



## City of Lake Elmo

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### NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, March 28, 2011, at 7:00 p.m.**

#### AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. March 7, 2010
4. Public Hearing
  - a. ZONING TEXT AMENDMENT: Consideration of an ordinance to amend Section 154.038 of the Lake Elmo Zoning Ordinance (HD-RR-LB – Rural Residential Limited Business Holding District) to allow Park-and-Ride facilities as a conditional use in this district. The proposed amendment would also amend Section 11.01 (Definitions) of the City Code to include a definition for “Park and Ride”.
5. Business Item
  - a. Zoning Code Update and Form Based Zoning Discussion
  - b. Zoning Text Amendment - Public Purchase of Land
6. Updates
  - a. City Council Updates
    - i. Early Childhood Family Center (ECFC)
  - b. Staff Updates
    - i. Village Area and I-94 Corridor
  - c. Commission Concerns
7. Adjourn

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of March 7, 2011**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Bidon, Fliflet, Hall, Obermueller, Van Erem, Van Zandt, Williams (7:02), and Ziertman. Absent: Britz, Haggard and Pelletier. STAFF PRESENT: Planning Director Klatt and Planner Matzek

**Agenda**

M/S/P, Ziertman/Hall, approve the agenda as presented. Vote: 8:0.

**Minutes – February 9, 2011**

M/S/P, Hall/Bidon, approve the minutes as presented. Vote: 6:0. Abstained: Van Erem and Williams.

**Public Hearing - Zoning Map Amendment VR-GB and Zoning Text Amendment to allow ECFC on 39<sup>th</sup> Street**

Planning Director Klatt asked the commission to consider rezoning a property guided VR-GB to GB and to amend the zoning text to allow an ECFC facility at properties on 39<sup>th</sup> Street in Lake Elmo. He said the school district is seeking five acres to build a 45,000 square foot facility.

Chairman Van Zandt asked how the city would benefit from having this facility.

Planning Director Klatt said the city would have an immediate user for the future sewer line, it would bring activity to the village area, and this use is included as a component of the Village Area Plan. He said the use would not generate property taxes, but would stimulate additional activity and uses in the area.

Commissioner Williams asked what the REC count would be for this use.

Planning Director Klatt said in the early discussions, it was estimated between forty and fifty Residential Equivalency Connections.

Commissioner Fliflet said this building would be a major addition to the Village Area and asked what it would look like and how it would fit in.

Planning Director Klatt said a site plan review process is required.

Commissioner Obermueller asked why the ECFC is not proposed for the location identified for Civic uses in the Comprehensive Plan.

Planning Director Klatt said the Village Master Plan identifies this civic area broken up into two parts. Although the site proposed is not in this location, it is close.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:46 P.M.

*Deb Krueger, 4452 Lake Elmo Ave N*

Mrs. Krueger said she grew up the street from the proposed site in Stillwater, which is not a good site for this facility. She said the use was considered in the Old Village Comprehensive Plan, but in the area South of Hwy 5. She asked Planning Director Klatt why it is proposed in a different area. She said she is concerned with traffic entering and existing off of County Road 17.

Planning Director Klatt said the Village Master Plan splits the civic area into two separate areas. The vision included a civic square right off Hwy 5. He said the School District would prepare a traffic impact study further along in the process.

Mrs. Krueger said there is a hill on County Road 17 that may make it difficult to see. She said she hopes to see the small piece of woods protected.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:59 P.M.

Commissioner Fliflet asked how that site was chosen as it is not included in the current plans.

Planning Director Klatt said the school had some environmental concerns in those areas and although the site wasn't shovel ready, the proposed site has accessibility.

Commissioner Williams said although he has no objection to an ECFC at the proposed site, he would not like the city to consider that the start of the civic plaza as it is too far away from the existing and future population envisioned in the Village Area Master Plan. He said he does not think it is a good idea to have this use in all GB zoned properties.

Planner Matzek read Commissioner Pelletier's submitted comments in favor of the proposal.

Commissioner Ziertman asked why the property would not be rezoned to Public Facilities.

Planning Director Klatt said the PF zoning district is narrow in scope. He said staff's perspective is to allow more flexible uses in the GB district while Public Facilities should be more limited and specific.

M/S, Fliflet/Van Zandt, move to recommend approval of zoning map amendments for lots one, two and three from VR-GB to GB.

M/S/F, Williams/Obermueller, to amend the previous motion to include that the ECFC should not be considered the start of the village center until discussed by the Village Area Work Group and secondly, that the City Council should not waive the SAC/WAC connection fees.

Commissioner Williams withdrew his amendment for the waiving of SAC and WAC connection fees which Commissioner Obermueller agreed to.

Vote: 3:5. (Fliflet, Bidon, Ziertman, Van Erem and Obermueller against.)

M/S/F, Williams/Obermueller, move to recommend the City Council not waive the SAC and WAC fees.

Vote: 3:5. (Fliflet, Bidon, Van Zandt, Van Erem and Hall against.)

M/S/P, Fliflet/Van Zandt, move to recommend approval of zoning map amendments for lots one, two and three from VR-GB to GB.

Vote: 6:2. (Williams and Ziertman against.)

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:43 P.M.

No one spoke regarding the Zoning Text Amendment.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:43 P.M.

M/S, Fliflet/Bidon, recommended approval of the zoning text amendments.

Commissioner Ziertman said she voted against the first part because she thinks the commission does not have enough information. She would like to further discuss the Public Facilities zoning district as an option instead of the General Business district.

Commissioner Williams said he thinks the Village Work Group should discuss this before it comes to the commission. He said the code identifies a twenty-five percent impervious coverage requirement which is more restrictive than the original language.

M/S/F, Williams/Obermueller, move to withdraw the motion to amend the GB district requirements. Vote: 2:6 (Fliflet, Bidon, Van Zandt, Van Erem, Ziertman and Hall against.)

Commissioner Fliflet amended her motion to include an increase to the impervious surface requirement from twenty-five percent to seventy-five percent. Commissioner Bidon agreed. Vote: 7:1. (Commissioner Ziertman against.)

The commission took a three minute break.

**Business Item** – *Discuss Zoning Text Amendments for Park-and-Ride Facility*

Planner Matzek said the City Council had added this item to the commission's 2011 work plan as a high priority and is looking for a recommendation on how the City could accommodate a park and ride facility along the I-94 corridor. She mentioned that Metro Transit is in the process of an alternatives analysis study for the I-94E corridor. She

recommended the zoning district HD-RR-LB be considered for allowing park and ride facilities as a conditional use.

Chairman Van Zandt pointed out the proposed sites are good in that they are where located is more convenient for those riders looking to head into St. Paul or Minneapolis.

Commissioner Obermueller said she is concerned about removing these properties from the tax roll.

Planner Matzek said each site is approximately six acres that are currently vacant. She said it may spur additional business development.

Planning Director Klatt said the Council is looking for a recommendation on how the zoning should be structured to allow a park and ride facilities in the city. He also pointed out that the HD-RR-LB zoning district only applies to the proposed four properties.

Commissioner Fliflet said she agrees this should be discussed in the I-94 work group.

Planning Director Klatt said staff will move this item forward and the commission, at that time, can make that a formal recommendation to the City Council.

**Business Item – Planning Commissioner Terms – Informational Item**

Planner Matzek said this was an updated sheet identifying expiration of terms for each commissioner. If there were questions, she asked commissioners to contact her.

**Council Updates**

Planning Director Klatt said the properties off of 27<sup>th</sup> and 28<sup>th</sup> Street were approved with the condition of moving the driveways to 27<sup>th</sup> Street. He said the City Council received additional comments from a neighbor off of 28<sup>th</sup> Street who was subjected to the flooding previously discussed.

**Staff Updates**

Planning Director Klatt said that the March 14<sup>th</sup> meeting will be cancelled given the rescheduling of the night's meeting.

Planner Matzek said the city is in the process of creating a list of businesses in Lake Elmo for the city's website.

**Adjournment:**

The meeting was adjourned 9:46 p.m.

Respectfully submitted,

Kelli Matzek  
Planner

Planning Commission  
Date: 3/28/11  
Business Item  
Item: 4a

ITEM: PUBLIC HEARING: Consideration of Zoning Text Amendment to Allow a Park and Ride Use Along the Interstate 94 corridor

REQUESTED BY: Planning Department

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Kyle Klatt, Director of Planning *KK*

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is asked to consider a zoning text amendment allowing park and ride uses as a conditional use in the HD-RR-LB District and the addition of a definition for "Park and Ride" facility. Staff is interested in having the commission discuss not only the potential locations, but also the method of which a permit would be granted – conditional use versus interim use permit.

The Planning Commission discussed this topic at the March 7<sup>th</sup> regular meeting. At that time a recommendation was not requested, but the commission generally agreed that the I-94 Work Group should review this potential use and location as a part of the overall planning process for the future sewered area. However, given the original direction from the Council, staff is proceeding with the public hearing to make those text changes suggested by the Council. Should the Commission like to formally reaffirm their previous inclination towards postponing this change, it will be passed along to the City Council at the time they review this item.

**ADDITIONAL INFORMATION**

At the January 25<sup>th</sup> City Council meeting, the Council approved the Commission's work plan, but added "discussion on potential rezoning on two sites for a Park and Ride along I-94." Given the high priority of the item, the Planning Commission is asked to review the proposal, hold a public hearing and provide a recommendation to the City Council.

An application has not been received, nor is a specific project being discussed at this time.

The four properties zoned HD-RR-LB are located north of I-94 and south of Hudson Boulevard located at the intersections of I-94 and Manning Avenue or I-94 and Keats Avenue. The land at the intersection of I-94 and Manning Avenue is approximately 6 acres in size. The acreage at the I-94 and Keats Avenue intersection is closer to 6.9 acres.

**RECOMMENDATION:**

The Planning Commission is asked to make a recommendation on the ordinance to allow a Park and Ride facility as a conditional use in the HD-RR-LB district.

