



STAFF REPORT

DATE: 5/2/2017
REGULAR
ITEM #: 10
MOTION

TO: City Council
FROM: Emily Becker, City Planner
AGENDA ITEM: Zoning Map Amendment Rezoning Select Parcels within Village to VMX – Village Mixed Use
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

City Staff has received a number of request from property owners within areas currently zoned GB – General Business and guided for VMX – Village Mixed Use to further develop or make improvements to their properties. A number of these requests have or would require rezoning to VMX, as the proposals did not meet the requirements of the GB – General Business District but did meet the requirements of the VMX – Village Mixed Use District, a more flexible zoning district. Many infrastructure improvements have been made to the Old Village including availability of city sewer and additional stormwater management. Rezoning to VMX is also a priority on the 2017 Planning Commission Work Plan. For these reasons, Staff and the Planning Commission are requesting that the Council consider a Zoning Map Amendment rezoning select parcels within the Village to VMX – Village Mixed Use.

ISSUE BEFORE COUNCIL:

The Council should review and consider adoption of an ordinance approving a Zoning Map Amendment rezoning select parcels within the Old Village to VMX – Village Mixed Use.

PROPOSAL DETAILS/ANALYSIS:

Properties Proposed to be Rezoned. The attached Planning Commission Staff Report dated April 24, 2017 further details the properties being proposed to be rezoned. At this time, no properties guided for VMX and zoned Rural Single Family will be rezoned to VMX.

Planning Commission and Public Hearing. The Planning Commission held two public hearings regarding the proposed rezoning. The initial public hearing was held on March 27, 2017 and proposed only properties currently zoned GB – General Business District that were guided for Village Mixed Use in the Comprehensive Plan. Upon receiving feedback from this public hearing notice, Staff learned that there were a number of Zoning Map errors which designated commercial properties as either right-of-way or Rural Single Family zoning, and thus these properties were not published in the original public hearing notice. Staff then published an additional public hearing notice and held an additional public hearing on April 24, 2017 to capture these missing properties. Comments from the public hearing included concern over the density designated for the Village Mixed Use land use category and the desire to preserve existing single-

family homes within the Village. The Planning Commission recommended adoption of Ord. 08-176 with an affirmative vote of 7-0.

FISCAL IMPACT:

Rezoning the recommended parcels to Village Mixed Use zoning will allow property owners to redevelop or make improvements to their property in accordance with VMX standards, thereby allowing greater flexibility. Not having to go through the process or pay the application fee for a Zoning Map Amendment may further incent property owners to make improvements that otherwise may not be allowed under current standards.

OPTIONS:

The Council may:

- Adopt Ord. 08-176 as proposed.
- Amend Ord. 08-176 and adopt as amended.
- Deny adoption of Ord. 08-176.

RECOMMENDATION:

Staff and the Planning Commission recommend that the Council adopt Ord. 08-176, approving a Zoning Map Amendment rezoning select parcels to VMX - Village Mixed Use:

“Move to adopt Ord. 08-176, approving a Zoning Map Amendment rezoning select parcels to VMX - Village Mixed Use.”

ATTACHMENTS:

- Ord. 08-176
- Planning Commission 4.24.2017 Meeting Packet – Item 4a.
- Planning Commission 4.24.2017 Meeting Minutes pertaining to ZMA – VMX
- Current and Proposed Zoning

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-176

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LAKE ELMO

SECTION 1. The City Council of the City of Lake Elmo hereby ordains the following properties to be rezoned from GB - General Business to VMX - Village Mixed Use:

PIDs:

1302921230055	1302921320001	1302921320052	1302921210010	1302921120013
1302921230057	1302921230038	1302921320026	1302921320012	1302921120010
1302921230058	1302921230037	1302921230007	1302921240022	1302921120016
1302921320021	1302921320019	1302921320046	1302921220007	1302921120012
1302921230068	1302921210013	1302921230059	1302921220023	1302921120009
1302921320025	1302921210014	1302921310017	1302921220018	1302921120011
1302921230070	1302921210011	1302921210016	1302921220016	1302921120015
1302921320049	1302921210012	1302921310016	1302921220017	1302921120014
1302921320051	1302921210015	1302921230046	1302921220019	1302921220008
1302921320048	1302921320041	1302921230065	1302921220022	1302921220010
1302921320047	1302921320042	1302921230053	1302921220021	1302921240016
1302921240020	1302921320083	1302921240024	1302921220020	1302921220012
1302921310003	1302921230054	1302921240019	1302921240021	1302921230071
1302921230056	1302921210001	1302921240017	1302921210006	1302921210007
1302921320032	1302921320005	1302921230067	1302921220002	1302921220013
1302921320027	1302921230025	1302921240025	1302921220011	1302921220014
1302921230063	1302921230036	1302921210009	1302921230004	1302921210002
1302921320022	1302921230062	1302921230064	1302921320086	1302921320007
1302921320009	1302921320008	1302921320010	1302921320085	1302921320096
1302921320094	1302921230077	1302921230027	1302921230018	1302921230026
1302921230010				

SECTION 2. The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official Zoning Map of the City of Lake Elmo.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-176 was adopted on this 2nd day of May, 2017, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-176 was published on the ____ day of _____, 2017.



STAFF REPORT

DATE: 03/27/2017

PUBLIC HEARING

ITEM #: 4a

TO: Planning Commission
FROM: Emily Becker, Planner
AGENDA ITEM: Rezoning Old Village GB – General Business District to VMX – Village Mixed Use District
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

Creation of VMX District. In November of 2013, creation of the Village Mixed Use District was approved in support of the 2030 Comprehensive Plan update for the Village Planning Area. The Village Mixed Use District was created to replace the existing intermingling of commercial, residential, and public zoning classifications within the central portion of the Village area. While the creation of the District was approved, the majority of the area for which it was meant has not yet been rezoned. Currently, the majority of the parcels that are planned for VMX - Village Mixed Use zoning are still zoned GB – General Business. Only three parcels within the City have been rezoned to VMX thus far.

Former Planning Commission Review of Rezoning GB Parcels to VMX. The Planning Commission discussed rezoning all parcels zoned GB – General Business District within the Old Village to VMX – Village Mixed Use in June of 2016. The meeting minutes of this meeting are attached for reference. Summarily, the Commission was not in favor at that time of this mass rezoning for concern of the following:

- That the densities within this area are guided too high.
- That VMX district standards are less restrictive (higher maximum impervious surface, additional permitted uses, smaller minimum building setbacks, etc.) than the GB district standards.
- That Form Based Code should be created for the Village.

- That updated population and development projections for the areas guided for VMX in the Old Village are needed.

Reconsideration Requested. At its February 27, 2017 meeting, the Commission again discussed rezoning parcels within the Old Village from GB to VMX. This discussion was prompted by a number of requests from residents to further develop or make improvements on their properties located within the GB – General Business zoning district. Staff has found that a number of these requests required rezoning to VMX, as the proposals did not meet the minimum requirements of the GB – General Business District but did meet the requirements of the VMX – Village Mixed Use District. Many infrastructure improvements have been made to the Old Village including availability of city sewer and additional stormwater management. For these reasons, and because updating the Zoning Map to change Village parcels to VMX consistent with the Comprehensive Plan is an item on the 2017 Planning Department Work Plan, Staff would like the Planning Commission to re-review rezoning GB parcels within the Old Village to VMX.

