



City of Lake Elmo

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NOTICE OF MEETING

The City of Lake Elmo

Planning Commission will conduct a meeting on
Monday, November 22, 2010, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. October 18, 2010
4. Public Hearings
 - a. CAPITAL IMPROVEMENT PLAN: Review of a capital improvement plan for the city of Lake Elmo for the years 2011 to 2015.
5. Business Items
 - a. SPECIAL EVENT PERMIT: Consideration of an ordinance requiring a permit to provide for temporary special events and regulation for temporary special events.
 - b. COMPREHENSIVE PLAN UPDATE: Discussion of future amendments
 - c. ZONING DISTRICT UPDATE: General discussion of how to proceed with revising existing and writing future zoning regulations
6. Updates (Verbal)
 - a. City Council
 - i. November 16th – approval of Meyers Pineridge Buffer Setback, Interim Use Permit and Holding District text changes; MOU revision approval
 - b. Staff Updates
 - c. Commission Concerns
7. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of October 18, 2010**

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

Agenda

Commissioner Bidon added “Discussion on Senior Housing/Farm School” to the Commissioner Concerns section.

M/S/P, Britz/Pearson, move to approve as amended. Vote: 8:0.

Minutes - July 26, 2010

M/S/P, Hall/Pelletier, move to approve as presented. Vote: 8:0.

August 23, 2010

M/S/P, Fliflet/Britz, move to approve as presented. Vote: 7:0. Williams abstained.

Public Hearings – Zoning Text Amendment; General Requirements in the Interim Use Permit

Planner Matzek identified the main changes being proposed in the general requirements for an Interim Use Permit. She said the primary revisions proposed eliminate the duplication of requirements, allows the City Council to set the termination of the use to a date or event, and allows an administrative extension of 30 days to eliminate a potential time gap in a renewal application.

Commissioner Hall asked if there was a minimum time the Council must set for an IUP.

Planner Matzek stated there was not a minimum, but that staff is suggesting those uses that would be for less than one year should instead be permitted as a Special Event Permit. She said that permitting process is not yet established in code, but will be back in front of the commission soon.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:06 P.M.

Anthony Sanders, Attorney for Country Sun Farm, West Lakeland Resident

Mr. Sanders said while he likes many of the proposed changes to the ordinance he has a few concerns. He said the existing language says the applicant must sign a consent agreement identifying that the applicant is not entitled to future permit approvals. He said if an applicant is going to be economically invested, they should have a right to a reapproval. He said it could get into a legal issue of a takings, or an exaction in certain instances. Mr. Sanders said it would not seem right if a City Council could add conditions after an agreement is signed.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:09 P.M.

Planner Matzek said an interim use permit is, by design, supposed to be a minimal investment by a property owner and understood upfront that it should not be a long-term investment. She said she would look into the timing, but believes the agreement is signed after the Council approves the application so all conditions would be understood ahead of time.

M/S/P, Williams/Hall, move to approve the Interim Use Permit ordinance amendment as presented. Vote: 8:0.

Public Hearings – Zoning Text Amendment to Holding Districts

Planner Matzek said the commission is asked to consider revising the holding districts which were put in place in 2007. She said the primary amendments would eliminate the property owners' ability to apply for future conditional use permits until the land is developed with city sewer and is in conformance with the City's Comprehensive Plan. She said there was some concern expressed previously that conditional use permits, which stay with the property, were inappropriate in holding districts given the future uses were generally inconsistent with those uses allowed by CUP. One of the proposed changes would allow those uses previously identified as conditionally permitted instead be allowed by interim use permit. She handed out a proposed revision to the purpose section of code.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:24 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:25 P.M.

M/S/P, Pearson/Hall, move to accept the changes

Commissioner Williams suggested changing “as an interim use permit” to “by an interim use permit” and under special requirements add the word “applications.”

Vote: 8:0

Public Hearings – Interim Use Permit: Cranky Ape at 9200 Hudson Boulevard
Planning Director Klatt summarized the application for the Interim Use Permit for an open sales lot at 9200 Hudson Boulevard which is zoned HD-GB-SRD. He identified the differences between a conditional use permit and interim use permit. He stated that the applicants have previously applied for a conditional use permit for the same use on the same site, which the City Council has not yet taken action on.

Commissioner Williams asked what would happen to an interim use permit if the land guidance changed to allow a business park on this site.

Planning Director Klatt said typically when a city decides to extend sewer to a site, the city can make a determination if the property use is consistent with future zoning. If an IUP is in conformance with what future zoning allows, it will become a permitted use or could be a CUP.

Commissioner Fliflet said she is concerned about an IUP for ten years and suggested five with an option to renew for two years thereafter.

Administrator Messelt said from a business standpoint he believes there is less risk for the business for ten years instead of five. He said from a planning perspective, ten years is a blink of an eye, but that it is a negotiated agreement.

Chairman Van Zandt stated this property right on I-94 is not a good site for residential uses as guided by the Comprehensive Plan.

Commission Fliflet asked if development South of 10th street had to start at Hudson Boulevard due to the pipe location.

Administrator Messelt said the infrastructure extensions have not yet been planned. He said the forcemain being planned along Lake Elmo Avenue up to the Village Area may instead be planned for a portion South of 10th Street to be built as gravity instead, which would open up other properties South of 10th Street to development first.

Brian Livingston, Cranky Ape, Co-owner

Mr. Livingston said he researched the city code before the company applied for a conditional use permit and he did not think they would have a problem getting the permit. He said with the all unknowns, he is uncomfortable making a significant investment, not just the money, but for the forty families that would be moving as well. He said it does not make sense to have housing in that location. Mr. Livingston said they want to be a long-term partner with the city, but that they are considering not moving at this point because of the unknowns. He said they had previously had something presented to them with no expiration, but now the agreement says five or ten years, which goes by very quickly.

Commissioner Britz said if the business continues to grow, they will need a bigger site.

Mr. Livingston said they are already a national company and this site takes into account their plans for their corporate headquarters.

Jay Adams, Cranky Ape, Co-owner

Mr. Adams said they currently own a four acre site at Cannon Falls which can function as overflow if needed as they will not be able to sell that property quickly, but this move would double the amount of land they are already using.

Administrator Messelt said this is the type of business the city wants to try and make work. He said this agreement was shared with the applicants last Friday. He said a CUP

at this time is still an option and the city can attempt to button up the language, but the IUP is just for the outdoor display as the remaining portion of the business is an allowed use. He said that at the end of the day, the permit will probably not be taken away.

Commissioner Williams asked the applicants if they would like the city to temporarily postpone discussions until they have had an opportunity to renegotiate the agreement.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:20 P.M.

Keith Bergmann, 5833 Lake Elmo Ave

Mr. Bergmann said a business owner wants to know they can stay as long as they are able to and that a business should still be able to stay even if it is non-conforming in the case of a rezoning. He said if the city is working toward not allowing any businesses, the entire city should be rezoned residential. He does not understand why the city would not give them the requested CUP.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:23 P.M.

Commissioner Pelletier asked staff to clarify why this area was guided for future sewer residential development.

Planning Director Klatt summarized by saying the city created a plan south of 10th Street that called for a certain amount of sewer residential development. He said the city established holding districts to allow uses to continue as some properties would not be developed with sewer for fifteen to twenty years.

Commissioner Fliflet said it was understood that for every acre south of 10th Street that wasn't guided for residential, higher density would be required elsewhere in the city given the agreement with the Metropolitan Council. She said the comments that no one will live next to a busy interstate isn't realistic as it happens in many other cities.

M/S/P, Williams/Fliflet, move to postpone consideration of the IUP application until such time as the applicant wishes to reinstate it.

Administrator Messelt said the commission can recommend approval of the application, but not the agreement and it can move on to the City Council if the applicant is comfortable.

Mr. Livingston said they are not lawyers or experts in land use and while they were not expecting this delay, they would rather not rush it.

Vote: 8:0.

City Council Updates

Planning Director Klatt informed the commission that the zoning text amendment application from Lake Elmo Inn was approved, as was the interim use ordinance for agricultural sales.

Staff Updates

Administrator Messelt said the city had received word that the plaintiff will be seeking dismissal of the lawsuit based on the City Council's actions the previous week. He said staff will be sitting down with the Country Sun staff in the future. He said the media has been inaccurately reporting on the dismissal of this lawsuit, but it should be clarified in the future.

Commission Concerns

Commissioner Bidon said he read a newspaper article about the Senior Housing/Farm School application by Mrs. Malmquist which stated there was a signed petition against the application. He was wondering what had happened to change the support seen by the commission at the previous public hearing.

Chairman Van Zandt said the city did inform the public of open meetings and the seats were full at a number of meetings in which multiple people got up to speak. He said, in his experience, no matter how often you tell the public, there will always be those who come back at the end who say they were never told.

Administrator Messelt said the concept plan submitted is intentionally left with few details as that is done at the next stage of applications. It is now incumbent on the applicant to come back with more detail. He said he understands the applicant is planning an informational meeting with area residents, but without the city. Administrator Messelt said he believes a point of contention is the secondary access that was required by the city and was not originally proposed by the applicant.

Commissioner Fiflet said the next meeting is the same date and time as an important school district meeting to which both her and Commission Pelletier will be attending.

Planning Director Klatt said he has talked to the Chair about possibly seating the commission's alternate members at the ends of the staff tables so they may continue to participate at the meetings, but it is more clear to staff and the public as to who can vote.

Adjournment:

The meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Kelli Matzek
Planner

ITEM: Hold a public hearing on the 2011-2015 Capital Improvement Plan

SUBMITTED BY: Tom Bouthilet, Finance Director

REVIEWED BY: Bruce Messelt, City Administrator
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The Planning Commission is asked to conduct a Public Hearing and subsequently recommend approval of the 2011-2015 Capital Improvement Plan. Mr. Tom Bouthilet, the City's Finance Director, will be present to brief the Commission and assist as needed with the Public Hearing.

Recommended Motion #1: To open and conduct a public hearing on the proposed 2011-2015 Capital Improvement Plan

Recommended Motion #2: To close the public hearing on the proposed 2011-2015 CIP

Recommended Motion #3: To forward the proposed 2011-2015 CIP and the comments received during this Public Hearing to the City Council for subsequent review, assessment and adoption.

BACKGROUND: Attached, please find the 2011-2015 Capital Improvement Plan (CIP). MN State Statutes views the Capital Improvement Plan as an element of the Comprehensive Plan, which requires a Public Hearing by the Planning Commission and subsequent formal adoption by the City Council. Consistent with State Statute a Notice of a November 22, 2010 Public Hearing was published in the City's official newspaper.

The draft 2011-2015 CIP has been compiled by City staff, with input from the various agencies and departments, prioritized by the City Administration, initially reviewed and discussed by the City Council at a recent public meeting, and formally reviewed and endorsed (with only minor changes) by the Parks Commission.

ADDITIONAL INFORMATION: The purpose of a Capital Improvement Program is to provide a multi-year plan of major projects and related expenditures. It is intended to be used as a tool for identifying future infrastructure projects and to prevent duplication of projects (i.e. street reconstruction project followed in a subsequent year by a water main project). The CIP is also used as a long term financial guide to identify expenditures and related funding sources.

Major projects planned for 2011:

- o Street sealcoating
- o Street and water quality improvements
- o City facilities improvement
- o I-94 to 30th Street sewer trunk forcemain
- o Keats trunk watermain extension
- o New City Well and Pumphouse #4.

