

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 09-__

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code is hereby amended by adding the following:

****Please note that City staff prepared this draft ordinance to solicit feedback from the Planning Commission and it is in the early stages of development. ****

**ARTICLE XIV. MIXED USE COMMERCIAL AND MIXED USE BUSINESS
PARK DISTRICTS**

§ 154.508 PURPOSE AND DISTRICT DESCRIPTIONS.

A. *MU-C Mixed Use Commercial.* The purpose of the mixed use commercial district is to provide areas in the city for and promote mixed use development that supports a sustainable mix of retail, commercial and residential uses that will benefit from proximity and adjacency to one another. The mixed use commercial district will serve as a transitional district between more intense highway-oriented development and less intense rural or medium density residential uses. The intent of the mixed use commercial district is to permit flexibility in the use of the land, while providing a set of minimum development standards in site design, spatial relationships, building architecture and landscape design that will allow property owners to design and construct development projects that respond both to market needs and to City goals and policies. The placement and treatment of buildings, parking, signage, landscaping and pedestrian spaces are essential elements in creating a livable environment in a mixed-use area. The transitional aspect of development in this district requires-projects that are designed with a special focus on mitigating any negative impacts on existing and future development in the area. The city will evaluate new development proposals for their consistency with this goal and the City may require developers to amend or change development proposals. The city may deny proposals when the City finds them to be inconsistent with the goals and policies of the City.

The district promotes attractive, inviting, high-quality retail shopping and service areas that are conveniently and safely accessible by multiple travel modes. Development shall incorporate creative design and buffering techniques to ensure smooth transitions between different types of development or different intensities of uses. At least 50% of the net developable area of a proposed mixed use commercial development is to be residential,

and residential development within these areas will occur at a density of 10-15 units per acre. If a proposed development does not include at least 50% of the net developable land area in residential development, the City will require the applicant to provide a 'ghost' plat (build-out plans) during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the requirement for at least 50% of the project site with residential land use(s). ~~/50% commercial requirement~~. This method of subdivision (by showing future land use and subdivision) and development review is a front-loading process that preserves land for future residential use. The city will use the ghost plat or sketch plan as an official document to establish land use consistent with the Comprehensive Plan.

- B. *MU-BP Mixed Use Business Park*. The purpose of the mixed use business park district is to provide areas in the city that will have a mix of general business, business park and residential uses. Having a mixture of land uses within the district allows for better integration of uses and more flexibility to respond to market demands. The district promotes high standards of site design, spatial relationships, building architecture and landscape design that will foster compact developments with pedestrian convenience and human scale and will preserve and strengthen existing businesses and land uses. The placement and treatment of buildings, parking, signage, landscaping and pedestrian spaces are essential elements in creating a livable environment in a mixed-use area. **?? The City does not allow manufacturing in this district.** (See p.8) All business activities and storage in this district are to be conducted inside buildings that are of high quality and attractive. The city will require developers and builders in the district to provide open space, quality landscaping and berming as part of their projects. Development in this district shall incorporate creative design and buffering techniques to ensure smooth transitions between different types of development or different intensities of uses. At least 50% of the net developable area of a proposed mixed use business park development is to be residential, and residential development within these areas will occur at a density of 6-10 units per acre. If a proposed development does not include at least 50% of the net developable land area in residential development, the City will require the applicant to provide a 'ghost' plat (build-out plans) during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the requirement for at least 50% of the project site with residential land use(s). ~~/50% commercial requirement~~. This method of subdivision (by showing future land use and subdivision) and development review is a front-loading process that preserves land for future residential use. The city will use the ghost plat or sketch plan as an official document to establish land use consistent with the Comprehensive Plan.

§ 154.509 MIXED USE COMMERCIAL AND MIXED USE BUSINESS PARK REVIEW PROCEDURE

All development within the Mixed Use Commercial and Mixed Use Business Park zoning districts shall follow the review and approval process outlined in this section. No development in the MU-C or MU-BP will be permitted prior to the completion of all stages of review, nor with the submission of all required documents, including any additional documents that may be required by the City in the review of the proposed MU-C or MU-BP development.

- A. *Submittal Requirements.* In general, the submittal requirements outlined in the City's Subdivision Regulations shall apply in addition to the application requirements outlined below. If the development is proposed to be a Planned Unit Development, the application requirements outlined in the City's Planned Unit Development process also shall apply. These submittal requirements shall be submitted for the Sketch Plan and Preliminary Stages of any development. If the property has already been platted, the development shall still be subject to the following submittal requirements, and the development shall be subject to Mixed Use Development Review. The submittal requirements for a Mixed Use Development Review shall be the same as those required for a Conditional Use Permit as outlined in this Code regardless if the proposed use(s) is (are) permitted.

