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## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, July 23, 2012 at 7:00 p.m.**

## AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. July 9, 2012
4. Public Hearing
  - a. **COMPREHENSIVE PLAN AMENDMENT.** The Planning Commission is being asked to approve several updates to the City's Comprehensive Plan, including amendments to the Land Use Plan and Housing Plan.
  - b. **ZONING CODE UPDATE.** The Planning Commission is being asked to review and approve significant updates to the City's zoning ordinance, including new residential and commercial zoning districts that will apply to the I-94 Corridor and Village Area. These updates are necessary to implement the proposed amendments to the City's Comprehensive Plan.
5. Updates
  - a. City Council Updates - *None*
  - b. Staff Updates
    - i. Upcoming Meetings:
      1. August 13, 2012 – Planning Commission Meeting: Public Hearing on I-94 Residential and Commercial Design Standards.
  - c. Commission Concerns
6. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of July 9, 2012**

Secretary Hall called to order the meeting of the Lake Elmo Planning Commission at 7:00pm.

**COMMISSIONERS PRESENT:** Hall, Obermueller, Ziertman, Pelletier, and Bloyer;

**COMMISSIONERS ABSENT:** Williams, Fliflet, and Haggard;

**STAFF PRESENT:** City Planner Johnson.

**Approve Agenda:**

MSP: Ziertman/Bloyer motion to approve the agenda. Vote: 4-0

**Approve Minutes:**

May 30, 2012- M/S/P: Bloyer/Obermueller motion to approve the minutes as presented. Vote: 3-0, with Commissioner Ziertman abstaining.

June 25, 2012-Commissioner Obermueller asked that the minutes reflect that she did not make a statement about the disposable income of seniors when making housing choices.

M/S/P: Bloyer/Obermueller motion to approve as amended. Vote: 3-0, with Commissioner Ziertman abstaining.

**Business Item:** *Housing Density*

Planner Johnson explained the purpose of the density workshop. It is intended to make the Planning Commission and members of the community more familiar with how housing density translates to the built form. This familiarity will be important moving forward when reviewing the upcoming Comprehensive Plan Amendments and zoning code updates.

Planner Johnson then administered a density quiz from a planning presentation in Palo Alto, CA. The purpose of the quiz was to provide an introduction into the density workshop.

Moving on from the density quiz, Planner Johnson went on to describe the densities of housing developments in a local context. The neighborhoods studied in this analysis

include the Lake DeMontreville area, Old Village, Carriage Station, and other housing developments in surrounding Stillwater, Oak Park Heights, and Woodbury. After the presentation, the forum was opened to discussion about density.

Related to the density quiz, Commissioner Pelletier noted that viewing a housing development from a photo of one side angle can be quite deceiving in terms of guessing the density.

Planner Johnson noted that many of the development in the quiz were denser because they were built on small parcels of land with similarly small setbacks. In addition, more recent developments have larger on-site parking requirements as opposed to older developments that utilized on-street parking. Accounting for parking on-site tends to lower the density level.

**Business Item:** *Zoning Code Update*

Planner Johnson explained that the purpose of this update is to prepare the Planning Commission for the upcoming public hearing related to the review of the new zoning districts and code updates for the I-94 Corridor and Old village. Staff is focused on making the zoning code more streamlined and simplistic as opposed to making it more robust. He noted that many of the current zoning districts will remain the same, with others undergoing subtle changes in name only. The new zoning districts, specifically the low, medium, and high density residential districts, will apply to both the I-94 Corridor and Old Village. The densities of the residential districts are 2-4 units/acre (low density), 4-7 units/acre (medium density), and 7-25 units/acre (high density). Any residential project over the 25 units/acre density must be approved through a Planned Unit Development (PUD) process.

Commissioner Bloyer wanted to know how disagreements from residents about the land use and densities are addressed when the Comprehensive Plan amendment comes before the Planning Commission for approval.

Planner Johnson noted that the City has undertaken a planning process that has provided residents with many opportunities to engage and share their feelings on the land use plans. Several public meetings have been held for both the I-94 Corridor and Old Village land use plans. In addition, the meetings of the Work Groups that drafted these plans were always made public and posted on the City's website. It is the goal of any public process to get as much input as possible before these plans come before the Planning Commission and City Council.

Planner Johnson went on to describe the rest of the proposed changes to the zoning code. The update includes some proposed changes to the commercial districts in Lake

Elmo, including the provision of a convenience commercial district, intended to be utilized in areas with a lot of through traffic.

Commissioner Obermueller asked how this code update related to the possibility of implementing a form based code in the Old Village in the future.

Planner Johnson explained that the form based code could be utilized as an overlay district, or could replace the base zoning districts entirely in the future.

Commissioner Pelletier asked about the zoning districts interact with safety near roadways.

Planner Johnson explained that the zoning code does not interact with pedestrian safety. Safety near roadways should be addressed in the land use planning within the Comprehensive Plan process.

Finally, Planner Johnson noted that the existing Business Park district will include light manufacturing as a possible use. This is a change from the existing BP district.

### **City Council Updates**

*Country Sun Farms* – City Council authorized construction of two additional accessory buildings. Authorization was necessary as part of the agreement pertaining to the farm's Interim Use Permit.

### **Staff Updates**

*Planning Commission Meeting, July 23, 2012* – This meeting will include the public hearing pertaining to the submission of the Comprehensive Plan amendment and zoning code update for the I-94 Corridor.

*Public Hearing Schedule* – The schedule for the upcoming public hearings was outlined to prepare the Planning Commission for the next four months of meetings.

### **Commission Concerns**

None

Adjournment at 7:42pm

Respectfully submitted,

Nick Johnson  
City Planner

DRAFT



Planning Commission  
Date: 7/23/2012  
Item: 4a  
Public Hearing

ITEM: Comprehensive Plan Amendment – Land Use and Housing

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Nick Johnson, City Planner

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### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to approve an amendment to the City's Comprehensive Plan, including updates to the Land Use Plan and Housing Plan. The focus of this amendment to the Comprehensive Plan is aimed towards implementing the I-94 Corridor Land Use Plan, drafted by the I-94 Corridor Work Group. This Land Use Plan is the product of a long planning process, involving significant public engagement through stakeholder and other public meetings. The Planning Commission has reviewed the material contained in the updated Land Use Plan, and Staff has made the necessary refinements to the documents.

In addition to the Land Use Plan, the City's Housing Plan must be updated to reflect the proposed land use changes. Required by the Metropolitan Land Planning Act, the Housing Plan provides the opportunity to assess Lake Elmo's current housing needs, as well as outline the City's goals and strategies related to future housing development. The Housing Plan has been previously reviewed by the Planning Commission, and Staff has made the appropriate refinements to these materials.

Regarding future updates to the Comprehensive Plan, Staff is planning on bringing forth a Comprehensive Plan amendment containing the Village Area Land Use Plan before the Planning Commission this fall. In addition to the Village Area Land Use Plan, refinements and adjustments to the Introduction and Implementation Plan sections will be made in order to make these sections consistent with the updated sections of the Comprehensive Plan.

### **RECCOMENDATION:**

Staff is recommending that the Planning Commission approve the proposed amendment to the City's Comprehensive Plan.

**ATTACHMENTS:**

1. Comprehensive Plan Update: Land Use Plan
2. Comprehensive Plan Update: Housing Plan

**ORDER OF BUSINESS:**

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing.....Chair
- Close the Public Hearing .....Chair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

## DRAFT LAND USE PLAN

### Introduction

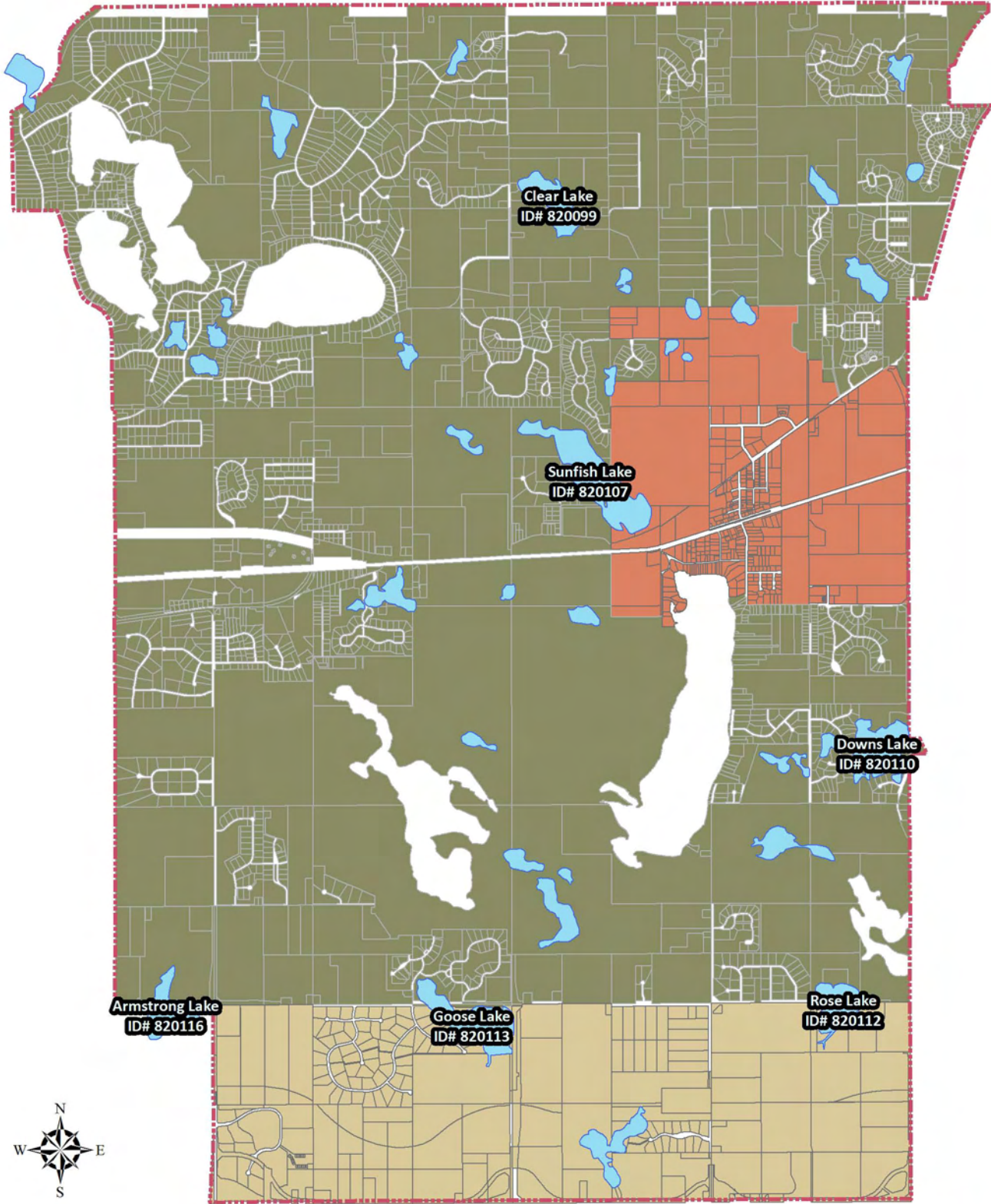
The City of Lake Elmo is a unique gem within the metropolitan region given its overall rural character, significant natural resources and abundance of agricultural lands. The land use plan herein represents a series of significant steps the City is taking to preserve and protect these treasured characteristics while simultaneously responding to its fiscal and regional responsibilities. The plan is a culmination of a new vision for Lake Elmo that was forged over seven years of debate, discussion, deliberation and the hard work of many dedicated citizens.

### Purpose

The land use plan is prepared and presented for the following purposes:

- 1. The Land Use Plan is intended to be a management tool for City officials, City staff and other parties involved in land development and growth management in Lake Elmo.** Land use planning is the most directly tangible evidence of a community's comprehensive planning objectives. Lake Elmo's land use plan indicates the basic location, density and types of land uses in the City that are considered to be compatible with the competing goals of maintaining rural character and allowing for necessary growth. Goals and policy statements are outlined herein to assist officials in making decisions on various development proposals anticipated as a result of this plan.
- 2. The Land Use Plan is intended to be a guide for future development which reinforces the City's commitment to preserving a rural character.** By focusing required and necessary growth into targeted and logical areas based on historical and transportation system factors, the City can ensure a vast majority of the community can and will retain its agricultural feel. The plan is responsive to development patterns in neighboring communities by focusing a majority of the proposed urbanized development South of 10<sup>th</sup> Street near or adjacent to similar developments in Oakdale and Woodbury. Rural boundaries with neighboring communities are also maintained.
- 3. The Land Use Plan is intended to advise the Metropolitan Council and our municipal neighbors of Lake Elmo's planning and growth management programs.** The Land Use Plan is a convenient medium to illustrate and coordinate the various goals and policies of all the elements of the City's Comprehensive Plan. Facility plans, transportation plans and other plan components are directly linked to the land use policies contained herein. The most significant description of Lake Elmo's planning intentions is the designations of urban and rural development areas as depicted on [Map 3-1](#).









