



MAYOR & COUNCIL COMMUNICATION

DATE: December 15, 2015

REGULAR

ITEM # 21

AGENDA ITEM: Development Agreement Security Reductions – Approve Policy Revisions.

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Stephen Wensman, City Planner
Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....City Staff
- Report/Presentation.....City Staff
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Administration/Finance/Engineering are presenting a policy revision for Council consideration.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving revisions to the “Summary of Security Requirements” and “Reduction of Security” provisions for the City’s Master Development Agreement as presented or amended at the meeting.

If revisions are approved, the City Council is respectfully requested to consider authorizing staff to apply the amended provisions to the active development projects in the City, thereby allowing for security reductions to be processed for council approval in advance of what is currently allowed in the respective signed development agreements.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

At the December 1, 2015 Council meeting, City staff was directed to review the Security Reduction process from the City’s Master Development Agreement to determine if additional security reductions

could be accommodated as requested by several developers while maintaining the City's security interests and goals.

The key issue with the current security reduction procedures, as explained by the developers, is that the City potentially may retain 80% to 100% of the initial security until the improvements are roughly 75% to 85% complete. If the developer reaches this milestone during the construction season the timeframe for this discrepancy is relatively short if the development project is well managed. However, if this milestone is reached at the end of the construction season, due to weather conditions, the developer may end up with this discrepancy over the winter months without the opportunity to gain additional reductions for some time.

The City's primary goal is to retain at all times during the subdivision improvements a security amount that is adequate to ensure completion of all elements of the improvements as protection to the City tax payers against the potential of developer default. Additional City goals include: (1) the desire to retain sufficient security to provide the developer the incentive to complete all improvements on schedule, (2) to provide an incentive to maintain timely and responsive progress with the restoration, landscaping, corrective actions and other minor improvement items that would otherwise become a nuisance to surrounding properties and the City, and (3) to keep the number of security reduction requests manageable for City staff.

With these principals in mind, City staff has prepared revisions to the "Summary of Security Requirements" and "Reduction of Security" provisions for the City's Master Development Agreement for council consideration. The revised provisions are attached for review. Staff will review these provisions in greater detail with Council as part of the staff report at the meeting.

RECOMMENDATION:

Staff is recommending that the City Council approve revisions to the "Summary of Security Requirements" and "Reduction of Security" provisions for the City's Master Development Agreement as presented or amended at the meeting. The recommended motion for the action is as follows:

"Move to approve revisions to the "Summary of Security Requirements" and "Reduction of Security" provisions for the City's Master Development Agreement (as presented) or (as amended)."

If revisions are approved, staff is recommending that the City Council authorize staff to apply the amended provisions to the active development projects in the City, thereby allowing for security reductions to be processed for council approval in advance of what is currently allowed in the respective signed development agreements. The recommended motion for the action is as follows:

"Move to authorize staff to apply the amended provisions to the active development projects in the City, thereby allowing for security reductions to be processed for council approval in advance of what is currently allowed in the respective signed development agreements."

ATTACHMENT(S):

1. Proposed Revisions including Pages 18-21 of the Master Development Agreement.

from the date of final written acceptance, unless the wearing course is placed during the same construction season as the bituminous base course. In those instances, the Developer shall guarantee all work, including street construction, concrete curb and gutter, sidewalks and trails, material and equipment for a period of two (2) years from the date of final written City acceptance of the work.

C. The required warranty period for sod, trees, and landscaping is two growing seasons following installation.

34. SUMMARY OF SECURITY REQUIREMENTS. To guarantee compliance with the terms of this agreement, payment of special assessments, payment of the costs of all public improvements, and construction of all public improvements, the Developer shall furnish the City with an irrevocable letter of credit, in the form attached hereto, from a bank, cash escrow or a combination cash escrow and Letter of Credit ("security") for \$ _____. The amount of the security was calculated as follows:

CONSTRUCTION CATEGORY:	COST	125%
1. Grading		
2. Sanitary Sewer		
3. Watermain		
<u>4. Storm Sewer (includes pond structures and outfall pipes)</u>		
4.5 Streets (includes Sidewalks)		
5-6 Trails		
<u>7. Surface Water Facilities (pipe, ponds, infiltration basins, bio retention basins, rain gardens, etc.)</u>		
7. Erosion Control		
8. Street Lighting		
<u>9. Street Signs and Traffic Control Signs</u>		
<u>9-10. Private Utilities (electricity, natural gas, telephone, and cable)</u>		

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- ~~40.11.~~ Landscaping
- ~~41.12.~~ Tree Preservation and Restoration
- ~~42.13.~~ Wetland Mitigation and Buffers
- ~~43.14.~~ Monuments
- 15. Erosion and Sedimentation Control
- ~~44.16.~~ Miscellaneous Facilities
- ~~45.~~ Developer's Record Drawings
- 17.

CONSTRUCTION SUBTOTAL	\$	N/A
TOTAL PROJECT SECURITIES (at 125% Construction Costs)	\$	N/A

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This breakdown is for historical reference; it is not a restriction on the use of the security. The bank shall be subject to the approval of the City Administrator. The City may draw down the security, without notice, for any violation of the terms of this Contract or if the security is allowed to lapse prior to the end of the required term. If the required public improvements are not completed at least thirty (30) days prior to the expiration of the security, the City may also draw it down. If the security is drawn down, the proceeds shall be used to cure the default.

35.36. REDUCTION OF SECURITY. Upon written request by the Developer to the City Engineer and upon receipt of proof satisfactory to the City Engineer that work has been completed in accordance with the approved plans and specifications, and terms of this Agreement, and that all financial obligations to the City have been satisfied, ~~with the~~ City Engineer may approve ~~reductions in~~ the security ~~may be reduced~~ as follows:

A. Upon completion of grading operations, including temporary site restoration, Developer shall submit an as-built grading survey to the City that at a minimum establishes the as-built grades at all lot corners and downstream drainage conveyance systems and storm water ponds. Upon inspection of the site and approval of the as-built survey, 100%, or \$ _____, of the

grading security ~~may~~ shall be released. This security reduction does not include amounts related to erosion and sedimentation control.

B. Up to 75% of the security provided in accordance with paragraph 34 may be released upon completion of the following key milestones of the project as determined by the City Engineer at the following stages of construction and project approvals by the City.

C. Construction Categories 2 and 3: The amount of \$ _____ may be released when all sanitary sewer and watermain utilities have been installed, all testing and televising has been successfully completed, sanitary sewer as-built inverts utility record drawings have been verified, and the utilities are considered ready for use by the City Engineer.

D. Construction Categories 4 and 5-6: The amount of \$ _____ may be released when all streets, sidewalks, ~~trails, and~~ storm sewer, ~~and storm water facilities~~ have been installed and tested, and have been found to be complete to the satisfaction of the City Engineer including all corrective work for any identified punch list items and including verification of storm sewer as-built inverts, but not including the final wear course.

E. Construction Categories ~~6-7-185~~: The amount of \$ _____ may be released when all remaining Developer's obligations under this Agreement have been completed ~~and the Public Improvements have been found to be complete to the satisfaction of the City including all corrective work for any identified punch list items, but not including the final wear course, including: (1) bituminous wear course, (2) street lighting and private utilities, (3) trails, (4) bio retention facilities, (5) iron monuments for lot corners have been installed, (3) all financial obligations to the City satisfied, (4) the required "record" plans in the form of the City standards have been received and approved by the City, and (5) the public improvements are accepted by the City Engineer and City Council.~~

F. At no point may the Security be reduced below Twenty-five percent (25%) of the ~~original security amounts in paragraph 34 shall be retained as security~~ until: (1) the warranty period has expired ~~all improvements have been completed, including bituminous wear course,~~ (2) all improvements have been fully completed and excepted by the City, including all corrective work and identified punch list items ~~iron monuments for lot corners have been installed,~~ and (3) all financial obligations to the City have

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~~been satisfied, (4) the required "record" plans have been received and approved by the City, (5) a warranty security is provided, and (6) the public improvements are accepted by the City.~~

~~G. In addition to the above project milestone based security reductions, the Developer may submit written request to the City Engineer and upon receipt of proof satisfactory to the City Engineer that work is progressing in accordance with the approved plans and specifications, and terms of this Agreement, and that all financial obligations to the City have been satisfied, the City Engineer may approve a one-time reduction in the security for Construction Categories 2-5 in an amount not to exceed fifty percent (50%) of the initial security amounts.~~

~~A.H. It is the intention of the parties that the City at all times have available to it a Letter of Credit in an amount adequate to ensure completion of all elements of the Subdivision Improvements and other obligations of the Developer under this Agreement, including fees or costs due to the City by the Developer. To that end and notwithstanding anything herein to the contrary, all requests by the Developer for a reduction or release of the Letter of Credit shall be evaluated by the City in light of that principle.~~

36. SUMMARY OF CASH REQUIREMENTS. The following is a summary of the cash requirements under this Contract which must be furnished to the City at the time of final plat approval:

Sewer Availability Charge (SAC)	\$
Water Availability Charge (WAC)	
Erosion Control	
Park Dedication	
Street Light Operating Fee	
City Base Map Upgrading	
City Engineering Administration Escrow	
TOTAL CASH REQUIREMENTS	\$

37. NOTICES. Required notices to the Developer shall be in writing, and shall be either hand delivered to the Developer, its employees or agents, or mailed to the Developer by certified mail at the following address: _____ . Notices to the City shall be in writing and shall be either hand delivered to the City Administrator, or mailed to the City by certified mail in care of the City Administrator at the following address: Lake Elmo City Hall, 3800 Laverne Avenue N. Lake Elmo, Minnesota 55042.



