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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, September 9, 2013 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. August 26, 2013
4. Public Hearings
 - a. VARIANCE (CONT.) - 09.029.21.22.0025 (HILL TRAIL NORTH). The Planning Commission will continue a Public Hearing to consider a request by Dean and Gayle Dworak for a Variance to allow the construction of a single family home on a lot that is not considered a lot of record under the Zoning Ordinance due to its size and that it does not meet the required 20,000 square feet of area for a septic system.
5. Business Items
 - a. ZONING TEXT AMENDMENT – VILAGE MIXED USE (VMX) ZONING DISTRICT. The Planning Commission is being asked to review a proposed Zoning Text and Map amendment that would create a new mixed use zoning district within a large portion of the Village Planning area. This ordinance has previously been reviewed by the Commission and is being brought back for further discussion prior to a public hearing on the proposed ordinance.
6. Updates
 - a. City Council Updates
 - i. Holding Tank Variance - 4719 Olson Lake Trail: approved at the 9/3/13 City Council meeting.
 - ii. Sign Variance, 3712 Layton Ave N: approved at 9/3/13 City Council Meeting.
 - iii. Comp Plan Amendment – Wastewater Facilities: approved at the 9/3/13 City Council Meeting.
 - b. Staff Updates
 - i. Upcoming Meetings:
 - September 23, 2013

- October 14, 2013

c. Commission Concerns

7. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of August 26, 2013**

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

COMMISSIONERS PRESENT: Williams, Dorschner, Dodson, Larson, Kreimer, Lundgren and Haggard;

COMMISSIONERS ABSENT: Morreale; and

STAFF PRESENT: City Planner Johnson and City Administrator Zuleger.

Approve Agenda:

The Planning Commission accepted the agenda as presented.

Approve Minutes: August 12, 2013

M/S/P: Dodson/Larson, move to accept the minutes of August 12, 2013 as presented,

Vote: 5-0, Motion Carried with Haggard & Kreimer not voting.

Public Hearing: *Variance – 4719 Olson Lake Trail N*

Johnson began his presentation by explaining that a variance application was received from Mary & Thomas Brink to install a septic holding tank system for a period longer than 12 months. This site is expected to connect to Municipal Sanitary service as part of Phase II of the Olson Lake Trail sewer project which will take place in 2016. Staff found that the 4 variance criteria are met for approving the variance.

Haggard asked if there was enough space available on the lot for a future drainfield should Phase II of the sewer project not move forward. Johnson stated there was enough space if need be. Haggard also asked what would happen if they didn't hook up within 6 months of the sewer going in. Zuleger stated that Washington County is responsible for enforcement. She also asked if there was any environmental concern. Johnson stated it is not an environmental concern, but it is a financial burden to frequently pump these tanks.

Kreimer asked if there was a requirement to remove the holding tanks. Johnson stated that it would be required under the County guidelines.

Public hearing opened at 7:16pm.

Lake Elmo Planning Commission Minutes; 8-26-13

Mary Florence Brink, 4719 Olson Lake Trail, spoke about the existing system that is located on site. She noted that the holding tank will be utilized as part of the connection to municipal sanitary sewer.

The City received from Gary Mulcahy, 4710 Olson Lake Trail N., stating his support for the Variance.

An email to Staff from Mr. Gary Fields was received and distributed to the Planning Commission. He noted that he understands the reason for the Variance request.

Public hearing closed at 7:18pm.

M/S/P: Dorschner/Larson, move to recommend approval of the variance request for the installation of septic holding tanks at 4719 Olson Lake Trail North for a time period longer than 12 months, but not to exceed 5 years, with the conditions outlined in the Staff Report: **Vote: 7-0, Motion Carried Unanimously.**

Kreimer asked if it was appropriate to place a time restriction on the Variance to ensure that the holding tank system does not become the permanent solution for this property. He suggested a timeframe of 5 years where the variance would be valid.