Sources: MetroGIS  
7-6-12

## Urban/Rural Areas & Surface Waters

Lake Elmo Comprehensive Plan 2030

-  Municipal Boundary
-  Rural
-  Urban (I-94)
-  Urban (Old Village)



This map was created using MFRA's Geographic Information Systems (GIS), it is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MFRA is not responsible for any inaccuracies contained herein.

- 4. The Land Use Plan is intended to be used as a basis for public facilities planning.** A major function of municipal government is planning for and establishment of public facilities such as sewer, water, roads, stormwater facilities, and parks. These physical improvements require extensive initial investment and a long term maintenance commitment that can become a financial burden when such systems are overbuilt or prematurely installed. The Land Use Plan therefore plays an important role in determining each neighborhood's ultimate population, the required capacity of public facilities, and an appropriate capital improvements program. The level of services and facilities required by this Plan are consistent with the existing or planned capacity of the applicable regional systems.
- 5. The Land Use Plan is intended to be used as the basis for developing responsible ordinances for land use management.** Land use and development, especially in a community like Lake Elmo, is almost totally accomplished by private development forces, many times on the scale of individual homeowners. To ensure all parties are working towards the common goals of the community, it is incumbent upon the city to provide reasonable regulations to properly guide development. Zoning, licensing and subdivision controls have been and will continue to be established to implement the intent of this Land Use Plan.
- 6. The Land Use Plan is intended to clearly delineate how Lake Elmo complies with the memorandum of understanding between the City and the Metropolitan Council.** Ensuring the City's legal obligations are ultimately met for residential equivalency units, households, employment, etc, is another important purpose behind the land use plan. Maps, tables and text within this chapter fully outline how all objectives are to be met.

### **Plan Timeframe**

The time framework of the Land Use Plan is intended to be consistent with the regional planning period of 2008 through 2030.

### **Land Use Plan**

Lake Elmo's land use plan is guided by its core vision of creating and maintaining a rural community within the Metropolitan region. The plan itself provides guidance for a desired land use pattern, mix of uses, range of densities, and site/building designs. To ultimately ensure future development adds to the overall quality and uniqueness of the community and builds upon the existing foundation that defines Lake Elmo, the plan is centered on the following core set of principles:

1. The preservation of rural lands;
2. Promotion of open space and green corridors;
3. A rebirth of the historic village center;
4. Enhancement of the community's rural sense of place (through design standards); and
5. Establishment of a sustainable planned growth pattern which strikes a balance between providing municipal services and local/regional fiscal responsibility.

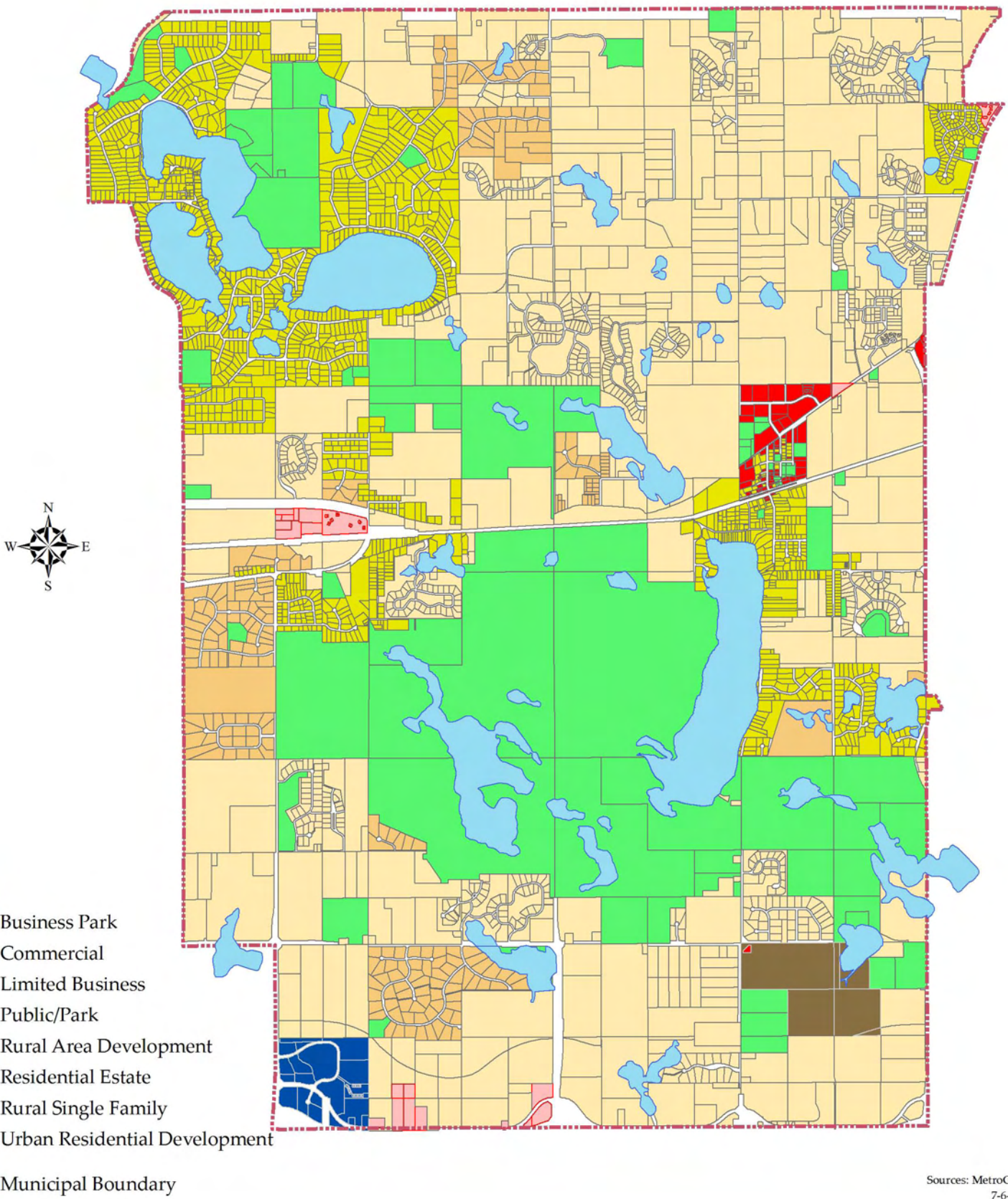
Whenever possible, the guiding principles should be kept in mind to guide individual development at all scales: community, neighborhood, street, block front and individual parcel.

**Existing Land Use**

An examination of Lake Elmo in 2012 clearly shows a community with a rich history of agricultural use, open space development, and preservation of significant park lands. Lake Elmo Regional Park and Sunfish Lake Park, covering 2,165 and 284 acres respectfully, are at the heart of the community and provide significant natural and recreational opportunities not generally available in the metropolitan area. Single-family homes on lots measured in acreages rather than square feet dominate the residential housing stock throughout the community, and the City’s 30+ open space cluster/rural neighborhoods establishes Lake Elmo as a local, regional and national leader in this type of development. Non-residential uses are largely restricted to a few scattered focal points along Highway 5 and Interstate 94.

A total of approximately 3400 parcels covering 15,584 acres (24.35 square miles) are currently found within the municipal boundary. The distribution of existing land uses in this area is shown on [Map 3-2](#) and is summarized in [Table 3-A](#):

<b>Table 3-A Existing Land Use</b>				
<b>Land Use</b>		<b>Existing Permitted Residential Density (units/acre)</b>		<b>Existing Land Use (acres)</b>
		<b>Min</b>	<b>Max</b>	
<b>Residential</b>	<b>Rural Area Development</b>	0.1	0.45	<b>7094</b>
	<b>Residential Estates</b>	0.1	0.3	<b>771</b>
	<b>Rural Single Family</b>	0.66	1.5	<b>1666</b>
	<b>Urban Medium Density</b>	3.5	7.2	<b>176</b>
<b>Commercial</b>	<b>Business Park</b>	na	na	<b>121</b>
	<b>Commercial</b>	na	na	<b>100</b>
	<b>Limited Business</b>	na	na	<b>111</b>
<b>Public/Semi Public</b>	<b>Public/Park</b>	na	na	<b>3299</b>
	<b>Road ROWs</b>	na	na	<b>891</b>
<b>Undeveloped</b>	<b>Open Water</b>	na	na	<b>1355</b>
<b>TOTAL:</b>				<b>15,584</b>



Sources: MetroGIS  
7-6-12

# Existing Land Use

Lake Elmo Comprehensive Plan 2030



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### *Existing Land Use Category Definitions*

The existing land use types within the City are defined as follows:

- **Rural Area Development** – This category represents the large areas of rural residential development within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City’s Preserved Open Space regulations.
- **Residential Estates** – This category defines areas developed specifically for large lot single family detached housing typically on 2+ acres of land.
- **Rural Single Family** – This category defines a large portion of the City that was platted for conventional subdivision prior to 2005, but is largely serviced by private on-site well and septic systems.
- **Urban Medium Density** – This category current defines areas within Lake Elmo dedicated to manufactured home parks. The Cimarron development is currently the only such area within Lake Elmo.
- **Business Park** – This category provides for a wide variety of professional businesses including medical and research facilities, offices and corporate headquarters. Uses specifically excluded from existing business park areas include warehousing, manufacturing, distribution, assembly and truck terminals. Retail sales of goods and services are allowable uses by conditional use permit provided such uses are goods and services to the employees of the permitted business use.
- **Commercial** – This category is includes areas that have been used for retail business land uses, and primarily covers lands within or near the Village Area. Small pockets of commercial land can also be found where retail goods and services are integrated within and are demonstrably designed to provide retail goods and services to employees of Business Park lands or sewer residential properties.
- **Limited Business** – This category defines areas within the City that are allowed to host commercial land uses at a more restricted level than would typically be allowed within a commercially guided area.
- **Public/Park** – This category defines lands that include publicly owned facilities, places of worship, public parks, and privately owned recreational facilities. The scale and types of uses allowable on public/park lands are controlled by the city’s conditional use permit process.
- **Road ROWs** – This category encompasses all areas dedicated specifically for use as road right-of-way. It should be noted that not all roads in Lake Elmo are on platted right-of-way, but are rather accommodated by easements over other land use categories. Accordingly, there is more land dedicated to use by roads than is depicted on the existing land use table.

- **Open Water** – This category includes all land area in Lake Elmo covered by open water lakes and ponds as identified in the DNR Public Waters Inventory.

### **Existing Land Use Dichotomy**

Unlike most communities within the Minneapolis-St. Paul metropolitan area, Lake Elmo is and will continue to be a city which supports two very different land use types. The City's predominant land use has always focused on agricultural uses and settings. Large working farms, significant public parks, open space developments and large-lot single family neighborhoods have historically combined to form the agricultural setting Lake Elmo is known for throughout the region. In contrast, the higher density old-town area referred to as the Old Village provides the community an urban focal point that supports its rural uses.

The split between urban and rural has always been significantly slanted towards rural uses throughout Lake Elmo's history. The Old Village first took form in the late 1800's following the construction of Highway 5, a post office, and ultimately the establishment of the St. Paul, Stillwater & Taylor's Falls Railroad (later the Omaha RR). To support the "resort" area around Bass Lake (renamed "Lake Elmo" in 1879), the Old Village was home to a store, a saloon, a "flat" grain house where farmers could unload wagons directly onto trains, a blacksmith, and a wagon repair shop. By the 1920s, the Old Village was viewed regionally as a substantial shipping point and dairy center which included a creamery, grain elevator, two grocery stores, hardware and implement stores, a private hospital, a bank, a garage, and even a roller skating rink. Changes to the regional streetcar transportation system in the early 1900's, however, resulted in traffic being diverted away from the Old Village and its growth (but not its importance to the Community) has been curtailed since that time ensuring that rural uses continued to be the predominant focus of the community.