The following outlines the minimum application requirements applicable for a proposed development within the MU-C and MU-BP districts:

1. A narrative description of the mixed use project, including how the project fulfills the purposes of the MU-C or MU-BP district.
2. Identification of minimum required land area to be devoted for residential uses based on Zoning Ordinance and Comprehensive Plan documents governing land use on the subject property or properties.
3. Clear demonstration and documentation that the project or development can achieve the required residential densities.
4. For all business and/or commercial areas, a sketch plan illustrating the proposed layout of commercial buildings and related improvements; alternatively, where business or commercial areas not proposed to be developed immediately, the applicant may submit an estimate of the commercial development capacity of the property in square feet of commercial building space.
5. A statement identifying the minimum and maximum development capacity, by land use category, for future phases of the project.
6. If a proposed development does not include at least 50% of the developable land area in residential development, the applicant will be required to provide a 'ghost' plat (build-out plans) during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the 50% residential/50% commercial requirement. If an adjacent parcel is included in this 'ghost' plat, the adjacent property owner must sign off on the application or the City

will determine that the request does not meet the minimum residential requirements of this code and will deny the development application or proposal.

B. *Mixed Use Commercial and Mixed Use Business Park Review and Approval Procedures.* The review procedures outlined in the City's Subdivision Regulations shall apply as applicable, in addition to the review procedures outlined below. If the development is proposed to be a Planned Unit Development, the review procedures outlined in the City's Planned Unit Development process shall also apply. If the property has already been platted, the development shall be subject to Mixed Use Development Review. The process for approval of a Mixed Use Development Review of a previously platted property shall be the same as that required for a Conditional Use Permit as outlined in this Code regardless if the proposed use(s) is (are) permitted. Expansion of existing permitted uses on the same parcel on which they exist will not require a Mixed Use Development Review.

1. *'Ghost' Plat as an Official Document.*

If a 'ghost' plat submitted with the Mixed Use Development Review because the proposed development could not meet the required mix of having at least 50% of the ~~site in residential land uses or 50% commercial development requirement~~, the City will use the 'ghost' as an official document to establish a land use mix consistent with the Comprehensive Plan. The ghost plat or build-out plan shall show a realistic future urban-style lot and block layout and street system, taking into consideration existing streets and access points, utilities, topography, natural features (water bodies, wetlands, etc.) and shall show how the proposed development will not isolate the adjacent land or property making them undevelopable.

2. *Rules and Regulations.*

No requirement outlined in the Mixed Use Development Review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines.

3. *Preconstruction.*

No building permit shall be granted for any structure within the MU-C or MU-BP districts without approval from the City of the Mixed Use Development Review unless the proposed building is part of an existing development.

4. *Effect on Conveyed Property*

In the event that any real property in an approved Mixed Use Development Review is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the Mixed Use Development Review and approvals.

5. *Tracking of Required 50% Residential/50% Commercial Requirement.*

The City shall create a database to track residential units and associated density and the acreages of residential and other land uses associated with each development ~~proposal to be considered and~~ approved by the City with during the Mixed Use Development Review process.

6. *Changes or Modifications.*

Requests for changes or modifications of an approved mixed use development shall be made in writing to the city and shall be submitted to the Planning Director. The determination of whether a proposed modification is minor or major shall be made at the discretion of the Planning Director.

§ 154.510 PERMITTED, CONDITIONAL AND INTERIM USES

Table 14-1 lists all permitted and conditional uses allowed in the commercial areas of the MU-C and MU-BP zoning districts. “P” indicates a permitted use, “C” a conditional use and “I” an interim use. Uses not so indicated are prohibited. Cross-references listed in the table under “Standards” indicate the location within this chapter 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. 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.
3. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided the city approves a unified and integrated site plan. The City must approve the entire development as a conditional use.
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 subchapter. Office or studio uses on upper stories of such buildings are encouraged.

5. **Compatible Uses??: (See language on page 21 for example).**

Table 14-1: Permitted, Conditional and Interim Uses, Mixed Use Commercial and Mixed Use Business Park Districts

	<i>MU-C</i>	<i>MU-BP</i>	<i>Standard</i>
<i>Residential Uses</i>			
Household Living			
Single-family detached dwelling	P	P	154.513 (A)
Single-family attached dwelling	P	P	154.513 (B)

Multifamily residential dwelling	P	P	154.513 (C)
Secondary dwelling	C	C	154.513 (D)
Live-work unit	C	C	154.513 (E)
Group Living			
Group Home	P	P	154.301 (A)
Group Residential Facility	C	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	C	154.513 (F)
Day Care Center	C	C	154.012 (B)
Public Assembly	C	C	154.513 (F)
Services			
Business Center	P	P	154.012 (B)
Business Services	P	P	154.012 (B)
Offices	P	P	154.012 (B)
Communication Services	P	P	154.012 (B)
Educational Services	P	P	154.303 (A); 154.513 (G)
Financial Institution	P	P	154.012 (B)
Funeral Home	C	-	154.513 (H)
Lodging (Transient Accommodations)	C	C	154.302 (D)
Medical Facility	C	C	154.303 (B); 154.513 (I)
Nursing and Personal Care	C	C	154.303 (C)