M/S/P: Kreimer/Haggard, move to amend the motion to add a condition that the variance should not exceed 5 years, **Vote: 7-0, Motion Carried Unanimously.**

Public Hearing: *Variance – 09.029.21.22.0025 (Hill Trail North)*

Johnson began his presentation by explaining that a Variance application was received from Dean & Gayle Dworak for a Variance to allow for the construction of a single family home on a lot that is not considered a lot of record under the Zoning Ordinance due to its size and that it does not meet the required 20,000 square feet of area for a septic system. Staff has found that the required criteria for a lot size variance have been established. However, the review by Washington County has indicated that the applicants have not yet submitted a septic design that meets the County requirements for a permitted system, but they are working with the County to obtain one. Johnson recommends tabling this item until the next meeting to allow time for the work related to the septic design and permitting through Washington County.

Public hearing opened at 7:35pm.

Bonnie Weisbod, 8111 Hill Trail N., noted that she lives across the street from the subject property. She stated that she is concerned that the site is not large enough for a septic system. She noted that other properties have applied for variances in the past and they have not been granted. Johnson noted that the State Statutes pertaining to

variances have recently been amended, changing the threshold for a variance from undue hardship to practical difficulties.

Vickie Iverson, 8108 Hill Trail N, stated that her property is located next door. She noted that she is concerned about the location of the drainfield in relation to her property boundary. In addition, she is concerned about the drainage that is expected to flow towards the lake.

Amy Gustufson, 8120 Hill Trail N., noted that the Staff aerial image of the area is not accurate. In addition, she noted that the applicant's proposed home is not consistent with other homes in the neighborhood. She stated that she is opposed to the variance. She does not believe that an adequate septic system can be located on the site. In addition, she is concerned about the amount of impervious surface that is proposed as part of the home. Building on a sub-size lot would not protect the natural resources of Lake DeMontreville and Olson Lake. She also noted that there are several homes for sale in the area. She feels that it is not a hardship because the applicants could choose to purchase an existing home that is for sale. Finally, she cited a DNR study about the construction of structures on lakes and rivers. She is concerned that granting a variance will erode the shoreland.

Brad Gustufson, 8120 Hill Trail N, noted that he does not agree with the Staff interpretation of the setback. He also is concerned about the amount of the impervious surface.

No written comment was received.

Public hearing continued until the next available Planning Commission meeting.

M/S/P: Haggard/Dodson, move to table the Variance request at 09.029.21.22.0025 (Hill Trail N.) for further consideration at the next available Planning Commission meeting to allow the applicant more time to submit a septic design that will meet Washington County approval: **Vote: 7-0, Motion Carried Unanimously.**

Public Hearing: *Variance – 3712 Layton Ave N*

Johnson began his presentation by explaining that a Variance application was received from Elmo Inn Enterprises, Inc. for a Variance at 3712 Layton Ave N to allow for a ground sign that would exceed the height and area allowance as permitted under the City's Sign Ordinance. The proposed sign would advertise the Lake Elmo Inn Event Center. Staff reviewed the 4 required criteria for granting a Variance and found them to be met.

Public hearing opened at 8:19pm.

John Schiltz, Lake Elmo Inn, noted that he selected the monument sign to be consistent with the Theming Study as presented by Damon Farber and Associates. He added that he hopes the sign will set the bar high for any signage that follows. He also discussed the travel speeds of oncoming vehicles making it difficult to see the signage. He thinks the signage will make the community proud and set a good precedent.

No written comment was received.

Public hearing closed at 8:25pm.

Dorschner noted that he has been stopped previously by strangers looking for the event center. In addition, he noted that the snow banks do get extremely high in the winter. He stated that he supports the variance request.

Dodson suggested that if future variances are brought forward related to signage, the signage should be consistent with the Damon Farber Theming Study.