Today the Old Village stands as a unique example of a classic urban setting within rural America. While the future land use plan anticipates resurgence within this area following nearly a century of limited growth, the City has no intent of losing the characteristics which make the existing Old Village special. Future growth plans will require adherence to specific design standards reminiscent of the Old Village's last period of growth, and a defined development boundary will ensure expansion of the Old Village is contained to avoid the typical "sprawl" development pattern seen in many suburbs throughout the region.

### **Planned Land Use**

Per the memorandum of understanding with the Metropolitan Council initially adopted by the City in 2005 and subsequently amended, urbanized growth must be part of Lake Elmo's future. To that end, the next chapter in the evolution of Lake Elmo will include resurgence within and around the Old Village, and the establishment of a new urbanized zone between Interstate Highway 94 and 10<sup>th</sup> Street. The remainder of the community north of 10<sup>th</sup> Street and surrounding the Old Village will continue Lake Elmo's long tradition of providing rural living opportunities within the Metropolitan area.

This section of the Land Use chapter establishes the City's official land use categories and the official Future Land Use Map. The map assigns planned land use types to all parcels within the community to guide current and future planning and development through the year 2030, and is the official land use designation map for the City. The assigned land use designations are intended to shape the character, type and density of future development according to sound planning principles. Any new development, redevelopment, change in land use or change in zoning is required to be consistent with the official land use guidance for each parcel.

**The official land use plan categories are as follows:**

**RURAL AREA DEVELOPMENT** – This category represents the large areas of rural residential development within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City's Open Space Preservation regulations. Densities are allowed up to 0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development. No new areas of rural area development are being established by the official land use plan. [Corresponding Zoning District(s): A, RR, OP]

**RURAL AREA DEVELOPMENT – ALTERNATE DENSITY** – This land use category represents a subset of land guided for Rural Area Development and provides for an increase in the densities allowed through an Open Space Preservation development of up to 2.0 dwelling units per buildable acre. Further increases in the base density may be allowed through a Planned Unit Development through incentives for density bonuses that are permitted as part of a PUD and that maintain the open space character of a development. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district. [Corresponding Zoning District(s): A, RR, OP-2]

**RESIDENTIAL ESTATE** – This category defines areas developed specifically for large lot single family detached housing typically on 2+ acres of land. No new areas of residential estate are being established by the official land use plan. [Corresponding Zoning District(s): RE]

**RURAL SINGLE FAMILY** – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): R-1, R-2]

**URBAN LOW DENSITY** – The Urban Low Density land use category is intended primarily for single-family detached housing serviced by public sewer and water. This category allows net residential densities from two and one-half (2.5) to four (4) units per acre. Significant new areas of urban low density are guided both within the Old Village and along I-94. [Corresponding Zoning District: LDR]

**URBAN MEDIUM DENSITY** – The Urban Medium Density land use category allows net residential densities from four and one-half (4.5) to seven (7) units per acre; with greater densities only allowed if deemed appropriate and approved through the PUD process and that meet incentives for density bonus

as allowed under the PUD ordinance . This category allows for a variety of housing types including single-family detached, duplexes, townhomes, and small two- and three-story apartment buildings and/or senior living centers. Significant new areas of urban medium density are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): R-3, MDR]

**URBAN HIGH DENSITY** – The Urban High Density land use category is intended for higher density, compact urban residential development. This category allows for a net residential density range of seven and one-half (7.5) to twenty-five (25) units per acre; however zoning may allow a greater net density if approved through the PUD process. The appropriate building height will vary by development and depend upon the characteristics of the development and its surroundings. In addition to residential development, a small proportion of supportive retail and service is also appropriate in this land use category. Retail, service and office beyond those supporting the residential development would only be permitted as part of a mixed-use planned unit development. Significant new areas of urban high density are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): HDR]

**LIMITED BUSINESS** – This category defines areas within the City that are allowed to host commercial land uses at a more restricted level than would typically be allowed within a commercially guided area and in areas that are not planned for public sanitary sewer services. No new areas of limited business are being established by the official land use plan. [Corresponding Zoning District(s): LB, LC]

**COMMERCIAL** – This category is intended to accommodate a wide range and scale of commercial uses (such as retail, service, entertainment, and office) throughout the City’s planned urban centers. Commercial uses can range from small neighborhood convenience nodes, to community retail areas along major roadways, to large shopping centers, to auto-related commercial uses along freeways. Residential uses are also appropriate as part of a mixed-use commercial development where allowed, with unit densities being determined by either the identified range within the comprehensive plan or to a level deemed appropriate by a planned unit development process. Significant new areas of commercial land use are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): C, CC, GB]

**BUSINESS PARK** – The Business Park land use category is intended to encourage the creation of significant employment centers that accommodate a diverse mix of office and light industrial uses and jobs. Specific desired attributes of this land use include a diversity of jobs, high development densities and jobs per acre, high quality site and building architectural design, and increased tax revenues for the community. Office, office showroom/warehousing, research and development services, light and high-tech electronic manufacturing and assembly, and medical laboratories are typical uses appropriate for this land use category. Some retail and service uses may be allowed as supporting uses for the primary office and light industrial uses of the employment center. In addition to the Eagle Point Business Park, much of the land east of Keats Avenue adjacent to I-94 is guided for this land use classification. [Corresponding Zoning District(s): BP]

**PUBLIC/PARK** – This category defines lands that include publicly owned facilities, places of worship, public parks, and privately owned recreational facilities. The scale and types of uses allowable on



public/park lands are controlled by the city's conditional use permit process. No new areas of public/park space are currently designated by the new land use plan, but it is recognized that such areas will be created during the development process, and the land use map will need to be updated accordingly. [Corresponding Zoning District(s): P, OSP]

**ROAD R.O.W.s** – This category encompasses all areas dedicated specifically for use as road right-of-way. It should be noted that not all roads in Lake Elmo are on platted right-of-way, but are rather accommodated by easements over other land use categories. Accordingly, there is more land dedicated to use by roads than is depicted on the existing/planned land use table. New development will be required to dedicate right-of-way to accommodate the proposed road network.

**OPEN WATER** – This category includes all land area in Lake Elmo covered by open water lakes and ponds as identified in the DNR Public Waters Inventory. No new areas of open water are by the official land use plan.

The distribution of planned land uses on the official Future Land Use Map is shown on [Map 3-3](#) and is summarized in [Table 3-B](#):

### Mixed Uses

Within the Old Village and in areas south of 10<sup>th</sup> Street, specific areas are targeted for potential mixed-use development; however, this designation means different things in both districts.

#### Mixed Uses within the Old Village

The mixed use designation on property within the Old Village indicates development must adhere to the specific zoning requirements established for mixed use development within the City Code. This type of development will typically see residential, commercial, office, and/or similar uses combined in complimentary ways within the same building.

#### Mixed Uses south of 10<sup>th</sup> Street

The mixed use designation on property south of 10<sup>th</sup> Street is intended to spur development by providing maximum flexibility on future land uses, thereby allowing a development proposal to cater to existing market conditions. In these areas, the City's planning process has identified two distinct land uses that would each be appropriate for the site. Development may allow for either of the identified uses as follows:

- Land guided Urban Medium Density/Mixed Use may also be zoned in accordance with the Commercial land use category.
- Land guided Urban High Density/Mixed Use may also be zoned in accordance with the Urban Low Density land use category.
- Land guided Commercial/Mixed Use may also be zoned in accordance with the Business Park land use category.

Alternatively, a combination of the uses allowed in each land use category may be allowed if approved through a planned unit development process.

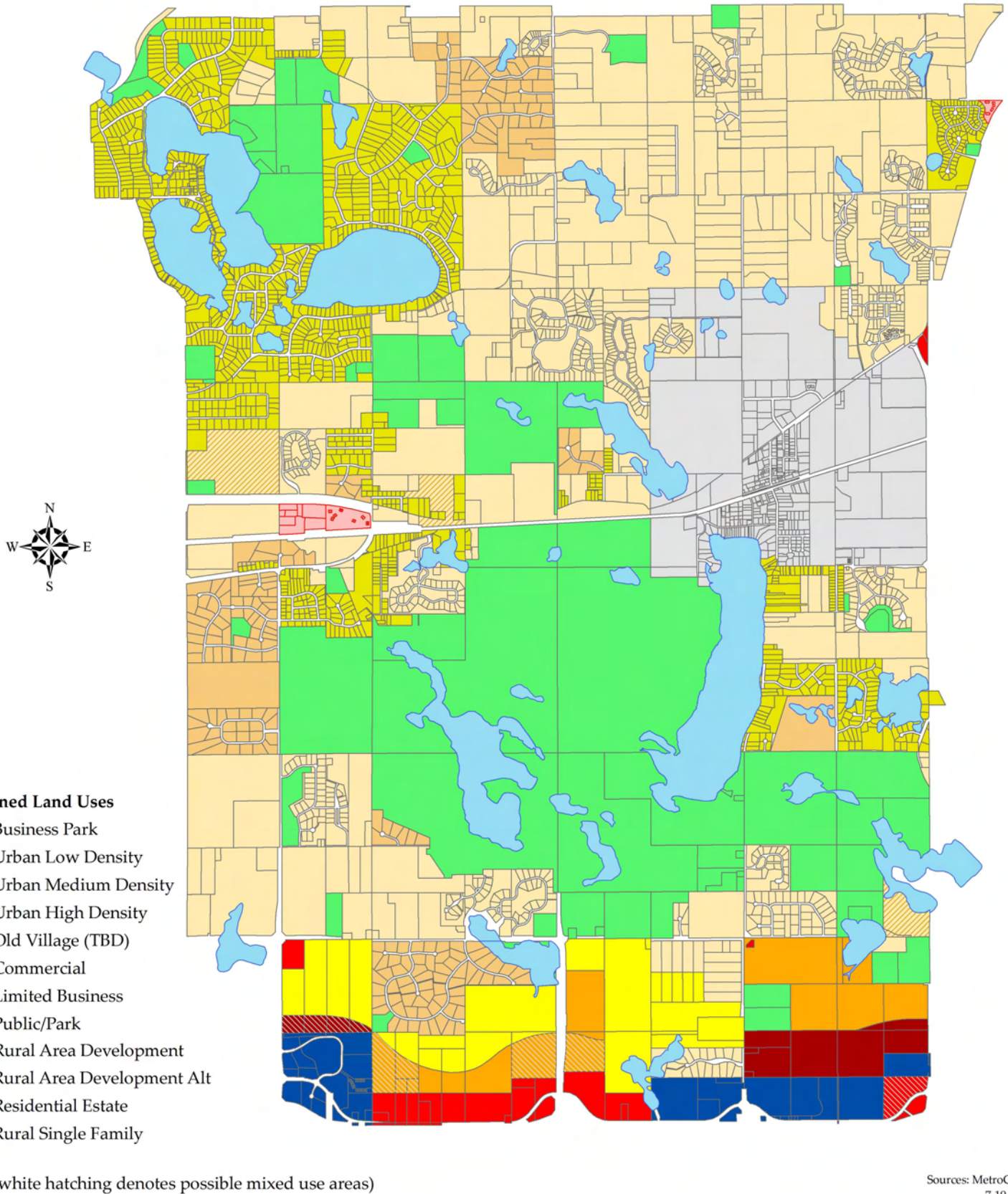
<b>Table 3-B</b>									
<b>Existing and Planned Land Use Table</b>									
Land Use	Residential Density (units/acre)		Existing Land Use (acres) City wide (Village) <sup>1</sup>	Planned Land Use (acres)	Planned Land Use Changes (anticipated acreages in 5 year increments) <sup>4</sup>				Change (acres)
	Min	Max			2012 to 2015	2015 to 2020	2020 to 2025	2025 to 2030	
<b>RESIDENTIAL</b>									
Rural Area Development	n/a	0.1	<b>7094.24</b> (854.37)	<b>5708.79</b>	6747.88	6401.52	6055.15	5708.79	<b>- 1385.45</b>
Residential Estates	0.1	0.4	<b>771.26</b> (0.0)	<b>771.26</b>	771.26	771.26	771.26	771.26	<b>0.0</b>
Rural Single Family	0.66	2.0	<b>1665.92</b> (151.36)	<b>1799.5</b>	1699.32	1732.71	1766.11	1799.5	<b>+ 133.58</b>
Urban Low Density	2.5	4	<b>0.0</b> (0.0)	<b>517.34</b>	129.33	258.66	388.00	517.34	<b>+ 517.34</b>
Urban Medium Density	4.5	7	<b>176.08</b> (0.0)	<b>394.45</b>	230.67	285.27	339.86	394.45	<b>+ 218.37</b>
Urban High Density	7.5	15	<b>0.0</b> (0.0)	<b>173.92</b>	<b>43.48</b>	86.96	130.44	173.92	<b>+ 173.92</b>
<b>COMMERCIAL<sup>2</sup></b>									
Business Park	7.5	15	<b>120.65</b> (0.0)	<b>309.48</b>	167.86	215.07	262.27	309.48	<b>+ 188.83</b>
Commercial	4.5	7	<b>99.85</b> (94.45)	<b>295.68</b>	148.81	197.77	246.72	295.68	<b>+ 195.83</b>
Limited Business	–	–	<b>111.41</b> (22.9)	<b>68.99</b>	100.81	90.20	79.60	68.99	<b>- 42.42</b>
<b>PUBLIC/SEMI PUBLIC<sup>3</sup></b>									
Public/Park	–	–	<b>3298.92</b> (59.17)	<b>3298.92</b>	3298.92	3298.92	3298.92	3298.92	<b>0.0</b>
Road ROWs	–	–	<b>890.93</b>	<b>890.93</b>	890.93	890.93	890.93	890.93	<b>0.0</b>
<b>UNDEVELOPED</b>									
Open Water	–	–	<b>1355.29</b>	<b>1355.29</b>	1355.29	1355.29	1355.29	1355.29	<b>0.0</b>
<b>TOTALS:</b>	–	–	<b>15,584.55</b>	<b>15,584.55</b>	15,584.55	15,584.55	15,584.55	15,584.55	<b>0.0</b>

