

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 2012-062

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY REVISING THE INTRODUCTORY PROVISIONS OF THE ZONING ORDINANCE AND ADDING NEW RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS RELATED TO THE FUTURE LAND USES IDENTIFIED IN THE COMPREHENSIVE PLAN

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Ordinance, by repealing City Code Sections 154.001 through 154.005 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Ordinance, by adding the following language:

ARTICLE 1 - INTRODUCTORY PROVISIONS

§154.001	Title
§154.002	Purpose
§155.003	Statutory Authorization
§155.004	Jurisdiction
§155.005	Compliance Required
§155.006	Rules of Construction and Interpretation
§155.007	Severability and Validity
§155.008	Effective Date

§154.001 Title

This chapter shall be known, cited and referenced to as the City's zoning ordinance.

§154.002 Intent and Purpose

This chapter is adopted for the purposes of:

- A. Protecting the public health, safety, comfort, convenience, and general welfare;
- B. Implementing the City of Lake Elmo Comprehensive Land Use Plan;
- C. Promoting orderly development of the residential, commercial, industrial, recreational and public areas
- D. Conserving the natural and scenic beauty and attractiveness of the city;
- E. Conserving natural resources in the city;
- F. Minimizing environmental pollution; and
- G. Conserving energy through the siting of buildings and encouragement of solar and earth-sheltered structures where appropriate.

§154.003 Statutory Authorization

This chapter is adopted pursuant to the authorization contained in Minnesota Statutes, Chapter 462, or successor statutes.

§154.004 Jurisdiction

This chapter shall be applicable to all lands and waters within the corporate limits of Lake Elmo, Minnesota.

§154.005 Compliance Required

Except as in this chapter specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose in any manner which is not in conformity with this chapter.

§154.006 Rules of Construction and Interpretation

The following rules of construction and interpretation apply to this chapter:

- A. *Minimum Requirements.* In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements for the promotion of the public health, safety and welfare.
- B. *Conflict.* Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, chapter, statute, resolutions or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

§154.007 Severability and Validity

It is hereby declared to be the intention that the several provisions of this chapter are severable in accordance with the following:

- A. *Severability.* If any court of competent jurisdiction shall adjudge any provisions of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter.
- B. *Validity.* If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building, or structure, such judgment shall not affect other property, buildings or structures.

§154.008 Effective Date

This chapter shall be in full force and effect from and after its date of passage and approval by the City Council.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Ordinance, by adding the following language:

ARTICLE 2 - DEFINITIONS

- §154.009 Introduction and Purpose
- §154.010 Interpretation of Certain Terms
- §155.011 General Definitions
- §155.012 Zoning Use Type and Classifications

§154.009 Introduction and Purpose

The purpose of this article is to define general terms used in this zoning ordinance, to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts, and to establish the rules for interpretation of language in this ordinance.

§154.010 Interpretation of Certain Terms

In the construction of this zoning ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise:

- H. The present tense shall include the future.
- I. The singular number shall include the plural, and the plural the singular.
- J. The word "shall" is mandatory, and not discretionary.
- K. The word "may" is permissive.
- L. The word "should" is advisory.
- M. The word "building" includes the word "structure."
- N. The words "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- O. The word "lot" shall mean "zoning lot" unless otherwise specified in this ordinance.
- P. The words "lot," "parcel," or "premises" may be used interchangeably.
- Q. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half ($1/2$) foot or less, the integral foot next below shall be taken.

§154.011 General Definitions

Unless specifically defined in this chapter, common definitions, words and phrases used in this chapter shall be interpreted as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

§154.012 Zoning Use Types and Classifications

- A. Rules of Interpretation for Zoning Use Types and Classifications
 - 1. *Purpose of Use Types.* The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts. The Use Types section also facilitates the process of determining the applicable use type of any activity not clearly within any defined use type.
 - 2. *Interpretation.* In the event of any question as to the appropriate use type of any existing or proposed use or activity, the Planning Director shall have the authority to determine the appropriate use type. In making such a determination, the Planning Director shall consider the operational and physical characteristics of the use in question and shall consider the classification contained in the most recent edition of the Standard Industrial Classification Manual published by the U.S. Office of Management and Budget. In addition, the Planning Director shall consider the specific requirements of the use in common with those included as examples of Use Types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists. The Planning Director may also determine that a proposed use or activity is sufficiently different from any use type listed below and will require an amendment to the text of this ordinance.
 - 3. *Determinations in Writing.* The Planning director shall make such determinations of appropriate Use Types in writing, which shall include an explanation of the reasons for the determination.
 - 4. *Appeal.* A determination of the Planning Director may be appealed to the Board of Adjustment pursuant to the procedures for administrative appeals outlined in §31.10.
- B. Use Types and Classifications.
 - 1. Residential and Related Uses
 - a. Family Living

Live-Work Unit. A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

Manufactured Home Park. A development on a site under a single ownership which consists of two or more spaces for the placement of manufactured homes for dwelling or sleeping purposes, regardless of whether or not a fee is charged for the utilization of such space.

Multi Family Residential. A building containing three (3) or more dwelling units. The term includes cooperative apartments and condominiums, but not condominium-hotels. (See CONDOMINIUM and CONDOMINIUM-HOTEL under §11.01.)

Secondary Dwelling. A residential dwelling unit, but not a manufactured home, located on the same lot as a single family dwelling unit, either within the principal structure, above a detached garage, or within a detached structure.

Single Family Attached. A building containing one dwelling unit attached to another building containing only one dwelling unit, with each building on a separate lot.

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

Two-Family or Duplex. A building on a single lot or adjacent lots containing two dwelling units, either side-by-side or stacked vertically.

b. Group Living

Congregate Housing. A dwelling providing shelter and services for the elderly, which may include meals, housekeeping, and personal care assistance and minor medical services, but not intermediate, long term, or extended nursing care for residents.

Correctional Facilities. A public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

Group Home. A residence shared by six or fewer handicapped persons in addition to resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

Group Residential Facility. A licensed public or private establishment, which, for gain or otherwise, regularly provides one or more dependents with twenty-four (24) hour a day substitute for the care, food, lodging, training, education, supervision, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the dependent's own home. This term includes, but is not limited, to state institutions under the control of the Commissioner of Public Welfare, foster homes, maternity shelters, group homes as defined herein with seven or more residents, schools for handicapped children, and homes for battered children or battered spouses.

Halfway House. An establishment providing accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol, drug addiction or other similar disorders, or to persons re-entering society after being released from a correctional facility or other institution.

Semi-Transient Accommodations. Semi-transient accommodations include boarding houses, rooming houses, fraternity and sorority houses, or lodging rooms, as defined by this ordinance. Semi-transient accommodations do not include CONDOMINIUM-HOTELS, as defined in §11.01.

2. Public and Civic Uses

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Colleges and Universities. Institutions of higher learning which offer courses of general or specialized study leading to a degree or certificate. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

Community Services. Establishments of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities may incorporate membership provisions, and are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, non-profit, or charitable nature. Accessory uses may include offices, meeting areas, food preparation areas, parking, health and therapy areas, day care uses, and athletic facilities. Examples include libraries, museums, senior centers, community centers, social service facilities, early childhood learning facilities, and other special educational services.

Day Care Center. Any facility operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a twenty-four hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

Public Assembly. Facilities owned and operated by a public or quasi-public agency accommodating public assembly for non-recreation purposes. Typical uses include auditoriums, convention facilities, exhibition facilities, convention halls, or armories.

Religious Institutions. Establishments that are intended to primarily provide meeting areas for religious activities. Accessory uses include Sunday school facilities, parking, caretaker's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.

Schools, Public and Private. Establishments at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Examples include public and private daytime schools, boarding schools, and military academies. Exemptions: 1) Preschools are classified as Day Care Facilities, and 2) Business and Trade Schools are classified as Educational Services.

3. Services

Business Center. A building or group of buildings planned, constructed, and managed as a total entity, with common on-site parking for a group of commercial service establishments, with office uses also permitted. In the central business district, the requirement for common on-site parking need not be met in order to classify a development as a business center.

Business Services. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services, and computer programming/data processing services.

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

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

Communication Services. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephone mechanisms. Excluded from this use type are facilities classified as Essential Services or Broadcasting and Communications Towers. Typical uses include television studios, telecommunications service centers, telegraph service offices or film and sound recording facilities.