ISSUE BEFORE PLANNING COMMISSION:

The Planning Commission should consider rezoning the parcels currently zoned GB - General Business District to VMX - Village Mixed Use. It should also consider removal of 154.034: GB – General Business from the Zoning Code, along with all other references within the Code to the GB – General Business zoning district, as this district will no longer exist on the Zoning Map.

PROPOSAL DETAILS/ANALYSIS:

Reason for Requesting Zoning Map Amendment Now vs. at Time of Development

Application. In order to ensure that the property is being developed according the Comprehensive Plan, rezoning will typically occur at the time of a development application if a parcel is not zoned in accordance with the Comprehensive Plan. However, as previously mentioned, there are many non-conforming parcels within the GB – General Business zoning district which cannot further develop or, in some cases, make simple improvements, as a non-conformity may not be expanded. Rezoning these parcels will allow for owners to further develop and/or make improvements without having to submit application and go through a public hearing and approval process.

Number of Parcels Currently in the GB – General Business District. According to data provided in the City’s Zoning Map, there are currently 83 parcels that are zoned GB – General Business District. It should be noted that only those properties currently zoned GB are proposed to be rezoned to VMX. There are some RS - Rural Single Family-zoned parcels that are guided for VMX, however, these are not proposed to be rezoned.

Comparison Tables of Two Ordinances. In general, the proposed rezoning will allow a higher degree of flexibility for site improvements and land development in the Village than is presently permitted under the current ordinance. The following outlines differences in lot dimensions, setback requirements, and permitted uses in the two districts. Staff has also provided a complete draft the GB and VMX District regulations for review.

Permitted and Conditional Use Comparison. The following shows that there are a number of uses that the VMX district either permits or allows with a conditional use permit that the GB district does not. In some cases, the VMX is actually more restrictive, in that it requires a conditional use permit for some uses that the GB district permits. It should be noted that current properties that currently employ any of these land uses would not be required to obtain a conditional use permit for such uses unless an expansion of the use was proposed or if the use was discontinued for more than a year.

The VMX district permits the following uses that the GB district does not allow:

- Single Family Detached
- Single Family Attached
- Two Family
- Live Work Unit
- Wayside Stand
- Temporary Sales as Accessory Use
- Parking Facility as Accessory Use
- Solar Equipment as Accessory Use

The VMX districts allows the following conditional uses that the GB district does not allow:

- Multi Family
- Secondary Dwelling
- Congregate Housing
- Semi-Transient Accommodations
- Schools
- Funeral Home
- Lodging
- Trade Shop
- Farmer's Market
- Gas Station
- Parking Facility
- Outdoor Recreation Facility
- Parks and Open Areas
- Indoor Athletic Facility
- Broadcasting or Communication Facility

The VMX district requires a Conditional Use Permit for the following uses that the GB district permits (does not require a Conditional Use Permit):

- Group Residential Facility/Nursing and Personal Care (the GB district permits a Boarding Care Facility with 15 residents max)
- Public Assembly
- Religious Institutions
- Medical Facility
- Membership Organization
- Repair and Maintenance Shop
- Veterinary Services
- Restaurant with Drive Thru
- Garden Center
- Shopping Center
- Automobile Maintenance Service
- Sales and Storage Lots
- Indoor Recreation (the GB district allows Family Entertainment Centers (no definition provided))
- Bed and Breakfast as Accessory Use
- Group Family Day Care as Accessory Use

Lot Dimension and Setback Requirements Comparison. The table below compares the minimum lot size requirements of the GB General Business District to those of the VMX District and provides analysis on the differences.

<i>Standard</i>	<i>GB</i>	<i>VMX</i>	<i>Analysis</i>
<i>Minimum Lot Area</i>	• 1.5 acres	<ul style="list-style-type: none"> • Non-Residential Use: None • Single Family Detached Dwelling: 5,000 sf • Two-Family Dwelling (per unit): 3,000 sf • Single-Family Attached (per unit): 2,500 sf • Multi-Family Dwelling (per unit): 1,800 sf • Live-Work Unit: 3,000 sf 	The minimum lot size requirement of 1.5 acre most likely assumed that properties within the GB district would not be sewerred. The entire Village Area is now within the MUSA, and lots of this size are no longer necessary to provide wastewater treatment. It should also be noted that properties that further subdivide would be required to rezone to VMX and would need to adhere to the standards of the VMX district.

		<ul style="list-style-type: none"> • Other Structures: 3,500 sf 	There are 50 parcels within the GB district that do not meet its minimum lot size requirement.
<i>Maximum Lot Area</i>	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Residential Structures: None • Other Structures: 5 acres 	This would also only be applicable when a property further subdivided, which would already necessitate a rezoning from GB to VMX.
<i>Minimum Lot Width</i>	<ul style="list-style-type: none"> • 150 ft 	<ul style="list-style-type: none"> • Single Family Detached Dwelling: 50 ft • Two-Family Dwelling (per unit): 30 ft. • Single-Family Attached (per unit): 25 ft. • Multi-Family Dwelling (per building): 75 ft. • Live-Work Unit: 25 ft. 	<p>The VMX minimum lot width requirements are smaller than those of the GB district, as the minimum lot size requirements of the VMX district are much smaller.</p> <p>There are approximately 20 parcels within the GB district that do not meet the minimum lot width requirement.</p>
<i>Setbacks</i>	<ul style="list-style-type: none"> • Front: 0 ft. for Old Village • Interior Side: 0 ft. for Old Village • Side (Corner): 50 ft. • Rear: 50 ft. 	<ul style="list-style-type: none"> • Front: 0-20 ft. (25 ft for single family homes) • Interior Side: 10 ft. (for properties abutting residential uses) • Side (Corner): 0 ft. (or maintain front setback of adjacent property adjoining street) • Rear: 10 ft. 	This item has been discussed at previous Planning Commission meetings. The VMX ordinance is undergoing revisions, and the Planning Commission has suggested that because of the street design of some areas within the Village, there should be certain defined areas of the VMX that have a build-to setback.
<i>Maximum Building Height</i>	<ul style="list-style-type: none"> • 35 ft 	<ul style="list-style-type: none"> • 35 ft/3 stories 	Standard does not change.
<i>Maximum Impervious Coverage</i>	<ul style="list-style-type: none"> • Up to 4 acres: 40% • >4-8 acres: 35% • >8 acres: 25% 	<ul style="list-style-type: none"> • Residential Structures: 75% • Other Structures: No Limit 	Many lots within the GB district do not meet the maximum impervious surface requirement. The Village has increased stormwater management efforts, and stormwater management plans will be evaluated upon the receipt of land use applications.

			It is difficult to know without having exact impervious surface calculations, but one can see by looking from an aerial that a vast majority of parcels within the GB district do not meet the maximum impervious surface requirement.
<i>Lot Configuration</i>	<ul style="list-style-type: none"> • Maximum depth to width ratio no more than 3:1 	<ul style="list-style-type: none"> • None 	
<i>Septic Drainage Regulation</i>	<ul style="list-style-type: none"> • 20,000 sf dedicated for septic 	<ul style="list-style-type: none"> • None 	All GB parcels within the Village would be required to be sewerred eventually, as they are in the MUSA. This standard is no longer applicable.

