

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 2026-01

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING TITLE 9, GENERAL REGULATIONS, TITLE 103, SUBDIVISION
REGULATIONS, AND TITLE 105, ZONING, PERTAINING TO NOTICE
REQUIREMENTS FOR PUBLIC HEARINGS ON LAND USE ITEMS**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title 9, Section 9.04.020 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

9.04.020 Conditional Use Permit

1. *Conditional use permit required.* It shall be unlawful for any person, partnership, company, or corporation to engage in mining within the city or for an owner to permit a person to mine on the owner's property, without first having obtained a conditional use permit for mining from the council.
2. *Application and review of conditional use permit.* The applicant shall submit an application together with the required fees to the planning commission. Property owners within 350 ~~500~~ feet shall be notified by certified mail ten days prior to the date the planning commission considers the request. The planning commission shall consider the request at its next regularly scheduled meeting, but not earlier than ten days from the date of submission. The petitioner or petitioner's representative shall appear before the planning commission in order to answer questions concerning the proposed mining. The planning commission shall make its recommendation to the council within 60 days after the submission of the application. The council must take action on the application within 60 days of receiving the recommendation of the planning commission. If it grants the mining permit, the council may impose conditions it considers necessary to protect the health, safety, morals, or general welfare of the city and to ensure the use is in harmony with the general purpose of the intent of this section and the comprehensive plan. No application for a mining permit shall be resubmitted within six months from the date of denial.

SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title 9, Section 9.04.040 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

9.04.040 Application

1. *Filing.* The application for the permit required in LEC 9.04.020 shall be filed with the administrator for presentation to the council. A fee as set forth from time to time by resolution of the council shall accompany each application. Application for renewal permit

must be made 45 days prior to the termination of the previous permit. The application shall be made in the names of the operator of the mine and the owner of the land to be mined.

2. *Contents.* The application shall contain:

1. The name and address of the operator and owner of the land;
2. The correct legal description of the property where the mining shall occur;
3. Names of neighboring landowners within ~~350~~ 500 feet;
4. A map of the property where the mining is to occur that clearly indicates the property lines and the limits of the proposed excavation. Topographic data, including contours at vertical intervals of not more than five feet except where the horizontal contour interval is 100 feet or more, a two-foot vertical interval shall be shown on this map. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. 1929 sea level datum shall be used for all topographic mapping where feasible;
5. The purpose of the removal, storage, or excavation;
6. The estimated time required to complete the removal, storage, or excavation;
7. The plan of operation, including soil processing (any operation other than direct mining and removal), nature of the processing and equipment, location of the plant, source of water, disposal of water, and reuse of water;
8. The plans for drainage, water and wind erosion control, sedimentation and dust control. These plans shall be in conformity with the recommendations of the county soil and water conservation district office;
9. A map or plat of the proposed pit or excavation showing the confines or limits of the excavation together with the proposed finished elevations based on 1929 sea level datum. Where the finished elevations prohibit natural drainage, certified soil borings shall be included through the proposed excavation;
10. A comprehensive plan showing that suitable provision will be made for the restoration of the excavated area so that it will not become a health or safety hazard or a nuisance. The plan must include anticipated final elevations, slope, and a plan for the return of sub-soil and topsoil. Where the council deems it necessary, the plan shall include adjoining related areas where excavations have previously been made and remain under the control of the owner of the land on which the excavating is to be done or under the control of the person other than the owner to whom the permit is to be issued; and
11. The travel routes to and from the site.

3. *Operation and land rehabilitation.* The applicant shall abide by one of the two following operating and land rehabilitation practices:

1. Excavations resulting in the accumulation of substantial water areas after rehabilitation must meet the following requirements:
 1. The water depth must not be less than three feet.
 2. All banks shall be sloped to the water line at a slope which shall not be steeper than four feet horizontal to one foot vertical.
 3. All banks shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least three inches.

4. The topsoil as required by subsection (c)(1)c of this section shall be planted with trees, shrubs, legumes or grasses upon the parts of the area where re-vegetation is possible.
5. Slopes on boundary areas shall not be steeper than four feet horizontal to one foot vertical.
2. Excavations not resulting in water areas after rehabilitation, but which must be graded or backfilled, shall meet the following requirements:
 1. The grading or backfilling shall be made with non-noxious, non-flammable, non-combustible solids.
 2. The graded or backfilled area shall not collect or permit stagnant water to remain in the graded or backfilled area.
 3. The peaks and depressions of the area shall be reduced to a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.
 4. The graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least three inches.
 5. The topsoil as required by subsection (c)(2)d of this section shall be planted with trees, shrubs, legumes, or grasses upon the parts of the area where re-vegetation is possible.
 6. New slopes on boundary areas shall not be steeper than four feet horizontal to one foot vertical.

SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title 9, Section 9.08.020 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

9.08.020 Permit

1. *Permit required.* It shall be unlawful for any person, partnership, company, corporation, or association to engage in commercial lumbering or harvesting of forest products or to remove any trees on any forested area within the city without first obtaining a permit from the council.
2. *Application and review.* The applicant shall submit an application together with the required fees to the planning commission. Property owners within ~~350~~ 500 feet shall be notified by certified mail ten days prior to the date the planning commission considers the request. The planning commission shall consider the request at its next regularly scheduled meeting, but not earlier than ten days from the date of submission. The petitioner or petitioner's representative shall appear before the planning commission in order to answer questions concerning the proposed permit. The planning commission shall make its recommendation to the council within 60 days after the submission of the application. The council must take action on the application within 60 days of receiving the recommendation of the planning commission. If it grants the permit, the council may impose conditions it considers necessary to protect the health, safety, morals, or general welfare of the city and to ensure the use is in harmony with the general purpose of the intent of LEC 9.08.010 et

seq. and the comprehensive plan. No application for a permit shall be re-submitted within six months from the date of the denial.

3. *Exclusions.* This section shall not apply to any parcel of land two acres in size or less, nor does it apply to the removal of diseased trees.
4. *Permit duration.* The permit shall be valid for one year unless terminated by the council for failure to comply with the provision of LEC 9.08.010 et seq.
5. *Fee.* The fee for the permit shall be the fee for certain occupations as set by resolution of the council.

SECTION 4. The City Council of the City of Lake Elmo hereby ordains that Title 9, Section 9.08.030 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

9.08.030 Application--Commercial Lumbering Or Harvesting

The application for a permit for commercial lumbering or harvesting of forest products shall contain:

1. The name and address of the operator and owner of the land;
2. The legal description of the land involved;
3. Names of neighboring landowners within ~~350~~ 500 feet;
4. The plan of operation, approved by the forestry extension service of the University of Minnesota;
5. The plan of reforestation, approved by the forestry extension service of the University of Minnesota; and
6. A bond sufficient to cover the costs of reforestation required by LEC 9.08.010 et seq.

SECTION 5. The City Council of the City of Lake Elmo hereby ordains that Title 9, Section 9.08.040 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

9.08.040 Application--Removal Of Trees From Any Forested Area

The application for a permit for the removal of trees from any forested area shall contain:

1. The name and address of the operator and owner of the land;
2. The legal description of the land involved;
3. Names of neighboring landowners within ~~350~~ 500 feet; and
4. The plan of reforestation.

SECTION 6. The City Council of the City of Lake Elmo hereby ordains that Title 103, Section 103.00.070 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

103.00.070 Minor Subdivisions

1. *Purpose and intent.* The purpose of a minor subdivision process is to allow the city to waive certain procedures and requirements of a major subdivision. The purpose is to reduce the

time and cost to the property owner for dividing land in locations and situations that are well defined and where no new public infrastructure is required. The minor subdivision process allows for concurrent review and approval of a preliminary and final plat.