Educational Services. Establishments engaged in furnishing specialized academic or technical courses, normally on a fee basis, such as vocational or correspondence schools, barber college, data processing schools, or secretarial schools, along with non-degree granting schools such as post secondary colleges and universities, martial arts, music, art, ceramic, and dramatic, schools, and dance instruction.

Financial Institution. Provision of financial and banking services to consumers or clients. Walk-in and drive-in services are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and drive-up automatic teller machines (ATMs).

Funeral Home. Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

Lodging. See Transient Accommodations

Medical Facilities. Establishments engaged in providing diagnostic services, extensive medical treatment (including surgical services), and other hospital services, as well as continuous nursing service, including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio-medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including animal hospitals.

Membership Organization. Organizations operating on a membership basis for the promotion of the interests of the members included such uses as trade associations, business associations, professional membership organizations, labor unions, civic or fraternal organizations, but not including churches, hospitals, golf and country clubs, or credit unions.

Nursing and Personal Care. Establishments primarily engaged in providing intermediate or long-term nursing and health related care to individuals, typically classified as nursing homes.

Offices. A building or portion of a building use for office purposes by a business, service, professional, or institutional establishment, including medical offices or clinics, studios for those involved in art, sculpture, music, and the like, and all other establishments similar in character.

Personal Services. Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as barber shops, clothing rental, salons and health clubs, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants) or coin operated laundries.

Repair And Maintenance Shop. Establishments engaged in miscellaneous repair services, primarily of household oriented products such as radios, televisions, washers and dryers, furniture (including re-upholstery), small engine repair, bicycles, or locksmiths.

Self Service Storage Facility. An establishment designed and utilized for the purpose of renting or leasing individual storage spaces to tenants who have sole private access to such space for storing personal property.

Trade Shop. Any lot, land, building, or structure that serves as the headquarters for contractors involved in specialized activities such as plumbing, painting, plastering, masonry, carpentry, roofing, well drilling, landscaping and the like, where tools, equipment and materials used in the business are stored. The category also includes establishments involved in specialized trades such as sheet metal, sign painting, drapers, and exterminators.

Transient Accommodations, Lodging. Establishments in which lodging is provided and offered to the public for compensation, and which is open primarily to transient guests, as distinguished from semi-transient boarding or rooming facilities. Typical uses include hotels, motels, and inns. Meeting and restaurant facilities may be included accessory to this use type. Condominium-hotels shall be considered as a type of transient accommodation.

Transportation Services. Establishments furnishing services related to the arrangement of persons and goods movements, such as freight forwarding, parking services or the rental/leasing of automobiles or two-axle trucks.

Veterinary Service. Establishments engaged in the practice of veterinary medicine, dentistry or surgery, along with those providing animal related services such as kennels, grooming, or breeding services.

4. Food Service

Drinking and Entertainment. Establishments primarily engaged in the selling of drinks for consumption on the premises, where entertainment may be provided and the incidental sale of prepared food for consumption on the premise is permitted. These establishments may often charge a fee or admission charge for the entertainment provided. Included in this category are bars, beer gardens, discotheques, nightclubs, taverns, and dance halls.

Drive-In Restaurant. An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter and a drive-up or drive through service facility or which offers curbside service.

Fast Food Restaurant. An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter. This use type does not employ a drive-up or drive-through service facility, and does not offer curbside service.

Standard Restaurant. An establishment whose principal business is the sale of food and/or beverage to customers in a ready to consume state, and whose principal method of operation includes one or both of the following: 1) customers, normally provided with an individual menu, are served their food and beverage by restaurant employees at the same table or counter at which the food and/or beverage are consumed, 2) a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

5. Sales of Merchandise

Garden Center (Retail Agriculture). Establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, and plant materials primarily for agricultural, residential, and commercial consumers. Such establishments typically sell products purchased from others, but may sell

some material which they grow themselves. Typical uses include nurseries, retail greenhouses, plant stores, and lawn and garden centers.

Neighborhood Convenience Store. Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

Retail Trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. These establishments are characterized by the following: 1) they buy and receive as well as sell merchandise, 2) they may process some products, but such processing is incidental or subordinate to the selling activities, and 3) they predominantly sell to customers for their own personal or household use. Retail trade is divided into the following subcategories for the purposes of this ordinance.

- *General Retail:*

- Antiques and collectibles store
- Art gallery
- Bicycle sales and repair
- Book store, music store
- Clothing and accessories
- Craft or needlework shop
- Drugstore, pharmacy
- Electronics and appliance sales and repair
- Florists
- Specialty food store, including bakery, butcher shop, delicatessen, etc.
- Jewelry store
- Hardware store
- News stands, magazine sales
- Pet store
- Photographic equipment and supplies
- Picture framing
- Secondhand store, thrift or consignment store
- Sporting goods store
- Stationery store
- Tobacco store
- Video rental or sales
- Building supplies sales
- Furniture and appliance sales, rental, showrooms
- Grocery, supermarket
- Liquor store

- Warehouse club sales

Shopping Center. A group of commercial establishments planned, constructed, and managed as a total entity with shared access, customer and employee parking provided on-site, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Wholesaling. Establishments engaged primarily in selling merchandise to retailers, or to industrial, commercial, institutional, or professional business customers, or to other wholesalers, or on a mail order basis to individuals or firms, or which serve as agents or brokers buying merchandise for, or selling merchandise to, individuals and companies.

6. Automotive/Vehicular Uses

Automobile Maintenance Service. Repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services and similar repair and service activities where minor repairs and routine maintenance are conducted.

Automobile Parts/Supply. Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments, which offer minor automobile repair services as an accessory use.

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

Commercial Vehicle Repair. Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops, and other similar uses where major repair activities are conducted.

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

Parking Facility. Any structure associated with a non-residential use whose purpose is to provide the required off-street parking spaces for a principal use, or any site utilized for parking which constitutes the principal use on a parcel of land. This category also includes community lots, which are established to meet the parking needs in a residential area, and park + ride lots.

Sales and Storage Lots. Establishments engaged in the display for sale or lease of automobiles, trucks, machinery, recreational vehicles and manufactured homes, including auto dealerships or the farm commercial storage of privately owned trailers, boats, campers, or similar vehicles.

7. Outdoor Recreation

Campgrounds and Trailing. Establishments engaged in providing overnight or short-term sites for the placement of recreational vehicles or temporary housing, with or without facilities such as water and electricity.

Golf Course. A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par 3 golf courses. Specifically excluded are independent driving ranges or miniature golf facilities, which are classified as Outdoor Recreation Facilities.

Marina. A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

Outdoor Entertainment. An outdoor facility developed for entertainment, amusement, or tourist purposes which typically involve large areas of land and concentrated traffic peaks oriented towards events at the facility, including drive-in theaters, amphitheaters, outdoor concert halls, or theme parks.

Outdoor Recreation Facility. A commercial recreation facility that is primarily an open-air facility, such as baseball fields, swimming pools, skating rinks, golf driving ranges, or miniature golf facilities.

Parks and Open Areas. Uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses include, but are not limited to, clubhouses, maintenance facilities, concessions, caretaker's quarters, gazebos, pavilions, band shells, and parking. Examples include parks, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

Restricted Recreation. Commercial recreation facilities that are of greater nuisance than conventional outdoor athletic facilities because of 1) the noise and traffic volumes they may generate, 2) the glare they produce, or 3) the potential danger they may create from flying objects or the use of weapons. This category includes such uses as amusement parks, racetracks (auto, go-cart, motorcycle) or ranges (skeet, rifle, or archery).

8. Indoor Recreation/Entertainment

Adult Establishment. See §113.02.

Indoor Athletic Facility. A commercial recreation facility that provides completely enclosed or indoor recreation space, such as racquet clubs, indoor skating rinks, swimming pools, or gymnasiums.

Indoor Recreation. Establishment primarily engaged in activities intended to provide personal amusement, with the largest number of patrons typically during the evening hours or on weekends, and where food and refreshments may be provided as an incidental service, including such uses as bowling alleys, billiard, pool, or bingo parlors, amusement arcades, and indoor theaters (live or motion picture).

