Land Use Plan. If the rezoning is not consistent with the current Comprehensive Plan, an amendment to the Comprehensive Plan must be requested and approved prior to or concurrent with the rezoning request.
- H. *Coordination with Adjoining Communities.* Any zoning district change on land adjacent to or across a public right-of-way from an adjoining community shall be referred to the Planning Commission and the adjacent community or county for review and comment prior to action by the City Council granting or denying the zoning district classification change. A period of at least ten (10) days shall be provided for receipt of comments. Such comments shall be considered as advisory only.

(Ord. 08-085, passed 7-2-2013)

§ 154.106 CONDITIONAL USE PERMITS.

- A. *Required Findings.* Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate

restrictions as provided by official controls only upon a finding that all of the following provisions are met:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
 2. The use or development conforms to the City of Lake Elmo Comprehensive Plan.
 3. The use or development is compatible with the existing neighborhood.
 4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter.
 5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).
 6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
 7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.
 8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
 9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.
- B. *Application Requirements.* Conditional Use Permit applications shall be submitted to the Director of Planning on such form and accompanied by such information as required by §154.101.A of this Article and with the submission materials listed in §154.101.B of this Article.
- C. *Public Hearing Required.* The Planning Commission shall hold a public hearing on each complete application for a conditional use permit as provided in §154.102 of this Article. After the close of the hearing on a proposed conditional use permit, the City Planning

Commission shall consider findings and shall submit the same together with its recommendation to the City Council.

- D. *Final Decision by City Council.* The City Council shall make the final decision on a conditional use permit after a public hearing by the Planning Commission. The City Council may approve, approve with conditions, or deny the application.
- E. *Conditions.* In reviewing applications for conditional use permits, the Planning Commission and Council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of property within the district and to achieve the goals and objectives of the Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting immediately adjacent properties from objectionable views, noise, traffic and other negative characteristics associated with such uses.
1. The conditions shall include all specific development standards for such use listed in Article 7 of this Chapter.
 2. If the proposed use is in a flood plain management or shoreland area, the conditions shall include specific standards for such use listed in Chapter 151 (Floodplain Management) and Chapter 152 (Shoreland Management).
 3. In addition, conditions may include, but are not limited to, the following:
 - a. Controlling the number, area, bulk, height and location of such uses;
 - b. Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other catastrophe;
 - c. Regulating off-street parking and loading areas where required;
 - d. Controlling the location, availability and compatibility of utilities;
 - e. Requiring berming, fencing, screening, landscaping or other means to protect nearby property; and
 - f. Requiring other conditions to create compatibility of appearance with surrounding uses.
- F. *Findings for Denial.* If the Planning Commission recommends denial of a conditional use permit or the Council orders such denial, it shall include in its recommendation or determination findings as to the specific ways in which the proposed use does not comply with one or more specific findings required by this chapter.
- G. *Permittee.* A conditional use permit shall be issued for a particular use and not for a particular person, except in the case of a permit granted for the uses of land reclamation, mining or soil or mineral processing. In such cases, a permit shall be issued to the particular person making application for such permit and such permit shall not be transferred or assigned for use by another without the written consent of the City. However, such consent by the City shall not be unreasonably withheld.

- H. *Periodic Review.* A periodic review of the use may be attached as a condition of approval of a conditional use permit.
- I. *Term of Permit.* Unless otherwise stipulated, the term shall be the life of the use.
- J. *Revocation.* Failure to comply with any condition set forth in a conditional use permit, or any other violation of this chapter, shall be a misdemeanor and shall also constitute sufficient cause for the termination of the conditional use permit by the City Council following a public hearing conducted in accordance with §155.102 of this Article.
- K. *Expiration.* If substantial construction has not taken place within 12 months of the date on which the conditional use permit was granted, the permit is void except that, on application, the Council, after receiving recommendation from the Planning Commission, may extend the permit for such additional period as it deems appropriate. If the conditional use is discontinued for six months, the conditional use permit shall become void. This provision shall apply to conditional use permits issued prior to the effective date of this chapter, but the six-month period shall not be deemed to commence until the effective date of this chapter.

(Ord. 08-085, passed 7-2-2013)

§ 154.107 INTERIM USE PERMITS.

- A. *Purpose and Intent.* The purpose and intent of allowing interim uses are:
 - 1. To allow a use for a limited period of time that reasonably utilizes the property where such use is not consistent with the future land map in the Comprehensive Plan; and
 - 2. To allow a use that is presently acceptable, but that with anticipated development or redevelopment or other significant change, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district.
- B. *Required Findings.* An interim use permit may be granted only if the City Council finds as follows:
 - 1. The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.
 - 2. The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
 - 3. The use will not adversely impact implementation of the Comprehensive Plan.
 - 4. The user agrees to all conditions that the City Council deems appropriate to establish the interim use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit.

5. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.
 6. The date or event terminating the interim use shall be set by the City Council at the time of approval.
- C. *Application Requirements.* Interim Use Permit applications shall be submitted to the Director of Planning on such form and accompanied by such information as required by §154.101.A of this Article and with the submission materials listed in §154.101.B of this Article.
1. Additional Application Requirements. An application for an Interim Use Permit shall include the following additional information:
 - a. A letter from the applicant explaining the proposal and stating the date or event that will terminate the use;
 - b. A signed consent agreement, subject to review and approval by the City Council documenting:
 - i. That the applicant, owner, operator, tenant and/or user has no entitlement to future approval or reapproval of the interim use permit;
 - ii. That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
 - iii. That the applicant, owner, operator, tenant and/or user will abide by conditions of approval that the City Council attaches to the interim use permit.
- D. *Public Hearing Required.* The Planning Commission shall hold a public hearing on each complete application for an Interim Use Permit as provided in §154.102 of this Article. After the close of the hearing on a proposed Interim Use Permit, the City Planning Commission shall consider findings and shall submit the same together with its recommendation to the City Council.
- E. *Final Decision by City Council.* The City Council shall make the final decision on an Interim Use Permit after a public hearing by the Planning Commission. The City Council may approve, approve with conditions, or deny the application.
- F. *Termination.* An interim use shall terminate on the happening of any of the following events, whichever occurs first:
 1. The date or event stated in the permit;
 2. Upon violation of conditions under which the permit was issued;
 3. Upon a change in the City's zoning regulations which renders the use nonconforming; or
 4. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
- G. *Revocation.* Failure to comply with any condition set forth in an Interim Use Permit, or any other violation of this chapter, shall be a misdemeanor and shall also constitute

sufficient cause for the termination of the conditional use permit by the City Council following a public hearing conducted in accordance with §155.102 of this Article.

- H. *Renewal*. The following process may be used to renew an active interim use permit that is set to expire. Terminated or suspended interim use permits cannot be renewed unless the Director of Planning has received an application for and approved a 1-time 30-day extension to continue processing the renewal application.
1. *Application*. Application requirements for renewal of an existing Interim Use Permit shall be the same as for a new application.
 2. *Review*. Upon receiving a completed application for an interim use permit renewal, the Director of Planning shall send notice of the requested renewal to all property owners within 350 feet of the parcel(s) containing the interim use. If any objections are raised within 10 days of the mailed notice, the application shall be processed in the manner of a new application. If no objections are raised, the Director of Planning shall prepare a resolution of approval outlining the conditions and stipulations of the renewal for consideration by the City Council. The City Council, as its discretion, may approve or deny the request with findings. Denial of a renewal request does not constitute termination of the existing interim use permit.

(Ord. 08-085, passed 7-2-2013)

§ 154.108 APPEALS AND THE BOARD OF ADJUSTMENT.

The Board of Adjustment is hereby established pursuant to this chapter and Minnesota law. The Board of Adjustment (which is the City Council in accordance with §31.10 of the City Code) shall have those powers and authority as provided by Minnesota law and as hereinafter provided for. The Board of Adjustment shall be formed and operate in conformance with Chapter 31 of this Code and specifically with §31.10.

A. Powers of the Board of Adjustment.

1. *Review of Administrative Decisions*. The Board of Adjustment shall act upon all questions as they may arise in the administration of this chapter, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by such an administrative official charged with enforcing this chapter. Such appeal may be made by any person, firm or corporation aggrieved by an officer, department, board or bureau of the City.
2. *Variances*. The Board of Adjustment shall also have the power to grant variances to the provisions of this chapter under certain conditions. The conditions for the issuance of a variance are as indicated in §154.109 of this Article. No use variances (uses different than those allowed in the district) shall be issued by the Board of Adjustment.

B. Procedure for Appeals.

1. *Filing of Appeals.* All appeals to the Board of Adjustment shall be in writing and filed with the office of the City Clerk within 14 calendar days of the date of mailing of the notice of the order, requirement, decision or determination from which the appeal is made.
2. *Hearings.* The Board of Adjustment shall conduct a hearing regarding all appeals in accordance with §154.102.C.2 of this Article.
3. *Notice.* Written notice of the hearing shall be provided to the parties to the hearing and mailed not less than 14 days prior to the hearing.
4. *Orders.* The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made. The reasons for the decision of the Board of Adjustment shall be stated in the order. A majority vote of the Board of Adjustment shall be necessary to reverse any decisions of an administrative office of the city or to decide in favor of the applicant.

(Ord. 08-085, passed 7-2-2013)

§ 154.109 VARIANCES.

- A. *In General.* The Board of Adjustment shall have the power to grant variances to the provisions of this chapter under the following procedures and standards.
 1. A request for a variance from the literal provisions of this chapter may be granted in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. All requests for variances shall be reviewed in accordance with the required findings listed in §154.109.F.
- B. *Use Variances Prohibited.* A variance shall not be granted for any use that is not a listed permitted or conditional use under this chapter for property in the zone where the property is located.
- C. *Application Requirements.* Variance applications shall be submitted to the Director of Planning on such form and accompanied by such information as required by §154.101.A of this Article and with the submission materials listed in §154.101.B of this Article.
- D. *Hearing Requirements.* The Planning Commission shall hold a public hearing on each complete application for a variance as provided in §154.102 of this Article. After the close of the hearing on a proposed variance, the City Planning Commission shall consider findings and shall submit the same together with its recommendation to the Board of Adjustment.

- E. *Board of Adjustment Action.* The Board of Adjustment shall receive the recommendation of the Planning Commission and shall take final action on the variance request. All findings and decisions of the Board of Adjustments concerning variances shall be final.
- F. *Required Findings.* Any action taken by the Board of Adjustment to approve or deny a variance request shall include the following findings:
1. *Practical Difficulties.* A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.
 - a. *Definition of Practical Difficulties.* “Practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.
 2. *Unique Circumstances.* The problem for the landowner/applicant which the proposed variance is intended to correct must be due to circumstances that are unique to the property in question and that were not created by the land owner/applicant.
 3. *Character of Locality.* The proposed variance will not alter the essential character of the locality in which the property in question is located.
 - a. *Definition of Locality.* For purposes of this subsection, “locality” shall be defined as all that property within 350 feet of the property proposed for the variance; however, in all events, it shall include all parcels abutting the affected parcel, including those immediately across a public street, alley of other public property.
 4. *Adjacent Properties and Traffic.* The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.
- G. *Conditions.* The Planning Commission may recommend and the Board of Adjustment may impose such restrictions and conditions upon the property that is the subject of the variance as may be necessary to comply with the standards established by this chapter or to reduce or minimize the effect of such variance upon other properties in the neighborhood and to better carry out the intent of the variance.
- H. *Effect of Denial.* No application by a property owner for a variance shall be submitted to the Board of Adjustment within a six (6) months period following a denial of such a request unless, in the opinion of the Board, new evidence of change in circumstances warrant it.
- I. *Expiration.* A variance shall be deemed to authorize only one particular use and shall expire if work does not commence within twelve (12) months of the date of granting such variance or if that use ceases for more than six (6) consecutive months.

- J. *Revocation.* The Board of Adjustment may revoke a variance if any conditions established by the Board as part of granting the variance request are violated.

(Ord. 08-085, passed 7-2-2013)

§ 154.110 VIOLATIONS AND ENFORCEMENT.

- A. *Enforcing Officer.* It shall be the duty of the Planning Director to cause the provisions of this chapter to be properly enforced.

- B. Violations

- 1. *Violations.* Any person who shall violate or refuse to comply with any of the provisions of this Chapter shall be subject to the enforcement and penalty provisions of §10.99 of the City Code.

- C. Investigation and Administrative Enforcement

- 1. *Investigation of Violation.* The Director of Planning shall investigate alleged violations of this Chapter. Investigation of a violation may require accessing the property where the violation is alleged to have occurred. The Director of Planning shall notify the landowner of the need for investigation and make a reasonable attempt to gain permission from the landowner for access to the property and structures for investigative purposes. If the landowner is unresponsive or access to the property is specifically denied by the landowner, the Director of Planning shall obtain a judicial order prior to entering upon the property. Entering a structure for investigative purposes shall occur only upon permission of the landowner or issuance of a judicial order.

- 2. Administrative Enforcement

- a. *Notice of Violation.* Whenever in the judgment of the Director of Planning a determination is made upon investigation that a particular permit holder has not complied with this Chapter, the Director of Planning shall issue a written notice of violation to the owner of the record and require him or her to complete the work.
 - b. *Cease and Desist Order.* Upon investigation, if the Director of Planning has probable cause to believe a violation of this Chapter has occurred and that immediate stoppage of work is necessary to minimize harm caused by such violation, the Director of Planning may issue a cease and desist order to halt the progress of any property modification. When any work has been stopped by a cease and desist order, it shall not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.

- D. *Administrative Fee for Enforcement.* The Director of Planning shall charge an administrative fee, as set by resolution of the City Council, to compensate for time spent involving the investigation and prosecution of violations, and including any expenses incurred during the investigation.

E. *After the Fact Applications and Fees.* Any person making application for a permit after the commencement of work requiring a permit, shall be charged an additional administrative fee. In the event the application for a permit is denied or the action permitted does not include all or part of the work commenced prior to approval of said permit, the Director of Planning shall require correction and/or restoration of the concerned property to its original state, including removal of structures or improvements.

(Ord. 08-085, passed 7-2-2013)

ARTICLE IV. NON-CONFORMING USES AND STRUCTURES

§ 154.150 APPLICATION.

- A. *Application, Generally.* Except as provided in this chapter, no building or structure shall be erected, moved, altered, or extended and no land, building, or structure or part of the building, shall be occupied or used unless in conformity with regulations specified in this chapter for the district in which it is located.
- B. *Application to Existing Structures.* This chapter shall not apply to existing buildings and structures, nor to the existing use of any structure, or land to the extent of the use on the effective date of this chapter. This chapter shall apply to any change in use, to any movement of a building or structure, or to any expansion of a structure which may result in the generation of additional sewage for on-site disposal.
- C. *Use Defined.* For the purpose of this chapter, the word USE shall mean:
 - 1. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or
 - 2. Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure, or on a tract of land.

(Ord. 2012-062, passed 9-18-2012)

§ 154.151 NON-CONFORMING USES, BUILDINGS AND STRUCTURES.

- A. *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - 1. *NON-CONFORMING USE.* Any lawful use of land or any lawful use of a building or structure existing on the effective date of this chapter, or any amendment to this chapter which use does not conform with the regulations for the district in which it is located after the effective date of this chapter or the amendment.
 - 2. *SUBSTANDARD BUILDING or SUBSTANDARD STRUCTURE.* Any building or structure lawfully existing on the effective date of this chapter or any intentment to this chapter, which building or structure does not conform with the regulations, including dimensional standards, for the district in which it is located after the effective date of this chapter or the amendment.
- B. *Preservation of Non-Conforming Uses.* Except as provided in this chapter, the lawful use of land or the lawful use of a building or structure existing on the effective date of this chapter or on the effective date of any amendment to this chapter may be continued although the use does not conform to the provisions of this chapter, except as otherwise provided in this section.
- C. *Preservation of Dimensionally Substandard Buildings or Structures.* Except as provided in this chapter, buildings structures lawfully existing on the effective date of this chapter or on the effective date of any amendment to this chapter may be maintained although the

building or structure does not conform to the dimensional standards of this chapter. However, any such building or structure shall not be altered or improved beyond normal maintenance, except that any lawful dimensional substandard residential building, accessory building, or structure may be altered or improved if the existing substandard dimension relates only to setback requirements and does not exceed the 10% of the minimum setback requirements. Additionally, the alteration or improvement shall conform to all of the provisions of this chapter and shall not increase the existing substandard dimensions.

- D. *Unlawful Uses, Buildings, and Structures.* No unlawful use of property existing on the effective date of this chapter or any amendment to this chapter, nor any building or structure which is unlawfully existing on the effective date shall be deemed a non-conforming use or a nonconforming building or structure.
- E. *Permit Holders and Permit Applicants.* Any non-conforming structure that is ready for or under construction on the effective date of this chapter or any amendment to this chapter may be completed and occupied in accordance with the requirements of any valid building permit issued for the construction prior to the effective date.
- F. *Change from One Non-Conforming Use to Another.* A non-conforming use may be changed only to a use permitted in the district in which it is located; except that if no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restrictive classification, and provided the change is approved by the Board of Adjustment and Appeals as provided in this chapter. Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.
- G. *Change of Use with Approval of the Board of Adjustment.* A non-conforming use all or partially conducted in a building or buildings, may be changed to another non-conforming use only upon determination by the Board of Adjustment, after a public hearing, that the proposed new use will be no more detrimental to its neighborhood and surroundings than is the use it is to replace. In determining relative detriment, the Board of Adjustment shall take into consideration, among other things: traffic generated; nuisance characteristics, such as emission of noise, dust, and smoke; fire hazards; and hours and manner of operation.
- H. *Restoration of Non-Conforming Building or Structure.* A non-conforming building or which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity may be restored and the occupancy or use of the building, structure, or part of the structures which existed at the time of the partial destruction, may be continued or resumed, provided that the restoration is started within a period of 1 year and is diligently prosecuted to completion, unless the damage to the building or structure is equal to 50% or more of the replacement cost of the structure (as determined by the Building Official), in which case, the reconstruction shall conform to the provisions of this chapter.
- I. *Abandonment of Use.* When any non-conforming use of land or of a building or structure is abandoned for a period in excess of 1 year, the land, building, or structure shall, subsequently be used only as provided by this chapter.

(1997 Code, § 300.05) (Am. Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

ARTICLE V. GENERAL REGULATIONS

§ 154.200 PURPOSE.

The purpose of this Article is to establish regulations for activities that may occur in many zoning districts or in association with a variety of land uses, including parking, signage, and activities within yards, to promote the orderly development or use of land and minimize conflicts among land uses.

(Ord. 08-078, passed 5-07-2013)

§ 154.201 APPLICABILITY.

The provisions of this Article shall be applied to all zoning districts and shall be in addition to the requirements in any specific zoning district. A permit shall not be issued unless all applicable general regulations are met.

(Ord. 08-078, passed 5-07-2013)

§ 154.202 PERMITS REQUIRED.

Permits are required for all changes in use and all development activities, with the exception of signs, in compliance with the standards of Article 3, Administration. Signs shall require a sign permit in compliance with Section 151.115 and Article 3.

(Ord. 08-078, passed 5-07-2013)

§ 154.203 ESSENTIAL SERVICES.

Essential services as defined by this Ordinance are permitted in any district, provided that a site plan for any new or expanded service facility is filed with the Planning Department. The City Council may require site plan review of large facilities, upon the recommendation of the Planning Director.

(Ord. 08-078, passed 5-07-2013)

§ 154.205 FENCING REGULATIONS.

- A. *Purpose.* The purpose of this Ordinance is to provide for the regulation of fences in the City of Lake Elmo and to prevent fences from being erected that would be a hazard to the public, an unreasonable interference with the uses and enjoyment of neighboring property or are incompatible with existing uses and other zoning restrictions.
- B. *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Permanent Fence. Fences that are installed in a fixed or enduring manner that are not intended for a seasonal or temporary purpose.

Temporary Fence. Fences that are installed and removed on a seasonal basis, such as snow fences, garden fences and seasonal recreational fences, such as hockey boards.

C. Permit Required.

1. *Permanent Fence.* No permanent fence shall be erected without first obtaining a fence permit. Application shall be made to the Planning Director. The fee shall be established by the City's Fee Schedule. The Planning Director is authorized to issue a fence permit if the application indicates that the fence will be in compliance with this Ordinance. The Board of Adjustment and Appeals shall hear and decide appeals when it is alleged that the Planning Director was in error. The appeals shall follow the procedure outlined in §31.01.
2. *Temporary Fence.* Temporary fencing that complies with subsection (F) and all other applicable provisions of this Ordinance shall be exempt from permit requirements.

D. *General Requirements.* All fences erected in the City of Lake Elmo are subject to the following requirements:

1. *Maintenance.* All fences shall be properly maintained with respect to appearance and safety. Fences that remain in a state of disrepair for an extended period of time shall constitute a nuisance per §96.03.
2. *Face of Fence.* The finished side of any fence or wall must face abutting property or street rights of way.
3. *Fence Materials.* Permitted fence materials shall be limited to brick, stone, wood, wrought iron, vinyl, composite material, steel, aluminum, chain-link, and in cases of temporary fencing only, materials that are consistent with temporary fencing as regulated under subsection (F)
4. *Traffic Obstruction.* No fence or wall shall obstruct a motorist's or a pedestrian's safe view from the driveway or street.
5. Location.
 - a. Fences may be installed on any portion of a lot subject to the height restrictions of §154.205.E and may be installed along property lines provided the adjacent property agrees, in writing, that such fence may be erected on the boundary lines of the respective properties. Any portion of the fence and all footing material shall not encroach on the neighboring property.
 - b. All pertinent property pins shall be visible upon inspection for fences installed within one foot of a property boundary.
 - c. In the case of a dispute, the City may require a survey to establish the boundary line of a property.

6. *Easement Encroachment.* An easement encroachment agreement must be approved by the City Council, along with a fence permit, for any fence that will be installed within a City easement.
7. *Swimming Pools.* All swimming pools shall be enclosed with required fencing per §151.085.

E. Fence Height and Design

1. *Fences within Front and Side (Corner) Yards.* Any fence within a front or side (corner) yard setback may not exceed forty-two (42) inches in height and must be 50% open to air and light.
2. *Residential and Mixed-Use Districts.* No fence shall exceed six feet (6') in height, and shall be subject to the design requirements of §154.205.E.3.
3. *Residential Fence Design Requirements.* Solid wall fences over four (4) feet in height shall be prohibited on any lot under ½ acre (21,780 square feet) in size. Any portion of a fence over four (4) feet on such lots shall be at least 75% open to light and air, except under one of the following circumstances:
 - a. When a residential property abuts a district or use of a higher classification, and specifically, when an A, RR, RS, RE, or LDR district abuts any other district or a single family residential use abuts a multi-family residential use or a non-residential use.
 - b. When a property is a through lot and abuts a street that is a higher functional classification than the street abutting the front yard of the property.
 - c. For screening of outdoor living space subject to the following criteria:
 - i. The area enclosed by outdoor extended living area fencing shall not exceed an enclosed area of 500 square feet.
 - ii. A fence utilized to enclose an outdoor living area shall be extended to a point not more than 6 inches from the principal structure at 1 fence termination point.
 - iii. A fence utilized to enclose an outdoor extended living area shall not extend into side yard of a lot beyond the existing building line of the existing principal structure, nor shall such fences be located in any side or front street yard.
 - d. For screening or privacy purposes when the lineal measurement of the fence does not exceed one-fourth (1/4) of the linear distance of the perimeter of a lot. Such fences may only be installed with the written consent of the adjacent property owner.
 - e. Under other circumstances when a solid fence is warranted due to safety, health, animal containment, or similar purposes, subject to review and approval by the City Council and with the written consent of the adjacent property owner

4. *Commercial and Industrial Districts.* No fence or wall shall exceed eight feet (8') in height. Fences that exceed eight feet (8') in height require a conditional use permit.

F. Temporary Fences

1. *Height and Performance.* Temporary fences shall comply with the fence height standards of subsection (E). Temporary fences shall be at least 40% open to air and light. If unable to be at least 40% open to air and light, temporary fences shall not exceed forty-two inches (42") in height.
2. Duration and Limitation
 - a. No snow fence or posts shall be installed prior to October 1, and must be removed prior to April 15.
 - b. Seasonal recreational fencing intended for winter sports, such as hockey or broomball shall not be installed prior to October 1, and must be removed prior to April 15.
3. *Location.* Snow fences shall be set back at least 50 feet from any south or east property line, or such additional distance as may be required to prevent the accumulation of snow on public streets or adjoining property, as determined by the Public Works Director.

G. *Prohibited Fencing.* Barbed wire and electric fencing are prohibited in platted areas.

H. *Agricultural Exemption.* Fences constructed on parcels in excess of 5 acres for the keeping of horses; and fences constructed on parcels in excess of 10 acres are specifically exempted from the provisions of this Section. Any such agricultural fencing shall be at least 75% open to air and light.

(Ord. 08-086, passed 7-16-2013)

§ 154.210 OFF-STREET PARKING.

- A. *Purpose.* The intent of this section is to prevent or alleviate congestion and promote the public safety and welfare by establishing minimum requirements for off-street parking, and requiring that parking areas are located and constructed in a manner that provides for optimum visibility to vehicles entering and exiting said parking area, accessibility, and safety. It is the responsibility of property owners to provide adequate parking to meet their specific needs.
- B. *Applicability.* Off-street parking in accordance with this section shall be provided for all new uses and all expansions of existing uses in all districts. Parking requirements may be waived in the Village Mixed-Use District (VMX), recognizing the availability of on-street and shared parking facilities.
- C. *Location.* All required off-street parking facilities shall be located outside of any street right-of-way, and as follows:

1. Spaces accessory to one- and two-family dwellings shall be located on the same lot as the principal use served. Spaces within garages are counted toward the required number of spaces.
2. Spaces accessory to multiple-family dwellings and nonresidential uses shall be located on the same lot as the principal use served or within four hundred (400) feet of the main entrance to the principal building served.
3. Off-street parking located elsewhere than on the lot where the principal use being served is located shall be under the same ownership and control, either by deed or long-term lease, as the principal use. The owner of the principal use must file a recordable document with the City requiring permanent provision of off-street parking during the existence of the principal use.
4. Off-street surface parking areas containing more than four parking spaces shall be located a minimum of twenty (20) feet from the boundary of any adjacent lot zoned or used for residential purposes, with the exception of lots zoned Village Mixed-Use (VMX).
5. Other Parking in Residential Areas. Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes and their guests.
6. Off-street Parking in Commercial Areas. Off-street surface parking areas in commercial districts shall be located in a manner consistent with the setback requirements in §154.552.
7. Required off-street parking spaces shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or rent.