ORDER OF BUSINESS:

- Introduction Kyle Klatt, Director of Planning
- Report by staff Tom Bouthilet, Finance Director
- Questions from the Commission Chair & Commission Members
- Applicant Comments Chair facilitates
- Questions of the Applicant Chair & Commission Members
- Open the Public Hearing Chair
- Close the Public Hearing Chair
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS (1):

1. Draft 2011-2015 Capital Improvement Program

CITY OF LAKE ELMO

2011 – 2015 CAPITAL IMPROVEMENT PLAN

NOVEMBER 2010

City of Lake Elmo Capital Improvement Plan 2011 to 2015									
Item/Category	Project	Detail or Street From/To	2011	2012	2013	2014	2015	Future	Funding Source
Park Dedication (404)									
Parks	Lions Park	Replace Shelter Roof	\$5,000						Park Dedication Fees
Parks	Sunfish Lake Park	Boulders, Gate, Landscaping	\$12,000						Park Dedication Fees
Parks	Signage	All Parks	\$20,000						Park Dedication Fees
Parks	Pebble Park	Improve Ballfield	\$20,000						Park Dedication Fees
Parks	DeMontreville Park	Picnic Shelter	\$45,000						Park Dedication Fees
Parks	DeMontreville Park	Resurface Basketball Court	\$5,000						Park Dedication Fees
Parks	Sanctuary	Master Plan	\$5,000						Park Dedication Fees
Parks	Stonegate Park	Parking Lot	\$10,000						Park Dedication Fees
Parks	Heights Park	Park Development	\$25,000						Park Dedication Fees
Parks	DeMontreville Park	Play Area Edging	\$3,000						Park Dedication Fees
Parks	Lions Park	Lights	\$30,000						Park Dedication Fees
Parks	Sunfish Lake Park	Off Leash Dog Park		\$10,000					Park Dedication Fees
Parks	Sunfish Lake Park	Entrance / Interpretive signage		\$5,000					Park Dedication Fees
Parks	Sunfish Lake Park	Planting / Trails		\$10,000					Park Dedication Fees
Parks	Lions Park	Tennis Court Resurfacing		\$12,000					Park Dedication Fees
Parks	Tablyn Park	Tennis Court Resurfacing		\$12,000					Park Dedication Fees
Parks	Sunfish Lake Park	West-side Development		\$10,000					Park Dedication Fees
Parks	Sunfish Lake Park	Prairie establishment	\$5,200	\$2,000					Park Dedication Fees
Parks	Sanctuary	Future Amenities			\$4,000	\$2,000	\$2,000	\$2,000	Park Dedication Fees
Parks	Trail Improvements								Park Dedication Fees
			\$100,000	\$50,000	\$100,000	\$50,000	\$50,000		Park Dedication Fees
Total Park Dedication (404)			\$285,200	\$111,000	\$106,000	\$52,000	\$52,000	\$0	
Infrastructure Reserve (409)	(2011 projects, not including sealcoating, budgeted in 2011 Street Improvements Fund #418)								
	Per 2009 Transportation plan								
Infrastructure	Sealcoating (see 2011 detail below)		\$106,137	\$125,000	\$130,000	\$135,000	\$140,000		Fund Balance/General Fund Transfers
Infrastructure	LAVERNE AVE N	11TH ST N TO 12TH ST N	\$48,000						70% Property Tax Levy; 30% Assessments
Infrastructure	LAVERNE AVE N	CSAH 10 (10TH ST N) TO 11TH ST N	\$29,000						70% Property Tax Levy; 30% Assessments
Infrastructure	LAYTON AVE N	CSAH 10 (10TH ST N) TO 12TH ST N	\$83,000						70% Property Tax Levy; 30% Assessments
Infrastructure	LEEWARD AVE N	CSAH 10 (10TH ST N) TO 12TH ST N	\$93,000						70% Property Tax Levy; 30% Assessments
Infrastructure	11TH ST N	LAVERNE AVE WEST TO CUL-DE-SAC	\$29,000						70% Property Tax Levy; 30% Assessments
Infrastructure	12TH ST N	LAYTON AVE TO LEEWARD AVE	\$26,000						70% Property Tax Levy; 30% Assessments
Infrastructure	12TH ST N	LAVERNE AVE TO LAYTON AVE N	\$77,000						70% Property Tax Levy; 30% Assessments
Infrastructure	12TH ST N	WEST CUL-DE-SAC TO LAVERNE AVE	\$33,000						70% Property Tax Levy; 30% Assessments
Infrastructure	10TH STREET CT N	CSAH 10 (10TH ST) TO CUL-DE-SAC	\$65,000						70% Property Tax Levy; 30% Assessments
Infrastructure	50TH/KIMBRO AVENUE	47TH ST TO CSAH 17		\$300,000					70% Property Tax Levy; 30% Assessments
Infrastructure	DEMONTREVILLE TRAIL CIR N	DEMONTREVILLE TRAIL PLACE TO CUL-DE-SAC		\$150,000					70% Property Tax Levy; 30% Assessments
Infrastructure	DEMONTREVILLE TRAIL CIR N	DEMONTREVILLE TO DEMONTREVILLE TRAIL PLACE		\$84,000					70% Property Tax Levy; 30% Assessments
Infrastructure	DEMONTREVILLE TRAIL PL N	DEMONTREVILLE TRAIL CT TO CUL-DE-SAC		\$96,000					70% Property Tax Levy; 30% Assessments
Infrastructure	KEATS AVENUE (MSAS)	47TH ST TO TH 36		\$1,000,000					70% Property Tax Levy; 30% Assessments
Infrastructure	53RD ST N	DEMONTREVILLE TRAIL N TO CUL-DE-SAC			\$45,000				70% MSA Funds; 30% Assessments
Infrastructure	HYTRAIL AVE N	HIGHLANDS TRAIL N TO 59TH ST N			\$118,000				70% Property Tax Levy; 30% Assessments
Infrastructure	59TH ST N	HIGHLANDS TRAIL N TO HYTRAIL AVE			\$164,000				70% Property Tax Levy; 30% Assessments
Infrastructure	59TH ST N	HIGHLANDS TRAIL N TO EAST END CUL-DE-SAC			\$82,000				70% Property Tax Levy; 30% Assessments
Infrastructure	HIGHLANDS TRL N	DEMONTREVILLE TRAIL N TO HYTRAIL N			\$47,000				70% Property Tax Levy; 30% Assessments
Infrastructure	HIGHLANDS TRL N	HIGHLANDS COURT N TO HYTRAIL N			\$109,000				70% Property Tax Levy; 30% Assessments
Infrastructure	HIGHLANDS TRL N	59TH ST N TO HIGHLANDS COURT N			\$82,000				70% Property Tax Levy; 30% Assessments
Infrastructure	HIGHLANDS TRL N	MN TH 36 TO 59TH ST N			\$38,000				70% Property Tax Levy; 30% Assessments
Infrastructure	HIGHLANDS CT. N	HIGHLANDS TRAIL N. TO CUL-DE-SAC			\$79,000				70% Property Tax Levy; 30% Assessments
Infrastructure	15th St. N. (MSAS)	West City Limits to Inwood Avenue (CSAH 13)			\$750,000				70% Property Tax Levy; 30% Assessments
Infrastructure	MANNING AVENUE	TH36 TO LINDEN AVE.							70% MSA Funds; 30% Assessments
Infrastructure	IRWIN AVE N.	36th St. To 37th St.				\$170,000			70% Property Tax Levy; 30% Assessments; \$75,000 ESCROW
Infrastructure	37TH ST N	JAMACA AVE TO IRWIN AVE				\$57,000			70% Property Tax Levy; 30% Assessments
Infrastructure	36TH ST N	JAMACA AVE TO IRWIN AVE				\$194,000			70% Property Tax Levy; 30% Assessments
Infrastructure	38TH ST N	CSAH 13 (IDEAL AVE) TO INNSDALE AVE N				\$194,000			70% Property Tax Levy; 30% Assessments
Infrastructure	39TH ST N	CSAH 13 (IDEAL AVE) TO INNSDALE AVE N					\$350,000		70% Property Tax Levy; 30% Assessments
Infrastructure	INNSDALE AVE N	39TH ST TO 38TH ST N					\$353,000		70% Property Tax Levy; 30% Assessments
Infrastructure	20TH ST/MANNING TRL (MSAS)	CSAH 17 TO MANNING AVENUE					\$86,000		70% Property Tax Levy; 30% Assessments
Infrastructure - 2016	KELVIN AVE N	NEW SUBDIVISION ROAD TO STILLWATER LANE					\$1,500,000		70% MSA Funds; 30% Assessments
Infrastructure - 2016	KELVIN AVE N	MN TH 5 (STILLWATER BLVD) TO STILLWATER LANE N					\$130,000		70% Property Tax Levy; 30% Assessments
Infrastructure - 2016	9th St. N.	Jasmine Ave to West End					\$57,000		70% Property Tax Levy; 30% Assessments
Infrastructure - 2016	9th St. N.	Jasmine Ave to East End					\$81,000		70% Property Tax Levy; 30% Assessments
Infrastructure - 2016	Jasmine Avenue N.	10th St. N. To 9th St. N.					\$82,000		70% Property Tax Levy; 30% Assessments
Infrastructure - 2016	Jasmine Avenue N.	9th St. N. To Jasmine Ave Place					\$38,000		70% Property Tax Levy; 30% Assessments
Infrastructure - 2016	Jasmine Avenue N.	Jasine Ave Place to Jasmine St.					\$55,000		70% Property Tax Levy; 30% Assessments
Infrastructure - 2016	Jasmine Avenue N.	Jasmine St. To Julep Ave.					\$94,000		70% Property Tax Levy; 30% Assessments
Infrastructure - 2016	Jasmine Avenue N.						\$89,000		70% Property Tax Levy; 30% Assessments