Personal Services	P	P	154.012 (B)
Repair and Maintenance Shop	P	P	154.513 (J)
Self-service Storage	€	-	154.303 (D)
Trade Shop	€	€	154.513 (K)
Transportation Services	C	C	154.012 (B)
Veterinary Services (including kennels)	C	C	154.513 (L)
Food Services			
Standard Restaurant	P	P	
Restaurant with Drive-Through	C	C*	154.304 (A); 154.513 (M); *154.513 (N)
Drinking and Entertainment	C	C	154.304 (B)
Sales of Merchandise			
Garden Center	P	-	154.513 (P)
Neighborhood Convenience Store	P	-	154.012 (B)(5)
Retail Trade	C	C*	*154.012(B) (5)
Shopping Center	C	-	154.012 (B)(5)
Wholesaling	C	C	
Automotive/Vehicular Uses			
(Automobile) Maintenance Service	€	€	154.505 (B) (5)
Motor Vehicle (Automobile) Parts/Supply	C	-	154.505 (B) (5)
Vehicle (Car) Wash	C	-	
Motor Fuel (Gasoline) Station	C	-	154.505 (B)
Parking Facility	C	C	154.505 (B) (7)
Sales and Storage Lots	€	-	154.306 (C)

Outdoor Recreation			
Outdoor Recreation Facility	C	-	154.306 (C)
Parks and Open Areas	P	P	154.012
Indoor Recreation/Entertainment			
Indoor Athletic Facility	C	C	154.307
Indoor Recreation	C	C	154.307
Industrial and Extractive Uses			
Light Industrial	-C		154.012
?? Non-Production Industrial (no manufacturing) (this could be contractor's yards, for example)	-	C	(See Note X on page 19).
Motor Freight and Warehousing	-	C	
Research and Testing	C	C	154.012
Transportation and Communications			
Broadcasting or Communications Facility	C	C	
Accessory Uses			
Home Occupation	P	P	154.012 (B) (13) and 154.310 (E)
Bed and Breakfast	P	P	154.310 (A)
Family Day Care	P	P	154.012 (12) (d)
Group Family Day Care	P	P	
Temporary Sales	P	P	154.509 (G)
Parking Facility	P	P	
Outdoor Storage	C	-	
Outdoor Display	C	-	

Solar Energy System	P	P	154.310 (C)
Wind Generator – Ground Mounted	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	154.308 (B)
Swimming Pools, Hot Tubs, Etc.	P	P	
Other Structure Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	

For reference and consideration, the Lake Elmo City Code currently has the following definitions:

Manufacturing, Limited: All compounding, processing, packaging, treating or assembling of goods and materials, provided the use will not constitute a nuisance because of offensive odors, glare, smoke, dust, noise vibrations or other pollution extending beyond the lot on which the use is located. Uses include, but are not limited to, the following: machine shops, product assembly, sheet metal shops, plastics, electronics, general vehicle repair (repair garage), body work and painting, contractor shops and storage yards, food and non-alcoholic beverages, signs and displays, printing, publishing, fabricated metal parts, appliances, clothing, text tiles, used auto parts, warehousing and wholesale business. (See Note X on page 19.)

Warehousing: The storage, packing and crating of materials or equipment within and enclosed building or structure.

§ 154.511 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

	<i>MU-C</i>	<i>MU-BP</i>
Minimum Lot Area (sq. ft.)^{a,c}		
Single-family detached dwelling	4,000	5,000
Two-family dwelling (per unit)	3,000	4,000
Single-family attached dwelling (per unit) ^b	3,000	4,000
Multifamily dwelling (per unit)	1,500	2,200
Secondary dwelling	See Section 154.454 (C)	
Live-work unit	3,000	3,000
Non-residential uses	20,000	85,000
Minimum Lot Width (feet)		
Single-family detached dwelling	50	50
Two-family dwelling (per unit)	20	20
Single-family attached dwelling (per unit) ^b	20	20
Multifamily dwelling (per building)	60	60
Live-work unit	25	25
Non-residential uses	100	200
Maximum Height (feet)ⁱ	50	50
Maximum impervious coverage (non-shoreland areas)	75%	75%
Building setback requirements (feet)		

Commented [EB1]: Same as minimum lot size for HDR. Allows enough area per unit assuming the highest density divided by two in order to allow for additional uses within the development while still meeting density requirements.

Commented [EB2]: This is consistent with VMX standards

Commented [EB3]: Consistent with Commercial and Business Park requirements

Commented [EB4]: Consistent with HDR standards

Commented [EB5]: Consistent with HDR standards

Commented [EB6]: Consistent with HDR and BP districts

Residential uses		
Front yard ^d	20	20
Interior side yard ^f		
Principal Buildings	7 10	7 10
Attached Garage or Accessory Structures ^{e,f}	5 10	5 10
Corner side yard ^g	10 15	10 15
Rear yard	20	20
Non-residential uses		
Front yard ^d	30	50
Interior side yard ^j	10	30
Corner side yard ^g	25	30
Rear yard	30	30
From Residential zones	50	150
Parking setback requirements (feet)		
Front yard	15	30
Interior side yard	10	15
Corner side yard	15	30
Rear yard	10	15
From Residential zones	35	50

Commented [EB7]: Same as C and BP districts

Notes to Mixed Use Commercial and Mixed Use Business Park Districts Table

- a. Common open space areas may be used in determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. 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.

- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard also is used for multifamily dwellings.
- d. 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.
- e. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- f. Side yard setbacks shall apply to the ends of attached or two-family dwellings.
- 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.
- h. Attached garages and accessory structures on parcels on which single family homes are located may have a side yard setback of 5 feet.
- i. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- j. All accessory buildings for non-residential uses must be set back at least 10 feet from property lines.
- k. Ground mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in section 154.308 (B).

Commented [EB8]: Check to make sure these align

§ 154.512 GENERAL SITE DESIGN CONSIDERATIONS – MIXED USE COMMERCIAL AND MIXED USE BUSINESS PARK

Development of land within the Mixed Use Commercial and Mixed Use Business Park shall meet the following general standards, in addition to those standards set forth in the City’s Design Standards and the Development Standards for Specific Uses (listed below).

- a. *Design and Layout.* The design and layout of a mixed use development shall take into account the relationship of the site to the surrounding area. The perimeter of a mixed use site shall be designed and constructed to minimize undesirable impacts of the mixed use site on adjacent or nearby properties.
- b. *Location of Residential and Commercial Development, Generally.* Residential development within the mixed use development shall be located adjacent to existing residential development in order to provide a transition to commercial development unless sufficient buffering and screening, as determined by the City, is provided.

- c. *Commercial and Business Park Development, Generally.* Developers and applicants shall design additions and all new construction to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, facade detailing and size and placement of window and door openings. All commercial/business/industrial buildings and sites are expected to meet or exceed the Lake Elmo Design Guidelines and Standards.
- d. *Mitigation.* Where the industrial or commercial nature of adjacent uses would be incompatible with residential development due to noise, vibration, odor, light, glare or other disturbance, reasonable effort shall be taken to minimize such impacts. Mitigation may include, but is not limited to, increased setbacks, the planting of substantial landscaping for buffering and/or the construction of a wall, fence or earth berm between properties.
- e. *Circulation.* New access points to a County State Aid Highway 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. In addition, 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.
- f. *Fencing and Screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principle structure(s).
- g. *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, and shall comply with §150.035-150.038 *Lighting, Glare Control, and Exterior Lighting Standards.*
- h. *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 by a screen wall constructed of the same materials as the principal structure. The City may approve other materials for the required screening if the City determines the proposed design and materials of the screening would be of a similar design and character of the principle structure. The height of the structure or screen wall must be sufficient to completely conceal the exterior stored materials from view at eye level (measured at six feet above ground level) on the adjacent street ~~or property~~.
- i. *Screening of Existing Residential Structures.* When a new development is proposed adjacent to existing single family residential homes, the developer shall provide screening in accordance with §154.258.F. The City may require buffering or screening above and

beyond this section in cases where the City determines the required screening will not provide an adequate separation between incompatible uses.

~~j. *Bicycle Parking.* Developments shall provide bicycle parking near the front or primary entrance of each building. Each bicycle parking space shall be sufficient size to accommodate a bicycle at least 6 feet in length and 2 feet wide and shall have some form of stable frame permanently anchored to the ground to which a bicycle may be conveniently secured with a padlock or other locking device.~~

§ 154.513 DEVELOPMENT STANDARDS FOR SPECIFIC USES

A. *Single-Family Detached Dwellings.*

1. 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.
2. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
3. The primary entrance shall be located on the façade that fronts a public street.

B. *Single-Family Attached Dwellings*

1. A maximum of 10 units shall be allowed within a single building. Buildings with more than 10 units may be allowed as a conditional use.
2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of 15 feet of street frontage. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway. Townhouses that do not meet the minimum requirements for frontage along the street or that have frontage along a private street may be allowed as a conditional use.

C. *Multi-Family Dwellings*

1. No vehicle 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 (such as a courtyard or balcony or a combination of these) shall be provided. Such open space shall comprise a minimum of 300 square feet per unit.

D. *Secondary Dwellings.*

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 2,500 square feet greater than the minimum lot area required for a single-family detached 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 principal building.
7. A secondary unit within the principal structure shall not contain more than 30% of the principal building's total floor area or 800 square feet, whichever is less. A detached secondary unit shall not exceed 1,000 square feet in gross floor area.

E. Live-Work Unit

1. The work space component of the unit 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 façade and accessible from the primary abutting public street.
3. The work space component of the unit shall not exceed 30% 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 or in an enclosed space.
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, etc., that 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, small engine or power equipment repair or service or a motor vehicle service or repair facility for any motor 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 2 workers on-site at any one time who live outside of the live-work unit.

F. Public Assembly and Community Services.

1. No exterior bells or loud speakers are allowed.
2. The structure containing the use shall be no less than 100 feet from residential properties.
3. Outdoor recreation areas shall be setback a minimum of 100 feet from residential properties with adequate screening.
4. The building's meeting space seating capacity shall not exceed 500 persons.

G. *Educational Services.*

1. The structure containing the use shall be no less than 100 feet from residential properties.
2. Outdoor recreation areas shall be setback a minimum of 100 feet from residential properties with adequate screening.
3. The number of persons on-site at any given time shall not exceed 700, with the exception of larger events occurring no more than four times per year.