<sup>1</sup> Land Use numbers in the Old Village area are called out separately as planning for land use in this area is still on-going. The Village acreages are INCLUDED in the “city wide” total shown in **bold**, and are provided to give perspective on the areas still being discussed. This table will be updated again in the future to reflect the final existing and proposed land use numbers once all Village planning has been completed. Planned Land Use numbers as shown currently assume no change within the Village area.

<sup>2</sup> Residential uses within the “Business Park” and “Commercial” land use designations can only occur in areas specifically designated for mixed use on the planned land use map

<sup>3</sup> It is recognized that both park and road ROW areas will expand as new development occurs, but such acreage is accounted for in the respective development land use types as such land areas must contribute towards required development densities.

<sup>4</sup> The staging plan for future development is fluid and will allow development to occur as market conditions dictate. Because of this, specific timing for development of any specific land use category is not possible. For the purposes of this table, the anticipated acreage changes are incrementally broken down into four periods of time showing a consistent rate of change between now and 2030.



Sources: MetroGIS  
7-19-12

# Planned Land Use

Lake Elmo Comprehensive Plan 2030



This map was created using MERA's Geographic Information Systems (GIS), it is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MERA is not responsible for any inaccuracies contained herein.

### Design Standards

Following completion of the Comprehensive Plan, the City will adopt design standards to ensure the look and feel of future development is compatible with the community vision of a small town within a rural setting. Standards for building materials, building articulation, design variety and other requirements should be upheld to ensure the quality of the built environment is distinctly Lake Elmo.

### Rural Identity Maintained

One of the main benefits of the official land use plan is that the long range planning objective to retain a permanent rural identity is achieved. Under the memorandum of understanding with the Metropolitan Council, a vast majority of the City will be allowed to maintain its rural character and existing land uses. Furthermore, concentrating urbanization adjacent to I-94 and within the Old Village will result in clear boundaries between the urban and rural portions of the community. Beyond that, the City's desire to protect its sensitive park lands is also achieved. Both Lake Elmo Regional Park and Sunfish Lake Park will continue to be surrounded by agricultural lands and will not be impacted by encroaching urbanization.

### 5<sup>th</sup> Street Land Use Transitions

The curved lines separating future land uses on Map 3-3 midway between I-94 and 10<sup>th</sup> Street indicate one possible alignment of a future east/west collector roadway envisioned to serve the new development in this area of the City. Future development proposals and their associated engineering studies will ultimately determine the exact alignment of this collector roadway. It is the intent of this plan that the land uses to the north and south of the future collector roadway will be as guided by the map regardless of whether the final roadway alignment follows or deviates from the approximate location shown.

## STAGING PLAN/MEMORANDUM OF UNDERSTANDING

The City of Lake Elmo entered into a Memorandum of Understanding (MOU) with the Metropolitan Council prior to the preparation of its 2005 Land Use Plan and this MOU remains in effect to ensure the City's conformance to metropolitan system statements as required by state law. This MOU has since been revised; however, to take into account a severe downturn in the housing market and to grant the City of Lake Elmo additional flexibility in meeting the population, household, and employment targets from the original MOU. **Table 3-C** summarizes the updated development staging plan that will be used to measure conformance to the MOU. This table is broken down into five year increments starting in 2010 and continuing forward to the end of the planning period in 2030.

The targets from the original MOU have been moved back five years to reflect the economic downturn and the extension of time to meet the mandated REC unit counts consistent with the requirements of the revised MOU. The population and household targets at the end of the 2030 planning period have not been adjusted and reflect the numbers approved in the MOU.

<b>Table 3-C</b>					
<b>Housing, Population and Employment Projections 2010-2030</b>					
Year	2010	2015	2020	2025	2030
<b>Total Households</b>	<b>2877</b>	<b>3419</b>	<b>5114</b>	<b>6524</b>	<b>8727</b>
Sewered Households					
New	0	515	1650	2700	4200
Existing	0	0	100	700	700
<b>Total Sewered Households</b>	<b>0</b>	<b>515</b>	<b>1750</b>	<b>3400</b>	<b>4900</b>
Non-Residential REC Units					
New	0	0	520	970	1400
Exiting	100	100	250	300	300
<b>Total Non-Residential REC Units</b>	<b>100</b>	<b>100</b>	<b>770</b>	<b>1270</b>	<b>1700</b>
<b>Total REC Units</b>	<b>100</b>	<b>615</b>	<b>2520</b>	<b>4670</b>	<b>6600</b>
<b>Total Population</b>	<b>8069</b>	<b>9402</b>	<b>14064</b>	<b>17941</b>	<b>24000</b>

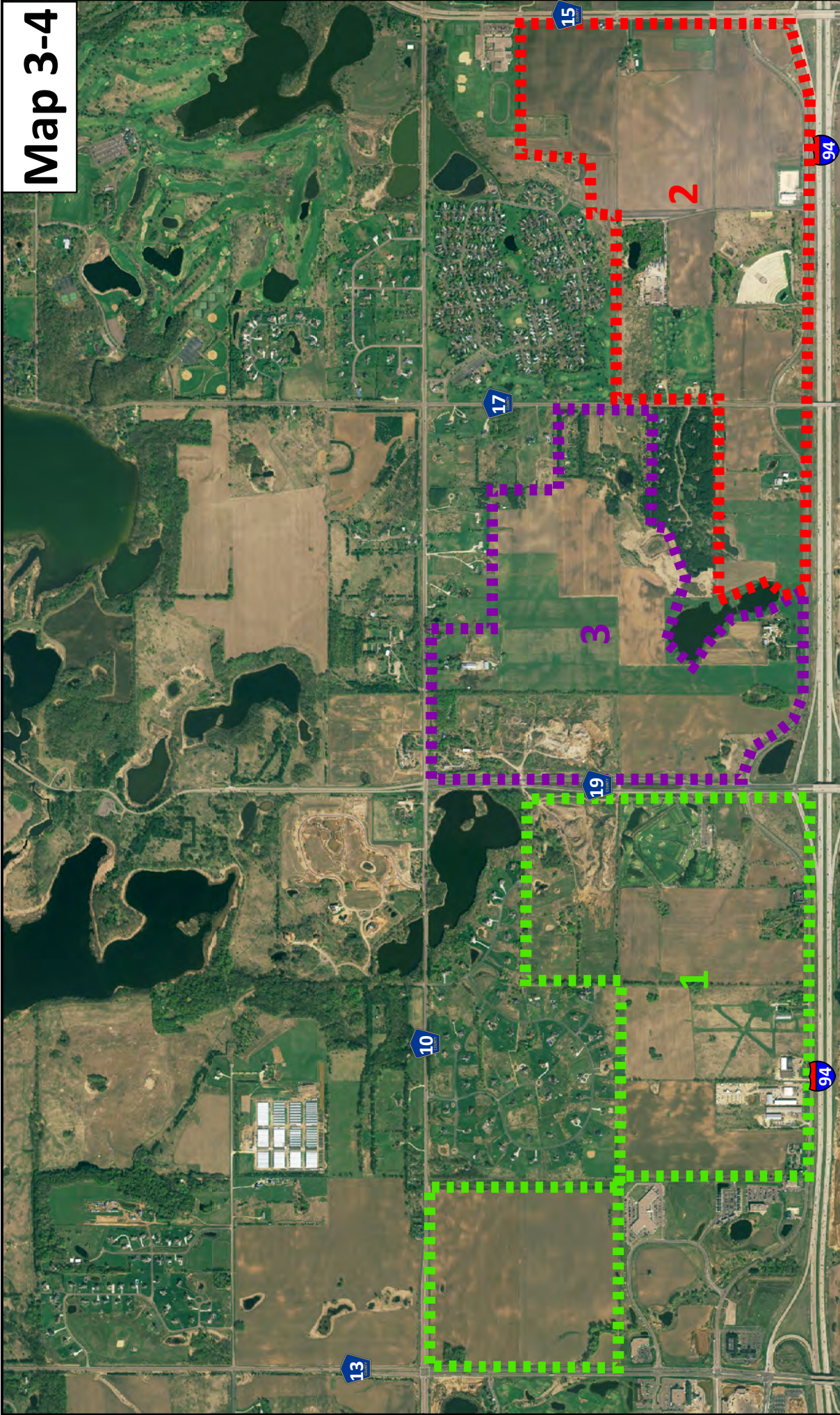
**Staging Plan**

While **Table 3-C** provides a projected schedule for the construction of new residential and non-residential developments, the City has also adopted a general staging plan within the City’s urban growth areas to help ensure that the City is able to deliver the required municipal services and public infrastructure that will be needed to support new development. The infrastructure needed to serve these developing areas is substantial and the staging plan will provide a mechanism for the City to manage this growth and to be able to adequately prepare for the City’s future infrastructure needs. The objectives of the staging plan are to:

- Identify a logical pattern for future growth based on the amount of land planned for new development and the availability of infrastructure to serve this development
- Give the City additional control over the timing and location of new development to coincide with the City’s ability to provide the required services.
- Provide additional opportunities and an official mechanism for the City to be able to plan, budget, and set goals for future development.

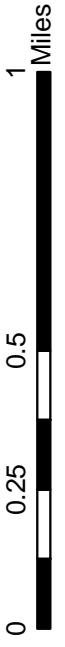
The Staging Plan is document as part of **Map 3-4**, and identifies three separate stages for future development without a specific time period attached to these phases. Instead, growth is expected to occur at the rate documented in **Table 3-C**, with each of the stages being developed in the order depicted on the map and further described as follows:

Map 3-4



# I-94 Corridor Development Staging Plan - Lake Elmo, MN

City of Lake Elmo  
7-19-2012  
Data Source:  
Washington County, MN



- Stage I: New sewer development located east of Keats Avenue that will connect to the MCES Cottage Grove Ravine regional interceptor.
- Stage II: New sewer development located east of Manning Avenue and south of the Forest residential subdivision that will connect to the MCES WONE interceptor.
- Stage III: All remaining new sewer development south of 10<sup>th</sup> Street that will connect to the MCES WONE interceptor.

The City will monitor growth by assessing market conditions, land capacity, and the availability of public infrastructure in order to determine when development may occur in stages subsequent to the first stage. The acceleration of a development in any of the latter stages may be permitted by the City provided it is demonstrated that adequate public infrastructure exists to support this development. The availability of infrastructure and any necessary utility extensions and transportation improvements needed to support new development will be considered in deciding whether or not to open up the next staging area to development. In order to accelerate the development of latter stages, there must be a commitment that the development will pay its proportionate share of the infrastructure costs to extend services to any new development.

To help ensure that public facilities needed to support new development meet or exceed an acceptable level of service, the City will consider adoption of an adequate facilities ordinance. The primary goals of this ordinance are to: 1) avoid sprawling or leapfrog development that would result in an inefficient use of the City's infrastructure and services, and 2) give priority to development opportunities that do not require the construction of significant extensions of public infrastructure. When developers build on parcels that are not contiguous to areas served by existing infrastructure, there is an expectation that the developer will pay for the added costs to serve non-contiguous development. Non-contiguous development will not be allowed if it would negatively impact the City's financial stability and capacity.