City of Lake Elmo Capital Improvement Plan 2011 to 2015									
Year/Category	Project	Detail or Street From/To	2011	2012	2013	2014	2015	Future	Funding Source
Infrastructure - 2016	Jasmine Avenue Place N.	Jasmine Ave to East End						\$78,000	70% Property Tax Levy; 30% Assessments
Infrastructure - 2017	24th St. N.	Lake Elmo Ave to Lansing Ave.						\$132,000	70% Property Tax Levy; 30% Assessments
Infrastructure - 2017	24th St. N.	Lansing Ave to 24th St. Ct.						\$34,000	70% Property Tax Levy; 30% Assessments
Infrastructure - 2017	24th St. N.	24th St. Ct. To Legion Ave						\$81,000	70% Property Tax Levy; 30% Assessments
Infrastructure - 2017	24th St. Ct. N.	24th St N. To South End						\$52,000	70% Property Tax Levy; 30% Assessments
Infrastructure - 2017	Lansing Ave N	24th St N. To North End						\$84,000	70% Property Tax Levy; 30% Assessments
Infrastructure - 2018	Legion Avenue N.	24th St. To Legion Lane						\$18,000	70% Property Tax Levy; 30% Assessments
Infrastructure - 2018	Legion Avenue N.	Legion Lane to Legion Ln						\$104,000	70% Property Tax Levy; 30% Assessments
Infrastructure - 2018	Legion Avenue N.	Legion Lane to 20th St. N.						\$49,000	70% Property Tax Levy; 30% Assessments
Infrastructure - 2018	20th Court N.	20th St. N. To North End						\$47,000	70% Property Tax Levy; 30% Assessments
Infrastructure - 2018	Manning Trail N.	20th St. N. To 18th St. N.						\$236,000	70% Property Tax Levy; 30% Assessments
Total Infrastructure Reserve (409)			\$589,137	\$1,755,000	\$1,644,000	\$760,000	\$2,429,000	\$1,541,000	
Vehicle Replacement (Formerly Capital Acquisitions) (410)									
	Ladder truck							\$850,000	New Equipment Certificates paid by property taxes
	Heavy rescue vehicle Refurbish		\$55,000						Capital Fund Balance
	Heavy rescue vehicle Replace							\$550,000	New Equipment Certificates paid by property taxes
	2 Laptops for Trucks		\$6,000						Capital Fund Balance
	Replace inverter on E2		\$17,225						Capital Fund Balance
	Install Light Tower on E2		\$13,800						Capital Fund Balance
	T-1 Tender							\$450,000	New Equipment Certificates paid by property taxes
	Replace Duty Car (C1)				\$40,000				Capital Fund Balance
	Utility Vehicle U2					\$90,000			Capital Fund Balance
Public Works	Pick-up Truck		\$35,000						Capital Fund Balance
Public Works	Single/tandem dump truck			\$190,000					TBD
Public Works	Mini excavator				\$49,900				Capital Fund Balance
Public Works	Upgrade Skid Steer to Dedicated Track		\$10,000			\$10,000			Capital Fund Balance; Offset to Bobcat Trade-In
Public Works	Mower							\$45,000	Capital Fund Balance
Public Works	Loader							\$125,000	Capital Fund Balance
Total Vehicle Replacement (Formerly Capital Acquisitions) (410)			\$137,025	\$190,000	\$89,900	\$100,000	\$0	\$2,020,000	
City Facilities (411)									
Hall	New City Hall site acquisition, if needed							\$250,000	TBD
Hall	New City Hall building plans/specifications							\$250,000	TBD
Hall	New City Hall construction							\$4,000,000	New bonds paid by property taxes
Hall	City Hall Interior Improvements	Carpeting, Storage Addition, Plumbing Repairs	\$40,000						Capital Fund Balance
Hall	City Hall Parking Lot	Rehabilitate/Replace	\$30,000						Capital Fund Balance
Hall	City Hall Annex Interior Improvements	Plumbing Repairs	\$5,000						Capital Fund Balance
Hall	City Hall Annex Exterior Improvements	Releveling/Skirting	\$5,000						Capital Fund Balance
Hall	City Storage Facility	Internal/External Repairs	\$10,000						Capital Fund Balance
	New fire station 1 site acquisition, if needed							\$500,000	New bonds paid by property taxes
	New fire station 2 site acquisition, if needed							\$500,000	New bonds paid by property taxes
	New fire station 1 construction							\$4,000,000	New bonds paid by property taxes
	Station 1 Interior Improvements	update electrical	\$25,000						Capital Fund Balance
	Station 1 Exterior Improvements	Door Canopies	\$10,000						Capital Fund Balance
	Station 1 Parking Lot	Rehabilitate/Replace	\$10,000						Capital Fund Balance
	Station 1 Additional Apparatus Bay	Cold Storage Metal Addition		\$50,000					Capital Fund Balance
	Station 2 Interior Improvements	Misc. Repairs/improvements	\$5,000						Capital Fund Balance
	Station 2 Exterior Improvements	Retaining Wall/Drainage Repairs/crack sealing	\$30,000						Capital Fund Balance
Public Works	Public Works misc.		\$7,000						Capital Fund Balance
Public Works	Public Works Storage Facility	Repainting, Electrical Upgrades, Misc.		\$22,000					Capital Fund Balance
Public Works	Public Works back parking lot			\$36,000					Capital Fund Balance
Total City Facilities (411)			\$177,000	\$108,000	\$0	\$0	\$0	\$9,500,000	

City of Lake Elmo Capital Improvement Plan 2011 to 2015									
Code/Category	Project	Detail or Street From/To	2011	2012	2013	2014	2015	Future	Funding Source
Village (413)									
age - Sewer	1-94 to 30th Street Trunk Force	force	\$3,500,000						State Grant/Bonds/TBD
age - Sewer	Village Parkway Trunk (Phase 1)	main to 10th, plus gravity		\$278,000					Development
age - Sewer	Village Parkway Trunk (Phase 2)				\$278,000				Development
age - Sewer	Trunk Gravity from Lift Station to Lake Elmo Ave							\$200,000	TBD
age - Sewer	Trunk Gravity from 30th to Railroad							\$162,000	TBD
age - Water	Village Parkway Trunk (Phase 1)				\$385,500				Development
age - Water	Village Parkway Trunk (Phase 2)					\$385,500			Development
age - Streets	OLD VILLAGE STREET & STORM	SOUTH OF RR TRACKS						\$3,800,000	TBD
age - Streets	OLD VILLAGE STREET & STORM	NORTH OF RR TRACKS						\$3,900,000	TBD
age - Surface Water	Old Village Storm Controls							\$2,600,000	TBD
Total Village (413)			\$3,500,000	\$278,000	\$663,500	\$385,500	\$0	\$10,662,000	
Water (601)									
ater	Well and Pumphouse #4	and connecting trunk watermain	\$1,370,000						State Grant/Bonds/TBD
ater	Keats trunk watermain extension			\$920,000					State Grant/Bonds/TBD
ater	Trunk Watermain	Lake Elmo Ave from 30th St. To Hudson Blvd						\$2,775,000	TBD
ater	SW Area Water Main Extension	Public Improvements including Booster						\$5,300,000	TBD
ater	Elevated Storage Tank #1A							\$1,600,000	TBD
ater	Well # 5 (South of 10th Street)							\$960,000	TBD
Total Water (601)			\$1,370,000	\$920,000	\$0	\$0	\$0	\$10,635,000	
Sewer (602)									
er	Sewer study south of 10th St.		\$25,000						Net Assets
er	Sewer/pumper jetter truck				\$200,000				TBD
er	Trunk Oversizing South of 10th St	Cost TBD by 2011 Study							TBD
er	Trunk Gravity from LS to Lake Elmo Ave							\$200,000	Bonds/Net Assets
er	Trunk Gravity from 30th St. to UP-Railroad							\$162,000	Bonds/Net Assets
Total Sewer (602)			\$25,000	\$0	\$200,000	\$0	\$0	\$362,000	
Surface Water (603)									
face Water	Rain Garden Improvements		\$35,000	\$35,000	\$35,000	\$35,000	\$35,000		Net Assets
face Water	Village Regional Infiltration								TBD
Total Surface Water (603)			\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$0	
Radio Replacement (701)									
Radio Replacement									
Total Radio Replacement (701)			\$0	\$0	\$0	\$0	\$0	\$0	Net Assets accumulated from General Fund annual transfers
Information Technology (IT) Replacement (702)									
ministration	City Hall network		\$2,500	\$2,500					Net Assets accumulated from General Fund annual transfers
ministration	Replacement equipment		\$2,500	\$7,500	\$7,500	\$7,500	\$7,500		Net Assets accumulated from General Fund annual transfers
ance	Finance software upgrade		\$19,900	\$5,000	\$5,000	\$5,000	\$5,000		Net Assets accumulated from General Fund annual transfers
lding Inspection	Bldg Permit Upgrade		\$6,500						Net Assets accumulated from General Fund annual transfers
Total IT Replacement (702)			\$31,400	\$15,000	\$12,500	\$12,500	\$12,500	\$0	
Structure, Fixtures, & Equipment (FFE) Replacement (703)									
	2 sets turnout gear		\$3,600						Net Assets accumulated from General Fund annual transfers
	Turnout Gear (32 sets)					\$60,000			Net Assets accumulated from General Fund annual transfers
	SCBA's						\$100,000		Net Assets accumulated from General Fund annual transfers
Total FFE Replacement (703)			\$3,600	\$0	\$0	\$60,000	\$100,000	\$0	
Total City			\$6,153,362	\$3,412,000	\$2,750,900	\$1,395,000	\$2,628,500	\$34,720,000	

City of Lake Elmo Capital Improvement Plan 2011 to 2015									
Band/Category	Project	Detail or Street From/To	2011	2012	2013	2014	2015	Future	Funding Source
Pavement Coating 2011 Detail:									
	15th St. Ct	15th St. N. to Cul-de-sac							
	15th St. N.	Ivory Ave. to Ivy Ave N.							
	15th St. N.	CASH 13 to Ivory Ave N.							
	15th St. N.	Ivy Ave N. To 15th St. Court N.							
	15th St. N.	15th St. Court to East End							
	16th St. N.	Parkview Estates to Ivy Ave N.							
	16th St. N.	Ivy Ave N. To East End							
	16th St. N.	Ivory Ave N. To Cardinal Ridge Estates							
	21st St. N.	CASH 13 to Ivory Ave N. To 22nd St. Court N.							
	22nd Ct. N.	21st Street to West Cul-de-sac							
	22nd St. N.	21st Street to 22nd St. Court							
	Ivory Avve N.	16th St. N. to CSAH 13 (Inwood Ave)							
	Ivory Avve N.	Ivory Ct. N. to 16th St. N.							
	Ivory Avve N.	15th St. N. To Ivory Court N.							
	Ivory Ct. N.	Ivory Ave N. To Cul-de-sac							
	Ivy Ave N.	16th St N to North End							
	Ivy Ave N.	15th St. N. To 16th St. N.							
	Jewel Ave N.	CASH 10 (10th St. N.) to Julep Ave N.							
	Jewel Ave N.	Julep Ave N. To Cul-de-sac							
	Julep Ave N.	Julep Court N. to Jewel Ave N.							
	Julep Ave N.	Jasmine Ave N. To Julep Court N.							
	Julep Court N	Julep Ave N. To Cul-de-sac							

Planning Commission
Date: 11/22/10
Business Item
Item: 5a

ITEM: Consideration of a draft ordinance to establish a Special Event Permit requirement

REQUESTED BY: Planning Department

SUBMITTED BY: Kyle Klatt, Director of Planning *KLK*

REVIEWED BY: Kelli Matzek, City Planner
Bruce Messelt, City Administrator

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to continue its discussion concerning a proposed ordinance to regulate special events within the City of Lake Elmo. A Special Event Permit is intended to provide some regulation of temporary events on a case-by-case basis and is intended to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods.

The Commission tabled this item at its last meeting to give Staff the opportunity to make revisions to the draft ordinance and to seek comments regarding the ordinance from the City Attorney.

ORDINANCE UPDATE:

Since the last meeting, Staff has reviewed the proposed ordinance with the City Attorney and City Administrator in order to provide some clarity concerning the intent of the ordinance. Based on these discussions, Staff is suggesting that the following modifications be made to the ordinance:

- That special events that last less than three consecutive days be permitted through an administrative review process rather than requiring action by the City Council.
- That a special event permit be required for non-profit organizations in addition to other property owners. The intent of the proposed ordinance is to ensure that larger events do not create any problems that may negatively impact the public or result in costs that must be born by the City. Whether an event is sponsored by a private business or non-profit entity, requiring a special event permit can help the City reduce the potential for any unforeseen costs or impacts. The Attorney has offered an opinion that private clubs should not be regulated differently than a for-profit business.
- That the provisions related to exceptions specifically state that only activities that have been previously authorized by the City are exempt from the ordinance, and if expanded or enlarged, that these events would need to secure a permit.

The City Attorney noted that the City could try to define a threshold for small events based on experience, such as by reference to an event that is known to bring in less than 30 people but does not implicate public infrastructure, traffic, etc. In looking back at previous events that were conducted in the City that would be considered a special event under the proposed ordinance, Staff has been unable to identify any specific type of activity that would seem to have met this threshold.

The Attorney has also suggested that the Planning Commission may want to consider special events that have occurred in the past to determine if they can be used as a guide concerning any problems that arose and how these issues may have been addressed. Some typical problems include traffic back-ups, informal road closures, late night noise, minor trespassing, insufficient restrooms, and other similar occurrences.

Staff has made other revisions to the ordinance based on further review of the proposed standards, and all changes since the last meeting have been tracked in the document being considered the Planning Commission.

ADDITIONAL INFORMATION

Staff is recommending that the fees for Special Events be established at the time the City Council approves the fee schedule for 2011. As part of its recommendation, Staff will propose that the City Council have the option of waiving the application fee for public and non-profit organizations, and that a tiered fee system be approved as follows:

- \$25 for the first day and \$10 for each subsequent day for a Special Event Permit, with a maximum permit fee of \$225
- \$100 for an Agricultural Sale Business
- That the applicant be required to reimburse the City costs related to fire and police protection, security, waste disposal, street closures, utilities, and other public expenditures.