MAYOR & COUNCIL COMMUNICATION

DATE: December 15, 2015
REGULAR
ITEM # 21.a

AGENDA ITEM: Boulder Ponds – Approve Security Reduction #1.

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Stephen Wensman, City Planner
Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....City Staff
- Report/Presentation.....City Staff
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- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Administration/Finance/Planning/Engineering.

FISCAL IMPACT:

It is the City’s goal to retain at all times during the subdivision improvements a security amount that is adequate to ensure completion of all elements of the improvements as protection to the City tax payers against the potential of developer default. With this reduction the remaining security amount held by the City will be \$1,565,229 which remains over and above the estimate to completion for the remaining subdivision improvements.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving a reduction in the security amount for the Boulder Ponds 1st Addition.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The Boulder Ponds 1st Addition developer installed improvements have been substantially completed including the installation of sanitary sewer, watermain, storm sewer, residential streets, 5th Street, trails

and sidewalks, and partial landscaping consisting of over \$2.7 million in construction costs. In accordance with Section 36 of the Boulder Ponds Development Contract, the progress for the improvements have been satisfied for the sanitary sewer and watermain but have not reached the threshold necessary to be edible for a security reduction at this time for the remaining improvements. Due to the end of the construction season the developer will not have an opportunity to reach the necessary thresholds until next spring.

RECOMMENDATION:

If the City Council adopts a revised security reduction policy to be presented by staff at the December 15, 2015 council meeting, and further directs staff to apply the revised policy to all active developments in the City, then staff is recommending that the City Council approve a reduction in the security amount for the Boulder Ponds 1st Addition. The recommended motion for the action is as follows:

“Move to approve a reduction of the Letter of Credit for the Boulder Ponds 1st Addition from \$3,610,726 down to \$1,565,229.”

ATTACHMENT(S):

1. Engineer’s Letter Recommending Security Reduction #1 for the Boulder Ponds 1st Addition.



December 11, 2015

Ms. Deb Ridgeway
The Excelsior Goup, LLC
1660 Highway 100 South, Suite 400
St. Louis Park, MN 55416

Re: Boulder Ponds
Security Reduction #1

Dear Ms. Ridgeway:

We have reviewed your request for a reduction in the security for Boulder Ponds. In accordance with Section 36 of the Boulder Ponds Development Contract, the progress for the improvements have been satisfied for sanitary sewer and watermain but have not reached the threshold necessary to be edible for a security reduction at this time for the remaining improvements.

However, should the City Council adopt a revised policy to be presented by staff at the December 15, 2015 council meeting, and direct staff to apply the revised policy to all active developments in the City, then the security amount of \$3,610,726 may be reduced to \$1,565,229.

Should you have any questions or require additional information, please call me 651.300.4264.

Sincerely,

John (Jack) W. Griffin, P.E.
City Engineer

cc: Clark Shroeder, Interim City Administrator
Cathy Bendel, Finance Director
Stephen Wensman, City Planner



MAYOR & COUNCIL COMMUNICATION

DATE: December 15, 2015

REGULAR

ITEM # 21.b.

AGENDA ITEM: Hunters Crossing 1st Addition – Approve Security Reduction #1.

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Stephen Wensman, City Planner
Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....City Staff
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- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Administration/Finance/Planning/Engineering.

FISCAL IMPACT:

It is the City’s goal to retain at all times during the subdivision improvements a security amount that is adequate to ensure completion of all elements of the improvements as protection to the City tax payers against the potential of developer default. With this reduction the remaining security amount held by the City will be \$894,649 which remains well over and above the estimate to completion for the remaining subdivision improvements.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving a reduction in the security amount for the Hunters Crossing 1st Addition.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The Hunters Crossing 1st Addition developer installed improvements have been substantially completed including the installation of sanitary sewer, watermain, storm sewer, streets and sidewalks consisting of over \$1.3 million in construction costs. However, in accordance with Section 37 of the Hunters Crossing 1st Addition Development Contract, the progress for the improvements have not reached the threshold necessary to be eligible for a security reduction at this time. Due to the end of the construction season the developer will not have an opportunity to reach the necessary thresholds until next spring.

RECOMMENDATION:

If the City Council adopts a revised security reduction policy to be presented by staff at the December 15, 2015 council meeting, and further directs staff to apply the revised policy to all active developments in the City, then staff is recommending that the City Council approve a reduction in the security amount for the Hunters Crossing 1st Addition. The recommended motion for the action is as follows:

“Move to approve a reduction of the Letter of Credit for the Hunters Crossing 1st Addition from \$1,619,769 down to \$894,649.”

ATTACHMENT(S):

1. Engineer’s Letter Recommending Security Reduction #2 for the Hunters Crossing 1st Addition.
2. Developer's Letter Requesting Reduction of Security for the Hunters Crossing 1st Addition.



continuing the legacies of Ryland and Standard Pacific

Twin Cities
7599 Anagram Drive
Eden Prairie, MN 55344

952-229-6000 Tel

www.calatlantichomes.com

December 3, 2015

Ryan Stempski, P.E.
Focus Engineering, Inc.
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: Request for Letter of Credit Reduction – Hunters Crossing

Dear Mr. Stempski:

CalAtlantic Homes currently has two LOCs with the City of Lake Elmo. This letter is intended to be a summary of CalAtlantic's requests to have both LOCs reduced according to the Development Contracts. A spreadsheet detailing the reductions is attached.

Hunters Crossing 1st Addition
LOC #IS0252285U for \$1,619,768.00

This addition was substantially completed this past summer, final street improvements, pond filtration, and landscaping remain. Per the DA, section 37 A., CalAtlantic requests this LOC be reduced down to **\$869,335**.

Hunters Crossing 2nd Addition
LOC #IS0305143U for \$1,145,404.00

This addition was significantly completed this past summer, sidewalks, final street improvements, and landscaping remain. Per the DA, section 37 A., CalAtlantic requests this LOC be reduced down to **\$601,976**.

Please feel free to contact me with any questions at (952) 229-6034.

Sincerely,

CalAtlantic Group, Inc.

Shawn Wenzel, P.E.
Land Coordinator

Enclosure: LOC Reduction Request Spreadsheet

Cc: Mark Sonstegard, VP Land Development – CalAtlantic Homes
Jack Griffin, City Engineer – Focus Engineering



December 11, 2015

Mr. Shawn Wenzel
CalAtlantic Group, Inc.
7699 Anagram Drive
Eden Prairie, MN 55344

Re: Hunters Crossing 1st Addition
Security Reduction #1

Dear Mr. Wenzel:

We have reviewed your request dated December 3, 2015 for a reduction in the security for the Hunters Crossing 1st Addition. In accordance with Section 37 of the Hunters Crossing 1st Addition Development Contract, the progress for the improvements have not reached the threshold necessary to be eligible for a security reduction at this time.

However, should the City Council adopt a revised policy to be presented by staff at the December 15, 2015 council meeting, and direct staff to apply the revised policy to all active developments in the City, then the security amount of \$1,619,769 may be reduced to \$894,649.

Should you have any questions or require additional information, please call me 651.300.4264.

Sincerely,

John (Jack) W. Griffin, P.E.
City Engineer

cc: Clark Shroeder, Interim City Administrator
Cathy Bendel, Finance Director
Stephen Wensman, City Planner



MAYOR & COUNCIL COMMUNICATION

DATE: December 15, 2015

REGULAR

ITEM # 21.c

AGENDA ITEM: Wildflower at Lake Elmo – Approve Security Reduction #2.

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Stephen Wensman, City Planner
Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....City Staff
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- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Administration/Finance/Planning/Engineering.

FISCAL IMPACT:

It is the City’s goal to retain at all times during the subdivision improvements a security amount that is adequate to ensure completion of all elements of the improvements as protection to the City tax payers against the potential of developer default. With this reduction the remaining security amount held by the City will be \$2,310,740 which remains over and above the estimate to completion for the remaining subdivision improvements.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving a reduction in the security amount for the Wildflower at Lake Elmo 1st Addition.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The developer has completed a substantial portion of the required development improvements for the Wildflower at Lake Elmo 1st Addition including the installation of sanitary sewer, installation of watermain, a substantial portion of storm sewer and about 35% of the required public street improvements consisting of over \$2.5 million in construction costs. However, in accordance with Section 35 of the Wildflower at Lake Elmo 1st Addition Development Contract, the progress for the improvements have not reached the threshold necessary to be eligible for a security reduction at this time. Due to the end of the construction season the developer will not have an opportunity to reach the necessary thresholds until next spring.