Density. The Comprehensive Plan guides the Village Mixed Use area for a density of 5-10 residential equivalency units per acre. Maximum lot size and no minimum lot size requirement for the VMX district help to accomplish this higher density.

Form Based Code. Staff is also cognizant of the fact that the Planning Commission is in support of implementing a Form Based Zoning for the VMX District, as is supported in the Comprehensive Plan. Creation of a draft of a form-based code for the VMX zoning district is currently on the 2017 Planning Department Workplan. The Commission should consider if it is necessary for Form Based Code to be adopted before rezoning Village parcels to VMX. It should be noted that the City can do nothing, short of enacting a moratoria, to prevent further development within the area guided for VMX until a Form Based Code is adopted. The goal of rezoning these parcels is to make non-conforming parcels conforming.

General Business District References No Longer Required in the Zoning Code. Currently, the only parcels zoned GB – General Business are located in the Old Village. Rezoning these parcels to VMX – Village Mixed Use will leave the GB – General Business District non-existent on the Zoning Map. Therefore, Staff is recommending that Section 034, GB – General Business be removed along with all other references to this zoning district.

Public Hearing Notices – Additional Consideration Requested. A public hearing notice was published in the official City newspaper, and public hearing notices were sent out to property owners within 350 feet of all properties zoned GB – General Business District. Staff received a number of inquiries about the rezonings, asking for clarification. One resident was not in support

the rezonings, citing concerns of increased density and the ability for homeowners not being able to keep a single family home. As previously mentioned in this report, GB-zoned parcels are still guided for VMX, which means that a rezoning would need to occur when the property develops, and any development may occur at the density which the Comprehensive Plan dictates. Additionally, existing single family detached homes are a permitted use in the VMX.

Another comment that was received was that there are still a number of parcels that are guided for VMX that were not zoned GB – General Business District (currently either zoned RS – Rural Single Family, RT – Rural Development Transitional, or had no zoning classification on the City’s Zoning Map), even though the land use of some of these parcels is not a single family home. Staff has looked further in to this and have found that the following parcels are zoned RS but are guided for VMX, yet are not used as single family homes. Please note that this list does not include land that is guided for VMX yet is still used as single family homes. If the Commission wishes to recommend rezoning all parcels that are guided for VMX to VMX, a motion can be made to do so.

PID#	Address	Description
1302921230010	None	Small strip of land south of and owned by same owner as 3699 Laverne Avenue North (vacant)
1302921230026	None	Small strip of land north of and owned by same owner as 3520 Laverne Avenue North (vacant)
1302921230027	3520 Laverne Ave N	Industrial Use per Washington County Use Description
1302921230077	11127 Stillwater Blvd N	Lake Elmo Oil
1302921320007	None	Small strip of land near 33 rd St N (vacant)
1302921320010	None	Paved area for Lake Elmo Inn
1302921240003	11179 Stillwater Blvd N	Lake Elmo Repair Shop Building
1302921230064	None	Small strip of land west of 11799 Stillwater Blvd N
1302921230062	None	Small strip of land east of and owned by same owner as 11179 Stillwater Blvd N
1302921320009	None	Small strip of land north of 33 rd St N
1302921320022	3504 Lake Elmo Ave N	Owned by Lake Elmo Inn

1302921320008	None	Small strip of land north of 33 rd St N
1302921230020	None	Small strip of land used for parking, owned by Christ Lutheran Church
1302921320096	11123 Upper 33 rd St N	Owned by Grain on Main LLC
1302921230063	None	Parking area for 11179 Stillwater Blvd N
1302921230018	None	Parcel south of parking area for 11179 Stillwater Blvd N
1302921240028	None	Schiltgen Property (31.78 acre parcel)
1302921320086	None	Small strip of land north of 33 rd St N
1302921320085	None	Small piece of land west of and owned by same owner as 11123 Upper 33 rd St N
1302921320094	11320 Upper 33 rd St N	Storage building with parking (parking shared with Lake Elmo Inn)

The Commission should consider if the above-mentioned parcels should also be rezoned to VMX. If the Commission recommends this, an additional public hearing notice would need to be published, and it is recommended this item be tabled until the next meeting after which an appropriate public hearing notice has been given for this Zoning Map Amendment to rezone these parcels.

FISCAL IMPACT:

Rezoning the subject area to Village Mixed Use zoning will allow property owners to redevelop or make improvements to their property in accordance with VMX standards, thereby allowing greater flexibility. Not having to go through the process or pay the application fee for a Zoning Map Amendment may further incent a property owner within the current GB district to make improvements that otherwise may not be allowed under the GB district standards.

OPTIONS:

The Planning Commission may recommend any of the following:

- 1) Rezone all of the parcels located in the GB – General Business District to VMX – Village Mixed Use and omit references to the GB district from the City Code.

- 2) Rezone some of the parcels located in the GB – General Business District to VMX – Village Mixed Use and not omit references to the GB district from the City Code.
 - 3) Table discussion so that an additional public hearing notice may be published to include the above-mentioned parcels in the Zoning Map Amendment rezoning properties to VMX – Village Mixed Use.
 - 4) Table discussion so that an additional public hearing notice may be published to include all properties guided for VMX – Village Mixed Use in the Zoning Map Amendment rezoning properties to VMX – Village Mixed Use.
 - 5) Not rezone any parcels to VMX – Village Mixed Use at this time and leave references to the GB district from the City Code for the time being.
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RECOMMENDATION:

Staff recommends that the Planning Commission table tonight’s discussion so that an additional public hearing notice may be published to include the above-mentioned parcels in the Zoning Map Amendment rezoning properties to VMX – Village Mixed Use.

“Move to table this Zoning Map Amendment Discussion to rezone properties to VMX – Village Mixed Use until an appropriate public hearing notice may be published to include the above-mentioned properties in the Zoning Map Amendment.”

ATTACHMENTS:

- GB District Regulations
- VMX District Regulations
- Ord. 08-___ rezoning GB parcels to VMX and omitting references to GB district from City Code.
- Current and Proposed Zoning Maps
- PC Meeting Minutes from 6.13.2016.

	the first drainfield is prohibited.
Maximum Width of Primary Dwelling	All dwelling units must be at least 20 feet wide through the main living area of the structure.
Footings	The primary structure must have continuous frost footings. Continuous frost footings are not required for porches, decks, and other appendages so long as proper post type footings per existing Building Codes are constructed.
Maximum Impervious Surface Coverage	
Maximum Width of Driveways	See § 93.26
Signage	See §§ 154.212

(1997 Code, § 300.07 Subd. 4.D) (Am. Ord. 97-192, passed 6-19-2007)

§ 154.034 GB – GENERAL BUSINESS.

