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## Lake Elmo, MN Code of Ordinances

**§ 154.033 AG OR A – AGRICULTURAL.****(A) *Permitted uses and structures.***

- (1) Agriculture;
- (2) Farm, suburban or rural;
- (3) Poultry facilities meeting state and federal regulations;
- (4) Farm buildings;
- (5) Farm drainage and irrigation systems;
- (6) Forestry meeting state and federal regulations;
- (7) One farm dwelling per farm (also see §§ 154.091 and 154.105);
- (8) 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, provided:
  - (a) 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;
  - (b) 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
  - (c) The dwelling is separated by at least 300 feet from the nearest farm building.
- (9) Wayside stands; and
- (10) Joint ownership of property or ownership by association or rental for the purpose of providing private gardens, forest plots, or subplots to its members or lessees.

**(B) *Uses permitted by conditional use permit.***

- (1) Greenhouses;
- (2) Kennels;
- (3) Stables;
- (4) Commercial recreation of a rural nature, including outdoor target ranges;

(5) Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis, including sorting, grading, and packing fruits and vegetables for the owner, lessee, or sublessee; agricultural produce milling and processing for the owner, lessee, or sublessee; horticultural services; fruit picking; grain cleaning; veterinary services; boarding and training of horses;

(6) Open space development projects, as regulated by §§ 150.175 *et seq.*; and

(Ord. 97-40, passed 12-1-1998; Am. Ord. 97-182, passed 10-3-2006)

(7) Non-agricultural low impact uses pursuant to the standards described in division (F) of this section.

(Am. Ord. 97-57, passed 7-18-2000; Am. Ord. 97-191, passed 4-3-2007)

(C) *Uses permitted by interim use permit.*

(1) Agricultural sales businesses subject to performance standards outlined in § 154.110; and

(2) Agricultural entertainment businesses subject to the performance standards outlined in § 154.111.

(D) *Accessory uses and structures* (see §§ 154.092 and 154.093).

(1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures as defined in § 11.01;

(2) Private garages, carports, screen houses, conservatories, playhouses, swimming pools and storage buildings, as defined in § 11.01, for use by occupants of the principal structures; and

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

(3) Home occupations.

(E) *Minimum district requirements.*

<b><i>Agricultural Zoning District</i></b>	<b><i>Farm Dwellings and Related Structures and Activities and Non-Farm Dwellings if not Clustered</i></b>	<b><i>Non-Farm Dwellings and Activities if Clustered</i></b>
Lot Size	Nominal 40 acres	1-1/2 acres (if clustered)
	A 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations	
Lot Width	300 feet	125 feet
Primary Building setback from property lines: (Also see § 154.082)		

Front:	200 feet	30 feet
Side (Interior):	200 feet	10 feet
Rear:	200 feet	40 feet
Side Corner:	200 feet	25 feet
Arterial Street:	200 feet	50 feet
Primary Building Height (Also see § 154.083)	35 feet	35 feet
Off-Street Parking (Also see § 154.095)	N/A	3 spaces per dwelling unit
Accessory Building or Structure setback from property lines: (Also see §§ 154.092 and 154.093)		
Front:	200 feet	30 feet
Side (Interior):	200 feet	10 feet
Rear:	200 feet	40 feet
<b><i>Agricultural Zoning District</i></b>	<b><i>Farm Dwellings and Related Structures and Activities and Non-Farm Dwellings if not Clustered</i></b>	<b><i>Non-Farm Dwellings and Activities if Clustered</i></b>
Side Corner:	200 feet	25 feet
Arterial Street:	200 feet	50 feet
Setback for all animal buildings, feedlots, and manure storage sites shall be as follows: (Also see §§ 154.092 and 154.093)		N/A
Any property line	200 feet	N/A
Any existing well, or residential structure on the same parcel	50 feet	N/A
Any existing well, or residential structure on an adjacent or nearby parcel	200 feet	N/A