H. *Funeral Home*

1. The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. The site shall have a minimum of two driveways or vehicle access points. Crematoriums are not allowed.

I. *Medical Facilities.*

1. Medical facility structure(s), primary vehicular access points, and landing pads for helicopters involved in emergency transport or rescue operations shall not be located within 1,500 feet of a residential property

J. *Repair and Maintenance Shop.* No outdoor storage is permitted. All business activities (including repairs and maintenance) shall be conducted completely indoors.

K. ~~*Trade Shop.* The owner or operator shall keep all exterior materials stored outside 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. —(NOTE: No longer need if these are not allowed or included as a land use).~~

L. *Veterinary Services.* All activities and services must be conducted within an enclosed building. Crematoriums are not allowed.

M. *Restaurant with Drive-Through.*

1. All parts of the drive-through lane(s) shall be no less than 200 feet from residential properties.

N. *Standard Restaurant and Restaurant with Drive-Through, MU-BP District.* Must be incorporated as part of a larger business center or lodging use.

O. *Retail Trade, MU-BP District.* Limited to uses clearly incidental and accessory to a permitted or conditionally permitted principal use of the land.

1. The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the permitted or conditionally permitted uses is only allowed when conducted in the building occupied primarily by medical facilities or offices.

P. *Garden Center*

1. The storage or display of any materials or products shall meet all primary building setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of 154.554 (G).
2. All loading and vehicle parking associated with the business shall be provided off-street.
3. The storage of any soil, fertilizer, landscape rock, mulch or other loose, unpackaged materials shall be contained so as to prevent any negative effects on adjacent uses.

Q. *Motor Vehicle Maintenance and Service and Motor Vehicle Parts/Supply*

1. The structure containing the service facility or parts supply shall be no less than 200 feet from residential properties.
- ~~2. All vehicle repairs shall be conducted in a completely indoors in an enclosed building.~~
3. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a primary structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
4. No test driving of vehicles shall be permitted on local residential streets.
- ~~5. The City does not allow the sales, storage, or display of motor vehicles unless the city has approved a conditional use permit for such a use.~~
6. The owner or operator shall submit equipment specifications to the City. The city may require the owner or operator to implement vibration and noise reduction measures as part of their business.
- ~~7. The City may require additional screening may to limit sight and noise impacts of service bays.~~
- ~~8. The owner or operator shall provide adequate space and provisions for proper inside storage of all new and used tires, petroleum, chemical, liquid and other products.~~
- ~~9. Vehicle towing operations shall be allowed as an accessory use, but only if allowed as part of a conditional use permit and if clearly subordinate to the principal use. The City may apply necessary conditions and limitations on this use.~~

R. *Motor Vehicle Washes.*

1. The structure containing the vehicle wash shall be no less than 200 feet from residential properties.
2. The city may require additional screening to limit sight and noise impacts of service or wash bays.
3. The owner or operator shall submit equipment specifications to the City. The City may require the owner or operator of the vehicle wash to implement noise reduction measures to minimize potential negative impacts to nearby residential properties.
4. The developer and owner shall make adequate provisions for vehicle circulation and stacking on site. Stacking requirements shall be based on the specifications of the vehicle wash and the amount of time required to wash each vehicle.

S. Motor Vehicle Fuel Stations.

1. Fuel pumps, canopies and structures shall be no less than 200 feet from residential uses.
2. The City may require additional screening to limit the impact of headlights and noise on adjacent property.

T. Parking Facility.

1. *Within a Mixed Use Building.*
 - a. Structured parking is allowed only 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.
 - b. The primary street-facing facade shall be designed for retail, office or residential use.
2. *In General, as an Accessory Use.*
 - a. The parking structure shall not exceed the height of the principal structure on the parcel.
 - b. The parking structure meet the exterior building material requirements of the district and shall be consistent with the architectural design of the principal structure.

U. Sales and Storage Lots.

1. All inventory shall be stored and displayed inside of a building or within an approved outdoor storage area that shall meet the standards required herein.
2. ~~The storage or display of unlicensed vehicles or other equipment shall meet all setback requirements of a primary structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties. The outdoor storage of inoperable vehicles is prohibited. (See page 7).~~

V. Outdoor Recreation Facility

1. The City may require performance standards or conditions to minimize the impact of noise and lighting and to minimize the likelihood of the recreational activity spilling over onto adjacent property or right-of-ways. The conditions may include, but are not limited to: limiting hours of use, restricting the location of outdoor courts or rinks, and requiring the installation of fencing and/or screening.
2. Sport courts or ice rinks shall not be located in the front yard or in a side yard adjacent to a right-of-way of a residential property, and shall abide by structure setback requirements.

W. Indoor Recreation and Indoor Athletic Facility

1. Entrances for public access as well as other outdoor areas where patrons may congregate shall be no less than 200 feet from residential districts.
2. Provisions for noise reduction shall be identified and implemented based on the type of use.