RECOMMENDATION:

If the City Council adopts a revised security reduction policy to be presented by staff at the December 15, 2015 council meeting, and further directs staff to apply the revised policy to all active developments in the City, then staff is recommending that the City Council approve a reduction in the security amount for the Wildflower at Lake Elmo 1st Addition. The recommended motion for the action is as follows:

“Move to approve a reduction of the Letter of Credit for the Wildflower at Lake Elmo 1st Addition from \$3,440,831 down to \$2,310,740.”

ATTACHMENT(S):

1. Engineer’s Letter Recommending Security Reduction #2 for the Wildflower at Lake 1st Addition.
2. Developer's Letter Requesting Reduction of Security for the Wildflower at Lake 1st Addition.



December 11, 2015

Mr. Robert Engstrom
Robert Engstrom Companies
4801 West 81st Street, Suite 101
Minneapolis, MN 55437

Re: Wildflower at Lake Elmo 1st Addition
Security Reduction #2

Dear Mr. Engstrom:

We have reviewed your request dated December 10, 2015 for a reduction in the security for the Wildflower at Lake Elmo 1st Addition. In accordance with Section 35 of the Wildflower at Lake Elmo 1st Addition Development Contract, the progress for the improvements have not reached the threshold necessary to be edible for a security reduction at this time.

However, should the City Council adopt a revised policy to be presented by staff at the December 15, 2015 council meeting, and direct staff to apply the revised policy to all active developments in the City, then the security amount of \$3,440,831 may be reduced to \$2,310,740.

Should you have any questions or require additional information, please call me 651.300.4264.

Sincerely,

John (Jack) W. Griffin, P.E.
City Engineer

cc: Clark Shroeder, Interim City Administrator
Cathy Bendel, Finance Director
Stephen Wensman, City Planner



Jack Griffin <jack.griffin@focusengineeringinc.com>

Wildflower at Lake Elmo LOC

1 message

Robert Engstrom <bob@engstromco.com>

Thu, Dec 10, 2015 at 1:07 PM

To: "John (Jack) Griffin, PE" <jack.griffin@focusengineeringinc.com>

December 10, 2015

Jack Griffin

Focus Engineering

Dear Jack,

Robert Engstrom Companies is requesting the City of Lake Elmo to reduce the Letter of Credit for site improvements at Wildflower at Lake Elmo. The reduction is based on the proposed reduction policy discussed in our meeting on December 9, 2015. I understand that this policy will be presented to the City Council on December 15, 2015. If approved, we are requesting the City Council take action on our request at the same meeting.

Improvements completed are, sanitary sewer, water main and storm sewer. Improvements partially complete are, streets and trails. As agreed, attached is the latest pay request to assist in the calculation of the reduction.

If you have question, please contact me.

Kind Regards,

Bob Engstrom



MAYOR & COUNCIL COMMUNICATION

DATE: December 15, 2015

REGULAR

ITEM # 21.d

AGENDA ITEM: Hunters Crossing 2nd Addition – Approve Security Reduction #1.

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Stephen Wensman, City Planner
Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

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- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Administration/Finance/Planning/Engineering.

FISCAL IMPACT:

It is the City’s goal to retain at all times during the subdivision improvements a security amount that is adequate to ensure completion of all elements of the improvements as protection to the City tax payers against the potential of developer default. With this reduction the remaining security amount held by the City will be \$591,726 which remains well over and above the estimate to completion for the remaining subdivision improvements.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving a reduction in the security amount for the Hunters Crossing 2nd Addition.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The Hunters Crossing 2nd Addition developer installed improvements have been substantially completed including the installation of sanitary sewer, watermain, storm sewer, residential streets, 5th Street (south

half) and sidewalks consisting of over \$900,000 in construction costs. However, in accordance with Section 36 of the Hunters Crossing 2nd Addition Development Contract, the progress for the improvements have not reached the threshold necessary to be eligible for a security reduction at this time. Due to the end of the construction season the developer will not have an opportunity to reach the necessary thresholds until next spring.

RECOMMENDATION:

If the City Council adopts a revised security reduction policy to be presented by staff at the December 15, 2015 council meeting, and further directs staff to apply the revised policy to all active developments in the City, then staff is recommending that the City Council approve a reduction in the security amount for the Hunters Crossing 2nd Addition. The recommended motion for the action is as follows:

“Move to approve a reduction of the Letter of Credit for the Hunters Crossing 2nd Addition from \$1,145,404 down to \$591,726.”

ATTACHMENT(S):

1. Engineer’s Letter Recommending Security Reduction #1 for the Hunters Crossing 2nd Addition.
2. Developer's Letter Requesting Reduction of Security for the Hunters Crossing 2nd Addition.



continuing the legacies of Ryland and Standard Pacific

Twin Cities
7599 Anagram Drive
Eden Prairie, MN 55344

952-229-6000 Tel

www.calatlantichomes.com

December 3, 2015

Ryan Stempski, P.E.
Focus Engineering, Inc.
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: Request for Letter of Credit Reduction – Hunters Crossing

Dear Mr. Stempski:

CalAtlantic Homes currently has two LOCs with the City of Lake Elmo. This letter is intended to be a summary of CalAtlantic's requests to have both LOCs reduced according to the Development Contracts. A spreadsheet detailing the reductions is attached.

Hunters Crossing 1st Addition
LOC #IS0252285U for \$1,619,768.00

This addition was substantially completed this past summer, final street improvements, pond filtration, and landscaping remain. Per the DA, section 37 A., CalAtlantic requests this LOC be reduced down to **\$869,335**.

Hunters Crossing 2nd Addition
LOC #IS0305143U for \$1,145,404.00

This addition was significantly completed this past summer, sidewalks, final street improvements, and landscaping remain. Per the DA, section 37 A., CalAtlantic requests this LOC be reduced down to **\$601,976**.

Please feel free to contact me with any questions at (952) 229-6034.

Sincerely,

CalAtlantic Group, Inc.

Shawn Wenzel, P.E.
Land Coordinator

Enclosure: LOC Reduction Request Spreadsheet

Cc: Mark Sonstegard, VP Land Development – CalAtlantic Homes
Jack Griffin, City Engineer – Focus Engineering



December 11, 2015

Mr. Shawn Wenzel
CalAtlantic Group, Inc.
7699 Anagram Drive
Eden Prairie, MN 55344

Re: Hunters Crossing 2nd Addition
Security Reduction #1

Dear Mr. Wenzel:

We have reviewed your request dated December 3, 2015 for a reduction in the security for the Hunters Crossing 2nd Addition. In accordance with Section 36 of the Hunters Crossing 2nd Addition Development Contract, the progress for the improvements have not reached the threshold necessary to be eligible for a security reduction at this time.

However, should the City Council adopt a revised policy to be presented by staff at the December 15, 2015 council meeting, and direct staff to apply the revised policy to all active developments in the City, then the security amount of \$1,145,404 may be reduced to \$591,726.

Should you have any questions or require additional information, please call me 651.300.4264.

Sincerely,

John (Jack) W. Griffin, P.E.
City Engineer

cc: Clark Shroeder, Interim City Administrator
Cathy Bendel, Finance Director
Stephen Wensman, City Planner



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/15/2015
REGULAR
ITEM #: 22
MOTION

AGENDA ITEM: Ordinance Amendments to Article IX of the Zoning Ordinance – Rural Districts as it pertains to Permitted, Conditional, and Interim Uses

SUBMITTED BY: Stephen Wensman

THROUGH: Clark Schroeder

REVIEWED BY: Joan Ziertman
Clark Schroeder

SUGGESTED ORDER OF BUSINESS:

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- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

The Planning Commission held a public hearing on November 23, 2015 to discuss and take testimony on possible changes to Article IX of the Zoning Ordinance – Rural Districts, as it pertains to the following permitted, conditional, and interim uses: secondary dwellings, cemetery, commercial kennel, commercial stable, golf courses, restricted recreation, and agricultural sales business uses in the rural districts. Staff has been asked to hold off on any further discussion or action related to cemeteries due to pending litigation. The Planning Commission recommends that the City Council take action to approve the ordinance text amendments to Article IX of the Zoning Ordinance – Rural Districts with the following motion:

The Planning commission recommends the City Council accept the proposed amendment to Article IX of the Zoning Ordinance – Rural Districts and Article II-Definitions by approving the following motion:

“Move to approve an ordinance amendment, amending Article IX of the Zoning Ordinance making secondary dwellings a permitted use in the Rural Residential District, removing commercial kennels as a conditional use in the RT -Rural Development Transitional District and RR -Rural Residential District, removing restricted recreation as conditional use in the Agriculture District, and amending Article II, striking, “or, within a detached structure”, from the definition of secondary dwelling.”