Williams asked about the size of the existing signage for the Lake Elmo Event Center. John and Christine Schiltz noted that the sign is a 4 x 8 plywood sign. Williams noted that he is comfortable granting the height variance, but not comfortable with the sign area variance.

M/S/P: Dorschner/Dodson, move to recommend approval of the Variance request at 3712 Layton Ave N to allow the installation of a ground sign that exceeds the height and area allowance permitted by the City's Sign Ordinance based upon the findings outlined in the Staff Report: **Vote: 6-1, Motion Carried** with Williams voting no.

M/S/P: amend the original motion to add a condition that the sign meet the Damon Farber Theming Guidelines, **Vote 7-0: Motion Carried Unanimously.**

Public Hearing: *Comprehensive Plan Amendment – Chapter VI: Wastewater Facilities*

Johnson began his presentation by explaining that this amendment is being brought forward in order to bring this section of the Comprehensive Plan into conformance with the recently adopted Land Use Chapter, and to specifically incorporate the updated housing, population, and employment projections from the land use section. The purpose is to develop a strategy for providing sanitary sewer services throughout the community. This section is critical to have in place as the City will not be allowed to connect to the regional treatment system without the updated information contained in this plan.

Public Hearing opened at 8:55pm.

No written comment was received.

Public Hearing closed at 8:56pm.

Williams asked the Staff about the section of the document that noted that the Met Council will extend the Cottage Grove Ravine interceptor to serve the Village and Eastern portion of the South of 10th Street Planning Area. Johnson noted that the language means that the Met Council will work collaboratively with the City to ensure that the interceptor is working properly to receive the wastewater.

M/S/P: Kreimer/Dorschner, move to recommend approval of the amendment to Chapter VI of the Comprehensive Plan as drafted: **Vote: 7-0, Motion Carried Unanimously.**

Updates and Concerns

Council Updates

1. Landscape Ordinance Amendment – passed as recommended by the Planning Commission at the 8/20/13 City Council meeting.
2. Village Area Planning and Development Schedule – discussed and adopted at the 8/20/13 City Council meeting

Staff Updates

1. Planning Commission meetings upcoming on September 9th and September 23rd.

Commission Concerns - None

Meeting adjourned at 9:03pm

Respectfully submitted,

Nick Johnson
Planner



Planning Commission
Date: 09/09/13
Item: 4a
Public Hearing (cont.)

ITEM: Variance Request – 09.029.21.22.0025 (Hill Trail North)

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director
Pete Ganzel, Washington County

SUMMARY AND ACTION REQUESTED:

The City of Lake Elmo has received an application from Dean and Gayle Dworak, 12325 Upper Heather Ave. N., Hugo, Minnesota, for a variance to allow for the construction of a single family home on a lot that is not considered a lot of record under the Zoning Ordinance due to its size and that it does not meet the required 20,000 square feet of area for a septic system. The Planning Commission held a Public Hearing and reviewed the request at the meeting on 8/26/13, at which time the item was tabled for further consideration at a future meeting. It should also be noted that the Public Hearing was continued to allow for additional testimony.

BACKGROUND INFORMATION:

At the meeting on 8/26/13, the Planning Commission held a Public Hearing and reviewed the variance application submitted by Dean and Gayle Dworak. In reviewing the application, Staff made the determination that while the application has merit based upon the 4 required findings for granting a variance, the applicant did not provide sufficient evidence that a subsurface sewage treatment system that met the guidelines of Washington County could be properly located on the site. For that reason, Staff recommended that the Planning Commission table the variance request to allow the applicant more time to work with a septic designer and Washington County. On 8/26/13, the Planning Commission tabled the variance request until the next available meeting and kept the Public Hearing open.

Since the last meeting, the applicants have been working on finalizing their septic design. However, the applicants have reported to Staff that they were forced to change designers in order to get the septic system completed, as the first designer contracted was being unresponsive. This setback has caused the design to be delayed. In attachment #1, the applicants explained the status of the septic design and the schedule for completion.