9. Agricultural and Related Uses

Agricultural Entertainment Business. An agricultural sales business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on-farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee-based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

Agricultural Production. Establishments engaged in the production of crops, plants or vines, including agro forestry, or establishments which are engaged in the keeping, grazing, or feeding of livestock for sale, value increase, or livestock increase.

Agricultural Sales Business. The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted

to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the agricultural sales business.

Agricultural Services. Establishments that perform services which support or assist the agricultural community, such as soil preparation services, crop services, farm management services, or breeding services on a fee or contract basis, along with experimental farms for research or educational purposes. This category is intended to apply where agricultural land is located, and may include buildings and other structures that provide office, warehouse, and storage areas for these establishments.

Agricultural Support. Establishments engaged in farm equipment sales and repair, farm produce sales and supply (feed grain, elevators) and small-scale farm product processing, such as cider mills, dairies, poultry or meat processing.

Forestry Operations. The use of land for the raising and harvesting of timber, pulpwood or other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper or grinder to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the City which shall be considered accessory to the development of the property.

Greenhouse, Non Retail. A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Wayside Stand. A temporary structure or vehicle used for the seasonal retail sale of agricultural goods, floriculture, and horticulture produced by the operator of the wayside stand, which is clearly a secondary use of the premises and does not change the character thereof.

10. Industrial and Extractive Uses

Heavy Industrial. Establishments involved in the manufacture, fabrication, processing, compounding, or assembling of materials from raw material or previously processed material. These uses have severe potential for adversely affecting surrounding land uses due to potential environmental impacts related to noise, smoke/particulate emissions, vibration, noxious gases, odor, glare/heat, fire/explosion hazards and waste disposal. In addition, these uses may generate large amounts of truck or auto traffic, may involve the use of large unenclosed production areas, or may require large, tall structures that are unsightly. Heavy industrial uses typically involve primary production processes in the area of paper products (pulp mills), food processing (slaughterhouse, meat packing plant), chemicals (manufacture of inorganic chemicals, resins, plastics, paints, fertilizers, explosives, ink), petroleum products (refineries, bulk storage), primary metals (blasting, smelting, rolling), machinery and equipment manufacture (auto assembly, engines, construction equipment), leather (storing, curing, tanning), gravel based products (manufacture of bricks, concrete, abrasives), and lumber products (saw mills).

Landfill. A disposal site employing an engineered method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Laundry Plant. Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, and linen supply services.

Light Industrial. Establishments involved in the processing, fabrication, assembly, or compounding of products where the process involved is relatively clean and nuisance free,

usually completely enclosed, and with limited environmental effects. These uses can be made compatible with surrounding areas through landscape screening and through separation required by yard and height limitations. Typically, these uses result in the creation of finished products for sale on a wholesale basis to retailers or directly on a retail basis, and include uses in the following areas: lumber products (millwork, cabinet-making), electronics, textiles, printing and publishing services, bottling works, carpet and rug cleaning, furniture manufacture, paper (final processing of stationery, bags, etc., from purchased bulk stock), light metal finishing and light machining, rubber and plastics (compounding processed resins, molding plastics), gravel based products (pottery, cutting, finishing granite, firing and decorating clay products), and ice manufacturing.

Motor Freight and Warehousing. Establishments engaged primarily in either the storage or shipment of goods and materials, including terminal facilities for handling freight, and maintenance facilities in which the trucks (including tractor trailer units) involved with the operation of the business are stored, parked and serviced. Materials within a warehouse or terminal facility may be combined, broken down, or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed.

Non-Production Industrial. Establishments that normally are considered industrial in character even though they are not involved in the manufacturing or processing of products. These uses generate negative impacts largely through their need for outside storage of equipment and materials, the large expanse of land needed for this storage, and the creation of dirt, dust and noise, along with intermittent truck traffic. These uses generally can be made compatible through landscape screening and the imposition of limited performance standards, and thus are not objectionable in most industrial or commercial districts. The types of uses categorized here include contractors yards, lumberyards, utility yards, and public maintenance shops and yards.

Research and Testing. Establishments or other facilities for carrying on investigation in the natural or physical sciences, or engineering and development as an extension of investigation with the objective of creating end products, on a contract or fee basis, and including pilot plant operation.

Resource Extraction. A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specially excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision.

Salvage/Recyclable Center. Land or buildings where waste, discarded, salvaged, or recyclable materials are bought, sold, stored, exchanged, sorted, cleaned, packed, disassembled or handled on a commercial basis, including but not limited to, scrap metal, aluminum, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles. Any site containing two or more unregistered, inoperable motor vehicles is classified as a salvage center.

11. Utilities, Transportation and Communications

Air Transportation. Establishments engaged in domestic, emergency, or foreign transportation of passengers or goods by air, including airports, flying fields, rotorcraft terminals, as well as any associated terminal facilities.

Broadcasting or Communication. Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A Broadcasting or Communication Facility usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Broadcasting or communication facilities include wireless communications facilities and wireless communications towers as defined in §11.01.

Essential Services. Overhead, aboveground or underground electrical, gas, steam or water transmission or distribution systems and structures of collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings.

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

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

12. Accessory Uses

Bed and Breakfast. A private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation.

Domestic Pets. The keeping of small domestic animals, such as dogs, cats, birds, rodents, fish, etc., not primarily for produce or value increase, but rather for show, sport, or as pets.

Family Day Care. A residence licensed by the Minnesota Department of Human Services in which no more than ten children at any one time receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

Group Family Day Care. A residence licensed by the Minnesota Department of Human Services in which at least 11 but not more than 14 children receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

Home Occupations. Any gainful occupation or profession engaged in by the occupant, only, of a dwelling when carried on within a dwelling unit or in an accessory building, provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, that no over-the-counter retail sales are involved, and entrance to the home occupation is or can be gained from within the structure. Uses include professional office, hairdressing, or teaching limited to 3 students at any time, and similar uses. A home occupation shall not be interpreted to include barber shops, beauty shops, tourist homes, restaurants, disorderly house as defined by M.S. § 609.33, Subd. 1, as it may be amended from time to time, or similar uses. No home occupation shall be permitted that creates the need for more than 3 parking spaces at any given time in addition to the parking spaces required by the occupants. Home occupations shall not be carried on except between the hours of 7:00 a.m. and 10:00 p.m.

Kennel, Private. The keeping, breeding, raising, showing or training of 4 or more dogs over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

Merchandise Parties. Private parties held for the purpose of soliciting sales. Merchandise parties shall include but not be limited to Tupperware, Mary Kay, and Avon parties.

Stable, Private. The keeping, breeding, or raising of horse or ponies exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.

Solar Equipment. Any solar collector, skylight, or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation.

Swimming Pools. Any permanently located pool, used for swimming and/or bathing which is over 24 inches in depth, or which has a surface area exceeding 150 square feet.

Temporary Sales. Any isolated or occasional display and sale of used personal property or home-crafted items conducted on residential premises by the occupant of the residential property. Temporary sales shall include rummage sales, basement sales, yard sales, porch sales, craft sales, garage sales, and seasonal boutiques.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Ordinance, as follows:

§ 154.030 CLASSIFICATIONS.

For the purpose of this chapter, all land in the city is divided into zoning districts. The zoning districts shall be identified by the following classifications, including those districts identified in §154.350:

- | | |
|---------------|---|
| (A) AG or A | Agriculture |
| (B) HD-A-BP | Agricultural Business Park Holding District |
| (C) HD-A-SRD | Agricultural Sewered Residential Holding District |
| (D) R-R | Rural Residential |
| (E) HD-RR-BP | Rural Residential Business Park Holding District |
| (F) HD-RR-LB | Rural Residential Limited Business Holding District |
| (G) HD-RR-RAD | Rural Residential Ag Density Holding District |
| (H) HD-RR-SRD | Rural Residential Sewered Residential Holding District |
| (I) R-1 | One-Family Residential |
| (J) HD-R1-RAD | One-Family Ag Density Holding District |
| (K) HD-R1-SRD | One-Family Sewered Residential Holding District |
| (L) R-2 | One- and Two-Family Residential |
| (M) R-3 | Manufactured Home Park |
| (N) HD-R3-URD | Manufactured Home Park Urban Residential Holding District |
| (O) R-4 | Multi-Family Residential |
| (P) RE | Residential Estates |
| (Q) HD-RE-LB | Residential Estates Limited Business Holding District |
| (R) HD-RE-SRD | Residential Estates Sewered Residential Holding District |
| (S) GB | General Business |
| (T) HD-GB-BP | General Business Park Holding District |
| (U) HD-GB-C | General Business Commercial Holding District |
| (V) HD-GB-SRD | General Business Sewered Residential Holding District |
| (W) HB | Highway Business |
| (X) CB | Convenience Business |

(Y) LB	Limited Business
(Z) HD-LB-SRD	Limited Business Sewered Residential Holding District
(AA) BP	Business Park
(BB) VR-A	Village Residential Agriculture Holding District
(CC) VR-GB	Village Residential General Business Holding District
(DD) VR-R1	Village Residential One-Family Holding District
(EE) VR-RR	Village Rural Residential Holding District
(FF) PF	Public and Quasi-Public Open Space
(GG) OP	Open Space Preservation District
(HH) OZD	Overlay Zoning Use District

(1997 Code, § 300.07 Subd. 1) (Am. Ord. 97-192, passed 6-19-2007; Am. Ord. 97-195, passed 7-17-2005)

Cross-reference:

Open Space Preservation District, see Ch. 150

§ 154.031 BOUNDARIES.