X. *Non-Production and Light Industrial, MU-BP District.* Non-production industrial use shall be allowed as a principal use, and may include wholesale and off-premise sales, provided that:

1. The structure containing the use shall be no less than 200 feet from residential land uses.
2. The use shall be served by a street of sufficient capacity to handle the traffic the use will generate;
3. The use shall include a retail or office component equal to at least 25% of the floor area of the use;
4. 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;
5. The owner or operator shall submit equipment specifications to the city. The city may require the owner or operator to implement vibration and noise reduction measures as part of their business.

Y. *Outdoor Dining Accessory to Food Services.*

1. Tables shall not block a public sidewalk or other walkway needed for pedestrian circulation. A minimum of 5 feet of sidewalk or walkway must remain open.
2. All outdoor dinner space shall be at least 200 feet from any residential property.
3. The outdoor dining area shall be directly adjacent to the principal structure and shall be clearly delineated by fencing and decorative landscaping.
4. Outdoor speakers and lighting shall be designed to limit impacts on adjacent property or rights-of-way.

Z. *Medical Facilities.*

1. Medical facility structure(s), primary vehicular access points, and landing pads for helicopters involved in emergency transport and rescue operations shall be located at least 1,500 feet from a residential property.

AA. *Outdoor Storage Yard/Facility*

1. Outdoor storage of display of goods used in conjunction with and on the same site as the permitted or conditional use:
 - a. The display area shall be directly adjacent to a structure or under a permanent canopy.
 - b. The display area shall not exceed 2% of the area of the footprint of the principal building or 400 square feet, whichever is less.
 - c. Goods in the display area shall be neatly organized and stored.
 - d. The display area shall not occupy parking/loading or landscaping areas, and shall not interfere with fire and safety access to the building.
2. Outdoor storage of materials and inventory:
 - a. Outdoor storage shall not be permitted on parcels less than three acres in size.
 - b. The area of storage shall not exceed an area equal to 10% of the gross area of the lot or 20% of the footprint area of the principal structure, whichever is less.

- c. The area of storage shall not be located within the front yard or a side yard adjacent to a right-of-way.
- d. The outdoor storage of damaged or inoperable motor vehicles or equipment is prohibited.

SECTION. Existing Articles XIV-XX are hereby renumbered as follows:

- Article XV: Commercial Districts
- Article XVI: Public and Semi-Public Districts
- Article XVII: Open Space Planned Unit Developments
- Article XVIII: Planned Unit Development Regulations
- Article XIX: Shoreland Management Overlay District
- Article XX: Closed Landfill Restricted
- Article XXI: Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities
- Existing Article XVI: Reserved has been stricken.
- **Renumber if goes past § 154.550**
- **Renumber tables**

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 09-__ was adopted on this __ day of _____, 2019, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 09-__ was published on the ____ day of _____, 2019.

SELECTED ORDINANCE LANGUAGE FROM OTHER CITIES (TO CONSIDER)

Woodbury

B-4 Office Warehouse

Purpose: Sites for job-creating businesses requiring a mix of office, warehouse and showroom uses serving local or regional needs.

Permitted uses: Essential services, dental or medical laboratory, office use, office showroom of 5,000 square feet or less in floor area when located in a multi-tenant building, office warehouse, warehouse.

Conditional Uses: Laboratory, research and development, veterinary clinic without outdoor runs or kennels

Compatible Uses: Other uses as deemed compatible and appropriate by the Planning Director. Where a question arises as to the compatibility of a use, the Planning Director shall refer the issue to the Planning Commission. The Planning Commission shall make a recommendation about the matter to the City Council, who shall make the final determination as to whether the city will allow or not allow) a proposed use, is compatible as a permitted use or as a conditional use; is compatible as an accessory use; or is a use that may be added to a specific planned unit development within the zoning district. **(NOTE: Could possibly add this language to page 5 (uses) of the ordinance).**

I-1 Light Industrial

Purpose: The purposes of this district are to:

1. Reserve appropriately located areas for industrial land uses and related activities and to provide for the establishment of warehousing, manufacturing and office development.
2. The city intends the allowed uses in the I-1 District to include those industrial uses that require limited outside storage and truck/trailer storage and to exclude more intensive industrial uses.
3. Establish and maintain higher standards of site planning, architecture and landscape design that will create an environment attractive to the most discriminating industries and research and development establishment seeking sites in the area.

Permitted Uses:

Essential Services; Dental, medical or research and development laboratory; manufacturing, office, office warehouse; office showroom, 5,000 square feet or less in floor area when located in a multi-tenant building; warehouse

Permitted accessory uses: These are uses customarily incidental and clearly subordinate to the permitted and conditional uses as determined by the Planning Director.

Bicycle racks, off-street parking and off-street loading, refuse and recycling storage area

Trailer staging area subject to the following:

1. Trailer staging areas shall not exceed 25 percent of the footprint of the building.
2. Shall be screened from nearby residential properties or residential land uses.
3. Shall not include or mean the areas in front of loading docks.