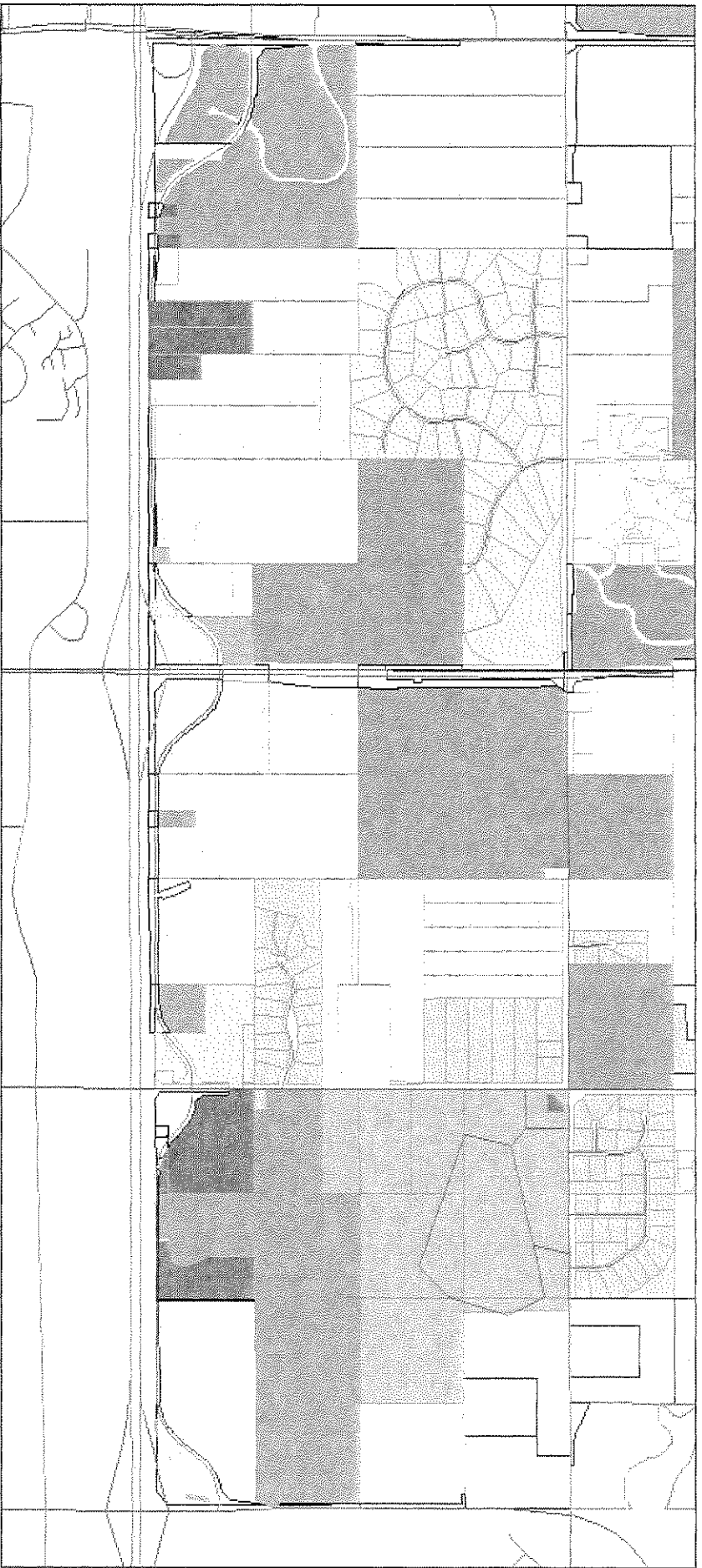
**ORDER OF BUSINESS:**

- Introduction .....Planning Director
- Report by staff .....Planning Director
- Questions from the Commission ..... Chair & Commission Members
- Call for a motion ..... Chair Facilitates
- Discussion of Commission on the motion ..... Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

**ATTACHMENTS (2):**

1. Map of possible properties for Park-and-Ride use – for discussion purposes
2. Draft Zoning Text Amendment

Potential Park-and-Ride Locations - For Discussion Purposes Only





**§ 154.038 HD-RR-LB — RURAL RESIDENTIAL LIMITED BUSINESS HOLDING DISTRICT.**

(A) *Purpose.* The Rural Residential Limited Business Holding District (HD-RR-LB) is intended to regulate land use within rural residential areas planned and staged for limited business development. The future zoning classification for areas zoned HD-RR-LB and the timing for any zoning map amendments to rezone said holding district will be determined by the City Council upon the extension of public sanitary sewer and water services to these areas. Areas zoned HD-RR-LB will be rezoned before any new connections from individual sites will be allowed to public sanitary and water services. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Limited Business use.

(B) *General regulation.* All regulations governing the Rural Residential (RR) Zoning District shall also apply to properties zoned Rural Residential Limited Business Holding District (HD-RR-LB) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-RR-LB Zoning District shall be the same as in the Rural Residential (RR) Zoning District.

(D) *Uses permitted by conditional use permit.* The following uses may be permitted by a conditional use permit in the HD-RR-LB zoning district:

(1) A park and ride, subject to the following requirements:

(a) The park and ride use shall comply with the City's parking (Sec. 154.095), lighting (Sec. 150.035 – 150.038), screening (Sec. 151.020), off-street loading and unloading areas (Sec. 154.096) and traffic control (154.097) requirements.

(b) The park and ride building or structure shall meet the City's Limited Business District performance standards where appropriate.

(~~D~~) (~~E~~) *Uses permitted by interim use permit.* The following uses may be permitted by an interim use permit in the HD-RR-LB zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the Rural Residential (RR) zoning district except that Open Space Development Projects shall be prohibited.

(~~E~~) (~~F~~) *Accessory uses and structures.* Regulations governing accessory uses and structures in the HD-RR-LB Zoning District shall be the same as in the Rural Residential (RR) Zoning District.

(~~F~~) (~~G~~) *Minimum district requirements.* The minimum district requirements in the Rural Residential Limited Business Holding District (HD-RR-LB) shall be the same as in

the Rural Residential (RR) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Rural Residential (RR) Zoning District shall be viewed as conforming to minimum lot size.

## **§ 11.01 DEFINITIONS.**

For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PARK AND RIDE.** Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation areas.

**Existing Code Referenced in the amendment proposed (NOT BEING REVISED)**

*SCREENING*

§ 150.020 REQUIRED SCREENING.

(A) *Screening.* Screening shall be required in residential districts for any off-street parking area which contains more than 4 parking spaces and is within 30 feet of an adjoining residential lot.

(B) *Business, industrial screening.* Where any business or industrial use (structure, parking, or storage) is adjacent to property zoned or developed for residential use, that business or industry shall be screened along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is across the street from a residential zone, but not on the side of a business or industry considered to be the front.

(C) *Exterior storage.* All exterior storage shall be screened as required by § 150.001.

(D) *Mechanical apparatus on roofs.* All mechanical apparatus on roofs shall be screened.

(E) *Loading docks.* Loading docks shall be screened from all streets and adjacent property unless they are at the rear of the building which abuts another commercial use. The property owner may provide a 30 foot landscaped area between the dock and the property line where screening is not possible.

(1997 Code, § 1345.01) Penalty, see § 10.99

*LIGHTING, GLARE CONTROL, AND EXTERIOR LIGHTING STANDARDS*

§ 150.035 PURPOSE.

The purpose of §§ 150.035 *et seq.* is to regulate the spillover of light and glare on rural areas of the community, pedestrians, and land uses in the proximity of the light source to evaluate the impact of light source on the safety of adjacent traffic.

(1997 Code, § 1350.01) (Am. Ord. 97-17, passed 9-16-1997)

§ 150.036 EXTERIOR LIGHTING PLAN.

(A) (1) At the time any exterior light is installed or modified for projects, an exterior lighting plan shall be submitted to the city in order to determine whether the purpose and requirements of §§ 150.035 *et seq.* have been met.

(2) This plan will be prepared by a certified architect, landscape architect, or lighting designer.

(B) (1) The applicant must provide a plan that identifies the location, size, and type of luminaire, and show how the applicant intends to comply with §§ 150.035 *et seq.*

(2) A photometric plan of the site and fixture data sheet must be submitted with a site plan for office, commercial, or any type of industrial project in order to determine the effect of the luminaire on surrounding properties.

(3) The applicant shall provide the fixture data sheet for residential lighting proposals.

(1997 Code, § 1350.03) (Am. Ord. 97-17, passed 9-16-1997) Penalty, see § 10.99

§ 150.037 PROHIBITED LIGHTING.

(A) *Public roadway or street.* No lights shall be placed in view of any public roadway or street so that its beams or rays are directed at any portion of the roadway when light is of the brilliance and so positioned as to impair the vision of the driver of any motor vehicle.

(B) *Luminaires.*

(1) Except for "full cutoff luminaries" as defined in §§ 150.035 *et seq.*, no luminaires are allowed which do not meet the standards outlined in §§ 150.035 *et seq.*

(2) See illustration below.

(C) *Lighting in all zoning districts.* No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall be directed into any adjoining property.

(D) *Bare light bulbs.* Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.

(E) *Light cast.* No light or combination of lights, which cast light on a public street, shall exceed 1 foot-candle. Meter reading as measured from the centerline of the street, nor shall any light or combination of lights, which cast light on residential property, exceed 4/10 foot-candles.

(1997 Code, § 1350.04) (Am. Ord. 97-17, passed 9-16-1997) Penalty, see § 10.99

§ 150.038 MINIMUM STANDARDS.

(A) *Minimum standards for lighting with a total cutoff angle of greater than 90 degrees.*

(1) When a luminaire has a total cutoff of an angle greater than 90 degrees (see illustration below), the maximum illumination and the maximum permitted luminaire height is designated below. This standard is designed to ensure that no light is emitted above a horizontal plane parallel to the ground. In order to achieve a total cutoff at 90 degrees, the luminaire will emit maximum (peak) candle power at an angle not exceeding 75 degrees. This angle is formed by the line at which maximum candlepower is emitted for the light source and a line perpendicular to the ground from the light source.

(2) Illumination may exceed the stated maximums for a radius of 20 feet measured from the center point of the light fixture, but shall not exceed those maximums beyond the exterior property line of the site upon which the fixture is located.

(Am. Ord. 97-104, passed 3-19-2002)

§ 154.095 OFF-STREET PARKING.