Staff is recommending approval of the revised Special Event Permit Ordinance, which is has been drafted to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods.

RECOMMENDATION:

Staff is recommending that the Planning Commission review the proposed ordinance, make any changes as deemed necessary, and recommendation approval of the ordinance to the City Council.

ORDER OF BUSINESS:


- IntroductionPlanning Director
- Report by staffPlanning Director
- Questions from the Commission Chair & Commission Members
- Open the Public Hearing on the IUP OrdinanceChair
- Close the Public HearingChair
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS (1):

1. Draft Ordinance 2008-034 – Special Event Permits (Revised)

Planning Commission
Date: 11/22/10
Comprehensive Plan Discussion
Business Item
Item: 5b

ITEM: Discussion concerning future Comprehensive Plan Updates

SUBMITTED BY: Kyle Klatt, Planning Director 

REVIEWED BY: Kelli Matzek, City Planner
Bruce Messelt, City Administrator

SUMMARY AND ACTION REQUESTED:

Staff is requesting that the Planning Commission spend a brief amount of time at its next meeting discussing future planning efforts related to the Old Village Area and other potential Comprehensive Planning issues. Of particular interest to staff is:

- 1) Discussing the potential of establishing a group to discuss implementation of the Village Area Master Plan. There have been numerous groups associated with the City's Village Planning efforts throughout the past 20 years or so, but since the Village AUAR Committee was disbanded, there has been no working group (outside of the Planning Commission and City Council) in place to discuss implementation strategies related to the Village plans. At a minimum, Staff would like to provide an update for those individuals that were previously involved with the Village planning process.
- 2) Providing the Planning Commission with updated information regarding the Council's discussions and recent decisions concerning the Village and I-94 corridor.
- 3) Beginning discussions on how to move forward with an amendment to the Comprehensive Plan in order to support the City's vision for the Old Village area.

It is anticipated that this discussion will be carried forward into the next meeting, and that it will be used as a basis for preparing the Commission's work plan for 2011.

RECOMMENDATION:

This is an informational item and no action is necessary from the Planning Commission.

ATTACHMENTS: (None)

ORDER OF BUSINESS:

- Introduction and Presentation by Staff..... Kyle Klatt, Planning Director
- Questions from the Commission..... Chair & Commission Members
- Planning Commission Discussion..... Chair Facilitates

Planning Commission
Date: 11/22/10
REGULAR
Item: 5c

ITEM: Provide staff direction on moving forward with revising the zoning districts and moving forward with writing future sewer districts.

REQUESTED BY: Planning Department

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Kyle Klatt, Director of Planning

SUMMARY AND ACTION REQUESTED: At this time, staff is asking the commission to provide feedback on moving forward with overhauling the existing zoning districts and moving forward with creating new districts for future sewer areas.

Over the past 30 plus years, the Lake Elmo zoning districts have been revised, added to and subtracted from in such a way as to leave a hodge-podge of various districts with little to no uniformity among the districts. For residents and staff alike, this results in difficulty using the information productively.

At this time, planning staff is asking for feedback from the commission in starting with a new format from which to pull the relevant and important information from the existing code, but to largely make a fresh, uniform start for the zoning districts. This will greatly help staff in moving forward with creating district requirements for future sewer districts as we hope to eliminate redundancy and improve clarity.

ADDITIONAL INFORMATION: The original Lake Elmo city code was adopted from a basic template in 1977. Since then, individual zoning districts have been revised individually, or in some cases, a few at a time. In the 1990's, open space preservation districts were added as a distinct zoning district; years later it was decided that use would instead be permitted by conditional use in certain zoning districts and was no longer a separate district. In 2006, the city began to take a large-scale overhaul of the entire zoning district, which was then abandoned due to unforeseen staffing circumstances. In 2008, nineteen new holding districts were added to account for land guided for future sewer development. Although zoning text amendments are inevitable, the remaining framework is still from the 1977 code and may not be functioning as efficiently as it could be.

RECOMMENDATION: No formal recommendation is requested at this time.

ATTACHMENTS:

Please find attached various layouts (not necessarily content) that staff believes would increase usability for both residents and staff alike. The City of Plymouth's code was not included as an example (as it was in 2006) as city staff spoke with their planning department and found they are in the middle of a zoning district overhaul as well – more specifically for their commercial districts.

1. Ordinance Samples:
 - a. Lake City Ordinance

Lake City, TN

ARTICLE 9. RESIDENTIAL DISTRICTS

- §155.131 Purpose and District Descriptions
- §155.132 Permitted and Conditional Uses
- §155.133 Lot Dimensions and Building Bulk Requirements
- §155.134 Site Design and Development Standards
- §155.135 Accessory Uses and Structures
- §155.136 Residential Accessory Buildings
- §155.137 Accessory Uses
- §155.138 Accessory Uses and Structures

§155.131 Purpose.

The residential districts are established to preserve and enhance the quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the City's Comprehensive Plan, and to ensure adequate light, air, privacy and open space. The residential districts and their purposes are as follows:

- A. *RD Rural Development Transitional District.* This district will apply to undeveloped or agricultural areas on the edge of the City, including any areas newly annexed. These areas will eventually be rezoned to other districts as development occurs. In the meantime, agricultural and existing residential uses should continue. Lot sizes should be adequate to provide for on-site wastewater treatment. Some limited agriculture-related businesses, such as wayside stands, and outdoor recreation are appropriate short-term uses for this district.
- B. *LDR Low Density Residential District.* This district provides an environment of predominantly single-family dwellings on moderately sized lots. Infill development is encouraged on lots that are consistent in size and dimensions with the predominant lot size and type on adjacent parcels. Two-family dwellings are permitted in limited numbers, consistent with the goals of promoting affordable housing and encouraging a variety of housing sizes and types in each neighborhood. Typical civic and institutional uses such as schools and parks may be appropriate in suitable locations.
- C. *MDR Medium Density Residential District.* The MDR district is established to provide for an environment of predominantly residential uses, with lot sizes and setbacks typical of the City's newer neighborhoods. A limited amount of diversity in housing type is encouraged, with two-family dwellings and townhouses permitted as conditional uses. Civic and institutional uses are appropriate in suitable locations. Manufactured home parks are allowed as a conditional use.
- D. *TN Traditional Neighborhood District.* The TN district is established to support the continuation of Lake City's traditional residential neighborhoods and to encourage infill development that is sensitive to the scale and character of these neighborhoods. Lot sizes and setbacks are established to reflect neighborhood scale, density and character. A limited amount of diversity in housing type is encouraged, with two-family dwellings, townhouses and small multi-family buildings allowed as conditional uses. Civic and institutional uses are appropriate in suitable locations.
- E. *HDR High Density Residential District.* The HDR district is established to provide for an environment of moderate- to high-density attached and multi-family housing, designed to present an attractive appearance to neighboring streets and adjacent uses, to include sufficient private and semi-private outdoor space, and to be well integrated into their surroundings. Small office and service businesses of limited size and extent may be allowed as

conditional uses. The HDR district is appropriate as a transition between commercial or industrial districts and surrounding neighborhoods, and in already developed higher-density areas.

§155.132 Permitted and Conditional Uses.

Table 9-1 lists all permitted and conditional uses allowed in the residential districts. “P” indicates a permitted use, “C” a conditional use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

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

Table 9-1: Permitted and Conditional Uses, Residential Districts

Residential Uses	RD	LDR	MDR	TN	HDR	Stand- dard
Household Living						
Single-family detached dwelling	P	P	P	P	P	155.134.B,K
Two-family dwelling	-	C	C	C	P	155.134.H
Single-family attached dwelling	-	-	C	C	P	155.134.I,M
Multifamily dwelling (<i>rental or condominium</i>)	-	-	C	C	P	155.134.J,N
Secondary dwelling	C	C	C	C	C	155.134.C
Live-work unit	-	-	-	-	C	155.134.O
Manufactured home park			C			155.102.B
Group Living						
Group Home	P	P	P	P	P	155.102.C
Group Residential Facility,	-	C	C	C	C	155.102.D
Halfway House	-	-	C	C	C	155.102.D
Congregate Housing	-	-	C	C	C	155.102.E
Semi-Transient Accommodations (boarding, rooming houses, etc.)	C	C	C	C	P	155.102.F
Public and Civic Uses						
Cemetery	P	C	-	-	-	155.103.A
Community Services (libraries, senior centers,	-	C	C	C	C	155.103.C
Day Care Center	-	C	C	C	C	155.103.D
Schools, Public and Private	-	C	C	C	C	155.103.E
Religious institutions	-	C	C	C	C	155.103.G

Table 9-1: Permitted and Conditional Uses, Residential Districts

	RD	LDR	MDR	TN	HDR	Stand- ard
Services						
Offices	-	-	-	-	C	155.134.P
Commercial Kennel	C	-	-	-	-	155.134.E
Commercial Stable	C	-	-	-	-	155.134.E
Funeral Home	-	-	-	C	C	155.134.L
Personal Services	-	-	-	-	C	155.134.P
Nursing and Personal Care					C	155.104.C
Sales of Merchandise						
Neighborhood Convenience Store	-	-	-	-	C	155.134.Q
Wayside Stand	C	C	-	-	-	155.134.F
Outdoor Recreation						
Campgrounds and Trailering (Ord. 478, 7/27/2009)	-	C	C	-	-	155.107.A
Golf Course	P	C	-	-	-	155.107.B
Outdoor Recreation Facility	C	C	C	C	C	155.107.E
Parks and Open Areas	P	P	P	P	P	
Agricultural and Related Uses						
Agricultural Production	P	-	-	-	-	
Agricultural Services	C	-	-	-	-	155.134.G
Agricultural Support	C	-	-	-	-	155.134.G
Forestry Operations	P	-	-	-	-	
Transportation and Communications						
Air Transportation	C	-	-	-	-	
Communication Towers	P	P	P	P	P	155.110.B
Accessory Uses						
Home Occupation	P	P/C	P/C	P/C	P/C	155.111.A,B
Bed and Breakfast	C	C	C	C	C	155.111.C
Domestic Pets	P	P	P	P	P	
Family Day Care	P	P	P	P	P	155.111.G
Group Family Day Care	C	C	C	C	C	155.111.G
Kennel, Private	C	-	-	-	-	155.134.E
Stable, Private	C	-	-	-	-	155.134.E
Temporary Sales	P	P	P	P	P	155.107.B

Accessory Structures						
Parking Facility	-	-	-	-	-	P
Solar equipment	P	P	P	P	P	155.111.I
Swimming pools, hot tubs, etc.	P	P	P	P	P	155.111.J
Water-oriented accessory structures (docks, lifts, etc.)	P	P	P	P	P	
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	P	

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

§155.133

Lot dimensions and building bulk requirements.

Lot area and setback requirements shall be as specified in Table 9-2, Lot Dimension and Setback Requirements.

Table 9-2. Lot Dimension and Setback Requirements, Residential Districts

	RD	LDR	MDR	TN	HDR
Minimum Lot Area (sq. ft.)					
Single Family Detached Dwelling	5 ac.	10,000	8,000	5,000	5,000
Two-Family Dwelling (per unit) ^a	-	5,000	5,000	4,500	3,000
Single-Family Attached (per unit) ^b	-	-	4,000	3,500	2,500
Multi-Family Dwelling (per unit)	-	-	3,500	3,000	1,200
Secondary Dwelling			see 155.102		3,000
Live-Work Unit					
Congregate Housing			see 155.102		
Manufactured Home Park			see 155.102		
Minimum Lot Width (feet)					
Single Family Detached Dwelling	250	80	60	50	50
Two-Family Dwelling (per unit) ^a		40	35	30	20
Single-Family Attached (per unit) ^b	-	-	25	25	20
Multi-Family Dwelling (per building)	-	-	75	60	60
Live-Work Unit	-	-	-	-	25
Maximum Height (feet)	35	35	35	35	45
Maximum Impervious Coverage	10%	40%	50%	60%	75%
Minimum Building Setbacks (feet)					
Front Yard	30	25 ^c	25 ^c	20 ^c	20 ^c
Interior Side Yard ^d	25	10	8	8	10
Corner Side Yard ^{d e}	25	15	15	15	15
Rear Yard	50	20	20	20	20

Notes to Table 9-2

- a. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- b. In the case of single-family attached dwellings that are not individually lotted, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.