D. Parking Area Design and Maintenance

1. *Access to Parking Spaces.* Each required off-street parking space shall open directly to an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to the parking space, as shown in Table 5-1, Minimum Parking Space and Aisle Dimensions, except where accessory to residential uses of up to four (4) units.
2. *Maneuvering Area.* All parking areas except those serving one and two family dwellings on local streets shall be designed so that cars shall not be required to back into the street. If deemed necessary for traffic safety, turn-around areas may be required.
3. *Surfacing and Drainage.* All off-street parking areas shall be surfaced as follows:
 - a. Single-family and two-family dwellings shall provide a durable surface with suitable drainage.
 - b. In all residential, commercial and mixed use districts, all areas intended to be utilized for parking space for five (5) or more vehicles and associated driveways shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete.
 - c. In industrial districts, all areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and

drainage. Plans for surfacing and drainage for nonresidential uses shall be submitted for review and the final plan shall be subject to written approval.

- d. Storage areas for heavy construction equipment that would damage the pavement may be exempt from the paving and surfacing requirement with an acceptable surface approved by the City Engineer.
 - e. Farm dwellings and farm operations are exempt from the paving requirement.
 - f. City parks shall be exempt from the parking requirement if approved by the City Council.
4. *Marking of Parking Spaces.* All parking areas containing five (5) or more spaces or containing angled parking shall be marked with painted lines at least four (4) inches wide. Such markings shall be maintained in a clearly legible condition.
 5. *Curbing.* All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the side property line or a barrier of normal bumper height not less than three (3) feet from the side property line.
 6. *Landscaping and Screening.* Parking areas shall be screened and landscaped as provided in Article 6, Section 154.258.
 7. *General Maintenance.* Parking areas and driveways shall be kept free of dirt, dust, debris and waste. In winter months, required parking areas shall be cleared of snow and ice within a reasonable time.
 8. *Accessible Parking.* Accessible parking spaces for the disabled shall be provided as required by the International Building Code.

E. *Dimensions.* The minimum dimensions for required parking spaces are shown in Table 5-1, Minimum Parking Space and Aisle Dimensions and Figure 5-1, Minimum Parking Dimensions Diagram.

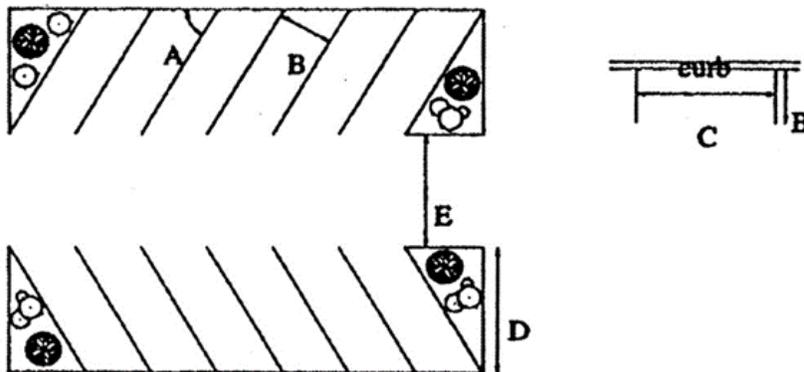
Table 5-1: Minimum Parking Space and Aisle Dimensions

Angle (A)	Width (B) ^a	Curb Length (C)	Stall Depth (D) ^b	1 Way Aisle Width (E)	2-Way Aisle Width (E)
0 (Parallel)	9'	22'	8'6"	14'	22'
44°	9'	12'	18'9"	14'	22'
60°	9'	9'10"	19'10"	18'	22'
90°	9'	8'6"	18'	20'	22'

^a For parking areas containing more than ten (10) parking spaces, compact spaces may account for up to twenty percent (20%) of the total parking area required. They may be reduced in size to a width of eight (8) feet and a stall depth of twelve percent (12%) less than (D) above, and must be grouped and signed appropriately

^b. Parking spaces that use an appropriately sized curb overhang over a landscaped island or buffer may be reduced in depth by one and one-half feet (1' 6"). A concrete curb or other means shall be provided to prevent parked vehicles from damaging plant materials.

Figure 5-1: Minimum Parking Dimensions Diagram



F. *Parking Requirements.* Accessory, off-street parking shall be provided as specified in Table 5-2, Specific Minimum Off-Street Parking Requirements, except as otherwise specified in this section.

1. In addition to the requirements in Table 5-2, one (1) parking space shall be provided for each commercial vehicle or vehicle necessary for the operation of the use that is maintained on the premises.
2. Parking spaces for uses with multiple components, such as hotels with dining and conference facilities, shall be based on the sum of the parking requirements of the separate components. Shared parking standards may be used where applicable.
3. *Proof of Parking.* The Planning Commission may allow parking requirements for a particular use to be relaxed or lessened in response to an expected demand that is lower than the required standard in this section, provided that one of the following conditions exists:
 - a. Sufficient open area is set aside on the parcel to meet the required standard, if determined to be necessary at a later date.
 - b. If parking will be needed less than twenty-five (25%) of the time during typical hours of use, on-street parking accessible by sidewalk within two blocks of the site may be used in lieu of required off-street parking.
4. Where a parking study is required, a qualified transportation engineer or transportation planner shall perform the study. The study shall contain information on the anticipated number of employees, customers, visitors, clients, shifts, events, or deliveries to the use, and may refer to other studies or similar situations elsewhere.

G. *Shared Parking.* Joint use of required parking spaces is encouraged where two or more uses on the same or adjacent sites are able to share the same parking spaces because their parking demands occur at different times. The applicant(s) must submit analysis showing that peak parking times of the uses will occur at different times and the parking area will

be adequate for both uses. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses shall be submitted.

- H. *Truck Parking in Residential Areas.* No commercially licensed trailer shall be parked or stored in a residential district except when loading, unloading, or rendering a service. Recreation vehicles and pickups are not restricted by the terms of this provision.

Table 5-2. Specific Minimum Off-Street Parking Requirements

Use	Minimum Parking Requirement	Notes
Residential Uses		
Household Living		
Single-family detached dwelling	2 spaces per dwelling unit	No fee shall be charged for required spaces
Two-family dwelling	1 space per 1-bedroom unit	
Single-family attached dwelling	2 spaces per 2-bedroom or larger unit	
Multifamily dwelling	Single-family attached dwellings shall provide an additional 10% of parking spaces for visitor parking Multifamily dwellings shall also provide 1 visitor space per 4 units	
Senior (elderly) housing	1 space per dwelling unit	If senior housing may be converted to general housing in the future, proof of additional parking shall be required
Secondary dwelling	1 space per secondary dwelling unit	
Live-work unit	2 spaces per dwelling unit	At least one of the required spaces shall be accessible for client parking
Mobile home park	2 spaces per dwelling unit	
Group Living		
Group home, group residential facility, halfway house, congregate housing	1 space per employee on the largest shift plus 1 visitor space for every 4 residents based on capacity	
Semi-transient accommodations	1 space per bedroom, plus one space for each fulltime staff equivalent	Parking study required

Use	Minimum Parking Requirement	Notes
Public and Civic Uses		
Cemetery	As determined by the Planning Director	
College or university, other adult learning center	To be determined by the Planning Director based on parking study	Parking study required
Community services	Parking equal to 30 percent of the capacity of persons or as determined by the Planning Director based on parking study	
Day care center (see under Accessory Uses for Family day care)	1 space per employee on largest shift plus 1 space per 7 students based on capacity; or 1 space per 10 students if an off-street drop-off and pick-up space is provided	
School, public or private	1 space per staff member plus 1 space per 5 students of legal driving age based on design capacity	Existing schools not meeting this standard may be required to develop a parking management plan, but shall not be required to add the minimum number of spaces
Public assembly	1 space per each 4 seats based on design capacity	
Religious institution, place of worship	1 space per each 6 seats or 10 feet of pews in the main assembly hall	Existing institutions not meeting this standard may be required to develop a parking management plan, but shall not be required to add the minimum number of spaces
Services		
Business center	Total of parking requirements for individual uses, excepting any that meet the shared parking requirements in Section 154.210.G	
Commercial kennel, commercial stable	1 space per employee on the largest shift plus 1 space per 6 animals	
Communication services	1 space per 400 square feet of gross floor area, plus 1 space per company vehicle stored on the site	

Use	Minimum Parking Requirement	Notes
Educational services	1 space per staff member plus 1 space per 5 students of legal driving age based on design capacity	
Financial institution	1 space per 100 square feet of usable floor area	
Funeral home	1 space per 100 square feet of floor area in the main assembly room plus one space per staff member	
Transient Accommodations, Lodging	1 space per guest room, plus additional space for meeting or restaurant facilities	Meeting and restaurant facilities may require additional parking, based on square footage of each use as defined in this table.
Medical facilities	5 spaces per medical professional, or 1 space per 200 square feet of gross floor area	
Membership organization (clubs, lodges, etc.)	1 space per 300 square feet of gross floor area	
Nursing and personal care	1 space for each 4 beds, plus 1 space per employee on the largest work shift	
Offices	3 spaces per 1,000 square feet of gross floor area	
Personal services	1 space per 300 square feet of gross floor area	
Repair and maintenance shop	1 space per 400 square feet of gross floor area	
Self-service storage facility	1 space per 300 square feet of office or sales area	The apron in front of the storage units shall be wide enough for two cars to pass
Trade shop	1 space per 300 square feet of office or sales area, plus 1 space per 3,000 square feet of storage area	
Transportation services	1 space per 300 square feet of office or sales area, plus 1 space per vehicle kept on premises	

Use	Minimum Parking Requirement	Notes
Veterinary service	3 spaces per veterinarian, or 1 space per 200 square feet of gross floor area	
Food Services		
Drinking and Entertainment	1 space per 3 customer seats or each 100 sq. ft. of interior space (the greater), plus 1 space per 200 sq. ft. exterior seating area.	
Drive-in Restaurant, Fast Food Restaurant, Standard Restaurant	1 space per 3 customer seats or each 100 sq. ft. of interior space (the greater), plus 1 space per 200 sq. ft. exterior seating area. Drive-throughs shall provide queuing space for at least 3 vehicles in advance of the menu board and 3 vehicles between the menu board and pick-up window	
Sales of Merchandise		
Garden Center, Building Supplies Sales	1 space per 250 sq. ft. of gross floor area plus 1 space per 2,000 sq. ft. of outside sales or display area	
Furniture and Appliance Sales	1 space per 800 sq. ft. of gross floor area	
General Retail	1 space per 250 sq. ft. of gross floor area	Includes any retail uses not specifically listed in this table
Shopping Center	1 space per 250 sq. ft. of gross floor area	Shared parking provisions (Section 154.210.G. of this Article) are encouraged to be used where applicable
Wayside Stand	1 space per 400 sq. ft. sales area	Spaces need not be paved, but shall be adequately separated and screened from the street and adjacent properties, as determined by the Planning Director
Wholesaling	1 space per 250 sq. ft. of indoor sales area plus 1 space per 2,000 square feet of storage area	

Use	Minimum Parking Requirement	Notes
Automobile/Vehicular Uses		
Automobile Maintenance Services, Commercial Vehicle Repair, Gas Station	1 space per 250 sq. ft. of gross floor area used for sales or customer service plus 2 spaces per service bay	Service bay shall not be counted as a parking space
Automobile Parts/Supply	1 space per 250 sq. ft. of indoor sales area plus 1 space per <u>2,000</u> square feet of storage area	
Automobile Rental	1 space per 250 sq. ft. of gross floor area plus adequate storage space for rental vehicles maintained on site	
Car Wash	1.5 spaces per bay, plus 4 stacking spaces per bay, plus 1 space per employee on the largest shift,	
Vehicle Sales and Storage Lots	1 space per 250 sq. ft. of indoor sales area plus 1 space per 2,000 sq. ft. of outside sales or display area and 1 space per 2,000 square feet of storage area	
Outdoor Recreation Uses		
Campgrounds and Trailering	1 space per site, plus spaces required for other uses	
Golf Course	5 spaces per hole plus additional space for meeting or restaurant facilities	
Marina	As determined by the Planning Director	Parking study may be required for large or multiple-use facilities
Outdoor Entertainment	As determined by the Planning Director	
Outdoor Recreation Facility	1 space per 3 persons based on maximum occupancy load, plus 1 space per employee on the largest shift or as determined by parking study	Parking study may be required for large or multiple-use facilities
Parks and Open Areas	No requirement	
Restricted Recreation	As determined by the Planning Director	Parking study may be required

Use	Minimum Parking Requirement	Notes
Swimming pool	1 space per 150 square feet of pool area	
Indoor Recreation/Entertainment		
Adult Establishment	1 space per 250 sq. ft. of gross floor area	
Indoor Athletic Facility	1 space per 250 square feet floor area plus 2 spaces per tennis or racquet games court and 1 space per 150 square feet of pool area	
Indoor Recreation	Bowling alleys: 5 spaces per lane Other facilities: 1 space per 3 persons based on maximum capacity	
Agricultural and Related Uses		
Agricultural Production and Services;	No requirement	
Agricultural Support	1 space per 300 sq. ft. of indoor sales or office area plus 1 space per 1,000 sq. ft. of outside sales or display area and 1 space per 2,000 square feet of storage area	
Forestry Operations	As determined by the Planning Director	
Production, Processing and Storage		
Non-production Industrial Light Industrial Heavy Industrial	1 space per 1,000 sq. ft. gross floor area up to 20,000 sq. ft. plus 1 space per 2,000 sq. ft. in excess of 20,000 sq. ft., <u>or</u> per 5 regular employees, whichever is greater.	Additional parking may also be required for office or retail space, as specified in this table Includes other industrial uses largely carried on in enclosed buildings and not individually listed
Motor freight and warehousing	1 space per 300 sq. ft. of office or sales area, plus 1 space per 3,000 sq. ft. of storage area	
Landfill, Resource Extraction, Salvage/Recyclable Center	2 spaces per 3 employees on the largest shift, based on maximum planned employment	Includes other industrial uses largely carried on outdoors

Use	Minimum Parking Requirement	Notes
Utilities, Transportation and Communications		
Air transportation	As determined by the Planning Director	
Broadcasting or Communication Tower	No requirement	
Essential Services	As determined by the Planning Director	
Local Transit, Railroad Transportation	2 spaces per 3 employees on the largest shift, based on maximum planned employment	
Accessory Uses		
Animals, Domestic	No requirement	
Home Occupation	No requirement unless specified in Conditional Use Permit	
Bed and breakfast	1 space per guest room in addition to dwelling unit requirements	
Family Day Care, Group Family Day Care	1 space per employee not residing on the premises plus one drop-off space	
Kennel, Private; Stable, Private	No requirement	
Interim Uses		
Interim Use	As determined by the Planning Director	

(Ord. 08-078, passed 5-07-2013)

§ 154.211 OFF-STREET LOADING AREAS.

Off-street loading space shall be provided in all districts for any nonresidential use which will involve the receipt or distribution of materials or merchandise by trucks or similar vehicles and has a gross floor area of five thousand (5,000) square feet or more, in accordance with the following standards. Off-street loading area requirements may be waived in the Village Mixed-Use District (VMX).

- A. *Number.* For facilities with less than twenty thousand (20,000) square feet gross floor area, a designated loading zone may be provided on site, rather than constructing a loading berth. For facilities with twenty thousand (20,000) square feet gross floor area or greater, one (1) off-street loading berth shall be provided every thirty thousand (30,000) square feet gross floor area or fraction thereof.
- B. *Location.* All required loading berths shall be off-street. A loading berth shall be located at least twenty-five (25) feet from the intersection of two street rights-of-way and at least

fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard setback.

- C. *Size.* Unless otherwise specified in this chapter, a required loading berth shall be not less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle maneuvering space.
- D. *Access.* Each required loading berth shall be located with appropriate means of vehicle access to a street or public alley in a manner which will least interfere with traffic. Driveway design is specified in Section 154.209 of this Article.
- E. *Surfacing.* All loading berths and access ways shall be improved with a durable material to control the dust and drainage.
- F. *Accessory Use.* Any space allocated as a loading berth or maneuvering area in accordance with this Section shall not be used for the storage of goods, inoperable vehicles or required off-street parking.

(Ord. 08-078, passed 5-07-2013)

§ 154.212 SIGN REGULATIONS.

- A. *Purpose and Intent.* The purpose of this Ordinance is to provide standards to safeguard life, health, and property and to promote the public welfare by regulating the design, area, number, construction, location, and installation of all signs referred to hereunder. The City Council and Planning Commission of the City of Lake Elmo find that the visual environment has an effect on the welfare of the citizens of Lake Elmo and that careful control of signage can protect and enhance the community. To carry out this general purpose, the regulations set forth herein are intended to:
 - 1. Protect the public from hazards that result from signs which are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs.
 - 2. Preserve the land value of private property by assuring the compatibility of signs with nearby land uses.
 - 3. Foster high quality commercial and industrial development and to enhance economic development of existing businesses and industries by promoting reasonable, orderly, attractive and effective sign that meet the need for business identification, advertising and communication.
 - 4. Encourage creative and well-designed signs that contribute in a positive way to the community's visual environment, express local character and help develop a distinctive image in the city. When appropriate, signage is encouraged to utilize design elements that are consistent with the Lake Elmo Branding and Theming Study.
 - 5. Recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances.

6. Provide applicants with clear and consistent rules and regulations.

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:

Abandoned Sign. Any sign remaining in place which for a period of ninety (90) consecutive days or more no longer advertises or identifies an ongoing business, product, service, idea, or commercial activity located on the site or has not been properly maintained in accordance with the requirements of this Ordinance.

Ancillary Sign. A wall sign separate from and subordinate in area to the principal sign, identifying generic services, goods or departments in the building, such as pharmacy, optical, auto repair, or garden center, but not including the identification of brand names.

Attention-Attracting Object. Any streamer, pinwheel, pennant, flag, propeller, inflatable sign, statuary, tethered balloon, bunting, beacon, or other artificial device, figure, shape, color, sound, light or exhibit, whether live, animated, or still, that is intended to attract attention to the use or business being conducted on the site. Attention-attracting object does not include the flag of any governmental country.

Awning. A roof-like cover consisting of fabric, plastic or structural protective cover that projects from the wall of a building which generally serves the purpose of shielding a doorway, entrance, window, or outdoor service area from the elements or to provide decorative distinction.

Banner. A suspended sign made of a flexible material such as canvas, sailcloth, plastic, paper, or fabric of any kind, and intended to be displayed on a temporary basis. A decorative banner is a banner containing no message or logo that is displayed for the purpose of adding color or interest to the surroundings or to the building to which it is attached. A flag or canopy shall not be considered a banner.

Beacon. A stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention.

Business Opening Sign. A temporary sign displayed prior or in addition to permitted permanent signs to promote the opening of a new business, a change of name, or a change of ownership.

Canopy. A detachable, roof-like cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or the surface of the sign and on which the message changes less than eight times a day and less than once per hour. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall not be considered a changeable copy sign.

Commercial Message. A message that directs attention to or acts as advertising for a business, commodity, product, service, or form of entertainment or tends to encourage the occurrence of a commercial transaction related thereto.

Comprehensive Sign Plan. A complete signage plan for a building or lot that has been approved by the City.

Construction Sign. A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development of a building or lot upon which the sign sits and/or identifying the future use of buildings or lot upon which the sign sits. Copy. Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

Directional Sign, On-Premise. A sign without commercial message erected for the purpose of indicating the required or preferred direction of vehicular, bicycle, or pedestrian traffic on private property including, but not limited to “no parking,” “entrance,” “exit only,” “loading only,” and other similar signage.

Directional Sign, Off-Premise. Any sign without commercial message that is displayed for the purpose of informing people of or guiding people to a particular place for a specified event, including, but not limited to, an open house, garage sale, estate sale or other similar event.

Directly Illuminated Sign. Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

Directory Sign. A sign which serves as a common or collective identification for a group of persons or businesses operating on the same lot. Such a sign commonly lists the tenants, occupants, floor plan, addresses or suite numbers of an office complex, shopping center, or residential building complex.

Election Campaign Period. A period prior to a general election starting on August 1 until 10 days following the general election, or a period prior to a special election starting 13 weeks prior to the special election until 10 days following the special election.

Electronic Variable Message Sign. A changeable copy sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign, not including signage or portions thereof displaying time and temperature.

Façade. Any separate face or surface of a building, including parapet walls, and roof surfaces or any part of a building which encloses or covers unusable space. Where separate facades are oriented in the same direction, or where the inside angle at the intersection of two surfaces is greater than one-hundred and thirty-five (135) degrees, they are to be considered as part of a single façade.

Flag. A device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable or rope. It may or may not include copy.

Frontage. The boundary of a lot that abuts a public street.

Garage Sale Sign. A sign advertising the sale of personal property including estate sales, yard sales or rummage sales used to dispose of personal household possessions.

Government Sign. Any sign erected by the City of Lake Elmo or any other governmental entity in the exercise of official government business and authority.

Ground Sign. Any free-standing sign that is supported by structures or supports in or upon the ground and independent of support from any building. A single sign structure having two identical or nearly identical faces back to back shall constitute a single sign. For the purposes of this definition, a ground sign is intended to refer to a primary, permanent, ground-mounted sign, not a temporary sign or sign that is ancillary to the primary sign, such as a directional sign or portable sign.

Hanging Sign. A sign that is suspended from the underside of a surface and is supported by such surface.

Indirectly Illuminated Sign. A sign that is illuminated from a source outside of the actual sign.

Inflatable Sign. A freestanding or moored sign expanded or inflated with air or another gas, like a balloon, and which may rise and float above the ground.

Legal Non-Conforming Sign. Any sign which was lawfully erected and displayed on [City Clerk to insert effective date], but which does not conform to the requirements and limitations herein, or any sign which was lawfully erected and displayed on the effective date of any amendment to this Section, but which does not conform to such amendment.

Logo. A symbol or trademark commonly used to identify a business or organization.

Memorial Sign. A sign or tablet memorializing a person, event, place or structure.

Menu Sign. A permanent changeable copy sign associated with restaurants with drive-through windows, car washes, or other businesses with drive-up services which gives a detailed list of food or services available.

Monument Sign. A ground sign having a monolithic base or support structure of any material measuring no less than one-third (1/3) of the greatest width of the sign at any point.

Noncommercial message. A message intended to direct attention to a political, social, community or public service issue or an idea, aim viewpoint, aspiration or purpose and not intended to produce any commercial benefit or tend to encourage a commercial transaction.

Off-Premise Sign. A sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the lot where such sign is located.

On-Premise Sign. A sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered, or occurs on the same lot as the sign.

Pennant. A tapered or dove-tailed banner or flag.

Permanent. When used in reference to a sign, means that the sign is constructed of durable materials and intended to exist for an indefinite period of time or the duration of the time that the use or occupant is located on the premises and is generally, but not necessarily, affixed to the ground or structure. Unless the context clearly dictates

otherwise, the term “permanent” in this Ordinance is not intended to mean literal permanence, but rather it is meant to distinguish such signs from more transient or temporary signage.

Pole Sign. A ground sign mounted upon a pole or pylon, or multiple poles or pylons, not meeting the definition of a monument sign.

Portable Sign. A type of temporary sign that is not permanently attached to the ground or a building or not designed to be permanently attached to the ground or a building, including but not limited to, trailers or other vehicles that are used principally as a sign, posters, “sandwich boards” or other freestanding signboards, regardless of whether such signs are attached to the ground or to a building or structure.

Projecting Sign. A sign that is attached to the wall of a building and projects more than fifteen (15) inches beyond such wall.

Real Estate Sign. A sign advertising only the sale, rental or lease of the premises upon which the sign is located.

Sign. Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, that either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to any event, goods, products, services, facilities, persons, property interest or business.

Street Frontage. The distance for which a lot boundary adjoins a single public street.

Temporary Sign. Any sign that is not a permanent sign.

Wall Sign. A sign that is attached to a wall of a building and is affixed parallel to the wall at a distance of not more than fifteen (15) inches from the surface of the wall.

Window Sign. Any sign located completely within an enclosed building and visible from a public way or placed upon a window. Merchandise within the premises and visible from the exterior shall not be considered a window sign under this definition.

C. *Applicability.* The Sign Ordinance shall apply to any sign placed, erected, altered, maintained, or relocated within the city that is plainly visible, although not necessarily legible, from any public right-of-way or any lot in ownership separate from the lot upon which the sign is located.

D. Sign Permits and Fees

1. *Permit Required.* Except as provided in this Section, it shall be unlawful for any person to place, erect, alter or relocate within the city, any sign without first obtaining a permit from the Planning Director and making payment of all fees as required by the City’s Fee Schedule. This subsection shall not be interpreted to require a permit for a change of copy on a changeable copy sign, changing occupant sign panels on a directory sign, repainting, cleaning, or other normal maintenance and repair of any existing sign or its structure as long as the sign copy does not change.
2. *Application for Sign Permit.* All applications for sign permits shall be filed on a form supplied by the City. Such application shall be submitted with all required

information provided and shall contain or have attached thereto the following information:

- a. Date of Application
 - b. Name, address, telephone number, and, if available, fax and email address, of the Applicant as well as of the person, firm, corporation, or association erecting the sign.
 - c. The written consent of the owner or lessee of the premises upon which the sign is to be erected, or the sworn statement of the applicant that the applicant is authorized by the owner, lessee or other authorized occupant of the premises to erect the proposed sign.
 - d. A scale drawing showing the existing and proposed location and dimensions of all buildings, structures, and signs on the subject property. For a ground sign, the drawing shall also indicate the following:
 - i. Distance of the sign from either the face of curb or sidewalk as well as its location relative to other ground signs, driveways, fire hydrants, and any other features of a site that could be obscured by the sign.
 - ii. A landscaping plan around the base of all ground signs.
 - e. The configuration of the proposed sign listing the height, width, total square footage, proposed copy, method of construction and attachment, method of illumination and description of all electrical equipment, sign materials and colors, and at least one image showing the location of the proposed sign and its relationship to either the building to which it is to be mounted or the surrounding lot if it is a ground sign.
 - f. The total area and number of all signs by type on the subject property both before and after the installation of the proposed sign.
 - g. For temporary signs, applications must be accompanied by a signed, written statement acknowledging the ordinance requirements governing the duration of time during which the sign may be displayed.
 - h. Such other information as the City may require to ensure compliance with this Sign Ordinance and any other applicable laws.
3. *Application Process and Review Procedure.* It shall be the duty of the Planning Director, upon the filing of an application for a sign permit, to examine the application for compliance with the requirements of this Section and, if deemed necessary by the Planning Director, to inspect the premises upon which the proposed sign is to be erected. If the application is complete and the proposed sign is in compliance with all the requirements of this Ordinance, and any other applicable laws, the following actions shall be taken:
- a. If the application is for a permanent sign that conforms to an approved Comprehensive Sign Plan that applies to the property upon which it is to be located, or for a permanent or temporary sign that adheres to the requirements of this Code, the Planning Director may issue a permit.