2. *Criteria for minor subdivision.* A minor subdivision is a division of land which results in no more than four parcels shown on the plat/survey:
 1. Each resultant parcel meets all applicable requirements of the zoning code, including, but not limited to, density, lot size, lot width, and minimum frontage on a public road, unless a variance has been approved according to the procedures set forth in LEC 103.00.110.
 2. No new public rights-of-way or streets shall be necessary for or created by the subdivision.
 3. Streets, utility easements, drainage easements or public park land or cash in lieu of land shall be dedicated as required by the city.
 4. All wetland areas and state department of natural resources protected waters shall be protected with a conservation easement up to the 100-year flood level.
 5. The minor subdivision complies with all applicable requirements of the road authority, including access spacing and location criteria for sight distances if located adjacent to a state or county highway, and/or of the watershed districts in which it is located.
3. *Submittal requirements.* Requests for minor subdivision shall be filed with the city on an official application form. The applicant's signature shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of four large-scale copies and ten reduced scale (11-inch by 17-inch) copies and electronic versions of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.
 1. An application fee as set forth by the city's adopted fee schedule.
 2. Detailed written and graphic materials fully explaining the proposed minor subdivision.
 3. List of property owners located within ~~350~~ 500 feet of the subject property in a format prescribed by the city.
 4. A preliminary plat prepared by a registered land surveyor in the form required by M.S.A. ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor, which includes:
 1. Graphical scale not more than one-inch equals 100 feet.
 2. North point indication.
 3. Original and proposed lot boundaries.
 4. Topographic data at two-foot contours.
 5. Existing and resulting parcel legal descriptions.
 6. Buildable area on each lot and proposed building pad.
 7. The location of existing structures on the site.
 8. Existing and proposed driveway locations.

9. Existing easement locations.
 10. Existing parks, streets and utility easements.
 11. Delineated wetlands and water bodies, including ordinary high water elevations and floodplain boundaries as applicable.
 12. Sewage treatment systems and/or well locations.
 13. Location and size of existing sewers, water mains, wells, culverts, or other underground utilities within the tract and to a distance of 150 feet beyond the tract; the data as grades, invert elevations, and locations of catch basins, and manholes shall also be shown.
 5. Drainage, grading and erosion control plans, if applicable.
 6. Existing and proposed lowest floor elevations for each lot.
 7. Soil testing for the installation of subsurface sewage treatment system, if applicable.
 8. If driveways to a state or county highway are required, driveway permits or a letter of intent to approve said driveways from the applicable road authority.
 9. Any additional information if deemed necessary and required by the city. The city may waive for good cause certain information requirements not pertinent to the particular minor subdivision request.
4. *Review of minor subdivision.*
1. Review by staff and other commissions or jurisdictions. The city shall refer copies of the preliminary plat to the city engineer, planner, attorney, the watershed district, and the appropriate county, state, or other public agencies for their review and comment. The city shall instruct the appropriate staff persons to prepare technical reports, where appropriate, and to provide general assistance in preparing a recommendation on the action to the planning commission and council.
 2. Public hearing set. Upon receipt of a complete application, the city shall set a public hearing following proper hearing notification. The planning commission shall conduct the hearing, and report its findings and make a recommendation to council. Notice of said hearing shall consist of a legal property description and a description of the request, which shall be published in the official newspaper at least ten days prior to the hearing and written notification of said hearing shall be mailed at least ten days prior to the hearing to all owners of land within ~~350~~ 500 feet of the boundary of the property in question. Public hearings shall follow the hearing process outlined in LEC 105.12.250. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this title.
 3. The planning commission shall make a finding of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this title.
 4. The city council shall not approve a minor subdivision until it has received a report and recommendation from the planning commission and city staff, or until 60 days after the first regular planning commission meeting at which the request was considered.
 5. Approval of a minor subdivision shall require passage of a resolution by a majority vote of a quorum of the city council.
 6. Prior to certification by the city of the approval of the minor subdivision, the applicant shall submit the final plat for signature, supply the easement documents

granting the city any easements required by the city using the city's standard form of easement and pay any required recording or other fees.

7. Whenever an application for a minor subdivision has been considered and denied by the city council, a similar application for a minor subdivision affecting substantially the same property shall not be considered again by the planning commission or the city council for at least six months from the date of its denial unless a decision to reconsider such matter is made by a majority vote of the entire city council.
5. *Recording of the minor subdivision.* If the minor subdivision is approved by the council, the subdivider shall record it with the county recorder or registrar of titles within 180 days after the approval. If not recorded within 180 days, approval of the minor subdivision shall be considered void, unless a request for a time extension is submitted in writing and approved by the council. The subdivider shall, immediately upon recording, furnish the city with copies of the recorded documents which effectuate the minor subdivision. No building permits shall be issued for construction of any structure on any lot within the approved minor subdivision until the city has received evidence of the plat being recorded by the county.
6. *Financial guarantee.* Following the approval of a minor subdivision as required by this section and prior to the issuing of any building permits or the commencing of any work, the applicant may be required to submit a financial guarantee to the city to ensure the completion of any improvements as shown on the approved plans and as required as a condition of minor subdivision approval.
7. *Certification of taxes paid.* Prior to approval of an application for a minor subdivision, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the minor subdivision application relates.

SECTION 7. The City Council of the City of Lake Elmo hereby ordains that Title 103, Section 103.00.080 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

103.00.080 Major Subdivisions, Pre-Application Conference

1. *Purpose and intent.* In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this title and the requirements or limitations imposed by other city ordinances or plans, prior to the development of a preliminary plat, applicants are required to attend a pre-application conference with city staff (including, but not limited to, the planning director and the city engineer) to review and discuss the proposed subdivision.
 1. *Pre-application conference.* Before filing of an application for a major subdivision with the city, the applicant of the proposed major subdivision shall arrange for and attend a pre-application conference with the planning director, city engineer and other city staff. The primary purpose of the pre-application conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his proposal for the area for which it is proposed and

its conformity to the provisions of this section before incurring substantial expense in the preparation of plans, surveys and other data.

2. *Prerequisite.* No application for a major subdivision will be accepted by the city unless an applicant's proposal is distinctly similar to one reviewed by city staff in the required pre-application conference.
2. *Submittal requirements.* Requests for pre-application conference and staff review of a major subdivision shall be filed with the city on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of four large-scale copies, ten reduced scale (11-inch by 17-inch) copies, and electronic versions of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.
 1. An application fee as set forth by the city's adopted fee schedule.
 2. Detailed written and graphic materials fully explaining the proposed major subdivision.
 3. List of property owners located within ~~350~~ 500 feet of the subject property in a format prescribed by the city.
 4. A scaled drawing which includes:
 1. Locations of boundary lines in relation to a known section, quarter section, or quarter quarter section line comprising a legal description of the property.
 2. Graphical scale not less than one-inch equals 100 feet.
 3. Data and north point.
 4. Existing conditions.
 1. Boundary line of proposed subdivision, clearly indicated;
 2. Existing zoning classification for land within and abutting the subdivision;
 3. A statement on the acreage and dimensions of the lots;
 4. Location widths and names of existing or previously platted streets or other public ways, showing type, width, and conditions of improvements, if any, railroad and utility rights-of-way, parks and other open spaces, permanent buildings and structures, easements in section and corporate lines within the tract and to a distance of 150 feet beyond the tract;
 5. Location and size of existing sewers, water mains, wells, culverts, or other underground utilities within the tract and to a distance of 150 feet beyond the tract; the data as grades, invert elevations, and locations of catch basins, and manholes shall also be shown;
 6. Boundary lines of adjoining unsubdivided or subdivided land, within 150 feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider;
 7. Topographic data, including contours at vertical intervals of not more than five feet; watercourses, marshes, rock outcrops, power

transmission poles and lines and other significant features shall also be shown; National Geodetic Vertical Datum (NGVD) shall be used for all topographic mapping;