Conditional Uses:

Funeral home; motor vehicle sales (interior only); office showroom if greater than 5,000 square feet in floor area or located in a freestanding building

MX Mixed Use District:

Purpose and scope: The mixed use district provides flexibility to allow two or more compatible uses for properties. The City has established this zone with the following intent:

1. To promote higher residential densities and walkable, sustainable development.
2. To establish and maintain high standards of site design, spatial relationships, building architecture and landscape design to create a quality attractive, environment.

Permitted Uses:

Business service; clinic for human care; essential services; office use; personal service, other similar uses identified as part of an approved planned unit development.

Permitted accessory uses:

Bicycle racks; off-street parking and loading areas; refuse and recycling storage area; underground parking

Conditional Uses:

Assisted living facility; banks (or financial institutions) with drive-through facilities; daycare center, hotel and/or conference center

Compatible Uses: Other uses as deemed compatible and appropriate by the Planning Director. Where a question arises as to the compatibility of a use, the Planning Director shall refer the issue to the Planning Commission. The Planning Commission shall make a recommendation about the matter to the City Council, who shall make the final determination as to whether the city will allow (or not allow) a proposed use, is compatible as a permitted use or as a conditional use; is compatible as an accessory use; or is a use that may be added to a specific planned unit development within the zoning district.

Mix of Uses:

Developers and builders may mix uses vertically and/or horizontally within a project area. Proposed planned unit developments in this district shall include at least two primary land uses from two different land use categories (residential, commercial, industrial).

Architectural criteria:

1. Nonresidential structures and uses shall meet or exceed the standards in the City's Architectural and Design Standards. (Follow the City's Design Guidelines and Standards)
2. Residential structures containing office or retail or personal services shall use brick and stone in combination with other materials on at least 50 percent of the front facades of such buildings.

Other Requirements:

The City Council may apply additional requirements to projects or developments in this district as they deem necessary to implement the purpose of this zoning district, the goals and policies of the Comprehensive Plan and any other City policies or amendments thereto.

COTTAGE GROVE

Limited Industry District (I-1)

The I-1, limited industry district is intended to provide for industrial uses that may be suitably located in areas relatively close to nonindustrial development. The uses in this district include services industries and businesses and industries that manufacture, fabricate, assemble or store products where the processes not likely to create offensive or excessive noise, vibrations, dust, heat, smoke, odor, glare or other objectionable influences to other property or land uses in close proximity to the site. Generally, these uses include wholesale, service and light industries that are dependent on raw materials refined elsewhere.

Permitted Uses

Clinics; offices; restaurants; appliance repair; indoor archery ranges; essential services (public utilities); furniture repair, refinishing shops and sales; manufacture of electronic instruments; public utility installations; utility stations and substations; veterinarian hospitals/clinics (all inside the principle structure with no outside activities); warehouses and enclosed storage facilities.

Conditional Uses

Motor fuel stations

Permitted Accessory Uses

Outdoor parking of trucks and vehicles incidental to the principle use;
Off street parking, storage garages and buildings and loading areas when incidental and subordinate to any permitted or conditional use listed and approved in this section

Performance Standards

Purpose: The purpose of this section is to establish regulations and standards for the installation and operation of industrial uses, based on the consideration of the objectionable characteristics of such uses. Further, this section is intended to prescribe procedures and methods of measurement of the industrial characteristics subject to such standards.

Permit Procedures and Requirements: Any industrial use, whether such use is permitted as a principal, conditional or accessory use, shall be subject to the following requirements:

1. Before the City issues a building permit for an industrial use, the applicant shall furnish the City sufficient information to ensure that performance standards and site development standards set forth in the City Code will be met. In order to determine whether or not the applicant will meet all required standards, the City (including the Planning Director, the City Engineer or other staff persons) may require the applicant to submit the following information:
 - a. A site plan showing the location of proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, storm water management facilities and systems and all other significant features on or within 200 feet of the proposed site.
 - b. A description of the activity or activities to be conducted on the site including the generation and disposal of waste products and all external effects or conditions from that proposed uses that are regulated.
 - c. The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards.
2. Additional performance standards information. No structure or premises within an industrial district shall be used for one or more of the following uses unless it meets the following regulations:
 - a. All business, service, storage, merchandise, display, repair, waste disposal and processing must be conducted wholly within a building, except for off-street vehicular parking and off street loading and uses specifically listed as those including outdoor storage.
 - b. Glare and heat: Any operation or process producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line or off-site.
 - c. Waste material:
 1. All liquid and solid waste shall be identified in all processes and operations and approved disposal methods identified. All waste discharge to the sanitary sewer shall meet the requirements of the city and the rules and regulations of the Metropolitan Council wastewater services. All proposed discharges to the public storm sewer shall be identified. Storm water drainage shall meet the requirements of state laws, rules, regulations, watershed district requirements and City requirements. The applicant and operator shall protect storm water drainage from pollution and contaminants.
 2. The owner or operator shall keep all solid waste materials, debris, rubbish, junk, refuse or garbage within a completely enclosed building or properly

contained within a closed container specifically designed for such a purpose. In no case shall an owner or operator keep noxious or odorous reuse or garbage outside of a complexly enclosed building except for when proper pickup for disposal purposes by a licensed hauler is expected.