BACKGROUND AND STAFF REPORT:

On October 26, 2015 Kyle Klatt, the former Community Development Director, reviewed Zoning Ordinance Use Classifications generally with the Planning Commission and after which it was suggested that a public hearing be held to take public testimony and to specifically consider amending the following permitted, conditional and interim uses in the rural districts: secondary dwellings, cemetery, commercial kennel, commercial stable, golf courses, restricted recreation, and agricultural sales business uses. The Planning Commission held a public hearing on November 23, 2015 to discuss and take testimony on the uses with respect to their fit with:

1. The Purpose of the individual zoning districts;
2. The intent and purpose consistent with the Comprehensive Plan;
3. The likely impact of the uses on the individual rural zoning districts considering the typical lot sizes and densities of the neighborhoods; and
4. The site design and development standards.

The public hearing comments were only in response to cemeteries which is not being considered at this time. The Planning Commission discussed the uses and recommended the following changes:

Article IX, Section 154.401, Table 9-1 Permitted and Conditional Uses, Rural Districts

	RT	A	RR	RS	RE
Residential District Uses					
Secondary dwelling	-	P	P	-	-
Commercial Kennel	C	C	C	-	-
Commercial Stable	-	C	-	-	-
Golf Course	-	C	-	-	-
Restricted Recreation	-	C	-	-	-
Agricultural Sales Business	I	I	I	-	-

ARTICLE II, Section 154.012, Subd. B1a.

DEFINITIONS:

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.

In addition to the above mentioned changes, the Planning Commission directed staff to research strengthening the standards for commercial kennels and stables and to come back with a draft ordinance amendment in the future.

RECOMMENDATION:

The Planning commission recommends the City Council accept the proposed amendment to Article IX of the Zoning Ordinance – Rural Districts and Article II-Definitions by approving the following motion:

“Move to approve an ordinance amendment, amending Article IX of the Zoning Ordinance making secondary dwellings a permitted use in the Rural Residential District, removing commercial kennels as a conditional use in the RT -Rural Development Transitional District and RR -Rural Residential District, removing restricted recreation as conditional use in the Agriculture District, and amending Article II, striking, “or, within a detached structure”, from the definition of secondary dwelling.”

ATTACHMENT(S):

- Planning Commission Staff Report dated 10/12/15.
- Planning Commission Staff Report dated 11/23/15.
- Planning Commission Minutes dated 10/12/15.
- Planning Commission Minutes dated 11/23/15.
- Article IX of the Lake Elmo Code of Ordinances.
- Article II of the Lake Elmo Code of Ordinances.



PLANNING COMMISSION
DATE: 10/12/15
AGENDA ITEM: 5A – BUSINESS ITEM
CASE # 2015-033

ITEM: Zoning Text Amendment – Review of Zoning District Use Classifications
SUBMITTED BY: Kyle Klatt, Community Development Director *KK*
REVIEWED BY: Planning Commission

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review the City’s overall assignment of different uses between various zoning districts within the City. At a more specific level, Staff is recommending that the Commission consider revisions to remove cemeteries as a permitted use in Agriculture and Rural Residential Zoning Districts.

GENERAL INFORMATION

Applicant: City of Lake Elmo
Property Owners: N/A
Location: N/A – Staff is requesting that the Planning Commission review uses on a City-wide basis.
Request: The Planning Commission is being asked to review the City’s use classifications as regulated across all zoning districts within the City. If the Commission elects to make any changes, Staff is recommending that a public hearing be scheduled for the next meeting in order to hold a public hearing on these changes.
Existing Land Use: N/A
Existing Zoning: N/A
Surrounding Land Use: N/A
Surrounding Zoning: N/A
Comprehensive Plan: N/A
Proposed Zoning: N/A
History: The Planning Department has been working on a complete update to the City’s Zoning Ordinance, and over the past three years has brought forward amendments to nearly all of the individual zoning districts used throughout the code. This included revising existing districts to being them up to date with the new code and to also adopt completely new zoning districts for the City’s future sewer service areas. As part of this work, the City has approved a completely revamped use classification system that is intended to improve consistency throughout the ordinance.

Applicable Regulations: Zoning District Provisions (154.350 through 154.600)

BACKGROUND

The City has recently taken action to deny a preliminary and final plat associated with a cemetery proposed on property zoned RR – Rural Residential. During the City’s review of this project, the Planning Commission and City Council both questioned the reasons for allowing this particular use in the RR district, and the Planning Commission was directed to further consider whether or not the City should amend the code to eliminate (or change) the zoning for cemeteries. With the recent action taken by the Council to deny the cemetery request, Staff is now bringing the zoning issue back for discussion by the Planning Commission.

Because it has been a little while since the City has reviewed the list of uses allowed in any specific zoning district, Staff would like to take some time at the next Planning Commission meeting to review all uses and the distribution of these uses across all of the approved zoning districts. To help the Planning Commission with this review, Staff has created a chart that list each individual zoning district along with each separate use classification defined by the Zoning Ordinance. By working across the chart, the Commission will be able to see in which districts each type of use is allowed, either as a Permitted Use (P), Conditional Use (C), or Interim Use (I). If the use is not allowed in a particular district, the column is blank.

The intent of this exercise is to ensure that the uses as allowed throughout the City are consistent with the intent and purpose of the Comprehensive Plan. The Planning Commission is therefore asked to review all of the uses and discuss any potential changes with Staff at its meeting. If there are any changes proposed, Staff is recommending that these changes be considered at a public hearing at the Commission’s next meeting.

There is a second chart attached to this report that includes the districts that have not yet been updated into the new zoning code. As you will see, there are several older uses that no longer fit with the revised zoning ordinance. At some point, these districts will need to be updated to be integrated with the updated ordinance.

STAFF REVIEW COMMENTS:

Staff will review the list of uses and districts with the Commission at its meeting and be available to answer any questions concerning the attached chart at this time. To help with this review, Staff has also attached a copy of the definitions for each of the separate use classifications.

RECCOMENDATION:

Staff recommends that the Planning Commission review the proposed tables and direct Staff to amend the chart as deemed necessary to improve consistency between the Comprehensive Plan and the Zoning Ordinance.

ATTACHMENTS:

1. Zoning and Use Chart – New Zoning Districts
2. Zoning and Use Chart – Zoning Districts Not Updated
3. Definitions – Use Classifications

ORDER OF BUSINESS:

- Introduction Community Development Director
- Report by Staff City Planner
- Questions from the Commission Chair & Commission Members
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

Types of uses	RT	AG	RR	RS	RE	LDR	MDR	HDR	VMX	LC	CC	C	BP
Commercial Stable	-	C	-	-	-								
Communication Services									P	C	C	P	P
Education Services									P	P	P	P	P
Financial Institution									P	P	P	P	P
Funeral Home						-	-	C	C	-	C	P	-
Lodging									C	-	-	P	C
Medical Facility									C	-	-	C	C
Membership Organization									C	P	P	P	-
Nursing & Personal Care						-	-	C	C	C	C	C	-
Offices						-	-	C	P	P	P	P	P
Personal Services						-	-	C	P	P	P	P	-
Repair & Maintenance Shop						-	-	C	C	-	-	P	-
Self Service Storage Facility	I ^a	I ^a	-	-	-					-	-	C	C
Trade shop									C	-	-	P	-
Transportation Services										-	-	-	C
Veterinary Services									C	P	P	P	C
	I	I	I	-	-								
Agricultural Entertainment Business	P	P	P	-	-								
Agricultural Production	I	I	I	-	-					-	I	P	-
Agricultural Sales Business	C	C	-	-	-					-	-	C	-
Agricultural Services										-	-	C	-
Agricultural Support													
Farmers Market									C				
Forestry Operations	-	P	-	-	-								
Garden Center									C				
Greenhouses, Non Retail	C	C	C	-	-					-	-	-	-
Neighborhood Convenience Store						-	-	C	P	-	P	P	-
Retail Trade ¹									P				
Shopping Center									C	-	P	P	-
Wayside Stand	P	P	P	-	-	P	P	P	P	P	P	P	P
General Retail Sales										C	P	P	C
Building Supply Sales										-	-	C	-

Sales of Merchandise/Agricultural uses

- Agricultural Entertainment Business
- Agricultural Production
- Agricultural Sales Business
- Agricultural Services
- Agricultural Support
- Farmers Market
- Forestry Operations
- Garden Center
- Greenhouses, Non Retail
- Neighborhood Convenience Store
- Retail Trade¹
- Shopping Center
- Wayside Stand
- General Retail Sales
- Building Supply Sales

