

# ELKO NEW MARKET - PLANNING COMMISSION MEETING

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PC Members: Brad Smith, Nicole Kruckman, Thomas Humphrey, Melissa Hanson, Todd Priebe and Harry Anderson  
City Staff: Community Development Specialist Renee Christianson, Planner I Haley Sevensing and City Engineer Rich Revering



## AGENDA

**TUESDAY, OCTOBER 29, 2019 @ 7:00 PM**  
COUNCIL CHAMBERS – NEW MARKET AREA HALL  
601 MAIN STREET, PO BOX 99, ELKO NEW MARKET, MN 55020

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA**  
Consider Approval of the Agenda
- 4. PUBLIC COMMENT** (public opportunity to comment on items not listed on the agenda)
- 5. ANNOUNCEMENTS**  
A. None
- 6. APPROVAL OF MINUTES**  
Consider Approval of the following:  
A. September 24, 2019 Minutes
- 7. PUBLIC HEARINGS**  
A. Request for PUD Amendment for Pete’s Hill, Elko 34, LLC applicant
- 8. GENERAL BUSINESS**  
A. Consider Zoning Ordinance Amendments – Garbage/Refuse and Recreational Vehicle Parking
- 9. MISCELLANEOUS**  
A. Community Development Updates & Reports  
B. Planning Commission Questions & Comments
- 10. ADJOURNMENT**

### **BOARD NOTICE:**

TO DETERMINE IF A QUORUM WILL BE PRESENT, PLEASE CONTACT ELKO NEW MARKET AREA HALL AT 952-461-2777  
IF YOU ARE UNABLE TO ATTEND

### **PUBLIC NOTICE:**

ANYONE SPEAKING TO THE BOARD SHALL STATE THEIR NAME AND ADDRESS FOR THE RECORD

**MINUTES  
CITY OF ELKO NEW MARKET  
PLANNING COMMISSION MEETING  
SEPTEMBER 24, 2019  
7:00 PM**

**1. CALL TO ORDER**

Chairman Smith called the meeting of the Elko New Market Planning Commission to order at 7:00 p.m.

Commission members present: Smith, Humphrey, Kruckman, and Hanson

Members absent and excused: Priebe, and Ex-officio member Anderson

Staff Present: Community Development Specialist Christianson and Planner Sevensing.

**2. PLEDGE OF ALLEGIANCE**

Chairman Smith led the Planning Commission in the Pledge of Allegiance.

**3. APPROVAL OF AGENDA**

A motion was made by Kruckman and seconded by Hanson to approve the agenda as submitted. Motion carried: (4-0).

**4. PUBLIC COMMENT**

There was no public comment.

**5. ANNOUNCEMENTS**

There were no announcements.

**6. APPROVAL OF MINUTES**

A. It was moved by Hanson and seconded by Humphrey to approve the minutes of the August 27, 2019 meeting as submitted. Motion carried: (4-0).

**7. PUBLIC HEARINGS**

There were no public hearings.

**8. GENERAL BUSINESS**

## **A. Consider Zoning Ordinance Amendments – Garbage/Refuse and Recreational Vehicle Parking**

Planner Sevening introduced the agenda item and explained that City staff had recently conducted a citywide inventory of properties to determine the extent of compliance with Section 11-4 and 11-8 of the City code, which regulate garbage and refuse, and recreational vehicle parking. The results of the inventory, which showed significant noncompliance, were presented to the City Council on September 12<sup>th</sup>. The City Council was asked if they wanted staff to enforce the City code as currently written, or whether the code should be amended to determine if updates were needed. The City Council directed staff to bring the matter to the Planning Commission to determine if changes to the ordinance should be considered.

Sevening reviewed the current codes. In regards to garbage and refuse, she explained that the code currently requires that all garbage containers be kept within an enclosed building, or if stored outside, they shall be completely screened from view. Sevening displays examples of what the required screening could look like. On the date of the inspection, 44% of the properties in the City had violations related to storage of garbage cans. Of those, approximately 50% had garbage cans stored in front of their home and 50% had them stored on the side of their home.

In regards to the storage of recreational vehicles, Sevening explained that the current code requires that recreational vehicles be stored on a hard dust free surface, and that screening is required to the height of the recreational vehicle, or 6', whichever is less. On the date of the inspection, 16% of the properties in the City had violations related to the storage of recreational vehicles. Violations were primarily related to storing them in unpermitted locations, and without screening. She noted that the storage of recreational vehicles on properties may have a greater visual impact on neighborhoods.

Sevening explained that the City Council generally indicated that amendments to these sections should be considered. She stated that as part of the research, ten community codes were reviewed. She stated that, related to garbage can storage, nine of the ten communities allowed garbage cans to be stored outside. Half of those cities require screening of garbage containers.

All of the communities researched allow recreational vehicles to be parked in the driveway. Some permitted that seasonally, while some allowed year-round driveway parking. Some cities had size limitations, limitations on the number allowed, and most required recreational vehicles to be parked on a hard surface. Two of the cities required screening.

Sevening explained that, following completion of the citywide inventory and research of other community codes, staff had provided some preliminary recommendations for code amendments for discussion purposes. The Commission held discussion on the individual items.

Feedback from the Planning Commission regarding the storage of garbage cans was as follows:

- Kruckman stated that she does not believe the City should regulate the location of garbage cans on residential properties.
- Hanson stated that she cares about how her neighboring properties look and where garbage cans are placed. She stated it can affect the salability of a home and has visual impacts on the neighborhood.
- Humphrey stated that he is interested to know how the peer communities are regulating garbage cans, and would like to provide some consistency.
- Kruckman stated she is not in favor of requiring screening for garbage cans.
- Smith and Humphrey supported a requirement that that garbage cans be placed within an enclosed structure or if stored outside, they must be placed on the side or the rear of the home.

Following discussion regarding garbage cans, the Commission took an informal vote on the matter. It was moved by Humphrey, seconded by Hanson to recommend that the City code be amended to state that garbage cans must be placed in an enclosed structure, or in the side yard, or in the rear yard of a home, and that garbage cans will not be permitted in the front yard of a home. Motion carried: 3 – 1, with Kruckman placing the dissenting vote. Christianson noted that any change requires a formal public hearing, and action by the City Council.

Discussion was then held regarding recreational vehicle parking, as follows:

- There was discussion regarding the allowable parking surface. Christianson explained that in one section of the City code it clearly states that all driveway and parking surfaces in all residential, commercial and industrial zoning districts must be constructed with a concrete, bituminous, or paver surface. The recreational vehicle section of the code states that parking areas must be constructed with a “hard, dust-free surface”. She further explained that there was a period of time when a former consultant had opined that a gravel surface was a permissible surface for recreational vehicle parking. She explained that current City staff’s interpretation of the code is that gravel surfaces are not permitted because it contradicts the requirement that in all residential, commercial and industrial zoning districts must be constructed with a concrete, bituminous, or paver surface.
- Kruckman expressed concern about existing gravel parking spaces that may have been constructed during a previous time period. She did not want to place a financial burden on those property owners that have existing gravel surfaces by requiring them to upgrade the surface. Christianson stated that an inventory could be completed to determine how many gravel parking surfaces exist and when they were constructed. The City could include a grandfathering clause in any new ordinance to account for the existing gravel parking surfaces.

- Commissioner Humphrey commented on recreational vehicles that are allowed to be stored seasonally, and he recommended that a definition for “seasonally” be very clearly defined.
- Humphrey stated that vehicles that are over a certain size do have a visual impact on surrounding properties, and therefore, he does not believe that vehicles exceeding a certain size should be permitted in a driveway. He recommends that there be a length limit included in the ordinance.
- Commissioner Humphrey stated concern over future enforcement of the ordinance. He wanted to ensure that it would be enforced going forward.
- Hanson stated that there should be a limit on the length of a recreational vehicle parked in a driveway, and stated that the longer recreational vehicles can cause a safety issue based on impaired sightlines.
- Kruckman stated that recreational vehicles should not be allowed to encroach into the street right-of-way.
- Christianson noted that not all properties accommodate side yard parking of recreational vehicles. The majority of homes are constructed 10’ off of the side property line, and the majority of lots have a 5’ drainage and utility easement, leaving only 5’ for side yard parking.

Following discussion on the item, the Commission tentatively recommended that staff schedule a public hearing regarding amendments to the recreational vehicle section of the zoning ordinance at the October Planning Commission meeting. General items to be included in the revised ordinance include the following: restrict the number of recreational vehicles allowed to be parked on a property, restrict the size/length of recreational vehicles to be parked on a property, remove the screening requirement for recreational vehicle parking, and clarify the surfacing requirements for parking of recreational vehicles.

## **9. MISCELLANEOUS**

### **A. Community Development Updates**

Christianson noted that a report containing Community Development updates was included in the Planning Commission Packet. Specifically reviewed was the status of the Pete’s Hill and Boulder Heights developments, and the Elko New Market Commerce Center. Commissioner Hanson asked if there were plans for a Kwik Trip in the community. Christianson stated that Kwik Trip is currently in a due diligence period on a property in the community. Christianson noted that staff is currently collected traffic data throughout the community.