## **Implementation**

The following tasks will be completed by the City to facilitate the implementation of the land use plan.

### **Zoning Code Update**

Planned development within the Old Village and south of 10<sup>th</sup> Street will introduce development styles and patterns new to the community that cannot be achieved by existing zoning classifications. The zoning code will need to be updated to include new residential, commercial and Business Park districts as needed to ensure the City's vision can be successfully carried out.

- ***Creation of Design Standards***

As a supplement to the new zoning districts, the City may also wish to pursue the creation and adoption of specific design standards for areas of new development. Design standards go beyond standard zoning requirements such as area and width to specify required building materials, building articulation, architectural standards, etc. Adoption of design standards sets an overall policy for what development should look like to guide the quality of the built environment towards the community's established vision.

- **Form Based Code**

Within the Old Village area, the City may wish to pursue implementation of a form based code in lieu of standard Euclidian zoning districts. Under a form based code, requirements focus primarily on the built environment and its relation to the public realm rather than on the separation of uses. Form based codes are regulatory, not advisory like typical design standards. Specific standards for public spaces and building forms are adopted directly into code and mandate that future construction achieve the established community vision.

### **Internal Process Evaluation**

A review of procedures for all application types will be undertaken by the City to ensure internal processes are optimized for quick turn-around and minimal delays whenever possible.

### **Cooperation with Other Government Agencies**

The City will reach out to neighboring communities and reviewing agencies to proactively address issues that may impact future development.



## DRAFT HOUSING PLAN

### Introduction

In order to build off of Lake Elmo's treasured asset of open space, it is critical to incorporate strategies for providing housing that maintain and protect the city's natural resources. These natural resources greatly contribute to the character and vibrancy of Lake Elmo and must be accordingly preserved. For this reason, Lake Elmo's future housing needs will be provided for in the I-94 Corridor and Old Village. Guiding the majority of Lake Elmo's future housing into these two planning districts will allow for the preservation of open space that is integral to the city's rural character.

In addition to the preservation of Lake Elmo's natural resources, this housing plan is intended to provide a greater variety of housing choice within the city, as well as fulfill Lake Elmo's obligations related to regional growth. Also, it is important to note that housing represents the foundation or fabric of a healthy community. In order to ensure Lake Elmo's continuing character and vibrancy, it is important to provide a range of housing that offers future residents access to the same amenities and levels of service to which current residents have come to expect and appreciate.

### Purpose

The Housing Plan is prepared and presented for the following purposes:

- 1. The Metropolitan Land Planning Act requires all communities to include a housing element in their Comprehensive Plan.** State law requires that this housing element include a housing implementation program, describing the official controls and mechanisms used to implement the future land use plan, making land available for the development of low and moderate income housing.
- 2. The housing plan provides the opportunity to identify Lake Elmo's current housing needs, as well as outline the City's goals and strategies as they relate to future housing.** The current housing stock in Lake Elmo consists of mostly single-family detached housing. In the future, the City would like to place an emphasis on developing life-cycle, workforce, and rental housing. With a greater mix of available housing types, the City hopes to give more people who work in Lake Elmo the opportunity to live within the community. In addition, greater variety and affordability should provide younger homebuyers or renters the opportunity to find housing in Lake Elmo.

## Existing Conditions

The following section is intended to report population and housing demographics based upon 2010 Census and American Community Survey data. It is important to understand the existing demographic and housing trends in order to identify Lake Elmo’s future housing needs.

### Population

The city of Lake Elmo, Minnesota has been experiencing slow and steady population growth since the 1960’s. Throughout this period, the greatest population growth occurred during the decade of the 1970’s. During this decade, the city added 622 households, experiencing a population growth of 31.3%. [Table 4A](#) reveals the overall trends of population growth throughout the last 50 years.

Table 4A Lake Elmo, MN Population Growth						
Year	Population	Households	Total Pop Change	Change	Total HH Change	Person Per HH
1960*	550	162				3.40
1970**	4,032	1,065				3.79
1980	5,296	1,687	1,264	31.3%	622	3.14
1990	5,903	1,973	607	11.5%	286	2.99
2000	6,863	2,347	960	16.3%	374	2.92
2010	8,069	2,877	1,206	17.6%	530	2.80

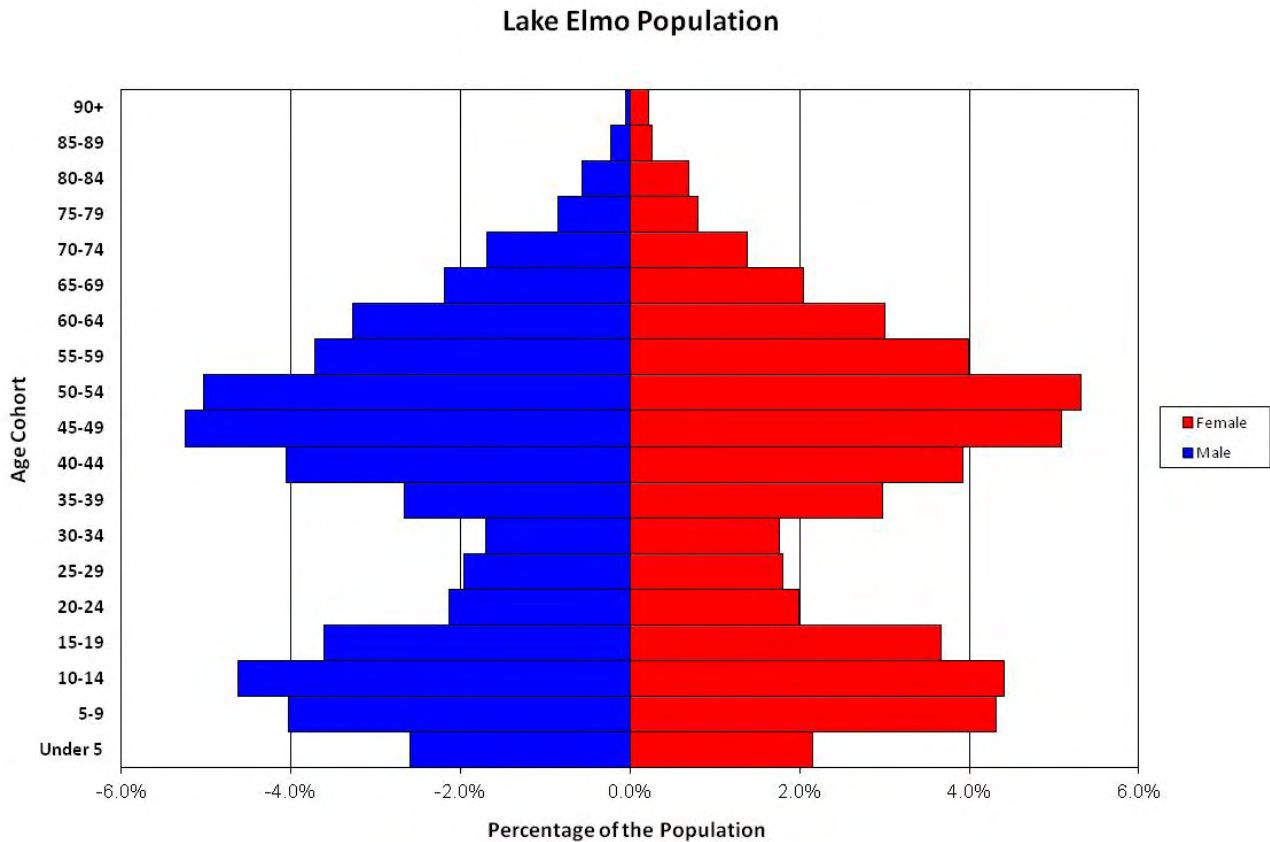
\*Population reflects original village.

\*\*Population reflects incorporation of surrounding township.

As of the 2010 Census, there are 2,877 households in the city of Lake Elmo with a population of 8,069 residents. These figures represent an average household size of 2.80 persons per household. [Figure 4A](#) shows the breakdown of this population by age and sex. It is clear from this population breakdown that the two largest segments of the Lake Elmo population are between 5-19 years old and 40-54 years old. This data indicates that there are many families with children in Lake Elmo. In addition, the population breakdown indicates that there is a gap in the Lake Elmo population between the ages of 20-39. Finally, the 2010 Census data also reveals that the Lake Elmo population is aging. [Table 4B](#) confirms this trend.

Table 4B Lake Elmo, MN Population Over Age 65				
Year	Population	Median Age	Residents Over 65	Percent Over 65
1970	4,032	23	214	5.3%
1980	5,296	27.6	270	5.1%
1990	5,903	32.7	347	5.9%
2000	6,863	37.3	481	7.0%
2010	8,069	42.4	886	11.0%

Figure 4A



The data in Table 4B reveals that 11% of the Lake Elmo population is over the age of 65. This is a significant trend indicating a likely need to provide additional senior housing in the future. In addition, the gap in the Lake Elmo population of 20-39 year olds, found in Figure 4A, may point to important trends related to housing affordability in Lake Elmo. These are important questions to consider when crafting a strategy to meet Lake Elmo’s future housing needs and goals.

### Housing

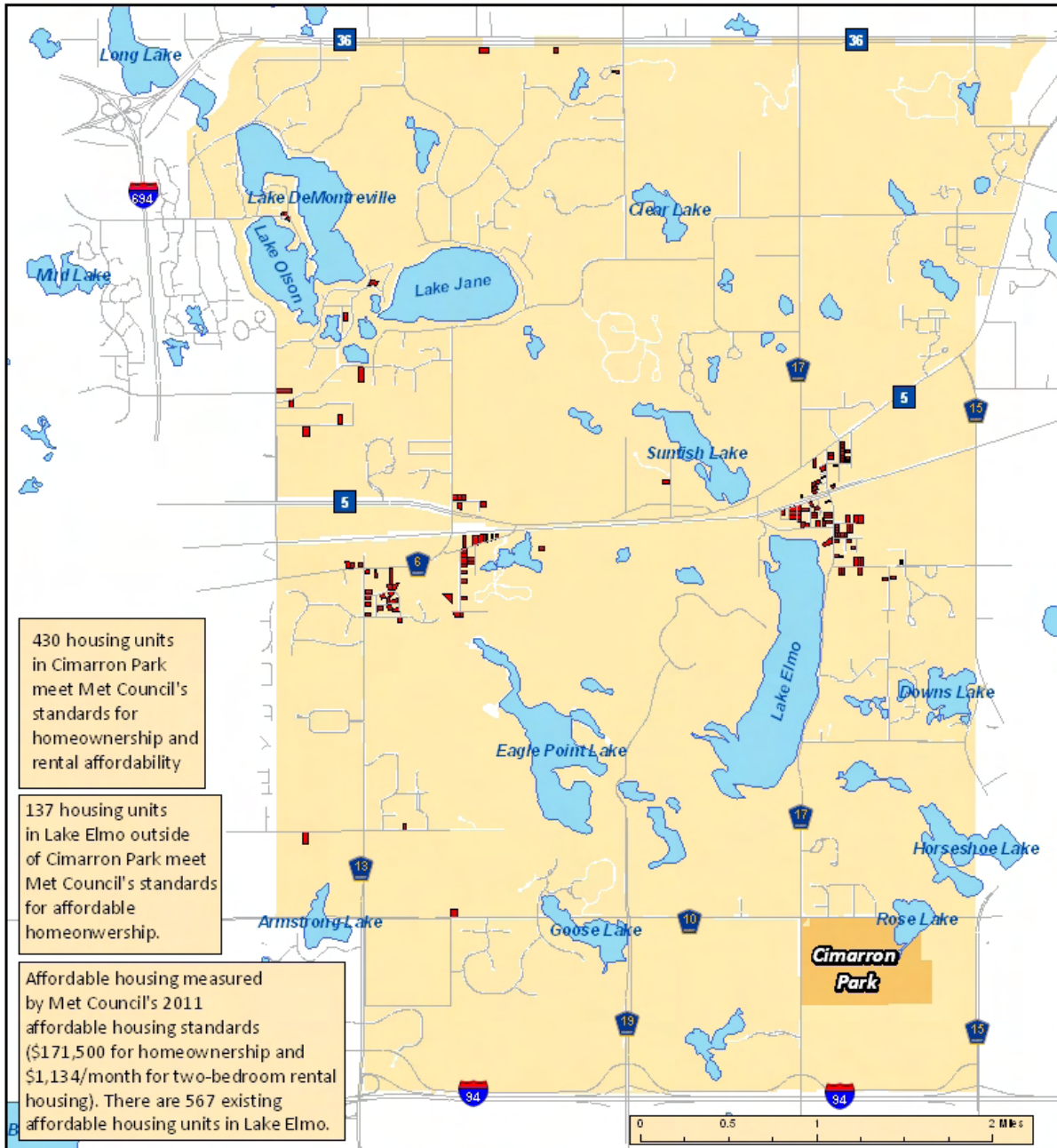
According to the Census, there were 2,779 occupied housing units in 2010. Of these 2,779 occupied housing units, 95.3% (2,648) of these units were owner-occupied. The remaining 4.7% (131) of the housing units are renter-occupied. Given these figures, it is clear that the majority of Lake Elmo residents live in owner-occupied housing units. Comparing these figures to neighboring communities, the 2010 Census reveals that the home-ownership rate in Washington County is 83%. It is quite clear Lake Elmo does not contain a significant amount of rental housing.