~~The boundaries of these districts are defined and established as shown on the map entitled "Zoning District Map," which map is available for viewing at the city offices. Unless otherwise indicated by relation to established lines, points or features, the district boundary lines are the center lines of streets, alleys, or railroad rights of way, existing or extended. Please see §154.351.~~

~~(1997 Code, § 300.07 Subd. 2)~~

§ 154.032 ZONING DISTRICT MAP.

~~(A) Please see § 154.351. The boundaries of the districts as established by this chapter are as shown on the zoning district map, which is available to view at the city offices. The map is designated as the "official zoning map" of the city and shall be maintained as provided in this chapter by the Zoning Administrator. The district boundary lines on the map are intended to follow street right-of-way lines, street center lines, or lot lines unless the boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references, and other information shown on the map shall have the same force and effect as if fully set forth in this chapter and are made a part of this chapter by reference and incorporated in this code as fully as if set forth at length. Whenever any street or other public way is vacated, any zoning district line following the center line of the vacated street or way shall not be affected by the vacation. Wherever "SUP" appears on the zoning district map it indicates a conditional use permit under this chapter.~~

~~(B) When any permit is issued for a planned unit development or any other permit which affects any zoning district in a substantial way, the permit shall be coded and noted on the zoning district map by the Zoning Administrator so as to clearly indicate the use permitted which may not otherwise be clearly evident from the map or text of this chapter.~~

~~(C) When conflicts appear in this chapter with respect to permitted uses within a district, the more restrictive provision shall be applied.~~

~~(1997 Code, § 300.07 Subd. 3)~~

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Ordinance, by adding the following language (this language is being moved in its entirety from the existing §154.005):

ARTICLE 4 - NON-CONFORMING USES AND STRUCTURES

§154.150 Application

§154.151 Non-Conforming Uses, Buildings, and Structures

§154.150 Application.

- A. *Application; generally.* Except as provided in this chapter, no building or structure shall be erected, moved, altered, or extended and no land, building, or structure or part of the building, shall be occupied or used unless in conformity with regulations specified in this chapter for the district in which it is located.
- B. *Application to existing structures.* This chapter shall not apply to existing buildings and structures, nor to the existing use of any structure, or land to the extent of the use on the effective date of this chapter. This chapter shall apply to any change in use, to any movement of a building or structure, or to any expansion of a structure which may result in the generation of additional sewage for on-site disposal.
- C. Use defined. For the purpose of this chapter, the word USE shall mean:
 - 1. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or
 - 2. Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure, or on a tract of land.

§154.151 Non-conforming uses, buildings and structures.

- A. Definitions.
 - 1. **NON-CONFORMING USE.** Any lawful use of land or any lawful use of a building or structure existing on the effective date of this chapter, or any amendment to this chapter which use does not conform with the regulations for the district in which it is located after the effective date of this chapter or the amendment.
 - 2. **SUBSTANDARD BUILDING or SUBSTANDARD STRUCTURE.** Any building or structure lawfully existing on the effective date of this chapter or any intendment to this chapter, which building or structure does not conform with the regulations, including dimensional standards, for the district in which it is located after the effective date of this chapter or the amendment.
- B. *Preservation of non-conforming uses.* Except as provided in this chapter, the lawful use of land or the lawful use of a building or structure existing on the effective date of this chapter or on the effective date of any amendment to this chapter may be continued although the use does not conform to the provisions of this chapter, except as otherwise provided in this division.
- C. *Preservation of dimensionally substandard buildings or structures.* Except as provided in this chapter, buildings structures lawfully existing on the effective date of this chapter or on the effective date of any amendment to this chapter may be maintained although the building or structure does not conform to the dimensional standards of this chapter. However, any such building or structure shall not be altered or improved beyond normal maintenance, except that any lawful dimensional substandard residential building, accessory building, or structure may be altered or improved if the existing substandard dimension relates only to setback requirements and does not exceed the 10% of the minimum setback requirements.

Additionally, the alteration or improvement shall conform to all of the provisions of this chapter and shall not increase the existing substandard dimensions.

- D. *Unlawful uses, buildings, and structures.* No unlawful use of property existing on the effective date of this chapter or any amendment to this chapter, nor any building or structure which is unlawfully existing on the effective date shall be deemed a non-conforming use or a non-conforming building or structure.
- E. *Permit holders and permit applicants.* Any non-conforming structure that is ready for or under construction on the effective date of this chapter or any amendment to this chapter may be completed and occupied in accordance with the requirements of any valid building permit issued for the construction prior to the effective date.
- F. *Change from one non-conforming use to another.* A non-conforming use may be changed only to a use permitted in the district in which it is located; except that if no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restrictive classification, and provided the change is approved by the Board of Adjustment and Appeals as provided in this chapter. Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.
- G. *Change of use with approval of the Board of Adjustment.* A non-conforming use all or partially conducted in a building or buildings, may be changed to another non-conforming use only upon determination by the Board of Adjustment, after a public hearing, that the proposed new use will be no more detrimental to its neighborhood and surroundings than is the use it is to replace. In determining relative detriment, the Board of Adjustment shall take into consideration, among other things: traffic generated; nuisance characteristics, such as emission of noise, dust, and smoke; fire hazards; and hours and manner of operation.
- H. *Restoration of non-conforming building or structure.* A non-conforming building or which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity may be restored and the occupancy or use of the building, structure, or part of the structures which existed at the time of the partial destruction, may be continued or resumed, provided that the restoration is started within a period of 1 year and is diligently prosecuted to completion, unless the damage to the building or structure is equal to 50% or more of the replacement cost of the structure (as determined by the Building Official), in which case, the reconstruction shall conform to the provisions of this chapter.
- I. *Abandonment of use.* When any non-conforming use of land or of a building or structure is abandoned for a period in excess of 1 year, the land, building, or structure shall, subsequently be used only as provided by this chapter.

(1997 Code, § 300.05)

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Ordinance, by adding the following language:

ARTICLE 8 - ZONING DISTRICTS AND ZONING MAP

- §154.350 Division into Districts
- §154.351 Zoning Map
- §154.352 Consistency with Comprehensive Plan

§154.152 Division into Districts.

- A. *All areas zoned.* The incorporated areas of Lake Elmo are hereby divided into the following zoning districts:

Table 8-1: Zoning Districts

Zoning District		Reference
A	Agriculture	154.400
RR	Rural Residential	154.400
RS	Rural Single Family	154.400
RE	Residential Estate	154.400
OP	Open Space Preservation	154.650
OP-A	Open Space Preservation - Alternative Density	154.700
LDR	Urban Low Density Residential	154.450
MDR	Urban Medium Density Residential	154.450
HDR	Urban High Density Residential	154.450
VMX	Village Center - Mixed Use	154.500
C	Commercial	154.550
CC	Convenience Commercial	154.550
LC	Neighborhood Office/Limited Commercial	154.550
BP	Business Park/Light Manufacturing	154.550
P	Civic/Public	154.600
OSP	Open Space and Parks	154.600
FSO	Future Sewer Overlay	154.750

- B. *Annexed areas.* Any land that is annexed into the city shall be included in the A Agriculture District until such time as the City Council amends the Comprehensive Plan to include the new area, and rezones it to another district.