### **B. Planning Commission Questions and Comments**

There were no further comments or questions from the Planning Commission.

**10. ADJOURNMENT**

A motion was made by Smith and seconded by Humphrey to adjourn the meeting at 8:11 p.m. Motion carried: (4-0).

Submitted by:



Renee Christianson  
Community Development Specialist

DRAFT



601 Main Street  
Elko New Market, MN 55054  
phone: 952-461-2777 fax: 952-461-2782

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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**CC:** JOHN WICHMANN, REMAX ADVANTAGE PLUS  
STEVE SOLTAU, SHAKOPEE CROSSINGS  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
HALEY SEVEING, PLANNER  
**RE:** REQUEST TO AMEND PLANNED UNIT DEVELOPMENT (PUD) FOR PETE'S HILL  
**DATE:** OCTOBER 29, 2019

PLANNING COMMISSION MEETING:	OCTOBER 29, 2019
CITY COUNCIL MEETING:	NOVEMBER 21, 2019
60-DAY REVIEW DEADLINE:	DECEMBER 13, 2019
120-DAY REVIEW DEADLINE	FEBRUARY 11, 2020

### **Introduction**

On August 22, 2019 the City Council approved Ordinance No. 199, approving a rezoning of the property located in the Pete's Hill development to Planned Unit Development (PUD) zoning. The ordinance, along with the development contract for the development, incorporated recommendations from the Planning Commission and City Council related to approval of the Pete's Hill development. A portion of the development is planned for twin-home construction (23 units) and will be subject to Medium Density Residential zoning requirements, and a portion of the development (22 units) will be subject to the Low Density Residential zoning requirements. Allowable deviations to City standards are outlined in Section 2 of the approved ordinance. Increased design standards, which exceed minimum City standards, are contained in Section 3 of the approved ordinance.

The developer, Elko 34, LLC, has now submitted application for an amendment to the approved PUD ordinance to allow surmountable curbing in a portion of the development. Submitted with the application was:

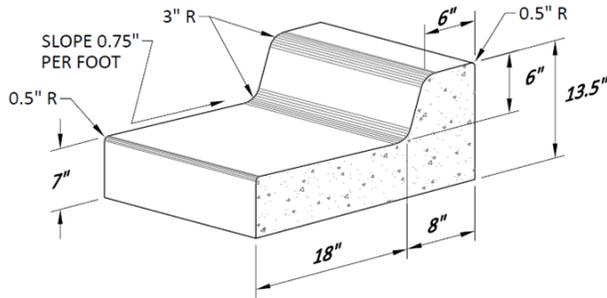
- Elko 34, LLC, PUD Amendment Narrative, dated October 11, 2019

### **Background / History**

Concrete curb and gutter is required for streets in new subdivision and parking lots. There are different types of curbing design. Generally speaking there is "surmountable curb" and "insurmountable curb". Surmountable curb is that which one can easily drive over. Sometimes described as roll-over curb, they do not require modification when the home is constructed and the driveway location is selected. The driveway is simply built right up to the back of the curb. Unsurmountable curb has a nearly vertical face on the curb.

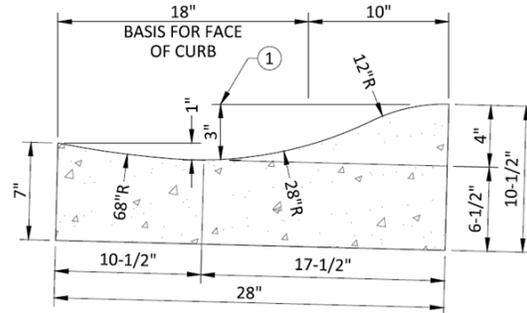
Then, for each driveway, a curb-cut is poured where a driveway is to be constructed. The City's Subdivision Ordinance currently requires insurmountable curb, commonly referred to as "B618" curb, for new City streets. Below are some examples and photographs of each type of curbing.

**B618 (Highback) Curb Detail**



**CONCRETE CURB & GUTTER**  
**DESIGN B618**  
 NOT TO SCALE

**Surmountable Curb Detail**



① NOTE:  
 CURB SHALL BE PLACED IN A TILTED POSITION AS SUCH  
 TO PROVIDE A 3" DEPTH FROM THE TOP OF CURB TO  
 THE FLOWLINE WHEN MEASURED ON A LEVEL PLANE.

**Development with B618 (Highback) Curb – Currently Required by ENM City Code**



**Development with Surmountable Curb**



**Vacant Development with B618 Curb - Driveway Locations Poured**



**Vacant Development with Surmountable Curb – Driveways Can Be Located Anywhere**



**Current City Code**

Section 12-9-5-1 (X) of the City Code currently states the following:

**12-9-5-1: STREET STANDARDS:**

- X. Curb And Gutter: All curb shall be concrete with integral gutter. The standard curb shall be type B618 in accordance with city standards.

## **Zoning**

The property is currently zoned Planned Unit Development (PUD) and is subject to PUD Ordinance No. 199. The applicant's request to modify the type of curbing would be considered a major modification of the PUD under the City's zoning ordinance, and requires a public hearing and action by the Planning Commission and City Council.

The purpose of the PUD district is to provide standards which allow flexibility in the development of residential neighborhoods that would not be possible under a conventional zoning district. The intent of a PUD is to:

- A. Provide for the establishment of PUD (planned unit development) zoning districts in appropriate settings and situations to create or maintain a development pattern that complies with the city comprehensive plan.
- B. Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished under this title.
- C. Provide for variations to the strict application of the land use regulations in this title in order to improve site design and operation, while at the same time incorporating design elements (e.g., construction materials, landscaping, lighting, etc.) that exceed the city's standards to offset the effect of any variations.
- D. Promote a more creative and efficient approach to land use within the city, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the city.
- E. Preserve and enhance natural features and open spaces.
- F. Maintain or improve the efficiency of public streets and utilities.
- G. Ensure the establishment of appropriate transitions between differing land uses.

Section 11-3-8 of the Zoning Ordinance also identifies criteria to be considered as part of a request for zoning amendment, as follows:

- 1) The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the official City Comprehensive Plan.
- 2) The proposed use is or will be compatible with present and future land uses of the area.
- 3) The proposed use conforms with all performance standards contained in this title (ordinance).
- 4) The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
- 5) Traffic generation by the proposed use is within capabilities of streets serving the property.

As stated in the applicant's letter, the reason for requesting an amendment to the approved PUD ordinance is to allow surmountable curbing in the townhome portion of the development. The applicant was unaware of the City's standard requiring B618 curbing at the time of plan preparation, and has indicated the request for surmountable curbing would have been made as part of the original application, had they been aware of the requirement. The desired location for driveway curb cuts in this portion of the development is not yet known, and will depend upon the final design of the townhomes. For this reason, the developer does not want to pour a driveway curb cut in B618/highback curb which may be in an incorrect location. Having to remove and re-pour a section of curbing in an already-constructed street can affect the integrity of the street and is not desirable.

The lots in the townhome portion of the development are generally 50' in width. Driveway curb cuts are restricted in width by the City's zoning ordinance, to 24' for a home with a two stall garage, and 27' in width for a home with a three stall garage.

### **Discussion**

In 2017 the Planning Commission did review and discuss the issue of surmountable versus insurmountable curbing. After review and discussion of the matter the Planning Commission recommended that the B618 curbing requirement remain in place. Reasons for the recommendation, as stated in the record, are that the benefits of B618 include the following:

- Improved traffic delineation and control
- Improved driveway width control
- Reduces illicit driveway connections or ad hoc street access
- Reduces turf damage during snow plowing
- Easier to plow; plow drivers can 'feel' the edge of the curb
- Increased water runoff capacity
- Greater visual appeal

As a general City standard, staff supports B618/highback curbing within new single-family residential developments. Staff supports, however, the applicant's rational for allowing surmountable curbing adjacent to the twinhome lots only, primarily due to the narrow width of the lots (+/- 50') and the unknown driveway locations.

### **City Engineer Comments**

The City Engineer, Rich Revering, has reviewed the request and finds the proposal for surmountable curbing in the twin-home portion of the development acceptable. He has no objection to the request.

### **Public Works Director Comments**

Public Works Director, Corey Schweich, has reviewed the application and although his preference is to require B618 curbing, finds the proposal for surmountable curbing in the twin-home portion of the development acceptable.

### **Recommendation**

Staff would recommend approval of the request to amend Ordinance No. 199, which approved the Planned Unit Development for Pete's Hill, to allow surmountable curbing adjacent to only the following lots:

- Lots 15 – 30, Block 1, Pete's Hill
- Lots 1 – 3, Block 2, Pete's Hill
- Lots 1 – 4, Block 3, Pete's Hill

And noting that all remaining portions of the development, other than adjacent to the aforementioned lots, shall be constructed using B618 curbing as required by City Code.

And for the following reasons:

1. The style of homes to be constructed on the lots, and the corresponding locations of driveways, has not yet been determined.

**REQUESTED PLANNING COMMISSION ACTION:**

The Planning Commission is being asked to hold a public hearing, and to provide a recommendation to the City Council regarding the request to allow surmountable curbing adjacent to the twinhome lots within the Pete's Hill development.