They have also noted that they intend to reduce the footprint of the home to address concerns about the amount of impervious surface and character of the proposed home in comparison with the existing homes in the neighborhood.

It should also be noted that 4 people spoke at the Public Hearing on 8/26/13. The speakers at the Public Hearing include adjacent property owners Bonnie Weisbod, Vickie Iverson, Amy Gustufson and Brad Gustufson. Overall, these property owners noted several concerns related to the proposed variance, including concerns related to drainage, septic drainfield location, erosion and neighborhood character. The comments shared in the Public Hearing can be found in the minutes of the 8/26/13 Planning Commission meeting. In response to these comments, it should be noted that Washington County would not allow for a septic system that did not meet the required setbacks. In addition, Staff has advised the applicants about the required shoreland and building setbacks, as well as the maximum amount of impervious surface permitted in the Shoreland District. It should be noted that the City would not issue a building permit for a proposed home that did not meet the requirements of the Code, with the exception of the provisions related to the proposed variance if granted.

Given that the application is still within the 60 day timeframe that is permitted under Minnesota Statute 15.99 to make a decision on a zoning or land use application, Staff is recommending that the Planning Commission table the variance request to allow for additional time to finalize the septic design. The applicants have assured Staff that the updated septic design will be completed in advance of the September 23rd meeting. This would allow Washington County to review the proposed septic system and make a recommendation to the City. It should also be noted that should the applicants not provide the necessary information by the meeting on September 23rd, any postponement would require an extension of review by the City, which is not preferable. Finally, Staff did not attach the previous application materials, as no new information has been submitted for the variance application. Planning Commission members are encouraged to bring the application materials from the previous meeting if possible.

RECCOMENDATION:

Staff is recommending that the Planning Commission table the Variance request through the following motion:

“Move to table the Variance request at 09.029.21.22.0025 (Hill Trail North) for further consideration at the next available Planning Commission meeting to allow the applicant more time to submit a septic design that will meet Washington County approval.”

ATTACHMENTS:

1. Email from Gayle and Dean Dworak

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Continue the Public Hearing.....Chair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Nick Johnson

From: dean dworak [deandworak@hotmail.com]
Sent: Thursday, September 05, 2013 4:16 PM
To: Nick Johnson
Subject: Planning Commission

Please table the Variance request at 09.029.21.0025 (Hill Trail North) for further consideration until the Sept. 23 Planning Commission meeting.

During the interim, the following actions are being taken:

- The proposed house plan is being downsized by Home Tec Designers in New Richmond, WI. The proposed driveway will be rerouted to allow for a larger septic drain field.
- Landmark Surveying in Scandia, MN is preparing a Certificate of Survey. The footprint of the proposed home will be included.
- All State Septic Systems is finishing the soil borings and percolation tests to design an acceptable subsurface septic system for approval by Washington County.

All the above actions will be completed prior to the Sept 23 Planning Commission meeting.

Dean and Gayle Dworak, Variance Applicants



Planning Commission
Date: 9/9/13
Business Item
Item: 5a

ITEM: Draft VMX Village Mixed Use Zoning District – Zoning Text and Map Amendments
REQUESTED BY: Planning Department
SUBMITTED BY: Kyle Klatt, Planning Director
REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to continue its prior discussion regarding a proposed Village Mixed Use zoning district that has been drafted in order to implement the City's land use plan for this portion of the community. The Planning Commission reviewed the proposed ordinance at a workshop meeting earlier this year, and given the large number of new Commissioner's, Staff would like to spend some time at the next meeting going through the draft document with the Planning Commission once again.

The new mixed-use district would be incorporated into Article 11 of the City's revised Zoning Ordinance, which is the section of the code that contains the standards for each of the City's zoning districts. The City has previously approved new urban residential zoning districts, revised the rural zoning districts to fit the new format, and updated the general commercial zoning districts within Article 11.