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

§155.134 Site Design and Development Standards.

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

- A. *Planned Unit Developments, Residential Districts.* A planned unit development may be submitted for consideration within any residential district, subject to the requirements and standards established in Article 15, Planned Unit Developments.
- B. *Single-Family Detached Dwellings, Residential Districts.* All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.
- C. *Secondary Dwelling, Residential Districts.* The purpose of a secondary dwelling is to provide life-cycle housing opportunities for family members or small households of one or two people, while providing more efficient use of large single-family dwellings or large lots.
 - 1. A secondary dwelling unit may be located within a principal structure used as a single-family detached dwelling, above a detached garage, or within a separate detached structure.
 - 2. There shall be no more than one secondary dwelling unit on the zoning lot.
 - 3. At least one dwelling unit on the zoning lot shall be owner-occupied.
 - 4. The minimum lot area shall be two thousand five hundred (2,500) square feet greater than the minimum lot area required for a single-family dwelling in the zoning district.
 - 5. If the secondary unit is included in the principal building, the appearance of the building shall remain that of a single-family dwelling. Any new or additional entrances must face the side or rear of the building.
 - 6. Whether the secondary unit is an addition to an existing structure or a new detached structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the principal building. Exterior finish materials and trim must be the same or closely match in type, size and location the materials and trim of the original building.
 - 7. A secondary unit within the principal structure shall not contain more than thirty (30) percent of the principal building's total floor area or eight hundred (800) square feet, whichever is less. A detached secondary unit shall not exceed one thousand (1,000) square feet in gross floor area.
 - 8. Impervious limits for the lot within the zoning district in question shall not be exceeded.

- D. *Unserviced lots, RD District.* All lots developed without city sewer and public water service shall meet the following standards:
1. Lots, houses and other structures, driveways and any new streets shall be located in compliance with the comprehensive plan and any more detailed area plans for future roads, utilities and drainage.
 2. The Planning Commission may require a sketch plan showing how the entire tract could be divided when city services become available. Lots and buildings shall be sited and streets shall be laid out to facilitate future subdivision.
- E. *Commercial Kennel, Commercial Stable, or Accessory Kennel or Stable, RD District.* The facility shall occupy a site at least five (5) acres in size. Outdoor exercise areas shall be located at least fifty (50) feet from adjacent properties; landscaping or other screening may be required.
- F. *Wayside Stand, RD District.*
1. No more than one stand per farm shall be permitted.
 2. Adequate off-street parking shall be provided.
- G. *Agricultural Services and Support, RD District.*
1. A facility established after the effective date of this ordinance shall have direct access to a collector or higher classification street.
 2. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.
 3. All processing of animal or dairy products shall take place within an enclosed building.
- H. *Two-Family Dwelling, MDR and TN Districts*
1. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
 2. Access to the second dwelling unit shall be either through a common hallway with one front entrance, or by means of a separate entrance.
 3. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a developed block may be redeveloped as two-family units, and no further two-family or higher density development is permitted once this threshold is reached. Lineal frontage shall be measured around the entire perimeter of the block.
 4. Two-family dwellings shall be designed to reflect the general scale and character of surrounding traditional buildings on surrounding blocks, as described in the “Historic Properties Survey Report” (2005), including front yard depth, building width height and roof pitch, primary materials, façade detailing and size and placement of window and door openings.
- I. *Single-Family Attached Dwelling (Townhouse), MDR and TN Districts:*
1. A maximum of six (6) units shall be permitted within a single building.
 2. Townhouses shall be located on lots in such a way that each individual unit has a minimum of fifteen (15) feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.

3. The primary entrance shall be located on the façade fronting a public street; an additional entrance may be provided on the rear or side façade.
 4. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a developed block (measured around the entire block perimeter) may be converted to townhouse units, and no further townhouse, two-family or higher-density development is permitted once this threshold is reached.
 5. Townhouse units shall be designed to reflect the general scale and character of traditional buildings on surrounding blocks, as described in the “Historic Properties Survey Report” (2005), including front yard depth, height and roof pitch, primary materials, façade detailing and size and placement of window and door openings.
 6. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of five hundred (500) square feet per unit.
- J. *Multi-Family Building, MDR and TN Districts*
1. A maximum of six (6) units shall be permitted within a single building.
 2. The multi-family building shall be designed to reflect the general scale and character of traditional buildings on surrounding blocks, as described in the “Historic Properties Survey Report” (2005), including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
 3. No parking shall be located in the front yard or between the front façade and the street.
 4. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a block (measured around the entire block perimeter) may be developed as multi-family units, and no further multi-family, two-family or townhouse development is permitted on the block once this threshold is reached.
 5. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of three hundred (300) square feet per unit.
- K. *Single-Family Detached Dwelling, TN District*
1. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
 2. The primary entrance shall be located on the façade fronting a public street.
 3. Single-family homes shall be designed to reflect the general scale and character of traditional buildings on surrounding blocks, as described in “A City of Homes: Historic Properties Survey Report” (2005), including front yard depth, building width, height and roof pitch, primary materials, façade detailing and size and placement of window and door openings. Exact replication of attributes of existing buildings is not expected, but rather sensitivity to neighborhood context.
- L. *Funeral Home, TN and HDR Districts*. A facility developed after the effective date of this ordinance shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two access points shall be provided.

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

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

1. A maximum of eight (8) units shall be permitted within a single building.
2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of fifteen (15) feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
3. The primary entrance shall be located on the façade fronting a public street; an additional entrance may be provided on the rear or side façade.
4. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of three hundred (300) square feet per unit.

N. *Multi-Family Building, HDR District*

1. No parking shall be located in the front yard or between the front façade and the street.
2. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of one hundred-fifty (150) square feet per unit.

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

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

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

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

Q. *Neighborhood Convenience Store, HDR District.*

1. The establishment shall not exceed three thousand (3,000) square feet in size, and may be located within a multi-family building or a free-standing building.
2. Additions or new construction shall be designed to reflect the general scale and character of traditional buildings on surrounding blocks, as described in the “Historic Properties Survey Report” (2005), including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
3. No parking shall be located in the front yard or between the front façade and the street.
4. The use shall occupy a corner property. Any freestanding building developed on such a property shall have a minimum setback of ten (10) feet from each right-of-way line.
5. No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of three hundred (300) feet from any other retail or service business within the HDR District. No more than one business shall be located within the same block, within the HDR District.

§155.135 Accessory Uses and Structures.

Accessory uses are listed in Table 9-1, as permitted or conditional accessory uses. Accessory uses and structures in the residential districts shall comply with the following standards and all other applicable regulations of this ordinance:

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

§155.136 Residential Accessory Structures.

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

building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.

- A. *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:
1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located. See Subsection C below, for TN and MDR district standards.
 2. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
 3. The structure shall not exceed the height of the principal building to which it is attached.
 4. Garage doors or openings shall not exceed fourteen (14) feet in height.
- B. *Detached structures.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:
1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
 2. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
 3. Pole barns, as defined herein, exceeding one hundred twenty (120) square feet shall be permitted only by conditional use permit.
 4. No more than thirty (30) percent of the required rear yard area may be covered by accessory structures.
 5. Garage doors or openings shall not exceed fourteen (14) feet in height.
 6. Minimum setback requirements for detached accessory structures in the TN, LDR, MDR, and HDR Zoning Districts shall observe a six (6) foot interior side-yards setback, and a six (6) foot rear-yard setback. Building setbacks must be observed for side-yards as regulated in Section 155.133. (Ord. No. 483, 11/9/2009)
- C. *Attached Garages, TN District.* Attached garages are encouraged to be side- or rear-loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
1. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or
 2. The width of the attached garage shall not exceed the width of the principal building façade fronting the primary street.

§155.137 Accessory Uses.

- A. *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not be visible from adjoining properties, except for the following:
1. Laundry drying,
 2. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.
 3. Agricultural equipment and materials, if these are used or intended for use on the premises.
 4. Off-street parking and storage of vehicles and accessory equipment, as regulated in Article 5, Section 155.67.
 5. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view from adjacent properties.
 6. Outdoor parking.
- B. *Temporary Sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two (2) per calendar year per residence, not to exceed four (4) days in length, exclusive of regional sales events.

§155.138 Accessory Uses and Structures Not Listed.

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

Lakefront

ARTICLE 10. LAKEFRONT MIXED-USE DISTRICT

- \$155.141 Purpose
- \$155.142 Permitted and Conditional Uses
- \$155.143 Dimensional Standards
- \$155.144 Design Standards
- \$155.145 Site Design and Development Standards

\$155.141 Purpose

This district is designed to implement the recommendations of the comprehensive plan for a lakefront-oriented mixed-use district that is focused on the recreational and tourism opportunities provided by Lake Pepin. The district is intended to encourage a variety of moderate-density housing, lodging and limited commercial, service and water-oriented uses. Other objectives include managing access to Lakeshore Drive (State Highway 61), and preserving a sense of openness and compatibility with adjacent single-family residential districts. The entire district is located within the Lake City Shoreland Overlay Management District; therefore, standards promoting high quality building and site design, adequate landscaping, and careful massing of buildings are included to assure an appropriate appearance from Lake Pepin as required by the Shoreland Ordinance. Storm water mitigation requirements are incorporated for the same reason.

\$155.142 Permitted and Conditional Uses

Table 10-1 lists all permitted and conditional uses allowed in the LMX district. "P" indicates a permitted use, "C" a conditional use. Uses not so indicated shall be considered prohibited.

- A. *Combinations of uses.* The following use types may be combined on a single parcel:
 1. Principal and accessory uses may be combined on a single parcel.
 2. A principal and secondary dwelling unit may be combined according to the standards of Article 9, Section 155.134.
 3. Single-family attached or multi-family complexes designed for rental or condominium occupancy, since these typically include multiple units and buildings on a single parcel.
 4. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this Article, for properties abutting Lakeshore Drive.
 5. Other permitted or conditional uses allowed within the LMX district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use or Planned Unit Development meeting the standards of this Ordinance.