**Attachments:**

- Elko New Market Ordinance No. 199
- Elko 34, LLC, PUD Narrative, dated October 11, 2019

**Pete's Hill Development (north of 273<sup>rd</sup> Street)**



## Proposed Surmountable Curbing Locations



**PETE'S HILL**

→ Proposed Surmountable Curbing

**ORDINANCE NO. 199**

**CITY OF ELKO NEW MARKET  
SCOTT COUNTY, MINNESOTA**

**AN ORDINANCE REZONING PROPERTY FROM UR, URBAN RESERVE TO PUD,  
PLANNED UNIT DEVELOPMENT DISTRICT IN CONJUNCTION WITH THE  
PETE'S HILL PLAT**

THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET ORDAINS:

**Section 1.** **Legal Description.** The following described property located within the City of Elko New Market, Scott County, Minnesota is hereby rezoned from UR, Urban Reserve to PUD, Planned Unit Development District:

The West 453.00 feet of the South Half of the Northwest Quarter of the Northwest Quarter, Section 35, Township 113, Range 21, Scott County, MN.

AND

That part of the East Half of the Northeast Quarter, Section 34, Township 113, Range 21, Scott County, Minnesota, lying Easterly of the center lines of Xerxes Avenue and Beard Avenue, except that part of the said East Half of the Northeast Quarter described as follows:

Commencing at the Southeast corner of said East Half of the Northeast Quarter thence South 89 degrees 00 minutes 40 seconds West (assumed bearing) along the South line of said East Half of the Northeast Quarter a distance of 271.17 feet to the point of beginning of the land to be described; thence continuing South 89 degrees 00 minutes 40 seconds West along said South line a distance of 750.00 feet; thence North 19 degrees 08 minutes 41 seconds West a distance of 33.00 feet; thence Northeasterly 369.86 feet along a nontangential curve concave to the Northwest having a radius of 408.28 feet, central angle of 51 degrees 54 minutes 17 seconds and a chord that bears North 44 degrees 54 minutes 09 seconds East; thence North 18 degrees 57 minutes 02 seconds East, tangent to said curve a distance of 583.23 feet East; thence South 71 degrees 21 minutes 43 seconds East a distance of 336.71 feet; thence on a bearing of South parallel with the East line of said East Half of the Northeast Quarter a distance of 715.35 feet to the point of beginning, Scott County, Minnesota.

**Section 2.** **PUD Zoning.** The City has rezoned the above-referenced property from UR, Urban Reserve to PUD, Planned Unit Development District. Lots 1 – 14 Block 1, Lots 5 - 11 Block 3 and Lot 1 Block 4 shall be subject to the requirements of the R-1 Single Family Residential District. Lots 15 - 30 Block 1, Lots 1 - 3 Block 2 and Lots 1 - 4 Block 3 shall be subject to the R-3 Medium Density Residential District except as follows:

a. Minimum lot requirements:

<b>PETE'S HILL PUD</b>		
	<b>Approved for Pete's Hill</b> <b>Lots 1-14 Block 1</b> <b>Lots 5-11 Block 3</b> <b>Lot 1 Block 4</b> <b>(Single Family Lots)</b>	<b>Approved for Pete's Hill</b> <b>Lots 15-30 Block 1</b> <b>Lots 1-3 Block 2</b> <b>Lots 1-4 Block 3</b> <b>(Twin Home Lots)</b>
<b>Minimum Lot Area</b>	Lot areas as depicted on the preliminary plat drawing on file with the City of Elko New Market dated 8/7/19	6,000 square feet per dwelling unit
<b>Minimum Lot Width</b>	Lot widths as depicted on the preliminary plat drawing on file with the City of Elko New Market dated 8/7/19	Lot widths as depicted on the preliminary plat drawing on file with the City of Elko New Market dated 8/7/19
<b>Front Yard Setback</b>	25'	25'
<b>Garage Requirements</b>	<b>Stall</b> Provide for location of 3-stall attached garage	Allow 2-stall attached garage
<b>Cul-de-sac Length</b>	<b>Maximum</b> 600'	600'

**Section 3. Development Plans.** The plat shall be developed in accordance with the following plans. The plans shall not be attached.

- a. Preliminary Plat drawing dated 8/7/19, prepared by Sathre-Berquist
- b. Site Plan containing 2 sheets, dated 8/6/19, prepared by Sathre-Berquist
- c. Construction Plans containing 24 sheets, dated 8/6/19, prepared by Sathre-Berquist
- d. Storm Sewer Pollution Prevention Plan containing 3 sheets, dated 7/3/19, prepared by Sathre-Berquist
- e. Stormwater Management Plan containing 186 sheets, dated August, 2019, prepared by AE2S
- f. Hydroflow Storm Sewer Summary Report dated 8/7/19, prepared by AE2S
- g. Tree Survey containing 6 sheets, dated 8/8/19, prepared by Sathre Berquist
- h. Preliminary Landscape Plan containing 3 sheets, dated 8/19/19, prepared by Norby & Associates

**Section 4. Regulations.** The PUD must be maintained and comply with the following conditions:

- a. Outlots A and B contain wetlands, natural environment features and wildlife habitat, and will be dedicated to the City to satisfy the park dedication requirements for the development;
- b. Front home elevations must include stone or brick;
- c. Wood shall not be allowed as an exterior building material;
- d. There must be a unified architectural theme including design and color for the twin homes;
- e. The development shall include construction of a walking trail leading from the development to the Pete's Hill Park trail system.
- f. Additional trees shall be provided to separate the single-family portion of the development from the twin home portion of the development, as depicted on the landscaping plan dated 8/19/19.

**Section 5.** Section 11-28C-21 of the Elko New Market City Code is amended to add the following:

PUD-8: Pete's Hill, Ordinance No. 199

**Section 6.** **Zoning Map.** The zoning map of the City of Elko New Market shall not be republished to show the aforesaid zoning, but the Clerk shall appropriately mark the zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance, and all of the notations, references, and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

**Section 7.** **Effective Date.** This ordinance shall be effective upon its passage by the City Council and the recording of the Pete's Hill final plat with Scott County.

**PASSED AND ADOPTED** this 22<sup>nd</sup> day of August, 2019, by the City Council of the City of Elko New Market.

**CITY OF ELKO NEW MARKET**

BY:   
Joe Julius, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Thomas Terry, Acting City Clerk

**ELKO 34 LLC**  
**PUD Amendment Narrative**  
**October 11, 2019**

Elko 34 LLC is requesting a minor amendment to the approved PUD. Currently the city code requires a “high back” vs. a surmountable curb. This was a surprise to us as the development immediately north of Pete’s Hill has surmountable curb and we see this in design standards in every community we have previously worked in. We are requesting an amendment to allow surmountable curb for the townhome portion of the development. A significant rationale for this request is the current uncertainty of the driveway locations. Surmountable curb in this portion of the development will provide flexibility for driveway locations and avoid otherwise required cutting and replacing significant portions of curb. This will allow the curb placed with construction of the streets to maintain structural integrity and should provide a better long term street.

The curb will be built to specifications similar to what has been built in the Windrose development and other areas of Elko New Market. This portion of the development will be subject to very light destination traffic and a continuous curb will present a very clean presentation to the builder/developer and homeowner. Since curb will not have to be removed and replaced, there should also be development savings for the builder, avoiding costs that would be passed to the homeowner otherwise.

We encourage your support for this PUD amendment.



601 Main Street  
Elko New Market, MN 55054  
phone: 952-461-2777 fax: 952-461-2782

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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** HALEY SEVENING, PLANNER I  
RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**RE:** ZONING ORDINANCE AMENDMENTS – GARBAGE/REFUSE AND  
RECREATIONAL VEHICLE PARKING  
**DATE:** OCTOBER 29, 2019

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### **Background / History**

In March of 2019, we received a code enforcement complaint regarding recreational vehicle (trailers, campers, boats, etc.) parking and garbage can storage in The Farm and the Rowena Ponds neighborhoods. Upon a preliminary inspection, Staff found that approximately one third of the properties in the two neighborhoods were in violation of one or both of the following sections of the City Code:

- Section 11-4-1: Garbage and Refuse
- Section 11-8-2: Recreational Vehicle Parking

Both sections are contained in the Zoning Ordinance and are included in their entirety as attachments to this memorandum.

Section 11-4-1 of the City Code generally states that in all districts, garbage containers shall be kept in an enclosed building, or if stored outside, shall be screened from view using wood or brick materials. Similarly, Section 11-8-2 generally states that recreational vehicles can only be parked in the side or rear yard, upon a hard surface, and must be screened from view. Folding tent campers and small utility trailers (5' x 8' or smaller) may be parked in the driveway, but only between April 1<sup>st</sup> and October 31<sup>st</sup>.

Following receipt of the complaint and inspection of the neighborhoods, Staff reviewed the two ordinances and found that they were not in line with current practice. Thus, Staff decided not to enforce these ordinances until the Council could make a determination regarding whether or not community values have changed and if the ordinances should be amended to better reflect current practice or if the ordinances should be enforced as currently written.