§154.153 Zoning Map.

- A. The location and boundaries of the districts established by this chapter are set forth on the Official Zoning Map, which is hereby incorporated as part of this chapter, and which is on display in the Planning Department.
- B. District boundary lines recorded on the zoning map are intended to follow lot lines, the centerline of streets or alleys, the centerlines of streets or alleys projected, railroad rights-of-way lines, the center of watercourses or the corporate limit lines as they exist at the time of the enactment of this chapter.

- C. Whenever any street, alley or other public way is vacated, the zoning district adjoining that of such vacated street, alley or public way shall be automatically extended to the center of such vacated area and all area included therein shall be then and henceforth subject to all regulations of the extended district.
- D. It shall be the responsibility of the Planning Director to maintain and amend the zoning map. The Director of Planning shall make any corrections or amendments to the map after all of the procedures outlined in Section 154.020 of this chapter for the making of such revisions or amendments shall have followed by the Planning Commission and the City Council.
- E. Amendments to the Official Zoning Map shall be recorded on the map within 30 days after adoption by the Council. The copy of the Official Zoning Map shall be displayed in the office of the Planning Department and shall be open to public inspection at all times during which the office is customarily open.

§154.154 Consistency with Comprehensive Plan

The zoning districts in this chapter and the delineation of zoning district boundaries on the zoning map are consistent with the goals and policies of the Lake City Comprehensive Plan.

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Ordinance, by adding the following language:

Article 10 - URBAN RESIDENTIAL DISTRICTS

- §154.450 Purpose and District Descriptions
- §154.451 Permitted and Conditional Uses
- §155.452 Lot Dimensions and Building Bulk Requirements
- §155.453 Dimensional Requirements and Preservation of Open Space
- §155.455 Site Design and Development Standards
- §155.456 Accessory Uses and Structures
- §155.457 Residential Accessory Structures
- §155.458 Accessory Uses
- §155.459 Accessory Uses and Structures Not Listed

§154.450 Purpose.

The urban residential districts are established to provide areas for residential development that are served by public sewer and water services in accordance with the City's Comprehensive Plan. The objectives of these districts are to preserve and enhance the quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the City's Comprehensive Plan, and to ensure adequate light, air, privacy and open space. The residential districts and their purposes are as follows:

- A. *LDR Urban Low Density Residential District.* The LDR district provides an environment of predominantly single-family dwellings on moderately sized lots, and is designed to be the most restrictive of the urban residential districts. The LDR district is intended to provide areas for lower density residential development within the City's planned sewer development areas, and may be used to provide a transition between rural development areas and the City's urban development and districts. Densities shall range from two (2) to four (4) units per acre; however, the overall density for a specific development area must be consistent with the net densities specified in the Comprehensive Plan. The lot size and other district standards allow for the creation of smaller lots with the expectation that common open space will be provided within developments that exceed the base densities (at low end of the land use density range) within the Comprehensive Plan.

- B. *MDR Urban Medium Density Residential District.* The MDR district is established to provide for a diversity of housing types in those areas where such development is consistent with the medium density residential designation of the comprehensive plan and compatible with the development pattern of the surrounding area. Clustering of buildings to permit more orderly development and to preserve open space within new developments is encouraged. Development within the district shall occur at densities in the range of four (4) to seven (7) dwelling units per acre, with two-family dwellings and townhouses permitted. The City will determine the allowed density for a piece of property at the time of the development application, and this determination will be based upon the site-specific characteristics of the property and the requested development. Factors to be considered in increasing or decreasing the allowed density include the existing environmental conditions such as wetlands, floodplains, steep slopes, significant trees; the specific site plan; the amount of open space preserved, and the type of housing units proposed, including whether greater density is desirable because the development contains housing that is consistent with the City's housing goals. The burden of establishing the appropriateness of the high end of the density range will be on the applicant.
- C. *HDR Urban High Density Residential District.* The HDR district is established to provide for an environment of moderate to high-density attached and multi-family housing, designed to present an attractive appearance to neighboring streets and adjacent uses, to include sufficient private and semi-private outdoor space, and to be well integrated into their surroundings. Small office and service businesses of limited size and extent may be allowed as conditional uses. The HDR district is appropriate as a transition between commercial or industrial districts and surrounding neighborhoods, and in already developed higher-density areas. Development within the district may occur at densities in excess of seven (7) dwelling units per acre, provided the overall densities for within a development area are consistent with the net densities specified in the Comprehensive Plan and that a density analysis is used consistent with the purpose statement for the MDR district.

§154.451 Permitted and Conditional Uses.

Table 10-1 lists all permitted and conditional uses allowed in the urban residential districts. "P" indicates a permitted use, "C" a conditional use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this Ordinance of specific development standards that apply to the listed use.

- A. *Combinations of uses.* Principal and accessory uses may be combined on a single parcel. A principal and secondary dwelling unit may be combined according to the standards of Section 154.456. Single-family attached or multi-family complexes designed for rental or condominium occupancy, typically include multiple units and buildings on a single parcel.

Table 10-1: Permitted and Conditional Uses, Residential Districts

	LDR	MDR	HDR	Standard
Residential Uses				
Household Living				
Single-family detached dwelling	P	P	P	154.454.B,H
Two-family dwelling	-	P	P	154.454.E
Single-family attached dwelling	-	P	P	154.454.F,J
Multifamily dwelling (<i>rental or condominium</i>)	-	C	P	154.454.G,K
Secondary dwelling	C	C	C	154.454.C
Live-work unit	-	-	C	154.454.L

Table 10-1: Permitted and Conditional Uses, Residential Districts

	LDR	MDR	HDR	Standard
Manufactured home park	-	C	-	155.102.B
Group Living				
Group Home	P	P	P	155.102.C
Group Residential Facility	-	C	C	155.102.D
Halfway House	-	-	C	155.102.D
Congregate Housing	-	C	C	155.102.E
Semi-Transient Accommodations	-	C	C	155.102.F
Public and Civic Uses				
Community Services	-	-	C	155.103.C
Day Care Center	-	C	C	155.103.D
Schools, Public and Private	C	C	C	155.103.E
Services				
Offices	-	-	C	154.454.M
Funeral Home	-	-	C	154.454.I
Personal Services	-	-	C	154.454.M
Nursing and Personal Care	-	-	C	155.104.C
Sales of Merchandise				
Neighborhood Convenience Store	-	-	C	154.454.N
Wayside Stand	P	P	P	154.454.D
Outdoor Recreation				
Golf Course	C	-	-	155.107.B
Outdoor Recreation Facility	-	-	-	155.107.E
Parks and Open Areas	P	P	P	
Transportation and Communications				
Broadcasting or Communication Facility	C	C	C	155.110.B
Accessory Uses				
Home Occupation	P	P	P	155.111.A,B
Bed and Breakfast	-	C	C	155.111.C
Domestic Pets	P	P	P	
Family Day Care	P	P	P	155.111.G
Group Family Day Care	C	C	C	155.111.G
Temporary Sales	P	P	P	155.107.B
Parking Facility	-	-	P	

Table 10-1: Permitted and Conditional Uses, Residential Districts

	LDR	MDR	HDR	Standard
Solar Equipment	P	P	P	155.111.I
Swimming Pools, Hot Tubs, Etc.	P	P	P	155.111.J
Water-Oriented Accessory Structures	P	P	P	
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	

Note: Standards listed in Table 10-1 are listed by Article, Section and Subsection.

§154.452 Lot dimensions and building bulk requirements.

Lot area and setback requirements shall be as specified in Table 10-2, Lot Dimension and Setback Requirements.

Table 10-2: Lot Dimension and Setback Requirements, Residential Districts

	LDR	MDR	HDR
Minimum Lot Area (sq. ft.)			
Single Family Detached Dwelling	8,000	7,000	5,000
Two-Family Dwelling (per unit) ^a	5,000	4,000	3,000
Single-Family Attached (per unit) ^b	-	4,000	2,500
Multi-Family Dwelling (per unit)	-	4,000	1,800
Secondary Dwelling		see 155.102	
Live-Work Unit	-	-	3,600
Congregate Housing	-	see 155.102	see 155.102
Manufactured Home Park	-	see 155.102	-
Minimum Lot Width (feet)			
Single Family Detached Dwelling	70	60	50
Two-Family Dwelling (per unit) ^a	35	30	20
Single-Family Attached (per unit) ^b	-	25	20
Multi-Family Dwelling (per building)	-	75	60
Live-Work Unit	-	-	25
Maximum Height (feet)			
	35	35	50
Maximum Impervious Coverage			
	40%	50%	75%
Minimum Building Setbacks (feet)			
Front Yard	25 ^c	25 ^c	20 ^c
Interior Side Yard ^e	8	8	10 ^d
Corner Side Yard ^{e,f}	15	15	15
Rear Yard	20	20	20

Notes to Urban Residential Districts Table

- a. Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.