Types of uses	RT	AG	RR	RS	RE	LDR	MDR	HDR	VMX	LC	CC	C	BP
Indoor Recreation/Entertainment													
Indoor Athletic Facility									C	-	C	P	C
Indoor Recreation									C	-	-	C	-
Adult Establishment										-	-	-	C
Transportation and Communications													
Broadcasting or Communications Facility									C	C	C	C	C
Accessory Uses													
Home Occupation	P	P	P	P	P	P	P	P	P	-	-	-	-
Bed & Breakfast	C	C	C	-	-	C	C	C	C	-	-	-	-
Domestic Pets	P	P	P	P	P	P	P	P	P				
Drive-through facility													
Family Day Care	P	P	P	P	P	P	P	P	P	-	C	C	-
Group Family Day Care						C	C	C	C	-	-	-	-
Kennel, Private	C	C	C	-	-								
Stable, Private	C	C	C	-	-								
Temporary Sales	P	P	P	P	P	P	P	P	P				
Parking Facility													
Solar Equipment	P	P	P	P	P	P	P	P	P	C	C	P	P
Outdoor Storage	P	P	P	P	P	P	P	P	P	P	P	P	P
Outdoor Display													
Swimming pools, hot tub and the like	P	P	P	P	P	P	P	P	P	-	-	C	-
Water oriented accessory Structures	P	P	P	P	P	P	P	P	P				
Commercial Wedding Venue	I	I	I	-	-								
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	P	P	P	P	P	P	P	P	P
Industrial and Extractive uses													
Motor Freight and Warehousing	I ^a	-	-	-	-								C
Heavy Industrial													-
Landfill													-

Types of uses

Indoor Recreation/Entertainment

Indoor Athletic Facility

Indoor Recreation

Adult Establishment

Transportation and Communications

Broadcasting or Communications Facility

Accessory Uses

Home Occupation

Bed & Breakfast

Domestic Pets

Drive-through facility

Family Day Care

Group Family Day Care

Kennel, Private

Stable, Private

Temporary Sales

Parking Facility

Solar Equipment

Outdoor Storage

Outdoor Display

Swimming pools, hot tub and the like

Water oriented accessory Structures

Commercial Wedding Venue

Other structures typically incidental and clearly subordinate to permitted use

Industrial and Extractive uses

Motor Freight and Warehousing

Heavy Industrial

Landfill

Permitted and Conditional uses - Old zoning districts

Types of uses	OP	P	OP-Alt
Residential Uses			
Household Living			
Single-family Detached Dwelling	P		
Single-family attached Dwelling	P		
Townhouses	P	P	
Group Living			
Senior Housing		P	
Public & Civic Uses			
Facilities for Local, County & State Gov		C	
Schools, Public & Private		C	
Cemetery		C	
Places of Worship		C	
Libraries and Museums		C	
Historic Sites and Interpretive Centers		C	
The Keeping of Horses		I	
Farm Schools		P	
Sales of Merchandise/Agricultural uses			
Agriculture	P		
Suburban Farm	P		
Wayside Stand	P		
Accessory Uses			
Stable, Private	P		
Other structures typically incidental and clearly subordinate to permitted use	P	P	

Types of uses

Open Space Preservation Development

Preserved Open Space

Conservation Easements

	OP	P	OP-Alt
P			
P			

Note: some of these uses have additional restrictions in ordinance

[Type text]

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.

[Type text]

(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.*

1. *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.

2. *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.

3. *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.)

4. *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.

5. *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.

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

7. *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.*

[Type text]

1. *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.
2. *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.
3. *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, familylike 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.
4. *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.
5. *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.
6. *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.*

- (a) *Cemetery.* Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
- (b) *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.
- (c) *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, non-profit, 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.

[Type text]

(d) *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.

(e) *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.

(f) *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.

(g) *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.*

(a) *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.

(b) *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.

(c) *Commercial Kennel.* The boarding, breeding, raising, grooming or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

(d) *Commercial Stable.* The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies.

(e) *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.

(f) *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.

(g) *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

[Type text]

associations, savings banks, credit unions, lending establishments, and drive-up automatic teller machines (ATMs).

(h) *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.

(i) *Lodging*. See Transient Accommodations.

(j) *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.

(k) *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.

(l) *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.

(m) *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.

(n) *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.

(o) *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.

(p) *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.

(q) *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.

(r) *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.

(s) *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

[Type text]

automobiles or two-axle trucks.

(t) *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.*

(a) *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.

(b) *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 curb service.

(c) *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 curb service.

(d) *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.*

(a) *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.

(b) *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.

(c) *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.

[Type text]

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. News stands, 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.

(d) *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.

(e) *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.*

(a) *Automobile Maintenance Service.* Repair of automobiles, non-commercial trucks,

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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.

(b) *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.

(c) *Car Wash.* Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self service car washes.

(d) *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.

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

(f) *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.

(g) *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.*

(a) *Campgrounds and Trailering.* 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.

(b) *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.

(c) *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.

(d) *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.

(e) *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.

(f) *Parks and Open Areas.* Uses of land focusing on natural areas, large areas consisting mostly

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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.

(g) *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.*

(a) *Adult establishment.* See § 113.02.

(b) *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.

(c) *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.*

(a) *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.

(b) *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.

(c) *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.

(d) *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.

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(e) *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.

(f) *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.

(g) *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.

(h) *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.*

(a) *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 manufacture (auto assembly, engines, construction equipment), leather (storing, curing, tanning), gravel based products (manufacture of bricks, concrete, abrasives), and lumber products (saw mills).

(b) *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.

(c) *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.

(d) *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.

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(e) *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.

(f) *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 contractors yards, lumberyards, utility yards, and public maintenance shops and yards.

(g) *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.

(h) *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.

(i) *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.*

(a) *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.

(b) *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.

(c) *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.

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

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facilities) for motor vehicle passenger transportation.

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

(12) *Accessory Uses.*

(a) *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.

(b) *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.

(c) *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.

(d) *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.

(e) *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, no stock in trade is stored on the premises, that no over-the-counter retail sales are involved, and entrance to the home occupation is or can be gained from within the structure. Uses include professional office, hairdressing, or teaching limited to 3 students at any time, and similar uses. A home occupation shall not be interpreted to include barber shops, beauty shops, 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 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.

(f) *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.

(g) *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.

(h) *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.

(i) *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.

(j) *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.

(k) *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

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seasonal boutiques.

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



Planning Commission
 Date: 11/23/2015
 Business Item
 Item: 4b

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

REQUESTED BY: Planning Department

SUBMITTED BY: Stephen Wensman, City Planner

REVIEWED BY: Ben Gozola, Consulting Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider text amendments to the Zoning Ordinance to revise the permitted, interim and conditional uses for the City’s rural districts (those portions of the City that will not be served by the sanitary sewer system). The request is to specifically review and consider whether the following permitted uses and conditional uses belong in the rural districts.

Permitted and Conditional Uses, Rural Districts

	RT	A	RR	RS	RE
Residential District Uses					
Secondary dwelling	-	P	-	-	-
Cemetery	-	P	P	-	-
Commercial Kennel	C	C	C	-	-
Commercial Stable	-	C	-	-	-
Golf Course	-	C	-	-	-
Restricted Recreation	-	C	-	-	-
Agricultural Sales Business	I	I	I	-	-

DEFINITIONS:

The land uses are defined in the City’s Code as follows:

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.

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.

Commercial Kennel. The boarding, breeding, raising, grooming or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

Commercial Stable. The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies.

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.

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).

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.

DEVELOPMENT STANDARDS:

Within the City Code of Ordinances, some uses have required standards. Restricted recreation is subject to the following additional standards:

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

REVIEW:

The permitted, interim and conditional uses in the table above are those that are the most intensive and have the potential for disrupting the quality of living, character and desirability of the rural zoning districts. The public hearing for the zoning text amendment that amended the permitted, interim and conditional uses in the rural districts was held on May 11, 2013, and at that time, there was little discussion about the uses.

The zoning text amendment following the May 11, 2013 public hearing added cemeteries as a permitted use in the A and RR district, golf courses as a conditional use in the A district. The text amendment also broke kennels and stables into commercial and private, adding commercial kennels as a conditional use in the RT, A, and RR districts, and adding commercial stables as a conditional use in the A district. Restricted recreation appears to be a newer land use, not specifically found in previous city code.

Cemeteries are considered a public/semi-public use subject to Article 13 of the city ordinances. They are a conditional use in the PF Zoning District with performance standards. There are lands zoned as PF within the city and if a public/semi-public use were proposed elsewhere, a comprehensive land use map amendment, rezoning, and a conditional use permit would be required.

On October 12, 2015, Kyle Klatt, the Community Development Director, requested that the commission review the City's land use classifications across all zoning districts. The intent of the exercise was to ensure that allowed uses were consistent with the intent and purpose of the Comprehensive Plan. At that meeting, the several uses presented above were discussed and it was requested that a public hearing be held to review and discuss whether these above uses should be permitted or conditional or stricken from the individual zoning districts.

The October 12, 2015 minutes refer to Agricultural Sales Business rather than Agricultural Production. Staff provided public hearing notice for Agricultural Production. Staff has sent letter notification to the three properties that hold Interim Use Permits for Agricultural Sales Business as directed by the City Attorney.

The commission should consider whether the uses fit with:

1. The Purpose of the individual zoning districts;
2. The intent and purpose consistent with the Comprehensive Plan;
3. The likely impact of the uses on the individual rural zoning districts considering the typical lot sizes and densities of the neighborhoods; and
4. The site design and development standards.

RECOMMENDATION:

Staff recommends that the Planning Commission consider the existing uses and make a recommendation as to whether the uses should be permitted, interim or conditional or be stricken from the individual zoning districts.