On September 12, 2019, the City Council directed Staff to bring the ordinances to the Planning Commission for review. Generally, the Council felt that the ordinance should be amended to be less restrictive, but should take into consideration the visual impacts of both garbage cans and recreational vehicles.

On September 24, 2019, the Planning Commission began discussions related to garbage can storage and recreational vehicle parking on residential properties. The Planning Commission directed Staff to draft an ordinance amendment based on Staff's recommendation for both garbage/refuse and recreational vehicle parking.

The Commission also directed Staff to complete an inventory of properties with gravel side parking areas to establish a baseline for properties that would be grandfathered, or exempt, from the draft ordinance.

### **Research - City Wide Inventory**

On August 27 and August 29, 2019, Staff completed a code enforcement inventory related to storage of garbage cans and recreational vehicle parking across the entire City. The results of the inventory are included in the attached maps, which highlight the properties in violation of section 11-4-1 or 11-8-2.

**Garbage Can Storage.** Through the inventory, Staff found that 741 properties (44% of properties in Elko New Market) had violations related to garbage cans. All violations were for storing garbage cans outside without screening. Of the properties in violation of section 11-4-1, approximately 50% had garbage cans located on the side of the home and the other 50% had them located in front of the garage doors. Included below are two pictures showing examples of violations related to the storage of garbage cans.



**Recreational Vehicle Parking.** Compared to garbage cans, recreational vehicle parking violations were fewer in number, but have the potential to have a much greater visual impact. Through the inventory, Staff found that 274 properties (16% of properties in Elko New Market) had violations related to recreational vehicle parking. The majority of the violations were for parking recreational vehicles in a prohibited location (i.e. on the driveway) or on a prohibited surface (i.e. grass) or without proper screening (to the height of the vehicle or a height of 6', whichever is less). Although approximately 30% of the properties with a recreational vehicle present had it/them parked in a permissible location, only one provided screening in accordance with section 11-8-2. Included below are a variety of pictures showing examples of violations related to recreational vehicle parking.





It is worth noting that because the inventory was conducted the week before Labor Day weekend, there may have been an increased presence in recreational vehicles as compared to normal. However, despite the timing, Staff believes the inventory is a fairly accurate representation of recreational vehicle presence in Elko New Market.

### **Research – Area Cities**

In addition to completing the City wide inventory, Staff researched garbage can storage and recreational vehicle parking requirements in 10 other area cities: Apple Valley, Belle Plaine, Farmington, Jordan, Lakeville, Lonsdale, New Prague, Prior Lake, Savage, and Shakopee. A summary of the requirements for each city are included below. More detailed information about each city's requirements is included as attachments.

**Garbage Can Storage.** Generally, Staff found that most cities researched allow garbage cans to be stored outside in the side or rear yard. Only five of the cities researched require garbage cans to be screened from view when stored outside.

**Recreational Vehicle Parking.** Staff found that all of the cities researched allow recreational vehicles to be parked in driveways. Six of the cities allow them in the driveway year round and the remaining four allow them in the driveway seasonally, based on the type of recreational vehicle. However, some cities do have size limitations that prevent large vehicles (i.e. exceeding 34' in length) from being parked in the driveway unless granted a conditional use permit.

The majority of the cities also allowed recreational vehicles to be stored in the side or rear yard, without screening, but did require that they be parked on a hard or improved surface. The most common number of recreational vehicles that cities allow on a property is three, but some had a reduced number specific to the number of recreational vehicles allowed in the driveway.

### **Research – Gravel Side Parking Areas**

Following direction from the Planning Commission, Staff completed an inventory of properties with gravel side parking areas within the City. Staff found that 51 properties have existing gravel side parking areas. A list of properties with existing gravel parking areas is included as an attachment.

### **Proposed Ordinance Amendments**

Based on the direction of the Planning Commission, Staff drafted an ordinance amendment for Garbage/Refuse, Recreational Vehicle Parking, and associated definitions. The proposed amendments would better reflect current practice and allow more flexibility in the storage of garbage cans and parking of recreational vehicles. The draft ordinance amendment includes the following amendments:

- Garbage Can Storage
  - Permits the storage of garbage cans on residential properties in the side or rear yard without screening
  - Exempts dumpsters and garbage cans from screening and location requirements when being used for the purposes of construction
- Recreational Vehicle Parking
  - Adds ATVs, dirt bikes, dune buggies, go-karts, golf carts, ice houses, snowmobiles, and UTVs as recreational vehicles
  - Identifies three seasonal classifications (warm weather season, cold weather season, or year-round) for recreational vehicles
  - Requires that all recreational vehicles be emptied of refuse, debris, junk, or other materials
  - Limits recreational vehicles to thirty (30) feet in length
  - Prohibits recreational vehicles from extending into or obstructing the public sidewalk or public right-of-way
  - Removes the screening requirement
  - Permits up to two (2) recreational vehicles to be parked in the driveway during periods of seasonal use
  - Permits recreational vehicles to be parked in the rear or side yard on a surface of concrete, bitumen, or pavers entirely outside of the drainage and utility easement with a five (5) foot setback from property lines
  - Includes exception for properties with existing gravel side parking areas
  - Enumerates recreational vehicles parked on a trailer as one (1) recreational vehicle

For reference, photos of each type of recreational vehicle have been included as an attachment. The entirety of the proposed draft ordinance amendments is also included as an attachment.

**Requested Action**

At this time, Staff has decided not to hold a public hearing until the November 26<sup>th</sup> Planning Commission meeting. Staff would like additional direction from the Commission before putting a draft out for public comment.

**Attachments:**

- Garbage and Refuse Ordinance
- Recreational Vehicle Parking Ordinance
- Garbage Can Code Violations Map
- Recreational Vehicle Code Violations Map
- Garbage Can Storage Research Summary
- Recreational Vehicle Parking Research Summary
- Properties with Existing Gravel Side Parking
- Types of Recreational Vehicles
- Draft Ordinance Amendment

### **11-4-3: GARBAGE AND REFUSE<sup>1</sup>:**

- A. In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. All dumpsters, garbage containers, or refuse bins that are stored outside shall be screened from view. Acceptable methods of screening include enclosures made of wood fencing material, brick or a combination thereof. Gates and doors which allow access to the refuse containers shall have a latching mechanism which keeps it closed/locked when not in use.
  
- B. The owner of vacant land shall be responsible for keeping such land free of refuse. (Ord. 5, 12-14-2006)

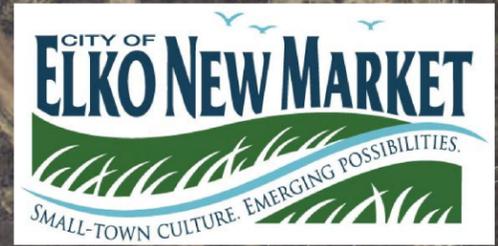
## 11-8-2: RECREATIONAL VEHICLE PARKING:

- A. Parking On Residence Of Owner Only; Exceptions: The parking of recreational vehicles shall be allowed only on residential property owned by the legal residents of said property. All recreational vehicles parked on residential property within the city shall be owned by the legal resident of said property. This applies to vehicles parked in conforming locations as well as those parked by permit. This does not apply to vehicles parked while loading or unloading pursuant to this code.
- B. Number Of Vehicles: No more than three (3) recreational vehicles are permissible on residential property. The three (3) recreational vehicles allowed can consist of any combination, provided the combination does not exceed one major vehicle as enumerated in this section.
- C. Conditions For Parking: Recreational vehicles shall not be parked on residential property unless the following conditions are satisfied:
1. Folding Tent Campers (Minor): Storage and parking of folding tent campers is permissible on the driveway more than twenty feet (20') from the right of way or in the side yard adjacent to the garage more than one foot (1') from the property line. If parked on the driveway only between April 1 and October 31, no screening is required. (Ord. 5, 12-14-2006)
  2. Small Utility Trailer Five Feet By Eight Feet (Minor): Storage and parking of a small utility trailer five feet by eight feet (5' x 8') is permissible in the driveway more than twenty feet (20') from the right of way, in the side yard adjacent to the garage more than one foot (1') from the property line, or in the rear yard more than five feet (5') from the property line. If parked on the driveway only between April 1 and October 31, no screening is required. (Ord. 5, 12-14-2006; amd. 2011 Code)
  3. Off Road Vehicle Trailer (Minor): Storage and parking of off road vehicle trailers is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line.
    - a. Boat Eighteen Feet Or Less In Length (Minor): Storage and parking of a boat eighteen feet (18') or less in length is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line.
    - b. Boat Greater Than Eighteen Feet In Length (Major): Storage and parking of a boat greater than eighteen feet (18') in length is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line.
    - c. Truck Camper (Minor): Storage and parking of a truck camper is permissible in the side yard adjacent to the garage more than five feet (5') from the property line.
    - d. Fifth Wheel Travel Trailer (Major): Storage and parking of a fifth wheel travel trailer is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line.
    - e. Travel Trailer (Major): Storage and parking of a travel trailer is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more

than five feet (5') from the property line.