A. Permitted uses and structures.

1. The following service/office uses:

<i>General Business – Service/Office</i>	
Accounting	
Advertising	(Sign fabrication not permitted use)
Alterations	
Apparel Cleaning Pick-up Stations	
Apparel Repair and Alterations	
Architectural	
Art Gallery	
Auditing	
Bakeries	(With production of bakery goods limited to retail sales)
Barber Services	
Beauty Shops	
Bookkeeping	
Business and Management Consultant Offices	

Business Associations	
Cafes and Restaurants - Drive-up window	(Menu boards and intercom systems prohibited; Adequate vehicle stacking must be provided)
Cafes and Restaurants	(Limited to full table service operations)
Charitable	
Chiropractic	
Civic, Social and Fraternal Association Offices and Halls	
Collection and Adjustment Services	
<i>General Business – Service/Office</i>	
Credit Reporting (Consumer and Mercantile)	
Dental	
Detective and Protective Agencies	
Duplication	
Educational	
Employment Agencies	
Engineering	
Finance	
Galleries	
Governmental Offices	
Insurance	
Investment	
Labor Unions	
Legal	
Libraries	
Mailing	
Medical	
Medical Services	(The compounding, dispensing or retail sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the foregoing when conducted in the building occupied primarily by medical, dental, osteopathic, chiropractic or

	optometric offices)
Optometric	
Osteopathic	
Photo Gallery	
Professional Membership Organizations	
Real Estate	
Religious	
Scientific Research	(Excluding laboratory facilities)
Shoe Repair	
<i>General Business – Service/Office</i>	
Stenographic Service	
Therapeutic Massage	(See licensing requirements in § 114.01)
Welfare Offices	

(Am. Ord. 97-170, passed 5-2-2006; Am. Ord. 2012-064, passed 12-4-2012)

2. The following retail uses:

<i>General Business - Retail</i>
Antiques and Secondhand Merchandise
Apparel and Related Accessories
Automobile Repair and Services
Automobiles and Automobile Accessories
Bicycles
Books
Building Supplies
Cameras and Photographic Supplies
Cigars and Cigarettes
Drugs and Proprietary Items
Electrical Supplies
Flowers and Floral Accessories
Food and Grocery Products
Furniture

Gifts, Novelties and Souvenirs
Glass
Heating Equipment
Home Furnishings and Related Equipment
Jewelry
Liquors
Marine Craft and Accessories
Newspapers and Magazines
Nursery and Garden Supplies
<i>General Business – Retail</i>
Optical Goods
Paint
Pets
Plumbing Equipment
Sporting Goods
Stationery
Wallpaper

3. The following repair/service uses:

<i>General Business – Repair/Service</i>
Clock Repair
Electrical Repair and Supplies
Equipment–Rental and Leasing
Food Catering
Furniture Repair
Heating
Household Appliances
Jewelry Repair
Landscaping
Plumbing
Radio

Reupholstery
Television
Watch Repair

4. The following office uses (excluding equipment storage):

<i>General Business - Office</i>
Air Conditioning Contractor
Building Construction Contractor
Carpentry Contractor
<i>General Business - Office</i>
Decorating Contractor
Heating Contractor
Masonry Contractor
Painting Contractor
Plastering Contractor
Plumbing Contractor
Roofing Contractor
Sheet Metal Contractor
Stone Work Contractor
Tile Setting Contractor
Wallpaper Contractor
Water Well Drilling Contractor
Wood Flooring Contractor

5. Uses permitted by conditional use permit.

<i>General Business - Conditional Use</i>	
Bed and Breakfast Facility	15 Beds Maximum
Boarding Care Facility	15 Residents Maximum
Day Care Centers	40 Children Maximum
Family Entertainment Centers	
Fitness Studio	Maximum floor area not to exceed 5,000 square feet

Kennels	
Nursing Care Facility	15 Residents Maximum
Open Sales Lots	
Manufacturing	Any industrial manufacturing operation in existence within the city at the effective date of this chapter, including manufacture of wood products and plastic products, may continue the use as a conforming use without a conditional use permit. Nothing in this provision shall otherwise be construed to require the city to authorize any manufacturing use in the General Business Zone after the effective date of this chapter.
<i>General Business - Conditional Use</i>	
Veterinary Clinics	

(Am. Ord. 97-20, passed 10-21-1997; Am. Ord. 97-86, passed 10-2-2001; Am. Ord. 97-88, passed 10-2-2001; Am. Ord. 97-138, passed 9-7-2004; Am. Ord. 2012-064, passed 12-4-2012)

6. General requirements.

- a. All storage, services, repair or processing shall be conducted wholly within an enclosed building or behind opaque fence or wall not less than 6 feet high, except the outdoor display of merchandise;
- b. Incineration of waste matter shall be conducted in approved equipment located within the building wherein the permitted use is conducted;
- c. Where a proposed GB development abuts on RR, R-1, R-2, R-3, R-4, or RE district other than at a public street line, buffer provision shall be established. There shall be provided a protective strip of not less than 35 feet in width. The protective strip shall not be used for parking, off- street loading or storage and shall be landscaped. The protective strip must be approved by the Council as being in harmony with the residential neighborhood and providing sufficient screening of the commercial area;
- d. All lots must have at least 1 acre of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited; and
- e. Must meet all requirements of §§ 51.002 through 51.008.

B. Accessory uses. Uses which are clearly incidental and subordinate to the allowed uses.

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

C. Minimum district requirements.

1. The Old Village District shall be defined as the Old Village Sign District described in § 151.117(S)(1)(a).

General Business	
Lot Size	1-1/2 acres (except as required by Interstate Corridor Overlay District, §§ 150.230 - 150.238)
Lot Width	150 Feet Minimum
Building Setback from property lines: (Also see § 154.082)	
Front:	10 Feet Minimum No setback required for properties located in the Old Village District and south of Minnesota State Highway 5
Side (Interior):	20 Feet Minimum No setback required for properties located in the Old Village District and south of Minnesota State Highway 5
Side (Corner):	50 Feet Minimum
Rear:	50 Feet Minimum
Building Height (Also see § 154.083)	35 Feet Maximum
Maximum area to be covered by buildings, parking lots, driveways and other hard surfaces:	
Up to 4 acres	40% of lot size
Larger than 4 acres to 8 acres	35% of lot size
Larger than 8 acres	25% of lot size
Lot Configuration	Maximum lot depth to width dimension ratio shall be no more than 3:1
Lot Size	Covered Area
Lot Configuration	
Maximum Width of Driveways	See § 93.26
Signage	See §§ 154.212
Septic Drainage Regulation (Also see §§ 51.002 through 51.008)	All newly subdivided lots shall have a minimum of 20,000 square feet of land dedicated for septic system use and suitable for that use. This land may comprise up to 2 separate areas, each of which

	<p>is contiguous to the 1.25-acre building site or contained within it, and each of which contains at least 10,000 contiguous square feet.</p> <p>Placement of the second required drainfield between the trenches of the first drainfield is prohibited.</p>
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(1997 Code, § 300.07 Subd. 4.H) (Am. Ord. 08-030, passed 10-5-2010)

D. Performance standards.

1. Purpose and intent.

- a. It is the purpose and intent of the city, by the adoption of the performance standards of this division, to ensure commercial buildings constructed within the city are of a high quality of exterior appearance, consistent with the terms of Non-Residential Development Policy #5 of the 2000-2020 Lake Elmo Comprehensive Plan. It is the finding of the city that a limited selection of primary exterior surfacing materials meets this standard of quality.
- b. 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.

2. 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:

- a. Elevations of all sides of the buildings;
- b. Type and color of exterior building materials;
- c. Typical general floor plans;
- d. Dimensions of all structures; and
- e. Location of trash containers, heating, cooling and ventilation equipment and systems.

3. Applicability – structure additions and renovation.

- a. 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.
- b. 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.