ORDER OF BUSINESS:

- Introduction.....Stephen Wensman, City Planner
- Report by staffStephen Wensman, City Planner
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS (1):

1. Article XIII – Public and Semi-Public Districts
2. Article IX – Rural Districts
3. May 13, 2013 Planning Commission Minutes

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

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%

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.

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

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						
Cemetery	-	P	P	-	-	
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404.G
Commercial Kennel	C	C	C	a)	-	154.404.I
Commercial Stable	-	C	-	b)	-	154.404.I
				c)		
2) Outdoor Recreation		4)				
Golf Course	-	C	-	-	-	
Outdoor Recreation Facility	-	C	-	-	-	155.107.E
Parks and Open Areas	P	P	P	P	P	
Restricted Recreation	-	C	-	-	-	
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.111
Agricultural Production	P	P	P	-	-	
Agricultural Sales Business	I	I	I	-	-	154.110
Agricultural Services	C	C	-	-	-	154.404.J
Forestry Operations	-	P	-	-	-	
Greenhouses, Non Retail	C	C	C	-	-	
Wayside Stand	P	P	P	-	-	154.454.D
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404.G

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

	RT	A	RR	RS	RE	Standard
Accessory Uses						
Bed and Breakfast	C	C	C	-	-	155.111.C
<i>i.</i> Domestic Pets	P	P	P	P	P	
Family Day Care	P	P	P	P	P	155.111.G
Home Occupation	P	P	P	P	P	155.111.A,B
Kennel, Private	C	C	C	-	-	154.404.I
Solar Equipment	P	P	P	P	P	155.111.I
Stable, Private	C	C	C	-	-	154.404.I
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	155.111.J
Temporary Sales	P	P	P	P	P	155.107.B
Water-Oriented Accessory Structures	P	P	P	P	P	
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
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)

§ 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 ^g	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 comprise up to 2 separate areas, each of which is contiguous to the 1.25-acre building site or contained within it, and each of which contains at least 10,000 contiguous square feet. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.
- D. *Secondary Dwelling, A District.* One non-farm dwelling per each 40 acres, or part of a dwelling on a prorated basis, not already containing a farm or non-farm dwelling, is permitted provided:
 - 1. The dwelling unit is located on a separate parcel of record in the office of the County Recorder and/or County Auditor, which shall be at least 1-1/2 acres in size;
 - 2. The parcel on which the dwelling unit is located must have at least 125 feet of frontage along a public street, be rectangular in shape and no dimension to be greater than 3 times the other; and
 - 3. The dwelling is separated by at least 300 feet from the nearest farm building.

- E. *Parking Standards, A, RR and RS Districts.* 3 space of off-street parking required per dwelling unit.
- F. *Parking Standards, RE District*
1. 2 enclosed spaces minimum (200 square feet minimum per space).
 2. 2 exterior spaces 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.

(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)

Business Item: Zoning Text Amendment – Sign Ordinance

Johnson reviewed proposed changes to the City's sign code in anticipation of increased demand of signage associated with sewered growth in Lake Elmo. As new use classifications come to Lake Elmo, the current Sign Ordinance does not adequately address all of the needs for future signage.

Staff used a model ordinance from the City of Middleton, WI. This model ordinance is comprehensive and addresses a multitude of different sign types in terms of current best practices. The ordinance is easier to navigate allowing for better administration.

Johnson pointed out that overall the proposed ordinance is less restrictive than the existing ordinance. Some of the major differences include the following:

- The existing ordinance does not address signage needs for properties that have a zero lot-line or no setback.
- The current ordinance exempts signs less than 6 square feet. The new ordinance recognizes that some smaller signs do need to be regulated.
- The existing ordinance created specific sign districts for I-94 and the Village district. Staff feels that it is more appropriate to regulate signs through zoning or use classification.
- The proposed ordinance also allows for electronic variable signs which are currently not allowed in the existing ordinance. The proposed ordinance does not allow for any flashing or blinking lights however.
- The ordinance will also be located in the Zoning Code (Chapter 154) instead of in the Building Code (Chapter 151).

The Planning Commission had a good discussion and asked Johnson a multitude of questions. Johnson will conduct additional research to address these signage related questions. The Commission discussed sign location and sign projection, and asked if address signs could be attached to fences. There was also a discussion about sign illumination. Finally, the Planning Commission asked for additional images or pictures of some of these signs to serve as examples.

Williams was interested in the light source for illuminated signs in the context of the City's dark skies ordinance, requiring the light source to only shine downward. Reeves was not as concerned about the direction of the light as about the glare to passing motorists and pedestrians and adjacent properties.

Williams thought that for temporary window signs restricting to 30% of the window area was too restrictive as well as the awning size of 36 inches was too small. Johnson reminded the Commission that window signs did not require a permit, so it was important to come up with a number of some sort. The Commission felt that 48 inches may be more appropriate for awnings. Planner Johnson noted that he will complete additional research in the context of the existing awnings downtown.

The Commission acknowledged that it is difficult to come up with a signage provision that would address every scenario that could occur. If the Commission is interested in being more restrictive in the Village, they may want to explore a comprehensive downtown signage district.

Johnson noted that this signage district should not apply to Hwy-5 given the different streetscape, travel speeds and wide right-of-way.

The Commission asked for some minor changes for menu signs, real estate signs and garage sale signs.

Reeves asked where monument signs for residential subdivisions fell in the code. Planner Johnson said he will look into how they should be addressed.

The Planning Commission directed the staff to hold the public hearing May 29th, 2013.

Business Item: Zoning Text Amendment – Administration and Enforcement

Johnson reviewed the proposed revisions to the Zoning Ordinance that establish how the ordinance will be administered. The proposed changes would replace sections 154.015 through 154.021. The following components were reviewed:

- Identifying the City Staff responsible for issuing permits, enforcing code, keeping records, processing applications and performing other administrative duties related to the Ordinance.
- This ordinance describes the application and review process that now includes a unified list of application requirements for each type of permit.
- There would be a unified public hearing review process.
- The proposed ordinance describes all permits that are required under the Zoning Ordinance and is recommending a new category called “certificate of compliance”.
- Staff also recommended that the Ordinance describe the design review process associated with the Lake Elmo Design Standards Manual.
- The proposed Ordinance also describes the process for addressing enforcement.

The Planning Commission had some clarifying questions regarding mailed notifications, grading permits, zoning amendments, and who fulfilled the role of zoning administrator. Johnson clarified these items.

Williams suggested that for zoning amendments initiated internally, there should be a statement that if initiated internally, all of the submission requirements would be submitted or waived by the Director of Planning.

Haggard asked about revoking a CUP. She wanted to know how hard it is to do and if it has ever happened in Lake Elmo. Johnson explained that it would have to be something pretty blatant and it would require a public hearing. It is more difficult to suspend a CUP than a license, such as a massage therapy license.

Williams asked that the provisions regarding public hearing within the Planning Commission section be made consistent with original public hearing section.

The Planning Commission directed the staff to hold a public hearing May 29th, 2013.

Business Item: Zoning Text Amendment – Fence Ordinance



**City of Lake Elmo
Planning Commission Meeting
Minutes of October 12, 2015**

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

COMMISSIONERS PRESENT: Dodson, Dorschner, Fields, Haggard, Larson, Williams, Griffin and Kreimer

COMMISSIONERS ABSENT: None

STAFF PRESENT: Community Development Director Klatt and Interim Administrator Schroeder

Approve Agenda:

The agenda was accepted as presented.

Approve Minutes: September 28, 2015

M/S/P: Williams/Dorschner, move to approve minutes as presented, **Vote: 7-0, motion carried unanimously.**

Zoning Ordinance Use Classification Review

Klatt started the discussion by stating that the City Council wanted to review the Cemetery use, and it was a good time to take a comprehensive look at all uses.

Staff is recommending that the Planning Commission look at the Cemetery use and that it not be an allowed or conditional use in AG or RR. Staff is recommending that the Cemetery use only be allowed as a conditional use in the Public Facility zone.

Klatt stated that he hoped the Commission had time to review the chart and will bring forward items for discussion. Klatt explained the differences between allowed, conditional and interim uses.

Kreimer asked about the discretion of approving CUP's. Klatt stated that it is somewhat difficult to deny those uses. There was a general discussion of CUP's.

Williams asked why Public Facility and mixed use along I94 were not in the chart. Klatt responded that mixed use along I94 is handled via a PUD overlay and the Public Facility has not been revised yet and is in a different table.

Lake Elmo Planning Commission Minutes; 10-12-15

Haggard would like to see the changes from 2013 taken back out until such time as the public has a chance to weigh back in. Klatt stated that it would be difficult to notice people as it potentially affects every property in the City.

Williams asked if it might be a good idea to deal with the cemetery issue and then possibly schedule a workshop.

M/S/P: Dorschner/Griffin: move to recommend that a public hearing be scheduled to eliminate the cemetery use in AG and RR zones. **Vote: 7-0, motion carried unanimously.**

Williams is against the motion as presented. He thinks that the definition can be changed and cemeteries could be allowed in a limited way. Fields agreed and asked if it could be changed to be conditional. Klatt stated that if it is made conditional, it is subject to Council approval.