Table 10-1. Permitted and Conditional Uses, LMX District

	LMX	Standard
Residential Uses		
Household Living		
Single-family detached dwelling	P	155.145.A
Two-family dwelling	P*	
Single-family attached dwelling	P	155.145.B
Multifamily dwelling	P	155.145.C
Secondary dwelling	C	155.145.D
Live-work unit	C	155.145.E

* Please see restrictions as listed in Section 155.144.A. of this Article

	LMX	Standard
Group Living		
Group Home	P	155.102.C
Group Residential Facility	C	155.102.D
Halfway House	C	155.102.D
Semi-Transient Accommodations	P	155.102.F
Public and Civic Uses		
Colleges and Universities	C	155.103.B
Community Service	P	155.103.C
Day Care Center	P	155.103.D
Schools, Public and Private	C	155.103.E
Public Assembly	C	155.103.F
Religious Institutions	C	155.103.G
Services		
Business Center	C	155.145.D
Business Services	C	155.145.D
Offices	P	
Lodging	P	
Medical Facility	C	155.104.B
Membership Organization	C	
Nursing and Personal Care	C	155.104.C
Personal Services	P	155.145.D
Food Services		
Standard Restaurant	P	
Restaurant with Drive-through	C	155.105.A
Drinking & Entertainment	C	155.105.B
Sales of Merchandise		
General Retail ¹	P	
Garden Center	C	
Neighborhood Convenience Store	C	
Wayside stand	C	
Automotive/Vehicular Uses		
Automobile Maintenance Service	C	155.145. H
Gasoline Station	C	155.106.B
Parking Facility	C	
Outdoor Recreation		
Campgrounds and Trailer Parks	C	155.107.A
Marina	C	155.107.C
Outdoor Entertainment	C	155.107.D
Outdoor Recreation Facility	C	155.107.E
Parks and Open Areas	P	

	LMX	Standard
Indoor Recreation/Entertainment		
Indoor Athletic Facility	C	155.108.B
Indoor Recreation	C	155.108.B
Transportation and Communication Uses		
Communication Towers	P	155.110.B
Accessory Uses		
Adult Use - Limited	P	155.108.A
Bed and Breakfast	C	155.111.C
Car wash accessory to service	C	155.106.A
Drive-Through Facility	C	155.111.D
Domestic Pets	P	
Family Day Care	P	155.111.E
Group Family Day Care	P	155.111.E
Home Occupation	P/C	155.111.A, B
Outdoor Storage	C	
Outdoor Display	C	
Surface or Structured Parking	P	
Temporary Sales	C	155.137.B
Solar equipment	P	155.111.F
Swimming pools, hot tubs, etc.	P	155.111.G
Water-oriented accessory structure (docks, etc.)	P	
Other structures typically incidental and clearly subordinate to permitted uses	P	

General Retail includes the following or other similar uses:

- Antiques and collectibles store
- Art gallery
- Bicycle sales and repair
- Book store, music store
- Clothing and accessories
- Craft or needlework shop
- Drugstore, pharmacy
- Electronics and appliance sales and repair
- Florists
- Specialty food store, including bakery, butcher shop, delicatessen, etc., under 5,000 square feet in floor area
- Jewelry store
- Hardware store
- Liquor store
- Newsstands, magazine sales
- Pet store
- Photographic equipment and supplies
- Picture framing
- Secondhand store, thrift or consignment store

Sporting goods store
 Stationery store
 Tobacco store
 Video rental or sales

§155.143 Dimensional Standards

Lot area and setback requirements shall be as specified in Table 10-2, Lot Dimension and Setback Requirements. These regulations may be superseded by the requirements of the Shoreland Overlay District.

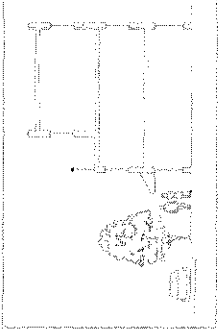
Table 10-2, Lot Dimensions and Setbacks, LMX District

Minimum Lot Area (sq. ft.)	
Single Family Detached Dwelling	5,000
Two-Family Dwelling (per unit) ^a	3,000
Single-Family Attached (per unit) ^b	2,500
Multi-Family Dwelling (per unit)	1,450
Secondary Dwelling: (see Section 155.154.D)	-
Live-Work Unit	3,000
All Other Uses	10,000
Minimum Lot Width (feet)	
Single Family Detached Dwelling	50
Two-Family Dwelling (per unit)	35
Single-Family Attached ^b	20
Multi-Family Dwelling (per building)	60
All Other Uses	75
Maximum Height	35 ^c
Minimum Height	22 ^d
Maximum Impervious Coverage	60% ^e
Minimum Building Setbacks (feet)	
Front Yard ^f	25
Interior Side Yard ^{fg}	10
Corner Side Yard ^h	15
Rear Yard	20

Notes to Table 10-2:

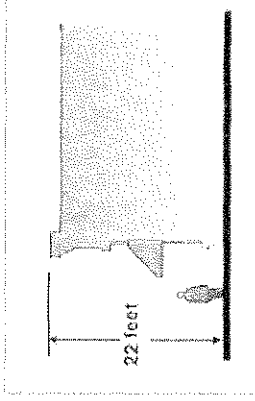
- a. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.

b. In the case of single-family attached dwellings that are not individually lotted, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multi-family dwellings.



c. For a three-story building, the third story and any floors above shall be set back from the primary façade a minimum of ten (10) feet. (The primary façade is that which fronts the adjacent street of highest classification.) This requirement does not apply to properties with frontage only along High Street.

d. Measured to building cornice. Minimum building height applies only to the façade facing Lakeshore Drive. The Director of Planning may waive this requirement in situations where it is inappropriate. Such uses would include, but not necessarily limited to, a wayside stand, garden store, or minor improvements to existing convenience stores, automobile service stations, and drive-in restaurants. The minimum applies to major expansions of existing businesses.



e. Maximum impervious coverage may be increased from 60% to 75% if stormwater is managed on-site using best management practices such as rain gardens, pervious pavement, or other methods deemed appropriate by the City Engineer.

f. Setbacks are measured from the edge of the street right-of-way. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.

g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.

h. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

§155.144 Design Standards

A. *Applicability of Design Standards.* The standards and guidelines in Table 10-3 below shall apply to all new buildings and alterations to existing buildings, with the exception of conversions of existing residential buildings and single and two-family residential structures, which are regulated by Section 4.C below, and minor alterations of other sites which do not add height to an existing building or expand the footprint of a building or impervious surface by more than 500 square feet. These standards and guidelines shall also be used to evaluate any application that is required by Article 3 of this Chapter.

Table 10-3: Site and Building Design Standards and Guidelines, LMX District

Standard	Nonresidential and Mixed-Use Buildings	Residential Buildings
Building Façade Design	Buildings must have a well-defined base, middle and top, with the base or ground floor appearing visually distinct from the upper stories. Building façades over 30 feet in length shall be visually divided into smaller increments through changes in materials, textures or detailing.	Long building façades shall be visually divided into smaller increments through changes in materials, textures or detailing.

Building Length / Orientation	Building orientation perpendicular to Lakeshore Drive is preferred, in order to preserve a sense of openness and compatibility with Lake Pepin. No building wall fronting Lakeshore Drive shall exceed 90 feet in length or 75% of lot width, whichever is less, for a distance of at least 100 feet extending back from Lakeshore Drive. Building walls facing Lakeshore Drive may exceed 90 feet if interrupted by a courtyard, passage, or other well-defined and open architectural feature.	
Transparency	At least 30 percent of the ground floor area of the primary façade (the façade that faces the street of the highest classification) shall consist of windows and doors of clear or lightly tinted glass, allowing views in and out of the interior. At least 15% of at least two side or rear facades shall consist of windows and door openings.	At least 20 percent of the ground floor area of the primary façade (the façade that faces the street of the highest classification) shall consist of windows and doors of clear or lightly tinted glass, allowing views in and out of the interior. At least 15% of at least two side or rear facades shall consist of windows and door openings.
Entrances	Main entrances should face a public street, be located at sidewalk grade, and be designed to be readily visible from the street.	Main entrances should face a public street and be designed to be readily visible from the street.
Roof Design	Pitched roofs are preferred for all building types, consistent with surrounding residential areas. A variety of roof shapes may be employed to improve views from neighboring properties. Trellises and landscaping are encouraged on flat roofs to improve views from above.	
Circulation	New access points to Lakeshore Drive may be refused or restricted to right-in right-out movement if alternatives exist. Internal vehicular and pedestrian connections shall be provided between parking areas on adjacent properties wherever feasible, to minimize vehicle trips between properties. The number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.	
Parking Location	As a general rule, parking should be located to the rear or side of principal buildings, or adjacent to streets of lower classification. Parking shall not be located between the primary façade and an arterial or collector street, except where physical conditions make other layouts infeasible. A maximum of 50 percent of the primary street frontage may be occupied by parking. Provision of off-site spillover parking for recreational vehicles, boat trailers and other large vehicles is encouraged.	
Materials	For new or substantially remodeled structures, exterior brick, natural stone, or smooth-faced, narrow profile horizontal lapped wood or similar siding is preferred. Renovated structures should use existing exterior materials or compatible new finishes. Other exterior materials, including stucco and exterior insulation-and-finish systems (EIFS), may be appropriate if used with and subordinate to masonry construction.	
Colors	To meet the goals of the Shoreland Overlay District for protection of scenic views from Lake Pepin, principal building colors shall consist of subtle, neutral or muted colors with low reflectance (e.g., warm earth-toned colors); white is also acceptable for single-family detached dwellings. Bright or primary colors may be used only as accents occupying a maximum of 15% of the building façade.	
Sidewalks	Sidewalks may be required by the City at the time of development along any property frontage.	

Fencing and Screening	<p>Fencing and screening walls shall be constructed of materials compatible with the principal structure. Chain link fencing shall not be visible from the public right-of-way unless needed for safety and no practical alternative exists.</p> <p>Gas meters and other private utility infrastructure exterior to the building (except poles and wiring) shall be placed in an inconspicuous location and well-screened.</p>
Exterior Storage	<p>Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to conceal the stored materials from view at eye level (measured at six feet above ground level) on the adjacent street or property. Off-season boat storage is exempt from this requirement.</p>
Lighting Design	<p>Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian.</p>
Architectural Design	<p>The building architecture should be appropriate for the location:</p> <p><i>Lakeshore Drive.</i> Lakeshore Drive is the primary entrance to Lake City from the north, and every property along this corridor in the LMX District visible from Lake Pepin. The City has on file studies detailing the character of historic buildings in the community that provide many alternative schemes that can be used to design a structure. Lake City is one of the oldest river towns in the state of Minnesota and, as such, the use of an architectural theme borrowed from a nearby river town would also be appropriate. The City is located on Lake Pepin, and a design based on buildings normally found near water is also appropriate. Architectural concepts based on any of these criteria, or any others that may be equally appropriate to the location, should be used to guide the design of any proposed structure on Lakeshore Drive.</p> <p><i>High Street.</i> Buildings fronting High Street face a residential neighborhood. The architectural design and appearance of the buildings facing High Street and any proposed landscaping, access drives, parking and garage locations, and other related improvements should be sensitive to the residential nature of this neighborhood.</p>

- B. *Visual Simulation.* All developments that include 20 or more dwelling units or more than 20,000 square feet of nonresidential floor area must include a visual simulation at the time of application showing how the building(s) and adjacent properties will appear viewed from High Street and Lakeshore Drive.
- C. *Residential conversions.* Existing single-family houses abutting Lakeshore Drive may be converted to small office and retail uses, or to a mix of residential and nonresidential uses, in compliance with the following:
 1. The existing form and facades of the original building shall be largely retained; any additions shall be consistent in proportions, form and materials with the original building.
 2. Front yard setback: The existing building setback shall be maintained, although porches, patios and outdoor seating areas may be placed within the setback. All other areas of the front yard setback must be landscaped.
 3. Design standards in Table 10-3 above pertaining to site design, including circulation, parking location, sidewalks, storage, fencing and lighting shall apply.

§155.145 Site Design and Development Standards.

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

A. *Single-Family Detached and Two-Family Dwellings.*

1. New single-family detached and two-family dwellings shall be permitted only on parcels abutting High Street or other local streets, not Lakeshore Drive.
2. Existing single-family and two-family dwellings anywhere within the LMX District shall be considered permitted uses, rather than nonconforming uses.

B. *Single-Family Attached Dwelling.*

1. A maximum of eight units shall be permitted within a single building.
2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of fifteen (15) feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
3. The primary entrance to each unit shall be located on the façade fronting a public street; an additional entrance may be provided on the rear or side façade.
4. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of three hundred (300) square feet per unit.

C. *Multi-Family Building*

1. No parking shall be located in the front yard or between the front façade and the abutting street of the highest classification.
2. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of one hundred fifty (150) square feet per unit.

