

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-080

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADOPTING SPECIFIC DEVELOPMENT STANDARDS FOR VARIOUS USE CLASSIFICATIONS
IN THE LAKE ELMO ZONING CODE.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by repealing City Code Sections 154.102 and 154.109 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by adding the following language:

ARTICLE 7. SPECIFIC DEVELOPMENT STANDARDS

§154.300	Purpose and Applicability
§154.301	Standards for Residential and Related Uses
§154.302	Standards for Public and Civic Uses
§154.303	Standards for Services
§154.304	Standards for Food Services
§154.305	Standards for Automotive/Vehicular Uses
§154.306	Standards for Outdoor Recreation Uses
§154.307	Standards for Indoor Recreation/Amusement
§154.308	Standards for Industrial and Extractive Uses
§154.309	Standards for Transportation, Utility and Communications Uses
§154.310	Standards for Accessory Uses

§ 154. 300 Purpose and Applicability

Specific development standards are established as supplemental regulations that address the unique characteristics of certain land uses. The standards and conditions listed below apply to both permitted and conditional uses, in addition to all other applicable regulations of this ordinance. Standards shall apply in all zoning districts where the use in question is allowed. Standards for uses that apply only within specific districts are listed within the Articles pertaining to those districts.

§ 154. 301 Standards for Residential and Related Uses

- A. *Group Home.* A group home is a specific use type located within a single-family dwelling, and therefore shall meet all zoning standards applicable to single-family dwellings, including setbacks, lot area, lot coverage, and off-street parking. License capacity shall not exceed six (6) persons per facility, plus support staff.
- B. *Group Residential Facility, Halfway House.*
 - 1. In residential districts, the facility shall occupy a residential building type permitted within the district where it is located, and shall meet all zoning standards applicable to that building type.
 - 2. On-site services shall be for residents of the facility only.

C. *Congregate Housing (Assisted Living)*

1. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of existing building and surrounding neighborhood.
2. The site shall contain a minimum of fifty (50) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. In cases of unique circumstances, the City may consider public parks or plazas within three hundred (300) feet of the site to meet this requirement. It is the responsibility of the applicant to demonstrate why the green space cannot be located on-site.
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 neighborhood.

D. *Semi-Transient Accommodations (Boarding, Rooming Houses, etc.)*

1. The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
2. All new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.
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 neighborhood.

§ 154. 303 Standards for Services

A. *Educational Services.* Except in the industrial districts, all typical activities shall be conducted within an enclosed building.

B. *Medical Facilities.* The facility 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 (2) access points shall be provided.

1. Any new hospital or expansion of an existing hospital shall submit a master plan that shall describe proposed physical development for at least a ten (10) year period, and shall include a description of proposed development phases and plans, estimated dates of construction and anticipated interim uses of property.
2. Landing pads for helicopters involved in emergency rescue operations, and helicopter flight paths shall meet all applicable federal and state requirements.

C. *Nursing and Personal Care.*

1. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.
2. The site shall contain a minimum of fifty (50) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. In cases of unique circumstances, the City may consider public parks or plazas within three hundred (300) feet of the site to meet this requirement. It is the responsibility of the applicant to demonstrate why the green space cannot be located on-site.
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 neighborhood.

D. *Self-Service Storage Facility.*

1. No commercial transactions shall be permitted other than the rental or sale of storage units.
2. No more than one (1) unit shall be accessed directly from the public street.

3. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

§ 154. 304 Standards for Food Services

A. Restaurant with Drive-Through

1. Drive-through elements shall not be located between the front façade of the principal building and the street. No service shall be rendered, deliveries made or sales conducted within the required front yard, although tables may be provided for customer use.
2. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided, without interfering with on-site parking/circulation.
3. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.
4. Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.
5. Each food or beverage drive-through business shall place refuse receptacles at all exits.

- B. Drinking and Entertainment.** Music or amplified sounds shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.

§ 154. 305 Standards for Automotive/Vehicular Uses

A. Car Wash.

1. The car wash shall be capable of being enclosed when not in operation.
2. Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
3. Any car wash line exit shall be at least thirty (30) feet distant from any street line.
4. Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.
5. Water from the car wash shall not drain across any sidewalk or into a public right-of-way.

B. Gasoline Station

1. *Lot Size and Access.* A gasoline station site shall be a minimum of twenty thousand (20,000) square feet in size and shall have access to a collector or higher classification street.
2. *Performance Standards.* A drainage system subject to the approval of the City Engineer shall be installed. The entire site, with the exception of the area taken up by the structure, landscaping and pump islands, should be surfaced with asphalt, concrete or other material approved by the City.
3. All vehicle repairs shall be conducted in a building capable of being enclosed when not in use.
4. *Vehicles.* No vehicles other than those utilized by employees or awaiting service shall be parked on the premises overnight. No vehicle shall be parked or awaiting service longer than fifteen (15) days.
5. *Canopies.* Canopies shall be located no closer than twenty (20) feet from any property line. Any lighting on the underneath side of the canopy shall be recessed mounted with flush

lenses and downward directed. Signage on canopies shall comply with §154.212. Canopy columns and fascia should reflect the design and/or materials of the principal building.