Any body of seasonal or year-round surface water	200 feet	N/A
<b><i>Agricultural Zoning District</i></b>		<b><i>Minimum District Requirements</i></b>
Septic Drainfield Regulations (Also see §§ 51.002 through 51.008)	All lots must have at least 1 acre of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites.  Placement of the second required drainfield between the trenches of the first drainfield is prohibited.	
Minimum Width of Primary Dwelling or Structure	All dwelling units must be at least 20 feet wide through the main living area of the structure.	
Footings	All dwelling units must have frost footing. Continuous frost footings are not required for porches, decks, and other appendages as long as proper post-type footings, per existing Building Codes are constructed.	
Minimum Lot Size for Clustering	The entire tract of land for which a cluster development as proposed shall not be less than 61 acres in size.	
<b><i>Agricultural Zoning District</i></b>		<b><i>Minimum District Requirements</i></b>
Cluster Density	The maximum number of dwelling units proposed for the entire tract, including any existing buildings, shall not exceed 1 unit per 40 acres or major part of the tract. For example, a tract of land consisting of 101 acres might qualify for 3 dwelling units on a prorated basis.	
Minimum and Maximum Road Frontage in Cluster Development	A parcel on which a dwelling unit is located shall have at least 125 feet of frontage along a public street and a maximum of 500 feet.	
Signage	See §§ 151.115 through 151.124	
Driveway Width	See § 93.26	

(Am. Ord. 97-57, passed 7-18-2000)

(F) *Clustered development standards.*

(1) The Council hereby finds that cluster development, as defined in this chapter, provides a means to preserve good agricultural land, open green space, scenic views, and other desirable features of the natural

environment. It is, accordingly, the purpose of the cluster development standards to permit and encourage cluster development where appropriate.

(2) The owner of any tract of land in an agricultural district may submit a plan for the use and development of the tract of land as a cluster development and apply for a permit authorizing completion of the project according to the plan. The plan for the proposed project shall conform to all of the regulations applicable to agricultural districts, except as follows:

(a) A plat shall be approved that complies with the city's subdivision ordinance; the entire parcel of land shall be included within the plat;

(b) All new lots created by the cluster development shall be contiguous;

(c) Each lot created shall be used for no more than 1 single-family home which shall meet the following requirements: Each dwelling unit shall be located on a separate parcel of record in the office of the County Recorder and/or County Auditor; the separate parcel shall be at least 1-1/2 and not more than 2 acres in size, except the remaining large lot; and

(d) Any land which is to be set aside as an outlot shall be clearly identified as such on the plat, and shall be dedicated as permanent open space in a manner approved by the City Attorney and City Council.

(G) *Non-agricultural low impact use standards.*

(1) (a) The city desires to maintain and preserve open space and agricultural land within the city. The city recognizes the monetary regards that may be enjoyed by a farmer or larger property owner who sells his or her land for development. The city further recognizes that allowing non-agricultural low impact uses, strictly controlled and regulated by conditional use permit, might allow a farmer or large property owner an economical use of his or her property that is zoned for agriculture. The following standards shall apply to these types of uses.

(b) It is also the intent of the city to preserve the appearance of rural character within the community by establishing standards for the setback and screening from adjacent property and public roadways by natural features of any open storage as may be associated with the non-agricultural use.

(Am. Ord. 97-76, passed 3-6-2001)

(2) (a) 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.

(b) The area where the non-agricultural low impact use is located shall be legally defined as 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.

(c) Non-agricultural low impact uses shall only be allowed on a parcel of a nominal 40 acres or larger.

(d) 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.

(Am. Ord. 97-112, passed 6-18-2002)

(e) 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 conditional 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 conditional use permit.

(Am. Ord. 97-71, passed 3-6-2001)

(f) 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.

(g) The property owner shall maintain the remaining land or farm outside of the CUP Area in accordance with the permitted uses of the Agricultural zoning district and the required practices of the Soil and Water Conservation District.

(h) All lighting shall comply with the city's regulations.

(i) All signs shall comply with the city's regulations.

(j) Rate and volume of runoff from the CUP shall not exceed the 1% rule and shall be verified by the City Engineer.

(k) 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 conditional 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.

(l) Non-agricultural low impact uses may not include a bus/truck terminal or the parking or storage of semi-trailer trucks or any vehicle over 26,000 pounds capable by design of being licensed for use on public roadways except as otherwise permitted as an interim use in the HD-A-BP zoning district.

(m) All conditional use permits granted to a non-agricultural low impact use 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.

(n) 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.

(1997 Code, § 300.07 Subd. 4.A) (Ord. 97-57, passed 7-18-2000; Am. Ord. 97-167, passed 5-16-2006; Am. Ord. 97-191, passed 4-12-2007; Am. Ord. 97-192, passed 6-19-2007; Am. Ord. 97-205, passed 12-4-2007; Am. Ord. 08-006, passed 6-17-2008; Am. Ord. 08-010, passed 11-18-2008; Am. Ord. 08-031-A, passed 10-5-2010)

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[techsupport@amlegal.com](mailto:techsupport@amlegal.com)

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