- b. If an application for approval of a Comprehensive Sign Plan pursuant to §154.212.I is submitted with a development application subject to Planning Commission review and City Council Approval, the Planning Director shall review the application and make a recommendation to the Planning Commission prior to issuing a permit.
- c. Except for applications for approval of a Comprehensive Sign Plan, applications shall be approved or denied within thirty (30) days of the filing of a complete application or be deemed approved unless an extension of time for review is granted, in writing by the applicant. Any decision of the Planning Director may be appealed to the Board of Adjustment and Appeals.
- d. In the event that a permit is issued but the sign authorized by the permit is not placed, erected, altered or relocated within six (6) months after the issuance of the permit, the permit shall expire and be null and void.
- e. Fees. A fee shall be charged for the permit in the amount set forth in the City's Fee Schedule.

E. *Design Review Criteria.* Signs shall meet the following criteria:

- 1. Any signage affixed to a building shall be dimensioned and located in such a manner that fits the buildings architectural features and proportions.
- 2. All signs shall be designed to fit the zoning and character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in Planned Unit Development, or in developments seeking Comprehensive Sign Plans, shall conform to the planned or existing dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a nuisance.
- 3. Signs illuminated by lights shall be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians. All signs must conform to the Sign Illumination standards in §154.212.F.7 and §150.035 (Lighting, Glare Control and Exterior Lighting Standards).
- 4. Landscape features shall be incorporated around the base of all permanent ground signs. Landscape plantings or other landscape materials shall not be considered as part of the allowable signage.

F. *General Sign Regulations.* This section pertains to all signs erected in the City of Lake Elmo. Additional regulations may apply based on sign type and zoning district in which the sign is to be displayed. Whenever regulations conflict anywhere within this Section or with any other applicable rule or regulation, unless expressly stated otherwise, the more restrictive provision shall control.

- 1. *Surface Area Calculation.* The sign surface area shall be calculated based on the area within the smallest single continuous rectilinear perimeter of not more than eight (8) straight lines encompassing all elements of the actual sign face including any writing, representation, emblems or any figure or similar character together

with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed, but excluding any support structure. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying design or symbols, together with any background of a different color than the natural color, or finish material of the building. Area of signs displaying copy on two parallel, back-to-back faces not separated by more than twelve (12) inches shall be calculated with reference to a single face only.

2. *Sign Location, Placement and Setback Requirements.* Except as provided elsewhere in this Section, all signs shall be subject to the following requirements:
 - a. *Limitations Based on Building Setbacks*
 - i. Except as provided in subparagraph (b), no part of any permanent or temporary sign shall extend over a property line.
 - ii. Where buildings are lawfully permitted to exist on the property line, a permanent sign attached to a building may project not more than six (6) feet over the abutting public sidewalk or right of way provided that the bottom of the sign components are located no less than eight (8) feet above the ground immediately beneath such sign. No sign may project over adjacent private property. Any ground sign shall be located on the premises unless it is an authorized temporary sign for which a valid permit is in effect.
 - b. *Signs on Public Property.* No sign shall be located within or across any public right-of-way, or on any public property, easement, or utility pole, except for:
 - i. A sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public; or
 - ii. A sign erected in conformity with subparagraph (a.ii) of this subsection.
 - c. *Safety of Motorists and Non-Motorists*
 - i. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure the vision of road users, or otherwise obstruct, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
 - ii. No ground sign, with the exception of government signs, may be placed within 10 feet of a fire hydrant, within 15 feet of a crosswalk, or within 15 feet of the intersection of any circulation lane, driveway or alley.
 - iii. No sign exceeding a height of thirty (30) inches may be placed within the vision triangle as defined in §11.01.
 - iv. No sign or structural components shall obstruct passage on a sidewalk or walkway.

- d. *Additional Regulations Pertaining to Placement of All Signs.* Except for a sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public:
 - i. No sign shall be attached to a fence, tree, shrubbery, utility pole or like items on either public or private property, and no sign shall obstruct or obscure primary signs on adjacent premises.
 - ii. No sign shall extend beyond the perimeter of a permanent structure or obstruct any window, door, fire escape, ventilation shaft or other area that is required to remain unobstructed by an applicable building code.
 - iii. No sign shall be mounted upon any roof of any building or structure.
- e. *Americans with Disabilities Compliance.* Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.
3. *Construction and Structural Requirements.* Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe. Every sign shall be designed and constructed in conformity with the applicable provisions of the Minnesota State Building Code and shall be free of any exposed extra bracing, angle iron, guy-wire or cables. The base or support of all permanent ground signs shall be securely anchored to an appropriately designed concrete base or footing per the State Building Code.
4. *Load Requirements.* All signs and other advertising structures shall be designed and constructed to meet all load requirements according to all applicable regulations in the Minnesota State Building Code.
5. *Installation.* All signs shall be properly secured, supported and braced. No sign or any part thereof, or anchor, brace, or guy-wire shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe, and no sign or any part thereof, or anchor, brace or guy-wire shall be erected or maintained which may cover or obstruct any door, doorway, or window of any building or which may hinder or prevent ingress or egress through such door, doorway or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire. All signs or attention-attracting devices shall be free of projections that could cause injury to a pedestrian and shall be installed in such a manner to avoid obstruction of a public sidewalk or street or portion thereof.
6. *Maintenance.* All signs, including nonconforming signs, and sign structures shall be maintained to preserve the appearance and structural integrity substantially identical to the new condition of the sign.
7. *Sign Illumination.* All illuminated signs shall comply with Section 150.035 (Lighting, Glare Control and Exterior Lighting Standards) and the following requirements:
 - a. *Electrical Permit.* All signs in which electrical wiring and connections to be used shall comply with all applicable provisions of the State Electrical Code.

- b. *Voltage Displayed.* The voltage of any electrical apparatus used in conjunction with a sign shall be conspicuously noted on that apparatus. In addition, all electrical signs shall bear the label of approval of a recognized testing laboratory and be equipped with a watertight safety switch that is located where the electrical supply enters the sign.
 - c. *External Illumination.* All external lighting fixtures shall be steady, stationary, fully-shielded and directed solely onto the sign, and shall use lighting designed to minimize light spill and glare. Lighting sources shall not be directly visible or cause glare to adjacent public rights-of-way or adjacent private property.
 - d. *Internal Illumination.* Internally illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white boarder of up to one (1) inch in width may be placed around said lettering or graphic elements.
 - e. *Brightness Limitation.* Except for daytime displays on electronic variable message signs, in no instance shall the lighting intensity of any illuminated sign exceed:
 - i. Three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.
 - ii. Fifty (50) foot candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.
 - f. *Glare.* All artificial illumination shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light up adjacent public right-of-way or surrounding property.
 - g. Gooseneck and similar reflectors and lights shall be permitted on ground and wall signs provided, however, the reflectors and lights shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. It shall be unlawful to maintain any sign which is wholly or partially illuminated by floodlights or spotlights, unless such lights are completely concealed from view from the public right-of-way.
8. *Motion as a Component of a Sign.* No sign shall have any flashing, scintillating, moving or blinking lights or rotating beacons, whether operated by electronic or mechanical means or wind driven, nor shall any floodlight, spotlight, or beacon utilize such actions to illuminate a sign. In addition, no beam of light shall be projected through a mechanism which periodically changes the color of the light reaching the sign.
9. *Attention-Attracting Objects.* The use of any attention-attracting object, as defined in this code, shall be allowed only as a temporary sign in conjunction with a special event permit, not to exceed ten (10) days per issuance. No permit shall be

granted for any premises more than four (4) times in any calendar year; or more than once in any three month period.

10. *Lots having Multiple Street Frontages.* Business occupying corner lots, or multiple frontages adjacent to more than one public right-of-way, may display up to one additional ground or building-mounted sign for each additional frontage provided that such additional sign may not exceed 50% of the area allowed by the primary frontage and is oriented toward the additional frontage. For purposes of this code, the primary frontage shall be presumed to be the frontage upon which the main entrance to the building is located. The applicant, however, may identify a different frontage as the primary frontage to maximize the effectiveness of the signage.

11. *Resemblance to Traffic Signs.* No sign shall contain or resemble any sign resembling in size, shape, message, or color any traffic control devices compliant with the Minnesota State Manual on Uniform Traffic Control Devices.

G. *Limitations According to the Type of Land Use.* Unless exempt under §154.212.K or as expressly provided elsewhere, no permanent or temporary signs shall be displayed except in conformity with the following regulations as they correspond to the type of land use and districts in which the sign is to be displayed.

1. Residential Uses in Residential Districts

a. In connection with legal home occupations, a single sign which is limited in content to the name, address and legal home occupation of the owner or occupant of the premises, and which does not exceed two (2) square feet in area. Signs under this paragraph shall be wall signs only.

b. A residential condominium or multi-family apartment complex may display signs identifying the name of the condominium or apartment complex if the total acreage of the lot is one (1) acre or more and the condominium or apartment includes eight (8) or more units. One (1) wall sign and one (1) ground sign per street frontage may be displayed, with a maximum of two (2) wall signs and two (2) ground signs per lot. No identification sign shall exceed thirty-two (32) square feet in area, and the maximum height is one (1) story or twelve (12) feet above curb level, whichever is lower. For purposes of this paragraph, the term "lot," when used in reference to a condominium means all property within a common interest community.

c. Subdivision Identification Signs

i. *Number.* Each residential subdivision is allowed up to a maximum of two (2) subdivision identification signs. For the purposes of this section, residential subdivision shall include all phases of approved staged developments.

ii. *Location.* Subdivision identification signs shall be located near entrances to the subdivision, except that one sign may be located along an abutting arterial or major collector roadway.

- iii. *Size.* The maximum size for a subdivision identification sign is twenty four (24) square feet.
- iv. *Setback.* Subdivision identification signs shall maintain a setback of at least ten feet from any street right-of-way.
- v. Changeable copy signs, including electronic variable message signs, are not a permitted sign type for subdivision identification signage.

(Ord. 08-124, passed 08-18-15)

2. *Institutional Uses in Residential Districts.* Non-residential uses located in residential districts, such as churches and schools, located in residential districts may erect signs as follows;

a. Wall and Ground Signs

- i. *Area and Number.* One (1) wall sign and one (1) ground sign per street frontage may be displayed, identifying the entity, with a maximum of two (2) wall signs and two (2) ground signs per lot. Additional wall or ground signs for wayfinding purposes may be permitted when the size of the lot, number of vehicular or pedestrian entrances, and layout of the buildings require additional signs in order to promote traffic and pedestrian safety. Signs under this paragraph, whether displayed on a wall or on the ground, shall not exceed twelve (12) square feet in area, except such signs may be increased in area by one (1) square foot for each additional foot that the sign is set back more than twelve (12) feet from a lot line. No sign under this section shall exceed thirty-two (32) square feet in area.
- ii. *Height.* No identification sign shall project higher than one story, or twelve (12) feet above curb level, whichever is lower.

b. Temporary Signs

3. Commercial, Mixed-Use and Industrial Districts

- a. Ground Signs
- b. Directory Signs
- c. Awning and Canopy Signs
- d. Wall Signs
- e. Projecting Signs
- f. Hanging Signs
- g. Window Signs
- h. Directional and Informational Signs
- i. Corporate Flags and Decorative Banners
- j. Temporary Signs

4. *Planned Development Districts.* No permanent sign shall be displayed except a sign authorized by the City and included in the Comprehensive Sign Plan pertaining to the site. Temporary signs are permitted for commercial, institutional or industrial uses unless prohibited by the Comprehensive Sign Plan.
5. *Conservancies and Parks.* No sign shall be permitted except those installed by direction of the Public Works Director.
6. *Agricultural Sales Businesses.* Signage related to agricultural sales business may be erected as follows:
 - a. *On-Premises Signs, Agricultural Sales Businesses.* One (1) or more on-premises signs may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
 - i. Agricultural sales businesses utilizing less than 10 acres of land specifically for the growing of agricultural crops for the businesses are allowed 1 on-premises sign not to exceed thirty-two (32) gross square feet of advertising surface.
 - ii. Agricultural sales businesses utilizing more than 10 acres of land but less than 40 acres of land specifically for the growing of agricultural crops for the businesses are allowed up to two (2) on-premises sign not to exceed forty-eight (48) gross square feet of total advertising surface, with no individual sign surface exceeding thirty-two (32) square feet in size.
 - iii. Agricultural sales businesses utilizing more than 40 acres of land specifically for the growing of agricultural crops for the business are allowed up to three (3) on-premises signs not to exceed sixty-four (64) gross square feet of total advertising surface, with no individual sign surface exceeding thirty-two (32) square feet in size.
 - iv. Any illuminated sign shall be consistent with §154.212.F.7 and illuminated only during those hours when business is open to the public for conducting business.
 - b. *Temporary Off-Premises Signs, Agricultural Sales Businesses.* Independent of the total allowable sign area for an individual property anywhere within the City, a temporary off-premises sign may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
 - i. *Maximum Number.* Every agricultural sales business shall have no more than three (3) off-premises signs at any given time to direct the public to the location of the business.
 - ii. *Time Frame of Use.* Temporary off-premises signs may be erected for 45-day time periods no more than 4 times in any given calendar year. The required temporary sign permit shall stipulate the range of dates for each of the 4 allowable time periods in any given calendar year.

- iii. *Size and Height.* An off-site agricultural sales advertising sign shall not exceed 50 square feet in area and shall not be taller than 10 feet in height.
- iv. *Setbacks.* Off-premises signs shall be a minimum of 25 feet from all side property lines, and a minimum of 50 feet from other off-premises advertising signs.
- v. *Permission Required.* Applicants for off-premises signs shall acquire permission from the property owner upon whose land the sign is to be erected.

H. *Regulations Pertaining to Specific Sign Type.* Except as expressly provided elsewhere, signs shall meet the following regulations according to sign type:

1. Wall Signs

- a. *Number.* No building occupant shall display more than one (1) wall sign per street frontage except as provided below:
 - i. One additional wall sign may be displayed on a building with no front setback provided that such sign is a flat sign that is either painted upon the building or does not extend outward more than six (6) inches.
 - ii. Up to three (3) ancillary wall signs may be displayed on buildings measuring at least 100 feet in length along the front lot line. Any ancillary sign displayed under this paragraph shall not exceed 50% of the net area or 50% of the height of the largest permitted wall sign displayed on that façade, nor shall the aggregate area of the ancillary signs exceed 50% of the net area of such wall sign.
- b. *Surface Area.* The total permitted sign surface area of all wall signs on a façade shall not exceed one (1) square foot of signage for each lineal foot of building frontage that is coterminous with the occupancy to which the sign refers, unless a different amount allocated to the building occupant is identified in an approved Comprehensive Sign Plan pursuant to §154.212.I. In addition, no individual wall sign shall exceed one hundred (100) square feet in area.
- c. *Location.* Wall signs shall be mounted parallel to building walls and only on a portion of an exterior wall that is coterminous with the occupancy to which the sign refers, unless a different location is identified in an approved Comprehensive Sign Plan pursuant to §154.212.I. No wall sign shall extend above or beyond the wall to which it is attached.
- d. *Installation Requirements.* No wall sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestration, or ornamental detailing on any building. All mounting brackets and other hardware used to affix a sign to a wall as well as all electrical service hardware and equipment shall be concealed by architectural elements of the building or the sign itself.

2. Ground Signs

- a. *Number.* There shall be no more than one (1) ground sign for each street on which the lot has frontage, except one additional ground sign per lot frontage may be allowed for any lot frontage over one thousand (1,000) linear feet. On lots occupied by two (2) or more occupants, or where a second ground sign is permitted, three (3) or more occupants, a directory sign shall be used in lieu of multiple ground signs. No single business or building occupant shall be allowed signage on both an individual ground sign and a ground directory sign on the same street frontage. On premises having no principal building, there shall be no more than one (1) ground sign for the premises.
- b. *Surface Area.* No ground sign shall exceed the size listed in Table 5-3.
- c. *Type of Sign.* Any permanent ground sign shall be erected as a monument sign. Pole signs are prohibited unless the pole portion of the sign is enclosed in a shroud that causes the sign to appear to have a monolithic base or support structure of any material measuring no less than one-third (1/3) of the greatest width of the sign at any point or unless the height is no greater than three (3) feet. The base of the monument sign shall not exceed the width of the widest portion of the sign face by more than twenty-five percent (25%).
- d. *Location.* Ground signs shall be placed with consideration for visibility, access, maintenance, and safety, consistent with the provisions of Section 154.212.F.2. Ground signs shall be located beyond required setbacks a distance equal to or greater than the height of the sign. If this is not possible, ground signs shall be located as far from required setback lines as possible. In no case shall a ground sign, as defined in this Ordinance, extend beyond a lot line of a property. A ground sign larger than 6 sq. ft. shall be located no closer than 100 feet of another ground sign or the furthest distance possible from another ground sign, whichever distance is shorter.
- e. *Height*
 - i. The height of a ground sign shall be measured from the approved grade at the base of the sign or the elevation of the street upon which the sign faces, whichever is lower, to the top of the highest attached component of the sign.
 - ii. A ground sign shall be mounted on a base not to exceed four (4) feet in height.
 - iii. Allowable height of a ground sign shall be as set forth in Table 5-3.
 - iv. No ground sign shall be taller than the principal building on the premises to which it pertains.
- f. *Landscaping.* Perennial plantings, grass or other landscaping features shall be incorporated around the base of all ground signs.
- g. *Exempt or Special Purpose Ground Signs.* The location of and maximum height and surface area of any other exempt or special-purpose ground sign expressly authorized by another section of this ordinance, shall be as set forth in such other section.

Table 5-3 Ground Signs

Table 5-3 describes the zoning districts in which ground signs may be displayed, and the maximum height and area of the signs, as determined by the speed limit on the adjacent roadway. For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum height and area allowed.

Table 5-3 Ground Signs				
Zoning District		A ^a , LDR, OP, RE, RS, RR ^a , RT ^a	MDR, HDR	BP, C, CC, GB, LC, VMX
No. of Total Traffic Lanes	Speed Limit (MPH)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)
1-3	0-34	-	6’/32	10’/32
	35-44	-	6’/32	10’/50
	45+	-	6’/32	10’/72
4-5	0-34	-	6’/32	10’/40
	35-44	-	6’/32	10’/64
	45+	-	6’/32	12’/80

Notes to Table 5-3:

a. Ground signs are only permitted in the A, RR, and RT districts in conjunction with agricultural sales business.

3. Window Signs

a. *Location.* All window signs must be located inside an exterior window unless the sign is weatherproof and does not pose a danger from falling or being blown by the wind. Lettering or graphic elements that are directly mounted on a window shall not encroach upon the frame, mullions, or other supporting features of the glass.

- b. *Permanent Signs.* When a sign is painted on or otherwise attached or applied to the window area in a permanent manner, then such a sign shall be included in the total allowable wall sign area for the building and shall not exceed twenty (20) percent of the total ground-floor window area of the building, excluding the door windows. All permanent window signs which have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the interior side of the glass of an exterior building window or door. No application using a temporary adhesive shall be permitted unless the Planning Director determines the application to be reasonably safe.
 - c. *Temporary Signs.* Signs advertising sales and specials shall not exceed thirty (30) percent of the total ground-floor window area of any building, excluding the door windows. Such signs must be displayed in conformance with the temporary sign regulations listed in §154.212.J.
 - d. Under no circumstances shall any combination of permanent or temporary window signage cover more than fifty percent (50%) of the total ground window area of any building.
4. Changeable Copy Signs
- a. Changeable copy signs are not an additional permitted sign type, but any permitted sign type maybe be a changeable copy sign, provided that the total surface area of the entire sign does not exceed the maximum allowed for the type and location of sign upon which the changeable copy is displayed.
 - b. *Electronic Variable Message Signs.* Any sign type may be an electronic variable message sign subject to the following regulations:
 - i. *Surface Area.* The areas of electronic variable message signs capable of displaying copy shall not exceed forty (40) square feet and shall be included within the maximum aggregate sign surface area allowed for the type and location of sign upon which the changeable copy is displayed.
 - ii. *Length of Cycle.* The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every ten (10) seconds. Electronic variable message sign signs may not display scrolling, racing, pixelating or moving characters or images, or similar actions that convey motion.
 - iii. *Color.* All copy, characters or other changeable images shall be of one (1) color only, with light copy on a dark background.
 - iv. *Brightness Adjustment.* An electronic variable message sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination such that the light level does not exceed three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.

- v. *Maintenance.* Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.
5. *Canopy and Awning Signs.* The use of canopy and awning signs reduces the maximum area of any allowed wall sign by half. Canopy and awning signs are subject to the following provisions:
- a. *Surface Area.* The sign surface area of a canopy or awning sign shall not exceed fifteen (15) percent of the area of the vertical section of the canopies and awnings. The area of the vertical section of the canopies and awnings is calculated as the difference between the highest and lowest point on the canopy or awning multiplied by the length of the canopy or awning measured parallel to the façade upon which it is attached.
 - b. *Location*
 - i. Canopies and awnings shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than nine (9) feet, and the lowest portion of the descending skirt shall be not less than eight (8) feet above the level of the sidewalk or public thoroughfare.
 - ii. No portion of the canopy or awning sign shall extend above or beyond the canopy or awning upon which it is attached. However, a sign may be hung beneath a canopy parallel to the building frontage so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.
 - iii. Awnings shall not project more than seventy-two (72) inches out from the building upon which they are attached, nor extend out from the building beyond the extension of the awnings on adjoining buildings.
 - c. *Installation Requirements.* To preserve the architectural integrity of a building, no canopy or awning, and no canopy or awning sign, shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations or ornamental detailing.
 - d. *Illumination.* Awnings and canopies may be illuminated where the following conditions are maintained:
 - i. Both interior type strip lighting and exterior type goose neck lighting is permitted, not exceeding a maximum light level of 18 foot candles measured three (3) feet from the perpendicular to the light source.
 - ii. The bottom of any illuminated awning or canopy shall be enclosed.
 - iii. The provisions of §154.212.F.7 are satisfied.
 - e. *Materials.* Canopy and awning signs shall be made of either the material with which the canopy or awning is covered or other water proof materials affixed

flush to the face of the canopy or awning, or be painted directly on the awning or canopy material with weather-resistant paint.

- f. *Snow Load.* It is found that snow and ice that accumulates on awnings can pose a danger to pedestrians. To ensure the safety of pedestrians, snow and ice shall be removed from awnings within a reasonable time period after an event of snow and ice accumulation.
6. *Hanging Signs.* One sign up to six (6) square feet in area may be suspended above a walkway near a primary building entrance so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.
7. *Projecting Signs.* A projecting sign may be displayed in lieu of a wall sign and subject to the following restrictions:
 - a. *Maximum Projection.* The maximum distance a projecting sign may project is not more than twenty-four inches (24") into the right-of-way. Subject to zoning setback limitations, a projecting sign may project no more than six feet (6') from the building face.
 - b. *Location.* A building may have one (1) projecting sign facing a street or on a corner of the building.
 - c. *Surface Area.* The permitted area of a projecting sign shall not exceed the square footage for the amount that would otherwise be allowed for a wall sign on the building.
 - d. *Height.* A projecting sign must vertically clear any pedestrian area by at least eight (8) feet and vehicular ways by at least fourteen (14) feet. A projecting sign may extend to the juncture of the roof with the building wall or to the top of any parapet, but no projecting sign may extend above a second story.
8. *Directional Signs.* On-premise directional signs may be placed on private property near driveway entrances, at building entrances, and in parking lots and loading areas where reasonably necessary. Each such sign shall be located on premise and shall adhere to the regulations pertaining to vision triangles and other setbacks as defined in §154.212.F.2. Such signage shall be considered exempt from the total signage calculation for the premises as long as all the following standards are met:
 - a. Such signage does not serve an additional advertising purpose.
 - b. There are no more than three (3) directional signs per lot, not including a maximum of one (1) directional sign allowed per driveway entrance/exit.
 - c. Surface area per sign does not exceed four (4) square feet.
 - d. Logos do not exceed two (2) square feet in area per sign.
 - e. Sign height does not exceed five (5) feet above ground elevation at base of sign.

9. *Flags and Decorative Banners.* The following regulations apply to all flags and decorative banners:
 - a. A minimum clearance of eight feet (8') over pedestrian ways and fourteen (14') feet over vehicular areas.
 - b. Maximum number of flagpoles for any lot is three (3).
 - c. Maximum height of any flagpole is fifty (50) feet.
 - d. Maximum number of flags per lot is four (4).
 - e. Maximum area of any flag shall be forty (40) square feet.
 - f. Flags representing a private entity, including corporate or business flags, shall be included within the maximum sign area total for the site, as applied to the allowance for a ground sign, and shall require a sign permit.

I. Comprehensive Sign Plans

1. *Purpose.* Multi-tenant developments such as shopping malls, due to the varying occupant's need for signage and the potential for unique architecture and placement of different occupancies as they relate to street frontages, can create challenges to the applicability of sign regulations and the fair distribution of permitted square footage for occupants. This section is intended to define how signage permitted under this code will be distributed among the different occupancies available in the development. The Comprehensive Sign Plan shall create visual harmony between the signs, building(s), and building site through unique and exceptional use of materials, design, color, and lighting, and other design elements; and shall result in signs of appropriate scale and character to the uses and building(s) on the lot as well as adjacent buildings, structures and uses.
2. *Applicability.* A Comprehensive Sign Plan shall be required of an applicant for all planned developments and commercial or industrial multi-tenant developments where different occupancies will compete for permitted square footage on a single lot.
3. *Submission Requirements.* An application for Comprehensive Sign Plan approval shall be submitted to the Planning Director and shall include:
 - a. A site plan, dimensioned, showing the location of the building(s), structure(s), parking area(s), driveway(s), and landscaped areas on the lot upon which the proposed sign is to be attached or erected.
 - b. A table or tables containing:
 - i. Computation of the maximum total sign area.
 - ii. Maximum area for individual signs.
 - iii. Height and number of ground signs.
 - iv. Statement of the maximum total sign area and maximum number of signs permitted on the site by this Ordinance.