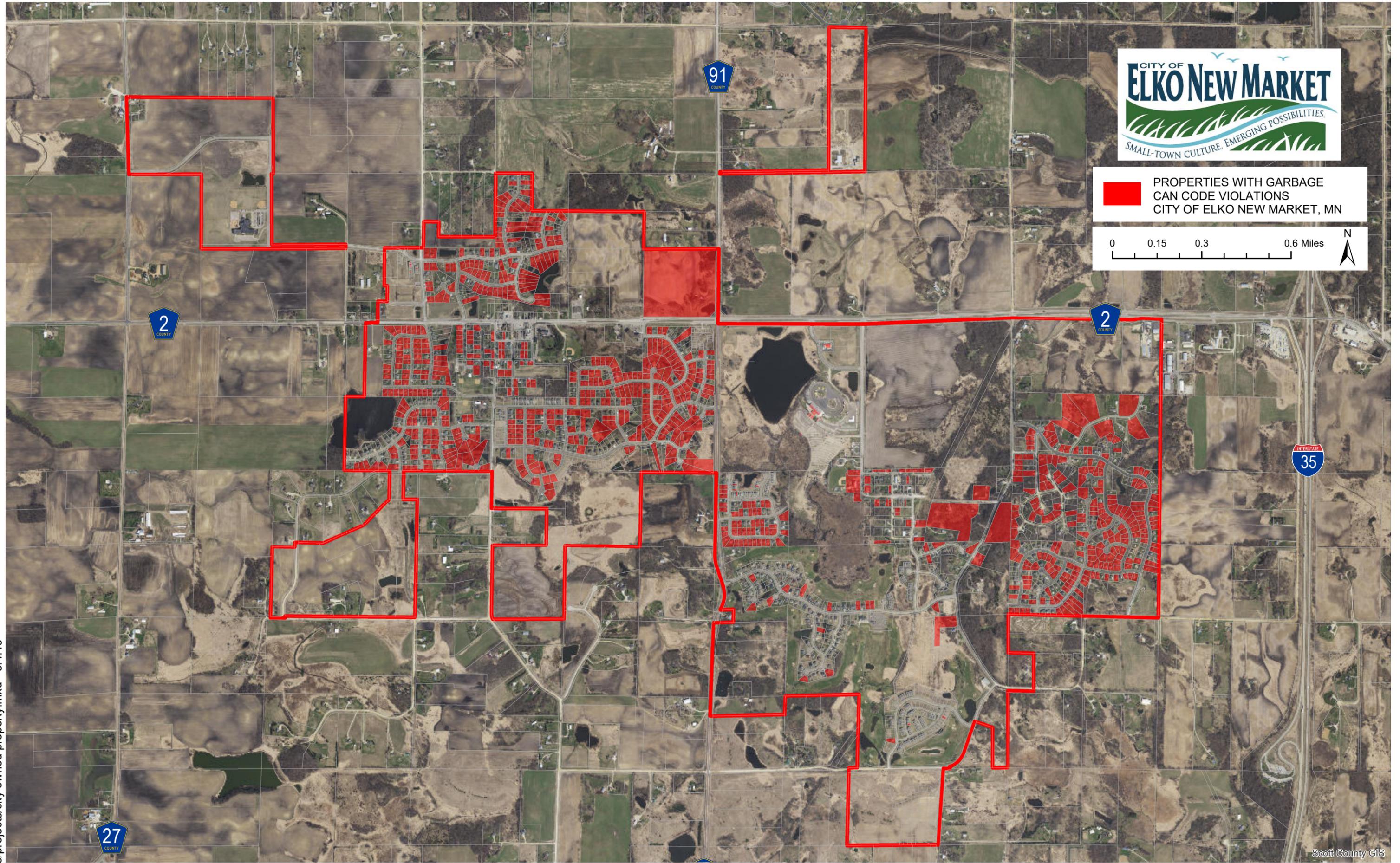
- f. Class A And Class C Motor Homes (Major): Storage and parking of class A/class C motor homes is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line.
  - g. Class B Motor Home (Major): Class B motor homes that exceed twenty one feet (21') in length are permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line. Class B motor homes less than twenty one feet (21') in length are considered conversion vans for the purpose of this section.
  - h. Large Utility Trailer Greater Than Five Feet By Eight Feet (Major): Storage and parking of a large utility trailer greater than five feet by eight feet (5' x 8') is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line. (Ord. 5, 12-14-2006)
  - i. Large Enclosed Utility Trailer Greater Than Five Feet By Eight Feet And Greater Than Three Feet High (Major): Storage and parking of a large enclosed utility trailer greater than five feet by eight feet (5' x 8') and greater than three feet (3') high is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line. (Ord. 5, 12-14-2006; amd. 2011 Code)
- D. Screening: Unless parked for purposes of loading or unloading, or as otherwise provided by this section, all recreational vehicles, whether parked in a conforming location or location by permit, shall provide screening to the height of the vehicle or six feet (6'), whichever is less.
- E. Covering Vehicles: In the event a tarp or other material is used to cover the vehicles, the color of said tarp or material shall be an earthen tone.
- F. Loading And Unloading: Recreational vehicles may be parked in nonpermitted locations for the sole purpose of loading and unloading the said vehicle for up to ten (10) days. This subsection is not meant to circumvent the intent of this section.
- G. Surface Of Parking Area: Recreational vehicles shall be stored upon a hard, dust free surface.
- H. Nonconforming Location Permit:
- 1. Residents of the city who own recreational vehicles on the effective date hereof and who currently store said vehicles at their residences within the city but who are unable to comply with the requirements relating to location may be eligible for a nonconforming location permit. The applicant shall show the existence of one or more of the following conditions:
    - a. Significant manmade or natural topographical conditions are present that the city deems best undisturbed.

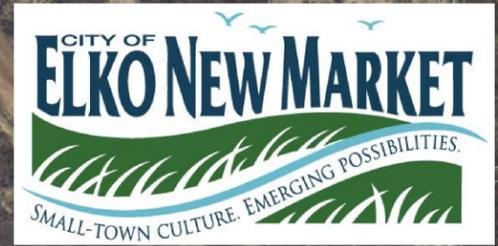
- b. High quality or historically significant landscape elements would be adversely impacted or destroyed absent an adjustment to standards.
  - c. A spatial pattern of investment in the parcel would be jeopardized by requiring the parking of a recreational vehicle in compliance with all standards established in this section.
2. For the purpose of this subsection, the argument of monetary impact cannot be the sole reason for modification to the parking and storage requirements.
3. The applicant shall provide the following information:
  - a. Documentary evidence which establishes that said applicant owned the recreational vehicle prior to the effective date hereof.
  - b. The nonconforming location permit shall be applied for within eighteen (18) months of the effective date hereof.
  - c. The nonconforming location permit shall apply to the current property owner only, and the permit becomes invalid when the property exchanges hands. New property owners do not retain the ability to receive a nonconforming permit. New property owners shall comply with the recommended requirements for the storage of recreational vehicles on the subject property. Current recreational vehicle owners retain the ability to receive a new permit in cases where the owner purchases a different recreational vehicle of similar size, provided the new vehicle falls under the nonconforming location permit requirements. Furthermore, property owners can only receive one nonconforming location permit for one recreational vehicle.
4. The one time fee for said permit shall be established by the City Council.
5. The owner of any recreational vehicle which is parked without a permit shall comply with the location requirements provided herein, including any necessary grading and landscaping, within two (2) years from the effective date hereof. (Ord. 5, 12-14-2006)