4. Performance standards – primary exterior surfacing.
 - a. 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.
 - b. 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.
 - c. Each wall of the structure shall be calculated separately and, individually comply with the 70/30 formula.
5. Performance standard – exterior surfacing accents. Not more than 30% of the exterior wall surfacing, as defined by division (D)(4) 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:
 - a. Cedar, redwood, wood siding;
 - b. Cement fiber board;
 - c. Standing seam metal;
 - d. Architectural metal;
 - e. Stucco;
 - f. Poured in place concrete (excluding “tilt-up” panels);
 - g. Architectural metal panels; and

(Am. Ord. 97-175, passed 6-20-2006)

 - h. Porcelain or ceramic tile.
6. *Performance Standard – Accessory Structures.* All accessory structures shall comply with the exterior surfacing requirements specified by this division (D).
7. *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.
8. *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.
9. *Applicability – New Construction.* The standards of this division shall be applicable to all structures and buildings constructed in the city, on and after the

ARTICLE XIII. VILLAGE MIXED USE DISTRICT

§ 154.500 PURPOSE AND DISTRICT DESCRIPTION.

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 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.

(Ord. 08-091, passed 11-13-2013)

§ 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 154.454 (A) and 154.505 (D).
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 155.504 (A)
Two-family dwelling	P	* See Restrictions in 155.504 (A)
Single-family attached dwelling	C	154.505 (B)
Multifamily dwelling	C	154.505 (C)
Secondary dwelling	C	154.505 (D), 154.454 (C)
Live-work unit	P	154.505 (J)
Group Living		
Group Home	P	154.012 (B) (1) (b), 154.301 (A)
Group Residential Facility	C	154.012 (B) (1) (b), 154.301 (B)
Congregate Housing	C	154.012 (B) (1) (b), 154.301 (C)
Semi-Transient Accommodations	C	154.012 (B) (1) (b), 154.301 (D)
Public and Civic Uses		
Community Services	P	154.012 (B) (2)
Day Care Center	P	154.012 (B) (2)
Public Assembly	C	154.012 (B) (2)
Religious Institutions	C	154.012 (B) (2), 154.303 (N)
Schools, Public and Private	C	154.012 (B) (2), 154.303 (A)
Services		
Business Services	P	154.012 (B) (3)
Business Center	P	154.012 (B) (3)
Offices	P	154.012 (B) (3)
Communications Services	P	154.012 (B) (3)
Education Services	P	154.012 (B) (3), 154.303 (A)
Financial Institution	P	154.012 (B) (3)
Funeral Home	C	154.012 (B) (3)
Lodging	C	154.012 (B) (3), 154.302 (D)
Medical Facility	C	154.012 (B) (3), 154.303 (B)
Membership Organization	C	154.012 (B) (3)
Nursing and Personal Care	C	154.012 (B) (3), 154.303 (C)
Personal Services	P	154.012 (B) (3)
Repair and Maintenance Shop	C	154.012 (B) (3), 154.505 (E)
Trade Shop	C	154.012 (B) (3), 154.505 (F)
Veterinary Services	C	154.012 (B) (3), 154.505 (G)
VMX		Standard
Food Services		
Standard Restaurant	P	154.012 (B) (4), 154.505 (L)
Restaurant with Drive-through	C	154.012 (B) (4), 154.505 (L), 154.304 (A)
Drinking and Entertainment	P	154.012 (B) (4), 154.505 (L), 154.304 (B)
Sales of Merchandise		

Retail Trade ¹	P	154.012 (B) (5)
Farmer's Market	C	
Garden Center	C	154.012 (B) (5), 154.505 (H)
Neighborhood Convenience Store	P	154.012 (B) (5)
Shopping Center	C	154.012 (B) (5)
Wayside Stand	P	
Automotive/Vehicular Uses		
Automobile Maintenance Service	C	154.505 (I)
Automobile Parts/Supply	P	154.505 (I)
Gasoline Station	C	154.305 (B)
Parking Facility	C	154.505 (K)
Sales and Storage Lots	C	154.305 (C)
Outdoor Recreation		
Outdoor Recreation Facility	C	154.306 (C)
Parks and Open Areas	P	154.012 (B) (7)
Indoor Recreation/Entertainment		
Indoor Athletic Facility	C	154.012 (B) (7), 154.307 (A)
Indoor Recreation	C	154.012 (B) (7), 154.307 (A)
Transportation and Communications		
Broadcasting or Communications Facility	C	154.012 (B) (11), 154.083
Accessory Uses		
Home Occupation	P	154.012 (B) (12)
Bed and Breakfast	C	154.012 (B) (12)
Domestic Pets	P	154.012 (B) (12)
Family Day Care	P	154.012 (B) (12)
Group Family Day Care	C	154.012 (B) (12)
Temporary Sales	P	154.012 (B) (12)
Parking Facility	P	154.505 (K)
Solar Equipment	P	154.012 (B) (12), 154.310 (C)
Swimming Pools, Hot Tubs, Etc.	P	154.012 (B) (12)
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 §154.012 (B) (5) with the exception of building supplies sales and warehouse club sales.

(Ord. 08-091, passed 11-13-2013)

§ 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 154.301 (C)
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
VMX	
Maximum Impervious Coverage	
Residential Structures	75%
Other Structures	No Limit
Minimum Building Setbacks (feet)	
Front Yard ^e	See 154.506
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.

(Ord. 08-091, passed 11-13-2013)

§ 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 are 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.

(Ord. 08-091, passed 11-13-2013)

§ 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 Article 7, 8 and 9. (Ord. 08-152, passed 10-01-2016)

- 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 principle 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.

(Ord. 08-091, passed 11-13-2013)

§ 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 7, 8 and 9. The following standards apply to specific uses; other standards related to design and building type may be found at §154.506. (Ord. 08-152, passed 10-01-2016)

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, §154.454 (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 Section 154.258 (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 façade 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 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.

(Ord 08-091, passed 11-13-2013)

§ 154.506 VMX DISTRICT DESIGN AND DEMOLITION 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 by 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 a new parking lots and installation of signage.
 - a. *Exempt Activities.* The following activities shall be exempt from under review of 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.

(Ord 08-091, passed 11-13-2013)

§ 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 the 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.

(Ord 08-091, passed 11-13-2013)

§154.508 RESIDENTIAL ACCESSORY STRUCTURES, VILLAGE MIXED-USE DISTRICT.

- A. *Attached Structures, Village Mixed-Use District.* 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, Mixed-Use District*
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.
 2. 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.
 3. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
 4. Garage doors or openings shall not exceed fourteen (14) feet in height.
- C. *Detached Structures, Village Mixed-Use District.* Detached accessory structures that are accessory to permitted residential structures in the VMX District shall adhere to 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. 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.

D. *Exterior Design and Color, All Accessory Structures.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:

1. Gazebos
2. Swimming pools
3. Tennis and sport courts
4. Other structures in which the required design is integral to the intended use, such as a greenhouse.

(Ord. 08-104, passed 3-18-2014) Penalty, see § 154.999

§ 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 Sections 154.404 and 154.210.
5. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view of 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.

(Ord 08-091, passed 11-13-2013)

§ 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 9, 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.