M/S/P: Williams/Dodson: move to make a friendly amendment to change the definition of cemetery to read " Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, and mausoleums not over 8 feet in height". He would also like the use category to be revised to conditional in AG and RR. **Vote: 7-0, motion carried unanimously, after amendment.**

Yvette Oldendorff, 5418 Lake Elmo Ave, There is no public demand for a local cemetery. They circulated a petition and 147 people signed who feel that a cemetery is a poor use of property. Also, on another note, should there be any of these commercial uses such as commercial Kennels and commercial stables in a residential district?

Saxe Roberts, there is no demand for cemeteries. Cremations are on the rise. There is 60% more land for cemeteries than is needed. They are already allowed in the public facility zone.

Dodson withdrew his second to Williams friendly amendment. Haggard decided to second the friendly amendment.

Williams stated that there is already a provision in the code to allow it in public facility, so he doesn't feel it needs to be in AG & RR.

M/S/P: Williams/Dodson: motion to amend his amendment to just change the definition of cemetery and leave the original motion to remove the use from AG and RR would stand. **Vote: 7-0, motion carried unanimously.**

M/S/P: Dorschner/Dodson: motion to amend the amendment to strike "not to exceed 8 feet in height". **Vote: 7-0, motion carried unanimously.**

The complete action taken, including amendments, was to recommend that a public hearing be scheduled to remove cemetery as an allowed use from AG & RR and to change the definition to: "Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, and mausoleums".

The Commission continued discussion regarding the use chart. Dodson asked about the manufactured home park use in MDR. The Commission had some discussion regarding this. There was some discussion regarding secondary dwellings and if those are located in the most reasonable zones.

M/S/P: Dorschner/Williams: move to make secondary dwelling an allowed use in RT, AG, RR, RS, RE, LDR, MDR, HDR & VMX, **Vote: 6-1, motion carried with Haggard voting no.** Reason given was that she is not clear on the definition and the discussion of attached vs detached was not fully finalized.

Schroeder stated that with this being the last meeting with Klatt and that the Commission might want to consider a deeper discussion once the new staff is on board.

M/S/P: Dorschner/Fields: motion to table this discussion until such time as new staff is available. **Vote: 4-3, motion failed.**

Fields asked if there were any other areas that might be of urgency. Larson feels that the public assembly and religious institutions should be dealt with.

M/S/P: Dodson/Haggard: motion to remove public assembly as a use from the Business Park Zoning. **Vote: 7-0, motion carried unanimously**

Williams and Haggard would like to go through and highlight areas that others are concerned with so that they can all be thinking about them.

Williams would like to look at agricultural sales, garden center and Building supply sales. He thinks commercial vehicle repair should be allowed somewhere. Wondering why adult establishment is allowed in Business Park. Williams thinks the drive through item should be looked at further. Motor Freight and Warehousing seems similar to commercial vehicle repair. Research and testing is only allowed in Business Park and he feels it should be allowed in other business. OP-alt was removed from the comp plan and should also be removed from the zoning code.

Klatt stated that we currently don't have an industrial zone for more intense uses, and that might be something we might want to look at as we re-do the comp plan. Williams thought we might want to consider an industrial park.

Haggard would like to look at group home as a use. Klatt stated that this is something regulated by state law and it has to be allowed anywhere we allow single family homes. Klatt stated that we may also need to add that use to the other residential zones as well.

Haggard is concerned about any commercial type uses in the AG & RR zones. She is not sure why a golf course would be allowed in LDR.

Kreimer would like to look at funeral homes in MDR. He is not sure they belong there. Would like to discuss the greenhouses non-retail in RR and what it is we are allowing with solar equipment which is permitted across the board.

Williams brought up changes for the definitions section. The Commission discussed those possible changes.

Comprehensive Plan Update Discussion

Klatt started his discussion with a map south of 10th street showing the current land use map of what went into the comprehensive plan. This map has changed a little bit as the alignment of 5th street has changed. 5th street was going to be the dividing line between low density and more intense densities. It has been discussed to possibly eliminate the high density housing and possibly add a business park in that spot. It was also discussed to possibly change some of the medium density to either low density or expanding the commercial.

Klatt presented an analysis of what these changes would be in regards to numbers. This would make the City very close to what the Met Council is looking for. Klatt is looking for feedback from the Met Council and also from the general public as this will impact property owners. Klatt stated that he is focusing on I94 because of the moratorium.

The Bus Rapid Transit line will also have an impact. There are certain standards for what needs to develop around the transit stations.

Klatt discussed what the opportunities are for development in the rural areas. It is limited by the amount of land that is available. The Commission should start thinking about what they want that area to look like, what types of developments we want to allow and what size of lots should be allowed to subdivide.

Kreimer pointed out that this does not take into consideration what might happen with Tartan Park. If it was developed into residential units, that would be a significant amount.

Council Updates – September 15, 2015 Meeting

1. Kleis Minor Subdivision – Passed with an additional condition that the assessments will need to be paid in full.

2. Halcyon Cemetery – Denied.

Staff Updates

Schroeder gave an update regarding staffing. There has been a new building inspector hired and a new truck will be purchased or leased. The City Planner and Community Development jobs will be filled and there will be one admin position upgraded and another admin position will be hired.

Tartan Park has been sold, but the purchaser has not been made public knowledge yet. They will bring that back once it is known.

1. Upcoming Meetings
 - a. October 26, 2015
 - b. November 9, 2015

Commission Concerns

Williams stated that the Planning Commission members received a letter from the Bradley family asking to be removed from the moratorium restrictions. This property is actually in phase III. Schroeder stated that they would actually have to come forward and petition the City to be removed from the moratorium restrictions, so no action has been taken.

Dorschner thanked Kyle for his service and is concerned that we will not have a City Planner or Community Development Director. Klatt stated that as part of the transition Ben Gozola will be working on projects and the City has asked him to be at the City as much as he can.

Dodson also thanked Kyle for his service and professionalism with the Planning Commission. Klatt stated that he has enjoyed working with the present and past Planning Commissions and appreciates all the hard work that people put into the volunteer position.

Meeting adjourned at 10:30 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/15/15
REGULAR
ITEM #: 23
MOTION

AGENDA ITEM: Village Mixed Use Zoning discussion
SUBMITTED BY: Justin Bloyer
THROUGH: Clark Schroeder
REVIEWED BY: **Clark Schroeder**

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

PUBLIC POLICY STATEMENT: NONE

BACKGROUND AND STAFF REPORT:

Council Member Bloyer has requested that the VMX ordinance be reviewed and discussed.

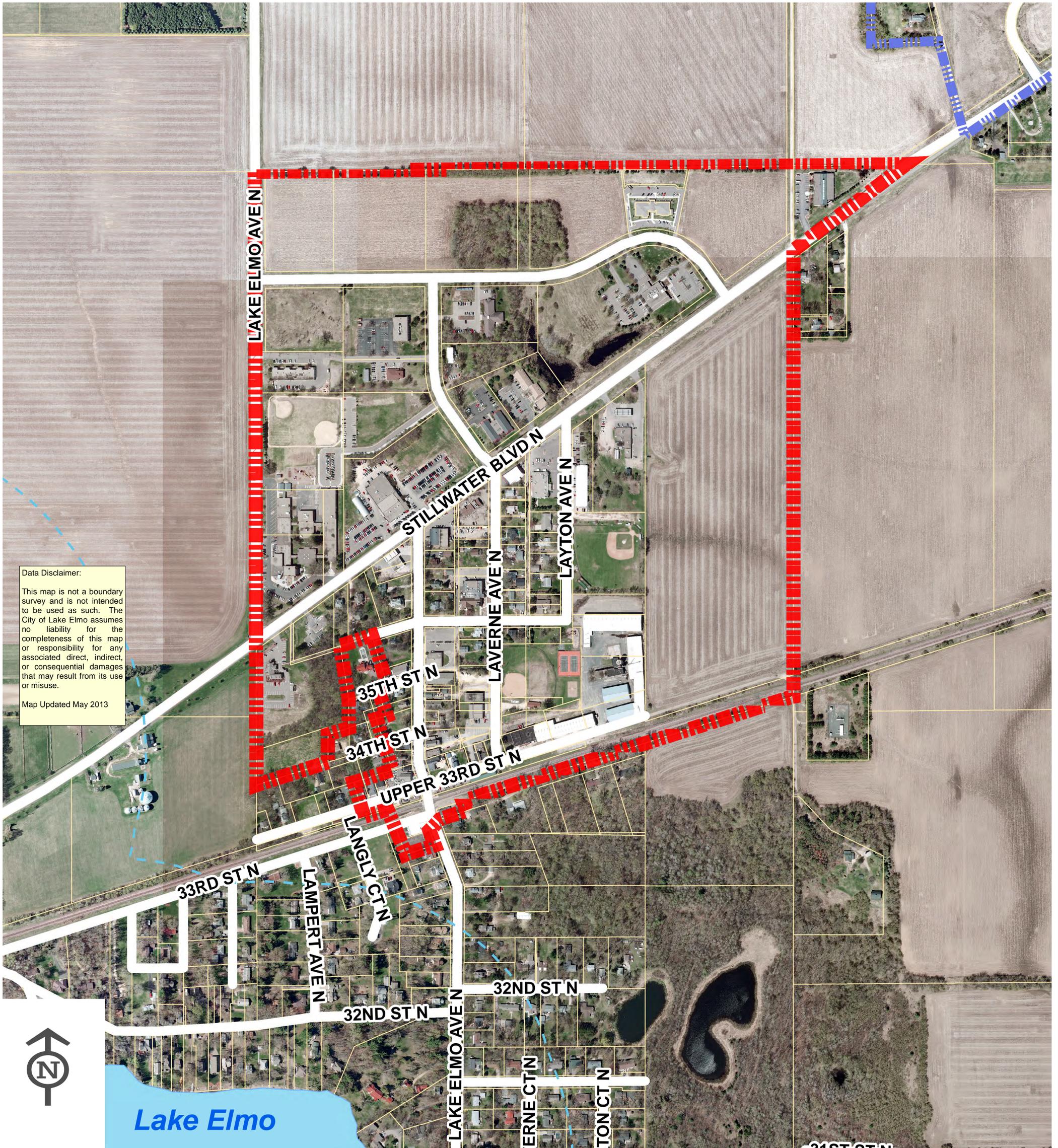
RECOMMENDATION:

Staff have no recommendation

ATTACHMENT(S):

VMX ordinance no. 08-091

Proposed VMX District Boundary



Data Disclaimer:
 This map is not a boundary survey and is not intended to be used as such. The City of Lake Elmo assumes no liability for the completeness of this map or responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse.
 Map Updated May 2013



Lake Elmo

Legend

- | | |
|-----------------------------|----------------------------|
| General | Watershed Districts |
| Village Area | Browns Creek |
| Lakes | South Washington |
| Lake Elmo Boundary | Valley Branch |
| Shoreland District Boundary | |

VMX Zoning Area

Map created by the Lake Elmo Planning Department - May 2013





MAYOR AND COUNCIL COMMUNICATION

DATE: 12/15/15
REGULAR
ITEM #: 25
MOTION

AGENDA ITEM: Agenda Order- Council Reports
SUBMITTED BY: Clark Schroeder
THROUGH: Clark Schroeder
REVIEWED BY: **Clark Schroeder**

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

PUBLIC POLICY STATEMENT NO POLICY STATEMENT

SUMMARY AND ACTION REQUESTED:

... Staff recommends the City Council... take the following action / with the following motion:

Move to place Council Reports at the end of the agenda

BACKGROUND AND STAFF REPORT: In conversation between the Bureau of Mediation Services (BMS) and the Interim City Administrator we are recommending to move Council Reports to the end of the agenda. In addition, council reports should be brief listing of meetings attended while representing the city as a Council Member without editorializing or comments.

RECOMMENDATION:

Interim City Administrator recommends:

“Move to place Council Reports at the end of the agenda”



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/15/15

REGULAR

ITEM #: 26

MOTION

AGENDA ITEM: Council Minutes detail

SUBMITTED BY: Clark Schroeder

THROUGH: Clark Schroeder

REVIEWED BY: Julie Johnson

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item..... Staff
- Report/Presentation Staff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion Mayor Facilitates

PUBLIC POLICY STATEMENT *WHAT LEVEL OF DETAIL SHOULD THE CITY CLERK PUT INTO THE MINUTES*

SUMMARY AND ACTION REQUESTED:

The Interim City Administrator has noted a pattern of council members wishing to add detailed verbiage to the minutes to reflect their thoughts and position concerning the subject at hand. It is not considered standard practice to detail out discussion in minutes for City Council meetings. The summary of the motion and the recording of the vote thereof is at the discretion of the City Clerk.

BACKGROUND AND STAFF REPORT:

According to The Minute Takers Handbook for Local Government

Minutes provide an ongoing record of Council decisions. In particular, the minutes constitute a brief, but formal record of:

- the Councils resolutions in relation to the business discussed at the meeting (i.e. the decisions made);
- the action that is required to be undertaken by the Council's administration following the meeting (indeed, they form the legal basis for and authorise such action); and
- those present at a meeting and the formalities that have occurred.

For this reason it is vital that the minutes are accurate and complete. Minutes also promote transparency in Local Government decision making and for this reason, are frequently referred to by members of the public. Importantly, minutes **are not a transcript of the meeting**. They must record certain procedural

matters, what decisions were made and why, but need not and **should not provide a word for word** account of what has been said.

According to the LMC

Generally, the clerk has wide discretion as to how to keep the minutes. A verbatim record of everything that is not normally required. However, in any case where the law or charter requires a verbatim record, using a tape recorder instead of a court reporter to accomplish that objective is probably valid.

Minutes should be written in language average people can understand. Reference to numbers of ordinances, resolutions and other matters should include a brief description of their subject matter.

According to an article in Minnesota Cities (Jan-Feb 2012, p.19)

State law requires meeting minutes, at a minimum, to include the following: the subject matter of a motion; the making and seconding a motion; the roll call vote on a motion; whether a motion was defeated or adopted; the character of resolutions and ordinances, including a brief description of their subject matter; and the votes of each councilmember on each appropriation of money, except for the payments of judgments, claims, and amounts fixed by statute.

The Office of the The State Auditor for Minnesota states the following.

Beyond these statutory requirements, the decision regarding how elaborate or extensive the minutes should be is within a governing body's discretion. The amount of detail which is appropriate for inclusion in the minutes is likely to vary, depending on the nature of the proceedings and the subject matter involved. The minutes need not record the discussions of the members and others, or information relating to the process by which a decision is made. Moreover, the minutes should not be cluttered with unnecessary detail that could hamper efforts to review or otherwise use the minutes at a later date. In addition, the minutes should never reflect the clerk's or secretary's opinion on anything said or done.

http://www.auditor.state.mn.us/other/Statements/meetingMinutes_0710_statement.pdf

RECOMMENDATION:

The Interim City Administrator recommends that council minutes provide a summary of proceedings and only errors be brought to the attention of the City Clerk.

ATTACHMENT(S):



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/15/2015
REGULAR
ITEM #: 27
MOTION

AGENDA ITEM: Draft Agreement for Library Services

SUBMITTED BY: Mayor Pearson

THROUGH: Julie Johnson, City Clerk

REVIEWED BY: Mayor Pearson

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item..... Mayor
- Report/Presentation Mayor
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

PUBLIC POLICY STATEMENT (IF APPLICABLE): Lake Elmo seeks to reestablish library services via the Washington county library system, commencing no later than 1/1/17. To that end, Lake Elmo would defer 2017 library levy decisions and collections to Washington County.

BACKGROUND: Lake Elmo understands that any agreement will involve several discussions, with several parties, over several months.

Some critical discussion points:

- It is Lake Elmo's expectation that library services would be provided uninterrupted, at Lake Elmo's existing library facility, located at 3537 Lake Elmo Ave.
- Lake Elmo understands that the county uses a data driven process to establish services and hours of operation at each of its facilities. We'd expect the same process to be used for the Lake Elmo Avenue facility, however the county will supplement it's own data with Lake Elmo data.
- As in any successful agreement between distinct parties, commitments are to be made. Lake Elmo commits to a 10 year release of its library levy, while the county commits to a 5 year commitment of a Lake Elmo library facility.
- The Lake Elmo facility maintenance costs and all reasonable facility improvement costs, shall be reimbursed to Lake Elmo by Washington County or covered directly by Washington County.



December 11, 2015

Mr. Shawn Wenzel
CalAtlantic Group, Inc.
7699 Anagram Drive
Eden Prairie, MN 55344

Re: Hunters Crossing 2nd Addition
Security Reduction #1

Dear Mr. Wenzel:

We have reviewed your request dated December 3, 2015 for a reduction in the security for the Hunters Crossing 2nd Addition. In accordance with Section 36 of the Hunters Crossing 2nd Addition Development Contract, the progress for the improvements have not reached the threshold necessary to be eligible for a security reduction at this time.

However, should the City Council adopt a revised policy to be presented by staff at the December 15, 2015 council meeting, and direct staff to apply the revised policy to all active developments in the City, then the security amount of \$1,145,404 may be reduced to \$591,726.

Should you have any questions or require additional information, please call me 651.300.4264.

Sincerely,

John (Jack) W. Griffin, P.E.
City Engineer

cc: Clark Shroeder, Interim City Administrator
Cathy Bendel, Finance Director
Stephen Wensman, City Planner

- Lake Elmo has a long history of volunteerism and while we recognize data privacy concerns must be provided for, maintaining those volunteer opportunities are paramount to any collaborative agreement.

RECOMMENDATION:

“Move that the Lake Elmo city council directs this draft agreement be sent to the Lake Elmo Library Board in order that the board will offer the Council input that aligns with the LELB's mission statement: "the mission of the LELB is to enhance access to library services, information and resources for Lake Elmo residents”

The council expects this motion to come before it again at its 1/19/2016 meeting.