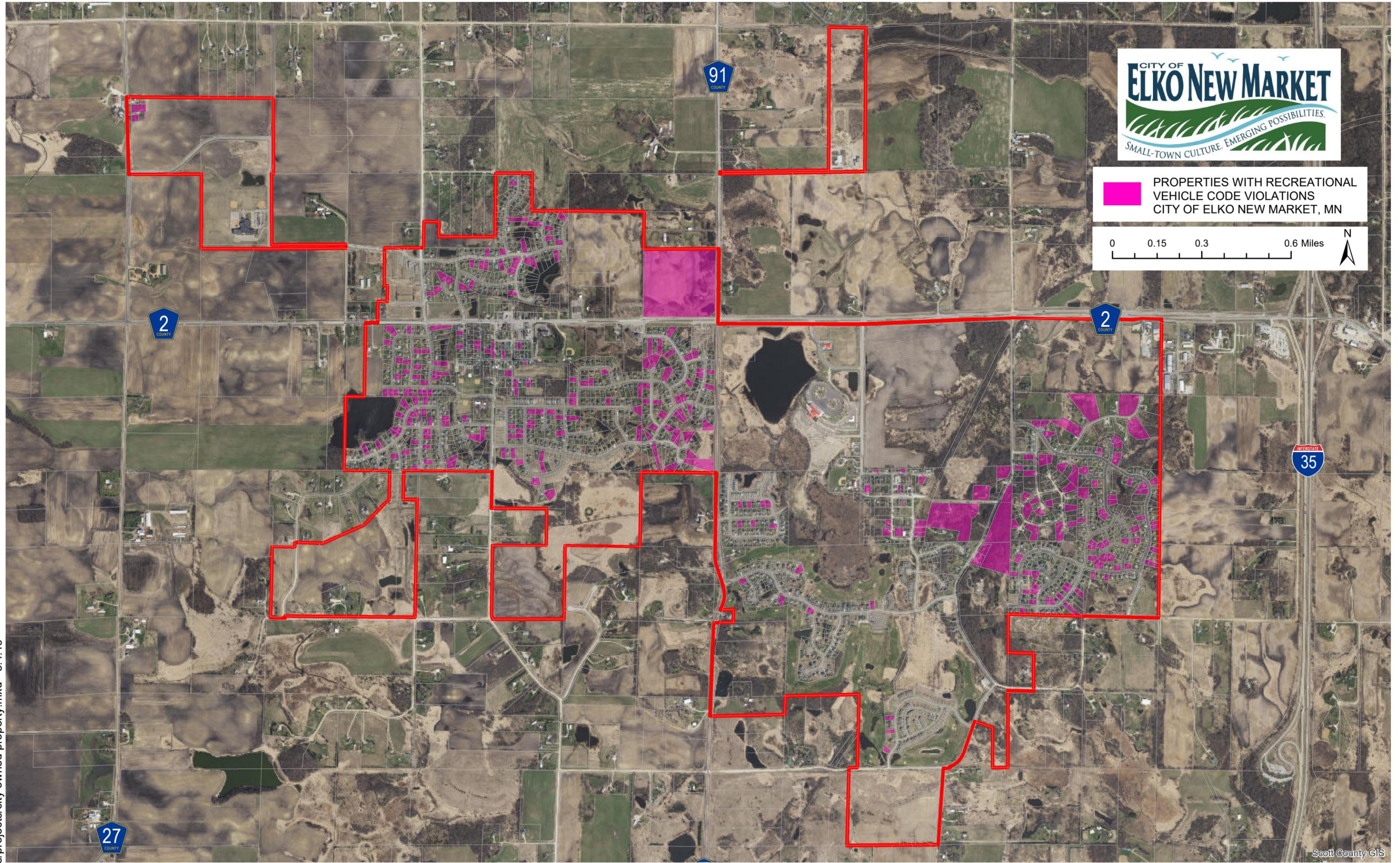
 PROPERTIES WITH GARBAGE  
CAN CODE VIOLATIONS  
CITY OF ELKO NEW MARKET, MN

0 0.15 0.3 0.6 Miles 





PROPERTIES WITH RECREATIONAL  
VEHICLE CODE VIOLATIONS  
CITY OF ELKO NEW MARKET, MN



## Garbage Can Storage Research Summary

	Allowed Outside?	Screening Required if Outside?	Requirements/Notes
<b>Elko New Market</b>	Yes	Yes	"In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. All dumpsters, garbage containers, or refuse bins that are stored outside shall be screened from view. Acceptable methods of screening include enclosures made of wood fencing material, brick or a combination thereof. Gates and doors which allow access to the refuse containers shall have a latching mechanism which keeps it closed/locked when not in use."
<b>Apple Valley</b>	Yes	Yes, in side yard, but not rear yard.	"When not placed for collection as specified in division (C) below, the containers, as relates to single-family dwellings, may be stored in the rear of the premises, may be stored in the sideyard setback if screened from the street and adjoining properties, or may be stored within any structure located on the premises. Containers stored outside shall be maintained in such a manner as not to permit entry of or harborage for animals, insects, or other vermin."
<b>Belle Plaine</b>	Yes	No	"Residential refuse and recycling containers shall be stored in rear or side yards or kept indoors. At no time shall residential refuse or recycling containers be stored in front yards."
<b>Farmington</b>	Yes	No	Farmington does not regulate the storage of garbage cans in single-family residential districts.
<b>Jordan</b>	Yes	No	Jordan does not regulate the storage of garbage cans in single-family residential districts.
<b>Lakeville</b>	Yes	No	"1. For detached single-family dwellings, waste and recycling receptacles not contained within principal structures shall be exempt from conformance with subsection B of this section, but shall comply with the following: a. Receptacles shall be located in side or rear yards, but not the side of a corner lot or rear yard of a double frontage lot abutting a public right of way. b. Receptacles shall be set back a minimum of five feet (5') from all property lines."
<b>Lonsdale</b>	No	N/A	"The following are hereby declared to be a nuisance affecting health: ...Accumulation of garbage, trash, yard waste or refuse not stored inside the dwelling unit, garage or at a point behind the front of the dwelling unit or garage, except between the hours of 6:00 p.m. the night before collection and 10:00 p.m. on the designated collection day, during which time all garbage, trash, yard waste or refuse, properly contained may be deposited at the curb;"
<b>New Prague</b>	Yes	Yes	"In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or property, contained in a closed container designed for such purposes. All dumpsters, garbage containers, or refuse bins that are stored outside shall be screened from view. Acceptable methods of screening include enclosures made of wood fencing material, brick or a combination thereof."
<b>Prior Lake</b>	Yes	Yes, if visible from public view (from street/sidewalk).	"Garbage cans and other garbage and refuse containers shall be so located as to be out of the public view except on the day of the pickup."
<b>Savage</b>	Yes	Yes, if visible from public view (from street/sidewalk).	"Refuse and recycling containers shall be stored in a location as to be out of the public view except for collection. All containers shall be kept in good repair and in sanitary condition."
<b>Shakopee</b>	Yes	Yes, if visible from front curb line.	"...Receptacles shall be removed by 7:00 p.m. on the designated day of collection and shall not otherwise be stored in areas of the front yard visible from the front curb line."

## Recreational Vehicle Parking Research Summary

	Permitted in Driveway?	Seasonally Permitted in Driveway?	Permitted in Side Yard? (1')	Permitted in Side Yard? (5')	Permitted in Rear Yard?	Screening Required?	Parked on Hard Surface?	Maximum # Allowed?	Notes
<b>Elko New Market</b>		Folder tent campers and small utility trailers only.	Folder tent campers and small utility trailers only.	Yes	Yes	Yes	Yes	3	
<b>Apple Valley</b>	Yes				Yes		Yes		Lots less than 1 acre: 1 class 2 vehicle, or 2 class 1 vehicles. Lots more than one acre: 4 (at least two must be completely screened from view) Provision about campers/motor homes not being occupied.
<b>Belle Plaine</b>	Yes			Yes	Yes		Yes (includes gravel or landscape pavers)	3	Provision about campers/motor homes not being occupied.
<b>Farmington</b>	Yes			Yes	Yes		Yes		Allowed in ROW subject to street parking provisions.
<b>Jordan</b>		Yes		Yes	Yes		Yes	3	Recreational vehicles outside of seasonally allowed time may only be parked in side or rear yard on hard surface.
<b>Lakeville</b>	Yes			Yes	Yes		Yes	2	If stored in side yard, must be paved. Does not need to be paved if in rear yard.
<b>Lonsdale</b>	Yes			Yes		Yes	Yes	3	Has a table with types of recreational vehicles and their seasonal classification: warm weather, cold weather, year-round.
<b>New Prague</b>		Yes	Yes	Yes	Yes		Yes (includes gravel)		Recreational vehicle may not obstruct the public sidewalk or public right of way. Recreational vehicles exceeding 40' in length may not be parked outside unless granted a conditional use permit.
<b>Prior Lake</b>		Yes		Yes	Yes				Must be operable/licensed.
<b>Savage</b>		Yes		Yes	Yes	Yes		3, but only 2 permitted in driveway	Recreational vehicles parked outside may not exceed 34' in length unless granted a conditional use permit.
<b>Shakopee</b>	Yes			Yes				2, but only 1 permitted in driveway	