(Ord 08-091, passed 11-13-2013) (Ord. 08-152, passed 10-01-2016)

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

ORDINANCE NO. 08-

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LAKE ELMO AND AMENDING
THE ZONING CODE BY OMITTING SECTION 034: GB - GENERAL BUSINESS**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains the following properties to be rezoned from GB - General Business to VMX - Village Mixed Use:

PIDs:

1302921230055	1302921320001	1302921320052	1302921210010	1302921120013
1302921230057	1302921230038	1302921320026	1302921320012	1302921120010
1302921230058	1302921230037	1302921230007	1302921240022	1302921120016
1302921320021	1302921320019	1302921320046	1302921220007	1302921120012
1302921230068	1302921210013	1302921230059	1302921220023	1302921120009
1302921320025	1302921210014	1302921310017	1302921220018	1302921120011
1302921230070	1302921210011	1302921210016	1302921220016	1302921120015
1302921320049	1302921210012	1302921310016	1302921220017	1302921120014
1302921320051	1302921210015	1302921230046	1302921220019	1302921220008
1302921320048	1302921320041	1302921230065	1302921220022	1302921220010
1302921320047	1302921320042	1302921230053	1302921220021	1302921240016
1302921240020	1302921320083	1302921240024	1302921220020	1302921220012
1302921310003	1302921230054	1302921240019	1302921240021	1302921230071
1302921230056	1302921210001	1302921240017	1302921210006	1302921210007
1302921320032	1302921320005	1302921230067	1302921220002	1302921220013
1302921320027	1302921230025	1302921240025	1302921220011	1302921220014
		1302921210009	1302921230004	1302921210002

SECTION 2. The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official Zoning Map of the City of Lake Elmo.

SECTION 3. The City Council of the City of Lake Elmo hereby strikes Title XV: Land Usage; Chapter 154: Zoning Code; by repealing Section 154.034: GB - General Business in its entirety.

SECTION 4. The City Council of the City of Lake Elmo hereby strikes reference to 154.034: GB - General Business District from the Table of Contents of Chapter 154: Zoning Code of Title XV: Land Usage.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 030: Classifications by eliminating the following:

§ 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) R-2 One- and Two-Family Residential
- ~~(B)~~ ~~GB~~ ~~General Business~~
- ~~(C)~~B OP Open Space Preservation District
- ~~(D)~~C OZD Overlay Zoning Use District

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 212: Sign Regulations; Table 5-3 to read the following:

Ground Signs				
Zoning Districts		Aa, LDR, OP, RE, RS, RRa, RTa	MDR, HDR	BP, C, CC, GB , LC, VMX
No. of Total Traffic Lanes	Speed Limit (MPH)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)
1-3	0-34	-	6’/32	10’/32
	35-44	-	6’/32	10’/50
	45+	-	6’/32	10’/72
4-5	0-34	-	6’/32	10’/40
	35-44	-	6’/32	10’/64
	45+	-	6’/32	12’/80

SECTION 7. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150.116: [Wireless Communications] Zoning Requirements to read the following:

§ 150.116 ZONING REQUIREMENTS.

(A) Wireless communications facilities that require a conditional use permit, including the installation of a new tower, shall be permitted in the following districts and subject to the following height restrictions provided they meet all other requirements of this subchapter.

<i>Zoning District</i>	<i>Maximum Height (in feet)</i>	<i>Minimum Parcel Area</i>	
A- Agriculture		125	10
RR - Rural Residential Zoning		125	5
R-1, R-2, R-3 and R-4 <u>Urban</u> Residential		125	2.5
OP - Open Space		125	2.5
RE - Residential Estates		125	2.5
GB , LB, CB, HB - Business		125	5
BP - Business Park		125	5
PF - Public Facility		125	None

SECTION 8. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 153.14: Park Land Dedication Requirements to read the following:

<i>Zoning Districts</i>	<i>Minimum Required Land Dedication</i>
GB, LB, HB, BP, CB,	Fee as set by Council resolution
C, CC, LC, VMX, <u>BP</u>	Fee as set by Council resolution
RR and AG with OP Conditional Use Permit	7%
RR and AG with OP-A Conditional Use Permit	10%

SECTION 9. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 10. Adoption Date. This Ordinance 08-___ was adopted on this ___ day of _____, 2016, by a vote of ___ Ayes and ___ Nays.

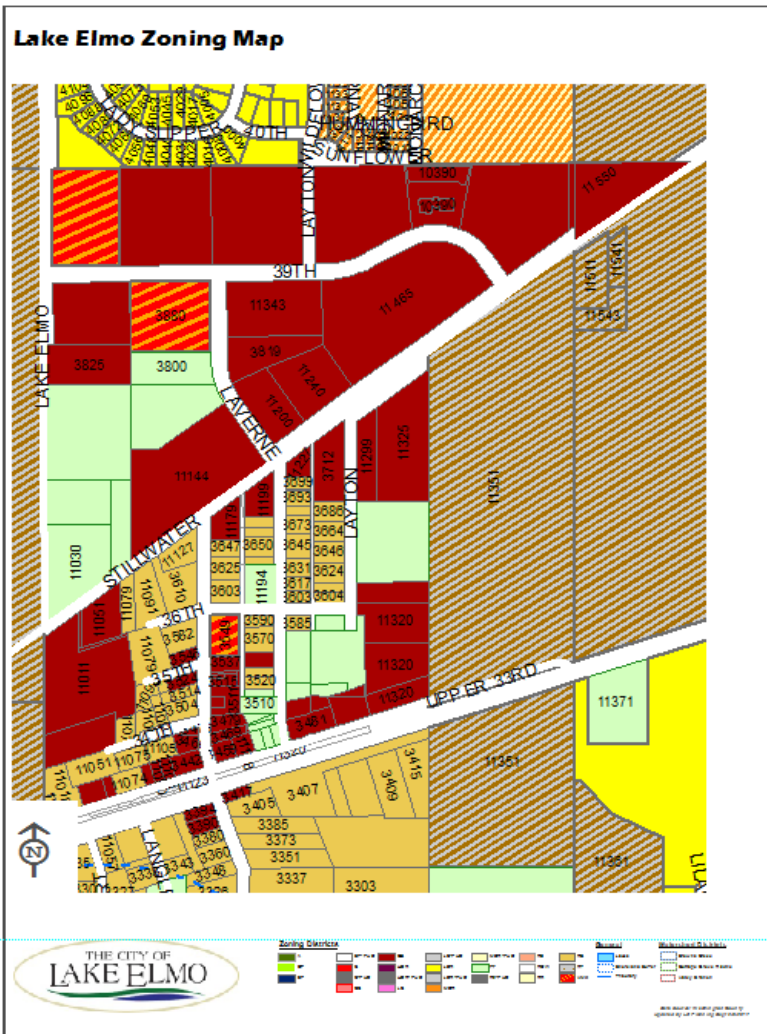
LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