- c. An accurate indication on the site plan of the location and orientation of each sign for which a permit is currently being requested, the anticipated location of future signs requiring a permit, and the location of all reasonably anticipated temporary signs.
 - d. A description and illustration of the following may be required:
 - i. Colors and materials to be used in sign construction.
 - ii. Style of lettering for all signs.
 - iii. Appearance/location of logos or icons.
 - iv. Location of each sign on the building(s), with building elevations if necessary.
 - v. All sign proportions.
 - vi. Types of illumination.
4. *Amendment.* A Comprehensive Sign Plan may be amended by filing a new Comprehensive Sign Plan, in conformance with the requirements of the Sign Ordinance in effect at the time, and obtaining approval of the Planning Director.
5. *Binding Effect.*
- a. After approval of a Comprehensive Sign Plan, no permanent sign shall be erected, placed, painted, or maintained by the property owner or any buyer, tenant, subtenant, assignee, employee, agent or other party in use of the subject property except in conformance with such plan without obtaining a sign permit and in conformance with the Comprehensive Sign Plan.
 - b. If the City Council has approved a Comprehensive Sign Plan with flexible criteria, the Planning Director is authorized to approve, through the standard sign permit approval process, sign applications in conformance with the comprehensive sign plan, but only to the extent that the application is in conformance with the Comprehensive Sign Plan.
 - c. The terms and conditions of an approved Comprehensive Sign Plan shall have the same force and effect and be enforced in the same manner as any other provision of this Section.

J. Temporary Signs

- 1. *General Requirements.* Temporary signs shall conform to the following standards:
 - a. *Permit Required.* No temporary sign may be displayed without a valid temporary sign permit or portable sign permit.
 - b. *Sign Type.* Temporary signs may include any sign type permitted by this Section.
 - c. *Number.* No more than two (2) temporary signs may be displayed on a lot at any time.
 - d. *Surface Area.* The maximum area of all temporary signs displayed shall be a combined total of eight (8) square-feet if displayed for ten (10) days or longer.

- e. *Location.* Temporary signs shall be located only upon the premises to which the special, unique, or limited activity, service product, sale, or event is to occur. No temporary sign may be placed off-premise except as otherwise provided elsewhere in this Section.
 - f. *Duration.* No temporary sign permit shall be issued to erect or maintain any temporary signage for a period exceeding twenty-one (21) days, or to be displayed three (3) days after termination of the activity, service, project, sale, or event to which the sign pertains, whichever comes first. A permit for temporary sign or signs shall be granted no more than four (4) times in any calendar year and only once every three (3) months.
 - g. *Installation Requirements.* All temporary signs shall be constructed, anchored and supported in a manner which reasonably prevents the possibility of such signs becoming hazards to the public health and safety as determined by the Planning Director.
2. Business Opening Signs.
- a. *Permit Required.* A permit shall be issued before a business opening sign may be erected. The permit may not be renewed.
 - b. *Type of Sign and Location.* A business opening sign may be a wall sign, projecting sign, or ground sign. A business opening sign may be displayed in addition to, in lieu of, or affixed to a permanent sign. A banner may be used as a business opening sign.
 - c. *Size.* The size of a business opening sign shall be determined by the type of sign chosen, and shall be limited to the maximum size allowed for a permanent sign of that type at the location.
 - d. *Illumination.* A business opening sign may be illuminated subject to §154.212.F.7.
 - e. *Duration.* A business opening sign may be displayed for a period not to exceed thirty (30) days from the date the business opened, changed names, or changed ownership.
3. Portable Signs. In addition to the general requirements pertaining to temporary signs, the following standards pertain to portable signs:
- a. *Permit Required.* A sign permit shall be issued on an annual basis before a stationary portable sign may be erected. Such permit shall only be valid during the calendar year during which it is issued.
 - b. *Construction.* A sign shall be manufactured to a professional standard of construction, finish and graphics. A portable sign shall be free-standing, self-supported and constructed of substantial materials such as wood, metal or plastic such that the sign will reasonably withstand the elements.
 - c. *Size and Design Regulations:*
 - i. A portable sign shall not exceed six (6) square feet in surface area per side, with a maximum of two (2) sign able sides or faces.

- ii. The sign shall not exceed three (3) feet measured at the widest point of the sign face.
 - iii. Any portion of the sign's face used for a chalk or dry-erase board shall not exceed fifty percent (50%) of the total sign face surface area.
- d. *Number.* One portable sign may be displayed per business or occupant in any commercial or industrial area or Planned Unit Development.
- e. *Location.* A portable sign is restricted to the lot of the business establishment to which a permit has been issued, except such a sign may be located in the public right-of-way in front of the premises only where no front setback is required.
- f. *Placement.* A portable sign shall:
 - i. Be placed only along sidewalks where a minimum five (5) foot wide clear sidewalk is maintained. In no event shall a portable sign be placed on any bicycle path. The placement, of a portable sign shall not obstruct access to any crosswalk, mailbox, curb cut, fire hydrant, fire escape, fire door, building entrance, public parking space or any other public property, nor shall a sign obstruct the ability of persons to exit/enter vehicles parked along the curb;
 - ii. Not be attached, chained or in any manner affixed to public property including street trees, utility poles or sign posts.
 - iii. Not obstruct the clear view of any traffic signal, regulatory sign or street sign;
 - iv. Not be located closer than 10 feet to any other portable sign;
 - v. Not be located directly adjacent to a bus stop or transit vehicle, shall not obstruct sight lines of road users, nor be placed less than twenty-five (25) feet from a street intersection or fifteen (15) feet from a crosswalk;
 - vi. Not be placed in such a way as to interfere with snowplowing of the streets;
 - vii. Be maintained free of snow, be placed on solid ground at all times and shall not be placed on top of snow banks.
- g. *Illumination.* A portable sign shall not be illuminated
- h. *Time Limitations and Removal.* A portable sign may be displayed only during business hours. Such sign must be removed and safely stored out of view during times when the business is not open to the public. Trailers or other vehicles that are not used principally as a sign may be parked on the lot when the business is not open to the public.
- i. *Enforcement.* Portable signs located within the public right-of-way are a privilege and not a right. The City in permitting placement of such signs in the public right-of-way reserves the right to require their removal at any time

because of anticipated or unanticipated problems or conflicts. To the extent possible, the permittee shall be given prior notice of any time period during which, or location at which, the placement of portable signs is prohibited. Furthermore, the sign permit may be revoked by the Planning Director following notice to the permittee. The permit may be revoked if one or more conditions outlined in this section have been violated, or if the sign is determined to constitute a public nuisance not specifically outlined in this section. Following the revocation of the sign permit, no application for the same site shall be filed within one hundred eighty (180) days from the date of revocation. The permittee has a right to appeal the decision of the Planning Director within thirty (30) days of issuance of a revocation notice pursuant to §154.212.N.2.

- j. *Indemnification.* Where a temporary, portable sign is permitted in the public right-of-way, the owner, lessee or lessor of the business to which a permit has been issued and the property owner shall agree in writing to fully indemnify and hold the City harmless for any personal injury or property damage resulting from the existence or operation of said sign, and shall furnish evidence of general liability insurance in the amount of fifty thousand dollars (\$50,000.00) with the City as additional named insured or provide other security to the satisfaction of the City Administrator.
- k. *Permit Renewal.* The permit for a portable sign must be renewed annually prior to January 1 of each year.

K. *Signs Exempt from Permit.* Consistent with the purpose and scope of this ordinance, the City recognizes that certain temporary, necessary, or limited-purpose signs should be lawfully displayed without the need to obtain a permit and should not count as part of the specific sign area allowed to be displayed on a particular property. All signs exempt from permit requirements must, nonetheless, adhere to all other applicable sections of this ordinance and all other applicable State and Federal regulations. The City finds that the following signs may be displayed without a permit because they serve an immediate or temporary traffic safety or way finding function:

1. *Address and Nameplates.* Address and name plates not exceeding three (3) square feet in area.
2. *Athletic Field Signage.* Signs, banners, and scoreboards designed solely for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex. Approval of the Park Commission shall be required to display a sign, banner, or scoreboard under this paragraph at a City Park.
3. *Awning Signage.* Signs displayed on awnings located on commercial or industrial buildings provided that the signs are displayed on the lowest twelve inches (12”) of the principal face or side panels of awnings and provided that they do not exceed six inches (6”) in height.
4. *City Signs on City Property.* City signs on City property not exceeding thirty-two (32) square feet in area.

5. *Construction Signs.* Such signs may only be placed on the property where work is in progress, shall not be erected prior to the beginning of work for which a valid building permit has been issued, and shall be removed within ten (10) days of completion of work or the expiration of the building permit, whichever is sooner. Construction signs on parcels in residential or park uses shall not exceed thirty-two (32) square feet per street frontage. Construction sign area for commercial, industrial, multi-family, or planned development uses on parcels less than 100,000 square feet shall not exceed sixty four (64) square feet per street frontage; and on parcels greater than 100,000 square feet shall not exceed ninety six (96) square feet per street frontage. Square footage must be divided.
6. *Flags.* Flags that comply with the provisions of §154.212.H.9.
7. *Garage Sale and Estate Sale Signs.* Signs advertising a garage sale shall not exceed four (4) square feet in area, shall not be displayed for a period of time more than seventy-two (72) consecutive hours and may be displayed no more than twice in any one calendar year. Up to three (3) residential garage sale signs may be displayed per event, two (2) of which may be displayed off-premises, but not in the public right-of-way. Any such sign placed on private property must have the consent of the property owner on whose property such sign is displayed.
8. *Government Signs, Including Traffic or Official Public Hearing Notice Signs.* Such signs are placed, authorized, or required by the City or other authorized governmental agency. The requirements for maximum area, height, setback, or other size, materials or physical specifications shall be as required by law or the authorizing agency.
9. *Holiday and Temporary Decorations.* Holiday or temporary decorations when located on private property, or with the approval of the City if on public property. In addition, any sign in the nature of a decoration, identification or direction, incidentally and customarily associated with any national or religious holiday or any civic festival, fair or similar gathering, held during a period of ten (10) days or less in any year, provided such sign shall not differ substantially from the requirements set forth in this Section. Such decorations may not contain any commercial message or logo or depict any commercial symbol or character.
10. *Home Occupation Signs.* Signs identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated, flush-mounted to a wall of the residence, and shall not exceed two (2) square feet in area.
11. *Memorial Signs.* Any non-commercial sign in the nature of a cornerstone, commemorative, or historical tablet or landmark designation plaque.
12. *Menu Signs.* Menu signs up to fifty-five (55) square feet in area and six (6) feet in height, provided they are located within fifteen (15) feet of the commercial building with which they are associated or advertise and in a manner such that the copy is not readily viewable from the public right-of-way or a residential occupancy on an adjacent lot.
13. *Non-Commercial Messages.* One sign per parcel per street frontage carrying any lawful non-commercial message not exceeding twelve (12) square feet in area.

Any other permitted commercial sign may be substituted for a noncommercial message but will count toward the total signage type and area for the parcel upon which it is located. Hand-held signs carrying noncommercial messages are not subject to any size limitation so long as they are held by and under the physical control of a person during all times they are on display.

14. *Parking Lot Regulation Signs.* Parking signs not exceeding nine (9) square feet and having a minimum setback of ten (10) feet.
15. *Parking Lot Directional Signs.* Signs must comply with the provisions of §154.212.H.8.
16. Parking Lot Traffic Signs, as required by law.
17. *Political and Election Campaign Signs.* Signs containing a political message and displayed during an election campaign period are allowed in addition to the noncommercial message sign under subsection (13) during the election campaign period, however, after ten (10) days has passed from the election date such sign may continue to be displayed, but will count as the allowed noncommercial message sign under subsection (13). Political and election campaign signs may also substitute for any commercial message sign in the same manner. Unless substituted for another permitted sign, such signs shall not have any electrical component. Such signs shall not have a mechanical or audio auxiliary component, and shall not be attached to or placed on utility poles, trees, traffic devices, or within the public rights-of-way.
18. *Real Estate Signs Advertising Residential Properties.* Signs located on premise may not be placed above the top of the lowest level of the building. All signs authorized under this subsection shall be removed within ten (10) days of the sale or rental of the residential units being advertised.
 - a. For lots containing less than four (4) dwelling units within one residential structure, one non-illuminated real estate sign up to six (6) square feet per unit may be displayed to advertise the sale or rental of the premises or any part thereof.
 - b. For lots where at least four (4) but less than sixteen (16) dwelling units are contained within one residential structure, one non-illuminated real estate sign up to twelve (12) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
 - c. For lots where sixteen (16) or more dwelling units are contained within one residential structure, one non-illuminated real estate sign up to thirty-two (32) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
 - d. Up to two (2) signs directing traffic to “open houses,” each sign no more than six (6) square feet in area, may be installed off property after obtaining the consent of the property owner on whose property such sign is to be displayed. These signs may not be located in the public right-of-way. These off property directional signs may be displayed only during the hours that the advertised activity is to take place, and they must be a self-supporting type sign.

19. *Real Estate Signs Advertising Single Occupant Commercial Property.* For lots less than five (5) acres, one non-illuminated real estate sign up to twelve (12) square feet in area may be displayed. For larger lots, one non-illuminated real estate sign up to thirty-two (32) square feet in area may be displayed. All signs authorized under this subsection shall be removed within ten (10) days of the sale or rental of the commercial unit being advertised.
20. *Real Estate Signs Advertising Non-Residential Grouped Development or Multi-Tenant Buildings.* For each group development or multi-tenant building containing nonresidential land uses, a maximum of two (2) signs, one per each nonresidential street frontage, may be displayed up to a maximum of thirty-two (32) square feet in area.
21. *Real Estate Subdivision Signs.* For each real estate subdivision that has been approved in accordance with the City of Lake Elmo subdivision regulations, a maximum of two (2) temporary development project identification signs may be located on some portion of the subject subdivision. Each such sign shall be not more than thirty-two (32) square feet in area. One additional similar sign shall be permitted for each one hundred (100) lots in the subdivision in excess of one hundred (100) lots. These signs may be displayed until a time at which building permits have been issued for eighty percent (80%) of the lots in the subdivision. Signs advertising sale or lease after such time shall conform to the requirements of subsection (18) of this section.
22. *Temporary Notices.* Leaflet-type notices flat-mounted to kiosks or public information boards.
23. *Utility Company Signs.* Signs that serve as an aid to public safety or that show the location of facilities such as public telephones and underground cables only to the extent necessary to accomplish those goals.
24. *Window Signs, Temporary.* Signs and displays that are of a temporary nature such as for advertising sales and specials and that do not cover more than thirty (30) percent of the total ground-floor window area of any building, excluding the door windows. Merchandise and pictures or models of products or services incorporated in a window display are not considered signs. Any sign placed on the outside of a window requires a sign permit unless the sign is weatherproof and does not pose a danger from falling or being blown by the wind.
25. *Window or Wall Signs Not Readable Off-Premises.* Window or wall signs not exceeding two (2) square feet in area with lettering not exceeding three (3) inches high designed to provide information to persons on the premises such as hours of operation, or sample restaurant menu. Where no front yard setback exists, such signs as would generally be unreadable off premises where minimum setback regulations apply shall qualify for this exemption notwithstanding that such signs are readable from the public right-of-way. Such signs shall not be counted toward total permitted signage.

L. *Prohibited Signs.* The following signs are expressly prohibited in the City of Lake Elmo:

1. Abandoned Signs

2. Off-Premise Signs, except as expressly allowed under this section.
3. Inflatable Signs
 - a. *Rationale.* Inflatable signs shall be prohibited because they are generally more distracting and hazardous to pedestrian traffic safety, tend to have an anchoring device that is less reliable under wind pressure, and out of scale and less compatible with surrounding structures and signs.
 - b. The following inflatable devices shall not be considered a sign:
 - i. Registered hot air balloons in use and momentarily moored but not being used primarily as a sign.
 - ii. Novelty type balloons less than two (2) feet in diameter and less than three (3) feet in any dimension tethered or moored no more than ten (10) feet above the ground.
 - iii. Inflatable holiday or other decorations displayed temporarily on private property, that do not contain any commercial message or logo or depict any commercial symbol or character, and that does not exceed fifteen (15) feet in height.
4. Signs attached to any public utility pole or structure, street tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property except as otherwise expressly permitted under this section.
5. Beacons, unless authorized for use by the City of Lake Elmo or any other governmental entity in the exercise of official government business and authority.

M. *Legal Non-Conforming Signs.* Any legal non-conforming sign may continue to be displayed or replaced consistent with §154.150 through §154.151, Non-Conforming Uses and Structures.

N. Variances and Appeals

1. *Variances.* It is recognized that circumstances may exist from time to time where strict application of the size, location and type of sign standards hereinafter specified for the various zoning districts may be unreasonable or where literal enforcement of the regulations may work an unnecessary hardship on the applicant. Variations from the standards are, therefore, permitted by issuance of a variance by the City Council upon recommendation of the Planning Commission that such extenuating circumstances exist. Variances shall be considered according to the provisions of §154.109.
2. *Appeals.* An applicant may appeal any decision of the Planning Director to the Board of Adjustment and Appeals according to the provisions of §33.10.

O. Violations.

1. It shall be unlawful and a violation of this ordinance for any person to maintain any prohibited sign, to perform or order the performance of any act prohibited by this ordinance, or to fail to perform any act which is required by the provisions of

this Section. In the case of any such violation, each twenty-four (24) hour period in which such violation exists shall constitute a separate violation.

2. Any and all signs, erected, altered, or maintained in violation of this Section, or any of the clauses and provisions of the same, or in violation of any of the laws or ordinances of the City and/or the State of Minnesota, are, and each of them is declared to be a public nuisance and subject to enforcement. Any such signs are erected, altered or maintained contrary to law shall be abated as a common nuisance by the Planning Director.
- P. *Penalty.* Any person who shall fail to comply with any of the provisions of this Section shall be subject to a penalty as prescribed by §10.99 of this Code.

Q. *Enforcement*

1. If the Planning Director or Building Official finds that any sign has been erected, altered, or is being maintained in violation of this section, or is in an unsafe condition as to be a menace to the safety, health, or welfare of the public, he or she shall give written notice to the owner thereof of the person entitled to possession of the sign and the owner of the real estate upon which the sign is located. No notice shall be required for permitted temporary signs displayed in violation of time limitations prior to taking enforcement action.
2. Said letter shall notify the owner, or person entitled to possession of the sign, of the specific violation or violations and direct that alterations, repairs or removal, whichever may be applicable, be made to bring said violations in conformance with the terms and conditions of this Section.
3. In the event the person so notified fails or neglects to comply with or conform to the requirements of such notice, the Planning Director or Building Official may file an appropriate citation or complaint in an appropriate court of law or take whatever other legal action may be necessary to cause such sign to be altered or removed. If a sign is considered abandoned, the City, after notice, may remove such sign at the cost of the owner of the property upon which the sign sits. An invoice for such costs shall be sent to the property owner and, if not paid, shall be placed on the tax roll as a special charge pursuant to M.S. §429.061.

R. *Severability and Conflict*

1. *Severability.* The provisions of this ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
2. *Conflict.* If any part of this ordinance is found to be in conflict with any other ordinance or with any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute, that part shall not be enforced.

§154.213 ACCESSORY BUILDINGS AND STRUCTURES, GENERALLY

A. *Purpose.* Within the city of Lake Elmo, the following provisions shall apply to accessory building and structures in all zoning districts.

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.

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.

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.

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

C. *Permit Required.* All accessory building and structures require either a certificate of zoning compliance or a building permit as determined by the Minnesota State Building Code.

D. *Principal Structure Necessary.* No accessory buildings or 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 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 fish house 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 fish house license is not obtained for the structure, the structure must be removed from the property within 60 days.

E. *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.

- F. *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.
- G. *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.

§154.214 POLE CONSTRUCTION BUILDINGS

- A. Pole Construction Buildings, A and RR Districts
 - 1. Pole construction buildings are permitted in the A and RR zoning districts subject to the setbacks and other performance standards required under the Zoning Code.
 - 2. Pole construction buildings are prohibited on properties zoned A and RR where a conditional use permit has been issued for an open space preservation (OP) development.
- B. *Pole Construction Buildings, RS District.* Pole construction buildings are permitted in the RS zoning district only on parcels that are abutted by land zoned Rural Residential (RR) or Agricultural (A) Zoned along 75% or more of the perimeter of the subject parcel.

(Ord. 08-104, passed 3-18-2014) Penalty, see § 154.999

ARTICLE VI. ENVIRONMENTAL PERFORMANCE STANDARDS

§ 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.

(Ord. 08-077, passed 5-07-2013)

§ 154.257 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.

Drip Line. The farthest distance away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or the branches of the tree.

Nuisance Tree. (1) Any living or standing tree or part thereof infected to any degree with a shade tree disease or shade tree pest; (2) Any logs, stumps, branches, firewood or other part of dead or dying tree(s) infected with a shade tree disease or shade tree pest unless

properly treated; and (3) Any standing dead trees or limbs which may threaten human health or property.

Shade Tree Disease. Dutch elm disease (*Ophiostoma ulmi* or *Ophiostoma novo-ulmi*), oak wilt (*Ceratocystis fagacearum*) or any other tree disease of epidemic nature.

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.

Specimen Tree. A healthy tree measuring equal to or greater than thirty (30) inches in diameter breast height.

Tree Preservation Plan. A plan prepared by a certified landscape architect or forester 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 Evaluation Report. A report prepared by a certified landscape architect, forester, or land surveyor indicating the general location, condition, and species of significant trees on a parcel planned for future development or grading activity. The report must demonstrate that there will be no impact to existing significant trees as part of the development or grading activity. Finally, the report must include the measures proposed to protect significant trees on the site.

C. Tree Preservation Standards for Developing Properties

1. Applicability.

- a. A Tree Preservation Plan, or suitable alternatives as determined by the City, shall be submitted and approved for the following activities:
 - i. New Development in Any Zoning District. A Tree Preservation Plan shall be required as part of any development or subdivision application.
 - ii. Any grading or excavation project that result in the movement of greater than 400 cubic yards of material per acre of site per §151.017.
 - iii. If the applicant is able to demonstrate that the proposed development or major grading activity includes no impact to the significant trees on the site, then the applicant may be exempt from the requirement to submit a Tree Preservation Plan. It is the responsibility of the applicant to demonstrate that there are no impacts to significant trees through a Woodland Evaluation Report or some other form of tree survey or study.
- b. A Tree Preservation Plan is not required for the following activities:
 - i. This section does not apply to the issuance of a development approval for a single-family residence on an existing platted lot of record.

- ii. 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 purposes of development, even where the trees are sold for purposes of creating lumber for related purposes.
2. 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.
3. Tree Preservation Plan Requirements. The Tree Preservation Plan shall be a separate plan sheet(s) that includes the following information:
 - a. The name(s), certification(s), telephone number(s) and address(es) of the person(s) responsible for tree preservation during the course of the development project.
 - b. Tree Inventory. The Tree Preservation Plan must include a Tree Inventory through one of the following methods:
 - i. Tree Inventory Individual. An individual inventory including an identification system linked to metal field tags located four and one-half (4.5) feet from grade on all significant trees must be identified on a plan sheet in both graphic and tabular form.
 - ii. Tree Inventory Sampling. In cases of sites with large tracts of significant trees, the City may approve the use of a sampling inventory for all or portions of a site as an alternative to an individual inventory. The sampling inventory must include the methodology for sampling, identification ribbon around the perimeter of the sampling areas, and metal field tags located four and one-half (4.5) feet from grade on all significant trees in the sampling area. Within the sampling area, the quantity, size, species, health and location of all significant trees must be identified on a plan sheet in both graphic and tabular form. Based on sampling, total estimates and locations of healthy significant trees shall be provided.
 - iii. Tree Inventory Combination. With the approval of the City, sites that include both large tracts of significant trees and areas of individual significant trees may utilize a combination of the individual and sampling inventory methods.
 - c. 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.

- d. A listing of healthy significant trees inventoried in subsection (b) above. Dead, diseased or dying trees do not need to be included in the totals.
 - e. A listing of the healthy significant trees removed, identified by the metal field tag or some other form of identification used in the tree inventory in subsection (b) above.
 - f. A listing of the healthy significant trees to remain, identified by the metal field tag or some other form of identification used in the tree inventory in subsection (b) above.
 - g. Outer boundary of all contiguous wooded areas, with a general description of trees not meeting the significant tree size threshold.
 - h. Locations of the proposed buildings, structures, or impervious surfaces.
 - i. Delineation of all areas to be graded and limits of land disturbance.
 - j. 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.
 - k. Measures to protect significant trees.
 - l. Size, species, number and location of all replacement trees proposed to be planted on the property in accordance with the Mitigation Plan, if necessary.
 - m. Signature of the person(s) preparing the plan.
4. Implementation. All sites shall be staked, as depicted in the approved Tree Preservation Plan, and the required tree protection fencing shall be installed around the critical root zone 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.
 5. Allowable Tree Removal. Up to thirty (30) percent of the diameter inches of significant trees on any parcel of land being developed may be removed without replacement requirements. Replacement according to the Tree Replacement Schedule is required when removal exceeds more than thirty (30) percent of the total significant tree diameter inches. The following types of trees do not need to be included as part of the tally of tree removals:
 - a. Dead, diseased, or dying trees;
 - b. Trees that are transplanted from the site to another appropriate area within the city;
 - c. Trees that were planted as part of a commercial business, such as a tree farm or nursery; or

- d. Trees that were planted by the current property owner. In making such a determination, the City shall consider consistency of the age of the trees, any patterns in the location of trees, historical aerial photography and evidence of intentional planting such as invoices, formal planting plans or cost sharing agreements.
6. Mitigation Plan.
- a. In any development or grading project where the allowable tree removal is exceeded, the applicant shall mitigate the tree loss by either:
 - i. Planting replacement trees in appropriate areas within the development in accordance with the Tree Replacement Schedule;
 - ii. Planting replacement trees on City property under the direction of the Public Works Superintendent; or
 - iii. Some combination of above subsections (i) and (ii) to total the equivalent number of replacement trees to meet the Mitigation Plan.
 - b. The form of mitigation to be provided by the applicant shall be determined by the City.
 - c. The planting of trees for mitigation on residential projects shall be in addition to any other landscape requirements of the City.
 - d. All trees, with the exception of ornamental trees, planted as landscaping on commercial or mixed-use projects may be counted towards tree replacement requirements.
7. Tree Replacement Calculations. Thirty (30) percent of the total diameter inches of significant trees on the site may be removed without replacement. The allowable thirty (30) percent removal is first credited to the common trees removed, then the conifers, and lastly the hardwood species. The following calculation procedure must be used to determine tree replacement requirements:
- a. Tally the total number of diameter inches of significant trees on the site.
 - b. Calculate thirty (30) percent of the total diameter inches of significant trees on the site. This is the allowable tree removal limit, or the number of inches that can be removed without replacement.
 - c. Tally the total diameter inches of common trees that will be removed and subtract this number from the allowable tree removal limit.
 - d. If there are any allowable inches left, tally the total diameter inches of conifer/evergreen tree species that will be removed and subtract this number from the remaining allowable inches.
 - e. If there are any allowable inches left, tally the total diameter inches of hardwood deciduous tree species that will be removed and subtract this number from the remaining allowable inches.
 - f. If at any point in the above calculation procedure (a-e) the number of inches to be removed exceeds the thirty (30) percent allowable removal limit, the

remaining inches of removal above the allowable limit must be replaced according to the Tree Replacement Schedule in subsection 8.