The draft ordinance is very much still a working document and Staff has made only minor modifications to the ordinance since the last Planning Commission review. Because this district is intended to regulate land uses within the central portion the Village area, it has been designed to allow a wide range of uses and encourages the mixing of different use types. Most of the proposed ordinance has been completed in draft form with the exception of the proposed Design Standards for the district. Staff will be working to prepare a final draft of the City's design standards manual for review at the next Commission meeting, and these standards are intended to apply to development within the VMX district. Furthermore, Staff is still trying to decide the most appropriate way to incorporate design review into the zoning district standards, and will revise the VMX district standards to include a section on design review.

ADDITIONAL INFORMATION

The proposed ordinance has been drafted to be consistent with the vision for the Village Area as documented in the recent Comprehensive Plan amendment reviewed and recommended by the Planning Commission. This includes a large area in the central portion of the Village Area that is guided for mixed-use development. Staff is still working on the zoning map amendments that will accompany this ordinance, and will review the proposed district area and boundaries with the Planning Commission at its meeting. There are a few other sections of the ordinance that should be incorporated into the draft documenting, including provisions that provide for additional protections for existing homes in and around the VMX district that will also be added to future iterations of the ordinance.

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

RECOMMENDATION:

Staff recommends that the Planning Commission review the proposed amendments to Article 11 – VMX Village Mixed Use District and provide and comments and feedback to Staff at the meeting.

ATTACHMENTS (1):

1. Draft Article 11 – VMX Village Mixed Use District Amendment

Article 11 - VILLAGE MIXED USE DISTRICT

§154.500	Purpose and District Description
§154.501	Permitted and Conditional Uses
§154.502	Lot Dimensions and Building Bulk Requirements
§154.503	Dimensional Requirements and Preservation of Open Space
§154.504	General Site Design Considerations - LMX District
§154.504	Development Standards for Specific Uses
§154.505	LMX District Design and Demolition Review
§154.506	LMX District Design Standards
§154.507	Accessory Uses and Structures
§154.508	Residential Accessory Structures
§154.509	Accessory Uses
§154.510	Accessory Uses and Structures Not Listed

§154.500 Purpose.

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

§154.501 Permitted and Conditional Uses.

Table 11-1 lists all permitted and conditional uses allowed in the urban residential districts. "P" indicates a permitted use, "C" a conditional use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this Ordinance of specific development standards that apply to the listed use.

- A. *Combinations of uses.* The following use types may be combined on a single parcel:
1. Principal and accessory uses may be combined on a single parcel.
 2. A principal and secondary dwelling unit may be combined according to the standards of [Section 155.137](#).
 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	154.454.B,H
Two-family dwelling	P	154.454.E
Single-family attached dwelling	C	154.454.F,J
Multifamily dwelling	C	154.454.G,K
Secondary dwelling	C	154.454.C
Live-work unit	P	154.454.L
Group Living		
Group Home	P	155.102.C
Group Residential Facility	C	155.102.D
Halfway House	-	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	
Religious Institutions	P	
Schools, Public and Private	C	155.103.E
Services		
Business Services	P	
Business Center	P	
Offices	P	154.454.M
Communications Services	P	
Education Services	P	
Financial Institution	P	
Funeral Home	C	154.454.I
Lodging	C	
Medical Facility	C	
Membership Organization	P	
Nursing and Personal Care	C	155.104.C
Personal Services	P	154.454.M
Repair and Maintenance Shop	C	
Trade Shop	C	
Veterinary Services	P	

