

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-091

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY ADDING
A VMX - VILLAGE MIXED USE ZONING DISTRICT TO THE ZONING ORDINANCE

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

Article 11 - VILLAGE MIXED USE DISTRICT

§154.500	Purpose and District Description
§154.501	Permitted and Conditional Uses
§154.502	Lot Dimensions and Building Bulk Requirements
§154.503	Dimensional Requirements and Preservation of Open Space
§154.504	General Site Design Considerations - LMX District
§154.505	Development Standards for Specific Uses
§154.506	VMX District Design and Demolition Review
§154.507	Accessory Uses and Structures
§154.508	Residential Accessory Structures
§154.509	Accessory Uses
§154.510	Accessory Uses and Structures Not Listed

§154.500 Purpose.

The purpose of the VMX district is to provide an area for compact, mixed use development made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment. This district is intended to continue the traditional mixed use development that has occurred in the Village area by allowing retail, service, office, civic and public uses as well as residential units. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. The placement of building edges and treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian friendly environment envisioned for the VMX district. The standards in this chapter are intended to implement and effectuate the principles and relationships established in the Village Master Plan, which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping. Renovation and infill of traditional storefront-type buildings is encouraged, and parking standards may be waived to recognize the availability of on-street and shared parking facilities.

§154.501 Permitted and Conditional Uses.

Table 11-1 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.* The following use types may be combined on a single parcel:

1. Principal and accessory uses may be combined on a single parcel.

2. A principal and secondary dwelling unit may be combined according to the standards of Section 155.137.
3. Single-family attached or multi-family complexes designed for rental or condominium occupancy, since these typically include multiple units and buildings on a single parcel.
4. 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.
5. 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 11-1: Permitted and Conditional Uses, VMX Districts

	VMX	Standard
Residential Uses		
Household Living		
Single-family detached dwelling	P*	* See Restrictions in 154.504.A
Two-family dwelling	P*	* See Restrictions in 154.504.A
Single-family attached dwelling	C	154.505.B
Multifamily dwelling	C	154.505.C
Secondary dwelling	C	154.505.D
Live-work unit	P	154.505.J
Group Living		
Group Home	P	155.102.C
Group Residential Facility	C	155.102.D
Congregate Housing	C	155.102.E
Semi-Transient Accommodations	C	155.102.F
Public and Civic Uses		
Community Services	P	155.103.C
Day Care Center	P	155.103.D
Public Assembly	C	155.505.M
Religious Institutions	C	155.505.N
Schools, Public and Private	C	155.505.O
Services		
Business Services	P	
Business Center	P	
Offices	P	
Communications Services	P	
Education Services	P	
Financial Institution	P	154.505.P
Funeral Home	C	

Lodging	C	154.505.Q
Medical Facility	C	154.505.R
Membership Organization	C	154.505.N
Nursing and Personal Care	C	155.104.C
Personal Services	P	
Repair and Maintenance Shop	C	155.505.E
Trade Shop	C	154.505.F
Veterinary Services	C	154.505.G
Food Services		
Standard Restaurant	P	154.505.S
Restaurant with Drive-through	C	154.505.S
Drinking and Entertainment	P	154.505.S
Sales of Merchandise		
Retail Trade '	P	154.505.T
Farmer's Market	C	154.505.AA
Garden Center	C	154.505.U
Neighborhood Convenience Store	P	154.505.V
Shopping Center	C	154.505.W
Wayside Stand	P	
Automotive/Vehicular Uses		
Automobile Maintenance Service	C	154.505.X
Automobile Parts/Supply	P	154.505.X
Gasoline Station	C	154.505.X
Parking Facility	C	154.505.X
Sales and Storage Lots	C	154.505.X
Outdoor Recreation		
Outdoor Recreation Facility	C	154.505.Y
Parks and Open Areas	P	
Indoor Recreation/Entertainment		
Indoor Athletic Facility	C	154.505.Z
Indoor Recreation	C	154.505.Z
Transportation and Communications		
Broadcasting or Communications Facility	C	155.110.B
Accessory Uses		
Home Occupation	P	155.111.A,B
Bed and Breakfast	C	155.111.C
Domestic Pets	P	
Family Day Care	P	155.111.G

Group Family Day Care	C	155.111.G
Temporary Sales	P	155.107.B
Parking Facility	P	
Solar Equipment	P	155.111.I
Swimming Pools, Hot Tubs, Etc.	P	155.111.J
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	

Note: Standards listed in Table 11-1 are listed by Article, Section and Subsection.

¹ Retail Trade in the VMX District includes all uses and activities defined as Retail Trade in §155.507.B.5 with the exception of building supplies sales and warehouse club sales.

§154.502 Lot dimensions and building bulk requirements.

Lot area and setback requirements shall be as specified in Table 11-2, Lot Dimension and Setback Requirements.

Table 11-2: Lot Dimension and Setback Requirements, VMX District

	VMX
Minimum Lot Area (sq. ft.)^a	
Non-Residential Use	None
Single Family Detached Dwelling	5,000
Two-Family Dwelling (per unit) ^b	3,000
Single-Family Attached (per unit) ^c	2,500
Multi-Family Dwelling (per unit)	1,800
Secondary Dwelling	See 154.454.C
Live-Work Unit	3,000
Congregate Housing	See 155.102
Other Structures	3,500
Maximum Lot Area (acres)	
Residential Structures	N/A
Other Structures	5
Minimum Lot Width (feet)	
Single Family Detached Dwelling	50
Two-Family Dwelling (per unit) ^b	30
Single-Family Attached (per unit) ^c	25
Multi-Family Dwelling (per building)	75

Live-Work Unit	25
Maximum Height (feet/stories)	35/3 ^d
Maximum Impervious Coverage	
Residential Structures	75%
Other Structures	No Limit
Minimum Building Setbacks (feet)	
Front Yard ^e	See 155.506
Interior Side Yard ^f	10
Corner Side Yard ^g	0
Rear Yard	10

Notes to VMX District Table

- a. No development may exceed the residential density range as specified in the Comprehensive Plan for the Village Mixed Use land use category.
- 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. Buildings up to 45 feet in height may be permitted as part of a PUD.
- e. The front yard setback for single family homes shall be 25 feet.
- f. Side yard setbacks in the VMX District apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use.
- g. Corner properties: the side yard 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 shown in the table.