(A) *General provisions.*

(1) *Existing spaces.* Existing off-street parking spaces and loading spaces existing on the date of the adoption of this code shall not be reduced in number unless the number exceeds the requirements set forth in this chapter for a similar use.

(2) *Benches in places of public assembly.* In stadiums, sport arenas, churches, and other places of public assembly, in which patrons or spectators occupy benches, pews or other similar seating facilities, each 22 inches of seating facilities shall be counted as 1 seat for the purpose of determining requirements for off-street parking facilities under this chapter

(3) *Parking spaces.* Each parking space shall not be less than 10 feet wide and 20 feet in length, exclusive of an adequately designed system of access drives. Parking lots that separate vehicles based on size may be designed with parking spaces less than or greater than 10 feet wide and 20 feet in length depending upon the size of the vehicle, as long as adequate space is provided for easy and safe ingress and egress for the vehicle. Proposed reductions in, or additions to, the parking space size must be submitted in a dimensioned site plan with size of vehicle to use parking spaces indicated to the Zoning Administrator for review and approval. Signs specifying the vehicle size to use the

parking space may be required by the Zoning Administrator. Parking spaces for the handicapped shall not be less than 12 feet wide and 20 feet in length.

(4) *Use of parking facilities.* Off-street parking facilities accessory to residential use shall be utilized solely for the parking of passenger automobiles and/or 1 truck not to exceed 9,000 pounds gross capacity for each dwelling unit. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to employees, owners, tenants, or customers of nearby business or manufacturing establishments.

(5) *Joint parking facilities.* Off-street parking facilities for a combination of mixed buildings, structures, or uses may be provided collectively in any district (except residential districts) in which separate parking facilities for each separate building, structure, or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period.

(6) *Control of off-street parking facilities.* When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by the principal use, and the owner of the principal use shall file a recordable document with the county requiring the owner and owner's heirs and assigns to maintain the required number of off-street parking spaces during the existence of the principal use.

(7) *Use of parking area.* Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale, or for rent.

(8) *Driveway or storage.* In residential districts, no more than 25% of the required yard area shall be surfaced or utilized for driveway or vehicle storage space.

(9) *Surfacing and drainage.* Off-street parking areas shall be improved with a curable and dustless surface. The areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. Durable and dustless surface may include crushed rock and similar treatment for parking access to 1-, 2-, 3-, and 4-unit residential structures; all other uses shall utilize asphalt or concrete. All surfacing must be completed prior to occupancy of the structure.

(10) *Location.* All accessory off-street parking facilities required by this division shall be located as follows:

(a) Spaces accessory to 1- and 2-family dwellings on the same lot as the principal use served;

(b) Spaces accessory to multiple-family dwellings on the same lot as the principal use served and within 200 feet of the main entrance of the principal building served;

(c) Spaces accessory to uses located in a business or industrial district shall be within 800 feet of a main entrance to the principal building served;

(d) There shall be no off-street parking spaces within 20 feet of any street right-of-way; and

(e) No off-street parking area shall be located closer than 10 feet from an adjacent lot zoned or used for residential purposes, except when adjoining an existing parking area on the adjacent lot.

(B) *Design and maintenance of off-street parking area.*

(1) *Parking areas.* Parking areas shall be designed so as to provide adequate means of access to public alley or street. The driveway access widths shall be in accordance with the State of Minnesota Highway Department standards, but in no case shall they exceed 32 feet in width. Driveway access shall be so located as to cause least interference with traffic movement. See also §§ 93.20 through 93.27 of this Code.

(2) *Calculating space.* When the calculation of the number of all off-street parking spaces required results in a fraction, the fraction shall require a full space.

(3) *Signs.* No signs shall be located in any parking area except as necessary for orderly operation of traffic movement, and the signs shall not be a part of the permitted advertising space.

(4) *Lighting.* Any lighting used to illuminate an off-street parking area shall be so arranged so it is not directly visible from the adjoining property and in a downward vertical direction.

(5) *Curbing and landscaping.* All open off-street parking area designed to have head-in parking along the property line shall provide a bumper curb not less than 5 feet from the side property line.

(6) *Planting requirements with parking and vehicular use areas.* For surface parking areas of more than 15 vehicles, all parking areas and all zoning districts shall include the following minimum requirements in order to provide interior landscaping within vehicular parking areas, to break up the large expanses of pavement, to provide relief from reflected glare and heat, and to guide vehicular and pedestrian traffic:

(a) Not less than 10% of the interior of a parking lot shall be landscaped. The interior of a parking lot shall be calculated by multiplying the number of parking spaces

to 310 square feet. Plantings required along the perimeter of a parking lot shall not be considered as part of the interior parking requirement.

(b) Landscaping and planting areas shall be reasonably dispersed throughout the parking lot.

(c) The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to ensure proper growth. In no event shall any such area be less than 5 feet in width. Vertical curbs or other such structures shall protect each area.

(d) The primary landscaping materials used in parking lots shall be trees that provide shade or are capable of providing shade at maturity. Shrubbery, hedges, and other planting materials shall be used to complement the tree landscaping, but shall not be the sole means of landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscape plan.

(e) In those instances where plant materials exist on a parking lot site prior to its development, those materials may be used if approved as meeting the requirements.

(f) No landscaping, shrub, fence, wall, or similar item shall be placed in entrance areas or in the intersections of a public right-of-way, which would obstruct the visibility of traffic.

(Am. Ord. 9725, passed 3-2-1998)

(7) *Screening.* See § 150.020.

(8) *Maintenance of off-street parking space.* It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking space, accessways, landscaping, and required fences.

(9) *Access.* All off-street parking spaces shall have access from driveways and not directly from the public street.

(10) *Determination of areas.* The parking space per vehicle shall not be less than 300 square feet, or an area equal to the width of the parking space multiplied by the length of the parking space plus 11 square feet.

(11) *Vicinity to building.* No parking space shall be closer than 5 feet to any building.

(12) *Fire access lanes.* Fire access lanes shall be provided as required by the Building or Fire Code.



(C) *Truck parking in residential areas.* No motor vehicle over 1 ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a residential district except when loading, unloading, or rendering a service.

(D) *Parking in residential areas.* Off-street and on-street parking shall be limited to the use of the residents and their guests, except for short-term parking (6 hours or less).

(E) *Off-street parking spaces.* Off-street parking spaces shall not be reduced in number unless the number exceeds the requirements set forth in this division.

(1997 Code, § 300.13 Subd. 6)

#### § 154.096 OFF-STREET LOADING AND UNLOADING AREAS.

(A) *Location.* All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least 25 feet from a residential district, unless within a building. Loading berths shall not occupy the required front yard space.

(B) *Size.* Unless otherwise specified in this chapter, a required loading berth shall not be less than 12 feet in width, 50 feet in length, and 14 feet in height, exclusive of aisle and maneuvering space.

(C) *Access.* Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

(D) *Surfacing.* All loading berths and accessways shall be improved with a hard surface to control the dust and drainage before occupancy of the structure.

(E) *Accessory use.* Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this chapter shall not be used for the storage of goods, inoperable vehicles, or be included as part of the space requirements necessary to meet the off-street parking area.

(F) *Remodeled structures or uses.* Any structure erected or substantially altered for a use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall provide off-street loading space as required for a new structure.

(G) *Screening.* See § 150.020.

(1997 Code, § 300.13 Subd. 7)

#### § 154.097 TRAFFIC CONTROL.

(A) The traffic generated by any use shall be controlled so as to prevent:

(1) Congestion of the public streets;

(2) Traffic hazards; and

(3) Excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be forward-moving with no backing into street.

(B) On any corner lot, nothing shall be placed or allowed to grow in a manner that impedes vision between a height of 2-1/2 and 10 feet above the center line grades of the intersecting streets within 15 feet of the intersecting street right-of-way lines. This restriction shall also apply to the planting of crops and to yard grades that result in elevations that impede vision within 15 feet of any intersecting street right-of-way lines.

(1997 Code, § 300.13 Subd. 8)

### **Limited Business District – Performance Standards**

(F) *Performance standards.*

(1) *Purpose and intent.*

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

(b) It is the further finding of the city that several specific exterior surfacing materials are appropriate, and of sufficient quality, to be utilized only as accent materials in varying percentages. The variations of percentage of specific accent materials relates to a finding by the city as to the relative quality and rural character of those respective accent materials.

(2) *Architectural and site plan submittals.* New building proposals shall include architectural and site plans prepared by registered architect and shall show the following as a minimum:

(a) Elevations of all sides of the buildings;

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

(3) *Applicability – structure additions and renovation.*

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

(b) Where additions to an existing structure result in an increase in the gross floor area of the existing structure of 100% or greater, the entire structure (existing structure and structure addition) shall be subject to the standards of this division.

(4) *Performance standards – primary exterior surfacing.*

(a) The primary exterior surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or thin veneer brick or stone less than nominal 4 inches thick shall not qualify as complying with this performance standard.

(b) Primary exterior surface shall be defined as not less than 70% of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this division. Windows and glass doors shall be considered a primary surface, but the sum area of this glass shall be deducted from the wall area for purposes of the 70% primary/30% accent formulas of this chapter. Doors of any type of material, except glass, shall not be considered a primary exterior surface.

(c) Each wall of the structure shall be calculated separately and, individually comply with the 70/30 formula.

(5) *Performance standard – exterior surfacing accents.* Not more than 30% of the exterior wall surfacing, as defined by division (F)(4) above, may be of the following listed accent materials, but no single accent material, except natural wood, may comprise more than 20% of the total of all accent material; and, no combustible materials shall be used:

- (a) Cedar, redwood, wood siding;

- (b) Cement fiber board;
- (c) Standing seam metal;
- (d) Architectural metal;
- (e) Stucco;
- (f) Poured in place concrete (excluding “tilt-up” panels);
- (g) Architectural metal panels; and

(Am. Ord. 97-174, passed 6-20-2006)

- (h) Porcelain or ceramic tile.

(6) *Performance standard – accessory structures.* All accessory structures shall comply with the exterior surfacing requirements specified by this division.

(7) *Performance standard – HVAC units and exterior appurtenances.* All exterior equipment, HVAC and trash/recycling and dock areas shall be screened from view of the public with the primary exterior materials used on the principal structure.