D. *Secondary Dwelling.* The purpose of a secondary dwelling is to provide life-cycle housing opportunities for family members or small households of one or two people, while providing more efficient use of large single-family dwellings or large lots.

1. A secondary dwelling unit may be located within a principal structure used as a single-family detached dwelling, above a detached garage, or within a separate detached structure.
2. There shall be no more than one secondary dwelling unit on the zoning lot.
3. At least one dwelling unit on the zoning lot shall be owner-occupied.
4. The minimum lot area shall be two thousand five hundred (2,500) square feet greater than the minimum lot area required for a single-family dwelling in the zoning district.
5. If the secondary unit is included in the principal building, the appearance of the building shall remain that of a single-family dwelling. Any new or additional entrances must face the side or rear of the building.
6. Whether the secondary unit is an addition to an existing structure or a new detached structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the principal building. Exterior finish materials and trim must be the same or closely match in type, size and location the materials and trim of the original building.
7. A secondary unit within the principal structure shall not contain more than thirty (30) percent of the principal building's total floor area or eight hundred (800) square feet,

whichever is less. A detached secondary unit shall not exceed one thousand (1,000) square feet in gross floor area.

8. Impervious limits for the lot shall not be exceeded.

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

1. The work space component shall be located on the first floor or basement of the building.

2. The dwelling unit component shall maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.

3. The work space component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.

4. A total of two (2) off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit, or underground/enclosed.

5. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.

6. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.

7. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than two (2) workers on-site at any one time who live outside of the live-work unit.

F. *Service Businesses.* All service businesses shall be sited so that vehicular access is from Lakeshore Drive or streets intersecting Lakeshore Drive, but not from High Street.

G. *Garden Center*

1. The storage or display of any materials or products shall be located outside the right-of-way, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of Article 6, Section 9.F.

2. All loading and parking shall be provided off-street.

3. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.

H. *Automobile Maintenance Service and Automobile Parts/Supply*

1. All vehicle repairs shall be conducted in a completely enclosed building.

2. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a structure, and shall be screened from view from adjacent public streets and adjacent residential properties. Screening shall meet the standards of Article 6, Section 9.F.

Lake City, MN

ARTICLE 11. COMMERCIAL DISTRICTS

§155.151	Purpose
§155.152	Permitted and Conditional Uses
§155.153	Lot Dimensions and Building Bulk Requirements
§155.154	General Site Design Considerations, Commercial Districts
§155.155	Development Standards for Specific Uses
§155.156	B-1 District Design and Demolition Review
§155.157	B-1 Design Standards

§155.151 Purpose.

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

- A. *B-1 Central Business District.* This district applies to Lake City's downtown, recognizing it as a traditional mixed-use district that includes retail, service, office and entertainment facilities as well as public and civic uses and increasing numbers of residential units. Design review of development in the B-1 District is established to encourage compliance with the *Downtown Preservation Design Manual*. Renovation and infill of traditional storefront-type buildings is encouraged, and parking standards are waived to recognize the availability of on-street and shared parking.
- B. *B-2 Highway Commercial.* This district applies in commercial and transitional areas primarily south and west of the downtown. It is intended to allow the widest range of commercial uses, especially those that are oriented to the traveling public or that need large sites with highway access and visibility, as well as limited non-production industrial and warehouse uses.

§155.152 Permitted and Conditional Uses.

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

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

Table 11-1

	B1	B2	Standard
Residential Uses			
Household Living			
Single-family detached dwelling	P*	P*	155.155.A
Two-family dwelling	P*	P*	155.155.A
Single-family attached dwelling	C	-	155.155.B
Multifamily dwelling	P	-	155.155.C
Secondary dwelling	C	-	155.155.D
Live-work unit	P	-	155.145.E
Group Living			
Semi-Transient Accommodations	C	-	155.102.F
Public and Civic Uses			
Colleges and Universities	C	-	155.103.B
Community Service	P	-	155.103.C
Day Care Center	P	C	155.103.D
Schools, Public and Private	C	-	155.103.E
Public Assembly	P	C	155.103.F
Religious Institutions	P	C	155.103.G
Services			
Business Services	P	P	
Business Center	P	P	
Offices	P	P	
Commercial Kennel	-	P	
Communication Services	P	P	
Educational Services	P	-	
Financial Institution	P	P	
Funeral Home	P	P	
Lodging	P	P	
Medical Facility	P	P	155.104.B
Membership Organization	P	P	
Nursing and Personal Care	P	-	155.104.C
Personal Services	P	P	
Repair and Maintenance Shop	C	P	155.155.E
Self-Service Storage	-	C	155.104.D
Trade Shop	-	C	
Transportation Services	-	C	
Veterinary Services	P	P	155.155.G
Food Services			
Standard Restaurant	P	P	155.155.N

* Please see restrictions as listed in 155.155.A. and 155.155.B. of this Article

	B1	B2	Standard
Restaurant with Drive-through	-	P	155.105.A
Drinking & Entertainment	P	P	155.105.B
Sales of Merchandise			
General Retail	P	P	
Building Supplies Sales	-	P	
Farmers' Market	P	-	
Furniture and Appliance Sales, Rental,	-	P	
Garden Center	C	P	155.155.H
Grocery, Supermarket	C	P	
Liquor Store	C	P	
Neighborhood Convenience Store	P	P	
Shopping Center	C	C	
Warehouse Club Sales	-	P	
Wayside Stand	P	P	
Wholesaling	-	C	
Automotive/Vehicular Uses			
Automobile Maintenance Service	C	P	155.155.I
Automobile Parts/Supply	P	P	155.155.J
Car Wash	-	P	
Commercial Vehicle Repair	-	P	155.155.J
Gasoline Station	C	C	155.106.B
Parking Facility	C	-	
Sales and Storage Lots	C	P	
Outdoor Recreation			
Campgrounds and Trailer Parks	C	P	155.107.A
Marina	C	-	155.107.C
Outdoor Entertainment	C	C	155.107.D
Outdoor Recreation Facility	C	P	155.107.E
Parks and Open Areas	P	P	
Restricted Recreation	-	C	
Indoor Recreation/Entertainment			
Adult Establishment - Standard	P	-	155.108.A
Indoor Athletic Facility	P	P	155.108.B
Indoor Recreation	P	P	155.108.B
Agricultural and Related Uses			
Agricultural Services	-	P	
Agricultural Support	-	P	

	B1	B2	Standard
Industrial and Extractive Uses			
Non-production Industrial	-	C	155.155.M
Motor Freight and Warehousing	-	C	
Research and Testing	-	C	
Transportation and Communications			
Communications Tower	P	P	155.110.B
Accessory Uses			
Adult Establishment - Limited	P	P	155.108.A
Bed and Breakfast	C		155.111.C
Drive-Through Facility	C	P	155.111.D
Family Day Care	P		155.111.E
Group Family Day Care	C		155.111.E
Home Occupation	P/C		155.111.A,B
Parking Facility	P	P	155.155.K
Outdoor Storage	C	C	
Outdoor Display	C	C	
Temporary Sales	C	C	
Solar equipment	P	P	
Water-oriented accessory structures (docks, etc.)	P		
Other structures typically incidental and clearly subordinate to permitted use	P	P	

¹ General Retail Sales includes the following or other similar uses:

- Antiques and collectibles store
- Art gallery
- Bicycle sales and repair
- Book store, music store
- Clothing and accessories
- Craft or needlework shop
- Drugstore, pharmacy
- Electronics and appliance sales and repair
- Florists
- Specialty food store, including bakery, butcher shop, delicatessen, etc., under 5,000 square feet in floor area
- Jewelry store
- Hardware store
- News stands, magazine sales
- Pet store
- Photographic equipment and supplies
- Picture framing
- Secondhand store, thrift or consignment store
- Sporting goods store
- Stationery store

- Tobacco store
- Video rental or sales

§155.153 Lot dimensions and building bulk requirements.

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

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

	B1	B2
Minimum Lot Area (sq. ft.)		
Nonresidential Use	none	20,000
Single Family Detached Dwelling	5,000	-
Two-Family Dwelling (per unit) ^a	3,000	-
Single-Family Attached (per unit) ^b	2,500	-
Multi-Family Dwelling (per unit)	1,200 ^c	-
Secondary Dwelling	see 155.155.D	-
Live-Work Unit	3,000	-
Minimum Lot Width (feet)		
Nonresidential Use	none	80
Single Family Detached Dwelling	50	-
Two-Family Dwelling (per unit) ^a	35	-
Single-Family Attached ^b	20	-
Multi-Family Dwelling (per building)	60	-
Maximum Height (feet/stories)	45/4 ^d	35
Maximum Impervious Coverage	no limit	70%
Building Setback Requirements (feet)		
Front Yard	See 155.157	20 ^e
Interior Side Yard	5'	10
Corner Side Yard	0 ^g	15 ^g
Rear Yard	10	10

Notes to Table 11-2

- Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- In the case of single-family attached dwellings that are not individually lotted, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multi-family dwellings.
- Multi-family residential units may be permitted up to a density of 800 square feet per unit as a Planned Unit Development.

- d. Buildings up to sixty-five (65) feet in height may be permitted as part of a PUD.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. Side yards setbacks in B-1 apply only along lot lines abutting residentially-zoned parcels.
- g. **Corner properties:** The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

§155.154 General site design considerations, commercial districts.

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

- A. **Circulation.** New access points to Lakeshore Drive may be refused or restricted to right-in right-out movement if alternatives exist. Internal connections shall be provided between parking areas on adjacent properties wherever feasible.
 - 1. The number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.
- B. **Fencing and screening.** Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principal structure.
- C. **Lighting design.** Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian.
- D. **Exterior Storage.** Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to completely conceal the stored materials from view at eye level (measured at six feet above ground level) on the adjacent street or property. Off-season boat storage is exempt from this requirement.

§155.155 Development Standards for Specific Uses.

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

- A. **Single-Family and Two-Family Dwellings, B-1 and B-2 District.** Limited to those existing at the time of adoption of this Ordinance. Existing single-family and two-family dwellings shall be considered permitted uses, rather than nonconforming uses.
- B. **Single-family attached dwellings, B-1 District.** As a Conditional Use, limited to parcels abutting High Street.
- C. **Multi-family dwelling units, B-1 District.** Dwelling units (both condominium and rental) are restricted to the upper floors or rear or side ground floors of a mixed-use building.
- D. **Secondary dwellings.** Restricted to lots occupied by existing single-family dwellings, and must meet the standards for secondary dwellings in residential districts, Article 9, Section 155.134.C.
- E. **Repair and Maintenance Shop.** No outdoor storage is permitted.

- F. *Trade Shop, B-2 District.* Exterior materials storage must be totally screened from view from adjacent public streets and adjacent residential properties, by a wall of the principal structure or a screen wall constructed of the same materials as the principal structure.
- G. *Veterinary Services.* All activities must be conducted within an enclosed building.
- H. *Garden Center, B-1 District.*
1. The storage or display of any materials or products shall meet all setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of Article 6, Section 155.89.F.
 2. All loading and parking shall be provided off-street.
 3. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
- I. *Automobile Maintenance Service and Automobile Parts/Supply.*
1. All vehicle repairs shall be conducted in a completely enclosed building.
 2. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
- J. *Commercial Vehicle Repair, B-2 District.*
1. All vehicle repairs shall be conducted in a building capable of being enclosed when not in use.
 2. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a structure, and shall be screened from view from adjacent public streets and adjacent residential properties.
- K. *Parking Facility, B-1 District.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street. The primary street-facing façade shall be designed for retail, office or residential use.
- L. *Adult Use.* See Article 7, Section 155.108.A.
- M. *Non-Production Industrial, B-2 District.* Non-production industrial use shall be allowed as a principal use, and may include wholesale and off-premise sales, provided that:
1. The use is served by a street of sufficient capacity to handle the traffic the use will generate.
 2. The use includes a retail or office component equal to at least fifteen (15) percent of the floor area of the use.
 3. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the area.
- N. *Outdoor Dining Accessory to Food Services.* Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block the sidewalk. A minimum of five (5) feet of sidewalk must remain open.