3. The owner or operator shall keep all hazardous wastes generated from any activity or operation properly contained, label and soled for transfer to an authorized disposal or processing facility, according to the laws of and regulations of federal, state, county, and local requirements.

d. Noise:

1. Noise levels inside and outside of all buildings must meet all noise limits and standards.
2. No outdoor public address systems are permitted.

- e. Dust, Dirt, Smoke, Odor, Gases: All solid and liquid particulate, smoke, gases, toxic or noxious materials and other materials emitting odors or gasses shall be regulated by the standards of the Minnesota Pollution Control Agency (MPCA).

- f. Loading docks. The City does not permit loading docks along any side of a building that faces a public street.

OAKDALE

Light Manufacturing (definition): Any operation that assembles, improves, treats, compounds and/or packages goods or materials in a manner that does not create a noticeable amount of noise, dust, odor, smoke, glare or vibration outside the building in which the activity takes place, that does not requires outside storage of goods and materials. (?? and that does not generate (in the opinion of the City Council) objectionable amounts of truck traffic).

I-O (Industrial-Office District)

Purpose: The purpose of the I-O District is to provide locations for light manufacturing, office, research and development, warehousing and other uses in a functional, attractive manner that does not unduly affect the development or use of nearby properties.

Permitted Uses: Light manufacturing, processing, treatment or assembly of products or materials; offices; research and development facilities; office-warehouse; office-showrooms; hotels; restaurants.

Accessory Uses: Off-street parking and off-street loading facilities.

MAPLEWOOD

Definitions

Industrial use – means the use of land or buildings to produce, manufacture, store or transfer goods, product or commodities.

Limited production and processing – means those uses that produce minimal off-site impacts due to their limited nature and scale, are compatible with commercial and residential uses and may include wholesale and off-premises sales. Odors, noise, vibrations, glare and other potential side effects of manufacturing processes shall not be discernable beyond the property line or to other tenants in a building. Limited production and processing includes, but is not limited to, the production, processing, repair or service of the following:

1. Apparel and other finished products made from fabrics.
2. Computers and accessories, including circuit boards and software.
3. Electronic products, components, assemblies and accessories.
4. Film, video and audio production.
5. Jewelry, watches and clocks.
6. Musical instruments.
7. Precision dental, medical and optical goods.
8. Signs, including electric and neon signs and advertising displays.
9. Furniture and upholstery.

M-1 Light Manufacturing District:

Permitted Uses –

Wholesale businesses;

Custom shop for making articles or products sold on the premises;

Manufacturing, assembly or processing of:

1. Electrical equipment, appliances and supplies, except heavy electrical machinery.
2. Jewelry, clocks or watches.
3. Medical or dental equipment, optical goods.
4. Musical Instruments.

Laboratory, research, experimental or testing

Warehouse

M-U Mixed Use District

The purpose of the mixed-use zoning district is to provide areas in the city with a mixture of land uses, made mutually compatible through land use controls and high-quality design standards. With this district, the city intends to promote the redevelopment or development of an area into a mixed-use urban center with compact, pedestrian-oriented commercial and residential land uses. The intent of the mixed-use zoning district is to enhance viability within an area and foster more opportunities for employment and residential development. The placement and treatment of buildings, parking, signage, landscaping and pedestrian spaces are essential elements in creating pedestrian-friendly and livable environment in a mixed-use area. To ensure these elements are achieved, minimum design standards are included in this district.

Permitted Uses

Residential – Single-family, double dwelling, multiple dwelling

Mixed Commercial-Residential Uses

Commercial Uses – Bakery/candy/catering that produces goods for on-premises retail sale, banks, credit unions or financial services facilities, medical, dental or health-related clinic, veterinary clinic (with no exterior kennels), fitness studio, health/sports club, indoor athletic facility, indoor recreation, indoor theater, limited production and processing (with less than 5,000 square feet of gross floor area), office, restaurant, retail sales, small appliance and electronic component or equipment repair

Conditional Uses

Drive-through sales and services, drive-up food or beverage window

Maximum Density

The density of the mixed-use zoning district shall not exceed the maximum density permitted by the land use classification in the city's Comprehensive Plan. In addition, the net acreage for calculating density may be increased by 300 square feet for each affordable housing units in the development, as defined by Metropolitan Council guidelines.

Design Standards

The City is striving for attractive, cohesive development design in the mixed use district. As such the City (Lake Elmo Design Guidelines and Standards) shall apply to developments or projects in the mixed-use zoning district unless specified differently below:

Note: The following is a list of topics and design elements also included in their mixed use ordinance. If the Commission determines they need more information about these, staff will bring more information about any or all of these back to the Commission at a later meeting.

Awnings, Building façade, Exterior building materials, windows

Fences

First Floor Height

Landscaping (including landscaping requirements within the site, along the perimeter, etc.)

Material change

Remodeling/additions/alterations

Model variety

Non-conforming buildings and developments

One-story buildings

Parks/playgrounds

Pedestrian access

Porches and entries

Residential garages

Setbacks

Storage/service/loading