8. The subdivider may be required to file a report prepared by a registered civil engineer or soil scientist on the feasibility of on-site sewer and water systems on each lot; the report shall include a soil borings analysis and a percolation test to verify conclusions;
 9. Buildable area on each lot and proposed building pad;
 10. Existing and proposed driveway locations;
 11. Existing parks, streets and easement locations; and
 12. Delineated wetlands and water bodies, including ordinary high water elevations and floodplain boundaries as applicable.
5. Proposed design features.
1. Layout of proposed streets showing right-of-way widths, centerline grade, typical cross-sections, and proposed names of streets in conformance with all applicable city ordinances and policies; the name of any street used in the city or its environs shall not be used unless the proposed street is the logical extension of an already named street, in which event the same name shall be used. The names and number shall comply with the county uniform street numbering system.
 2. Areas other than streets, pedestrian ways, and utility easement, intended to be dedicated or reserved for public use, including the size of the areas in acres.
 3. Provision for surface water disposal, drainage, and flood control within the boundaries of the proposed property division consistent with LEC 105.04.740, stormwater management and erosion and sediment control.
6. Supplementary information. The supplementary information as shall reasonably be deemed necessary by city staff including, but not limited to:
1. Proposed protective covenants;
 2. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwellings and type of business or industry, so as to review the effect of the development on traffic, fire hazards, and congestion of population;
 3. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. The proposed zoning plans shall be for information only and not vest any rights in the application for use other than residential;
 4. A statement showing the proposed density with the method of calculating said density shall also shown;
 5. Where the subdivider owns property adjacent to that which is being proposed for division, the city may require that the subdivider submit a sketch plan or ghost plat of the remainder of the property so as to show the possible relationship between the proposed division and a future subdivision. All subdivisions shall be

reasonably consistent with the existing or potential adjacent subdivisions; and

6. Where structures are to be placed on large or excessively deep lots, which are subject to replat, the development subdivision plans shall indicate placement of structures so that lots may be further subdivided, in addition to a sketch plan that illustrates a way in which the lots can possibly be resubdivided.
3. *Pre-application plan review.* The pre-application plan for the proposed subdivision shall be reviewed by city staff. The city staff review of the proposed subdivision plan is to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his proposal for the area for which it is proposed and its conformity to the provisions of this subchapter. The applicant shall not construe any of the information provided by city at this point in the review process as an approval or denial of the proposed subdivision but rather as information to guide the applicant through the next steps in the city review process for the applicant's proposal.

SECTION 8. The City Council of the City of Lake Elmo hereby ordains that Title 103, Section 103.00.090 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~striketthrough~~):

103.00.090 Preliminary Major Subdivisions (Preliminary Plat)

1. *Submittal requirements.* Requests for preliminary plat approval may be filed with the city on an official application form after the applicant has attended a pre-application conference with city staff and has received comments about the proposed subdivision from the city as outlined in LEC 103.00.080. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. The application shall be considered as being officially submitted and complete when the applicant has complied all the specified requirements and submitted all the information outlined below.
 1. The applicant shall submit a minimum of four large scale copies and ten reduced scale (11x17) copies of all graphics, as well as electronic versions of all the submitted documentation and project plans.
 2. Graphic scale of preliminary plat prepared by a registered land surveyor in the form required by M.S.A. ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor not less than 1 inch to 100 feet.
 3. A fee as set forth by the city's adopted fee schedule.
 4. Detailed written and graphic materials fully explaining the proposed major subdivision.
 5. List of property owners located within ~~350~~ 500 feet of the subject property in a format prescribed by the city.
 6. Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions; in any case, the name must be approved by the county recorder.

7. Location of boundary lines in relation to a known section, quarter section, or quarter quarter section lines comprising a legal description of the property.
8. Names and addresses of all persons having any interest in the property, the developer, designer, and surveyor together with the interested person's registration number.
9. Data and north point.
10. Date of preparation.
11. Existing conditions.
 1. Boundary line of proposed subdivision, clearly indicated;
 2. Existing zoning classifications for land within and abutting the subdivision;
 3. A general statement on the approximate acreage and dimensions of the lots;
 4. Location, widths, and names of all existing or previously platted streets or other public ways, showing type, width, and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of 150 feet beyond the tract;
 5. Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of 150 feet beyond the tract; the data as grades, invert elevations, and locations of catch basins, and manholes shall also be shown;
 6. Boundary lines of adjoining unsubdivided or subdivided land, within 150 feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider;
 7. Topographic data, including contours at vertical intervals of not more than two feet; watercourses, marshes, rock outcrops, power transmission poles and lines, and other significant feature shall also be shown; National Geodetic Vertical Datum (NGVD) shall be used for all topographic mapping; and
 8. In major subdivisions where public water and sewer are not available, the city engineer may require the subdivider to file a report prepared by a soil scientist or a registered civil engineer on the feasibility of on-site sanitary sewer and water systems on each lot. The report shall include a soil boring analysis and percolation tests to verify conclusions.
12. Proposed design features.
 1. Layout of proposed streets showing right-of-way widths, centerline grade, typical cross-sections, and proposed names of streets in conformance with all applicable city ordinances and policies. The street names and numbers shall comply with the county uniform street naming and property numbering system, with the following exceptions: Unless a newly proposed street directly extends from an existing street, no street name that already exists in the city or its environs shall be used, regardless if it is on the same grid as another street.
 2. North-south avenues shall follow the grid system, increasing alphabetically from east to west, but must use different names.

3. East-west streets shall follow the grid numbering system as appropriate, but a different suffix such as Lane, Place, Way, etc., or a different prefix such as Upper or Lower shall be used.
 1. The names of deflecting streets shall not vary; names of continual streets shall not change, even if the street changes direction, unless an intersection exists.
 2. The names of deflecting streets shall be determined according to their relation to an arterial or collector street if appropriate, otherwise such names shall be determined according to their main point of entry in to a development or as deemed appropriate by council.
 3. All street names shall end with the directional suffix of North.
4. Locations and widths of proposed alleys and pedestrian ways.
5. Locations and size of proposed sewer lines and water mains.
6. Layout, numbers, lot areas, and preliminary dimensions of lots and blocks.
7. Building pads shall be shown to demonstrate minimum front and side street building setback lines.
8. When lots are located on a curve, the width of the lot at the building setback line shall be shown.
9. Areas, other than streets, alleys, pedestrian ways, and utility easements intended to be dedicated or reserved for public use, including the size of the area or areas in acres. This shall include areas planned for trails and parks within the city.
10. Area calculations of lots, rights-of-way, streets, public highways, alleys, parks and public trails, wetland and wetland buffers and other features with accurate dimensions.
11. Water mains shall be provided to serve the subdivision by extension of any existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the city. In areas where public water supply is not available, well plans must comply with applicable state regulations and shall be submitted for the approval of the city building official.
12. Sanitary sewer mains and service connections shall be installed in accordance with the standards established by the city.
13. All private sewage treatment systems shall be installed in accordance with standards established by the county. Demonstration of two separate and distinct areas, suitable for septic drainfields or onsite system treatment area, is required.
14. Surface water disposal, drainage, and flood control shall be provided within the boundaries of the proposed property division consistent with LEC 105.04.740, stormwater management and erosion sediment control.
15. Location of 100-year floodplain areas and floodway districts from existing adopted maps or data.

16. A line or contour representing the ordinary high water level, the toe and the top of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
13. Supplementary information. The following supplementary information shall be submitted when deemed necessary by the city:
 1. Written statement explaining changes or modifications to the sketch plan.
 2. Proposed protective covenants.
 3. An accurate soil survey of the subdivision prepared by a qualified person. In areas of questionable soil conditions, percolation tests at the rate of no fewer than two successful test results for each proposed septic disposal area (a total of four tests per proposed lot) may be required on a lot-by-lot basis to determine the suitability of any particular site for building.
 4. A statement prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing.
 5. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and/or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
 6. If any zoning changes are contemplated, the proposed zoning for the areas, including dimensions, shall be shown.
 7. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the planning commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. All subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.
 8. Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the subdivider shall provide in the preliminary plat, a sketch plan which indicates minimum building setback lines and future roadway alignments which would not interfere with structural placement at the time of future subdivision.
 9. A vegetation preservation and protection plan, consistent with LEC 105.12.470, that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.
 10. Developer shall provide a landscape plan, signed by a licensed landscape architect, which shows the placement of ponding, berms, trees, and tree seedlings, shrubs, and shrub seedlings and native grasses.
 1. Landscape plans shall adhere to all requirements of LEC 105.12.480 and shall include the city's landscape standard notes.
 2. Irrigation plans shall be submitted and be in compliance with city general irrigation standards.
 11. If the development is an open space preservation development, architectural and performance standards shall be submitted. If applicable, developments within the I-94 corridor and Old Village shall submit architectural

renderings in order to ensure compliance with city design guidelines and standards.