§155.156 B-1 District Design and Demolition Review

- A. *Design Review Process.* All development activity within the B-1 District shall be subject to the review process described in Section 155.34 (H) of this Ordinance.
- B. *Demolition Review Process.* Applications for demolition of structures within the B-1 District shall be reviewed by the Planning Commission for compliance with the following standards. All requests for demolition under this section shall be forwarded to the Heritage Preservation Commission for review and comment prior to consideration by the Planning Commission.
1. Demolition Defined. The demolition review process shall be required for any work that requires a demolition permit in accordance with Section 155.34 (A) of this Chapter. Demolition does not include the removal of non-structural components of a building, including, but not limited to, ornamental features, staircases, decks, balconies, and other features. A Certificate of Design Review may still be required for non-demolition projects.
 2. No application to demolish any structure more than fifty (50) years old shall be approved unless the applicant demonstrates:
 - a. That the rehabilitation of a structure or construction of a new structure will have a greater positive impact upon the District's economic vitality and appearance than the preservation of the structure proposed to be demolished and the rehabilitation of the structure or the construction of the new structure would not be possible or economically feasible without the demolition of the structure proposed to be demolished; or
 - b. That the applicant cannot obtain a reasonable economic return from the property or structure unless the structure is demolished; or
 - c. That the structure has serious structural defects and represents a threat to public health and safety, and that it is not economically feasible to repair these defects in a manner consistent with this Ordinance.
 3. No application for demolition shall be approved without concurrent approval of a plan for construction of a new structure to replace the demolished structure that shall reinforce and enhance the character of the District. (Ord. 452, 9/24/2007)

§155.157 B-1 District Design Standards.

Design standards within the B-1 District are based on the recommendations of the *Downtown Preservation Design Manual*, which is recommended as a reference for new development or rehabilitation of all buildings within the district.

- A. *Purpose.*
1. The design standards are intended to promote compatibility of new development with existing land use and design features, to enhance the District's visual quality, to preserve the District's commercial character with a pedestrian-friendly environment, and to strengthen the economic vitality of the Central Business District by encouraging new investment and further business and commercial development without detracting from the existing core of established businesses.
 2. The design standards are not intended to discourage commercial development, but to encourage quality development that is aesthetically pleasing in design and reflective of the community's character.

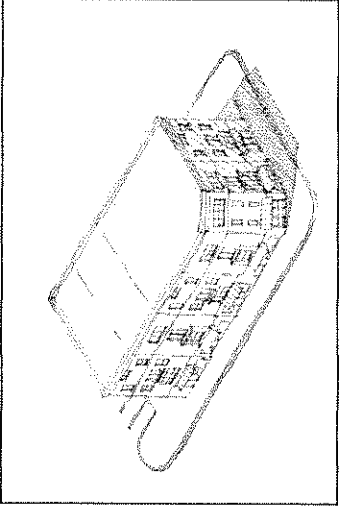
- B. *Application of Design Standards.* The design review process is required for all requests subject

to review under Section 155.34 (H) of this Chapter; however, the following standards are advisory in nature.

C. *Building Placement and Design.*

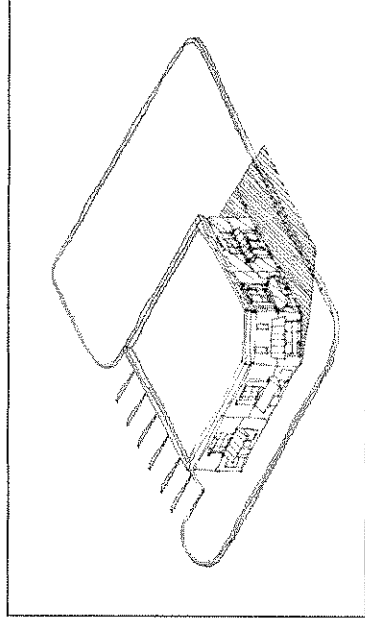
1. Structures should be designed to reinforce the existing pattern of small storefronts facing the public right-of-way with new construction or alterations designed and detailed to fit well into their architectural surroundings. Building setbacks, roof pitch and appearance, and façade heights should be generally consistent with those of neighboring historic structures.
 2. Blank walls in view of public rights-of-way should be avoided whenever possible, and instead doorways, entrances, storefronts, and other vertical elements should be used to maintain vertical street-level patterns of architectural details common throughout the district.
 3. In nonresidential or mixed-use buildings, the first story should support the pattern of large display windows with a central entry. The upper stories should display vertically-oriented windows arranged in a symmetrical pattern. Buildings should be crowned with a projecting cornice.
 4. Materials. For new or substantially remodeled structures, exterior brick of a solid uniform color or smooth-faced, narrow profile horizontal lapped siding is preferred. Renovated structures should use existing exterior materials or compatible new finishes. Other exterior materials for new construction, including stucco and exterior insulation-and-finish systems (EIFS), may be appropriate if used with and subordinate to masonry construction, with panels, pilasters, moldings, or other details incorporated into the design of the finished surface.
 5. Roofs. Green roofs are encouraged where feasible.
 6. Details. Awnings, doors and other details should be designed as specified in the *Downtown Preservation Design Manual*.
- D. *Parking and loading requirements.* Off-street parking and loading is not required for uses within the B-1 district, with the exception of residential uses, which shall meet the off-street parking requirements of Article 5.
1. Where off-street parking is provided, it should be located to the rear or side of principal buildings. Enclosed or structured parking is encouraged, with entrances located on rear or side facades. Enclosed parking on the ground floor of a building shall be limited to side and rear building facades.
- E. *Building type standards.* The following building types are encouraged within the B-1 District, with the following additional standards for each. Other building types or alternative design approaches may also be acceptable if the City Council determines that they meet the intent and general guidelines of this Article. The illustrations are provided as examples of each building type.
1. *Mixed-use building*
 - a. Minimum height: 2 stories
 - b. Maximum height: 45 feet. Structures up to 60 feet in height may be permissible as part of a PUD meeting the standards of Article 16 of this chapter.
 - c. Front setback: Minimum: edge of sidewalk; Maximum: 10 feet. At least 70% of front façade on the primary abutting street must be located between minimum and maximum setbacks.

- d. **Transparency:** At least 30 percent of the ground floor area of the primary façade should consist of windows and doors of clear or lightly tinted glass, allowing views in and out of the interior. At least 15% of any side or rear façade abutting a street or alley shall consist of windows and door openings.
- e. **Roof design:** Flat roofs are preferred, consistent with traditional storefront commercial design.
- f. **Entries:** Main entrances should face the primary abutting public street or corner, be located at sidewalk grade, and be designed to be readily visible from the street.



2. *Free-standing commercial building*

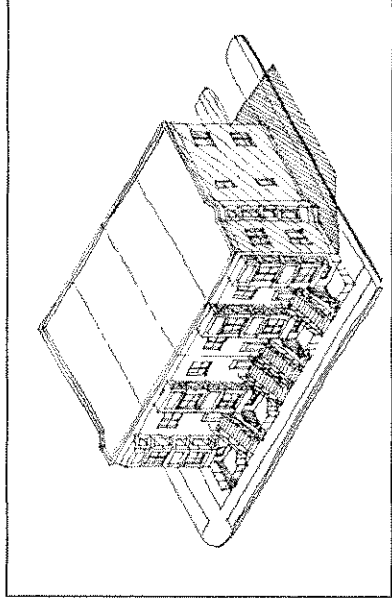
- a. **Minimum height:** 1½ stories or 22 feet to cornice
- b. **Maximum height:** 35 feet
- c. **Front setback:** Minimum: edge of sidewalk; Maximum: 25 feet. At least 60% of front façade on the primary abutting street must be located between minimum and maximum setbacks.
- d. **Transparency:** At least 30 percent of the ground floor area of the primary façade should consist of windows and doors of clear or lightly tinted glass, allowing views in and out of the interior. At least 15% of any side or rear façade abutting a street or alley shall consist of windows and door openings.
- e. **Roof design:** Flat or pitched roofs may be used; pitched roofs should be similar in design to nearby residential buildings



- f. **Entries:** Main entrances should face the primary abutting public street or corner, be located at sidewalk grade, and be designed to be readily visible from the street.

- 3. *Live-work building.* The building is similar to a single-family attached building (townhouse/rowhouse), except that the ground floor façade is designed with an office or storefront configuration, as outlined below.

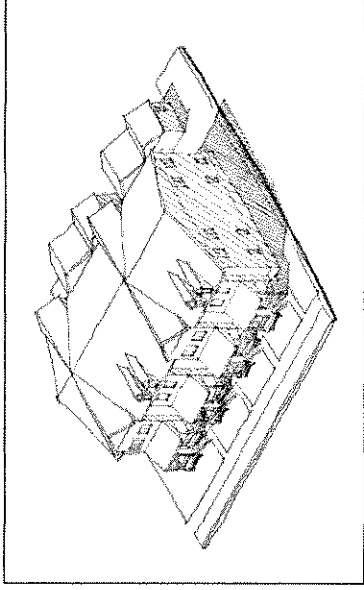
- a. Minimum height: 2 stories
- b. Maximum height: 35 feet
- c. Front setback: Minimum: edge of sidewalk; Maximum: 25 feet. At least 70% of front façade on the primary abutting street must be located between minimum and maximum setbacks.
- d. Transparency: At least 30 percent of the ground floor area of the primary façade should consist of windows and doors of clear or lightly tinted glass, allowing views in and out of the interior. At least 15% of at least any side or rear façade abutting a street or alley shall consist of windows and door openings.
- e. Roof design: Flat or pitched roofs may be used; pitched roofs should be similar in design to nearby residential buildings.
- f. Entries: Main entrances to the work-space must be located at sidewalk grade, and be designed to be readily visible and accessible from an abutting public street.



4. *Single-family attached building.*

- a. Minimum height: 2 stories
- b. Maximum height: 35 feet
- c. Maximum number of units in row: 6
- d. Front setback: Minimum: 10 feet; Maximum: 25 feet. At least 60% of front façade must be located between minimum and maximum setbacks. The setback area should be well-landscaped to buffer ground-floor residential units from the street.
- e. Façade design: Porches, balconies, green roofs and roof decks are strongly encouraged. Divide long building facades into smaller increments through changes in materials, textures or detailing
- f. Transparency: A minimum of 20% of the primary façade and 15% of any side or rear façade abutting a street or alley shall consist of windows and door openings.
- g. Roof design: Flat or pitched roofs may be used; pitched roofs should be similar in design to nearby residential buildings.

- h. Entries: The primary entrance to each unit should face an abutting public street, or be linked to that street by a clearly defined and visible walkway or courtyard.



F. *Site Design.*

1. Development plans should include maintainable, attractive year-round landscaping, street trees or planter boxes along the street frontage of any development that is set back from front or street-side property lines to reinforce the building pattern. Street trees are encouraged that will not interfere with overhead utilities or obscure historic storefronts once mature.
2. Development plans should minimize the adverse visual impact of utility lines. Underground lines or service from behind buildings, where feasible, is encouraged. Installations of meters, boxes, satellite dishes, or other equipment on storefronts or in front or street side yards should be avoided whenever possible.
3. Pedestrian seating areas are encouraged. Street furniture in the public right-of-way should be of traditional materials and simple design, and should be located to avoid a cluttered appearance.
4. Lighting Intensity. Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian. Down-lighting from buildings onto sidewalks or under awnings is appropriate. Location, color and direction of lighting shall be sensitive to nearby residential areas. Light poles shall not exceed a height of 15 feet. (Ord. 452, 9/24/2007)