(8) *Performance standard – visible roofing materials.* Any roofing materials that are visible from ground level shall be standing seam metal, fire-treated cedar shakes, ceramic tile, clay tile, concrete, or slate.

(9) *Applicability – new construction.* The standards of this division (F) shall be applicable to all structures and buildings constructed in the city, on and after the effective date of this division. The performance standards of this division shall not be in any manner minimized by subsequent planned unit development plans or agreement.

(Am. Ord. 97-110, passed 5-7-2002; Am. Ord. 97-192, passed 6-19-2007)

Planning Commission  
Date: 3/28/11  
**Business Item**  
Item: 5a

ITEM: Zoning Ordinance Update Discussion – Use Classifications and Proposed Zoning Districts

SUBMITTED BY: Kyle Klatt, Planning Director 

REVIEWED BY: Kelli Matzek, City Planner

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### SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review and discuss potential changes to the uses and associated definitions that form the key building blocks of the City's Zoning Ordinance. Staff is also recommending that the Commission consider a major update to the zoning districts found in the Ordinance, and has drafted an initial proposal outlining new districts for the City. By moving forward with discussion on these items, the Planning Commission will be making a crucial first step towards a much needed overhaul of the Zoning Ordinance. This work will also be vital to the ongoing processes to update the City's Comprehensive Plan since the City has not yet developed any standards that will apply to new sewer development areas.

### BACKGROUND:

Staff is recommending that the Planning Commission begin the process to update the Zoning Ordinance by focusing on three primary aspects of the ordinance as follows:

- 1) **The definitions of the uses used throughout the code.** Staff is recommending that the Planning Commission develop a master list of use classifications that are all defined and then used consistently throughout the code. The current ordinance does not define all uses found in the code and these uses are used inconsistently from one district to the next; furthermore, the uses that are used tend to be very specific in nature, and do not address other uses that might share similar characteristics. These use classifications are intended to act as the basic building blocks for all other aspects of the Zoning Ordinance.
- 2) **The Zoning Districts and related district regulations.** Once a master list of use classifications has been developed, the City can begin to allocate these uses across the various zoning districts in the community. The Comprehensive Plan identifies several new sewer development areas that are planned for a more urban style of development than has been historically allowed in Lake Elmo. Because none of the current districts are intended to allow for sewer development (with two exceptions), new or significantly revised districts will be needed to accommodate this new form of development. As part of this process, Staff is recommending that the City review all existing and proposed districts, and move forward with revisions that will simplify the code and provide more clarity across all Zoning Districts.
- 3) **Integrate new regulations intended to promote a high standard of development.** The Comprehensive Plan calls for the creation of development standards intended to help promote and preserve the character of Lake Elmo. Staff is recommending that the City research and consider the integration of form-based standards and revised design standards into the code once the base zoning districts have been established (at least on a conceptual level). Should the City decide to move forward with a form-based code, certain zoning districts may need to be

reconsidered or drafted in a way that allows for the use of form-based principles. Design standards can be more readily adapted into a traditional zoning ordinance, but it will be useful to have a better understanding regarding the general organization of individual zoning districts before moving ahead with specific design requirements.

Due to the extreme complexity of any major Zoning Ordinance amendment and the limited resources available to work on this project, Staff is recommending moving forward with the major steps noted above, and then integrating this new work into the existing ordinance. As time allows, other major sections, notably the Administration and Design and Performance Standards provisions, can be tackled as part of a future project. It is Staff's overall vision to develop a new framework for future amendments by starting with the heart of any Zoning Ordinance: the Zoning Districts and uses allowed within each district.

## **REVIEW OF MATERIALS:**

The attached materials have been broken down into five major sections for purposes of review, and have been drafted in accordance with the steps outlined above. These documents are broken down into 5 separate parts (and labeled accordingly) as follows:

- **PART I** – Rules of Interpretation. Staff is recommending that any new use classification system begin with an introductory section that specific states how the City will interpret the code and how any conflicts regarding this interpretation will be handled.
- **PART II** – Definitions from the current ordinance that are not included on the proposed chart. In reviewing the existing use definitions, Staff came across several that were either not used anywhere in the Zoning Ordinance or that were overly broad and could not be assigned to a specific category. Some of these may need to stay in the definition section, while others can likely be eliminated if they are not used elsewhere in the code. The Planning Commission should review these uses in comparison to the proposed use classification system and decide if any should be incorporated into the new system.
- **PART III** – Proposed use classification chart. This chart contains the use classifications that are proposed by Staff in the far left column, and then ties these new classifications back to the uses that are currently used in the Zoning Ordinance (either as a definition or in a specific district). The column second from the left is where any existing definitions are noted, while the next column to the right identifies any specific uses that are found in the district standards. The very last column (the far right) lists any zoning districts where the current uses are allowed. Please note that the chart is somewhat difficult to follow partially due the general inconsistency of the uses found in the Zoning Ordinance. In many cases, the same use is listed in different ways, uses that are defined are not listed anywhere else in the code, and a large number of uses have no specific definition to help categorize that use within the overall framework of the code. The current uses also tend to be very specific, even though the general characteristics of different uses might be very similar (i.e. a book store verses a stationary store).
- **PART IV** – Uses that currently are identified in individual district requirements, but do not fit within a proposed use classification. Staff is suggesting that some of these could be eliminated from the code or replaced with a revised classification. Others in this section should be further evaluated for either inclusion in the new system or elimination.
- **PART V** – Zoning district amendments. As a very preliminary start for discussions concerning the specific zoning districts used throughout the Ordinance, Staff has developed a list of 17 districts that could serve as the basis for a revised ordinance. These districts would incorporate standards for both sewerred and unsewerred development, while incorporating the revised use classification system. Staff's overriding objective in organizing the districts as shown is to simplify what has become a very complex zoning ordinance and to make the overall code easier to use and understand (the City currently has 34 zoning districts taking the holding districts into

account). This chart also notes any current zoning districts that would be combined or replaced under the new system, and includes some next steps that Staff would follow should the Commission agree to keep moving forward as proposed.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission consider the ordinance revisions proposed by Staff. Given the complexity of this material, Staff will review each part of the documents attached to this report in greater detail at the meeting.

No action is requested at this time; however, Staff is seeking general consensus on whether or not to move ahead with the revisions a proposed.

Since this is a City-initiated action, the Planning Commission may table discussion on this matter and further review the materials at a future meeting.

**ATTACHMENTS:**

- 1. Proposed Zoning Amendments (Labeled as Parts I-V)

**ORDER OF BUSINESS:**

- Introduction .....Kyle Klatt, Planning Director
- Report by staff.....Kyle Klatt, Planning Director
- Questions from the Commission.....Chair & Commission Members
- Public Comments ..... Chair
- Discussion by the Planning Commission.....Chair & Commission Members

## PART I

### Use Classifications - Proposed Introduction:

#### Section 1 - Introductory Provisions/Rules of Interpretation

##### 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 Director of Planning shall have the authority to determine the appropriate use type. In making such determination, the Director of Planning shall consider the operational and physical characteristics of the use in question and shall consider the classification contained in the most recent edition of the Standard Industrial Classification Manual published by the U.S. Office of Management and Budget. In addition, the Director of Planning 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 Director of Planning 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 Director of Planning 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 Director of Planning may be appealed to the Board of Adjustments pursuant to the procedures for administrative appeals outlined in Article 3 of this Ordinance.

## PART II

### Use Classifications - Not Included on Proposed Chart:

#### Uncategorized/Overly Broad Uses (from current ordinance):

**AUTOMOBILE SERVICE USES.** Those uses catering to the traveling public. These include auto and truck laundry, service station, repair garage, public garage, motel, hotel, seasonal produce sales, motor vehicle sales, trailer sales and rental, boat sales, rental services, and restaurants. The sale of groceries and dry goods is also included in this section when the sale of the goods is an accessory use to the above automobile service uses.

**BUSINESS OF REFUSE COLLECTION.** Operating a refuse collection service for hire.

**COMMERCIAL USE.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**COMPOST SITE.** An area designated by the city for the placement of uncontaminated leaves and grass clippings.

**DWELLING, SEASONAL.** A residential building not capable of year-round occupancy due to non-winterized construction or inadequate non-conforming year-round on-site sewage treatment systems.



DWELLING, SINGLE-FAMILY. A residential structure designed for or used exclusively as 1 dwelling unit of permanent occupancy.

DWELLING, SINGLE. A residential building containing 1 detached dwelling unit.

DWELLING, TOWNHOUSE. A residential building containing 3 or more dwelling units with at least 1 common wall between adjacent residences and each unit so oriented as to have all exits directly to the out-of-doors.

FARM, RURAL. The portion of a 10 or more acre parcel of land which is devoted to agriculture by the property owner or by a lessee of the property owner.

FARM, SUBURBAN. A suburban farm is a non-commercial, food-producing use primarily intended for the use of the residents, and usually on less than 10 contiguous acres. Suburban agricultural uses may include production of crops such as fruit trees, shrubs, plants, flowers, vegetables, and domestic pets.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

RESORT. Any structure or group of structures containing more than 2 dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of the structure or structures being recreational in nature. Uses may include a grocery for guests only, fish cleaning house, marine service, boat landing and rental, recreational area and equipment, and similar uses normally associated with a resort operation.

TOWNHOUSE. A grouping of 3 or more attached, single-family dwellings in which each unit has its own front and rear access to the outdoors; no unit is located over any other unit; and each unit is separated from any other unit by 1 or more common walls.