12. Any environmental review, such as an environmental assessment worksheet, as required by state statutes. If an environmental review is required, the preliminary plat application cannot proceed until the review or study is complete.

14. Other information. Other information shall be provided as may be reasonably requested by the city staff, planning commission, or council.

2. *Preliminary major subdivision (Preliminary Plat) review.*

1. Review by staff and other commissions or jurisdictions. The city shall refer copies of the preliminary plat to the city engineer, planner, attorney, the park commission, and the appropriate county, state, or other public agencies, including, but not limited to the watershed districts, the state department of transportation and/or the county if the application abuts a county road or highway or county state-aid highway, and/or the department of natural resources (DNR) if the application is within a shoreland overlay district and/or floodplain management district, for their review and comment. The city shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the planning commission and council.
2. Comment must be received within 30 days or it will be assumed there are no objections.

3. *Public hearing set.* Upon receipt of a complete application, the city shall set a public hearing following proper hearing notification. The planning commission shall conduct the hearing and report its findings and recommendations to the council. The planning director shall give notice of the hearing. The notice shall consist of a property description and a description of the request. The notice shall be published in the official newspaper at least ten days prior to the date of the hearing and written notification of the hearing shall be mailed at least ten days prior to all owners of land within ~~350~~ 500 feet of the boundary of the property in question. Public hearings shall follow the hearing procedures outlined in LEC 105.12.250. The planning commission, at its discretion, may direct that notification be sent to property owners at distances of greater than ~~350~~ 500 feet. The failure of any property owner to receive notice shall not invalidate the proceedings set forth in this title.

4. *Planning commission action.*

1. The planning commission shall make a finding of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this title. The planning commission shall have the authority to request additional information from the subdivider concerning the proposal, as deemed necessary to formulate a recommendation on the proposal.
2. The planning commission shall recommend approval of the preliminary plat if it in all ways conforms to the city's comprehensive plan and development code. The commission shall recommend denial of the preliminary plat if it makes any of the following findings:
 1. That the proposed subdivision is in conflict with the city's comprehensive plan, development code, capital improvements program, or other policy or regulation.

2. That the physical characteristics of the site, including, but not limited to, topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, and retention, are such that the site is not suitable for the type or intensity of development or use contemplated.
 3. That the design of the subdivision or the proposed improvements are likely to cause substantial and irreversible environmental damage.
 4. That the design of the subdivision or the type of improvements will be detrimental to the health, safety, or general welfare of the public.
 5. That the design of the subdivision or the type of improvement will conflict with easements on record or with easements established by judgment of a court.
 6. That the subdivision is premature as determined by the standards of this title.
5. *City council action.*
1. The council shall act upon the preliminary plat after it has received a report and recommendation from the planning commission and the city staff, or until 60 days after the first regular planning commission meeting at which the request was considered. The council shall have the option of receiving additional testimony if it so chooses. An application for preliminary plat shall be approved or denied within 120 days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the subdivider.
 2. If the preliminary plat is not approved by the council, the reasons for the action shall be recorded in the proceedings of the council and transmitted to the applicant. If the preliminary plat is approved, the approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this title to be indicated on the final plat. The council may require revisions in the preliminary plat and final plat as it deems necessary for the public health, safety, general welfare, and convenience.
6. *Effect of approval.* For one year following preliminary plat approval, unless the subdivider and city agree otherwise, no amendment to the comprehensive plan or other official controls shall apply to or affect the use, development density, lot size, or lot layout that was approved by the city.
7. *Effect of denial.* If a preliminary plat application is denied by the city council, a similar application for a preliminary plat affecting substantially the same property shall not be considered again by the planning commission or city council for at least six months from the date of its denial by the council.
8. *Submission of final plat; request for extension.* If the preliminary plat is approved by the council, the subdivider must submit the final plat within 180 days after city approval, or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the council. Such request for an extension shall include the following:
1. An explanation for why a final plat has not been applied for;
 2. What, if any, good faith efforts have been made to complete the platting process; and
 3. The anticipated completion date; and

4. the require city fee.

The council may approve up to two such extensions of not more than one additional year per extension.

SECTION 9. The City Council of the City of Lake Elmo hereby ordains that Title 103, Section 105.04.200 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~striketrough~~):

105.04.200 Application Review

1. The completed application shall be forwarded to the building inspector for review and recommendation. Within 30 days of the receipt of the completed application, the city administrator shall schedule a public hearing before the city council to review the application. The public hearing shall be preceded by ten days' mailed notice to all residents within ~~350~~ 500 feet of the perimeter of the applicant's property.
2. Wind generator permits shall be issued subject to the following conditions:
 1. The minimum lot size requirement shall be 40 acres. The site must also be large enough to contain within its boundaries any debris resulting from tower failure and/or falling ice.
 2. The wind generator structure shall not exceed 125 feet in height.
 3. The wind generator and guy wires shall have a minimum setback of 150 feet from any property line.
 4. Fencing may be required if the structure poses a safety hazard to residents.
 5. Accessory buildings and guy wires must meet the setback requirements for the underlying zoning district.
 6. No lighting is allowed on the wind generator.
 7. Wind generators are prohibited in the Lake Elmo Airport Safety Zones.
 8. There shall be at least 1,000 feet between wind generators.
 9. If the applicant's property is subdivided into parcels of less than 40 acres, the wind generator shall be removed as a condition of the subdivision approval.
 10. Wind generator permits are not transferable. Upon sale of the property, the purchaser must apply for a new wind generator permit or remove the wind generator from the property.

SECTION 10. The City Council of the City of Lake Elmo hereby ordains that Title 105, Section 105.04.410 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~striketrough~~):

105.04.410 Amateur Radio Tower Antenna Permit

1. Applications for an amateur radio tower antenna permit shall be submitted to the city planner, and shall include the following:

1. A survey drawn to scale, which illustrates the parcel on which the antenna will be located, buildings located on the parcel, buildings located within 100 feet of the parcel, and the location of the proposed amateur radio tower antenna;
2. A drawing to scale, which illustrates the antenna's relative size and visibility from adjoining property. Amateur radio tower antenna structures shall not exceed 120 feet in height. The amateur radio tower antenna must be set back from all adjoining property lines a distance no less than the height of the amateur radio tower antenna plus 15 feet;
3. Documentation from the amateur radio tower antenna manufacturer showing construction details and construction materials;
4. Mailing addresses for all property owners of record located within ~~350~~ 500 feet of the subject property; and
5. A copy of the applicant's FCC amateur radio license.

SECTION 11. The City Council of the City of Lake Elmo hereby ordains that Title 105, Section 105.04.420 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

105.04.420 Planning Commission Review

1. Upon receipt of a completed application, the city planner shall schedule a hearing before the planning commission, which shall be preceded by ten days' mailed notice to the record owners of property located within ~~350~~ 500 feet of the parcel on which the amateur radio tower antenna will be located.
2. The planning commission shall make recommendations to the city council regarding the issuance of an amateur radio tower antenna permit and, in particular, concerning the following:
 1. The reasonable necessity for the amateur radio tower antenna;
 2. The appropriateness of the amateur radio tower antenna design;
 3. The appropriateness of the amateur radio tower antenna's construction materials and assembly;
 4. Maintenance requirements; and/or
 5. The distance of the amateur radio tower antenna from adjoining property lines.