## Gravel Side Parking Inventory

PID	House	Street	City	State	Zip	Year Constructed
230290530	9726	265 St E	Elko New Market	MN	55020	2008
230210620	3012	Aaron Dr	Elko New Market	MN	55054	2008
230130100	3203	Aaron Dr	Elko New Market	MN	55054	2018
230130140	3310	Aaron Dr	Elko New Market	MN	55054	2018
230090330	3321	Aaron Dr	Elko New Market	MN	55054	2016
230210400	1519	Anna St	Elko New Market	MN	55054	2019
230160180	288	Brady St	Elko New Market	MN	55054	2008
230190150	346	Brady St	Elko New Market	MN	55054	2013
230230440	615	Cedric Lane	Elko New Market	MN	55054	2010
230470510	26952	Dogwood Dr	Elko New Market	MN	55020	2018
230090260	1145	Dorthy Ln	Elko New Market	MN	55054	2008
230090370	1150	Dorthy Ln	Elko New Market	MN	55054	2010
230440790	9082	Fairway Hill Dr	Elko New Market	MN	55020	2008
230440760	9148	Fairway Hill Dr	Elko New Market	MN	55020	2008
230440880	9221	Fairway Hill Dr	Elko New Market	MN	55020	2018
230160110	254	James Parkway	Elko New Market	MN	55054	2008
230160100	256	James Parkway	Elko New Market	MN	55054	2008
230100300	2181	Jean Way	Elko New Market	MN	55054	2008
230100350	2190	Jean Way	Elko New Market	MN	55054	2015
230100020	2195	Jean Way	Elko New Market	MN	55054	2008
230230260	450	Knights Rd	Elko New Market	MN	55054	2016
230080310	240	Mac St	Elko New Market	MN	55054	2008
230160140	222	Maverick Ave	Elko New Market	MN	55054	2008
230390300	26731	Meadow Ridge Dr	Elko New Market	MN	55020	2018
230440720	26640	Oak St	Elko New Market	MN	55020	2015
230330370	10246	Oakhill Ct	Elko New Market	MN	55020	2013
230360010	26771	Oakridge Way	Elko New Market	MN	55020	2008
230360040	26835	Oakridge Way	Elko New Market	MN	55020	2018
230210230	1324	Overlook Dr	Elko New Market	MN	55054	2018
230240470	1438	Overlook Dr	Elko New Market	MN	55054	2015
230070200	125	Park St	Elko New Market	MN	55054	2019
230470270	10025	Ponds Way	Elko New Market	MN	55020	2016
230470100	10050	Ponds Way	Elko New Market	MN	55020	2016
230470310	10065	Ponds Way	Elko New Market	MN	55020	2015
230310370	10183	Ptarmigan Ct	Elko New Market	MN	55020	2015
230230121	467	Rowena Curv	Elko New Market	MN	55054	2015
230180230	2101	Seurer St	Elko New Market	MN	55054	2018
230180420	2312	Seurer St	Elko New Market	MN	55054	2008
230120130	1004	Theresa Marie Dr	Elko New Market	MN	55054	2008
230090510	1030	Theresa Marie Dr	Elko New Market	MN	55054	2008
230320020	26306	Thomas Ave	Elko New Market	MN	55020	2008
230320110	26325	Thomas Ave	Elko New Market	MN	55020	2008
230320060	26390	Thomas Ave	Elko New Market	MN	55020	2008
230110060	126	Todd Ct	Elko New Market	MN	55054	2008

230080190	316 Wagner Way	Elko New Market	MN	55054	2016
230080180	318 Wagner Way	Elko New Market	MN	55054	2008
230440690	9171 Whispering Hills	Elko New Market	MN	55020	2011
230100170	2065 Wild Wings Pass	Elko New Market	MN	55054	2008
230350030	10398 Windrose Curv	Elko New Market	MN	55020	2015
230330130	26424 Woodcrest Ln	Elko New Market	MN	55020	2010
239270158	26769 Xerxes Trail	Elko New Market	MN	55020	2018

# Types of Recreational Vehicles

Golf Cart

Utility Task Vehicle

All-Terrain Vehicle



Dirt Bike

Dune Buggy

Go-Kart



Utility Trailers

Open



Enclosed



## Campers

Fifth Wheel



Folding Tent



Travel



Truck



## Motor Homes

Class A



Class B



Class C



## Motorized Watercrafts

### Boats



### Jet Ski



## Non-Motorized Watercrafts

### Canoe



### Kayak



### Paddleboard



**Snowmobile**



**Ice House**



**CITY OF ELKO NEW MARKET  
SCOTT COUNTY, MINNESOTA**

**ORDINANCE NO. XXX**

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET  
CITY CODE TITLE 11, CHAPTER 4 CONCERNING  
GARBAGE/REFUSE, TITLE 11, CHAPTER 2  
CONCERNING RECREATIONAL VEHICLE DEFINITIONS AND  
TITLE 11, CHAPTER 8 CONCERNING RECREATIONAL VEHICLE PARKING**

THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET, MINNESOTA  
ORDAINS:

**SECTION 1.** Section 11-4-3 of the Elko New Market City Code is hereby amended in its entirety to read as follows:

- A. On all properties, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes.
  - a. For commercial, industrial, or multi-family residential properties, all dumpsters, garbage containers, or refuse bins that are stored outside shall be screened from view.
    - i. Acceptable methods of screening include enclosures made of maintenance free material, brick or a combination thereof. Gates and doors which allow access to the refuse containers shall have a self-latching mechanism which keeps it closed/locked when not in use.
  - b. For single-family properties, all garbage containers or refuse bins not contained within an enclosed building shall be stored in the side yard adjacent to the garage. At no time shall receptacles be stored in front yards.
  - c. When used for the purposes of construction, all dumpsters, garbage containers, or refuse bins are exempt from the screening and location requirements of this section.

B. The owner of vacant land shall be responsible for keeping such land free of refuse.

**SECTION 2.** Section 11-2-2 of the Elko New Market City Code is hereby amended to read as follows:

**RECREATIONAL VEHICLE RELATED DEFINITIONS:**

All-Terrain Vehicle or ATV: A motorized vehicle with: not less than three, but not more than six low pressure or non-pneumatic tires; a total dry weight of 2,000 pounds or less; and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle

includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

Camper, Fifth Wheel: A unit used for camping, affixed and towed by a pickup equipped with a special hitch in the truck bed. The unit varies in size from twenty one feet (21') to forty feet (40') in length.

Camper, Folding Tent: Lightweight unit with sides that collapse for towing and storage. Also commonly referred to as a "pop up camper". The unit's size is approximately fifteen feet (15') in length.

Camper, Travel: A unit used for camping, designed to be towed by a car, van, or pickup by means of a bumper or frame hitch. The unit varies in size from twelve feet (12') to thirty five feet (35') in length.

Camper, Truck: A unit loaded onto the bed or chassis of a pickup. The unit varies in size from eighteen feet (18') to twenty one feet (21') in length.

Dirt Bike: A motorcycle designed for use on rough terrain, such as unsurfaced roads or tracks. A lightweight motorcycle intended for riding off road.

Dune Buggy: A vehicle with a wide wheel base, and wide tires, designed for use on sand dunes, beaches, or desert recreation. Typically designed with an open roof and rear mounted engine.

Go-Kart: A small, low slung motor vehicle with four wheels and an open framework. Typically used for racing.

Golf Cart: An electric or gas-powered vehicle not completely enclosed, generally having a small wheel base.

Ice House: A portable shelter which can be placed on a frozen lake and intended to provide shelter during ice fishing. Also commonly referred to as a "fish house".

Motor Home, Class A: Largest of the motorized recreational vehicles. Entirely constructed on a bare, specially designed motor vehicle chassis. This unit includes all of the amenities and varies in size from twenty one feet (21') to forty feet (40') in length.

Motor Home, Class B: A van exceeding twenty one feet (21') in length that has been customized to include temporary sleeping, eating, and bathroom facilities.

Motor Homes, Class C: Referred to as a mini-motor home. This unit is built on a van frame with an attached cab section. The unit varies in size from twenty feet (20') to twenty eight feet (28') in length.

Motorized Watercraft: Motor vessel designed for travel on water such as a boat or jet ski.

Non-Motorized Watercraft: A self-propelled vessel designed for travel on water such as a canoe, kayak, or paddleboard.

Snowmobile: A self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

Trailer, Utility: An open or enclosed trailer pulled by a van, car, or pickup truck.

Utility Task Vehicle or UTV: A side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

**SECTION 3.** Section 11-8-2 of the Elko New Market City Code is hereby amended in its entirety to read as follows:

- A. Exemption: Non-motorized watercrafts are exempt from the requirements of this section and shall be regulated as exterior storage pursuant to chapter 5 of this title.
- B. Seasonal Classifications: For the purpose of this section only, the following seasonal classifications of recreational vehicles shall apply:

<b><u>Warm Weather Season</u></b> <b>April 1 – October 31</b>	<b><u>Cold Weather Season</u></b> <b>November 1 – March 31</b>	<b><u>Year-Round</u></b> <b>January 1 – December 31</b>
Campers Motor Homes Motorized Watercrafts	Ice Houses Snowmobiles	All-Terrain Vehicles (ATVs) Dirt Bikes Dune Buggies Go-Karts Golf Carts Trailers Utility Task Vehicles (UTVs)

- C. Recreational Vehicle Parking: Up to three (3) recreational vehicles, as defined in this title, may be parked outside on a residential property provided that:
  - a. The recreational vehicles parked on residential property shall be owned by the legal resident of said property. This does not apply to vehicles parked while loading or unloading pursuant to this code.
  - b. The recreational vehicles are immediately operable, without need of repair.
  - c. All recreational vehicles shall be emptied of refuse, debris, junk or other materials.
  - d. The recreational vehicle does not extend into or obstruct the public sidewalk or public right-of-way.

- e. Only one (1) of the three recreational vehicles allowed may exceed twenty four (24) feet in length.
- f. Recreational vehicles do not exceed 30 feet in length, except as follows:
  - i. Recreational vehicles greater than 30 feet in length may be parked on residential property for a period not to exceed twenty-four (24) hours.
- g. The recreational vehicles may be located completely on an established driveway during periods of seasonal use, provided that:
  - i. The recreational vehicles comply with the seasonal classifications in subsection A of this section.
  - ii. No more than two (2) recreational vehicles are parked on the driveway.
- h. The recreational vehicles are parked in the rear or side yard on a surface of concrete, bitumen, or pavers located entirely outside the drainage and utility easement and provide a five (5) foot setback from property lines.
  - i. If a gravel side parking area was constructed on the property prior to the effective date hereof, recreational vehicles may be parked on the existing gravel surface.