**Part III**

**Proposed Use Types and Classifications (with comparison to existing uses)**

**B. Use Types and Classifications.**

Proposed Use Type and Classification	Existing Definition	Use in Current Code	Districts
<b>1. Residential and Related Uses:</b>			
<b>a. Family Living</b>			
<i>Single Family Detached</i> - A building containing only one dwelling unit, surrounded by landscape area or yards on all sides.	DWELLING, SINGLE-FAMILY DETACHED. A single-family dwelling that is surrounded by yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.	<ul style="list-style-type: none"> <li>One farm dwelling per farm</li> <li>One non-farm dwelling per each 40 acres</li> <li>One family residential dwellings</li> <li>One family detached dwellings</li> </ul>	A A RR R1, R2, RE, OP
<i>Two-Family or Duplex</i> - A building on a single lot or adjacent lots containing two dwelling units, either side-by-side or stacked vertically.	DUPLEX. A residential structure containing 2 dwelling units located on 1 parcel of land.  DWELLING, DUPLEX OR 2-FAMILY. A residential building containing 2 complete dwelling units.	<ul style="list-style-type: none"> <li>Two family dwellings, provided they do not exceed 50% of the units in a block</li> </ul>	R2
<i>Single Family Attached</i> - A building containing one dwelling unit attached to another building containing only one dwelling unit, with each building on a separate lot.	DWELLING, SINGLE-FAMILY ATTACHED. Two single-family dwellings sharing 1 or more common wall, each on its own individual lot.	<ul style="list-style-type: none"> <li>Townhouse</li> <li>Single-family attached</li> <li>Townhouses</li> </ul>	R4 OP OP
<i>Multi Family Residential</i> - 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 General Definitions.)	CONDOMINIUM. See DWELLING, MULTIPLE OR APARTMENT BUILDING.  DWELLING, MULTIPLE OR APARTMENT BUILDING. A residential building or portion of a building, containing 3 or more dwelling units served by a common entrance.	<ul style="list-style-type: none"> <li>Garden apartments</li> <li>Quadraminiums</li> <li>Multi-family dwellings containing 3 or more units (and not exceeding 3 stories in height)</li> </ul>	R4 R4 R4

<p><b>Manufactured Home Park</b> - 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.</p>	<p>MANUFACTURED HOME PARK. Any site, lot, field, or tract of land upon which 2 or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park.</p> <p>MANUFACTURED HOME PARK does not include facilities which are open daily during 3 or fewer seasons of the year.</p> <p>PARK (MANUFACTURED HOME). Any site, lot, field, or tract of land upon which 2 or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park.</p>	<ul style="list-style-type: none"> <li>Manufactured homes that are connected to public sanitary sewer and municipal water supply</li> </ul>	<p>R3</p>
<p><b>Live-work Unit</b> - 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.</p>			
<p>b. <b>Group Living</b></p>			
<p><b>Group Home</b> - 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.</p>			

<p><b>Group Residential Facility</b> - 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.</p>			
<p><b>Halfway House</b> - 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.</p>			
<p><b>Congregate Housing</b> - 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.</p>	<p>INSTITUTIONAL HOUSING. Housing for students, mentally ill, infirm, elderly, nurses, physically retarded, and similar housing of a specialized nature.</p>		
<p><b>Correctional Facilities</b> - A public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.</p>			
<p><b>Semi-Transient Accommodations</b> - 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 under General Definitions in this Section.</p>	<p>BOARDING HOUSE. A building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging are provided for 3 or more unrelated persons, but not to exceed 8 persons.</p> <p>LODGING ROOM. A room rented as</p>	<ul style="list-style-type: none"> <li>Boarding care facility</li> </ul>	<p>GB</p>

	<p>sleeping and living quarters, but without cooking facilities. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as 1 lodging room.</p>		
<p><b>2. Public and Civic Uses</b></p>			
<p><b>Cemetery</b> - 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.</p>		<ul style="list-style-type: none"> <li>• Cemeteries</li> </ul>	<p>PF</p>
<p><b>Colleges and Universities</b> - 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.</p>			
<p><b>Community Services</b> - 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</p>		<ul style="list-style-type: none"> <li>• Libraries</li> <li>• Facilities for local, county, and state government</li> <li>• Museums</li> <li>• Historic sites and interpretive centers</li> </ul>	<p>GB, PF PF PF PF</p>

<p>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.</p>			
<p><b>Day Care Center</b> - 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.</p>		<ul style="list-style-type: none"> <li>• Day care centers</li> <li>• Licensed dependent care centers</li> <li>• Preschool facilities</li> </ul>	<p>GB LB, BP  LB, BP</p>
<p><b>Schools, Public and Private</b> - 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.</p>		<ul style="list-style-type: none"> <li>• Public and private schools</li> </ul>	<p>PF</p>
<p><b>Public Assembly</b> - 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.</p>		<ul style="list-style-type: none"> <li>• Conference centers</li> </ul>	<p>BP</p>
<p><b>Religious Institutions</b> - Establishments that are intended to primarily provide meeting areas for religious activities. Accessory uses include Sunday</p>	<p>CHURCH. A building, together with its accessory buildings and uses, where persons regularly assemble for religious</p>	<ul style="list-style-type: none"> <li>• Places of worship</li> </ul>	<p>PF</p>

<p>school facilities, parking, caretaker's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.</p>	<p>worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.</p> <p>PLACE OF WORSHIP. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.</p>		
<p><b>3. Services</b></p>			
<p><b>Business Center</b> - 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.</p>			
<p><b>Business Services</b> - 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.</p>		<ul style="list-style-type: none"> <li>• Mailing</li> <li>• Stenographic service</li> <li>• Equipment rental and leasing</li> <li>• Business services (uses normally associated with office developments)</li> </ul>	<p>GB GB GB LB, BP</p>
<p><b>Commercial Kennel</b> - 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.</p>		<ul style="list-style-type: none"> <li>• Kennels</li> </ul>	<p>GB</p>
<p><b>Commercial Stable</b> - The boarding, breeding or raising of horses or ponies not owned by the owner</p>			

<p>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.</p>			
<p><b>Communication Services</b> - 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.</p>		<ul style="list-style-type: none"> <li>• Transmission facilities for teleconferencing</li> </ul>	<p>LB, BP</p>
<p><b>Educational Services</b> - 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.</p>		<ul style="list-style-type: none"> <li>• Educational</li> <li>• Schools: business, professional, private trade schools</li> </ul>	<p>GB LB, BP</p>
<p><b>Financial Institution</b> - 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).</p>		<ul style="list-style-type: none"> <li>• Finance</li> <li>• Banks and similar financial institutions</li> </ul>	<p>GB LB, BP</p>
<p><b>Funeral Home</b> - Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.</p>			
<p><b>Lodging</b> - See Transient Accommodations</p>			



<p><b>Medical Facilities</b> - 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.</p>	<p>MEDICAL USES. Those uses concerned with the diagnosis, treatment, and care of human beings. These include: hospitals, dental services, medical services or clinic, nursing or convalescent home, orphan's home, rest home, and sanitarium.</p>	<ul style="list-style-type: none"> <li>• Medical, dental, and research laboratories</li> </ul>	<p>LB, BP</p>
<p><b>Membership Organization</b> - 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.</p>	<p>CLUB or LODGE. A nonprofit association or persons who are bona fide members paying annual dues.</p> <p>CLUB. Any corporation duly organized under the laws of Minnesota for civic, fraternal, social, or business purposes, or for intellectual improvement or for the promotion of sports or a congressionally chartered veterans' organization (<i>with standards found in definition</i>)</p>	<ul style="list-style-type: none"> <li>• Civic, social, and fraternal association offices and halls</li> <li>• Professional membership organizations</li> </ul>	<p>GB GB</p>
<p><b>Nursing and Personal Care</b> - Establishments primarily engaged in providing intermediate or long-term nursing and health related care to individuals, typically classified as nursing homes.</p>	<p>NURSING HOME. A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. The nursing home shall be licensed by the state as provided by law.</p>	<ul style="list-style-type: none"> <li>• Nursing care facility</li> </ul>	<p>GB</p>
<p><b>Offices</b> - 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.</p>	<p>OFFICE USE. Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired, including, but not limited to, banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting, and similar uses.</p> <p>RECORDING STUDIO. The premises owned or leased by a production organization</p>	<ul style="list-style-type: none"> <li>• Accounting</li> <li>• Advertising</li> <li>• Architectural</li> <li>• Auditing</li> <li>• Bookkeeping</li> <li>• Business and management consulting services</li> <li>• Business associations</li> <li>• Charitable</li> <li>• Chiropractic</li> </ul>	<p>ALL GB Except as Noted</p>

	<p>for the purpose of recording sound and/or video. Recording shall mean capturing the original "live" performance of musicians and/or actors onto disc, tape, solid state device, or whatever medium is dictated by the state of the art. The function of a recording studio shall also include post-production in which sound and/or pictures are combined/edited and processed into a final form for broadcast, compact disc, or whatever media is currently in vogue.</p>	<ul style="list-style-type: none"> <li>• Collection and adjustment services</li> <li>• Credit reporting (consumer and mercantile)</li> <li>• Dental</li> <li>• Detective and protective agencies</li> <li>• Duplication</li> <li>• Employment agencies</li> <li>• Engineering</li> <li>• Government offices</li> <li>• Insurance</li> <li>• Investment</li> <li>• Labor unions</li> <li>• Legal</li> <li>• Medical</li> <li>• Medical Services</li> <li>• Medical clinics and offices</li> <li>• Optometric</li> <li>• Osteopathic</li> <li>• Real estate</li> <li>• Religious</li> <li>• Scientific research (excluding laboratory facilities)</li> <li>• Welfare offices</li> <li>• Offices for administrative, executive, professional, and management functions</li> <li>• Recording studios</li> </ul>	<p>LB, BP</p>
<p><b>Personal Services</b> - 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.</p>	<p>BEAUTY SALON. Any commercial establishment, residence, or other establishment, place, or event wherein cosmetology, including hair care, nail care, and skin care, is offered or practiced on a regular basis for compensation.</p> <p>DAY SPA. A safe, clean commercial</p>	<ul style="list-style-type: none"> <li>• Alterations</li> <li>• Apparel cleaning pick-up stations</li> <li>• Apparel repair and alterations</li> <li>• Barber services</li> <li>• Beauty shops</li> <li>• Shoe repair</li> <li>• Fitness Studio</li> </ul>	<p>GB GB, CB  GB, CB GB, CB GB, CB GB, CB GB</p>