SECTION 12. The City Council of the City of Lake Elmo hereby ordains that Title 105, Section 105.04.440 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

105.04.440 Review And Revocation

The city planner shall inspect the property at least annually for compliance with the provisions of the amateur radio tower antenna agreement. If the permittee does not comply with the terms of the agreement, a hearing shall be scheduled before the city council for determining whether to terminate the agreement. The hearing shall be preceded by ten days' mailed notice to occupants of property within ~~350~~ 500 feet of the lot on which the amateur radio tower antenna is located.

SECTION 13. The City Council of the City of Lake Elmo hereby ordains that Title 105, Section 105.08.060 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

105.08.060 Excavation And Grading Permits

1. *Permit required.* No person shall undertake, authorize, or permit any of the following actions without first having obtained a grading and excavating permit from the city:
 1. Any excavating, grading, filling, or other changes in the earth's topography resulting in the movement of more than 50 cubic yards of material, except in any designated wetlands, floodplain, or shoreland district;
 2. Any excavating, grading, filling, or other changes in the earth's topography in any designated wetlands, floodplain, or shoreland district for construction projects, development, or subdivisions;
 3. Any excavation of gravel or other materials for the purpose of creating wetlands, berming, other natural features, and landscape amenities; or
 4. Any changing of a natural drainageway or drainage pattern that results in increasing or intensifying the flow of surface water upon adjacent property.
2. *Exceptions.* Notwithstanding the above, no grading or excavation permit shall be required for the following activities except as required by state building code:
 1. Earthwork undertaken in accordance with grading plans approved in conjunction with a site and building plan review or plat approval;
 2. Earthwork which will result in moving less than 50 cubic yards of material, provided the work does not take place in any designated wetlands, floodplain, or shoreland district and does not affect local drainage patterns; or
 3. Public improvement projects.
3. *Plan approval required.* No grading or excavation permit shall be issued for site grading or excavation without approved plans for site development and adequate provision for site protection from wind or water erosion. See LEC 105.04.750 for stormwater and erosion and sediment control requirements.
4. *Changes to earth's topography prohibited without permit.* No person shall undertake, authorize, or permit any excavating, grading, filling, or other change in the earth's topography which violates or is not in compliance with a grading or excavating permit issued by the city, including the approved plans and all terms and conditions of the permit.
5. *Public hearing.* All grading and excavating applications, for the purpose of creating wetlands, berming, landscape amenities, and other natural features that result in the moving of more than 400 cubic yards of material per acre of site area shall require a public hearing. To the extent possible, grading permit review will be combined with other planning permits reviews.
6. *Review of grading permits.* Applications for a grading or excavation permit that require either an administrative review or approval by the city council following a public hearing, shall be made to the city planner on forms provided by the city. The application shall be accompanied by the fee set forth from time to time by resolution of the city council.
7. *Submission requirements.* All grading and excavation permit applications shall be accompanied by the following information:
 1. The legal description of the property;

2. The required fee, as set forth in the city's fee schedule, as it may be amended from time to time;
 3. Evidence of ownership or an interest in the property;
 4. Existing and proposed final grades utilizing two-foot contour intervals;
 5. A survey showing the location and elevation of all roads, utilities, and structures which may be impacted by the proposal;
 6. A tree survey showing all trees having a caliper of six inches or greater and a tree preservation plan;
 7. A landscaping and site restoration plan;
 8. A development concept plan indicating how the recontoured parcel may be developed in a manner consistent with this chapter and the comprehensive plan;
 9. A drainage plan which includes any engineering work for stormwater retention must comply with LEC 105.04.770;
 10. An erosion control plan indicating the type and location of erosion measures to be used, must comply with LEC 105.04.7870;
 11. A traffic analysis showing how the materials will be removed from or delivered to the site;
 12. Two copies of all available soil borings together with boring location maps and any other soil information pertinent to improvements;
 13. The other information as may be required by the city;
 14. A schedule of building construction phasing on permit site;
 15. The hours of operation; and
 16. The duration of activity.
8. *Administrative review of grading and excavating permits.*
1. Grading or excavating plans that result in the moving of more than 50, but less than 400, cubic yards of material per acre may be approved by the city administrator upon recommendation of the city planner and city engineer. The application shall be accompanied by the submission requirements set forth in subsection (g) of this section.
 2. Upon receipt of a completed application, the city planner shall review the application within ten working days and shall notify the applicant of the decision by mail. The city planner may impose the modifications and conditions as may be necessary to protect the public interest. Bonding may be required in any amount sufficient to ensure site restoration should the applicant default on his responsibilities.
9. *City council review of grading and excavating permits.*
1. Grading and excavating plans that result in the moving of 400 cubic yards of material per acre require a public hearing and approval of the city council. The application shall be accompanied by the submission requirements set forth in subsection (g) of this section.
 2. Upon receipt of a completed application, the city clerk shall call a public hearing within 30 days from the date of application. Notice shall be published in the city's legal newspaper, and property owners within ~~350~~ 500 feet of the project site shall be notified of the public hearing no less than ten days prior to the hearing. The application shall be reviewed by the city planner and city engineer and their written comments submitted to the city council.

10. *Grading permit standards.* Grading and excavating permits shall be issued only for grading plans which comply with the following:

1. The plans shall maximize the preservation of trees on the property and utilize the trees to the maximum extent possible to screen the grading from adjacent property.
2. The plan shall utilize landscaping to restore site aesthetics, minimize the visual impact of the work, screen the grading from adjacent property, and enhance the property's development potential. All areas altered because of grading activity shall, at a minimum, be restored with seed and disked mulch or sod within two weeks after the completion of the activity. The city may approve an extension of this deadline, if appropriate, but in no case shall site restoration be delayed beyond October 1.
3. The plan shall not result in sites which are unsatisfactory for development of permitted uses. The development potential of a site may be adversely impacted by the matters as unsuitable finished grades, poor soil stability, unsatisfactory drainage, soil compaction detrimental to drainfield construction, or exposure to deleterious influences such as highway frontages for residential property.
4. The plan shall provide for the removal of any significant amounts of organic material or construction debris from the site.
5. In instances where an existing natural or created buffer will be impacted by grading or filling operations, site restoration shall be completed in a manner which resembles, to the extent possible, the original vegetative and topography state of the property, when deemed appropriate by the city.
6. The plan shall protect wetlands, floodplains, shorelands, public waters, and other natural features to the maximum extent possible.
7. The plan shall provide for adequate drainage, stormwater retention, and erosion control measures.
8. The plan shall provide for traffic movements to and from the site which do not have significant adverse effects on roads, intersection, or development in the area. Streets surrounding the site shall be swept as needed to remove any debris which may accumulate due to these activities.
9. The plan shall include a schedule of activities which limits the duration of off-site disruptions and impacts.
10. The plan must also be approved, where required, by appropriate watershed districts, the United States Army Corps of Engineers, the state department of natural resources, and any other government agency which has jurisdiction.
11.
 1. The plan shall be accompanied by a bond sufficient to ensure compliance with the approved permit and adequate site restoration.
 2. The amount of the bond shall be based upon the size of the site, sensitivity of its surroundings, extent of grading, amount of material moved, necessary site restoration and potential impacts upon public facilities, including damage to public roadways and property.
12. The plan shall comply with the state building code and all other applicable statutes or ordinances.