§154.503 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.

§154.504 General Site Design Considerations VMX District

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

- A. *Circulation.* New access points to State Highway 5 may be refused or restricted to right-in right-out movement if alternatives exist. 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, and shall comply with §150.035-150.038 *Lighting, Glare Control, and Exterior Lighting Standards.*
- 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.
- E. *Screening of Existing Residential Structures.* When a new development is proposed adjacent to an existing single family residential structure, screening shall be provided in accordance with §154.258.F. The City may require buffering or screening above and beyond this section in cases where the required screening will not provide an adequate separation between incompatible uses.

§154.505 Development Standards for Specific Uses

Development of land within the VMX District 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; other standards related to design and building type may be found at §154.506.

- A. *Single-Family and Two-Family Dwellings.*
 - 1. Single-Family Dwellings are limited to those existing at the time of adoption of this Ordinance. Existing single-family dwellings shall be considered permitted uses, rather than nonconforming uses.
 - 2. Unless otherwise specified in this Article, Single and Two Family dwellings in the VMX district shall adhere to the MDR district setbacks as specified in §154.452
- B. *Single-Family Attached Dwellings.*
 - 1. A maximum of eight (8) units shall be permitted within a single building.
 - 2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of twenty-five (25) feet of public street frontage. No parking shall be located in the front yard or between the front façade and the street.

3. The primary entrance to each unit shall be located on the façade fronting a public street; 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.
- C. *Multi-Family Dwelling Units.* Dwelling units (both condominium and rental) are restricted to the upper floors or rear or side ground floors of a mixed-use building.
1. No parking shall be located in the front yard or between the front façade and the street
- D. *Secondary Dwellings.* Restricted to lots occupied by single-family dwellings, and must meet the standards for secondary dwellings in residential districts, §154.134.C.
- E. *Repair and Maintenance Shop.* No outdoor storage is permitted unless fully screened from public view.
- F. *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.
- G. *Veterinary Services.* All activities must be conducted within an enclosed building.
- H. *Garden Center.*
1. The storage or display of any materials or products shall meet all 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.
- I. *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 structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
- J. *Live-Work Unit.* 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 (2) 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.
- K. *Parking Facility.* 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. The primary street façade may include an entrance into the parking facility.
- L. *Outdoor Dining Accessory to Food Services.* Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block the sidewalk. A minimum of five (5) feet of sidewalk must remain open.

§154.506 VMX District Design Review

- A. *Review of Design.* For certain development activity as specified in the *Lake Elmo Design Standards Manual*, design review is required as part of the approval process for a permit or certificate under this Ordinance. All projects subject to design review shall be reviewed for conformance with the *Lake Elmo Design Standards Manual*. A separate process for design review is not established.
1. *Review Authority and Process.* Design review shall be the responsibility of the individual or body authorizing the permit or certificate and shall be incorporated in the established review of the applicable permit or certificate. For those applications under this Ordinance that require review by the Planning Commission, the Planning Commission shall consider the standards in the *Lake Elmo Design Standards Manual* as part of its recommendation to the City Council.
 2. *Review by Professional.* The authorizing body may request review by a design professional of the proposed design or demolition. The cost of review by such design professional shall be charged to the applicant, and shall not exceed \$1,000 unless otherwise agreed to by the applicant.
 3. *Development Activity Defined.* Development Activity consists of new construction and redevelopment activities, including remodeling that expands the footprint of a structure, altering, or repairing a structure in a manner that will change the exterior appearance of said structure. Development activity also includes the construction of new parking lots and installation of signage.
 - a. *Exempt Activities.* The following activities shall be exempt from review under this Section:
 - i. Ordinary repairs and maintenance that will not change the exterior appearance of a structure;
 - ii. Removal of existing signage without replacement unless said signs are an integral part of the building;
 - iii. Emergency repairs ordered by the Director of Planning in order to protect public health and safety;
 - iv. Exterior alteration, addition, or repair of a structure used as a single-family residence, duplex, or two-family residence.

- v. Temporary signage, installed in accordance with §154.212 of this Ordinance, or during which time an application for permanent signage is pending under this Ordinance;
- vi. Maintenance of existing signage advertising an on-site business;
- vii. Alterations only to the interior of a structure.

§154.507 Accessory Uses and Structures.

Accessory uses are listed in the VMX District Use Table as permitted or conditional accessory uses. Accessory uses and structures in the VMX District 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.

§154.508 Residential Accessory Structures.

On parcels used for residential structures within the VMX District, 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 40% 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 for permitted residential structures in the VMX District 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, 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.

§154.509 Accessory Uses.

- A. *Exterior Storage on Residential Parcels.* 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 Article 5, Section 155.67.
 5. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view from adjacent properties.
 6. Outdoor parking.
- B. *Temporary Sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two (2) per calendar year per residence, not to exceed four (4) days in length for each event.

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

SECTION 3. Adoption Date. This Ordinance 08-091 was adopted on this 6th day of November 2013, by a vote of 4 Ayes and 1 Nays. (SMITH)

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:



Adam Bell, City Clerk

This Ordinance 08-091 was published on the 13th day of NOVEMBER, 2013.