	<p>establishment, which employs professional licensed therapists whose services include massage and body or facial treatments. Treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, electrolysis, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Services may also include Hydrotherapy and steam and sauna facilities, nutrition and weight management. No services or facilities may be offered or constructed that would include customer over night stay.</p> <p><b>FITNESS STUDIO.</b> A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. <b>FITNESS STUDIO</b> may include exercise equipment; and shall exclude massage in any form. The maximum allowable floor area is 5,000 square feet.</p> <p><b>THERAPEUTIC MASSAGE.</b> The process by which a practitioner applies massage therapy techniques, and may apply adjunctive therapies, with the intention of positively affecting the health, and well being of the client. The rubbing, stroking, kneading, tapping, positioning, causing movement and applying touch and pressure to the body. Adjunctive therapies may include: application of heat, cold, water, mild abrasives, heliotherapy, topical preparations not classified as prescription drugs; the use of mechanical devices and tools which mimic or enhance manual</p>	<ul style="list-style-type: none"> <li>• Therapeutic message</li> <li>• Laundromat</li> <li>• Photographic Services</li> <li>• Day spas as accessory to beauty salons</li> </ul>	<p>GB CB CB LB</p>
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<p><b>Repair and Maintenance Shop</b> - 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.</p>	<p>actions; and instructed self-care and management. Massage therapy shall not include techniques traditionally practiced by chiropractors. THERAPEUTIC MASSAGE shall be performed only by a person who has provided the city with proof of professional liability insurance and/or national certification.</p> <p>SMALL ENGINE REPAIR. The tune-up, winterizing, rebuilding, and general repair of internal combustion engines of 24 rated horsepower or less; together with repairs and replacement of mechanical components of the machines or tools powered by the engines. Including, but not limited to lawn mowers, snow blowers, garden tillers, chain saws, and pumps. Specifically excluding snowmobiles, A.T.V.s, motorcycles, and personal watercraft. Retail or wholesale sales of any product are specifically excluded.</p>	<ul style="list-style-type: none"> <li>• Clock repair</li> <li>• Electrical repair and supplies</li> <li>• Furniture repair</li> <li>• Household appliances</li> <li>• Jewelry repair</li> <li>• Radio</li> <li>• Reupholstery</li> <li>• Television</li> <li>• Watch repair</li> </ul>	<p>All GB Except as Noted</p>
<p><b>Self Service Storage Facility</b> - 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.</p> <p><b>Trade Shop</b> - 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.</p>		<ul style="list-style-type: none"> <li>• Heating</li> <li>• Landscaping</li> <li>• Plumbing</li> <li>• Air conditioning contractor</li> <li>• Building construction contractor</li> <li>• Carpentry contractor</li> <li>• Decorating contractor</li> <li>• Heating contractor</li> <li>• Masonry contractor</li> <li>• Painting contractor</li> <li>• Plastering contractor</li> </ul>	<p>All GB Except as Noted</p>

<p><b>Transient Accommodations, Lodging</b> - 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.</p>	<p>HOTEL. A building having provision for 9 or more guests in which lodging is provided with or without meals for compensation, and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.</p> <p>MOTOR COURTS, MOTOR HOTEL, or MOTEL. A building or group of buildings other than a hotel used primarily as a temporary residence of a motorist.</p>	<ul style="list-style-type: none"> <li>• Plumbing contractor</li> <li>• Roofing contractor</li> <li>• Sheet metal contractor</li> <li>• Stone work contractor</li> <li>• Tile setting contractor</li> <li>• Wallpaper contractor</li> <li>• Water well drilling contractor</li> <li>• Wood flooring contractor</li> </ul>	<p>HB, BP HB, BP</p>
<p><b>Transportation Services</b> - 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.</p>		<ul style="list-style-type: none"> <li>• Hotels</li> <li>• Motels</li> </ul>	
<p><b>Veterinary Service</b> - 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.</p>	<p>VETERINARY. Those uses concerned with the diagnosis, treatment, and medical care of animals, including animal or pet hospitals.</p>	<ul style="list-style-type: none"> <li>• Veterinary clinics</li> </ul>	<p>GB, LB, BP</p>

4. Food Services			
<p><b>Drinking and Entertainment</b> - 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.</p>	<p>SALOON. An establishment, such as a bar or a lounge, which sells 3.2% malt liquor on sale at retail and which may also sell cigars, cigarettes, all forms of tobacco, beverages, and soft drinks.</p> <p>TAVERN. An establishment for the retail on-sale of 3.2% malt liquors, and which in addition, provides dancing, singing, or vaudeville performances or entertainment for its guests, or provides for them the privilege of dancing.</p>		
<p><b>Drive-in Restaurant</b> - An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter and a drive-up or drive through service facility or which offers curbside service.</p>	<p>DRIVE-IN. Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.</p>	<ul style="list-style-type: none"> <li>Cafes and restaurants - Drive-up window</li> </ul>	GB
<p><b>Fast Food Restaurant</b> - An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter. This use type does not employ a drive-up or drive-through service facility, and does not offer curbside service.</p>			
<p><b>Standard Restaurant</b> - 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</p>	<p>RESTAURANTS.                      (1) Any establishment, other than a hotel, having appropriate facilities for the serving of meals to not less than 30 guests at 1 time.                      (2) To qualify as a RESTAURANT, the establishment shall meet all of the following conditions.                      (a) Meals shall be</p>	<ul style="list-style-type: none"> <li>Cafes and restaurants</li> <li>Restaurants and cafeterias (non drive-up or walk-up)</li> <li>Restaurants and cafeterias (full service)</li> </ul>	GB BP BP

<p>cafeteria-type operation where food and beverage generally are consumed within the restaurant building.</p>	<p>regularly furnished at tables to the general public, in consideration of payment.</p> <p>(b) An adequate staff shall be employed to provide the usual and suitable services to its guests.</p> <p>(c) The principal part of its business shall be the serving of food.</p> <p>(d) It shall be under the control of a single proprietor or manager.</p> <p>(e) The ground floor of the establishment must comprise an area of not less than 2,000 square feet of usable floor space, which area may include the back bar area in addition to the area used for dining and drinking, but shall exclude the kitchen and storage areas.</p> <p>SUPPER CLUB. A building with facilities for the serving of meals and where meals are regularly served at tables to the general public. The building must be of sufficient size and design to permit the serving of meals to not less than 50 guests at 1 time. Intoxicating liquors may be sold on-sale and live entertainment and/or dancing shall be permitted.</p>	
<p><b>5. Sales of Merchandise</b></p>		
<p><b>Garden Center (Retail Agriculture) -</b> 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</p>	<p>NURSERY, LANDSCAPE. A business growing and selling trees, flowering and decorative plants, and shrubs and which may be conducted within a building or without.</p>	<ul style="list-style-type: none"> <li>• Greenhouses</li> <li>• Nursery and garden supplies</li> <li>• Greenhouses and nurseries</li> <li>• Landscaping services; flowers and floral accessories</li> </ul> <p>A GB LB LB</p>

<p>include nurseries, greenhouses, plant stores, and lawn and garden centers.</p> <p><b>Neighborhood Convenience Store</b> - 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.</p>		<ul style="list-style-type: none"> <li>• Convenience businesses (definition and standards in R3 use requirements)</li> </ul>	<p>R3</p>
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<p><b>Retail Trade</b> - 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.</p> <ul style="list-style-type: none"> <li>• <b>General Retail:</b> <ul style="list-style-type: none"> <li>- Antiques and collectibles store</li> <li>- Art gallery</li> <li>- Bicycle sales and repair</li> <li>- Book store, music store</li> <li>- Clothing and accessories</li> <li>- Craft or needlework shop</li> <li>- Drugstore, pharmacy</li> <li>- Electronics and appliance sales and repair</li> <li>- Florists</li> <li>- Specialty food store, including bakery, butcher shop, delicatessen, etc.</li> <li>- Jewelry store</li> <li>- Hardware store</li> <li>- News stands, magazine sales</li> <li>- Pet store</li> <li>- Photographic equipment and supplies</li> <li>- Picture framing</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Art Gallery</li> <li>• Bakeries</li> <li>• Galleries</li> <li>• Photo gallery</li> <li>• Antiques and secondhand merchandise (retail)</li> <li>• Apparel and related accessories</li> <li>• Bicycles</li> <li>• Books</li> <li>• Building supplies</li> <li>• Cameras and photographic supplies</li> <li>• Cigars and cigarettes</li> <li>• Drugs and proprietary items</li> <li>• Electrical supplies</li> <li>• Flowers and floral accessories</li> <li>• Food and grocery products</li> <li>• Furniture</li> <li>• Gifts, novelties and souvenirs</li> <li>• Glass</li> <li>• Heating equipment</li> <li>• Home furnishings and related equipment</li> <li>• Jewelry</li> <li>• Liquors</li> <li>• Newspapers and magazines</li> <li>• Optical goods</li> <li>• Paint</li> <li>• Pets</li> <li>• Plumbing equipment</li> <li>• Sporting goods</li> <li>• Stationary</li> <li>• Wallpaper</li> <li>• Art sale and gallery</li> <li>• Boats and fishing equipment sales and service</li> <li>• Motorcycle sales</li> </ul>	<p>ALL GB          Except as noted</p> <p>GB, LB</p> <p>GB, CB</p> <p>GB, CB          GB, LB</p> <p>GB, LB</p> <p>LB          LB</p> <p>LB</p>
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<ul style="list-style-type: none"> <li>- Secondhand store, thrift or consignment store</li> <li>- Sporting goods store</li> <li>- Stationery store</li> <li>- Tobacco store</li> <li>- Video rental or sales</li> </ul> <p>Building supplies sales Furniture and appliance sales, rental, showrooms Grocery, supermarket Liquor store Warehouse club sales</p>		<ul style="list-style-type: none"> <li>• Skiing equipment</li> <li>• Snowmobile sales and service</li> </ul>	<p>LB LB</p>
<p><b>Shopping Center</b> - 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.</p>	<p>SHOPPING CENTER. Any grouping of 2 or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.</p>		