Regarding median home values, the housing stock in Lake Elmo remains significantly more valuable than the median vales of Washington County, MN. According to American Community Survey (ACS) data, the

median home value in Lake Elmo from 2006-2010 was \$396,500, whereas the median home value in Washington County during this same period was \$264,800. This significant gap in the median home values indicates that housing affordability will be an important issue in meeting Lake Elmo's future housing needs.

Regarding the existing stock of housing that remains affordable, Lake Elmo does have some housing that meets the Metropolitan Council's standards of affordability. According to the 2011 Met Council standards, a family making 60% of the area median income (\$50,340) can afford the purchase of a home valued at \$171,500 or less. Additionally, the 2011 Met Council affordability standards deem a two-bedroom rental unit at \$1,134/month or less as affordable. Conducting an analysis of the existing housing stock in Lake Elmo reveals that there are 567 such properties that are affordable by the Met Council standards, which equates to 20.4% of the occupied housing units in the city. These properties can be found in [Map 4-1](#). Four hundred-thirty (or just over 76% of the City's affordable units) are found in the Cimarron Manufactured Home Park where there is a mix of affordable ownership and rental opportunities. The remaining 137 affordable owner-occupied housing units are mostly located in the Western portion of Lake Elmo near County Road 6, as well as within the Old Village.

Map 4-1



## Existing Housing Affordability: Lake Elmo, MN



### Legend

- Affordable Housing (Owner-Occupied)
- Affordable Housing (Owner-Renter Mix)

City of Lake Elmo  
6-13-2012  
Data Source:  
Washington County, MN



## Future Housing Needs

In order for Lake Elmo to achieve balanced growth and maintain its strong sense of community, it is essential to plan and develop the future housing stock in a manner that is mindful of the city's population trends and future needs. For this reason, it is important for Lake Elmo to clearly define its goals as they pertain to housing.

### Goals

In planning for the land use and future growth of Lake Elmo, the City aims to achieve the following goals related to housing:

1. **Continue to support and develop family-friendly neighborhoods, emphasizing safety and access to open or recreation space.** Throughout its history, Lake Elmo has been lauded as a great place to raise a family. For this reason, many of Lake Elmo's future residents will be families with children. In planning future housing for these residents, it is the responsibility of the City to be cognizant of how site, building, and street design relate to safety and access to recreation. Promoting these principles will ensure that the future population of Lake Elmo is safe and healthy.
2. **When planning for the future residential neighborhoods in Lake Elmo, it is critical to incorporate walkability into the design of housing and streets to ensure a positive pedestrian environment in both the I-94 Corridor and Old Village.** In order to maintain a healthy and vibrant environment in Lake Elmo, safe and aesthetically pleasing pedestrian spaces within residential neighborhoods are essential. Additionally, for the Old Village land use plan to effectively support and promote walking in Lake Elmo's downtown, steps must be taken to ensure that walkability is considered when planning future housing. Creating a more walkable downtown area with more street amenities encourages nearby residents to travel by means other than the automobile, which in turn promotes pedestrian traffic and physical exercise. In addition, increased pedestrian accessibility to downtown should drive greater support and patronage of local businesses in the Old Village. Finally, greater pedestrian traffic could allow for reduction in needed parking facilities, decreasing the amount of impervious surfaces and easing the burden on storm water management systems.
3. **Expand housing opportunities for seniors in Lake Elmo, placing an emphasis on affordability and life-cycle housing.** As the data from the 2010 Census indicates, the Lake Elmo population is aging. 11.0% of the population in Lake Elmo is over the age of 65. In order to provide opportunities for these residents to remain in Lake Elmo, the City must strive to attract and develop a greater variety of housing that suits the needs of seniors, including those who require medical assistance or are disabled, requiring barrier-free housing. In addition, an increasing number of seniors are currently living on fixed incomes. To give seniors the option to remain in Lake Elmo, developing housing options that are both senior friendly and affordable will be critical over the next 25 years and beyond.

4. **Provide a greater variety of housing in terms of cost and tenure type in order to give more people the opportunity to live in Lake Elmo, particularly younger residents and families.** Considering the gap in the Lake Elmo population of 20-39 year olds, it is important to be cognizant of how housing affordability relates to the current demographics of the city. If the city wishes to retain younger residents and families in Lake Elmo, then opportunities for more affordable and rental housing must be present. Adding more young residents to Lake Elmo will strengthen the social fabric of the community and encourage more unique activities and programming. Additionally, providing more options in terms of affordability will allow more employees of businesses located in Lake Elmo the option of both living and working in the community.

## Future Housing

According to Met Council forecasts, the growth of Lake Elmo will result in an increase of 5,108 households by 2030, representing an increase of 141%. In order to achieve this growth in a balanced and sustainable manner, as well as fulfill Lake Elmo's housing goals, the I-94 Corridor and Old Village land use plans provide opportunity for a wide mix of housing types and densities. These housing densities will vary with a floor range of 2.0 units per acre to 10 units per acre, allowing for a greater variety of housing in Lake Elmo. These new housing units are guided for the I-94 Corridor and Old Village at the following minimum densities:

### I-94 Corridor

- Urban Low Density: 2.5 units/acre
- Urban Medium Density: 4.0 units/acre
- Urban High Density: 7.0 units/acre

### Old Village

- Village Low Density: 2.0 units/acre
- Village Medium Density: 4.0 units/acre
- Village High Density: 10.0 units/acre

These densities result in meeting the Met Council expectations of adding a minimum of 4,200 new housing units to the I-94 Corridor and Old Village as outlined in the MOU. The City will work to pursue higher densities when appropriate with the understanding that the City and Met Council will monitor growth against the expectations of the MOU. The City recognizes that development at densities above the minimum requirements may create opportunities to encourage increased open space and other amenities considered a public benefit, thereby improving the character of these areas to better blend with the overall rural character of the community.

### Affordable Housing

In terms of fulfilling Lake Elmo’s regional obligations for affordable housing, the Metropolitan Council’s allocation of affordable units within Lake Elmo for the 2011-2020 timeframe is 661 housing units. Again, affordable housing is defined as housing units that are priced at or below 30% of gross income of a household earning 60% of the Twin Cities median family income. This definition translates into a home purchase price of \$171,500 (or less), or a rental housing opportunity of \$1,134/month (or less) for a two-bedroom unit. If Lake Elmo would like to retain and attract younger residents and families, it is critical to encourage greater affordability within the future housing stock as well as provide options for rental housing.

Related to the affordability of Lake Elmo’s future housing stock, several areas in the I-94 Corridor and Old Village will provide an opportunity for the development of more affordable and rental housing. Specifically, several areas of the I-94 Corridor and Old Village are currently guided for densities that would be conducive to greater affordability. In addition to areas guided for multi-family housing, the I-94 Corridor and Old Village will also make use of mixed use zoning to provide more housing options. The areas can be viewed in [Map 4-2 and 4-3](#), highlighted by white circles.

**Map 4-2**

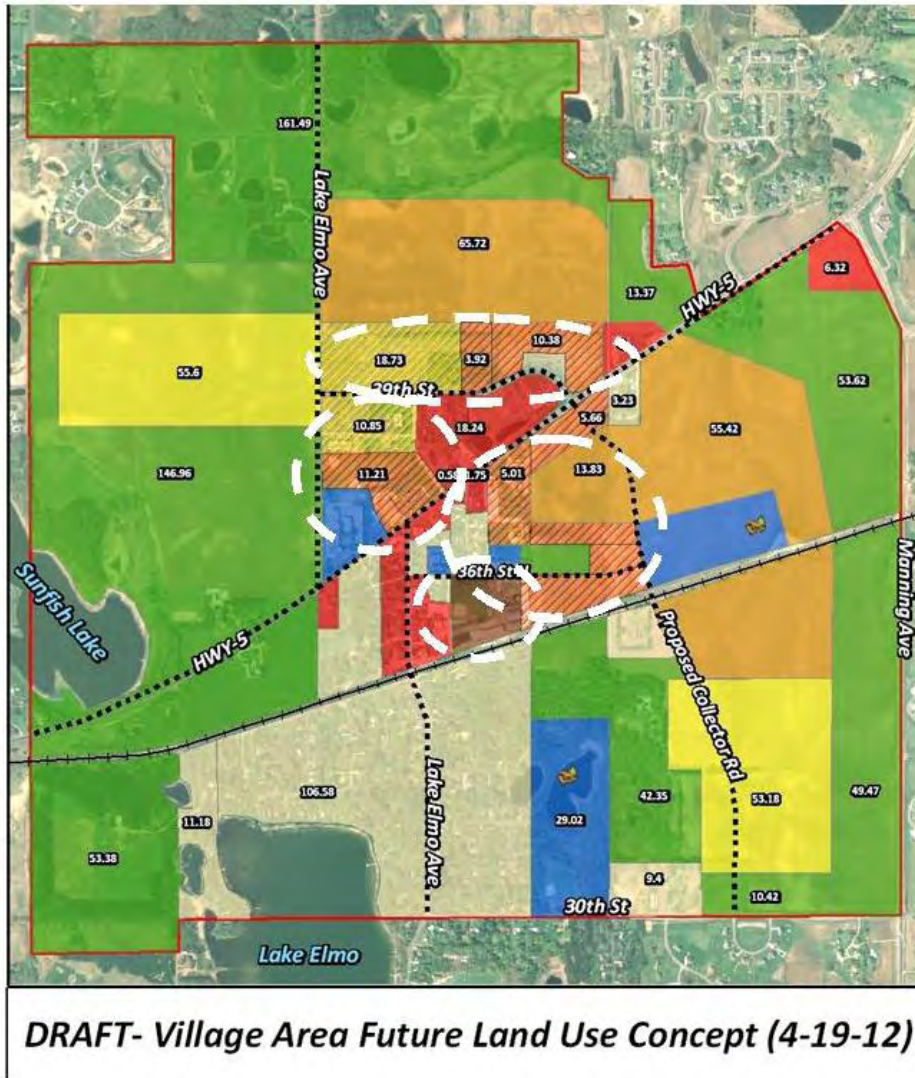
**DRAFT Land Use Plan for South of 10th Street -- May 2012 (Option 1)**

*Boundaries, densities and text subject only to changes which result in the final minimum number of REC units being equal to or in excess of 5500.*





**Map 4-3**



Regarding implementation, the City will work directly with developers to explore various funding opportunities to support greater housing variety and affordability. To support these efforts, the City of Lake Elmo will expand and strengthen its relationship with the Washington County Housing and Redevelopment Authority (HRA). This relationship will prove valuable in working with developers of affordable and senior housing to identify additional funding opportunities. These opportunities could include tax credits or financing from the Grow Fund. In addition, the City will play a more active role in site identification for the development of affordable and senior housing. Related to these efforts, the City will explore opportunities for affordable housing when considering the disposal of excess property. Finally, the City will consider expedited permit review and reduced fees for proposals that include

affordable or senior housing. Given the stated goals related to future housing, the City would like to support efforts to diversify the current housing stock to meet the future needs of Lake Elmo.