8. Tree Replacement Schedule. Tree removals over the allowable tree removal limit on the parcel shall be replaced according to the following schedule:
 - a. Common tree species shall be replaced with new trees at a rate of one-fourth (1/4) the diameter inches removed.
 - b. Coniferous/evergreen tree species shall be replaced with new coniferous or evergreen trees at a rate of one-half (1/2) the diameter inches removed. Since coniferous species are often sold by height rather than diameter inch, the following conversion formula can be used:
$$\text{Height of Replacement Coniferous Tree}/2 = \text{Diameter Inches of Credit}$$
 - c. Hardwood deciduous tree species shall be replaced with new hardwood deciduous trees at a rate of (1/2) the diameter inches removed.
 - d. Replacement Tree Size. Replacement trees must be a minimum of one (1) inch in diameter.
9. 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. Native species are encouraged, and hardiness and salt tolerance should be considered where applicable.
10. 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 requirement within eight (8) months of removal.
11. Protective Measures. The Tree Preservation Plan shall identify and require the following measures to be utilized to protect significant trees planned for preservation:
 - a. Installation of snow fencing or polyethylene laminate safety netting placed at the drip line or at the perimeter of the critical root zone, whichever is greater, of significant trees, specimen trees and significant woodlands to be preserved. No grade change, construction activity, or storage of materials shall occur within this fenced in area.
 - b. Identification of any oak trees requiring pruning between April 15 and July 1. Any oak trees so pruned shall be required to have any cut areas sealed with an appropriate nontoxic tree wound sealant.
 - c. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
 - d. Removal of any nuisance trees located in areas to be preserved.

12. Compliance with the Tree Preservation Plan. The applicant shall implement the Tree Preservation Plan prior to and during any construction. The tree protection measures shall remain in place until all land disturbance and construction activity is terminated or until a request to remove the tree protection measures is made to, and approved by, the City.
 - a. No significant trees shall be removed until a tree preservation plan is approved and except in accordance with the approved Tree Preservation Plan.
 - b. The City shall have the right to inspect the development and/or building site in order to determine compliance with the approved Tree Preservation Plan. The City shall determine whether the Tree Preservation Plan has been met.
 - c. 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 placed, and protective fencing shall be provided.
- D. Specimen Trees. The removal of any specimen trees on a property located in any of the urban zoning districts shall require a special permit and be subject to the Tree Replacement Schedule for the purpose of mitigating great tree loss.
- E. Financial Security. In cases where mitigation or tree replacement is required, the City may require that a financial security, in a form acceptable to the City, be provided as part of a development agreement or applicable permit to ensure compliance and performance of the Mitigation Plan. The financial security will be released to the applicant upon verification by the City that the Mitigation Plan was followed, and that all replacement trees are planted and in a reasonable state of health. The financial security may be used to replace any replacement trees that have become damaged or diseased after planting.
- F. 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 five (5) 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.

(Ord. 08-077, passed 5-07-2013)

§ 154.258 LANDSCAPE REQUIREMENTS.

All development sites shall be landscaped as provided in this section in order to control erosion and runoff, moderate extremes of temperature and provide shade, aid in energy conservation, preserve habitat, provide visual softening of, especially, urban development, and generally enhance the quality of the physical environment within the city.

- A. *Landscape Plan Required.* A landscaping plan is required for all new commercial, industrial, institutional, and multi-family development, all planned unit developments, and all subdivisions, with the exception of minor subdivisions, as defined in Chapter 154. The landscape plan shall be prepared by a certified landscape architect and include the following:
1. The location, size, quantity, and species of all existing and proposed plant materials.
 2. Methods for protecting existing trees and other landscape material, consistent with §154.257.
 3. Structural and ground cover materials.
 4. Provisions for irrigation and other water supplies.
 5. Details and cross sections of all required screening.
 6. Special planning instructions.
- B. *Design Considerations.* The following design concepts and requirements shall be considered when developing a landscape plan.
1. To the maximum extent possible, the landscape plan shall incorporate existing trees and other vegetation on the site.
 2. Landscaped areas should be of adequate size to allow proper plant growth, protect plantings from vehicular and pedestrian traffic, and provide adequate areas for plant maintenance.
 3. A variety of trees and shrubs should be used to provide visual interest year round. No more than fifty percent (50%) of the required number of trees and shrubs may consist of any one species. A minimum of twenty-five percent (25%) of the required number of trees shall be deciduous shade trees, and a minimum of twenty-five percent (25%) shall be coniferous trees.
 4. Final slopes greater than 3:1 will not be permitted without special treatment such as terracing, retaining walls, or special ground covers.
 5. All plant materials shall meet the following minimum size standards in Table 6-1.

Table 6-1. Minimum Size Standards for Landscape Materials

Plant Type	Minimum size at planting
Trees:	
Evergreen	6 feet in height
Deciduous – shade	2.5 inches caliper, measured 6 inches from base
Deciduous - ornamental	2 inches caliper, measured 6 inches from base
Shrubs:	
Evergreen	# 5 container*
Deciduous	# 5 container*
Shrubs used for screening (evergreen or deciduous)	# 5 container*

* Approximately 5 gallons. See American Standards for Nursery Stock, ANSI 260.1-2004 for exact specifications.

6. As an alternative to the minimum standards for landscape materials, a landscape plan prepared by a qualified professional certifying that said plan will meet the intent of this Section may be submitted.
- C. *Landscaping of Setback Areas.* All required setbacks not occupied by buildings, parking, paths or plazas shall be landscaped with turf grass, native grass, trees, shrubs, vines, perennial flowering plants, and surrounding pervious ground cover.
1. A minimum of one (1) tree shall be planted for every fifty (50) feet of street frontage, lake shore or stream frontage, or fraction thereof.
 - a. Trees adjacent to streets shall be planted within the front yard and may be arranged in a cluster or placed at regular intervals to best complement existing landscape design patterns in the area.
 - b. Salt tolerance and root structure should be considered when selecting tree species adjacent to streets, sidewalks and parking areas.
 - c. Where property abuts a lake or stream, trees shall be planted at intervals of no more than fifty (50) feet along the shoreline, except where natural vegetation is sufficient to meet this requirement.
 2. In addition to the requirements of C.1 above, a minimum of five (5) trees shall be planted for every one (1) acre of land that is developed or disturbed by development activity. Such trees may be used for parking lot landscaping or screening as specified in subsections D and E below.
- D. *Interior Parking Lot Landscaping.* The purpose of interior parking lot landscaping is to minimize the expansive appearance of parking lots and provide shaded parking areas.

Landscaping shall consist of planting islands, medians and borders, comprising the required planting area specified under item (1) below.

1. At least five (5) percent of the interior area of parking lots with more than thirty (30) spaces shall be devoted to landscape planting areas. Areas may consist of islands or corner planting beds.
2. Shade trees shall be provided within the interior of parking lots (in islands or corner planting beds) in accordance with the following table:

Table 6-2. Minimum Required Tree Planting for Parking Lots

Number of Parking Spaces	Minimum Required Tree Planting
0 – 30	None required
31 - 100	1 tree per 10 spaces or fraction thereof
101+	1 tree per 15 spaces or fraction thereof

E. *Perimeter Parking Lot Landscaping.* Parking areas shall be screened from public streets and sidewalks, public open space, and adjacent residential properties. The perimeter of parking areas shall be screened as follows:

1. A landscaped frontage strip at least five (5) feet wide shall be provided between parking areas and public streets, sidewalks, or paths. If a parking area contains over one hundred (100) spaces, the frontage strip shall be increased to eight (8) feet in width.
 - a. Within the frontage strip, screening shall consist of either a masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of three and one-half (3.5) and a maximum of four (4) feet in height, and not less than fifty percent (50%) opaque on a year-round basis.
 - b. Trees shall be planted at a minimum of one deciduous tree per fifty (50) linear feet within the frontage strip.
2. Alongside and rear property lines abutting residential properties or districts, screening shall be provided, consisting of either a masonry wall, fence or berm in combination with landscape material that forms a screen a minimum of four (4) feet in height, a maximum of six (6) feet in height, and not less than ninety percent (90%) opaque on a year-round basis. Landscape material shall include trees, planted at a minimum of one deciduous or coniferous tree per forty (40) linear feet along the property line.

F. *Screening.* Screening shall be used to provide visual and noise separation of intensive uses from less intensive uses. Where screening is required in the City Code between uses or districts, it shall consist of either a masonry wall or fence in combination with landscape material that forms a screen at least six (6) feet in height, and not less than ninety percent (90%) opaque on a year-round basis. Landscape material shall include trees, planted at a minimum of one deciduous or coniferous tree per forty (40) linear feet

along the property line. Additional landscape material such as shade trees or trellises may be required to partially screen views from above.

G. *Maintenance and Installation of Materials.* Installation and maintenance of all landscape materials shall comply with the following standards:

1. All landscape materials shall be installed to current industry standards.
2. Irrigation or other water supply adequate to support the specified plant materials shall be provided.
3. All required landscaping and screening features shall be kept free of refuse and debris.
4. All landscape materials shall be guaranteed for two (2) years. Any landscape material that dies or becomes diseased before the end of the second (2nd) year after installation shall be replaced by the developer.
5. Continuing maintenance and replacement of landscape materials shall be the responsibility of the property owner beyond two years of initial installation.

H. *Financial Security.* The City will require that a financial security, in a form acceptable to the City, be provided as part of a development agreement or applicable permit to ensure compliance and performance of the Landscape Plan. The financial security will be released to the applicant upon verification by the City that the Landscape Plan was followed, and that all landscape materials are planted and in a reasonable state of health. The financial security may be used to replace any landscape materials that have become damaged or diseased after planting. Adequate security must be retained to ensure performance for at least two years after the installations have been completed.

(Ord. 08-087, passed 8-20-2013)

ARTICLE VII. SPECIFIC DEVELOPMENT STANDARDS

§ 154.300 PURPOSE AND APPLICABILITY.

Specific development standards are established as supplemental regulations that address the unique characteristics of certain land uses. The standards and conditions listed below apply to both permitted and conditional uses, in addition to all other applicable regulations of this ordinance. Standards shall apply in all zoning districts where the use in question is allowed. Standards for uses that apply only within specific districts are listed within the Articles pertaining to those districts.

(Ord. 08-080, passed 5-21-2013)

§ 154.301 STANDARDS FOR RESIDENTIAL AND RELATED USES.

- A. *Group Home*. A group home is a specific use type located within a single-family dwelling, and therefore shall meet all zoning standards applicable to single-family dwellings, including setbacks, lot area, lot coverage, and off-street parking. License capacity shall not exceed six (6) persons per facility, plus support staff.
- B. Group Residential Facility, Halfway House
 - 1. In residential districts, the facility shall occupy a residential building type permitted within the district where it is located, and shall meet all zoning standards applicable to that building type.
 - 2. On-site services shall be for residents of the facility only.
- C. Congregate Housing (Assisted Living)
 - 1. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of existing building and surrounding neighborhood.
 - 2. The site shall contain a minimum of fifty (50) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. In cases of unique circumstances, the City may consider public parks or plazas within three hundred (300) feet of the site to meet this requirement. It is the responsibility of the applicant to demonstrate why the green space cannot be located on-site.
 - 3. 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.
- D. Semi-Transient Accommodations (Boarding, Rooming Houses, etc.)
 - 1. The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
 - 2. All new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.

3. 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.

(Ord. 08-080, passed 5-21-2013)

§ 154.303 STANDARDS FOR SERVICES.

- A. *Educational Services.* Except in the industrial districts, all typical activities shall be conducted within an enclosed building.
- B. *Medical Facilities.* The facility shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) access points shall be provided.
 1. Any new hospital or expansion of an existing hospital shall submit a master plan that shall describe proposed physical development for at least a ten (10) year period, and shall include a description of proposed development phases and plans, estimated dates of construction and anticipated interim uses of property.
 2. Landing pads for helicopters involved in emergency rescue operations, and helicopter flight paths shall meet all applicable federal and state requirements.
- C. *Nursing and Personal Care*
 1. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.
 2. The site shall maintain a minimum of fifty (50) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. In cases of unique circumstances, the City may consider public parks or plazas within three hundred (300) feet of the site to meet this requirement. It is the responsibility of the applicant to demonstrate why the green space cannot be located on-site.
 3. 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.
- D. *Self-Service Storage Facility*
 1. No commercial transactions shall be permitted other than the rental or sale of storage units.
 2. No more than one (1) unit shall be accessed directly from the public street.
 3. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

(Ord. 08-080, passed 5-21-2013)

§ 154.304 STANDARDS FOR FOOD SERVICES.

A. Restaurant with Drive-Through

1. Drive-through elements shall not be located between the front façade of the principal building and the street. No service shall be rendered, deliveries made or sales conducted within the required front yard, although tables may be provided for customer use.
2. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided, without interfering with on-site parking/circulation.
3. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.
4. Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.
5. Each food or beverage drive-through business shall place refuse receptacles at all exits.

- B. *Drinking and Entertainment.* Music or amplified sounds shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.

(Ord. 08-080, passed 5-21-2013)

§ 154.305 STANDARDS FOR AUTOMOTIVE/VEHICULAR USES.

A. Car Wash

1. The car wash shall be capable of being enclosed when not in operation.
2. Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
3. Any car wash line exit shall be at least thirty (30) feet distant from any street line.
4. Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.
5. Water from the car wash shall not drain across any sidewalk or into a public right-of-way.

B. Gasoline Station

1. *Lot Size and Access.* A gasoline station site shall be a minimum of twenty thousand (20,000) square feet in size and shall have access to a collector or higher classification street.

2. *Performance Standards.* A drainage system subject to the approval of the City Engineer shall be installed. The entire site, with the exception of the area taken up by the structure, landscaping and pump islands, should be surfaced with asphalt, concrete or other material approved by the City.
3. All vehicle repairs shall be conducted in a building capable of being enclosed when not in use.
4. *Vehicles.* No vehicles other than those utilized by employees or awaiting service shall be parked on the premises overnight. No vehicle shall be parked or awaiting service longer than fifteen (15) days.
5. *Canopies.* Canopies shall be located no closer than twenty (20) feet from any property line. Any lighting on the underneath side of the canopy shall be recessed mounted with flush lenses and downward directed. Signage on canopies shall comply with §154.212. Canopy columns and fascia should reflect the design and/or materials of the principal building.
6. *Screening of Storage Areas.* The storage or display of inoperable or unlicensed vehicles not awaiting service as in subsection (B4) or other equipment, and all trash storage or disposal facilities, shall meet all setback requirements of a structure, and shall be screened from view from adjacent public streets and adjacent residential properties. Screening shall meet the requirements of Article 6, Section 154.258.
7. *Outdoor Display.* Exterior display of items offered for sale shall meet all building setback requirements and shall be located in containers, racks or other structures designed to display merchandise.
8. *Accessory Uses.* The following accessory uses shall require a separate conditional use permit:
 - a. Automatic car and truck wash.
 - b. Rental of vehicles, equipment or trailers.
 - c. General retail exceeding two thousand five hundred (2,500) square feet in floor area.

C. Sales and Storage Lots

1. *Size and Location.* The site shall be a minimum of twenty thousand (20,000) square feet in size and shall have access to a collector or higher classification street. Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two streets.
2. All vehicle repairs shall be conducted in a completely enclosed building.
3. A site plan shall be submitted showing the layout of vehicles for sale or rent, employee parking and customer parking.
4. Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.

(Ord. 08-080, passed 5-21-2013)

§ 154.306 STANDARDS FOR OURDOOR RECREATION USES.

A. Golf Course

1. *Location.* The facility shall have access to a collector or higher classification street. A minimum of two (2) entry points to such facilities shall be provided.
2. *Site Plans.* Site plans for such facilities shall indicate all proposed recreation areas, building uses and locations, sanitary facilities, storage areas, parking, circulation and other information needed to assess the impacts of the proposed operation on surrounding properties and the road network.
3. *Accessory Uses.* The following accessory uses are permitted in conjunction with a golf course: A driving range, putting greens, pro shop, club house and locker facilities, maintenance buildings, course shelters, and cart storage facilities. Other accessory uses may require a separate conditional use permit.
4. *Resource Protection.* Golf courses shall be designed with consideration of environmental resources, including:
 - a. Water recycling and conservation through on-site storage and use facilities;
 - b. Use of landscaped buffers and other Best Management Practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies; and
 - c. Use of landscaping and site layout to preserve and enhance wildlife habitat.
5. *Buffering.* A planted buffer may be required to screen adjacent residential and other uses.
6. *Other Conditions.* Other conditions may be imposed to mitigate the potential impacts of the use.

B. Outdoor Entertainment, Restricted Recreation

1. *Location.* The facility shall have access to a collector or higher classification street. A minimum of two entry points to such facilities shall be provided.
2. *Site Plans.* Site plans for such facilities shall indicate all proposed recreation and entertainment areas, sanitary facilities, storage areas, parking, circulation, estimated noise levels, and other information needed to assess the impacts of the proposed operation on surrounding properties and the road network. Conditions may be imposed to mitigate the potential impacts of the use.

- C. *Outdoor Recreation Facility.*** Facilities that would generate substantial traffic, such as playing fields or aquatic centers, shall be located with access to a street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) entry points to such facilities shall be provided.

(Ord. 08-080, passed 5-21-2013)

§ 154.307 STANDARDS FOR INDOOR RECREATION/AMUSEMENT.

- A. *Indoor Athletic Facility, Indoor Recreation.* Facilities that would generate substantial traffic shall be located with access to a street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) entry points to such facilities shall be provided.

(Ord. 08-080, passed 5-21-2013)

§ 154.310 STANDARDS FOR ACCESSORY USES.

- A. *Bed and Breakfast.* The facility shall be located in a single-family detached dwelling.

1. The number of lodging rooms in any building shall not exceed five (5) unless in the opinion of the Planning Commission and City Council conditions warrant additional rooms.
2. The facility shall maintain a guest register open to inspection by the City.
3. Guest stay shall be limited to seven (7) days.
4. The applicant shall meet all applicable government regulations.
5. The operator shall carry liability insurance, and shall provide proof of such insurance to the City upon request.

- B. *Drive-through Facility*

1. Drive-through elements shall not be located between the front façade of the principal building and the street.
2. Plans for on-site circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided, without interfering with on-site parking/circulation.
3. Alley access to drive-through lanes is prohibited on any block containing a residential district, except for commercial deliveries when approved by the city engineer.
4. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.
5. Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.
6. An emergency exit lane shall be provided for uses queuing through the drive-through lane(s), without interfering with on-site parking/circulation.

C. *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.

D. *Commercial Wedding Ceremony Venue.* A commercial wedding venue is allowed as an accessory use with an interim use permit in the A – Agriculture, RT – Rural Transitional, and RR-Rural Residential zoning districts on parcels greater than 10 acres in size. The establishment of a Commercial Wedding Venue on RR parcels is limited to those sites meeting the following criteria: 1) the site has historically been used as a farmstead for the surrounding agricultural land; and 2) the use will incorporate a barn or other historical agricultural building over 75 years of age for the wedding ceremonies.

The suitability of a parcel for a wedding venue shall be determined by the characteristics of the site and by the unique capacity of the parcel to accommodate the use while preserving the essential rural character of the neighborhood and the site on which the use is located, by the ability of the parcel to accommodate the use without negative impact on the general health, safety, and welfare of the community, and by other factors the City may deem appropriate for consideration. The use must adhere to the following standards:

1. *Ownership.* The property will be the primary residence of the venue operator(s). The operator must be on the premises for the duration of each event.
2. *Maximum Number of Guests.* The maximum number of guests is limited to 200 for each event.
3. *Food and Beverages.* The serving of food and beverages is permitted only as part of the ceremony.
4. *Seasonal Operation.* Ceremonies are limited to no more than twice per week and are permitted only during the months of May through October.
5. *Hours of Operation.* Events shall only be allowed between the hours of 10:00 a.m. and 10:00 p.m. All guests and staff must vacate the premises by 10:00 p.m. All lights associated with the event must be turned off by 10:00 p.m. Any one ceremony is limited to a maximum duration of three (3) hours.
6. *Overnight Accommodations.* No overnight accommodations are allowed.
7. *Off-Street Parking.* Off-street parking shall be required in the ratio of one (1) parking space for each three attendees based on the maximum number of attendees planned for the site. The off-street parking area and the number of parking spaces shall be documented on the required site plan. Off street parking shall be exempted from the paving and curbing requirements in section 154.210.
8. *Setbacks.* The minimum setbacks from neighboring houses and property lines for the various activities associated with the wedding venue shall be as follows:
 - i. Parking: 100 feet from residential property lines; 200 feet from neighboring houses.

- ii. Outdoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.
 - iii. Indoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.
- 9. *Landscaping/Screening.* Landscaping may be required to buffer the use from adjacent land uses and to provide screening when such screening does not presently exist on the site. A landscape plan shall be submitted at the time of application for an Interim Use Permit.
- 10. *Grading.* Any proposed grading shall observe all requirements of Section 151.017 of the City Code. If a grading plan is required, it shall be submitted in conjunction with an application for an Interim Use Permit.
- 11. *Traffic.* A transportation management plan shall be submitted as part of an application for an Interim Use Permit. The plan shall address traffic control, including traffic movement to the public street system and impact on the surrounding roadways.
- 12. *Structures.* All existing or proposed structures to be used for the wedding ceremony venue shall be inspected by the City's Building Official and must meet applicable Building Code requirements.
 - i. *Temporary Structures.* Temporary Structures, including tents and canopies, may be allowed. Tents and canopies may be erected no more than (1) day prior to an event and must be removed no more than 72 hours following the event.
- 13. *Application.* An application for a commercial wedding venue shall follow the application and review procedures for an Interim Use Permit as specified in Section 154.107. In addition to the submission requirements of Section 154.107, an application for a commercial wedding venue shall include the following information:
 - i. The expected number of attendees per ceremony;
 - ii. The number of ceremonies per year;
 - iii. The number of employees;
 - iv. The hours of operation;
 - v. Sanitary facilities;
 - vi. Lighting;
 - vii. Sound amplification to be used and a plan to minimize any amplified sounds;
 - viii. Temporary structures or tents to be used in association with the planned events;
 - ix. Signage;
 - x. Security to be provided;

- xi. Location of all trash receptacles;
 - xii. Traffic management plan;
 - xiii. Other documentation as specified herein;
14. *Sanitary Facilities.* Sanitary facilities adequate for the number of attendees shall be provided. Portable toilets may be approved for temporary use, and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring residential structure.
 15. *Lighting.* Lighting associated with the wedding venue shall be limited to downcast and shielded fixtures so that the source of the light is not visible from adjacent roads or neighboring properties. Lighting shall comply with Section 150.035 of the City Code.
 16. *Noise.* All wedding venues shall comply with City's noise standards found in Section 130.45 through 130.48 of the City Code.
 17. *Sound Amplification.* Amplification of music and participants and is allowed only in conjunction with a wedding ceremony. There shall be no other amplification of music or sound outside of the ceremony.
 18. *Waste.* All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, or other nuisance conditions and must be removed at least once every seven days by a licensed solid waste hauler.
 19. *Liability.* The applicant shall secure adequate liability coverage, which shall be in place at least one week prior to any event.
 20. *Other Activities.* Other than the commercial wedding ceremonies authorized under this section, no other commercial ceremonial activities may be conducted on the site.

(Ord. 08-080, passed 5-21-2013)

(Ord. 08-107, passed 5-6-2014)

(Ord. 08-128, passed 2-16-2016)

ARTICLE VIII. ZONING DISTRICTS AND ZONING MAP
§ 154.350 DIVISION INTO DISTRICTS.

A. *All Areas Zoned.* The incorporated areas of Lake Elmo are hereby divided into the following zoning districts:

Table 8-1: Zoning Districts

<i>Zoning District</i>		Reference
A	Agriculture	154.400
RR	Rural Residential	154.400
RT	Rural Development Transitional	154.400
RS	Rural Single Family	154.400
RE	Residential Estate	154.400
OP	Open Space Preservation	150.175
LDR	Urban Low Density Residential	154.450
MDR	Urban Medium Density Residential	154.450
HDR	Urban High Density Residential	154.450
VMX	Village Center - Mixed Use	154.500
C	Commercial	154.550
CC	Convenience Commercial	154.550
LC	Neighborhood Office/Limited Commercial	154.550
BP	Business Park/Light Manufacturing	154.550
P	Civic/Public	154.600
OSP	Open Space and Parks	154.600
OP-A	Open Space Preservation - Alternative Density	154.700

- B. *Annexed Areas.* Any land that is annexed into the city shall be included in the A Agriculture District until such time as the City Council amends the Comprehensive Plan to include the new area, and rezones it to another district.

(Ord. 2012-062, passed 9-18-2012)

§ 154.351 ZONING MAP.