<p><b>Wayside Stand, Farm Stand</b> - An establishment for the seasonal retail sale of agricultural goods and merchandise primarily produced by the operator on the site, or on a nearby property. Agricultural goods produced on other properties owned or leased by the operator may also be allowed provided a majority of the produce comes from land surrounding the wayside stand. This use type shall include agricultural products picked by the consumer.</p>	<p><b>WAYSIDE STAND.</b> A temporary structure or vehicle used for the seasonal retail sale of agricultural goods, floriculture, and horticulture produced by the operator of the <b>WAYSIDE STAND</b>, which is clearly a secondary use of the premises and does not change the character thereof.</p>	<ul style="list-style-type: none"> <li>• Wayside Stands</li> </ul>	<p>A, RR, OP</p>
<p><b>Wholesaling</b> - 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.</p>	<p><b>WHOLESALING.</b> The selling of goods, equipment, and materials by bulk to another person who in turn sells the same to customers.</p>		
<p><b>6. Automotive/Vehicular Uses</b></p>			
<p><b>Automobile Maintenance Service</b> - 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.</p>	<p><b>AUTOMOBILE REPAIR.</b> The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission, or differential, incidental body and fender work, minor painting, and upholstering service when the service is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross vehicle weight.</p> <p><b>GARAGE, REPAIR.</b> A building or space for the repair of maintenance of motor vehicles, but not including factory assembly of the vehicles, auto wrecking establishments, or junk yards.</p>	<ul style="list-style-type: none"> <li>• Automobile repair and services</li> <li>• Automobile service</li> </ul>	<p>GB GB</p>

<p><b>Automobile Parts/Supply</b> - 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.</p>			
<p><b>Car Wash</b> - Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes.</p>			
<p><b>Commercial Vehicle Repair</b> - 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.</p>	<p>VEHICLE REPAIR. General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.</p>		
<p><b>Gasoline Station</b> - 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.</p>	<p>AUTOMOBILE SERVICE STATION (GAS STATION). A place where any motor fuel, lubricating oil, or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles. This definition includes greasing and oiling and sale of automobile accessories on the premises. This definition also includes minor repairs and replacement of parts and motor services to passenger vehicles and small trucks not exceeding 1 and 1/2 ton capacity. This definition shall not include major repair, rebuilding, or conditioning of engines, motor vehicles, or trailers; collision service, including body, frame, or fender straightening or repair; overhaul, painting or paint job, vehicle steam cleaning, or</p>	<ul style="list-style-type: none"> <li>The sale of gasoline and oil in conjunction with a permitted use</li> </ul>	<p>CB</p>

<p><b>Parking Facility</b> - 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.</p> <p><b>Sales and Storage Lots</b> - 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.</p>	<p>automatic car or vehicle washing devices.</p> <p>OPEN SALES LOTS. Lands devoted to the display of goods for sale, rent, lease, or trade, where the goods are not enclosed within a building.</p> <p>TRUCK STOP. A motor fuel station devoted principally to the needs of tractor-trailer units and trucks, and which may include eating and/or sleeping facilities.</p>	<ul style="list-style-type: none"> <li>• Automobiles and automobile accessories</li> <li>• Marine craft and accessories</li> <li>• Open sales lot</li> <li>• Recreation vehicle sales (including motorized hang gliders)</li> </ul> <p>GB GB GB HB</p>
<p><b>7. Outdoor Recreation</b></p>		
<p><b>Campgrounds and Trailering</b> - 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.</p>	<p>RECREATION VEHICLE PARKS. A park, court, camp site, lot, parcel, or tract of land designed, maintained, or intended for the purpose of supplying the location or accommodations for any recreation vehicles as defined in this section, and upon which the recreation vehicles are parked. The term RECREATION VEHICLE PARK shall include all buildings used or intended for use as part of the equipment of the park, whether a charge is made for the use of the park and its facilities or not.</p>	<ul style="list-style-type: none"> <li>• Recreation vehicle park</li> </ul> <p>R3</p>
<p><b>Golf Course</b> - 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.</p>	<ul style="list-style-type: none"> <li>• Golf courses</li> </ul>	<p>R3</p>

<p>Specifically excluded are independent driving ranges or miniature golf facilities, which are classified as Outdoor Recreation Facilities.</p>			
<p><b>Marina</b> - 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.</p>			
<p><b>Outdoor Entertainment</b> - 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.</p>			
<p><b>Outdoor Recreation Facility</b> - 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.</p>		<ul style="list-style-type: none"> <li>Commercial recreation of a rural nature, including outdoor target ranges</li> </ul>	A
<p><b>Parks and Open Areas</b> - 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.</p>	<p>PARKS and PLAYGROUNDS. Public land and open spaces in the city dedicated or reserved for recreation purposes.</p>		
<p><b>Restricted Recreation</b> - 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</p>	<p>RACE TRACK. Any area where 2 or more power-driven vehicles or animals are raced for profit or pleasure.</p>		

<p>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).</p>			
<p><b>8. Indoor Recreation/Entertainment</b></p>			
<p><b>Adult Establishment</b> - An establishment where materials or entertainment which are principally related to sexual stimulation or gratification are provided for sale, distribution, use or entertainment on the premises. Adult Establishments include the following subtypes:  <b>ADULT USE - LIMITED.</b> A business where sexually oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided for off-site use, and where the use is clearly incidental and subordinate to a permitted retail establishment.  <b>ADULT USE - STANDARD.</b> Any business with materials or entertainment which are principally related to sexual stimulation or gratification or other than an adult use - limited. Examples include the following:  a. A business where sexually oriented materials are sold, bartered, distributed, leased, furnished, exhibited, or otherwise provided for use or entertainment on the business premises.  b. A business where specified sexual activities (as defined herein) are explicitly described or shown.  c. A business where specified anatomical areas (as defined herein) are explicitly described or shown.  d. A business providing sexually oriented materials for off-site use or entertainment, which has a separate area but does not meet the size or other restrictions to qualify as limited adult use; and  e. A business providing sexually oriented materials for off-site use or entertainment, where sexually oriented materials are dispersed within the business rather than isolated in a separate area.</p>			

<p><b>Indoor Athletic Facility</b> - A commercial recreation facility that provides completely enclosed or indoor recreation space, such as racquet clubs, indoor skating rinks, swimming pools, or gymnasiums.</p>		<ul style="list-style-type: none"> <li>• Health clubs</li> </ul>	BP
<p><b>Indoor Recreation</b> - 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).</p>	<p>FAMILY ENTERTAINMENT CENTER. Amusement facilities that may include indoor miniature golf, child play areas, arcade games, batting cages, birthday party and family celebration rooms, indoor soccer/field hockey, children's adventure play gardens, and laser tag. Also typically included are a small food and beverage area and a small retail area. All facilities are non-alcoholic and smoke free.</p>	<ul style="list-style-type: none"> <li>• Family entertainment center</li> <li>• Theaters (excluding drive-in theaters)</li> </ul>	GB BP
<p><b>9. Agricultural and Related Uses</b></p>			
<p><b>Agricultural Production</b> - Establishments engaged in the production of crops, plants or vines, including agroforestry, and the incidental sale of produce raised on the premises to individuals, or establishments in existence on the effective date of this ordinance which are engaged in the keeping, grazing, or feeding or livestock for sale, value increase, or livestock increase.</p>	<p>AGRICULTURE. The production of livestock, dairy animals, dairy products, fur-bearing animals, horticultural and floricultural nursery stock, fruits of all kinds, vegetables, forage, grains, bees, and apiary products.  COMMERCIAL FOOD PRODUCING FARM OPERATIONS. See FARM/RURAL.  FLORICULTURE. The cultivation and management of ornamental and flowering plants.</p>	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Farm, suburban or rural</li> <li>• Poultry operations meeting state and federal regulations</li> <li>• Farm buildings</li> <li>• Farm drainage and irrigation systems</li> <li>• Suburban farms</li> </ul>	A, RR, OP A, RR A A A OP
<p><b>Agricultural Services</b> - 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</p>		<ul style="list-style-type: none"> <li>• Agriculture service establishments</li> </ul>	A



<p>apply where agricultural land is located, and may include buildings and other structures that provide office, warehouse, and storage areas for these establishments.</p>			
<p><b>Agricultural Support</b> - 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.</p>			
<p><b>Forestry Operations</b> - 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.</p>	<p>COMMERCIAL LUMBERING OR HARVESTING OF FOREST PRODUCTS. Any removal of trees that may result in the commercial sale of any wood or product of the tree.</p>	<ul style="list-style-type: none"> <li>Forestry meeting state and federal regulations</li> </ul>	<p>A</p>
	<p><b>AGRICULTURAL ENTERTAINMENT BUSINESS.</b> 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.</p> <p><b>AGRICULTURAL MUSEUMS.</b> The keeping, restoration, maintenance and display of the structures, tools and equipment utilized in the production of agricultural products. Restoration and maintenance activity shall be limited to</p>	<ul style="list-style-type: none"> <li>Agricultural entertainment businesses</li> </ul>	<p>A, RR</p>

	<p>those structures, tools, and equipment permanently kept on display on the premises. Retail or wholesale sales of any product are specifically excluded.</p> <p>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.</p>	<ul style="list-style-type: none"> <li>• Agricultural sales business</li> </ul>	<p>A, RR</p>
	<p>NON-AGRICULTURAL LOW IMPACT.</p> <p>The outdoor storage of off-road mobile construction equipment of any weight; the indoor storage of the aforementioned items and other goods and materials which, in the determination of the City Council, do not jeopardize the health, safety, or welfare of the city; nature farms; agricultural museums; farmer's markets; small engine repair shops; contractor maintenance shops; or office space as an accessory use to the aforementioned uses.</p>	<ul style="list-style-type: none"> <li>• Non-agricultural low impact uses</li> <li>• Non-agricultural low impact use including bus/truck terminal</li> </ul>	<p>A HD-A-BP</p>

<p><b>10. Industrial and Extractive Uses</b></p> <p><b>Non-production Industrial</b> - 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.</p>	<p><b>CONTRACTOR MAINTENANCE SHOP.</b> An area and/or building devoted to use by a person who contracts to do certain work in the fields of building or construction trades. If there is outside storage of construction equipment, it shall be placed to the rear of the contractor's maintenance shop, and screened from adjacent properties by a landscape plan approved by the City Council.</p> <p><b>GARAGE, STORAGE.</b> Any premises, except those described as a private or repair garage used exclusively for the storage of power-driven vehicles.</p>	
<p><b>Light Industrial</b> - 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,</p>	<p><b>MANUFACTURING; LIMITED.</b> All compounding, processing, packaging, treating, or assembling of goods and materials, provided the use will not constitute a nuisance because of offensive odors, glare, smoke, dust, noise, vibrations, or other pollution extending beyond the lot on which the use is located. Uses include, but are not limited to, the following: machine shops, products assembly, sheet metal shops, plastics, electronics, general vehicle repair (repair garage), body work and painting, contractor shops and storage yards, food and non-alcoholic beverages, signs and displays, printing, publishing, fabricated metal parts, appliances, clothing, textiles, used auto parts, warehousing, and wholesale business.</p>	