- b. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- d. Single Family Dwellings (both attached and detached) and Two-Family Dwellings may use the side yard setbacks within MDR zoning districts.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

§154.453 Dimensional Requirements and Preservation of Open Space

- A. *Averaging of Lot Area.* When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.
- B. *Lot Dimension Reductions.* Other reductions in dimensional standards may be considered as part of a Planned Unit Development if these reductions provide for common open space within a development.
- C. *Lots Adjacent to Public Greenway Corridors.* On any lot that abuts a public greenway as depicted in the Comprehensive Plan the minimum setback for all structures, including accessory buildings, shall be the required rear yard setback for the district in which said structure is located.

§154.454 Site Design and Development Standards.

Development of land within the urban residential districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in Articles 5, 6 and 7. The following standards apply to specific uses, and are organized by district.

- A. *Planned Unit Developments, All Urban Residential Districts.* A planned unit development may be submitted for consideration within any residential district, subject to the requirements and standards established in Section 154.800, Planned Unit Developments.
 - 1. A residential development that exceeds 15 units per acre in an HDR Zoning District may be allowed as a Planned Unit Development in accordance with the density bonus provisions of Section 154.800, Planned Unit Developments.
- B. *Single-Family Detached Dwellings, All Urban Residential Districts.* All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.

- C. *Secondary Dwelling, All Urban Residential Districts.* The purpose of a secondary dwelling is to provide life-cycle housing opportunities for family members or small households of one or two people, while providing more efficient use of large single-family dwellings or large lots.
1. A secondary dwelling unit may be located within a principal structure used as a single-family detached dwelling, above a detached garage, or within a separate detached structure.
 2. There shall be no more than one secondary dwelling unit on the zoning lot.
 3. At least one dwelling unit on the zoning lot shall be owner-occupied.
 4. The minimum lot area shall be two thousand five hundred (2,500) square feet greater than the minimum lot area required for a single-family detached dwelling in the zoning district.
 5. If the secondary unit is included in the principal building, the appearance of the building shall remain that of a single-family dwelling. Any new or additional entrances must face the side or rear of the building.
 6. Whether the secondary unit is an addition to an existing structure or a new detached structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the principal building. Exterior finish materials and trim must be the same or closely match in type, size and location the materials and trim of the original building.
 7. A secondary unit within the principal structure shall not contain more than thirty (30) percent of the principal building's total floor area or eight hundred (800) square feet, whichever is less. A detached secondary unit shall not exceed one thousand (1,000) square feet in gross floor area.
 8. Impervious limits for the lot within the zoning district in question shall not be exceeded.
- D. *Wayside Stand, All Urban Residential Districts*
1. No more than one stand per lot shall be permitted.
 2. Adequate off-street parking shall be provided.
- E. *Single-Family Detached Dwelling, All Urban Residential Districts*
1. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
 2. The primary entrance shall be located on the façade fronting a public street.
- F. *Two-Family Dwelling, MDR and HDR Districts*
1. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
 2. Access to the second dwelling unit shall be either through a common hallway with one front entrance, or by means of a separate entrance.
 3. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a developed block may be redeveloped as two-family units, and no further two-family or higher density development is permitted once this threshold is reached. Lineal frontage shall be measured around the entire perimeter of the block.
 4. Two-family dwellings shall be designed to reflect the general scale and character of surrounding buildings on surrounding blocks, including front yard depth, building width height and roof pitch, primary materials, façade detailing and size and placement of window and door openings.

G. *Single-Family Attached Dwelling (Townhouse), MDR District*

1. A maximum of eight (8) units shall be permitted within a single building. Buildings with more than eight (8) units may be allowed as a Conditional Use.
2. Townhouses shall be located on lots in such a way that each individual unit has a minimum of fifteen (15) feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
 - a. Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a Conditional Use.
3. The primary entrance shall be located on the façade fronting a public street unless the townhouses are approved as a Conditional Use under §154.455.G.2.a above; an additional entrance may be provided on the rear or side façade.
4. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a developed block (measured around the entire block perimeter) may be converted to townhouse units, and no further townhouse, two-family or higher-density development is permitted once this threshold is reached.
5. Townhouse units shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, height and roof pitch, primary materials, façade detailing and size and placement of window and door openings.
6. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of five hundred (500) square feet per unit.

H. *Multi-Family Building, MDR District*

1. A maximum of eight (8) units shall be permitted within a single building. Buildings with more than eight (8) units may be allowed as a Conditional Use.
2. The multi-family building shall be designed to reflect the general scale and character of buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
3. No parking shall be located in the front yard or between the front façade and the street.
4. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a block (measured around the entire block perimeter) may be developed as multi-family units, and no further multi-family, two-family or townhouse development is permitted on the block once this threshold is reached.
5. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of three hundred (300) square feet per unit.

I. *Funeral Home, HDR District.* A facility developed after the effective date of this ordinance shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two access points shall be provided.

1. Additions or new construction shall be designed to reflect the general scale and character of the existing building and surrounding neighborhood, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.

J. *Single-Family Attached Dwelling, HDR District.*

1. A maximum of ten (10) units shall be permitted within a single building. Buildings with more than ten (10) units may be allowed as a Conditional Use.

2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of fifteen (15) feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
 - a. Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a Conditional Use.
3. The primary entrance shall be located on the façade fronting a public street unless the townhouses are approved as a Conditional Use under §154.455.J.2.a above; an additional entrance may be provided on the rear or side façade.
4. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of three hundred (300) square feet per unit.

K. *Multi-Family Building, HDR District*

1. No parking shall be located in the front yard or between the front façade and the street.
2. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of two-hundred (200) square feet per unit.

L. *Live-Work Unit, HDR District.* The purpose of a live-work unit is to provide a transitional use type between a home occupation and a larger commercial enterprise, and to provide neighborhood-oriented commercial services, while maintaining a generally residential character in which the work space is subordinate to the residential use.

1. The work space component shall be located on the first floor or basement of the building.
2. The dwelling unit component shall maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.
3. The work space component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.
4. A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground/enclosed.
5. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.
6. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
7. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than two (2) workers on-site at any one time who live outside of the live-work unit.

M. *Offices or Personal Services, HDR District.* The establishment shall not exceed three thousand (3,000) square feet in size, and may be located within a multi-family building or a free-standing building.

1. Additions or new construction shall be designed to reflect the general scale and character of surrounding buildings, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
2. No parking shall be located in the front yard or between the front façade and the street.

3. No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of three hundred (300) feet from any other retail or service business on the same street within the HDR District.

N. *Neighborhood Convenience Store, HDR District.*

1. The establishment shall not exceed three thousand (3,000) square feet in size, and may be located within a multi-family building or a free-standing building.
2. Additions or new construction shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
3. No parking shall be located in the front yard or between the front façade and the street.
4. The use shall occupy a corner property. Any freestanding building developed on such a property shall have a minimum setback of ten (10) feet from each right-of-way line.
5. No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of five hundred (500) feet from any other retail or service business on the same street within the HDR District.

§154.455 Accessory Uses and Structures.

Accessory uses are listed in the Urban Residential District Use Table as permitted or conditional accessory uses. Accessory uses and structures in the urban residential districts shall comply with the following standards and all other applicable regulations of this ordinance:

- A. *Phasing.* No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
- B. *Incidental to Principal Use.* The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
- C. *Subordinate to Principal Use.* The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.
- D. *Function.* The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.
- E. *Location.* The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

§154.456 Residential Accessory Structures.

In all residential districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.