- A. The location and boundaries of the districts established by this chapter are set forth on the Official Zoning Map, which is hereby incorporated as part of this chapter, and which is on display in the Planning Department.
- B. District boundary lines recorded on the zoning map are intended to follow lot lines, the centerline of streets or alleys, the centerlines of streets or alleys projected, railroad rights-of-way lines, the center of watercourses or the corporate limit lines as they exist at the time of the enactment of this chapter.
- C. Whenever any street, alley or other public way is vacated, the zoning district adjoining that of such vacated street, alley or public way shall be automatically extended to the center of such vacated area and all area included therein shall be then and henceforth subject to all regulations of the extended district.
- D. It shall be the responsibility of the Planning Director to maintain and amend the zoning map. The Director of Planning shall make any corrections or amendments to the map after all of the procedures outlined in § 154.020 of this chapter for the making of such revisions or amendments shall have followed by the Planning Commission and the City Council.
- E. Amendments to the Official Zoning Map shall be recorded on the map within 30 days after adoption by the Council. The copy of the Official Zoning Map shall be displayed in the office of the Planning Department and shall be open to public inspection at all times during which the office is customarily open.

(Ord. 2012-062, passed 9-18-2012)

§ 154.352 CONSISTENCY WITH COMPREHENSIVE PLAN.

The zoning districts in this chapter and the delineation of zoning district boundaries on the zoning map are consistent with the goals and policies of the Lake City Comprehensive Plan.

(Ord. 2012-062, passed 9-18-2012)

ARTICLE IX. RURAL DISTRICTS

§ 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.

(Ord. 2012-073, passed 3-19-2013)

§ 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						
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404.G
Outdoor Recreation						
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
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

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

	RT	A	RR	RS	RE	Standard
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	
Commercial Wedding Ceremony Venue	I	I	I			
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.

(Ord. 2012-073, passed 3-19-2013) (Ord. 08-136, passed 6-14-16)

(Ord. 08-107, passed 5-6-2014)

§ 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, Rural 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 ^f
Maximum Principal Structure Height (feet)					
	35	35	35	35	35

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

	RT	A	RR	RS	RE
Maximum Impervious Coverage	-	-	-	25%	15%
Minimum Principal Building Setbacks (feet)					

Front Yard	30	200	30	30	100
Interior Side Yard	10	200	10	10	50
Corner Side Yard ⁶	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	40	200	40	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 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.

(Ord. 2012-073, passed 3-19-2013)

§ 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.

(Ord. 2012-073, passed 3-19-2013)

§ 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 compromise 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 within 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 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, public water services, 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.

(Ord. 2012-073, passed 3-19-2013)

§ 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.
- 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 fish house 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.

(Ord. 2012-073, passed 3-19-2013)

§ 154.406 ACCESSORY STRUCTURES, RURAL DISTRICTS

- A. *Size and Number*. The maximum number and size of accessory buildings permitted in rural zoning districts are outlined in Table 9-3:

Table 9-3: Accessory Buildings, Rural Zoning Districts

Lot Size	Maximum Structure Size^a (square feet)	No. of Permitted Bldgs
under 1 acre	1,200 ^b	1
1 - 2 acres	1,200	1
2 – 5 acres	1,300	1
5 – 10 acres	2,000	2
10 – 15 acres	2,500	2
15 – 20 acres	3,000	2
20 – 40 acres	4,000	2
40+ acres	Unregulated ^c	Unregulated ^c

Notes to Table 9-3

- a. Maximum structure size accounts for the total maximum area allowed for all permitted accessory structures combined.
 - b. The 1,200 square foot allowance is for the combined area of the attached and detached accessory structure or residential garage.
 - c. To be allowed additional accessory buildings beyond two total buildings, the buildings must be agricultural buildings as defined in §154.213 or clearly serve an agricultural purpose in the judgment of the City.
- B. *Additional Accessory Buildings.* Allowances for additional accessory buildings in A and RR zones may be considered via a conditional use permit.
- C. *Structure Height, Rural Districts.* No accessory building shall exceed twenty-two (22) feet in height or the height of the principal structure, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City. Building projections or features, such as chimneys, cupolas, and similar decorations that do not exceed twenty-five (25) feet in height are permitted in rural districts.
- D. *Structure Location, Rural Districts.* No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot, unless, by Resolution of the City Council, an exception is made to permit a detached garage or accessory structure nearer the front lot line than the principal building.
- E. *Exterior Design and Color.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
- 1. Detached domesticated farm animal buildings
 - 2. Agricultural farm buildings
 - 3. Pole buildings, as defined and regulated in §154.214.
 - 4. Gazebos
 - 5. Swimming pools
 - 6. Other structures in which the required design is integral to the intended use, such as a greenhouse.
- F. *Openings and Doors.* Garage doors and other openings shall not exceed fourteen (14) feet in height for all accessory structures, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City.
- G. *Attached Garages, Size.* Attached garages must not exceed the footprint size of the principal building.

(Ord. 08-104, passed 3-18-2014) Penalty, see § 154.999

§ 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 they 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.

(Ord. 2012-073, passed 3-19-2013)

§ 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.

(Ord. 2012-073, passed 3-19-2013)

ARTICLE X.URBAN RESIDENTIAL DISTRICTS

§ 154.450 PURPOSE AND DISTRICT DESCRIPTIONS.

The urban residential districts are established to provide areas for residential development that are served by public sewer and water services in accordance with the city's Comprehensive Plan. The objectives of these districts are to preserve and enhance the quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the city's Comprehensive Plan, and to ensure adequate light, air, privacy and open space. The residential districts and their purposes are as follows:

- A. *LDR Urban Low Density Residential District.* The LDR district provides an environment of predominantly single-family dwellings on moderately sized lots, and is designed to be the most restrictive of the urban residential districts. The LDR district is intended to provide areas for lower density residential development within the city's planned sewer development areas, and may be used to provide a transition between rural development areas and the city's urban development and districts. Densities shall range from two 2 to 4 units per acre; however, the overall density for a specific development area must be consistent with the net densities specified in the Comprehensive Plan. The lot size and other district standards allow for the creation of smaller lots with the expectation that common open space will be provided within developments that exceed the base densities (at low end of the land use density range) within the Comprehensive Plan.
- B. *MDR Urban Medium Density Residential District.* The MDR district is established to provide for a diversity of housing types in those areas where such development is consistent with the medium density residential designation of the comprehensive plan and compatible with the development pattern of the surrounding area. Clustering of buildings to permit more orderly development and to preserve open space within new developments is encouraged. Development within the district shall occur at densities in the range of 4 to 7 dwelling units per acre, with two-family dwellings and townhouses permitted. The city will determine the allowed density for a piece of property at the time of the development application, and this determination will be based upon the site-specific characteristics of the property and the requested development. Factors to be considered in increasing or decreasing the allowed density include the existing environmental conditions such as wetlands, floodplains, steep slopes, significant trees; the specific site plan; the amount of open space preserved, and the type of housing units proposed, including whether greater density is desirable because the development contains housing that is consistent with the city's housing goals. The burden of establishing the appropriateness of the high end of the density range will be on the applicant.
- C. *HDR Urban High Density Residential District.* The HDR district is established to provide for an environment of moderate to high-density attached and multi-family housing, designed to present an attractive appearance to neighboring streets and adjacent uses, to include sufficient private and semi-private outdoor space, and to be well integrated into their surroundings. Small office and service businesses of limited size and extent may be allowed as conditional uses. The HDR district is appropriate as a transition between

commercial or industrial districts and surrounding neighborhoods, and in already developed higher-density areas. Development within the district may occur at densities in excess of 7 dwelling units per acre, provided the overall densities for within a development area are consistent with the net densities specified in the Comprehensive Plan and that a density analysis is used consistent with the purpose statement for the MDR district.

(Ord. 2012-062, passed 9-18-2012)

§ 154.451 PERMITTED AND CONDITIONAL USES.

Table 10-1 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 chapter 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. A principal and secondary dwelling unit may be combined according to the standards of § 154.176. Single-family attached or multi-family complexes designed for rental or condominium occupancy, typically include multiple units and buildings on a single parcel.

B.

Table 10-1: Permitted and Conditional Uses, Residential Districts

	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>	<i>Standard</i>
<i>Residential Uses</i>				
Household Living				
Single-family detached dwelling	P	P	P	154.174(B),(H)
Two-family dwelling	-	P	P	154.174(F)
Single-family attached dwelling	-	P	P	154.174(G),(J)
Multifamily dwelling (rental or condominium)	-	C	P	154.174(H),(K)
Secondary dwelling	C	C	C	154.174(C)
Live-work unit	-	-	C	154.174(L)
Manufactured home park	-	C	-	155.102.B

	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>	<i>Standard</i>
<i>Residential Uses</i>				
Group Living				
Group Home	P	P	P	155.102.C
Group residential facility	-	C	C	155.102.D
Halfway House	-	-	C	155.102.D
Congregate Housing	-	C	C	155.102.E
Semi-transient accommodations	-	C	C	155.102.F
<i>Public and Civic Uses</i>				
Community services	-	-	C	155.103.C
Day care center	-	C	C	155.103.D
Schools, public and private	C	C	C	155.103.E
<i>Services</i>				
Offices	-	-	C	154.174(M)
Funeral home	-	-	C	154.174(I)
Personal services	-	-	C	154.174(M)
Nursing and personal care	-	-	C	155.104.C
<i>Sales of Merchandise</i>				
Neighborhood convenience store	-	-	C	154.174(N)
Wayside stand	P	P	P	154.174(D)
<i>Outdoor Recreation</i>				
Golf course	C	-	-	155.107.B

	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>	<i>Standard</i>
<i>Outdoor Recreation</i>				
Outdoor recreation facility	-	-	-	155.107.E
Parks and open areas	P	P	P	
<i>Transportation and Communications</i>				
Broadcasting or communication facility	C	C	C	155.110.B
<i>Accessory Uses</i>				
Home occupation	P	P	P	155.111.A,B
Bed and breakfast	-	C	C	155.111.C
Domestic pets	P	P	P	
Family day care	P	P	P	155.111.G
Group family day care	C	C	C	155.111.G
Temporary sales	P	P	P	155.107.B
Parking facility	-	-	C	
Solar equipment	P	P	P	155.111.I
Swimming pools, hot tubs, and the like	P	P	P	155.111.J
Water-oriented accessory structures	P	P	P	
Other structures typically incidental and clearly subordinate to permitted uses	P	P	P	

Note: Standards listed in Table 10-1 are listed by Article, Section and Subsection.

(Ord. 2012-062, passed 9-18-2012)

§ 154.452 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 10-2, Lot Dimension and Setback Requirements.

Table 10-2: Lot Dimension and Setback Requirements, Residential Districts

	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>
Minimum Lot Area (sq. ft.)			
Single family detached dwelling	8,000	7,000	5,000
Two-family dwelling (per unit) ^a	5,000	4,000	3,000
Single-family attached (per unit) ^b	-	4,000	2,500
Multi-family dwelling (per unit)	-	4,000	1,800
Secondary dwelling		see 155.102	
Live-work unit	-	-	3,600
Congregate housing	-	see 155.102	see 155.102
Manufactured home park	-	see 155.102	-
Minimum Lot Width (feet)			
Single family detached dwelling	60	50	50
Two-family dwelling (per unit) ^a	35	30	20
Single-family attached (per unit) ^b	-	25	20
Multi-family dwelling (per building)	-	75	60
Live-work unit	-	-	25
Maximum Height (feet)	35	35	50
Maximum Impervious Coverage	40%	50%	75%
Minimum Building Setbacks (feet)			
Front yard	25 ^c	25 ^c	20 ^c
Interior side yard ^e			
Principal Buildings ^{f,g}	10	10	10 ^d

	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>
Minimum Building Setbacks (feet)			
Interior side yard			
Attached Garage or Accessory Structures ^{f,g}	5	5	10 ^d
Corner side yard ^{g,h}	15	15	15
Rear yard	20	20	20

Notes to Urban Residential Districts Table

- a. Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- 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. Single family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- h. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If

no structure exists on the adjacent property, the setback shall be as shown in the table.

(Ord. 2012-062, passed 9-18-2012; Am. Ord. 08-071, passed 3-5-2013)

§ 154.453 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. *Lots Adjacent to Public Greenway Corridors.* On any lot that abuts a public greenway as depicted in the Comprehensive Plan the minimum setback for all structures, including accessory buildings, shall be the required rear yard setback for the district in which said structure is located.

(Ord. 2012-062, passed 9-18-2012)

§ 154.454 SITE DESIGN AND DEVELOPMENT STANDARDS.

Development of land within the urban residential 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. *Planned Unit Developments, All Urban Residential Districts.* A planned unit development may be submitted for consideration within any residential district, subject to the requirements and standards established in Section 154.800, Planned Unit Developments.
 - 1. A residential development that exceeds 15 units per acre in an HDR Zoning District may be allowed as a Planned Unit Development in accordance with the density bonus provisions of Section 154.800, Planned Unit Developments.
- B. *Single-Family Detached Dwellings, All Urban Residential 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.
- C. *Secondary Dwelling, All Urban Residential Districts.* The purpose of a secondary dwelling is to provide life-cycle housing opportunities for family members or small households of one or two people, while providing more efficient use of large single-family dwellings or large lots.
 - 1. A secondary dwelling unit may be located within a principal structure used as a single-family detached dwelling, above a detached garage, or within a separate detached structure.

2. There shall be no more than one secondary dwelling unit on the zoning lot.
3. At least one dwelling unit on the zoning lot shall be owner-occupied.
4. The minimum lot area shall be 2,500 square feet greater than the minimum lot area required for a single-family detached dwelling in the zoning district.
5. If the secondary unit is included in the principal building, the appearance of the building shall remain that of a single-family dwelling. Any new or additional entrances must face the side or rear of the building.
6. Whether the secondary unit is an addition to an existing structure or a new detached structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the principal building. Exterior finish materials and trim must be the same or closely match in type, size and location the materials and trim of the original building.
7. A secondary unit within the principal structure shall not contain more than 30% of the principal building's total floor area or 800 square feet, whichever is less. A detached secondary unit shall not exceed 1,000 square feet in gross floor area.
8. Impervious limits for the lot within the zoning district in question shall not be exceeded.

D. Wayside Stand, All Urban Residential Districts

1. No more than one stand per lot shall be permitted.
2. Adequate off-street parking shall be provided.

E. Single-Family Detached Dwelling, All Urban Residential Districts

1. No parking shall be located in the front yard or between the front facade and the street except on a permitted driveway.
2. The primary entrance shall be located on the facade fronting a public street.

F. Two-Family Dwelling, MDR and HDR Districts

1. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
2. Access to the second dwelling unit shall be either through a common hallway with one front entrance, or by means of a separate entrance.
3. 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 may be redeveloped as two-family units, and no further two-family or higher density development is permitted once this threshold is reached. Lineal frontage shall be measured around the entire perimeter of the block.
4. Two-family dwellings shall be designed to reflect the general scale and character of surrounding buildings on surrounding blocks, including front yard depth, building width height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.

G. Single-Family Attached Dwelling (Townhouse), MDR District

1. A maximum of 8 units shall be permitted within a single building. Buildings with more than 8 units may be allowed as a conditional use.
2. Townhouses shall be located on lots in such a way that each individual unit has a minimum of 15 feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
 - a. Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a conditional use.
3. The primary entrance shall be located on the façade fronting a public street unless the townhouses are approved as a Conditional Use under division §154.455.(G)(2)(a) above; an additional entrance may be provided on the rear or side façade.
4. 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.
5. Townhouse units shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.
6. 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 500 square feet per unit.

H. Multi-Family Building, MDR District

1. A maximum of 8 units shall be permitted within a single building. Buildings with more than 8 units may be allowed as a Conditional Use.
2. The multi-family building shall be designed to reflect the general scale and character of buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
3. No parking shall be located in the front yard or between the front façade and the street.
4. 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 block (measured around the entire block perimeter) may be developed as multi-family units, and no further multi-family, two-family or townhouse development is permitted on the block once this threshold is reached.

5. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of 300 square feet per unit.
- I. *Funeral Home, HDR District.* A facility developed after the effective date of this chapter shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two access points shall be provided.
 1. Additions or new construction shall be designed to reflect the general scale and character of the existing building and surrounding neighborhood, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
 - J. *Single-Family Attached Dwelling, HDR District*
 1. A maximum of 10 units shall be permitted within a single building. Buildings with more than 10 units may be allowed as a conditional use.
 2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of 15 feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
 - a. Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a conditional use.
 3. The primary entrance shall be located on the facade fronting a public street unless the townhouses are approved as a conditional use under division (J)(2)(b) of this section; an additional entrance may be provided on the rear or side façade.
 4. 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 300 square feet per unit.
 - K. *Multi-Family Building, HDR District*
 1. No parking shall be located in the front yard or between the front façade and the street.
 2. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of 200 square feet per unit.
 - L. *Live-Work Unit, HDR District.* 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.
 1. The work space component shall be located on the first floor or basement of the building.
 2. The dwelling unit component shall maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.

3. The work space component of the unit shall not exceed 30% of the total gross floor area of the unit.
4. A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground/enclosed.
5. 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.
6. 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 manufacturing 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.
7. 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 2 workers on-site at any one time who live outside of the live-work unit.

M. *Offices or Personal Services, HDR District.* The establishment shall not exceed 3,000 square feet in size, and may be located within a multi-family building or a freestanding building.

1. Additions or new construction shall be designed to reflect the general scale and character of surrounding buildings, including front yard depth, roof pitch, primary materials, facade detailing and size and placement of window and door openings.
2. No parking shall be located in the front yard or between the front facade and the street.
3. No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of 300 feet from any other retail or service business on the same street within the HDR District.

N. *Neighborhood Convenience Store, HDR District*

1. The establishment shall not exceed 3,000 square feet in size, and may be located within a multi-family building or a free-standing building.
2. Additions or new construction shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, facade detailing and size and placement of window and door openings.
3. No parking shall be located in the front yard or between the front facade and the street.
4. The use shall occupy a corner property. Any freestanding building developed on such a property shall have a minimum setback of 10 feet from each right-of-way line.

5. No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of 500 feet from any other retail or service business on the same street within the HDR District.

(Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

§ 154.455 RESIDENTIAL DISTRICT DESIGN STANDARDS.

Review of Design. For certain development activity as specified in the Lake Elmo Design Guidelines and Standards Manual, design review is required as part of the approval process for a permit or certificate under this Ordinance. All projects subject to design review shall be reviewed for conformance with the Lake Elmo Design Guidelines and Standards Manual and shall follow the review procedures specified in §154.506.A.

(Ord. 08-095, passed 11-19-2013)

§ 154.456 ACCESSORY USES AND STRUCTURES.

Accessory uses are listed in the Urban Residential District Use Table as permitted or conditional accessory uses. Accessory uses and structures in the urban residential districts shall comply with the following standards and all other applicable regulations of this subchapter.

- 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.

(Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

§ 154.457 RESIDENTIAL ACCESSORY STRUCTURES, URBAN RESIDENTIAL DISTRICTS

- A. *Attached Structures, Urban Residential Districts.* 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; and

2. The structure shall not exceed the height of the principal building to which it is attached.

B. *Attached Garages, Urban Residential Districts*

1. Attached garages are encouraged to be side or rear loaded.
2. For single family detached dwellings, the width of the visible garage door area when closed shall not exceed 60% of the principal building façade (including garage) fronting the primary street.
3. Attached garages shall not exceed 1,000 square feet in area at the ground floor level except by conditional use permit.
4. Garage doors or openings shall not exceed 14 feet in height.

(Ord. 08-112, passed 6-3-2014)

C. *Detached Structures, Urban Residential Districts.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:

1. 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.
2. Detached garages shall not exceed 1,000 square feet at ground floor level and shall not exceed a height of 22 feet or the height of the principal structure. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
3. Pole barns, as defined herein, exceeding 120 square feet shall be prohibited.
4. No more than 30% of the rear yard area may be covered by accessory structures.
5. Garage doors or openings shall not exceed 14 feet in height.

D. *Exterior Design and Color, All Accessory Structures.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:

1. Gazebos
2. Swimming pools
3. Tennis and sport courts
4. Other structures in which the required design is integral to the intended use, such as a greenhouse.

(Ord. 08-104, passed 3-18-2014) Penalty, see § 154.999

§ 154.458 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 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 § 154.095;
 5. Storage of firewood shall be kept at least 10 feet from any habitable structure and screened from view from adjacent properties; and
 6. Outdoor parking.
- B. Temporary sales. Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to 2 per calendar year per residence, not to exceed four 4 days in length.

(Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

§ 154.459 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.

(Ord. 2012-062, passed 9-18-2012)

ARTICLE XI. VILLAGE MIXED USE DISTRICT

§ 154.500 PURPOSE AND DISTRICT DESCRIPTION

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.

(Ord. 08-091, passed 11-13-2013)

§ 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.
3. 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.
4. 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.
5. 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 Districts

	VMX	Standard
Residential Uses		
Household Living		
Single-family detached dwelling	P*	* See Restrictions in 155.504.A
Two-family dwelling	P	* See Restrictions in 155.504.A
Single-family attached dwelling	C	154.505.B
Multifamily dwelling	C	154.505.C
Secondary dwelling	C	154.505.D
Live-work unit	P	155.505.J
Group Living		
Group Home	P	155.102.C
Group Residential Facility	C	155.102.D
Congregate Housing	C	155.102.E
Semi-Transient Accommodations	C	155.102.F
Public and Civic Uses		
Community Services	P	155.103.C
Day Care Center	P	155.103.D
Public Assembly	C	155.505.M
Religious Institutions	C	155.505.N
Schools, Public and Private	C	155.505.O
Services		
Business Services	P	
Business Center	P	
Offices	P	
Communications Services	P	
Education Services	P	
Financial Institution	P	155.505.P
Funeral Home	C	
Lodging	C	155.505.Q
Medical Facility	C	155.505.R
Membership Organization	C	155.505.N
Nursing and Personal Care	C	155.104.C
Personal Services	P	
Repair and Maintenance Shop	C	155.505.E
Trade Shop	C	155.505.F
Veterinary Services	C	154.505.G
	VMX	Standard
Food Services		

Standard Restaurant	P	155.505.S
Restaurant with Drive-through	C	155.505.S
Drinking and Entertainment	P	155.505.S
Sales of Merchandise		
Retail Trade ¹	P	155.505.T
Farmer's Market	C	155.505.AA
Garden Center	C	155.505.U
Neighborhood Convenience Store	P	155.505.V
Shopping Center	C	155.505.W
Wayside Stand	P	
Automotive/Vehicular Uses		
Automobile Maintenance Service	C	155.505.X
Automobile Parts/Supply	P	155.505.X
Gasoline Station	C	155.505.X
Parking Facility	C	155.505.X
Sales and Storage Lots	C	155.505.X
Outdoor Recreation		
Outdoor Recreation Facility	C	155.505.Y
Parks and Open Areas	P	
Indoor Recreation/Entertainment		
Indoor Athletic Facility	C	155.505.Z
Indoor Recreation	C	155.505.Z
Transportation and Communications		
Broadcasting or Communications Facility	C	155.110.B
Accessory Uses		
Home Occupation	P	155.111.A,B
Bed and Breakfast	C	155.111.C
Domestic Pets	P	
Family Day Care	P	155.111.G
Group Family Day Care	C	155.111.G
Temporary Sales	P	155.107.B
Parking Facility	P	
Solar Equipment	P	155.111.I
Swimming Pools, Hot Tubs, Etc.	P	155.111.J
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	

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

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

(Ord. 08-091, passed 11-13-2013)

§ 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 District

	VMX
Minimum Lot Area (sq. ft.)^a	
Non-Residential Use	None
Single Family Detached Dwelling	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	See 155.102
Other Structures	3,500
Maximum Lot Area (acres)	
Residential Structures	N/A
Other Structures	5
Minimum Lot Width (feet)	
Single Family Detached Dwelling	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)	
	35/3 ^d
	VMX

Maximum Impervious Coverage	
Residential Structures	75%
Other Structures	No Limit
Minimum Building Setbacks (feet)	
Front Yard ^e	See 155.506
Interior Side Yard ^f	10
Corner Side Yard ^g	0
Rear Yard	10

Notes to VMX District Table

- a. No development may exceed the residential density range as specified in the Comprehensive Plan for the Village Mixed Use 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.
- e. The front yard setback for single family homes shall be 25 feet.
- 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.

(Ord. 08-091, passed 11-13-2013)

§ 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 are 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.

(Ord. 08-091, passed 11-13-2013)

§ 154.504 GENERAL SITE DESIGN CONSIDERATIONS – LMX DISTRICT

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

- A. *Circulation.* New access points to State Highway 5 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.

(Ord. 08-091, passed 11-13-2013)

§ 154.505 DEVELOPMENT STANDARDS FOR SPECIFIC USES

Development of land within the VMX district 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. Single-Family and Two-Family Dwellings

1. Single-Family 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.
2. 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.

B. Single-Family Attached Dwellings

1. A maximum of eight (8) units shall be permitted within a single building.
2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of twenty-five (25) feet of public street frontage. No parking shall be located in the front yard or between the front façade and the street.
3. 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.
4. 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.

C. *Multi-Family Dwelling Units*. Dwelling units (both condominium and rental) are restricted to the upper floors or rear or side ground floors of a mixed use building.

1. No parking shall be located in the front yard or between the front façade and the street.

D. *Secondary Dwellings*. Restricted to lots occupied by single-family dwellings, and must meet the standards for secondary dwellings in residential districts, §154.134.C.

E. *Repair and Maintenance Shop*. No outdoor storage is permitted unless fully screened from public view.

F. *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.

G. *Veterinary Services*. All activities must be conducted within an enclosed building.

H. Garden Center

1. 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.
2. All loading and parking shall be provided off-street.
3. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.

I. Automobile Maintenance Service and Automobile Parts/Supply

1. All vehicle repairs shall be conducted in a completely enclosed building

2. 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.
- J. *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.
1. The work space component shall be located on the first floor or basement of the building.
 2. The dwelling unit component shall maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.
 3. The work space component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.
 4. 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.
 5. 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.
 6. 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.
 7. 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.
- K. *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.
- L. *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.

(Ord 08-091, passed 11-13-2013)

§ 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 permit or certificate 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 permit or certificate. For those applications under this Ordinance that require review by the Planning Commission, 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.

(Ord 08-091, passed 11-13-2013)

§ 154.507 ACCESSORY USES AND STRUCTURES

Accessory uses are listed in the VMX District Use Table as permitted or conditional accessory uses. Accessory uses and structures in the VMX District 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.