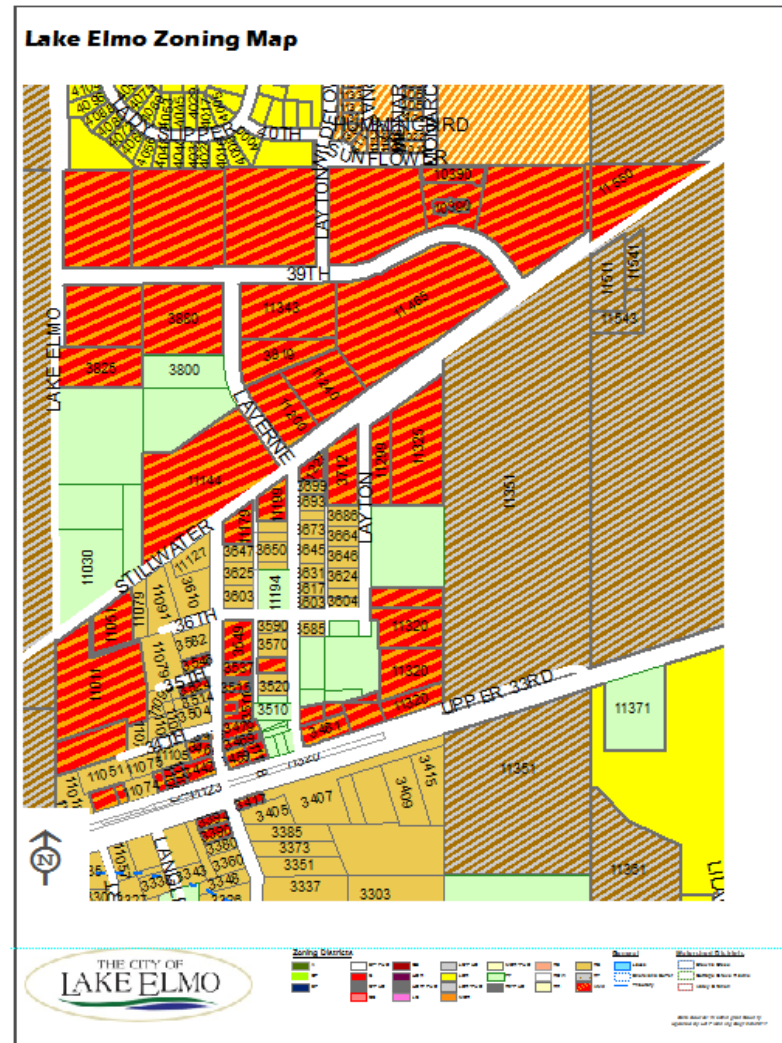
ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____,
2017.



Current Zoning



Proposed Zoning (Only includes parcels included in the Public Hearing Notice – see next page for parcels added in Staff report)

Public hearing opened at 8:34 pm

No one spoke and there was no written comments received.

Public hearing closed at 8:35 pm

Dunn would like to see the option of sewer or private septic. She doesn't think that they should be forced to connect to sewer. Wensman stated that the comprehensive Plan is not in compliance with the projects that we are doing. If we don't do this amendment, the land use designation would need to be changed.

M/S/P: Fields/Dodson, Move to recommend the City Council approve the comprehensive plan text amendment to amend the planned land use category in the Comprehensive Land Use Plan to read as written, **Vote: 5-1, motion carried. Dunn voted no because she feels it is important that people have an option regarding connection.**

Business Item – Zoning Text Amendment to discuss the VMX Zoning Text .

Wensman began his presentation by showing the areas that are zoned as general business, but guided as VMX in the Comprehensive Plan. To bring the zoning into compliance with the Comprehensive Plan, Wensman would like to see these properties rezoned. Wensman believes by rezoning, it would actually eliminate some non conformities. The area that would change the most, would be in the Northern area by 39th Street. Wensman stated that this was intended to bring the district more in conformance than it is now and should be done as a district vs. one at a time. If there are things about the district that the Commission does not like, then changes should be made to the district.

Dunn feels that the premise is based on the Village Master Plan. Where is the master plan? Wensman stated that the plan was based on transfer of density and he is not sure what happened to that plan. Dunn did a rough calculation on what could be done if the maximum densities were used. With her calculation, there is potential for upwards of 3000 people. She feels it is quite intense and not appropriate for this target area. She would like to see more work done on the reductions for the comprehensive plan and possibly look at form based code. Dunn would like to see the Comprehensive Plan revisited as soon as possible for population reductions. She thinks we should take our time and do this right.

Dunn pointed out some of the differences between GB and VMX. She feels one of the biggest differences is the impervious surface coverage maximum goes from 40% based on acreage in GB to 75% in VMX.

Fields is confused because if the comprehensive plan is guided the way we want it, the rezoning should happen. If we are considering if the guiding is correct, then it should not be rezoned, but should be discussed what the guiding should be.

Larson thinks that what brings the guiding for VMX into question is that the density of this area is in transition. Larson understands the feeling of discomfort as this zone is less restrictive. There are still a lot of questions that make it uncomfortable for people to buy into this zone.

Williams thinks it would be good to ask the City Council if past projections of population in this area are still valid.

Dodson is wondering how big a project form based code is. Wensman stated that it is something that takes some technical skill to do and it would need to be contracted out.

Williams thinks it would help facilitate the vision, but would not be necessary to do the rezone.

M/:Dunn/, Move to recommend not rezoning the parcels to VMX until the City Council can review the target numbers and there is a form based code, **motion dies for lack of second.**

M/S/P: Williams/Dunn, Move to ask the City Council to give the Planning Commission guidance on updated population and development projections for the areas guided for VMX in the Old Village, **Vote: 6-0, motion carried unanimously.**

Fields would like to know what the driving force was for the VMX. If it was to bring more people to the downtown to make it more vibrant, or if it was to meet the Met Council mandates for housing population. Williams recollection was that it was for both of those reasons in addition to form based code to make it a more picturesque downtown and to incorporate business and residential in the same building, which general business does not do.

M/S/P: Williams/Dodson, Move to ask the City Council to approve funds for a consultant to work on a form based code for the downtown Old Village, **Vote: 6-0, motion carried unanimously.**

Fields would like any information that he could get on form based code. Williams believes that the City has a couple of videos on this topic.

Staff Updates

1. Upcoming Meetings
 - a. June 27, 2016
 - b. July 11, 2016

Commission Concerns

Dunn asked about the AUAR. Wensman stated that the City is overdue for the update and it is in the City Engineers hands right now.

Meeting adjourned at 9:28 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



**City of Lake Elmo
Planning Commission Meeting
Minutes of April 24, 2017**

Chairman Kreimer called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Dorschner, Fields, Larson, Kreimer, Dodson, Emerson, Williams, Lundquist and Hartley

COMMISSIONERS ABSENT:

STAFF PRESENT: Planning Director Wensman and City Planner Becker

Approve Agenda:

Accept the agenda as presented.

Approve Minutes: April 10, 2017

M/S/P: Williams/Dodson, move to approve the April 10, 2017 minutes as presented,
Vote: 7-0, motion carried unanimously.

Public Hearing – Zoning Map Amendment – Rezone Properties to VMX

Becker started her presentation by reviewing what was discussed at the March 27, 2017 meeting. After advertising the public hearing notice for that meeting, staff learned that there were a number of Zoning Map errors with incorrect zoning classifications resulting in properties that should have been included in the public notification for rezoning. There are 2 properties that are zoned GB, that are guided for RAD. Staff does not recommend rezoning these at this time. The guidance of the properties should first be reconsidered with the 2040 Comp Plan update process. As a result, GB standards will need to remain in the code. The Schiltgen parcel, which is a larger parcel, was added to the PH notice, however, staff is not recommending that it be rezoned at this time. It is typical for the developers to rezone during Preliminary Plat process.