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Planning Commission  
Date: 7/23/2012  
Item: 4b  
Public Hearing

ITEM: Zoning Ordinance Update  
SUBMITTED BY: Kyle Klatt, Planning Director  
REVIEWED BY: Nick Johnson, City Planner

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### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to approve a proposed update to the City's Zoning Ordinance. The updates to the Zoning Ordinance are necessary to implement the proposed changes in the Comprehensive Plan amendment. Based upon the I-94 Corridor and Village Area Land Use Plans, the zoning updates include the new residential and commercial zoning districts that will be utilized in the areas guided for future growth and sanitary sewer service. The overall goal of this Zoning Ordinance update is to create zoning districts that can serve all of Lake Elmo's future growth areas, as well as simplify and reorganize the ordinance to make it more comprehensible and straightforward. Related to this new organization, the existing zoning districts that will remain in use will be incorporated into the new Zoning Ordinance format.

In addition, Staff would like to emphasize the message that the procedure of updating the Zoning Ordinance is an ongoing and continual process. As the City prepares for growth and development, refinement to the Zoning Ordinance may be completed in order to best implement the City's land use plans. It is more than likely that certain aspects of the previous Zoning Ordinance may conflict with the new ordinance. This transition is commonplace and will be appropriately addressed by Staff to ensure that the intent of the land use plans and ordinance will be realized.

### **ADDITIONAL INFORMATION:**

The new zoning districts included in the Zoning Ordinance update will include the following residential and commercial districts:

#### Residential Districts

- Low Density Residential (LDR): 2-4 units per acre
- Medium Density Residential (MDR): 4-7 units per acre
- High Density Residential (HDR): 7+ units per acre

Commercial Districts

- Commercial (C)
- Convenience Commercial (CC)

Staff is organizing these new districts based upon use types and classifications. The allowable uses in each district will be presented in a chart detailing which uses are permitted, conditional, or prohibited. Finally, all of the standards associated with each use types are outlined within the zoning district of application as to not allow any confusion about the requirements.

As the process of updating the Zoning Ordinance proceeds, Staff will draft and incorporate design guidelines to ensure that the future development in Lake Elmo is consistent with the desired character of the community. The Planning Commission will conduct a public hearing on these design standards at its next meeting on August 13, 2012. These design standards can be incorporated into the zoning code once they are deemed effective and complete.

**RECCOMENDATION:**

Staff is recommending that the Planning Commission approve the proposed update to the City’s Zoning Ordinance.

**ATTACHMENTS:**

1. Zoning Ordinance Update
  - a. Proposed Numbering System
  - b. Article 1 – Introductory Provisions
  - c. Article 2 – Definitions
  - d. Article 8 – Zoning Districts and Zoning Map
  - e. Article 10 – Urban Residential Districts
  - f. Article 12 – Commercial Districts

**ORDER OF BUSINESS:**

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing .....Chair
- Discussion by the Commission..... Chair & Commission Members

- Action by the Commission..... Chair & Commission Members

**Zoning Ordinance Update – July 2012  
Proposed Organization  
(Sections in Bold are Attached)**

<b>Section Range</b>		<b>Article</b>	<b>Title</b>
Start	End		
<b>154.001</b>	<b>154.008</b>	<b>1</b>	<b>Introductory Provisions</b>
<b>154.009</b>	<b>154.012</b>	<b>2</b>	<b>Definitions</b>
154.100	154.149	3	Administration and Enforcement
154.150	154.199	4	Non-Conforming Uses and Structures
154.200	154.249	5	General Regulations
154.250	154.299	6	Environmental and Performance Standards
154.300	154.349	7	Specific Development Standards
<b>154.350</b>	<b>154.399</b>	<b>8</b>	<b>Zoning Districts, Zoning Map, and Uses</b>
154.400	154.449	9	Rural Districts
<b>154.450</b>	<b>154.499</b>	<b>10</b>	<b>Residential Districts</b>
154.500	154.549	11	Village Center District
<b>154.550</b>	<b>154.599</b>	<b>12</b>	<b>Commercial Districts</b>
154.600	154.649	13	Public and Semi-Public Districts
154.650	154.699	14	OP District
154.700	154.749	15	OP-Alt District
154.750	154.799	16	Future Sewer Overlay District
154.800	154.849	17	Planned Unit Development

## ARTICLE 1 - INTRODUCTORY PROVISIONS

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

### §154.001 Title

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

### §154.002 Intent and Purpose

This chapter is adopted for the purposes of:

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

### §154.003 Statutory Authorization

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

### §154.004 Jurisdiction

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

### §154.005 Compliance Required

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

### §154.006 Rules of Construction and Interpretation

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

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

### §154.007 Severability and Validity



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

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

**§154.008 Effective Date**

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

## ARTICLE 2 - DEFINITIONS

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

### §154.009 Introduction and Purpose

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

### §154.010 Interpretation of Certain Terms

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

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

### §154.011 General Definitions

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

### §154.012 Zoning Use Types and Classifications

- A. Rules of Interpretation for Zoning Use Types and Classifications
  - 1. *Purpose of Use Types.* The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts. The Use Types section also facilitates the process of determining the applicable use type of any activity not clearly within any defined use type.
  - 2. *Interpretation.* In the event of any question as to the appropriate use type of any existing or proposed use or activity, the Planning Director shall have the authority to determine the appropriate use type. In making such a determination, the Planning Director shall consider the operational and physical characteristics of the use in questions and shall consider the classification contained in the most recent edition of the Standard Industrial Classification Manual published by the U.S. Office of Management and Budget. In addition, the Planning Director shall consider the specific requirements of the use in common with those included as examples of Use Types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists. The Planning Director may also

determine that a proposed use or activity is sufficiently different from any use type listed below and will require an amendment to the text of this ordinance.

3. *Determinations in Writing.* The Planning director shall make such determinations of appropriate Use Types in writing, which shall include an explanation of the reasons for the determination.
4. *Appeal.* A determination of the Planning Director may be appealed to the Board of Adjustment pursuant to the procedures for administrative appeals outlined in §31.10.

B. Use Types and Classifications.

1. Residential and Related Uses

a. Family Living

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

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

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

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

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

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

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

b. Group Living

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

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

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

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

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

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

## 2. Public and Civic Uses

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

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

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

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

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

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

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

## 3. Services

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

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

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

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

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

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

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

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

*Lodging.* See Transient Accommodations

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

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

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

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

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

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

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

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

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

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

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

#### 4. Food Service

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

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

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

*Standard Restaurant.* An establishment whose principal business is the sale of food and/or beverage to customers in a ready to consume state, and whose principal method of operation includes one or both of the following: 1) customers, normally provided with an individual menu, are served their food and beverage by restaurant employees at the same

table or counter at which the food and/or beverage are consumed, 2) a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

5. Sales of Merchandise

*Garden Center (Retail Agriculture).* Establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, and plant materials primarily for agricultural, residential, and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include nurseries, retail greenhouses, plant stores, and lawn and garden centers.

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

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

• *General Retail:*

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

- Video rental or sales
- Building supplies sales
- Furniture and appliance sales, rental, showrooms
- Grocery, supermarket
- Liquor store
- Warehouse club sales

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

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

## 6. Automotive/Vehicular Uses

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

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

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

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

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

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

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

## 7. Outdoor Recreation



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

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

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

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

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

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

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

#### 8. Indoor Recreation/Entertainment

*Adult Establishment.* See §113.02.

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

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

#### 9. Agricultural and Related Uses

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

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

*Agricultural Sales Business.* The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the agricultural sales business.

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

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

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

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

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

## 10. Industrial and Extractive Uses

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

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

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

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

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

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

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

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

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

## 11. Utilities, Transportation and Communications

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

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

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

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

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

## 12. Accessory Uses

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE 8 - ZONING DISTRICTS AND ZONING MAP

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

### §154.350 Division into Districts.

- A. *All areas zoned.* The incorporated areas of Lake Elmo are hereby divided into the following zoning districts:
  - A Agriculture
  - RR Rural Residential
  - RS Rural Single Family
  - RE Residential Estate
  - OP Open Space Preservation
  - OP-A Open Space Preservation - Alternative Density
  - LDR Low Density Residential
  - MDR Medium Density Residential
  - HDR High Density Residential
  - VMX Village Center - Mixed Use
  - C Commercial
  - CC Convenience Commercial
  - LC Neighborhood Office/Limited Commercial
  - BP Business Park/Light Manufacturing
  - P Civic/Public
  - OSP Open Space and Parks
  - FSO Future Sewer Overlay
- B. *Annexed areas.* Any land that is annexed into the city shall be included in the A Agriculture District until such time as the City Council amends the Comprehensive Plan to include the new area, and rezones it to another district.

### §154.351 Zoning Map.

- A. The location and boundaries of the districts established by this chapter are set forth on the Official Zoning Map, which is hereby incorporated as part of this chapter, and which is on display in the Planning Department.
- B. District boundary lines recorded on the zoning map are intended to follow lot lines, the centerline of streets or alleys, the centerlines of streets or alleys projected, railroad rights-of-way lines, the center of watercourses or the corporate limit lines as they exist at the time of the enactment of this chapter.
- C. Whenever any street, alley or other public way is vacated, the zoning district adjoining that of such vacated street, alley or public way shall be automatically extended to the center of such vacated area and all area included therein shall be then and henceforth subject to all regulations of the extended district.
- D. It shall be the responsibility of the Planning Director to maintain and amend the zoning map. The Director of Planning shall make any corrections or amendments to the map after all of the

procedures outlined in [Section 154.020](#) of this chapter for the making of such revisions or amendments shall have followed by the Planning Commission and the City Council.

- E. Amendments to the Official Zoning Map shall be recorded on the map within 30 days after adoption by the Council. The copy of the Official Zoning Map shall be displayed in the office of the Planning Department and shall be open to public inspection at all times during which the office is customarily open.

**§154.352 Consistency with Comprehensive Plan**

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

## Article 10 - URBAN RESIDENTIAL DISTRICTS

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§154.450	Purpose and District Descriptions
§154.451	Permitted and Conditional Uses
§155.452	Lot Dimensions and Building Bulk Requirements
§155.453	Buffering and Screening Requirements
§155.454	Site Design and Development Standards
§155.455	Accessory Uses and Structures
§155.456	Residential Accessory Structures
§155.457	Accessory Uses
§155.458	Accessory Uses and Structures Not Listed

### §154.450 Purpose.

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

- A. *LDR Low Density Residential District.* The LDR district provides an environment of predominantly single-family dwellings on moderately sized lots, and is designed to be the most restrictive of the urban residential districts. The intent is to provide for an environment of predominately low-density one family detached dwellings along with other residential facilities that serve the residents in the district or local neighborhood. Densities should generally range from two (2) to four (4) units per acre. The clustering of housing is encouraged to provide open space within neighborhoods.
- B. *MDR Medium Density Residential District.* The MDR district is established to provide for a diversity of housing types in those areas where such development is consistent with the medium density residential designation of the comprehensive plan and compatible with the development pattern of the surrounding area. Clustering of buildings to permit more orderly development and to preserve open space within new developments is encouraged. Development within the district shall occur at densities in the range of four (4) to seven (7) dwelling units per acre, with two-family dwellings and townhouse permitted. The City will determine the allowed density for a piece of property at the time of the development application, and this determination will be based upon the site-specific characteristics of the property and the requested development. Factors to be considered in increasing or decreasing the allowed density include the existing environmental conditions such as wetlands, floodplains, steep slopes, significant trees; the specific site plan; the amount of open space preserved, and the type of housing units proposed, including whether greater density is desirable because the development contains housing that is consistent with the City's housing goals. The burden of establishing the appropriateness of the high end of the density range will be on the applicant.
- C. *HDR High Density Residential District.* The HDR district is established to provide for an environment of moderate to high-density attached and multi-family housing, designed to present an attractive appearance to neighboring streets and adjacent uses, to include sufficient private and semi-private outdoor space, and to be well integrated into their surroundings. Small office and service businesses of limited size and extent may be allowed as conditional uses. The HDR district is appropriate as a transition between commercial or industrial districts and surrounding neighborhoods, and in already developed higher-density areas. Development within the district may occur at densities in excess of seven (7) dwelling units per acre.



§154.451 Permitted and Conditional Uses.

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

- A. *Combinations of uses.* Principal and accessory uses may be combined on a single parcel. A principal and secondary dwelling unit may be combined according to the standards of [Section 155.137](#). Single-family attached or multi-family complexes designed for rental or condominium occupancy, typically include multiple units and buildings on a single parcel.