(Ord 08-091, passed 11-13-2013)

§154.508 RESIDENTIAL ACCESSORY STRUCTURES, VILLAGE MIXED-USE DISTRICT

- A. *Attached Structures, Village Mixed-Use District*. 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.
- B. *Attached Garages, Mixed-Use District*
 - 1. 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:
 - a. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or
 - b. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade.
 - 2. The width of the attached garage shall not exceed 40% of the width of the entire principal building façade (including garage) fronting the primary street.
 - 3. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.

4. Garage doors or openings shall not exceed fourteen (14) feet in height.
- C. *Detached Structures, Village Mixed-Use District.* Detached accessory structures that are accessory to permitted residential structures in the VMX District shall adhere to the following requirements:
1. 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.
 2. 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. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
 3. Pole barns, as defined herein, shall be prohibited.
 4. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.
 5. Garage doors or openings shall not exceed fourteen (14) feet in height.
- D. *Exterior Design and Color, All Accessory Structures.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
1. Gazebos
 2. Swimming pools
 3. Tennis and sport courts
 4. Other structures in which the required design is integral to the intended use, such as a greenhouse.

(Ord. 08-104, passed 3-18-2014) Penalty, see § 154.999

§ 154.509 ACCESSORY USES

- A. *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:
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 of 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 for each event.

(Ord 08-091, passed 11-13-2013)

§ 154.510 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.

(Ord 08-091, passed 11-13-2013)

ARTICLE XII. COMMERCIAL DISTRICTS

§ 154.550 PURPOSE AND DISTRICT DESCRIPTIONS.

The commercial districts are established to provide a range of goods and services for City residents within the City's existing commercial corridors and districts, to promote employment opportunities and the adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas. In all the commercial districts, consideration should be given to building and site design to provide for efficient and well-integrated use of land, ensure compatibility with adjacent residential districts, to control traffic and improve the pedestrian environment. The commercial districts are as follows.

- A. *LC Neighborhood Office/Limited Commercial District.* The purpose of the LC District is to provide for the establishment of limited scale neighborhood commercial centers that offer basic convenience type goods and services to the immediately surrounding residential neighborhoods in areas that are not planned for public sanitary sewer services. Office uses and other business uses are allowable on a limited scale. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse effects from traffic congestion, noise, odor, glare, and similar impacts.
- B. *CC Convenience Commercial District.* The CC District is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots, and facilities with drive-up windows, are also allowed.
- C. *C Commercial District.* The purpose of the C District is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region and are located in areas that are well served by collector or arterial street facilities outside the Village Area. It is intended to allow the widest range of commercial uses, especially those that are oriented towards the traveling public or that need large sites with highway access and visibility. Residential uses may be appropriate as part of a mixed-use commercial development, with unit densities being determined by either the identified range within the comprehensive plan or to a level deemed appropriate as part of a planned unit development.
- D. *BP Business Park/Light Manufacturing District.* The purpose of the BP District is to provide areas for attractive, high quality business park development primarily for office, high quality manufacturing and assembly, and non-retail uses in developments which provide a harmonious transition to residential development and neighborhoods by: 1) Conducting all business activities and essentially all storage inside buildings; 2) Consisting of high quality and attractive buildings which blend in with the environment;

3) providing open space, quality landscaping and berming; 4) including berming and buffering of parking, loading docks and other similar functions; and 5) protecting and enhancing the natural environment; and 6) providing users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94.

(Ord. 2012-062, passed 9-18-2012)

§ 154.551 PERMITTED, CONDITIONAL AND INTERIM USES.

Table 12-1 lists all permitted and conditional uses allowed in the commercial 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 chapter 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.
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 subchapter. Office or studio uses on upper stories are encouraged.

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<i>Residential Uses</i>					
Household Living					
Single-family attached dwelling	-	-	C	-	154.194(A)
Multifamily dwelling	-	-	C	-	154.194(B)
Live-work unit	C	C	C	-	155.145.E
Group Living					
Semi-transient accommodations	-	-	C	-	155.102.F
Congregate housing	-	-	C	-	

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<i>Public and Civic Uses</i>					
Colleges and universities	-	-	C	C	155.103.B
Community service	-	C	C	C	155.103.C
Day care center	C	C	C	C	155.103.D
Schools, public and private	-	-	C	C	155.103.E
Public assembly	-	-	C	C	155.103.F
Religious institutions	-	-	C	-	155.103.G
<i>Services</i>					
Business services	P	P	P	P	
Business center	P	P	P	P	
Offices	P	P	P	P	
Commercial kennel	-	-	C	-	
Communication services	C	C	P	P	
Educational services	P	P	P	P	
Financial institution	P	P	P	P	
Funeral home	-	C	P	-	
Lodging	-	-	P	C	154.194(C)
Medical facility	-	-	C	C	155.104.B
Membership organization	P	P	P	-	
Nursing and personal care	C	C	C	-	155.104.C
Personal services	P	P	P	-	

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
Services					
Repair and maintenance shop	-	-	P	-	154.194(D)
Self-service storage	-	-	C	C	155.104.D
Trade shop	-	-	P	-	154.194(E)
Transportation services	-	-	-	C	
Veterinary services	P	P	P	C	154.194(F)
Food Services					
Standard restaurant	-	P	P	C	154.194(L)
Drive-in restaurant	-	C	C	-	155.105.A
Drinking & entertainment	-	C	P	-	155.105.B
Fast food restaurant	-	P	P	C	154.194(M)
Sales of Merchandise					
General retail sales	C	P	P	C	154.194(N)
Building supplies sales	-	-	C	-	
Warehouse club sales	-	-	C	-	
Furniture and appliance sales	-	-	P	-	
Grocery, supermarket	-	-	P	-	
Liquor store	-	P	P	-	
Garden center	-	-	P	-	154.194(G)
Neighborhood convenience store	-	P	P	-	
Shopping center	-	P	P	-	

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<i>Sales of Merchandise</i>					
Wholesaling	-	-	P	-	
<i>Automotive/Vehicular Uses</i>					
Automobile maintenance service	-	-	C	-	154.194(H)
Automobile parts/supply	-	-	P	-	154.194(H)
Car wash	-	-	C	-	
Commercial vehicle repair	-	-	-	-	155.105.J
Gasoline station	-	C	C	-	155.106.B
Parking facility	-	-	C	C	154.194(I)
Sales and storage lots	-	-	C	-	
<i>Outdoor Recreation</i>					
Campgrounds and trailering	-	-	-	-	155.107.A
Golf course	-	-	-	-	
Marina	-	-	-	-	155.107.C
Outdoor entertainment	-	-	-	-	155.107.D
Outdoor recreation facility	-	-	C	-	155.107.E
Parks and open areas	P	P	P	P	
Restricted recreation	-	-	-	-	
<i>Indoor Recreation/Entertainment</i>					
Adult establishment	-	-	-	C	Chapter 113
Indoor athletic facility	-	C	P	C	155.107.B

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<i>Indoor Recreation/Entertainment</i>					
Indoor recreation	-	-	C	-	155.108.B
<i>Agricultural and Related Uses</i>					
Agricultural sales business	-	I	P	-	154.110
Agricultural services	-	-	C	-	
Agricultural support	-	-	C	-	
Greenhouses - non retail	-	-	-	-	
Wayside stand	P	P	P	P	
<i>Industrial and Extractive Uses</i>					
Heavy industrial	-	-	-	-	
Landfill	-	-	-	-	
Light industrial	-	-	-	C	
Non-production industrial	-	-	-	C	154.194(J)
Motor freight and warehousing	-	-	-	C	
Research and testing	-	-	-	C	
Resource extraction	-	-	-	-	
Salvage/recyclable center	-	-	-	-	
<i>Transportation and Communications</i>					
Broadcasting and communications	C	C	C	C	150.110 - 150.123
<i>Accessory Uses</i>					
Bed and breakfast	-	-	-	-	155.111.C

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
Accessory Uses					
Drive-through facility	-	C	C	-	155.111.D
Family day care	-	-	-	-	155.111.E
Group family day care	-	-	-	-	155.111.E
Home occupation	-	-	-	-	155.111.A,B
Parking facility	C	C	P	P	154.194(1)
Outdoor storage	-	-	C	-	
Outdoor display	-	-	C	-	
Solar equipment	P	P	P	P	
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

1. General Retail Sales shall include all of the subcategories identified in the § 154.012(B)(5) under Retail Trade with the exception of those subcategories listed separately in Table 12-1 above.

(Ord. 2012-062, passed 9-18-2012)

(Ord. 08-116, passed 3-3-2015)

§ 154.552 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 12-2 Lot Dimension and Setback Requirements, Commercial Districts.

Table 12-2: Lot Dimension and Setback Requirements, Commercial Districts

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>
Minimum lot area (sq. Ft.)	3.5 acres	12,000	20,000	2 acres
Minimum lot width (feet)	300	75	100	200

Minimum lot depth (feet)	400	-	-	-
	LC	CC	C	BP
Maximum height (feet/stories)	35	35	45	50 ^a
Maximum impervious coverage	40%	60%	75%	75%
Building setback requirements (feet)				
Front yard	100	30	30	50
Interior side yard	50	20	10	30
Corner side yard	100	25 ^c	25 ^c	30
Rear yard	50	30 ^b	30 ^b	30
Residential zones	150	50	50	150
Parking setback requirements (feet)				
Front yard	50	15	15	30
Interior side yard	50	10	10	15
Corner side yard	50	15	15	30
Rear yard	50	10	10	15
Residential zones	100	35	35	100
Minimum building floor size (sq. ft.)	4,000	-	-	5,000

Notes to Table 12-2

- a. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- b. Accessory buildings must be set back 10 feet from property lines.
- c. Corner properties: The side facade 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.

(Ord. 2012-062, passed 9-18-2012)

§ 154.553 GENERAL SITE DESIGN CONSIDERATIONS, COMMERCIAL DISTRICTS.

Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Articles 5, 6 and 7.

- A. *Circulation.* 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 principal 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. All lighting shall be installed in conformance to §150.035 through §150.038.
- 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 6 feet above ground level) on the adjacent street or property.

(Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

§ 154.554 DEVELOPMENT STANDARDS FOR SPECIFIC USES.

The following standards apply to specific uses allowed within the Commercial Districts. Other specific use standards are located in Article 7.

- A. Single-family attached dwellings, C District. Limited to areas that are designated as mixed-use in the Comprehensive Land Use Plan.
- B. Multi-family dwelling units, C District. Dwelling units (both condominium and rental) are allowed as follows:
 - 1. Within those areas designated as mixed-use in the Comprehensive Plan; and
 - 2. On the upper floors or rear or side ground floors of a mixed-use building approved as part of a Planned Unit Development
- C. *Lodging, BP District.* Must incorporate a full-service restaurant and rooms accessible only through interior corridors and be subordinate to a main business complex.
- D. *Repair and Maintenance Shop.* No outdoor storage is permitted.

- E. *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.
- F. *Veterinary Services*. All activities must be conducted within an enclosed building. Crematoriums are not allowed.
- G. Garden Center
 - 1. The storage or display of any materials or products shall meet all primary building 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.
 - 2. All loading and parking shall be provided off-street.
 - 3. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
- H. Automobile Maintenance Service and Automobile Parts/Supply
 - 1. All vehicle repairs shall be conducted in a completely enclosed building.
 - 2. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a primary structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
- I. *Parking Facility, C District*. 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 facade shall be designed for retail, office or residential use.
- J. *Non-Production Industrial, BP District*. Non-production industrial use shall be allowed as a principal use, and may include wholesale and off-premise sales, provided that:
 - 1. The use is served by a street of sufficient capacity to handle the traffic the use will generate;
 - 2. The use includes a retail or office component equal to at least 25% of the floor area of the use; and
 - 3. 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 area.
- K. *Outdoor Dining Accessory to Food Services*. Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block a public sidewalk or other walkway needed for pedestrian circulation. A minimum of 5 feet of sidewalk or walkway must remain open.
- L. *Standard Restaurant, BP District*. Must be incorporated as part of a larger business center or lodging use.

M. *Fast Food Restaurant, BP District*. Must be incorporated as part of a larger business center or lodging use.

N. *Retail Trade, BP District*. Limited to uses clearly incidental and accessory to a permitted or conditionally permitted principal use of the land.

1. The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the permitted or conditionally permitted uses is only allowed when conducted in the building occupied primarily by medical facilities or offices.

(Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

§ 154.555 COMMERCIAL DISTRICT DESIGN STANDARDS.

Review of Design. For certain development activity as specified in the Lake Elmo Design Guidelines and Standards Manual, design review is required as part of the approval process for a permit or certificate under this Ordinance. All projects subject to design review shall be reviewed for conformance with the Lake Elmo Design Guidelines and Standards Manual and shall follow the review procedures specified in §154.506.A.

(Ord. 08-095, passed 11-19-2013)

ARTICLE XIII. 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.

<i>District Requirements in PF Zoning District</i>		
	<i>With Structure</i>	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 - Maximum	50 Feet – Structure Side Walls Not to Exceed 3.5 feet	N.A.
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:

<i>Maximum Parcel Area</i>	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 the 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 Am. Ord. 08-130, passed 1-19-16)

ARTICLE XIV. OP-ALT DISTRICT

§ 154.700 OP-2 - OPEN SPACE PRESERVATION OVERLAY DISTRICT.

- A. *Purpose.* The purpose of the Open Space Preservation Overlay District (OP-2) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. The OP-2 Overlay District allows for higher density development than is permitted under the OP District regulations at a density of up to 2 units per acre. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district.
- B. *General Regulation.* All regulations governing the OP Open Space Preservation District, §§ 150.175 through 150.189, shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in this section.
- C. *Permitted Uses.* Permitted uses and the general requirements of such in the OP-2 Overlay District shall be the same as in the OP District and also include the following:
1. Senior housing;
 2. Farm schools for pre-school children and school-aged children;
 3. Townhouses (no more than 50% in any development).
- D. *Development Standards.* The development standards for the OP District shall also apply to properties zoned OP-2 Overlay District unless modified by 4/5 affirmative votes of the City Council and with the following exceptions:
1. All development within an OP-2 district shall only be permitted as a planned unit development. All requests for flexibility from the standards of this section shall be considered and documented as part of a request for a planned unit development.
 2. The minimum land area for an OP-2 conditional use permit is a nominal contiguous 20 acres.
 3. Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 5 acres.
 4. *Buffer Zones.* A 100-foot setback shall be provided between the property line of the abutting parcel and any structure and a 50-foot setback shall be provided between the property line and any driving surface within an OP-2 development.
 5. *Densities.* The maximum dwelling unit density shall be 2 units per gross acres of buildable land.
 6. *Domestic Farm Animals.* The keeping of domestic farm animals related to an agricultural use or farm-based preschool within a development shall comply with all applicable city and MPCA requirements related to livestock and other domestic farm animals.

7. *Minimum District Requirement.* The minimum district requirements in the OP-2 Overlay District shall be the same as in the OP zoning district except as noted below:

<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<i>Farm-based Preschool</i>
Maximum Building Height:		
Primary Structure	2 stories or 35 feet	35 feet
Accessory Structure	25 feet	25 feet
Minimum Lot Width ½ acre lot; 1 acre lot	NA	NA
Maximum Impervious Surface Coverage: Calculated on a development-wide basis	25%	25%
Minimum Setback Requirements:		
Front Yard	20 feet	30 feet
Side Yard	10 feet	10 feet
Corner Lot Front	20 feet	30 feet
Corner Lot Side Yard	20 feet	30 feet
Well from Septic Tank	50 feet	50 feet
Minimum Lot Size:		
Individual Well and Septic System	NA	NA
Individual Well and Communal Drainfield	6,000 square feet per unit	NA

(Ord. 08-025, passed 6-1-2010)

ARTICLE XV. RESERVED

ARTICLE XVI. 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 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 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 the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments.

- 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 by up to 20% 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. 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.

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

§ 154.753 MINIMUM REQUIREMENTS.

- A. *Lot Area.* A PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land within the approved development. Tracts of less than 2 acres may be approved only if the applicant can demonstrate that a project of superior design can be achieved to meet one or more of the identified objectives listed in § 154.801, 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.
- 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.

(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 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.
- 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.
- 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.

(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)

§ 154.758 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.

- A. *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.
- B. *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.
- C. *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.
- D. *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.
- E. *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.

A. General Concept Plan Stage

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.
- b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.
- c. 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. 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. A written statement generally describing the proposed PUD and showing its relationship to the City Comprehensive Plan.

- f. 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.
- g. 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.
- h. 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, and number of, off-street parking and loading spaces and related access;
 - v. Approximate area, and floor area, devoted to commercial uses; and
 - vi. Approximate area, and floor area, devoted to industrial or office use.
- i. When the PUD 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
- j. 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.
- k. 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.

B. Preliminary Plan Stage

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.
 - o. 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. *Final Plan Stage.* Development stage submissions should depict and outline the proposed implementations of the Preliminary Plan stage for the PUD. Information from the general concept and preliminary plan stages may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:
- 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.

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

§ 154.760 CITY COSTS.

The applicant shall make a deposit of a fee escrow with the City for the purpose of reimbursing any costs directly related to a given development. Such costs include but are not limited to professional fees and expenses incurred by the City for consultants (including but not limited to planners, engineers, architects and attorneys) who the City determines in its sole judgment are necessary to assist in reviewing, implementing or enforcing the provisions of this article. The amount of the deposit, and any addition to it that the City may later require, shall be established by the Planning Director. The City and the applicant may agree to share the costs of consultants based upon a specific written agreement. Any funds not used by the City shall be returned to the applicant at the conclusion of the project.

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

ARTICLE XVII. SHORELAND MANAGEMENT OVERLAY DISTRICT

§ 154.800 SHORELAND MANAGEMENT OVERLAY DISTRICT

- a. Purpose.** The purpose of the Shoreland Management Overlay District is to preserve and enhance the quality of surface waters and conserve the economic and natural environmental values of shorelands through the following activities:
- i.** Regulate placement of sanitary and waste treatment facilities on shorelands of public waters to prevent pollution of public waters and public health hazards resulting from the facilities.
 - ii.** Regulate alteration of shorelands of public waters to prevent excessive sediment pollution, increased water runoff and excessive nutrient runoff pollution.
 - iii.** Preserve and enhance the unique aesthetic appearance and ecological value of the shoreland.
 - iv.** Regulate the construction of buildings and changes of land use in shorelands to minimize property damage during periods of high water.
- 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:

Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics. (An area with an average slope of less than 18% over a distance of 50 feet or more shall not be considered part of the bluff.)

- i.** Part or all of the feature is in a Shoreland area;
- ii.** The slope rises at least 25 feet above the ordinary high water level of the water body;
- iii.** The grade of the slope from the top of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and
- iv.** The slope must drain toward the water body.

Bluff impact zone. A bluff and land located within 20 feet from the top of a bluff.

Boathouse. A structure designed and used solely for the storage of boats and boating equipment.

Dedicated Riparian Area. Starting at the Ordinary High Water Level (OHWL), areas dedicated to the City to be maintained in a permanent state of natural vegetation for the purposes of protecting surface waters from the impacts of land alteration and/or development activity. Permitted uses within dedicated riparian areas are noted in subsection C.7, f

D.N.R. The Minnesota Department of Natural Resources.

Land Alteration. The excavation or grading of land involving movement of earth and materials in excess of 50 yards.

Shore Impact Zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

Shoreland. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or foliage; and 300 feet from a river or stream, or the landward extend of a flood plain designated by ordinance on a river or stream; whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Water-Oriented Accessory Structure of Facility. A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of the structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

c. Shoreland Management Overlay District

- i. *Shoreland Classifications.* The public waters in Table 17-1 have been classified by the commissioner of natural resources as natural environment (NE), recreational development (RD) and tributary (T) shorelands. Where noted, riparian dedication is required by the City.

Table 17-1: Shoreland Classifications

DNR #	Name	Location	Ordinary High water	Class	150 Ft^a Riparian Dedication Required
82011601	Armstrong (north of CSAH 10)	Sec 28, T29, R21	1020.3	NE	NO
82011602	Armstrong (South of CSAH 10)	Sec 28, T29, R21	1019.3	NE	NO
82009900	Clear	Sec 2 & 11, T29, R21	—	NE	NO
82010100	Demontreville	Sec 4, 5 & 9 T29, R21	929.3	RD	NO

82011000	Downs	Sec 24, T29, R21	889.1	NE	NO
82010900	Eagle Point	Sec 22 & 27, T29, R21	896.5	NE	NO
82010600	Elmo	Sec 13,14,23,24 & 26 T29, R21	885.6	RD	NO
82010800	Friedrich Pond	Sec 15 & 22, T29, R21	-	NE	NO
82011300	Goose	Sec 27, 34 & 35, T29, R21	924.4	NE	YES
82011100	H.J. Brown Pond	Sec 26, T29, R21	-	NE	NO
82007400	Horeshoe	Sec 25, T29, R21	876.8	NE	NO
82010400	Jane	Sec 9 & 10, T29, R21	924.0	RD	NO
82011700	Kramer	Sec 35, T29, R21	-	NE	NO
82041900	Margaret	Sec 26, T29, R21	-	NE	NO
82010300	Olson	Sec 8 & 9, T29, R21	929.3	RD	NO
N/A	Raleigh Creek North (Eagle Point Lake to Lake Elmo)	Sec 16, 21 & 22 T29, R21	-	T	NO
N/A	Raleigh Creek South (Eagle Point Lake to Lake Elmo)	Sec 22, 23 & 27 T29, R21	-	T	NO

82011200	Rose	Sec 25 & 36, T29, R21	–	NE	NO
82010700	Sunfish	Sec 14, T29, R21	896.4	NE	NO
82010000	Unnamed	Sec 4, T29, R21	–	NE	NO
82031300	Unnamed	Sec 12, T29, R21	–	NE	NO
82041700	Unnamed	Sec 25, T29, R21	–	NE	NO
82048400	Unnamed	Sec 11, T29, R21	–	NE	NO
N/A	Unnamed to Wilmes Lake	Sec 33, T29, R21	–	T	NO
N/A	Unnamed Tributary	Sec 25, T29, R21	–	T	NO

Classifications

RD = Recreational Development Lake Classification

NE = Natural Environment Lake Classification

T = Tributary River Classification

Notes to Table 17-1:

As measured from and perpendicular to the ordinary high water level (OHWL)

- ii.** Land Uses in Shoreland Districts. All uses of land shall be regulated by the applicable zoning districts subject to applicable conditions. Notwithstanding the underlying zoning district, the following uses shall be regulated in shoreland districts as specified in Table 17-2:

Table 17-2: Permitted (P), Conditional (C), and Interim (I) Uses, Shoreland Classifications

Land Uses	Shoreland Classifications		
	Recreational Development	Natural Environment	Tributary River
Residential	P	P	P
Commercial	P	C	C
Public & Civic Uses	P	C	C
Outdoor Recreation ^a	C	C	C
Agricultural and Related Uses ^b	P	P	P
Industrial and Extractive Uses	-	-	-
Utilities, Transportation and Communications	C	C	C
Accessory Uses	P	P	P
Planned Developments (PUD's)	C	C	C

Notes to Table 17-2:

- a. City owned parks and open space and any uses or structures accessory to such uses are permitted within shoreland areas.
- b. Vegetative clearing within shore and bluff impact zones and on steep slopes is not permitted.

G. *Shoreland Standards.* The following standards in Table 17-3 shall apply within shoreland areas to principal, conditional and accessory uses and structures:

Standards	Shoreland Classifications		
	Recreational Development	Natural Environment	Tributary River
Minimum structure setback from County, State or Federal road right of way	50 feet	50 feet	50 feet
Minimum Structure setback from an unplatted cemetery or historical site ^a	50 feet	50 feet	50 feet

Minimum structure setback from the ordinary High Water Level (OHWL) ^{b, c}			
Riparian dedication required	200 feet	200 feet	200 feet
Riparian dedication not required ^d			
Sewered	75 feet	100 feet	75 feet
Unsewered	100 feet	150 feet	100 feet
Minimum structure setback from top of bluff	30 feet	30 feet	30 feet
Minimum septic system setback from OHWL	75 feet	150 feet	75 feet
Minimum low floor elevation above the 100-year flood elevation	2 feet	2 feet	2 feet
Maximum impervious lot coverage			
With riparian dedication	50 %	50%	50%
Without riparian dedication			
Sewered ^e	30%	30%	30%
Unsewered	15% or 6,000	Square feet (sf)	whichever is larger
Minimum lot size ^f riparian lots			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, sewerd			
Single family detached	20,000 sf	40,000 sf	Same as
Two-family or duplex	35,000 sf	70,000 sf	Zoning district
Riparian dedication not required, unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning
Minimum lot size ^f non-riparian lots			
Riparian dedication required	Same as zoning	District	
Riparian dedication not required, sewerd			
Single family detached	15,000 sf	20,000 sf	Same as zoning

Two-family or duplex	17,500 sf	26,000 sf	district
Riparian dedication not required, unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning
Minimum lot width ^f			
Riparian dedication required	Same as zoning	District	
Riparian dedication not required, sewerred			
Single family detached	80 feet	125 feet	80 feet
Two-family or duplex	135 feet	225 feet	115 feet

Notes to Table 17-3

- a. Reduction of the required setback from a historic site is permitted with the approval of the office of the Minnesota State Archeologist.
- b. Where structures exist on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the Ordinary High Water Level (OHWL), provided the proposed building is not located in a shore impact zone or bluff impact zone.
- c. With the exception of public crossings of public waters, roads, driveways and parking areas shall meet the minimum structure setback. Where no alternative exists, such improvements may be placed within the structure setback provided they are designed to adapt to the natural landscape, soil erosion is minimized and no construction shall occur in shore or bluff impact zones. Exceptions to setback requirements must comply with the rules and regulations of local watershed districts.
- d. Commercial and public and civic uses with public waters frontage shall be setback double the required setback or be substantially screened from the water by vegetation or topography, assuming summer, leaf-on conditions.
- e. The maximum amount of impervious surface allowed for sewerred lots zoned Rural Single Family (RS) is 15% of lot area or 6,000 sf, whichever is larger.
- f. Minimum lot size and width requirements apply to residential uses only.