Dorschner asked why we would keep the general business standards. Wensman stated that 2 parcels are zoned GB, but are guided for RAD. Wensman stated that until the guidance is changed, if they continue to remain GB, there needs to be standards. Dorschner stated that he thought this whole exercise was to get everything in line now because of new development coming in. Wensman stated that if it is the desire of the Commission to get rid of the GB standards, those 2 properties could be rezoned to RAD.

These properties are currently not used for business, even though that is how they are zoned. Becker stated that the reason they are rezoning a lot of these properties is because a lot of the properties do not meet the standards and are legal non-conforming. The rezone to VMX will give them better standards to work with for their properties and make them more conforming. The VMX standards give them greater flexibility.

Williams asked if they had heard anything from the property owners of the 2 parcels. He is wondering if they might have thought they were going to be rezoned to VMX. Becker stated that it is possible, but after reviewing the map, it was determined that they are guided for RAD. Williams asked about the impervious surface allowance in the table. Becker stated that the numbers in table are reversed. Williams asked if the list of properties included any residential properties. Becker stated that if they were not already zoned as GB, they were not included. There were a couple of properties that were zoned as residential that are used for business. Those are being rezoned to VMX.

Public Hearing opened at 7:14 pm

Susan Dunn, 11018 Upper 33rd Street, she is concerned as she lives in a single family home in the Village. Dunn is wondering if all single family homes will be reguided to VMX. Becker stated that no, not all would be rezoned. Only those currently zoned GB or used for commercial purposes and had a zoning map error and guided for VMX will be rezoned. Becker estimated that approximately 78 acres would be rezoned. There are approximately 1300 acres in the Village, with approximately 164 acres guided for VMX. Dunn asked how many units per acre are in VMX. Becker stated that there are 6-10 units per acre. Dunn is not in favor of that large of an area being VMX.

There were no written comments

Public Hearing closed at 7:18 pm

Larson asked about the single family homes and how they would be handled. Becker stated that it depends how the ZTA for Village Urban Districts is decided. She stated that right now, it states that single family homes are permitted. Wensman stated that the single family homes are not being rezoned at this time. Wensman stated that the next step is to decide with the ZTA how to handle them. Should they be rezoned, reguided, or left that same.

M/S/P: Williams/Lundquist, move to recommend a Zoning Map Amendment rezoning properties outlined in Ord. 08- to VMX – Village Mixed Use, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Grading Permit in Excess of 400 cubic yards of material

Becker started her presentation

Public Hearing opened at : pm

There were no written comments and no one spoke

Public Hearing closed at : pm

M/S/P: /, move to recommend , Vote: -, ***motion carried unanimously.***

Public Hearing – Zoning Text Amendment – Solar Energy

Becker started her presentation

Public Hearing opened at : pm

No one spoke and there were no written comments

Public Hearing closed at : pm

M/S/P: /, move to , ***Vote: -, motion carried unanimously.***

Business Item – Easton Village 2 Final Plat

Becker started her presentation

M/S/P: /, move to recommend approval : ***Vote: -, motion carried unanimously.***

Business Item – Zoning Text Amendment – Village Urban Districts

Becker started her presentation

M/S/P: /, move to , ***Vote: -, motion carried unanimously.***

City Council Updates – April 18, 2017 Meeting

- i) Engineering & Landscape Design & Construction Standards – Passed
- ii) Bremer Bank Service Center Easement Vacations – Passed

Staff Updates

- 1. Upcoming Meetings
 - a. May 8, 2017
 - b. May 22, 2017

2. MAC CEP Report

Commission Concerns

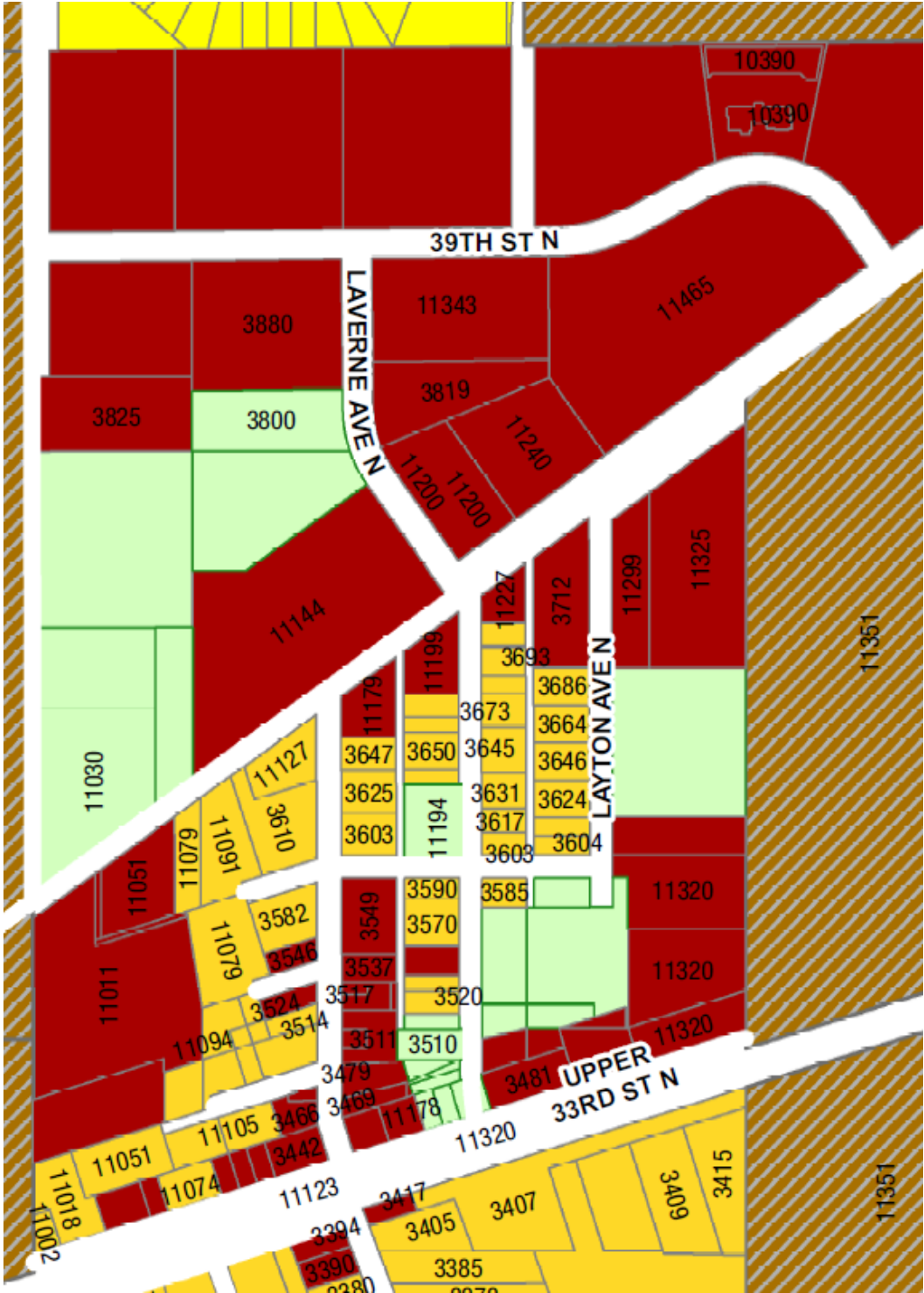
Meeting adjourned at : pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

DRAFT

Current Zoning



Proposed Zoning