- A. *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
 1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 2. The structure shall not exceed the height of the principal building to which it is attached.
- B. *Attached Garages.*
 1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:

- a. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or
 - b. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or
 - c. The width of the attached garage shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street.
- 2. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
 - 3. Garage doors or openings shall not exceed fourteen (14) feet in height.
- C. *Detached structures.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:
- 1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
 - 2. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
 - 3. Pole barns, as defined herein, exceeding one hundred twenty (120) square feet shall be prohibited.
 - 4. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.
 - 5. Garage doors or openings shall not exceed fourteen (14) feet in height.

§154.457 Accessory Uses.

- A. *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:
- 1. Laundry drying,
 - 2. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.
 - 3. Agricultural equipment and materials, if these are used or intended for use on the premises.
 - 4. Off-street parking and storage of vehicles and accessory equipment, as regulated in Section 154.095.
 - 5. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view from adjacent properties.
 - 6. Outdoor parking.
- B. *Temporary Sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two (2) per calendar year per residence, not to exceed four (4) days in length.

§154.458 Accessory Uses and Structures Not Listed.

Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in Article 7, Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.

SECTION 7. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Ordinance, by adding the following language:

ARTICLE 12 - COMMERCIAL DISTRICTS

§154.550	Purpose and District Description
§154.551	Permitted, Conditional and Interim Uses
§154.552	Lot Dimensions and Building Bulk Requirements
§154.553	General Site Design Considerations, Commercial Districts
§154.554	Development Standards for Specific Uses
§154.555	Commercial District Design Standards

§154.550 Purpose and District Descriptions.

The commercial districts are established to provide a range of goods and services for City residents within the City's existing commercial corridors and districts, to promote employment opportunities and the adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas. In all the commercial districts, consideration should be given to building and site design to provide for efficient and well-integrated use of land, ensure compatibility with adjacent residential districts, to control traffic and improve the pedestrian environment. The commercial districts are as follows:

- A. *LC Neighborhood Office/Limited Commercial District.* The purpose of the LC district is to provide for the establishment of limited scale neighborhood commercial centers that offer basic convenience type goods and services to the immediately surrounding residential neighborhoods in areas that are not planned for public sanitary sewer services. Office uses and other business uses are allowable on a limited scale. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse effects from traffic congestion, noise, odor, glare, and similar impacts.
- B. *CC Convenience Commercial District.* The CC District is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots, and facilities with drive-up windows, are also allowed.
- C. *C Commercial District.* The purpose of the C District is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region and are located in areas that are well served by collector or arterial street facilities outside the Village Area. It is intended to allow the widest range of commercial uses, especially those that are oriented towards the travelling public or that need large sites with highway access and visibility. Residential uses may be appropriate as part of a mixed-use commercial development, with unit densities being determined by either the

identified range within the comprehensive plan or to a level deemed appropriate as part of a planned unit development.

- D. *BP Business Park/Light Manufacturing District.* The purpose of the BP District is to provide areas for attractive, high quality business park development primarily for office, high quality manufacturing and assembly, and non-retail uses in developments which provide a harmonious transition to residential development and neighborhoods by: 1) conducting all business activities and essentially all storage inside buildings, 2) consisting of high quality and attractive buildings which blend in with the environment, 3) providing open space, quality landscaping and berming; 4) including berming and buffering of parking, loading docks and other similar functions; and 5) protecting and enhancing the natural environment and 6) providing users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94.

§154.551 Permitted, Conditional and Interim Uses.

Table 12-1 lists all permitted and conditional uses allowed in the commercial districts. "P" indicates a permitted use, "C" a conditional use and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this Ordinance of specific development standards that apply to the listed use.

- A. *Combinations of uses.* The following use types may be combined on a single parcel:
1. Principal and accessory uses.
 2. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
 3. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this Article. Office or studio uses on upper stories are encouraged.

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

	LC	CC	C	BP	Standard
Residential Uses					
Household Living					
Single-family attached dwelling	-	-	C	-	154.554.A
Multifamily dwelling	-	-	C	-	154.554.B
Live-work unit	C	C	C	-	155.145.E
Group Living					
Semi-Transient Accommodations	-	-	C	-	155.102.F
Congregate Housing	-	-	C	-	
Public and Civic Uses					
Colleges and Universities	-	-	C	C	155.103.B
Community Service	-	C	C	C	155.103.C
Day Care Center	C	C	C	C	155.103.D
Schools, Public and Private	-	-	C	C	155.103.E
Public Assembly	-	-	C	C	155.103.F
Religious Institutions	-	-	C	-	155.103.G
Services					
Business Services	P	P	P	P	
Business Center	P	P	P	P	
Offices	P	P	P	P	
Commercial Kennel	-	-	C	-	
Communication Services	C	C	P	P	
Educational Services	P	P	P	P	
Financial Institution	P	P	P	P	
Funeral Home	-	C	P	-	
Lodging	-	-	P	C	154.554.C
Medical Facility	-	-	C	C	155.104.B
Membership Organization	P	P	P	-	
Nursing and Personal Care	C	C	C	-	155.104.C
Personal Services	P	P	P	-	
Repair and Maintenance Shop	-	-	P	-	154.554.D
Self-Service Storage	-	-	C	C	155.104.D
Trade Shop	-	-	P	-	154.554.E
Transportation Services	-	-	-	C	
Veterinary Services	P	P	P	C	154.554.F
Food Services					
					(154.554.K)
Standard Restaurant	-	P	P	C	154.554.L
Drive-in Restaurant	-	C	C	-	155.105.A
Drinking & Entertainment	-	C	P	-	155.105.B

	LC	CC	C	BP	Standard
Fast Food Restaurant	-	P	P	C	154.554.M
Sales of Merchandise					
General Retail Sales	C	P	P	C	154.554.N
Building Supplies Sales	-	-	C	-	
Warehouse Club Sales	-	-	C	-	
Furniture and Appliance Sales	-	-	P	-	
Grocery, Supermarket	-	-	P	-	
Liquor Store	-	-	P	-	
Garden Center	-	-	P	-	154.554.G
Neighborhood Convenience Store	-	P	P	-	
Shopping Center	-	P	P	-	
Wholesaling	-	-	P	-	
Automotive/Vehicular Uses					
Automobile Maintenance Service	-	-	C	-	154.554.H
Automobile Parts/Supply	-	-	P	-	154.554.H
Car Wash	-	-	C	-	
Commercial Vehicle Repair	-	-	-	-	155.155.J
Gasoline Station	-	C	C	-	155.106.B
Parking Facility	-	-	C	C	154.554.I
Sales and Storage Lots	-	-	C	-	
Outdoor Recreation					
Campgrounds and Trailering	-	-	-	-	155.107.A
Golf Course	-	-	-	-	
Marina	-	-	-	-	155.107.C
Outdoor Entertainment	-	-	-	-	155.107.D
Outdoor Recreation Facility	-	-	C	-	155.107.E
Parks and Open Areas	P	P	P	P	
Restricted Recreation	-	-	-	-	
Indoor Recreation/Entertainment					
Adult Establishment	-	-	-	C	Chapter 113
Indoor Athletic Facility	-	C	P	C	155.108.B
Indoor Recreation	-	-	C	-	155.108.B
Agricultural and Related Uses					
Agricultural Sales Business	-	I	P	-	154.110
Agricultural Services	-	-	C	-	
Agricultural Support	-	-	C	-	
Greenhouses - Non Retail	-	-	-	-	
Wayside Stand	P	P	P	P	

	LC	CC	C	BP	Standard
Industrial and Extractive Uses					
Heavy Industrial	-	-	-	-	
Landfill	-	-	-	-	
Light Industrial	-	-	-	C	
Non-production Industrial	-	-	-	C	154.554.J
Motor Freight and Warehousing	-	-	-	C	
Research and Testing	-	-	-	C	
Resource Extraction	-	-	-	-	
Salvage/Recyclable Center	-	-	-	-	
Transportation and Communications					
Broadcasting and Communications	C	C	C	C	154.110 - 154.123
Accessory Uses					
Bed and Breakfast	-	-	-	-	155.111.C
Drive-Through Facility	-	C	C	-	155.111.D
Family Day Care	-	-	-	-	155.111.E
Group Family Day Care	-	-	-	-	155.111.E
Home Occupation	-	-	-	-	155.111.A,B
Parking Facility	C	C	P	P	154.554.I
Outdoor Storage	-	-	C	-	
Outdoor Display	-	-	C	-	
Solar equipment	P	P	P	P	
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

¹ General Retail Sales shall include all of the subcategories identified in the Section 154.012.B.5 under Retail Trade with the exception of those subcategories listed separately in Table 11-1 above.