SECTION 14. The City Council of the City of Lake Elmo hereby ordains that Title 105, Section 105.08.080 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~striketrough~~):

105.08.080 Moving Buildings Into City

1. *Application.* Prior to moving a building or structure which will be located or relocated within the city, a moving permit must be obtained from the council. The application for a moving permit shall include the following information:
 1. A performance bond in an amount set forth by the council based on a written recommendation of the building official, city attorney, and/or city planner;
 2. A certificate of insurance which indicates that the applicant has obtained liability coverage and property damage coverage in an amount set forth by the council based on a written recommendation of the building official, city attorney, and/or city planner;
 3. Photos of all sides of the building or structure;
 4. A complete description of the building or structure including its age and physical condition;
 5. A site plan;
 6. A percolation test for the site in the city on which the building will be located or relocated;
 7. An application fee set forth from time to time by council resolution;
 8. A written approval from utility companies;
 9. Proof of ownership of site in city on which the building will be located or relocated;
 10. Proof of state license for house and building moving; and
 11. The required fee.
2. *Inspection.* The building inspector shall inspect the building or structure for which the permit is requested before and after it is moved. Applicant shall reimburse the city for expenses incurred by the building official in order to inspect a building or structure located beyond the borders of the city. The expense reimbursement shall be made before issuance of the moving permit.
3. *Standards.* All improvements required to render the building or structure safe and suitable for occupancy shall be completed prior to occupancy. Additional improvements necessary to ensure that the building or structure complies with the city's building code and with the site grading requirements or landscaping requirements for the zone, in which the structure will be located, shall be completed within 12 months of the date of issuance of the moving permit. The building or structure as improved shall not materially depreciate surrounding property values.
4. *Review procedure.*
 1. The completed application shall be submitted to the planning commission along with recommendations of the building official. The planning commission shall conduct a hearing on the application preceded by at least ten-days' mailed notice to all property owners within ~~350~~ 500 feet of the building location site. The planning commission shall make its recommendation to the city council within 40 days after the completed application has been referred to the planning commission. If the

planning commission recommendation is not received within the required time, the council may take action without the planning commission's report.

2. The council may grant or deny the application or table it in order to obtain additional data necessary to make a reasonable decision. The council may require that the applicant post a performance bond, letter of credit, or cash deposit in a reasonable amount in order to ensure that applicant completes those improvements which are required to be completed within 12 months of the date of the issuance of the moving permit.

SECTION 15. The City Council of the City of Lake Elmo hereby ordains that Title 105, Section 105.08.290 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

105.08.290 Hearing

The council shall provide for a public hearing before granting a park permit. Notice of the hearing shall be made by publication in the official city newspaper. Publication shall be made at least ten days prior to the date of hearing. All property owners within 350 500 feet shall also be notified by mail.

SECTION 16. The City Council of the City of Lake Elmo hereby ordains that Title 105, Section 105.12.240 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

105.12.240 Applications Review Process

1. *Application form and fee.* The following general provisions apply to all applications required under this chapter:

1. *Application form.*

1. *Application in writing.* All applications for any site plan, conditional use permit, zoning verification, variance, or for any other city approval required by this chapter, or to amend this chapter, shall be made in writing on a form provided by the city, to the director of planning.

2. *Information required.* Every application shall contain the legal description of the property and a statement of the specific permit or action being sought. In addition, every application shall include the submission requirements listed in subsection (b)(1) of this section. Nothing in this section shall be deemed to prevent the city from requesting additional information from the applicant upon which to base a decision.

2. *Fee.* The application shall be accompanied by the required fee as established by resolution of the city council. If a dispute arises over a specific fee imposed by the city, the amount of the fee must be deposited and held in escrow, and the person aggrieved by the fee may appeal to the district court, as provided by M.S.A. § 462.361 (judicial review), as it may be amended from time to time. The application shall proceed as if the fee had been paid, pending a decision of the court.

2. *Application requirements.*

1. *Submission materials.* Submission materials for applications required under this chapter shall include the following specific information:
 1. Site plan drawn to scale showing parcel and building dimensions.
 2. Location of all buildings and their size, including square footage.
 3. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
 4. Landscape plans meeting the requirements of LEC 105.12.480.
 5. If grading or stormwater management is proposed, grading and stormwater, erosion, and sediment control plans meeting the requirements of LEC 105.04.710 through LEC 105.04.840, LEC 105.08.060, and LEC 105.08.130.
 6. Type or types of business or activity and proposed number of employees.
 7. Proposed floor plan of any building with use indicated.
 8. Building elevation drawings of any new construction or building renovation proposed.
 9. Sanitary sewer and water plans with estimated flow rates.
 10. Soil type and soil limitations for intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome the limitation shall be made part of the application.
 11. For applications that require a public hearing, a certified list of property owners located within ~~350~~ 500 feet of the subject property obtained from and certified by a licensed abstractor.
 12. The director of planning may require that the applicant supply proof of ownership of the property for which a permit is requested.
 13. The director of planning may require traffic generation information to determine the adequacy of existing transportation infrastructure.
 14. Such other information as may be required by the director of planning, planning commission, or city council.
2. *Waiver of submission materials.* The director of planning may waive certain submission requirements for projects that will have a minimal impact on surrounding properties or in instances when said submission requirements are impractical given the nature of the proposed development.
3. *Amended applications.* An amendment to any permit issued under this chapter shall be processed in the same manner as a new application.
4. *State established time limit for final action.* The city shall comply with the time limits as established by M.S.A. § 15.99 (time deadline for agency action), as it may be amended from time to time, with regards to taking action on any applications subject to said statute.

SECTION 17. The City Council of the City of Lake Elmo hereby ordains that Title 105, Section 105.12.250 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~striketthrough~~):

105.12.250 Public Hearing Requirements

This section contains requirements for public hearings held by the planning commission, board of adjustment or city council under this chapter.

- a) *Notification of the general public.* The director of planning shall set the date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, and not less than ten days prior to the hearing.
- b) *Notification of surrounding property owners.* For any application for which a public hearing is required, the director of planning shall notify all property owners within the affected zone and within ~~350~~ 500 feet of the outer boundaries of the property in question.
 - 1) Failure of any property owner to receive such notification shall not invalidate the proceedings.
 - 2) The city council may waive the mailed notice requirements for a city-wide amendment to the zoning ordinance initiated by the planning commission or city council.
- c) *Hearing procedures.*
 - 1) *Public hearings conducted by the planning commission, city council, and board of adjustment.*
 - a. The director of planning or his representative shall summarize the application and any associated information.
 - b. The applicant shall be allowed to summarize the request and call any witnesses to support his request.
 - c. The public shall be allowed to make statements concerning the request subject to reasonable limits that may be set by the body conducting the hearing.
 - d. The planning commission, city council and board of adjustment may establish other procedures as needed to ensure due process for those parties involved with the hearing.
 - 2) *Appeal hearings.* The board of adjustment shall hold a hearing and make a decision on any appeal submitted in accordance with LEC 105.12.310. The board of adjustment shall establish rules for due process during appeal hearings and any part to the appeal may appear at the hearing in person or by agent or attorney. At a minimum, the following hearing procedure will be followed:
 - a. Appellant shall present a case and may call any witnesses necessary in support thereof;
 - b. Respondent may ask questions of appellant's witnesses;
 - c. Respondent may call witnesses;
 - d. Appellant may ask questions of respondent's witnesses;
 - e. Respondent may summarize his position;
 - f. Appellant may summarize his position;
 - g. Generally, the Minnesota District Court Rules of Civil Procedure shall apply for the conduct of the hearing.

SECTION 18. The City Council of the City of Lake Elmo hereby ordains that Title 105, 105.12.300 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

105.12.300 Interim Use Permits

1. *Purpose and intent.* The purpose and intent of allowing interim uses are:
 1. To allow a use for a limited period of time that reasonably utilizes the property where such use is not consistent with the future land map in the comprehensive plan; and
 2. To allow a use that is presently acceptable, but that with anticipated development or redevelopment or other significant change, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district.
2. *Required findings.* An interim use permit may be granted only if the city council finds as follows:
 1. The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.
 2. The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
 3. The use will not adversely impact implementation of the comprehensive plan.
 4. The user agrees to all conditions that the city council deems appropriate to establish the interim use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the city to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit.
 5. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.
 6. The date or event terminating the interim use shall be set by the city council at the time of approval.
3. *Application requirements.* Interim use permit applications shall be submitted to the director of planning on such form and accompanied by such information as required by LEC 105.12.240(a) and with the submission materials listed in LEC 105.12.250(b).
 1. Additional application requirements. An application for an interim use permit shall include the following additional information:
 1. A letter from the applicant explaining the proposal and stating the date or event that will terminate the use;
 2. A signed consent agreement, subject to review and approval by the city council documenting:
 1. That the applicant, owner, operator, tenant and/or user has no entitlement to future approval or reapproval of the interim use permit;
 2. That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
 3. That the applicant, owner, operator, tenant and/or user will abide by conditions of approval that the city council attaches to the interim use permit.

