

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

ORDINANCE NO. 08-197

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES AS IT PERTAINS TO ACCESSORY USE OF BED AND BREAKFAST

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XI: Rural Districts; Section 154.401: Permitted, Conditional, and Interim Uses, by amending the following:

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404 (G)
Outdoor Recreation						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	C	-	-	154.012 (B) (9)
Wayside Stand	P	P	P	-	-	154.012 (B) (9)
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404 (G)
Accessory Uses						
Bed and Breakfast	P	P	P	P	P	154.310 (A)
Domestic Pets	P	P	P	P	P	154.012 (B) (12)
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.012 (B) (12)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)
Solar Equipment	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12)
Temporary Sales	P	P	P	P	P	154.012 (B) (12)

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)
Open Space Preservation Development						
OP Development	-	C	C	-	-	Article 16

SECTION 2. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XII: Urban Residential Districts; Section 154.451: Permitted, Conditional, and Interim Uses:

	<i>GCC</i>	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>	<i>Standard</i>
Residential Uses					
Household Living					
Single-family detached dwelling	P*	P	P	P	154.174 (B), (E), *(O)
Two-family dwelling	-	-	P	P	154.174 (F)
Single-family attached dwelling	-	-	P*	P**	154.154 *(G), **(J)
	GCC	LDR	MDR	HDR	Standards
Multifamily dwelling (rental or condominium)	-	-	C*	P**	154.454 *(H), **(K)
Secondary dwelling	C	C	C	C	154.454 (C)
Live-work unit	-	-	-	C	154.454 (L)
Manufactured home park	-	-	C	-	151.035-151.150
Group Living					
Group Home	-	P	P	P	154.301 (C)
Group residential facility	-	-	C	C	154.301 (B)
Halfway House	-	-	-	C	154.301 (B)
Congregate Housing	-	-	C	C	154.301 (C)
Semi-transient accommodations	-	-	C	C	154.301 (D)
Public and Civic Uses					
Community services	-	-	-	C	

Day care center	-	-	C	C	154.012 (2) (d)
Schools, public and private	-	C	C	C	154.303 (A)
Services					
Offices		-	-	C	154.454 (M)
Funeral home		-	-	C	154.454 (I)
Personal services		-	-	C	154.454 (I)
Nursing and personal care		-	-	C	154.303 (C)
Sales of Merchandise					
Neighborhood convenience store		-	-	C	154.454 (N)
Wayside stand		P	P	P	154.454 (D)
Outdoor Recreation					
Golf course	P	C	-	-	154.306 (A)
Outdoor recreation facility	C	-	-	-	154.306 (C)
Indoor recreation facility	C	-	-	-	154.307, 154.454 (Q)
Parks and open areas	P	P	P	P	
	GCC	LDR	MDR	HDR	Standards
Transportation and Communications					
Broadcasting or communication facility	-	C	C	C	
Accessory Uses					
Home occupation	P	P	P	P	154.012 (12) (e)
Bed and breakfast	P	P	P	P	154.310 (A)
Domestic pets	P	P	P	P	
Family day care	P	P	P	P	154.012 (12) (b)
Group family day care	-	C	C	C	154.012 (12) (b)
Temporary sales	P	P	P	P	154.456 (I)
Parking facility	-	-	-	C	
Solar equipment	P	P	P	P	154.456 (I)
Swimming pools, hot tubs, and the like	P	P	P	P	154.310 (C)
Water-oriented accessory structures	P	P	P	P	154.800

Restaurant	C	-	-	-	154.454 (P)
Drinking and Entertaining	C	-	-	-	154.454 (P)
Semi-transient accommodations	C	-	-	-	154.454 (R)
Other structures typically incidental and clearly subordinate to permitted uses	P	P	P	P	

SECTION 4. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XIII: Village Mixed Use District; Section 154.401: Permitted, Conditional, and Interim Uses by amending the following:

	V-LDR	VMX	Standard
Residential Uses			
Household Living			
Single-family detached dwelling	P	C*	154.505 (A) (1), (2), *(4)
Two-family dwelling	-	C*	154.505 (A) (1), *(4)
Single-family attached dwelling	-	C	154.505 (A) (1), (5)
Multifamily dwelling	-	C	154.505 (A) (1), (6)
Secondary dwelling	C	C	154.454 (C) & 154.505 (A) (1), (3)
Live-work unit	-	C	154.505 (B) (6)
Group Living			
Group Home	P	P	154.301 (A)
Group Residential Facility	-	C	154.301 (B)
Congregate Housing	-	C	154.301 (C)
Semi-Transient Accommodations	-	C	154.301 (C)
Public and Civic Uses			
Community Services	-	P	154.012 (B)
Day Care Center	-	P	154.012 (B)
Public Assembly	-	C	154.012 (B)
Religious Institutions	-	C	154.303 (N)
Schools, Public and Private	-	C	154.303 (A)
Services			
Business Services	-	P	154.012 (B)
Business Center	-	P	154.012 (B)
Offices	-	P	154.012 (B)
Communications Services	-	P	154.012 (B)
Education Services	-	P	154.303 (A) 154.012 (B)
Financial Institution	-	P	154.012 (B)
Funeral Home	-	C	154.012 (B)
Lodging	-	C	154.302 (D)
Medical Facility	-	C	154.303 (B)
Membership Organization	-	C	
Nursing and Personal Care	-	C	154.303 (C)
Personal Services	-	P	