H. Design Criteria and Structures

- a. *Water Oriented Accessory Structures.* Each lot may have one (1) water oriented accessory structure not meeting the normal structure setbacks if the structure complies with the following provisions:

- i. *Structure Height.* The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, from the average grade of the structure to the peak of the roof. Detached decks must not exceed eight (8) feet above grade at any point.
- ii. *Structure Size.* Water oriented accessory structures cannot occupy an area greater than two-hundred and fifty (250) square feet.
- iii. *Structure setback.* The setback of the structure or facility landward from the Ordinary High Water Level (OHWL) must be at least ten (10) feet on a recreational development lake and fifty (50) feet on a natural environment lake.
- iv. *The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.*
- v. *The roof of the structure may be used as a deck with safety rails, but must not be enclosed or used as a storage area.*
- vi. The structure or facility must not be used for human habitation and must not contain water supply or sewage treatment facilities.
- vii. *Watercraft Storage Facilities.* As an alternative for recreational development water bodies, water oriented accessory structures used solely for watercraft storage, and including the storage of related boating and water oriented sporting equipment, may occupy up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

b. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

- i. Stairway and lifts must not exceed four (4) feet in width. Wider stairways may be used for public open space or recreation properties.
- ii. Landings for stairways and lifts must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for public open space or recreation properties.
- iii. Canopies or roofs are not allowed on stairways, lifts or landings.

- iv. Stairways, lifts and landings may be either constructed above ground on posts or pilings or placed into the ground, provided that they are designed and built in a manner that ensures control of soil erosion.
- v. Stairways, lifts and landing must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
- vi. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections (i) through (v) above are satisfied.

I. Subdivision Standards. The following standards shall apply to subdivisions in shoreland areas:

- 1. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. In determining suitability the City will consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision, or of the community at large.
- 2. Subdivisions must conform to all other official controls adopted by the City of Lake Elmo. Subdivisions will not be approved that are designed so variances from one or more standard in official controls would be needed to use the lots for their intended purpose.
- 3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this section, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirement of this section as much as possible.

J. Agricultural Activities. The following standards shall apply to agricultural activities in shoreland areas:

- 1. The shore impact for parcels with permitted agricultural uses is equal to a line parallel to and 50 feet from the OHWL.

2. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the local soil and water conservation district or the USDA Natural Resources Conservation Service.
3. Feedlots and manure storage are not permitted within the shoreland of watercourses or in bluff impact zones, and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins identified in subsection (1).
4. The use of pesticides, fertilizers or animal wastes within shoreland areas shall be done in such a way as to minimize impacts on shore impact zones by proper application or use of earth or vegetation.

K. *Shoreland Alterations.* The purpose of this section is to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent back slumping and protect fish and wildlife habitat. Shoreland alterations shall be allowed in accordance with the following standards:

1. No principal or accessory structure or use shall be placed within bluff or shore impact zones other than agricultural activities as permitted by subsection (5)(b).
2. Shore impact zones shall be maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district.
3. *Intensive Vegetative Clearing.* Intensive vegetation clearing within shore and bluff impact zones and/or steep slopes is not permitted. Intensive clearing within shoreland areas outside of bluff or shore impact zones and steep slope areas is permitted subject to City approval of an Erosion and Sediment Control Ordinance (§150.270).
4. *Limited Tree Clearing.* Limited clearing of trees and shrubs and the cutting, pruning and trimming of trees within bluff and shore impact zones or steep slopes to accommodate picnic areas, trails and water access and to provide a view to the water from a principal dwelling site shall be permitted provided the screening of structures, as viewed from the water, is not substantially reduced. These provisions do not apply to the removal of tree limbs or branches that are dead or pose a safety hazard.

5. *Grading in Shoreland Areas.* All grading and filling activities must be in conformance with the Wetland Conservation Act. Any grading or filling on steep slopes or within shore or bluff impact zones involving the movement of ten (10) or more cubic yards of material or involving more than fifty (50) cubic yards of material elsewhere in a shoreland area shall require the submission of a Grading Permit. Approval shall be granted only if the following conditions are met:
- a. Any filling or grading in any Type 2, 3, 4, 5, 6, 7 or 8 wetland shall be in conformance with the Wetland Conservation Act of 1991 and shall require consideration of how extensively the proposed activity will affect the following functional qualities of the wetland:
 - i. Sediment and pollution trapping and retention
 - ii. Storage of surface runoff to prevent or reduce flood damage
 - iii. Fish and Wildlife habitat and endangered plants and animals
 - iv. Recreational use
 - v. Shoreline or bank stabilization
 - vi. Historical significance
 - b. The smallest amount of bare ground is exposed for the shortest time possible;
 - c. Ground cover such as mulch is used for temporary bare soil coverage and permanent ground cover, such as sod, is established;
 - d. Methods to prevent erosion and trap sediment during construction are employed;
 - e. Altered areas are stabilized to accepted erosion control standards;
 - f. Fill is not placed so as to create unstable slopes;
 - g. Plans to place fill or excavated material on steep slopes are certified by qualified professionals as to slope stability;
 - h. Alterations below the OHWL are authorized by the Commissioner of the Minnesota Department of Natural Resources per Minn. Stats. § 103G.245;
 - i. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished

slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the OHWL and the height of the riprap above the OHWL does not exceed three feet; and

j. Alterations of topography shall only be permitted if accessory to a permitted or conditional use.

6. *Dedicated Riparian Areas.* Riparian areas dedicated to the city shall be protected from intensive development. Permitted uses include passive open space, pedestrian trails, public parks and park-related structures, facilities for public water access, fishing piers, parking lots for park users, and stormwater treatment ponds. Unless being used for active park purposes, the riparian areas shall be maintained in permanent natural vegetation.

L. *Sand and Gravel Extraction.* The following standards shall apply to sand and gravel extraction uses:

1. Processing machinery shall be located consistent with setback standards for structures.
2. A site development and restoration plan shall be developed by the owner for approval by the city which addresses dust, noise, possible pollutant discharges, hours and duration of operation and anticipates vegetation and topography alterations. It shall identify actions to be taken to mitigate adverse environmental impacts and measures to be employed to restore the site after excavation.

M. *Stormwater Management.* Stormwater management shall be in accordance with the City's Storm Water and Erosion and Sediment Control Ordinance (§150.270). In addition, the Minnesota Pollution Control Agency's Minnesota Stormwater Manual shall be used as guidance. Within shoreland areas, the following standards also apply:

1. Existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain storm water in a manner consistent with local watershed district rules and regulations before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as grading is complete and facilities or methods used to retain sediment on the site are removed.
3. Use of fertilizers, pesticides or animal wastes within shoreland areas must be done in a way to minimize impact on the shore impact zone or public waters by proper application.

4. New Constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

N. *Private Utilities.* The following provisions shall apply in shoreland areas:

1. Private subsurface sewage treatment systems shall meet applicable City and County requirements and Minnesota Pollution Control Agency's Chapter 7080 standards. Publicly owned sewer systems shall be used where available.
2. Any private water supply to be used for domestic purposes shall meet quality standards established by the Minnesota Department of Health and the Minnesota Pollution Control Agency.

O. *Planned Unit Developments.* Residential planned unit developments shall be permitted in shoreland areas subject to the requirements of Article XVI of this chapter.

1. Design criteria for planned unit developments within shoreland areas:

- a. At least 50 percent of the total project area shall be preserved as open space. The open space computation shall not include road rights-of-way, or land covered by roads, structures or parking surfaces.
- b. Open space shall include areas having physical characteristics that are unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries.
- c. Open space may contain outdoor recreational facilities for use by the owners of residential units or the public.
- d. The appearance of open space areas, including topography, vegetation and allowable uses, shall be preserved.
- e. PUDs shall be connected to public water supply and sewer systems.
- f. Before final approval of a PUD is granted, the developer/owner shall provide for the preservation and maintenance, in perpetuity of open space and the continuation of the development as a community.

P. *Nonconformities.* Nonconformities, substandard lots and structures, and nonconforming on-site sewage treatment systems within shoreland areas shall meet the requirements specified in Article IV of this chapter.

1. The expansion or enlargement of a riparian substandard structure shall meet the shoreland development standards set forth in subsection (3) except as follows:

- a. The extension, enlargement or alteration of a riparian substandard structure or sanitary facility may be permitted on the side of the structure or facility facing away from the OHWL without following the variance process.
 - b. An improvement to a riparian substandard structure or sanitary facility may be allowed to extend laterally by a conditional use permit (parallel to the OHWL) when the improvement is in compliance with the other dimensional standards of this chapter. In no case shall the improvement extend closer to the OHWL than the existing structure.
 - c. Decks may be allowed without a variance where riparian dedication is not required, provided as follows:
 - i. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing OHWL setback of the structure;
 - ii. The deck encroachment toward the OHWL does not exceed 15 percent of the existing shoreline setback of the structure from the OHWL or does not encroach closer than 30 feet, whichever is more restrictive; and
 - iii. The deck is constructed primarily of wood, and is not roofed or screened.
 - d. If a riparian substandard structure is demolished, replacement shall comply with the dimensional standards of this section.
- c.** *Required Notice to the Department of Natural Resources.* The zoning administrator shall send copies of notices of any public hearings to consider variances, plats, ordinance amendments, PUDs or conditional uses under local shoreland management controls to the commissioner of the department of natural resources or his designee at least ten days prior to the hearings. In addition, a copy of the approved amendments, plats, variances and conditional uses shall be sent to the commissioner or his designee within ten days of the final decision.

(Ord 08-111 passed 5-20-2014)

DESIGN AND PERFORMANCE STANDARDS – RESTRICTIONS ON NUISANCE AND HAZARDOUS ACTIVITIES

§ 154.900 MINIMUM STANDARDS; PURPOSES.

All uses, buildings, and structures permitted pursuant to this chapter shall conform to the performance and design standards set forth in this subchapter; the standards are determined to be the minimum standards necessary to comply with the intent and purposes of this Code as set forth in this subchapter.

(1997 Code, § 300.13 Subd. 1)

§ 154.901 PRINCIPAL BUILDING.

- A. There shall be no more than 1 principal building on any 1 parcel of land.
- B. No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior structure above, or accessory building shall be used at any time as a dwelling unit.
- C. All principal buildings hereafter erected on unplatted land shall be so placed as to avoid obstruction of future street or utility extensions and shall be so placed as to permit reasonably anticipated future subdivisions and land use.
- D. All principal buildings shall meet or exceed the minimum standards of the Minnesota State Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the city's on-site sewage treatment ordinance.

(1997 Code, § 300.13 Subd. 2)

§ 154.902 PUBLIC CONVENIENCE STRUCTURES.

No public use or convenience structure shall be located within the public right-of-way. The structure shall include but is not limited to trash containers, institutional direction signs, bicycle racks, benches, plating boxes, awnings, flag poles, bus shelters, light standards, stairs, stoops, light wells, newspaper storage containers, mail boxes for private mail delivery firms, loading wells, signs, and others. The structures do not include utility facilities.

(1997 Code, § 300.13 Subd. 5)

§ 154.903 TRAFFIC CONTROL.

- A. The traffic generated by any use shall be controlled so as to prevent:
 - 1. Congestion of the public streets;
 - 2. Traffic hazards; and
 - 3. Excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and

out of business and industrial areas shall in all cases be forward-moving with no backing into street.

- B. On any corner lot, nothing shall be placed or allowed to grow in a manner that impedes vision between a height of 2-1/2 and 10 feet above the center line grades of the intersecting streets within 15 feet of the intersecting street right-of-way lines. This restriction shall also apply to the planting of crops and to yard grades that result in elevations that impede vision within 15 feet of any intersecting street right-of-way lines.

(1997 Code, § 300.13 Subd. 8)

§ 154.904 STORAGE OF HAZARDOUS MATERIALS.

No uses associated with the bulk storage of over 2,000 gallons of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall be permitted except as are specifically permitted by the Council after finding that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. All existing above-ground liquid storage tanks having a capacity in excess of 2,000 gallons shall secure such permission within 12 months following enactment of this chapter. The Zoning Administrator shall require the development of diking around the tanks, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. Any existing storage tank that, in the opinion of the Planning Commission or the Council, constitutes a hazard to the public safety shall discontinue operations within 5 years following enactment of this chapter.

(1997 Code, § 300.13 Subd. 9)

Cross-reference: Explosives, see § 154.099

§ 154.905 EXPLOSIVES.

No activities involving the storage, use, manufacture of materials or products which could be detonated shall be permitted except those that are specifically permitted by the Council. The materials shall include but not be confined to all primary explosives such as lead azide and mercury fulminate; all high explosives and boosters such as TNT, tetryl and nitrates; propellants and components thereof such as nitrocellulose, black powder, and nitroglycerin; blasting explosives such as dynamite; and nuclear fuel and reactor elements such as uranium 235 and plutonium.

(1997 Code, § 300.13 Subd. 10)

§ 154.906 FALLOUT SHELTERS.

Fallout shelters may be permitted in any district, subject to yard regulations of the district. The shelters may contain or be contained in other structures or be constructed separately, and in addition to shelter use, may be used for any use permitted in the district, subject to the district regulations on that use.

(1997 Code, § 300.13 Subd. 11)

§ 154.907 DWELLING UNITS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

Dwelling units for watchman and family shall be considered as an accessory use and shall conform to all applicable regulations for the district in which located, except as modified in this section:

- A. A dwelling unit in the commercial district located in a commercial structure shall not occupy the front half of the ground floor or basement.
- B. A dwelling unit in a commercial or industrial building shall not contain more than 1 bedroom, unless the building is part of a planned unit development.
- C. No detached dwelling unit shall be permitted in the commercial or industrial districts, except as part of a planned unit development.
- D. A dwelling unit which is a part of the principal building shall be provided with 2 exits; 1 shall be a direct outside exit.
- E. All buildings shall conform to the Building Code and applicable fire codes.

(1997 Code, § 300.13 Subd. 12)

§ 154.908 RADIATION AND ELECTRICAL INTERFERENCE PROHIBITED.

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances. Any such emissions are declared to be a nuisance.

(1997 Code, § 300.13 Subd. 14) Penalty, see § 154.999

§ 154.909 TEMPORARY FARM DWELLING.

- A. No person shall park or occupy a mobile home on the premises of a lot with any occupied dwelling or on any land which is situated outside an approved mobile park, except as provided in this section: The mobile home will be an accessory dwelling unit located on a farm of at least 75 acres in size.
- B. Occupants
 - 1. The mobile home will be occupied by persons who are either:
 - a. Members of the family of the persons occupying the principal dwelling house on the premises; or
 - b. Members of the family engaged in the occupation of farming on the premises as partners or other business associates of the persons living in the principal dwelling house on the premises, and who earn 50% or more of their annual gross income for federal income tax purposes from farming on the premises.

2. The mobile home use will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming on the premises as required by § 154.102(B); and
3. At the time of termination, the mobile home temporary farm dwelling shall be removed from the premises within 30 days when practicable.

(1997 Code, § 300.13 Subd. 16)

§ 154.910 TEMPORARY CONSTRUCTION OFFICE.

A temporary mobile home may be permitted in any district if the Zoning Administrator finds the following conditions are satisfied:

- A. The mobile home will be utilized as a field headquarters for directing the ongoing construction of a project;
- B. Only 1 mobile home shall be permitted on each project;
- C. The mobile home shall have adequate sanitary facilities or the site shall have temporary sanitary facilities installed;
- D. The mobile home and parking spaces shall adhere to all setbacks for the zoning district and shall only utilize the permitted access driveway;
- E. The mobile home shall not be used as a dwelling unit; and
- F. The mobile home shall be removed within 30 days of the permit termination.

(1997 Code, § 300.13 Subd. 17)

§ 154.911 RECREATION VEHICLES.

- A. RECREATIONAL CAMPING VEHICLE includes the following:
 1. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;
 2. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
 3. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
 4. Any folding structure, mounted on wheels and designed for travel, recreation and vacation use.
- B. A recreational vehicle may not be parked on any land outside of an approved camping area or an approved sales lot, except that the parking of 1 unoccupied vehicle in an accessory private garage, building, or in the rear yard of a residential district is permitted, provided that no living quarters shall be maintained or any business practiced in the trailer while it is so parked or stored.

- C. A recreational vehicle of the type described in division (A) of this section and owned by a non-resident, guest or visitor may be parked or occupied by the guest or visitor on property on which a permanent dwelling unit is located for a period not to exceed 30 days while visiting the resident of the property. The recreation vehicle shall have self-contained sanitary facilities or standard on-site facilities as required by the community Building Official/Sanitarian.

(1997 Code, § 300.13 Subd. 18)

§ 154.912 RECREATIONAL CAMPING AREA.

Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of 5 or more tents, or recreational camping vehicles free of charge or for compensation. "Recreational camping area" excludes children's camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and State Commissioner of Health Rules, U.S. Forest Service Camps, State Forest Service Camps, State Wildlife Management Areas or state-owned public access area, which are restricted in use to picnicking and boat landing, also referred to as "area" in this chapter.

- A. *Trailer Park Operation.* No person, firm, or corporation shall develop or operate any recreational camping area without having first obtained a conditional use permit.
- B. *Application.* The application for an approval, in addition to the requirements, shall indicate the name and address of the developer and a general description of the construction schedule and construction costs. The application shall be accompanied by 20 copies of plans, which indicate the following:
1. Location and size of camping area;
 2. Location and size of all vehicle or trailer lots, dead storage areas, recreation areas, laundry drying areas, roadways, parking spaces and sites, and all setback dimensions;
 3. Detailed landscaping plans and specifications;
 4. Detailed grading plan with 2-foot contour intervals;
 5. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, and gas service;
 6. Plans for an overhead street lighting system shall be submitted for approval by the City Engineer;
 7. The method of disposing of garbage and refuse;
 8. Location, size, and character of each lot;
 9. Location and size of all streets abutting the area;
 10. Road construction plans and specifications;
 11. Plans for any and all structures; and
 12. Such other information as may be required or requested by the city.

- C. *Designation of Uses.* The area design shall designate specific areas for primitive tent camping, recreation vehicles, and trailers.
- D. *Trailer Park Lots.* On any area lot, the placement of recreational vehicles shall conform to all setbacks and other requirements of the zoning district in which the lot is located.
- E. Performance standards for trailer parks.
1. All water supply and sanitary facilities must conform to the current recommendations of the Minnesota Department of Health and Pollution Control Agency.
 2. All areas shall have at least 20% of the land area (exclusive of internal streets) developed for recreational use (i.e., tennis courts, children's play equipment, swimming pools, golf greens and the like) which shall be developed and maintained by the owner or operator at owner's/operator's expense. All areas must have an area or areas set aside for dead storage and "over-load" parking. Open air drying of laundry and clothes shall be allowed only in approved areas established and maintained exclusively for that purpose.
 3. All utilities, such as sewer, water, fuel, electric, telephone, and television antennae lead- ins, shall be buried to a depth specified by the City Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. All utility connections shall be approved by the city prior to connection. Plans for the disposal of surface storm water shall be approved by the City Engineer.
 4. All land area shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish or debris. The proposed method of garbage, waste, and trash disposal must be approved by the Council and must meet or exceed the current Minnesota Department of Health standards.
 5. All structures shall require a building permit. It is not the intent of this chapter to repeal or abrogate any part of the Building Code. The provisions of this chapter shall be enforced in addition to and in conjunction with the provisions of the Building Code.
 6. The source of fuel for cooking, eating, or other purposes for each lot shall be approved by the Council. Periodic inspection of the entire park by the Zoning Administrator may be required.
 7. No vehicle shall be allowed in a vehicle park that does not conform to the requirements of the Motor Vehicle Code of the State of Minnesota. Every structure in a vehicle park shall be developed and maintained in a safe, approved, and substantial manner.
 8. A properly landscaped area shall be adequately maintained around each area. No vehicular building shall be located within 20 feet of the exterior boundary of any park or within 40 feet of any exterior, existing public road right-of-way.
 9. Each area shall contain at least 30 fully developed vehicle lots. Access to parks shall be provided as required by the Zoning Administrator. The access streets

shall be paved in accordance with minimum specifications required for the construction of any city street.

10. Advertising shall be limited to 1 sign not to exceed 24 square feet, with lighting, height, and location as approved by the Council.
11. Each area must have 1 or more central community buildings with central heating which must be maintained in a safe, clean, and sanitary condition. The buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and drying areas, in addition to public toilets and lavatory. Each area shall have a building for the use of the operator distinctly marked "office" and the marking shall be illuminated during all hours of darkness. An illuminated map of the park shall be displayed at the office.
12. An adult caretaker must be on duty at all times in the area. The operator of every area shall maintain a register in the office of the area indicating the name and address of the owner and occupants of each vehicle, license number of each recreational vehicle and automobile of each occupant, and the date of arrival and departure of each vehicle. The corners of each lot shall be clearly marked and each lot shall be numbered. The grounds of the park shall be adequately lighted from sunset to sunrise.
13. No dogs or animals shall be permitted to run at large within the area. No public address or loud speaker system will be permitted.
14. No RV camping area shall be located so that drainage from the park or camp area will endanger any water supply. All areas shall be well drained. No portion of the area shall be located in an area subject to flooding. No waste water from the trailers or other recreational vehicles shall be deposited on the surface of the ground.
15. Each lot shall abut or face a driveway or clear unoccupied space of not less than 16 feet in width, which shall have unobstructed access to the internal area road system.
16. Lots shall be designed to allow an open space of at least 50 feet between each vehicle or tent and at least 30 feet between the vehicle or tent and the front lot line butting the interior camping area road system.
17. Each lot shall have 200 square feet of off-street parking space, or as approved by the Zoning Administrator, for 2 automobiles. No parking spaces shall be closer than 10 feet to any side yard lot line.
18. Each lot, or pair of lots, shall contain adequate containers to store, collect, and dispose of refuse and garbage so as to create no health hazards, rodent damage, insect breeding, accident or hazardous fire areas, or air pollution. Each lot, or pair of lots, shall have insect-proof, water-tight, rodent-proof refuse container on the lot(s).
19. Each lot shall be no further than 400 feet from the nearest, readily available drinking water supply.

20. Each lot with an individual water system connection shall have a water supply capable of supplying 100 gallons of water per site per day.
21. All recreational vehicle areas shall be equipped with at least 1 central toilet, bathing and laundry building, which meets or exceeds the requirements of the Minnesota Department of Health, except that in primitive tent camping areas, only toilet facilities shall be required as per the Minnesota Department of Health.
22. Outdoor cooking or burning shall be confined to fireplaces, pits, grills, or stoves, which shall be permanently affixed to a designated location on each lot as per the site plan. Each permanent cooking or burning facility shall be placed on the lot so as to minimize the fire hazards and smoke nuisance.
23. Incineration of refuse, garbage, or other wastes shall not be permitted within any recreational vehicle camping area.
24. All centralized refuse collection and equipment, and area maintenance equipment shall be stored in a screened and fenced service yard within the camping area.

(1997 Code, § 300.13 Subd. 19)

§ 154.913 AGRICULTURAL SALES BUSINESSES.

Agricultural sales businesses shall be allowed upon the issuance of an interim use permit in agricultural and rural areas that are guided for rural agricultural density or future sewered development in accordance with the Comprehensive Plan. Agricultural sales businesses shall be subject to the following performance standards:

- A. Activities shall be limited to those listed within the definition for Agricultural Sales Business.
- B. The agricultural sales business shall be located on land owned or leased by the producer or the operator of the business, and not within or on any public right-of-ways or easements.
- C. The operator must be able to demonstrate at all times to the city that there is sufficient access, parking and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.
- D. All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.
- E. All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.
- F. The maximum gross floor area that can be devoted to sales activities is limited to 20,000 square feet.
- G. Parking shall be provided in accordance with the parking requirements for other commercial uses, as per § 154.051(C). All parking must occur on-site, be on a primary surface such as class 5 gravel or pavement: and must be set back at least 30 feet from all property lines.

- H. The minimum lot size shall be 40 acres for any agricultural sales business.
- I. On-site wastewater handling system shall be planned and designed by a licensed professional and approved by the city or its designated responsible authority. Usable primary and alternate well and septic sites sized for the maximum anticipated usage of the property shall be identified on the property. Alternate sites shall be protected in the site plan design, and will only need to be used upon failure of a primary site.
- J. Any structures constructed for the agricultural sales business shall be consistent on design and appearance with other agricultural buildings in the area.
- K. Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for even 40 acres.
- L. The maximum impervious coverage for the buildings, parking areas and other uses devoted to the agricultural sales business shall not exceed 40,000 square feet and the remainder shall be suitably landscaped.
- M. Any activities that are defined as an agricultural entertainment business shall require a separate interim use permit.
- N. Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with §§ 150.001 through § 150.003 of this code.
- O. There shall be a minimum buffer of 100 feet between any sales areas or sales buildings and any adjacent residential property lines.
- P. Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).
- Q. Trash containers must be located inside or screened in an acceptable manner.
- R. The operator shall adhere to the general review criteria applicable to all interim use permit applications.
- S. No activities or structures beyond those specified in the interim use permit shall be added before review by the city to determine compliance with this section.

(Ord. 08-006, passed 6-17-2008; Am. Ord. 08-031-A, passed 10-5-2010)

§ 154.914 AGRICULTURAL ENTERTAINMENT BUSINESSES.

Agricultural entertainment businesses shall be allowed upon the issuance of an interim use permit in agricultural and rural areas that are guided for rural agricultural density or future sewered development in accordance with the Comprehensive Plan. Agricultural entertainment businesses shall be subject to the following performance standards:

- A. An agricultural entertainment business shall adhere to all performance standards as outlined in § 154.110 for an agricultural sales business;

- B. The property proposed to be used for agricultural entertainment must be located with direct access to a collector or arterial street as identified in the Comprehensive Plan;
- C. Discharge of firearms, including blanks, shall not be allowed on the property;
- D. The property owner must take reasonable steps to prevent trespassing on adjacent properties by employees, contractors or patrons.

(Ord. 08-031-A, passed 10-5-2010)

§ 154.915 ENFORCEMENT.

- A. *Application to City Personnel.* The failure of any officer or employee of the city to perform any official duty imposed by this chapter shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
- B. *Equitable Relief.* In the event of a violation or the threatened violation of any provision of this chapter, or any provision or condition of a permit issued pursuant to this chapter, the city in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, correct, or abate the violation or threatened violation.

(1997 Code, § 300.14) (Am. Ord. 08-006, passed 6-17-2008)

§ 154.999 PENALTY.

- A. Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.
- B. The violation of any provision of this chapter, except for §§ 154.120 through 154.128, or the violation of the conditions or provisions of any permit issued pursuant to this chapter shall be a misdemeanor and, upon conviction, shall be subject to the penalties set forth in § 10.99.

(1997 Code, § 300.14)