<p>molding plastics), gravel based products (pottery, cutting, finishing granite, firing and decorating clay products), and ice manufacturing.</p>			
<p><b>Heavy Industrial</b> - 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).</p>	<p>MANUFACTURING; GENERAL. All manufacturing, compounding, processing, packaging, treatment, or assembly of goods or materials which involve a risk of offensive or dangerous noise, odor, or pollution beyond the lot on which the use is located. Uses include, but are not limited to, the following: sawmill, refineries, commercial feedlots, acid, cement, explosives, flour, feed, and grain milling or storage, meat packaging, slaughter houses, coal or tar asphalt distillation, rendering of fat, grease, lard, or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of pans, tanneries, automobile parts, paper and paper products including storage, electric power generation facilities, vinegar works, junk yards, auto reduction yards, foundry, forge, casting of metal products, rock, stone, and cement products.</p>	<ul style="list-style-type: none"> <li>• Manufacturing (existing only)</li> </ul>	<p>GB</p>
<p><b>Laundry Plants</b> - 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.</p>			
<p><b>Landfill</b> - A disposal site employing an engineered method of disposing solid wastes in a manner that minimizes environmental hazards by spreading,</p>			

<p>compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.</p>			
<p><b>Motor Freight and Warehousing</b> - 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.</p>	<p><b>MOTOR FREIGHT TERMINAL.</b> A building or area in which freight brought by motor truck is transferred and/or stored for movement by motor truck.</p> <p><b>TERMINAL, BUS/TRUCK.</b> An area and building where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.</p> <p><b>WAREHOUSING.</b> The storage, packing, and crating of materials or equipment within an enclosed building or structure.</p>		
<p><b>Research and Testing</b> - 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.</p>	<p><b>RESEARCH.</b> Medical, chemical, electrical, metallurgical, or other scientific research and quality control, conducted in accordance with the provisions of this section.</p>		
<p><b>Resource Extraction</b> - 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.</p>	<p><b>EXTRACTIVE USE.</b> The use of land for surface or subsurface removal of sand, gravel, rock, industrial materials, other nonmetallic minerals, and peat not regulated under M.S. §§ 93.44 to 93.51, as they may be amended from time to time.</p>		
<p><b>Salvage/Recyclable Center</b> - 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,</p>	<p><b>AUTO OR MOTOR VEHICLE REDUCTION YARD.</b> A lot or yard where 1 or more unlicensed motor vehicles, or the remains of an unlicensed motor vehicle, are kept for the purpose of dismantling, wrecking, crushing,</p>		

<p>scrap metal, aluminum, rags, paper, rubber products, glass products, lumber products and automobiles or other vehicles. Any site containing two or more unregistered, inoperable motor vehicles is classified as a salvage center.</p>	<p>repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment.</p> <p>JUNK YARD. An area where discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of the material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.</p>	
<p><b>11. Utilities, Transportation and Communications</b></p>		
<p><b>Air Transportation</b> - 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.</p>		
<p><b>Broadcasting or Communication</b>- 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.</p>	<p><b>WIRELESS TELECOMMUNICATION FACILITY.</b> The combination of a wireless telecommunication tower, antennae, and tower accessory equipment.</p>	
<p><b>Essential Services</b> - 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</p>	<p><b>ESSENTIAL SERVICES (PUBLIC UTILITY USES).</b> Underground or overhead gas, electric, steam, or water distribution systems; collection, communication, supply, or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits,</p>	

<p>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.</p>	<p>cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories, but not including buildings or transmission services.</p>		
<p><b>Local Transit</b> - 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.</p>	<p>TRANSPORTATION TERMINAL. Truck, taxi, air, bus, train, and mass transit terminal and storage area, including motor freight (solid and liquid) terminal.</p>		
<p><b>Railroad Transportation</b> - Establishments engaged in domestic freight and passenger transportation by rail, and including railroad yards, freight stations and switching yards.</p>			
<p><b>12. Accessory Uses</b></p>			
<p><b>Bed and Breakfast</b> - A private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation.</p>		<ul style="list-style-type: none"> <li>• Bed and breakfast facility</li> </ul>	<p>GB</p>
<p><b>Domestic Pets</b> - 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.</p>			
<p><b>Home Occupations</b> - Any gainful occupation or profession engaged in by the occupant of a dwelling at or from a dwelling unit when carried on in accordance with the provisions of this ordinance.</p>	<p>HOME OCCUPATION. 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</p>	<ul style="list-style-type: none"> <li>• Home Occupations</li> </ul>	<p>A, RR, R1, R2, RE</p>

	<p>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.</p>	
<p><b>Family Day Care</b> - 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.</p>	<p>NURSERY, DAY. A use where care is provided for 3 or more children under kindergarten age for periods of 4 hours or more per day for pay.</p>	
<p><b>Group Family Day Care</b> - 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.</p>		
<p><b>Kennel, Private</b> - 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.</p>	<p>KENNEL; ANIMALS. Any place where 4 or more of any type of domestic pets, over 4 months of age, are owned, boarded, bred, or offered for sale.</p>	<ul style="list-style-type: none"> <li>• Kennels</li> </ul> <p>A, RR</p>
<p><b>Stable, Private</b> - 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.</p>	<p>STABLE, PRIVATE. The keeping, breeding, raising, and uses of horses or ponies on open space owned and maintained by an association of adjacent property owners for the exclusive personal use and enjoyment of association members and for</p>	<ul style="list-style-type: none"> <li>• Stables</li> <li>• Private stables</li> </ul> <p>A OP</p>



		which commercial gain is not the primary objective.		
			<ul style="list-style-type: none"> <li>Limited retail uses clearly accessory to the permitted principal use of the land</li> </ul>	LB, BP
13. <i>Interim Use</i>				
A use, which does not conform to the regulations of the applicable zoning district established for a fixed period of time with intent to discontinue such use upon the expiration of such time. An Interim use shall not involve the construction or alteration of any permanent building or structure.				

**PART IV**

**Not defined with proposed or current definitions:**

Use	Districts	Comment
Private gardens or forest plot under joint ownership	A, RR	Remove
Open space developments	A, RR	
Private garages, carports, screen houses, conservatories, playhouses, swimming pools and storage buildings	A, R1, R2, R3	Remove
Temporary real estate tract office for the purpose of selling lots on the tract on which it is located	R1, R2, R3, R4	Relocate
Food catering	GB	

Other Highway Business Uses Similar to automobile service, hotels, and motels	HB	Remove
Other convenience commercial uses similar to other CB uses	CB	Remove
Vineyard and winery produce and sales	LB	
Other uses customarily associated with and clearly incidental to a permitted (Limited Business) use as determined by the Council.	LB	Remove
Other uses similar to uses permitted by this Chapter (Business Park) as determined by the Council	BP	Remove
Other uses customarily associated with and clearly incidental to a permitted (Business Park) use as determined by the Council.	BP	Remove
The keeping of horses in conjunction with churches	PF	

**Part V:**

***Zoning Ordinance Update Project: Zoning District Amendments***


Proposed Zoning Districts:

<b>Proposed District</b>	<b>Existing Zoning District (to be replaced)</b>
AG – Agriculture	A
LR – Large Lot Residential	RR, RE
NC – Neighborhood Conservation	R-1, R-2
OP – Open Space Preservation Overlay	A, RR, OP (Change all to AG)
R1 – Single Family Residential	
RM – Manufactured Home Residential	R-3
R2 – Medium Density Residential	
R3 – High Density Residential	R-4
RV – Village Residential	
MX – Mixed Use Development	
NB – Neighborhood Business	LB, CB
GB – General Business	GB
BPO – Business Park Office	BP
HB – Highway Business	HB
BPI – Business Park Industrial	
PF – Civic/Public Facility/Open Space	PF
FSO – Future Sewer Overlay	VR-xxx and HD-xx-xxx

Next Steps:

- Add description/purpose for each proposed district
- Develop new use classifications
- Draft new district regulations (use existing where appropriate)
- Integrate with Form Based Zoning regulations and new design standards
- Revise use standards and special provisions for specific uses

ITEM: Zoning Text Amendment Discussion Related to the Acquisition of Land for Public Purposes

SUBMITTED BY: Kyle Klatt, Planning Director 

REVIEWED BY: Kelli Matzek, City Planner

**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to discuss a potential amendment to the Zoning Ordinance that would allow the City to purchase or acquire property from a land owner (for a public purpose) without impacting the rights that property owner would have otherwise maintained for that property. Staff is also seeking to incorporate some additional flexibility into the code so that the City could acquire property for a public project (i.e. a water line extension, trail, parkland expansion, public utility expansion, or similar project) in situations where a property owner is otherwise at the minimum lot area requirements within their respective zoning district. Staff will discuss the more specific changes necessary to amend the Zoning Ordinance in this manner with the Commission at its meeting on March 28<sup>th</sup>.

One of the driving factors behind the need for such an ordinance has been the City's search for a new well site north of the Village and near the intersection of Lake Elmo Avenue and 50<sup>th</sup> Street North. The City Engineer has identified a general location for a new well, but would need to acquire a minimum of one acre of land around the well in order to comply with State Health Department requirements. Nearly all properties in this portion of the City are either at the Rural Residential district minimum of 10 acres, or would otherwise be negatively impacted from the sale of one acre to the City. For example, if the City were to acquire one acre from a 20 acre site, this property could no longer be subdivided into two building sites according the RR – Rural Residential district requirements.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission discuss the Zoning Ordinance changes necessary to exempt the public acquisition of land from normal zoning district requirements, and to direct Staff prepare the zoning amendments necessary to move forward with such an ordinance for consideration at its April 25, 2011 meeting.

**ATTACHMENTS:**

- 1. None

**ORDER OF BUSINESS:**

- Introduction ..... Kyle Klatt, Planning Director
- Report by staff ..... Kyle Klatt, Planning Director
- Questions from the Commission ..... Chair & Commission Members
- Public Comments ..... Chair
- Discussion by the Planning Commission ..... Chair & Commission Members