Repair and Maintenance Shop	-	C	154.505 (B) (1)
Trade Shop	-	C	154.505 (B) (2)
Veterinary Services	-	C	154.505 (B) (3)
Food Services			
Standard Restaurant	-	P	
Restaurant with Drive-through	-	C	154.304 (A)
Drinking and Entertainment	-	P	154.304 (B)
Sales of Merchandise			
Retail Trade ¹	-	P	
Farmer's Market	-	C	
Garden Center	-	C	154.554 (G)
Neighborhood Convenience Store	-	P	
Shopping Center	-	C	
Wayside Stand	P	P	154.454 (D)
Automotive/Vehicular Uses			
Automobile Maintenance Service	-	C	154.505 (B) (5)
Automobile Parts/Supply	-	C	154.505 (B) (5)
Gasoline Station	-	C	154.305 (B)
Parking Facility	-	C	154.505 (B) (7)
Sales and Storage Lots	-	C	154.305 (C)
Outdoor Recreation			
Outdoor Recreation Facility	-	C	154.306 (C)
Parks and Open Areas	P	P	
Indoor Recreation/Entertainment			
Indoor Athletic Facility	-	C	154.307
Indoor Recreation	-	C	154.307
Transportation and Communications			
Broadcasting or Communications Facility	-	C	
Mixed Uses			
Combination of Principal Uses on a single parcel	-	C/P	154.501 (B)
Combination of Principal and Accessory Uses on a single parcel	P	P	154.501 (A)
Accessory Uses			
Home Occupation	P	P	154.012 (12) (e)
Bed and Breakfast	P	P	154.310 (A)
Family Day Care	P	P	154.012 (12) (d)
Group Family Day Care	-	C	
Temporary Sales	P	P	154.509 (G)
Parking Facility	-	P	154.505 (H) (7)
Solar Equipment	P	P	154.310 (C)
Swimming Pools, Hot Tubs, Etc.	P	P	

Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	
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SECTION 6. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XVI: Commercial Districts; Section 154.551: Permitted, Conditional, and Interim Uses, by amending the following:

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<i>Residential Uses</i>					
Household Living					
Single-family attached dwelling	-	-	C	-	154.554 (A)
Multifamily dwelling	-	-	C	-	154.554 (B)
Live-work unit	C	C	C	-	154.012 (B) (1)
Group Living					
Semi-transient accommodations	-	-	C	-	154.301 (D)
Congregate housing	-	-	C	-	154.301 (C)
<i>Public and Civic Uses</i>					
Colleges and universities	-	-	C	C	154.012 (B) (2), 154.303 (A)
Community service	-	C	C	C	154.012 (B) (2)
Day care center	C	C	C	C	154.012 (B) (2)
Schools, public and private	-	-	C	C	154.012 (B) (2), 154.303 (A)
	LC	CC	C	BP	Standard
Public assembly	-	-	C	C	154.012 (B) (2)
Religious institutions	-	-	C	-	154.012 (B) (2), 154.303 (N)
<i>Services</i>					
Business services	P	P	P	P	154.012 (B) (3)
Business center	P	P	P	P	154.012 (B) (3)
Offices	P	P	P	P	154.012 (B) (3)
Commercial kennel	-	-	C	-	
Communication services	C	C	P	P	154.012 (B) (3)
Educational services	P	P	P	P	154.012 (B) (3), 154.303 (A)
Financial institution	P	P	P	P	154.012 (B) (3)

Funeral home	-	C	P	-	154.012 (B) (3)
Lodging	-	-	P	C*	154.012 (B) (3), 154.302 (D), *154.554 (C)
Medical facility	-	-	C	C	154.012 (B) (3), 154.303 (B)
Membership organization	P	P	P	-	154.012 (B) (3)
Nursing and personal care	C	C	C	-	154.012 (B) (3), 154.303 (C)
Personal services	P	P	P	-	154.012 (B) (3)
Services					
Repair and maintenance shop	-	-	P	-	154.554 (D)
Self-service storage	-	-	C	C	154.303 (D)
Trade shop	-	-	P	-	154.554 (E)
Transportation services	-	-	-	C	154.012 (B) (3)
Veterinary services	P	P	P	C	154.554 (F)
Food Services					
Standard restaurant	-	P	P	C*	154.012 (B) (4), 154.554 (L)
Drive-in restaurant	-	C	C	-	154.304 (A)
Drinking & entertainment	-	C	P	-	154.304 (B)
Fast food restaurant	-	P	P	C*	*154.554 (M)
Sales of Merchandise					
General retail sales ¹	C	P	P	C*	154.554 (N)
Building supplies sales	-	-	C	-	
Warehouse club sales	-	-	C	-	
Furniture and appliance sales	-	-	P	-	
	LC	CC	C	BP	Standard
Grocery, supermarket	-	-	P	-	
Liquor store	-	P	P	-	
Garden center	-	-	P	-	154.554 (G)
Neighborhood convenience store	-	P	P	-	
Shopping center	-	P	P	-	
Sales of Merchandise					
Wholesaling	-	-	P	-	
Automotive/Vehicular Uses					