6. *Screening of Storage Areas.* The storage or display of inoperable or unlicensed vehicles not awaiting service as in subsection (B4) or other equipment, and all trash storage or disposal facilities, 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 requirements of Article 6, Section 154.258.
 7. *Outdoor Display.* Exterior display of items offered for sale shall meet all building setback requirements and shall be located in containers, racks or other structures designed to display merchandise.
 8. *Accessory Uses.* The following accessory uses shall require a separate conditional use permit:
 - a. Automatic car and truck wash
 - b. Rental of vehicles, equipment or trailers
 - c. General retail exceeding two thousand five hundred (2,500) square feet in floor area.
- C. *Sales and Storage Lots.*
1. *Size and Location.* The site shall be a minimum of twenty thousand (20,000) square feet in size and shall have access to a collector or higher classification street. Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two streets.
 2. All vehicle repairs shall be conducted in a completely enclosed building.
 3. A site plan shall be submitted showing the layout of vehicles for sale or rent, employee parking and customer parking.
 4. Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.

§ 154. 306 Standards for Outdoor Recreation Uses

- A. *Golf Course.*
1. *Location.* The facility shall have access to a collector or higher classification street. A minimum of two (2) entry points to such facilities shall be provided.
 2. *Site Plans.* Site plans for such facilities shall indicate all proposed recreation areas, building uses and locations, sanitary facilities, storage areas, parking, circulation and other information needed to assess the impacts of the proposed operation on surrounding properties and the road network.
 3. *Accessory Uses.* The following accessory uses are permitted in conjunction with a golf course: A driving range, putting greens, pro shop, club house and locker facilities, maintenance buildings, course shelters, and cart storage facilities. Other accessory uses may require a separate conditional use permit.
 4. *Resource Protection.* Golf courses shall be designed with consideration of environmental resources, including:
 - a. Water recycling and conservation through on-site storage and use facilities;
 - b. Use of landscaped buffers and other Best Management Practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies; and
 - c. Use of landscaping and site layout to preserve and enhance wildlife habitat.
 5. *Buffering.* A planted buffer may be required to screen adjacent residential and other uses.

6. *Other Conditions.* Other conditions may be imposed to mitigate the potential impacts of the use.
- B. *Outdoor Entertainment, Restricted Recreation.*
1. *Location.* The facility shall have access to a collector or higher classification street. A minimum of two entry points to such facilities shall be provided.
 2. *Site Plans.* Site plans for such facilities shall indicate all proposed recreation and entertainment areas, sanitary facilities, storage areas, parking, circulation, estimated noise levels, and other information needed to assess the impacts of the proposed operation on surrounding properties and the road network. Conditions may be imposed to mitigate the potential impacts of the use.
- C. *Outdoor Recreation Facility.* Facilities that would generate substantial traffic, such as playing fields or aquatic centers, shall be located with access to a street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) entry points to such facilities shall be provided.

§ 154. 307 Standards for Indoor Recreation/Amusement

- A. *Indoor Athletic Facility, Indoor Recreation.* Facilities that would generate substantial traffic shall be located with access to a street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) entry points to such facilities shall be provided.

§ 154. 310 Standards for Accessory Uses

- A. *Bed and Breakfast.* The facility shall be located in a single-family detached dwelling.
1. The number of lodging rooms in any building shall not exceed five (5) unless in the opinion of the Planning Commission and City Council conditions warrant additional rooms.
 2. The facility shall maintain a guest register open to inspection by the City.
 3. Guest stay shall be limited to seven (7) days.
 4. The applicant shall meet all applicable government regulations.
 5. The operator shall carry liability insurance, and shall provide proof of such insurance to the City upon request.
- B. *Drive-through Facility*
1. Drive-through elements shall not be located between the front façade of the principal building and the street.
 2. Plans for on-site circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided, without interfering with on-site parking/circulation.
 3. Alley access to drive-through lanes is prohibited on any block containing a residential or office-residence district, except for commercial deliveries when approved by the city engineer.
 4. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.
 5. Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.
 6. An emergency exit lane shall be provided for users queuing through the drive-through lane(s), without interfering with on-site parking/circulation.

- C. *Solar Energy Systems.* Solar energy systems and solar structures are permitted accessory uses in all districts, provided the system is in compliance with minimum lot requirements and setbacks.
1. A solar structure must comply with all setback, height and lot coverage restrictions unless a variance is granted.
 2. *Height limitation on adjacent properties.* No vegetation or structure shall be placed or allowed to grow so as to cast a shadow on a solar energy system greater than the shadow cast by a hypothetical wall ten (10) feet high located along the boundary line property between the hours of 9:30 a.m. and 2:30 p.m. Central Standard time on December 21.
 3. This restriction does not apply to vegetation or structures exceeding this height limit existing at the time of installation of the solar energy system.
 4. Owners of a solar energy system are encouraged to file notarized photographs of the affected area with the city prior to installation of the system.

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

SECTION 4. Adoption Date. This Ordinance 08-080 was adopted on this twenty-first day of May 2013, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-080 was published on the ____ day of _____, 2013.