Food Services		
Standard Restaurant	P	
Restaurant with Drive-through	C	
Drinking and Entertainment	P	
Sales of Merchandise		
Retail Trade ¹	P	
Farmer's Market	P	
Garden Center	C	
Neighborhood Convenience Store	P	154.454.N
Shopping Center	C	
Wayside Stand	P	154.454.D
Wholesaling	-	
Automotive/Vehicular Uses		
Automobile Maintenance Service	C	
Automobile Parts/Supply	P	
Car Wash	-	
Gasoline Station	C	
Parking Facility	C	
Sales and Storage Lots	C	
Outdoor Recreation		
Outdoor Recreation Facility	P	
Parks and Open Areas	P	
Indoor Recreation/Entertainment		
Indoor Athletic Facility	C	
Indoor Recreation	C	
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

Water-Oriented Accessory Structures	P	
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 §155.507.B.5 with the exception of building supplies sales and warehouse club sales.

§154.502 Lot dimensions and building bulk requirements.

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

Table 11-2: Lot Dimension and Setback Requirements, VMX 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
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
Maximum Impervious Coverage	
Residential Structures	75%
Other Structures	No Limit

Minimum Building Setbacks (feet)	
Front Yard ^e	See 155.506
Interior Side Yard	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.

§154.503 Dimensional Requirements and Preservation of Open Space

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

§154.504 General Site Design Considerations VMX District

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.* 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 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.
- 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.

§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.* 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 fifteen (15) 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.
- 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 facade 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 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 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.
- 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.

§154.506 VMX District Design Review and Demolition Review

- A. *Design Review Process.* All development activity within the VMX District shall be reviewed for compliance with the standards in [§154.506](#) and [§154.507](#) and for consistency with the Lake Elmo Design Standards Manual. Design review shall occur concurrently with the review of site and building plans by the Zoning Administrator or Planning Commission.

- B. *Demolition Review Process.* Applications for demolition of structures within the VMX District shall be reviewed by the Planning Commission for compliance with the following standards.
1. *Demolition Defined.* The demolition review process shall be required for any work that requires a demolition permit in accordance with **Section 155.34 (A)** of this Chapter. Demolition does not include the removal of non-structural components of a building, including, but not limited to, ornamental features, staircases, decks, balconies, and other features.
 2. No application to demolish any structure more than fifty (50) years old shall be approved unless the applicant demonstrates:
 - a. That the rehabilitation of a structure or construction of a new structure will have a greater positive impact upon the District's economic vitality and appearance than the preservation of the structure proposed to be demolished and the rehabilitation of the structure or the construction of the new structure would not be possible or economically feasible without the demolition of the structure proposed to be demolished; or
 - b. That the applicant cannot obtain a reasonable economic return from the property or structure unless the structure is demolished; or
 - c. That the structure has serious structural defects and represents a threat to public health and safety, and that it is not economically feasible to repair these defects in a manner consistent with this Ordinance.
 3. No application for demolition shall be approved without concurrent approval of a plan for construction of a new structure to replace the demolished structure that shall reinforce and enhance the character of the District.

§154.507 VMX District Design Standards

Design standards within the VMX District are based on the recommendations of the Lake Elmo Design Standards Manual, which shall be used as a reference for new development or rehabilitation of all buildings within the district.

- A. **Building Placement and Design**
- B. **Parking and Loading Requirements**
- C. **Building Type Standards**
- D. **Site Design**

(TO BE COMPLETED)

§154.508 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 area, extent, and purpose to the principal use or structure served.
- D. *Function.* The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

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

§154.509 Residential Accessory Structures.

On parcels used for residential structures within the VMX District, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.

- A. *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 2. The structure shall not exceed the height of the principal building to which it is attached.
- B. *Attached Garages.*
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; or
 - c. The width of the attached garage shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street.
 2. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
 3. Garage doors or openings shall not exceed fourteen (14) feet in height.
- C. *Detached structures.* 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 one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
 3. Pole barns, as defined herein, exceeding one hundred twenty (120) square feet 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.

§154.510 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 from adjacent properties.
 6. Outdoor parking.
- B. *Temporary Sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two (2) per calendar year per residence, not to exceed four (4) days in length.

§154.511 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.