Automobile maintenance service	-	-	C	-	154.554 (H)
Automobile parts/supply	-	-	P	-	154.554 (H)
Car wash	-	-	C	-	154.012 (B) (6)
Commercial vehicle repair	-	-	-	-	154.554 (H)
Gasoline station	-	C	C	-	154.305 (B)
Parking facility	-	-	C*	C	*154.554 (I)
Sales and storage lots	-	-	C	-	154.305 (C)
<i>Outdoor Recreation</i>					
Campgrounds and trailering	-	-	-	-	
Golf course	-	-	-	-	
Marina	-	-	-	-	
Outdoor entertainment	-	-	-	-	
Outdoor recreation facility	-	-	C	-	154.306 (C)
Parks and open areas	P	P	P	P	154.012 (B) (7)
Restricted recreation	-	-	-	-	
<i>Indoor Recreation/Entertainment</i>					
Adult establishment	-	-	-	C	Chapter 113
Indoor athletic facility	-	C	P	C	154.307 (A)
<i>Indoor Recreation/Entertainment</i>					
Indoor recreation	-	-	C	-	154.307 (A)
<i>Agricultural and Related Uses</i>					
Agricultural sales business	-	I	P	-	154.012 (B) (9)
Agricultural services	-	-	C	-	154.012 (B) (9)
	LC	CC	C	BP	Standard
Agricultural support	-	-	C	-	154.012 (B) (9)
Greenhouses - non retail	-	-	-	-	154.012 (B) (9)
Wayside stand	P	P	P	P	154.012 (B) (9)
<i>Industrial and Extractive Uses</i>					
Heavy industrial	-	-	-	-	
Landfill	-	-	-	-	
Light industrial	-	-	-	C	154.012 (B) (10)
Non-production industrial	-	-	-	C	154.554 (J)
Motor freight and warehousing	-	-	-	C	154.012 (B) (10)
Research and testing	-	-	-	C	154.012 (B) (10)
Resource extraction	-	-	-	-	154.012 (B) (10)

Salvage/recyclable center	-	-	-	-	154.012 (B) (10)
<i>Transportation and Communications</i>					
Broadcasting and communications	C	C	C	C	154.012 (B) (11), 154.083
<i>Accessory Uses</i>					
Bed and breakfast	-	-	P	-	154.310 (A)
Drive-through facility	-	C	C	-	154.304 (A)
Family day care	-	-	-	-	154.012 (B) (12)
Group family day care	-	-	-	-	154.012 (B) (12)
Home occupation	-	-	-	-	154.012 (B) (12)
Parking facility	C	C	P*	P	*154.554 (I)
Outdoor storage	-	-	C	-	
Outdoor display	-	-	C	-	
Solar equipment	P	P	P	P	154.310 (C)
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

SECTION 6. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article IX: Specific Development Standards; Section 154.310: Standards for Accessory Uses, by amending the following:

A. Bed and Breakfast.

1. The use of a bed and breakfast is not permitted unless the city issues a permit for that specific property. The permit will be valid for two years. A permit for a bed and breakfast will only be issued if :
 - a. The facility is located in a single-family detached dwelling.
 - b. The number of lodging rooms in any building does not exceed five (5). If the proposed number of lodging rooms in any building exceeds five (5), a conditional use permit shall be required.
 - c. The facility meets parking requirements as set forth by Table 5-2 of Section 154.210.
2. The applicant shall meet all applicable government regulations.
3. The operator shall carry liability insurance, and shall provide proof of such insurance to the City upon request.
4. Permits are non-transferable and do not run with the land.
5. A permit constitutes a limited license granted to the property owner by the city and in no way creates a vested zoning right.
6. By signing the permit, the applicant of the bed and breakfast permit acknowledges that he or she shall defend and indemnify the city against any and all claims arising out of operating a bed and breakfast.
7. Bed and breakfast permit fees shall be as established by the city council.

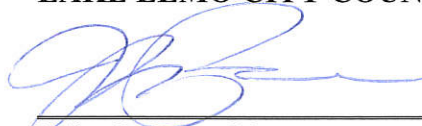
SECTION 7. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article IX: Specific Development Standards; Section 154.012: Zoning Types and Classifications; Subd. 12, by amending the following:

Bed and Breakfast. A private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation. Guest stays shall be limited to 30 days.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

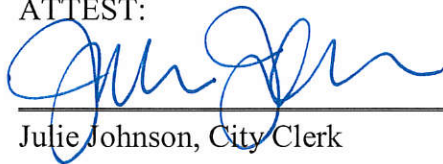
SECTION 9. Adoption Date. This Ordinance 08-197 was adopted on this 7th day of Feb. 2018, by a vote of 3 Ayes and 1 Nays.

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk

This Ordinance 08-197 was published on the 21st day of February, 2018.