4. *Public hearing required.* The planning commission shall hold a public hearing on each complete application for an Interim use permit as provided in LEC 105.12.250. After the close of the hearing on a proposed interim use permit, the city planning commission shall consider findings and shall submit the same together with its recommendation to the city council.
5. *Final decision by city council.* The city council shall make the final decision on an interim use permit after a public hearing by the planning commission. The city council may approve, approve with conditions, or deny the application.
6. *Termination.* An interim use shall terminate on the happening of any of the following events, whichever occurs first:
 1. The date or event stated in the permit;
 2. Upon violation of conditions under which the permit was issued;
 3. Upon a change in the city's zoning regulations which renders the use nonconforming; or
 4. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
7. *Revocation.* Failure to comply with any condition set forth in an interim use permit, or any other violation of this chapter, shall be a misdemeanor and shall also constitute sufficient cause for the termination of the conditional use permit by the city council following a public hearing conducted in accordance with LEC 105.12.250.
8. *Renewal.* The following process may be used to renew an active interim use permit that is set to expire. Terminated or suspended interim use permits cannot be renewed unless the director of planning has received an application for and approved a one-time, 30-day extension to continue processing the renewal application.
 1. *Application.* Application requirements for renewal of an existing interim use permit shall be the same as for a new application.
 2. *Review.* Upon receiving a completed application for an interim use permit renewal, the director of planning shall send notice of the requested renewal to all property owners within ~~350~~ 500 feet of the parcels containing the interim use. If any objections are raised within ten days of the mailed notice, the application shall be processed in the manner of a new application. If no objections are raised, the director of planning shall prepare a resolution of approval outlining the conditions and stipulations of the renewal for consideration by the city council. The city council, as its discretion, may approve or deny the request with findings. Denial of a renewal request does not constitute termination of the existing interim use permit.

SECTION 19. The City Council of the City of Lake Elmo hereby ordains that Title 105, Section 105.12.320 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

105.12.320 Variances

1. *In general.* The board of adjustment shall have the power to grant variances to the provisions of this chapter under the following procedures and standards: A request for a variance from the literal provisions of this chapter may be granted in instances where their strict enforcement would cause practical difficulties because of circumstances unique to

the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. All requests for variances shall be reviewed in accordance with the required findings listed in subsection (f) of this section.

2. *Use variances prohibited.* A variance shall not be granted for any use that is not a listed permitted or conditional use under this chapter for property in the zone where the property is located.
3. *Application requirements.* Variance applications shall be submitted to the director of planning on such form and accompanied by such information as required by LEC 105.12.240(a) and with the submission materials listed in LEC 105.12.240(b).
4. *Hearing requirements.* The planning commission shall hold a public hearing on each complete application for a variance as provided in LEC 105.12.250. After the close of the hearing on a proposed variance, the city planning commission shall consider findings and shall submit the same together with its recommendation to the board of adjustment.
5. *Board of adjustment action.* The board of adjustment shall receive the recommendation of the planning commission and shall take final action on the variance request. All findings and decisions of the board of adjustment concerning variances shall be final.
6. *Required findings.* Any action taken by the board of adjustment to approve or deny a variance request shall include the following findings:
 1. *Practical difficulties.*
 1. A variance to the provision of this chapter may be granted by the board of adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.
 2. Definition of practical difficulties. The term "practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.
 2. *Unique circumstances.* The problem for the landowner/applicant which the proposed variance is intended to correct must be due to circumstances that are unique to the property in question and that were not created by the land owner/applicant.
 3. *Character of locality.*
 1. The proposed variance will not alter the essential character of the locality in which the property in question is located.
 2. Definition of locality. For the purposes of this subsection, the term "locality" shall be defined as all that property within ~~350~~ 500 feet of the property proposed for the variance; however, in all events, it shall include all parcels abutting the affected parcel, including those immediately across a public street, alley or other public property.
 4. *Adjacent properties and traffic.* The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

7. *Conditions.* The planning commission may recommend and the board of adjustment may impose such restrictions and conditions upon the property that is the subject of the variance as may be necessary to comply with the standards established by this chapter or to reduce or minimize the effect of such variance upon other properties in the neighborhood and to better carry out the intent of the variance.
8. *Effect of denial.* No application by a property owner for a variance shall be submitted to the board of adjustment within a six months period following a denial of such a request unless, in the opinion of the board, new evidence of change in circumstances warrant it.
9. *Expiration.* A variance shall be deemed to authorize only one particular use and shall expire if work does not commence within 12 months of the date of granting such variance, except when:
 1. *Initial requests for an extension of one year or less.*
 1. A written request for an extension of one year or less is received by the city at least 30 days prior to the expiration of the initial variance. In order to make the request, the applicant shall submit an application on a form provided by the city and pay an application fee in the amount set forth in the city's fee schedule. The request for the extension must include facts demonstrating that a good faith attempt has been made by the applicant to complete or utilize the variance that was granted.
 2. The planning director shall review the request and either approve or deny the extension. The planning director's decision may be appealed to the board of adjustment pursuant to LEC 105.12.310.
 2. *Subsequent requests for extensions and extensions for more than one year.*
 1. Subsequent requests for extensions and requests for an extension of more than one year must be made to the city at least 30 days prior to the expiration of the variance. In order to make the request, the applicant shall submit an application on a form provided by the city and pay an application fee in the amount set forth in the city's fee schedule. The request for the extension must include facts demonstrating that a good faith attempt has been made by the applicant to complete or utilize the variance that was granted.
 2. The planning commission shall review the request and shall make a recommendation to the city council as to whether the city council should approve or deny the request.
10. *Revocation.* The board of adjustment may revoke a variance if any conditions established by the board as part of granting the variance request are violated.

SECTION 20. The City Council of the City of Lake Elmo hereby ordains that Title 105, Section 105.12.1210 of the City's Code of Ordinances is amended as follows (proposed language is underlined, deleted language is shown with ~~strikethrough~~):

105.12.1210 Application Requirements For Pre-Application Conference, Preliminary Plan And Final Plan

Five copies of the following plans, exhibits and documents shall be submitted to the City before the pre-application conference, and as part of preliminary plan stage and the final plan stage applications:

1. *Pre-application conference.*

1. *General information.*

1. The landowner's name and address and his interest in the subject property.
2. The applicant's name and address if different from the landowner.
3. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including, but not limited to, attorney, land planner, engineer and surveyor.

2. *Present status.*

1. The address and legal description of the property.
2. The existing zoning classification and present use of the subject property and all lands within ~~350~~ 500 feet of the subject property.
3. A map depicting the existing development of the subject property and all land within ~~350~~ 500 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
4. Site conditions. Where deemed necessary by the City, graphic reproductions of the existing site conditions at a scale of one-inch equals 100 feet shall be submitted and contain the following:
 1. Contours; minimum five-foot intervals;
 2. Location, type and extent of tree cover;
 3. Slope analysis; and
 4. Location and extent of water bodies, wetlands, streams, and floodplains within 300 feet of the subject property.
5. A written statement generally describing the proposed PUD and showing its relationship to the City Comprehensive Plan.
6. Schematic drawing of the proposed development concept, including, but not limited to, the general location of major circulation elements, public and common open space, residential and other land uses.
7. Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets, including, but not limited to, pedestrian ways, utility easements and stormwater facilities.
8. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 1. Area devoted to residential use by building type;
 2. Area devoted to common open space;
 3. Area devoted to public open space and public amenities;
 4. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
 5. Approximate area, and floor area, devoted to commercial uses; and
 6. Approximate area, and floor area, devoted to industrial or office use.
9. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the

approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage.

10. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
11. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

2. *PUD preliminary plan stage.*

1. *PUD preliminary plan submittal requirements.* Requests for preliminary PUD plans shall be filed with the Planning Director on an official city application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of four (4) large scale copies and ten (10) reduced scale (11-inch by 17-inch) copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has met all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

1. Preliminary plat and preliminary major subdivision information required by LEC 103.00.090.
2. General information:
 1. The landowner's name and address and his interest in the subject property.
 2. The applicant's name and address if different from the landowner and the applicant's interest in the subject property.
 3. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, landscape architect, engineer, and surveyor.
 4. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date title commitment or certificate of title and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

2. *Present status.*

1. The address, property identification number (PID) and legal description of the property.
2. The existing zoning classification and present use of the subject property and all lands within 350 500 feet of the property.
3. A map depicting the existing development of the property and all land within 350 500 feet thereof and indicating the location of existing streets,

- property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within 100 feet of the property.
4. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.
 5. A statement of the proposed financing of the PUD.
 6. Site conditions. Graphic reproductions of the existing site conditions at a scale of one-inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis.
 1. Contours; minimum two-foot intervals.
 2. Location, type and extent of tree cover.
 3. Slope analysis.
 4. Location and extent of water bodies, wetlands and streams and floodplains within 300 feet of the property.
 5. Significant rock outcroppings.
 6. Existing drainage patterns
 7. Vistas and significant views.
 8. Soil conditions as they affect development.
 7. Schematic drawing of the proposed development concept, including, but not limited to, the general location of major circulation elements, public and common open space, residential and other land uses.
 8. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 1. Area devoted to residential use by building type;
 2. Area devoted to common open space;
 3. Area devoted to public open space and public amenities;
 4. Approximate area devoted to streets;
 5. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
 6. Approximate area, and floor area, devoted to commercial uses; and
 7. Approximate area, and floor area, devoted to industrial or office use.
 9. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD, and demonstrating that the proposed site amenities sufficiently achieve the desired density bonus. The applicant is required to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.
 10. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the

development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.

11. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
12. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
13. Schematic utilities plans indicating placement of water, sanitary and storm sewers infrastructure and systems.
14. Applicable plans must meet or exceed the requirements of the City's Engineering Design and Construction Manual.
15. Any additional information deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.
16. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
17. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

3. *PUD preliminary plan review.*

1. As part of the review process for a PUD preliminary plan, the Planning Director shall review the PUD, and shall prepare a report and make a recommendation about the proposed preliminary PUD plan for Planning Commission and City Council consideration.
 2. The Planning Director shall prepare a draft ordinance to establish the potential PUD overlay zoning district to be established as a component of the PUD final plan.
 3. The Planning Commission shall hold a public hearing and report its findings and make recommendations to the City Council on the merit, needed changes and suggested conditions the City should impose on the PUD.
 4. The City Council shall review and finalize the ordinance. Adoption and publication of an overlay district ordinance shall occur upon approval of the preliminary PUD. The effective date of the ordinance shall be upon approval of the final PUD.
4. *Effect of a PUD preliminary plan review.* The approved PUD preliminary plan and ordinance governs the preparation of the PUD final plan. The applicant or developer shall submit the proposed PUD final plan to the City for final approval in accordance with the requirements of this title.
5. *Limitation of approval.* The City Council's approval of a PUD preliminary plan shall remain valid for a period of 180 days, unless a request for time extension of up to one (1) year is submitted in writing to the City and approved by the City Council. (See subsection (c)(4) of this section about PUD time limits.)

3. *PUD Final Plan Stage.*

1. *Application deadline.* The applicant or developer shall submit an application for a PUD final plan to the City for approval within 180 days of City Council approval of the PUD preliminary plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.
2. Development and PUD final plan stage submissions should depict and outline the proposed implementations of the preliminary plan stage for the PUD. Information from the pre-application conference and preliminary plan stages may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include, but not be limited to:
 1. A final plat and information required by LEC 103.00.080;
 2. Final plans drawn to a scale of not less than one-inch equals 100 feet (or a scale requested by the Planning Director) containing at least the following information:
 1. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
 2. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
 3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
 4. The location, size, use and arrangement, including height in stories and feet, and total square feet of ground area coverage, and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
 5. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights-of-way, utility lines and facilities, lots, block, public and common open space, trails, landscaping and screening, structures and uses;
 6. Applicable plans must meet or exceed the requirements of the City's Engineering Design and Construction Manual.
 3. A tabulation indicating the number of residential dwelling units and expected population;
 4. Density calculations, including proposed density bonuses above the base zoning district. To be granted increased density of residential development, the applicant must submit a schedule of site amenities with proposed designs and standards. The applicant must demonstrate that site amenity standards in Table 15-2 have been met to be rewarded additional density;
 5. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g., retail or office);
 6. Preliminary architectural typical plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes;
 7. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements

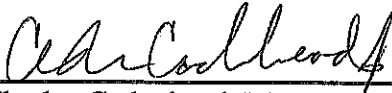
- including bike and pedestrian; and the total site coverage of all circulation elements;
8. Location, designation and total area of all common open space;
 9. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
 10. The location of applicable site amenities, if any;
 11. Proposed lots and blocks, if any and numbering system;
 12. The location, use and size of structures and other land uses on adjacent properties;
 13. Detailed plans and provisions of proposed landscaping and screening;
 14. Grading, drainage and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved preliminary PUD plan;
 15. A soil erosion control plan acceptable to watershed districts, the Department of Natural Resources, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures;
 16. Applicable plans must meet or exceed the requirements of the City's Engineering Design and Construction Manual; and
 17. Any other information that may have been required by the Planning Commission or City Council in conjunction with the approval of the preliminary plan.
3. PUD final plan review.
1. The Planning Director shall prepare an analysis of the final documents against the conditions of the PUD preliminary plan approval and shall make a recommendation as to whether all conditions have been met or if the applicant needs to make additional changes to the project plans.
 2. The Planning Director shall identify any information submittals that were waived so the City Council may determine if such is needed before making a final decision.
 3. If the Planning Director finds the final PUD documents to be inconsistent with the preliminary PUD plan and ordinance, then the preliminary PUD plan and ordinance shall be amended.
 4. The City Council shall then consider the recommendations of the Planning Director, and make a decision of approval or denial, in whole or in part, on the PUD final plan. A City Council denial shall only be based on findings that a PUD final plan is not in substantial compliance with the approved PUD preliminary plan and/or the required conditions of approval of the approved PUD preliminary plan.
 5. For Preliminary PUD's approved prior to April 4, 2023, the final PUD may follow the previous final PUD process and have the City Council adopt the PUD ordinance with the final PUD approval.
 6. Planned unit development agreement.

1. At its sole discretion, the City may, as a condition of approval, require the owner and developer of the proposed PUD to execute a development agreement that may include but not be limited to all requirements of the PUD final plan.
 2. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the installation or development of all improvements called for by the City and outlined in the development agreement.
 7. As directed by the City, the applicant or developers shall record with Washington County all documents related to the PUD against the property.
4. Time limit.
1. A planned unit development shall be validated by the applicant through the commencement of construction or establishment of the authorized uses, subject to the permit requirements of this Code, in support of the planned unit development within one (1) year of the date of PUD final plan approval by the City Council. Failure to meet this deadline shall render the PUD final plan approval void. Notwithstanding this time limitation, the City Council may approve time extensions for validation of an approved PUD of up to one (1) year if requested in writing by the applicant; extension requests shall be submitted to the Planning Director and shall identify the reasons why the extension is necessary along with an anticipated timeline for validation of the planned unit development.
 2. The City shall administer and process an application to reinstate a PUD that was voided for not meeting the required time limit for validation and implementation in the same manner as a new PUD beginning at PUD preliminary plan.

SECTION 21. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

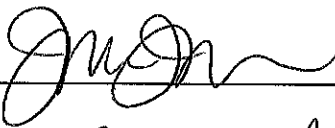
SECTION 22. Adoption Date. This Ordinance 2026-01 was adopted on this 17th day of February, 2026, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Charles Cadenhead, Mayor

ATTEST:



Julie Johnson, City Clerk