D. Enumeration:

- a. For the purpose of this section, snowmobiles, ATVs, motorized watercrafts, and other vehicles parked on a trailer shall constitute one recreational vehicle for enumeration purposes.
- b. For the purpose of this section, truck campers entirely loaded onto a motor vehicle shall not constitute a recreational vehicle.

E. Covering Vehicles: In the event a tarp or other material is used to cover the vehicles, the color of said tarp or material shall be an earthen tone.

F. Loading And Unloading: Recreational vehicles may be parked in nonpermitted locations for the sole purpose of loading and unloading the said vehicle for up to ten (10) days. This subsection is not meant to circumvent the intent of this section.

**SECTION 4.** This ordinance shall take effect immediately upon its passage and publication.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019 by the City Council for the City of Elko New Market.

**CITY OF ELKO NEW MARKET**

BY: \_\_\_\_\_  
Joe Julius, Mayor

**ATTEST:**

\_\_\_\_\_  
Thomas Terry, City Clerk



601 Main Street  
Elko New Market, MN 55054  
phone: 952-461-2777 fax: 952-461-2782

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## MEMORANDUM

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**TO:** CITY COUNCIL, PLANNING COMMISSION, EDA & CHAMBER OF COMMERCE  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**SUBJECT:** COMMUNITY DEVELOPMENT UPDATES  
**DATE:** OCTOBER 21, 2019

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### **Background / History**

The purpose of this memo is to provide updates regarding miscellaneous projects and activities being worked on by Community Development staff. Below is a summary of projects that are currently being worked on, inquiries received, and miscellaneous information:

**Christmas Pines** – Construction continues on this 20 lot residential townhome development. Curbing has been poured and paving is scheduled for October 22, 2019, weather permitting. The development is expected to be completed in the fall of 2019 and eligible for building permits.

**Boulder Heights** – This 53 lot residential subdivision is under construction. City water, sewer and stormsewer lines have been installed and the contractor is currently working on street preparation. Curbing is planned within the next few weeks, which will be followed by paving within the development and the paving of 275<sup>th</sup> Street between CSAH 91 and Oxford Lane. The development is expected to be completed in the fall of 2019, weather permitting.

**Dakota Acres / Global Properties** – The Planning Commission has recommended approval of this proposed 68-unit apartment development on a 3.1 acre lot, proposed by Global Properties. Currently proposed are two separate apartment buildings; the first phase would consist of one 28 unit building. The property is zoned High Density Residential and apartments are a permitted use. The City Council is expected to take action on the proposed development in November, 2019. Below is a rendering of a proposed building.



**Dakota Acres 1<sup>st</sup> Addition / Syndicated Properties** – The City Council approved this plat in the fall of 2018. The plat, which contains 28 attached townhome units, is just now being filed with the County Recorder’s office. The City has received a building permit application for one 4-unit townhome building within this development. Construction of this unit is expected to begin within the next few weeks.



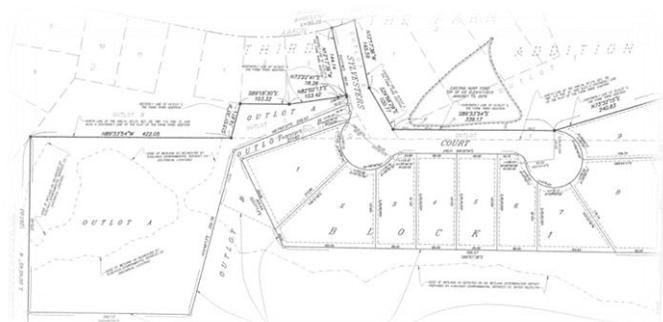
**Adelmann Property** – City staff has been working with the Adelmann family and their consultants in the preparation of an AUAR, a required environmental study, for their 243 acres located near the I-35 / CSAH 2 interchange. As part of the AUAR and preparation for development, several studies are being completed, including a wetland delineation, traffic impact study, tree inventory, and geotechnical work.



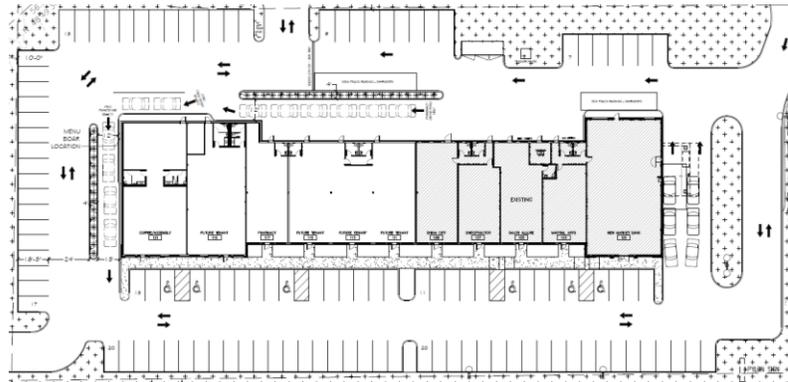
**Aaron Le Property** – City staff has been working with property owner Aaron Le, who is interested in development this 33.5 acre property located at the northwest corner of Dakota Avenue and James Parkway. A concept plan has been submitted to and reviewed by City staff. Development requires annexation of the property from New Market Township.



**Sylvester Meadows** – The Planning Commission recommended approval of this proposed 9-lot residential subdivision on July 30<sup>th</sup>, 2019. The developer has extended the City’s statutory review period for a required decision until June 1, 2020. The City Council has yet to act on the request.



**Elko New Market Commerce Center** – Construction has commenced on Phase II of the Elko New Market Commerce Center. The building permit has been issued on the “shell” building only. Finishing of the individual unit (interiors) will require separate building permits.



**Pete’s Hill** – Construction is underway on Pete’s Hill, a residential development containing 45 residential lots which are a mix of single-family lots and twin-home lots. The contractor began with the installation of utilities in 273<sup>rd</sup> Street. 273<sup>rd</sup> Street has been closed to traffic during construction. Sanitary sewer and water are now being installed within the development. Curbing and paving are planned for a portion of the development in 2019. Inclement weather has affected the contractor’s ability to complete the project in 2019, as originally planned.



**Degross Property** – City staff is working with a developer regarding possible development of the Degross property. A wetland delineation has been completed on the property and the City is currently processing the wetland application.



**Business Leads** – There are no new business leads.

**Building Permits** – The City issued one permit for a single-family home in September, 2019. The City also received an application for building permit for a 4-unit townhouse building which is currently being reviewed. Many permits have been issued for re-roofing due to the June 4<sup>th</sup> hail storm in Elko New Market.

**Ordinance Updates** –

- **Recreational Vehicle Storage** – The Planning Commission is currently reviewing, and considering amendments to the City Code regarding the parking of recreational vehicles (boats, campers, fish houses, etc.) on residential properties within the City. The Planning Commission indicated that the ordinance, as currently written, may be overly restrictive and has directed City staff complete further research on the matter. A public hearing will be held prior to any changes being formally adopted.
- **Garbage and Refuse** – The Planning Commission is currently reviewing, and considering amendments to the City Code regarding the storage of garbage receptacles in residential zoning districts. The current ordinance requires that all garbage receptacles be stored within an enclosed building or fully screened from view. A public hearing will be held prior to any changes being formally adopted.

**Code Enforcement** – City staff conducted inspections in the community regarding the storage of recreational vehicles on residential properties, and the exterior storage of garbage cans on residential properties. It was found that, on the date of the inspections, 44% of properties did not comply with the current City codes regarding storage of garbage cans and 16% of the properties did not comply with current City codes regarding storage of recreational vehicles.

**2040 Comprehensive Plan** – City staff has been working on the draft 2040 Comprehensive Plan. The City Council must approve the draft Plan for review by adjacent jurisdictions. Adoption of the final plan is anticipated in 2020.

**Roundabout Project** – City staff and Bolton & Menk, the City’s engineering firm, have been working on the roundabout project scheduled for construction in 2020. Bolton and Menk continues to work on preparation of the final construction plans and project coordination with county/state agencies. City staff has completed right-of-way acquisition needed for the project.



Active Projects and/or Discussion  
 October 21, 2019

Aaron Le Property:  
 33.5 acre single family residential property.  
 Available for development, in discussions  
 with property owner.

Dakota Acres 1st Addition:  
 Proposed 28 townhome units.  
 Approved by City.

Dakota Acres 2nd Addn:  
 Proposed 68 unit apartment development.  
 In planning and approval stage.

Proposed addition to existing  
 Elko New Market Retail Center

Sylvester Meadows:  
 Proposed 9-lot residential subdivision.  
 In planning and approval stage, tentatively on hold by developer.

Christmas Pines:  
 Residential subdivision containing  
 20 detached townhome units.  
 Under construction.

Proposed Roundabout:  
 Construction proposed in 2020.  
 In design stage.

Degross Property:  
 Wetland application received.

Adelmann Property:  
 Environmental study in process.

Pete's Hill:  
 Residential subdivision containing  
 45 residential lots.  
 Under construction.

Boulder Heights:  
 Residential subdivision containing  
 53 single family residential lots.  
 Under construction.