§154.552 Lot Dimensions and Building Bulk Requirements.

Lot area and setback requirements shall be as specified in Table 12-2 *Lot Dimension and Setback Requirements, Commercial Districts*.

Table 12-2: Lot Dimension and Setback Requirements, Commercial Districts

	LC	CC	C	BP
Minimum Lot Area (sq. ft.)	3.5 acres	12,000	20,000	2 acres
Minimum Lot Width (feet)	300	75	100	200
Minimum Lot Depth (feet)	400	-	-	-
Maximum Height (feet/stories)	35	35	45	50 ^a
Maximum Impervious Coverage	40%	60%	75%	75%
Building Setback Requirements (feet)				
Front Yard	100	30	30	50
Interior Side Yard	50	20	10	30
Corner Side Yard	100	25 ^c	25 ^c	30
Rear Yard	50	30 ^b	30 ^b	30
Residential Zones	150	50	50	150
Parking Setback Requirements (feet)				
Front Yard	50	15	15	30
Interior Side Yard	50	10	10	15
Corner Side Yard	50	15	15	30
Rear Yard	50	10	10	15
Residential Zones	100	35	35	100
Minimum Building Floor Size (sq. ft.)	4,000	-	-	5,000

Notes to Table 11-2

- a. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- b. Accessory buildings must be set back 10 feet from property lines.
- c. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

§154.553 General Site Design Considerations, Commercial Districts.

Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Articles 5, 6 and 7.

- A. *Circulation.* Internal connections shall be provided between parking areas on adjacent properties wherever feasible.
 - 1. The number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.
- B. *Fencing and screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principal structure.
- C. *Lighting design.* Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian. All lighting shall be installed in conformance to Section §150.035 through §150.038.
- D. *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to completely conceal the stored materials from view at eye level (measured at six feet above ground level) on the adjacent street or property.

§154.554 Development Standards for Specific Uses.

The following standards apply to specific uses allowed within the Commercial Districts. Other specific use standards are located in Article 7.

- A. *Single-family attached dwellings, C District.* Limited to areas that are designated as mixed-use in the Comprehensive Land Use Plan.
- B. *Multi-family dwelling units, C District.* Dwelling units (both condominium and rental) are allowed as follows:
 - 1. Within those areas designated as mixed-use in the Comprehensive Plan.
 - 2. On the upper floors or rear or side ground floors of a mixed-use building approved as part of a Planned Unit Development
- C. *Lodging, BP District.* Must incorporate a full-service restaurant and rooms accessible only through interior corridors and be subordinate to a main business complex.
- D. *Repair and Maintenance Shop.* No outdoor storage is permitted.
- E. *Trade Shop.* Exterior materials storage must be totally screened from view from adjacent public streets and adjacent residential properties, by a wall of the principal structure or a screen wall constructed of the same materials as the principal structure.
- F. *Veterinary Services.* All activities must be conducted within an enclosed building. Crematoriums are not allowed.
- G. *Garden Center*
 - 1. The storage or display of any materials or products shall meet all primary building setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of Article 6, Section 155.89.F.
 - 2. All loading and parking shall be provided off-street.
 - 3. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
- H. *Automobile Maintenance Service and Automobile Parts/Supply.*
 - 1. All vehicle repairs shall be conducted in a completely enclosed building.
 - 2. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet

all setback requirements of a primary structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.

- I. *Parking Facility, C District.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street. The primary street-facing façade shall be designed for retail, office or residential use.
- J. *Non-Production Industrial, BP District.* Non-production industrial use shall be allowed as a principal use, and may include wholesale and off-premise sales, provided that:
 - 1. The use is served by a street of sufficient capacity to handle the traffic the use will generate.
 - 2. The use includes a retail or office component equal to at least twenty-five (25) percent of the floor area of the use.
 - 3. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the area.
- K. *Outdoor Dining Accessory to Food Services.* Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block a public sidewalk or other walkway needed for pedestrian circulation. A minimum of five (5) feet of sidewalk or walkway must remain open.
- L. *Standard Restaurant, BP District.* Must be incorporated as part of a larger business center or lodging use.
- M. *Fast Food Restaurant, BP District.* Must be incorporated as part of a larger business center or lodging use.
- N. *Retail Trade, BP District.* Limited to uses clearly incidental and accessory to a permitted or conditionally permitted principal use of the land.
 - 1. The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the permitted or conditionally permitted uses is only allowed when conducted in the building occupied primarily by medical facilities or offices.

§154.555 Commercial District Design Standards.

- A. *Purpose and Intent.* It is the purpose and intent of the city, by the adoption of the performance standards of this article, to ensure commercial buildings constructed within the city are of a high quality of exterior appearance and consistent with the Comprehensive Plan. These standards shall apply to all commercial districts within the city.
 - 1. It is the finding of the city that a limited selection of primary exterior surfacing materials meets this standard of quality.
 - 2. It is the further finding of the city that several specific exterior surfacing materials are appropriate, and of sufficient quality, to be utilized only as accent materials in varying percentages. The variations of percentage of specific accent materials relates to a finding by the city as to the relative quality and rural character of those respective accent materials.
- B. *Architectural and Site Plan Submittals.* New building proposals shall include architectural and site plans prepared by registered architect and shall show the following as a minimum:
 - 1. Elevations of all sides of the buildings;

2. Type and color of exterior building materials;
3. Typical general floor plans;
4. Dimensions of all structures; and
5. Location of trash containers, heating, cooling and ventilation equipment and systems.

C. *Applicability - Structure Additions and Renovation.*

1. Additions to existing structures resulting in an increase of gross floor area of the structure of less than 100%; and/or installation of replacement exterior surfacing of any portion of an existing structure shall be exempt from the standards of this division where it is found that the new or replacement exterior surfacing proposed is identical to that of the existing structure.
2. Where additions to an existing structure result in an increase in the gross floor area of the existing structure of 100% or greater, the entire structure (existing structure and structure addition) shall be subject to the standards of this division.

D. *Performance Standards - Primary Exterior Surfacing.*

1. The primary exterior surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or thin veneer brick or stone less than nominal 4 inches thick shall not qualify as complying with this performance standard.
2. Primary exterior surface shall be defined as not less than 70% of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this division. Windows and glass doors shall be considered a primary surface, but the sum area of this glass shall be deducted from the wall area for purposes of the 70% primary/30% accent formulas of this chapter. Doors of any type of material, except glass, shall not be considered a primary exterior surface.
3. Each wall of the structure shall be calculated separately and, individually comply with the 70/30 formula.

E. *Performance Standards - Exterior Surfacing Accents.* Not more than 30% of the exterior wall surfacing, as defined by division (D) above, may be of the following listed accent materials, but no single accent *material*, except natural wood, may comprise more than 20% of the total of all accent materials; and, no combustible materials shall be used:

1. Cedar, redwood, wood siding;
2. Cement fiber board;
3. Standing seam metal;
4. Architectural metal;
5. Stucco;
6. Poured in place concrete (excluding "tilt-up" panels);
7. Architectural metal panels; and

8. Porcelain or ceramic tile.
- F. *Performance Standard - Accessory Structures.* All accessory structures shall comply with the exterior surfacing requirements specified by division (D) above.
- G. *Performance Standard - HVAC Units and Exterior Appurtenances.* All exterior equipment, HVAC and trash/recycling and dock areas shall be screened from view of the public with the primary exterior materials used on the principal structure.
- H. *Performance Standard - Visible Roofing Materials.* Any roofing materials that are visible from ground level shall be standing seam metal, fire-treated cedar shakes, ceramic tile, clay tile, concrete or slate.
- I. *Applicability - New Construction.* The standards of this division shall be applicable to all structures and buildings constructed in the city, on and after the effective date of this chapter. The performance standards of this division shall not be in any manner minimized by subsequent planned unit development plans or agreement.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 9. Adoption Date. This Ordinance 2012-62 was adopted on this eighteenth day of September 2012, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Dean A. Johnston, Mayor

ATTEST:



Sandie Thone, City Clerk

This Ordinance 2012-62 was published on the 3rd day of OCTOBER, 2012.