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

	LDR	MDR	HDR	Standard
<b>Residential Uses</b>				
<b>Household Living</b>				
Single-family detached dwelling	P	P	P	154.454.B,H
Two-family dwelling	-	C	P	155.454.E
Single-family attached dwelling	-	C	P	155.454.F,J
Multifamily dwelling ( <i>rental or condominium</i> )	-	C	P	155.454.G,K
Secondary dwelling	C	C	C	154.454.C
Live-work unit	-	-	C	155.454.L
Manufactured home park	-	C	-	155.102.B
<b>Group Living</b>				
Group Home	P	P	P	155.102.C
Group Residential Facility	-	C	C	155.102.D
Halfway House	-	-	C	155.102.D
Congregate Housing	-	C	C	155.102.E
Semi-Transient Accommodations	-	C	C	155.102.F
<b>Public and Civic Uses</b>				
Community Services	-	-	C	155.103.C
Day Care Center	-	C	C	155.103.D
Schools, Public and Private	C	C	C	155.103.E
<b>Services</b>				
Offices	-	-	C	155.454.M
Funeral Home	-	-	C	155.454.I
Personal Services	-	-	C	155.454.M
Nursing and Personal Care	-	-	C	155.104.C
<b>Sales of Merchandise</b>				
Neighborhood Convenience Store	-	-	C	155.454.N
Wayside Stand	P	P	P	154.454.D

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

	LDR	MDR	HDR	Standard
<b>Outdoor Recreation</b>				
Golf Course	C	-	-	155.107.B
Outdoor Recreation Facility	-	-	-	155.107.E
Parks and Open Areas	P	P	P	
<b>Transportation and Communications</b>				
Broadcasting or Communication Facility	C	C	C	155.110.B
<b>Accessory Uses</b>				
Home Occupation	P	P	P	155.111.A,B
Bed and Breakfast	-	C	C	155.111.C
Domestic Pets	P	P	P	
Family Day Care	P	P	P	155.111.G
Group Family Day Care	C	C	C	155.111.G
Temporary Sales	P	P	P	155.107.B
Parking Facility	-	-	P	
Solar Equipment	P	P	P	155.111.I
Swimming Pools, Hot Tubs, Etc.	P	P	P	155.111.J
Water-Oriented Accessory Structures	P	P	P	
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	

*Note: Standards listed in table are listed by Article, Section and Subsection.*

§154.452 Lot dimensions and building bulk requirements.

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

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

	LDR	MDR	HDR
<b>Minimum Lot Area (sq. ft.)</b>			
Single Family Detached Dwelling	10,000	7,500	5,000
Two-Family Dwelling (per unit) <sup>a</sup>	5,000	4,500	3,000
Single-Family Attached (per unit) <sup>b</sup>	-	4,500	2,500
Multi-Family Dwelling (per unit)	-	4,000	1,800
Secondary Dwelling		see 155.102	
Live-Work Unit	-	-	3,600
Congregate Housing	-	see 155.102	see 155.102
Manufactured Home Park	-	see 155.102	-
<b>Minimum Lot Width (feet)</b>			
Single Family Detached Dwelling	80	60	50
Two-Family Dwelling (per unit) <sup>a</sup>	40	35	20
Single-Family Attached (per unit) <sup>b</sup>	-	25	20
Multi-Family Dwelling (per building)	-	75	60
Live-Work Unit	-	-	25
<b>Maximum Height (feet)</b>			
	35	35	50
<b>Maximum Impervious Coverage</b>			
	40%	50%	75%
<b>Minimum Building Setbacks (feet)</b>			
Front Yard	25 <sup>c</sup>	25 <sup>c</sup>	20 <sup>c</sup>
Interior Side Yard <sup>d</sup>	10	8	10
Corner Side Yard <sup>d,e</sup>	15	15	15
Rear Yard	20	20	20

Notes to Urban Residential Districts Table

- a. 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.

- b. 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.
- c. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- d. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- e. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

#### §154.453 Buffering and Screening Requirements

- A. *Buffer Zones.* Where a proposed development within the LDR, MDR, or HDR District abuts property that is zoned RE or RS (R-1), a 100 foot landscape buffer shall be provided between the property line of the abutting parcel and any structure or driving surface within the urban residential districts. A combination of any or all of the following features shall be incorporated into the buffer zone in order to ease the transition from lower density rural development to urban development districts and to provide a physical integration of uses which promote the public health welfare and safety of residents:
  - 1. A green belt planting strip consisting of vegetation and plants that is of sufficient width and density to provide an effective visual screen.
  - 2. Earth mounding or berms when used in conjunction with a green belt planting strip.
  - 3. A screening fence constructed of masonry, brick, wood or metal. Such fence shall provide a solid screening effect six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the City Council. Plantings shall be included in the design of any screening fence except as otherwise approved by the City Council due to grade constraints.
  - 4. The buffer features shall require the approval of the City Council and must be approved and documented as part of the development for any subdivision adjacent to property that is zoned RE or RS.
- B. *Exemptions.* The requirements for the installation of buffer features may be waived when there is existing mature vegetation and/or changes in topography occurring on the site proposed for development that effectively provides a transition from rural residential to urban residential development. The determination of the buffering effectiveness of existing or existing and introduced physical features shall be at the sole discretion of the City Council.

#### §154.454 Site Design and Development Standards.

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

- A. *Planned Unit Developments, All Urban Residential Districts.* A planned unit development may be submitted for consideration within any residential district, subject to the requirements and standards established in [Section 154.800](#), Planned Unit Developments.
  - 1. A residential development that exceeds 25 units per acre in an HDR Zoning District may be allowed as a Planned Unit Development in accordance with the density bonus provisions of [Section 154.800](#), Planned Unit Developments.
- B. *Single-Family Detached Dwellings, All Urban Residential Districts.* All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.
- C. *Secondary Dwelling, All Urban Residential Districts.* The purpose of a secondary dwelling is to provide life-cycle housing opportunities for family members or small households of one or two people, while providing more efficient use of large single-family dwellings or large lots.
  - 1. A secondary dwelling unit may be located within a principal structure used as a single-family detached dwelling, above a detached garage, or within a separate detached structure.
  - 2. There shall be no more than one secondary dwelling unit on the zoning lot.
  - 3. At least one dwelling unit on the zoning lot shall be owner-occupied.
  - 4. The minimum lot area shall be two thousand five hundred (2,500) square feet greater than the minimum lot area required for a single-family dwelling in the zoning district.
  - 5. If the secondary unit is included in the principal building, the appearance of the building shall remain that of a single-family dwelling. Any new or additional entrances must face the side or rear of the building.
  - 6. Whether the secondary unit is an addition to an existing structure or a new detached structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the principal building. Exterior finish materials and trim must be the same or closely match in type, size and location the materials and trim of the original building.
  - 7. A secondary unit within the principal structure shall not contain more than thirty (30) percent of the principal building's total floor area or eight hundred (800) square feet, whichever is less. A detached secondary unit shall not exceed one thousand (1,000) square feet in gross floor area.
  - 8. Impervious limits for the lot within the zoning district in question shall not be exceeded.
- D. *Wayside Stand, All Urban Residential Districts*
  - 1. No more than one stand per lot shall be permitted.
  - 2. Adequate off-street parking shall be provided.
- E. *Single-Family Detached Dwelling, All Urban Residential Districts*
  - 1. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
  - 2. The primary entrance shall be located on the façade fronting a public street.
- F. *Two-Family Dwelling, MDR and HDR Districts*
  - 1. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
  - 2. Access to the second dwelling unit shall be either through a common hallway with one front entrance, or by means of a separate entrance.

3. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a developed block may be redeveloped as two-family units, and no further two-family or higher density development is permitted once this threshold is reached. Lineal frontage shall be measured around the entire perimeter of the block.
4. Two-family dwellings shall be designed to reflect the general scale and character of surrounding buildings on surrounding blocks, including front yard depth, building width height and roof pitch, primary materials, façade detailing and size and placement of window and door openings.

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

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

H. *Multi-Family Building, MDR District*

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

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

1. Additions or new construction shall be designed to reflect the general scale and character of the existing building and surrounding neighborhood, including front yard depth, roof

- J. *Single-Family Attached Dwelling, HDR District.*
1. A maximum of ten (10) 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 fifteen (15) feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
  3. The primary entrance 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.
- K. *Multi-Family Building, HDR District*
1. No parking shall be located in the front yard or between the front façade and the street.
  2. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of two-hundred (200) square feet per unit.
- L. *Live-Work Unit, HDR District.* The purpose of a live-work unit is to provide a transitional use type between a home occupation and a larger commercial enterprise, and to provide neighborhood-oriented commercial services, while maintaining a generally residential character in which the work space is subordinate to the residential use.
1. The work space component shall be located on the first floor or basement of the building.
  2. The dwelling unit component shall maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.
  3. The work space component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.
  4. A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground/enclosed.
  5. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.
  6. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
  7. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than two (2) workers on-site at any one time who live outside of the live-work unit.
- M. *Offices or Personal Services, HDR District.* The establishment shall not exceed three thousand (3,000) square feet in size, and may be located within a multi-family building or a free-standing building.

1. Additions or new construction shall be designed to reflect the general scale and character of surrounding buildings, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
2. No parking shall be located in the front yard or between the front façade and the street.
3. No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of three hundred (300) feet from any other retail or service business within the HDR District. No more than one business shall be located within the same block within the HDR District.

N. *Neighborhood Convenience Store, HDR District.*

1. The establishment shall not exceed three thousand (3,000) square feet in size, and may be located within a multi-family building or a free-standing building.
2. Additions or new construction shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
3. No parking shall be located in the front yard or between the front façade and the street.
4. The use shall occupy a corner property. Any freestanding building developed on such a property shall have a minimum setback of ten (10) feet from each right-of-way line.
5. No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of three hundred (300) feet from any other retail or service business within the HDR District. No more than one business shall be located within the same block, within the HDR District.

**§154.455 Accessory Uses and Structures.**

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

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

**§154.456 Residential Accessory Structures.**

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

- A. *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
  1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.



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

**§154.457 Accessory Uses.**

- A. *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not 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, exclusive of regional sales events.

**§154.458      Accessory Uses and Structures Not Listed.**

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

## ARTICLE 12 - COMMERCIAL DISTRICTS

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

### §154.550 Purpose and District Descriptions.

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

- A. *LC Neighborhood Office/Limited Commercial District.* The purpose of the LC district is to provide for the establishment of limited scale neighborhood commercial centers that offer basic convenience type goods and services to the immediately surrounding residential neighborhoods in areas that are not planned for public sanitary sewer services. Office uses and other business uses are allowable on a limited scale. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse effects from traffic congestion, noise, odor, glare, and similar impacts.
- B. *CC Convenience Commercial District.* The CC District is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots, and facilities with drive-up windows, are also allowed.
- C. *C Commercial District.* The purpose of the C District is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region and are located in areas that are well served by collector or arterial street facilities outside the Village Area. It is intended to allow the widest range of commercial uses, especially those that are oriented towards the travelling public or that need large sites with highway access and visibility. Residential uses may be appropriate as part of a mixed-use commercial development, with unit densities being determined by either the identified range within the comprehensive plan or to a level deemed appropriate as part of a planned unit development.
- D. *BP Business Park/Light Manufacturing District.* The purpose of the BP District is to provide areas for attractive, high quality business park development primarily for office, high quality manufacturing and assembly, and non-retail uses in developments which provide a harmonious transition to residential development and neighborhoods by: 1) conducting all business activities and essentially all storage inside buildings, 2) consisting of low profile, high quality and attractive buildings which blend in with the environment, 3) providing open space, quality landscaping and berming; 4) including berming and buffering of parking, loading docks and other similar functions; and 5) protecting and enhancing the natural environment and 6)

providing users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94.

**§154.551 Permitted, Conditional and Interim Uses.**

Table 11-1 lists all permitted and conditional uses allowed in the commercial districts. "P" indicates a permitted use, "C" a conditional use and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this Ordinance of specific development standards that apply to the listed use.

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

Table 11-1: Permitted, Conditional and Interim Uses, Commercial Districts

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

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

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

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

**§154.552 Lot Dimensions and Building Bulk Requirements.**

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

**Table 11-2: Lot Dimension and Setback Requirements, Commercial Districts**

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

**Notes to Table 11-2**

- a. Buildings higher than 60 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- b. Accessory buildings must be set back 10 feet from property lines.
- c. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

**§154.553 General Site Design Considerations, Commercial Districts.**

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



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

**§154.554 Development Standards for Specific Uses.**

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

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

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

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

**§154.555 Commercial District Design Standards.**

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

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

C. *Applicability - Structure Additions and Renovation.*

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

D. *Performance Standards - Primary Exterior Surfacing.*

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

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

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

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