



STAFF REPORT

DATE: 1/28/19
BUSINESS ITEM
ITEM #: 5A
MOTION

TO: Planning Commission

FROM: Ken Roberts, Planning Director

ITEM: Mixed Use Business Park and Mixed Use Commercial Zoning Ordinance

REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

City staff is asking the Planning Commission to provide feedback on a proposed Mixed Use Business Park and Mixed Use Commercial zoning ordinance.

On December 10, 2018, the Planning Commission reviewed and provided staff with comments about a first draft of the proposed mixed use ordinance.

On January 14, 2019, the Planning Commission again reviewed and provided staff with additional comments and suggestions about the proposed mixed use ordinance.

ISSUE BEFORE COMMISSION:

The Commission should provide staff feedback on the latest proposed Mixed Use Business Park and Mixed Use Commercial zoning ordinance.

PROPOSAL DETAILS/ANALYSIS:

Implementation Chapter of the 2040 Comprehensive Plan. The number one implementation step of the Land Use Chapter of the 2040 Comprehensive Plan was to create two new zoning designations that support the Mixed-Use Business Park and Mixed Use-Commercial land use designations. It is a requirement of the Metropolitan Council that the City adopt official controls that do not conflict with the updated 2040 Comprehensive Plan within nine months of adoption of the 2040 Comprehensive Plan update.

Proposed Ordinance. The following explains the proposed ordinance:

- *Descriptions.* Staff drafted the descriptions to align with the descriptions within the draft 2040 Comprehensive Plan of the Mixed Use Commercial and Mixed Use Business Park future land uses. The descriptions promote buffering and smooth transitions between both existing and new development of residential and commercial uses. There also is an explanation of the requirement there be at least 50% residential (with 50% commercial) land use within a development, and if that cannot be provided, the developer provide a 'ghost' plat that will be used as an official document to establish land use consistent with the Comprehensive Plan.
- *Additional Submittal Requirements.* The review procedures sets forth submittal requirements for development within the Mixed Use Commercial and Mixed Use Business Park zoning districts that will be required in addition to submittal requirements for a plat. These additional

submittal requirements will help the City to determine if the 50% residential/50% commercial land use mixture has been met.

- *Review Procedure.* The review procedure is in addition to the Subdivision Regulations review procedure if the property is being platted. The review procedure is applicable to all development within the Mixed Use Commercial and Mixed Use Business Park district. If the property is not being platted, development must undergo the Mixed Use Development Review process, which is the same procedure as the Conditional Use Permit process, even if the proposed land use within the development is permitted. The review procedure includes the requirement that development be tracked in order to ensure that development within these areas is happening consistent with the Comprehensive Plan.
- *Permitted, Conditional and Interim Uses.* The proposed permitted and conditional (there are no interim uses proposed) uses within the Mixed Use Business Park and Mixed Use Commercial zoning districts is generally consistent with those of the current Commercial and Business Park zoning districts, except that there are additional residential uses allowed. The definitions of these uses are attached to this report.
- *Lot Dimensions and Building Bulk Requirements.* An explanation of the proposed lot dimension and bulk requirements is below:
 - *Multi-Family Dwelling Minimum Lot Area.* This is the same as the minimum lot size for HDR. This allows enough area per unit assuming the highest density divided by two in order to allow for additional uses within the development (i.e. pool, clubhouse, recreational facilities for the apartment) while still meeting density requirements.
 - *Live Work Unit Minimum Lot Area.* This is consistent with the VMX standards.
 - *Non-Residential Uses Minimum Lot Area.* This is consistent with Commercial and Business Park requirements
 - *Minimum Lot Width for Residential Uses.* These are consistent with HDR standards.
 - *Maximum Height.* This is consistent with Urban Residential and Commercial/Business Park districts.
 - *Building Setback Requirements.* Residential uses are consistent with the Urban Residential districts, and non-residential uses are consistent with the Commercial and Business Park zoning districts.
- *General Site Design Considerations.*
 - *Location of Residential and Commercial Development.* Staff is proposing that it be a standard that residential development be located adjacent to existing residential development in order to provide a transition to commercial development unless sufficient buffering is provided as determined by the City. This will help to ensure that major commercial uses are not proposed adjacent to existing residential development (i.e. Savona, the Forest).
 - *Design.* Commercial and Business Park development is to be designed to reflect the general scale and character of existing buildings on surrounding blocks.
 - *Other Standards.* The other proposed standards were carried over from the existing Commercial Districts standards.
- *Standards.* Current standards for a number of uses are attached to this report. Note that a number of uses do not currently have separate standards, and the reader is referred to the definition for any standards it may set forth (this is indicated when the standards refer to Section 154.012). Additional standards for specific uses within the MU-C and MU-BP zoning district are being proposed. Brief explanations of why these unique standards are proposed are below.
 - *Single Family Detached Dwelling.* This is a standard that has been carried over from the standards within other districts.

- *Single Family Attached Dwelling.* These standards have been carried over from the HDR standard for this use.
- *Secondary Dwelling.* These standards have been carried over from the Urban District standards for this use.
- *Public Assembly.* There are currently no existing standards for this use, and these standards would be unique to these zoning districts. The standards are meant to prevent the use from becoming too overcrowded and noisy, creating a nuisance to surrounding residential properties.
- *Educational Services.* These are in addition to existing standards for such use and are also meant to prevent the use from becoming too overcrowded and noisy.
- *Funeral Home.* There currently are no standards for a funeral home. Because these uses often attract large gatherings of people, standards are proposed that would help mitigate the effect of this use near residential properties. We also are recommending that the city prohibit crematoriums.
- *Medical Facilities.* Because of the intensity of this use, it is recommended that structures, primary vehicular access points, and helicopter landing pads be located at least 1,500 feet away from a residential property.
- *Standard Restaurant and Restaurant with Drive-Through; and Retail Trade within the MU-BP district.* These are limited to those incorporated as part of a larger business center or lodging use in order to keep with the general feel of the MU-BP district, which is to provide for general business and business park uses as opposed to services. Restaurants as a primary use are more appropriate for the MU-C district.
- *Garden Center.* These standards were carried over from the VMX and Commercial districts.
- *Car Washes.* There are currently standards for car washes within the Zoning Code, but since the use could be proposed near or to adjacent properties, Staff would recommend additional performance standards including required distance from residential structures, screening, and provisions for circulation and stacking.
- *Gasoline Station.* There currently exist standards for gasoline (motor fuel) stations within the Zoning Code, and the proposed ordinance proposes a minimum 200 foot setback of fuel pumps and structures from residential uses and the possible requirement of additional screening.
- *Parking Facility.* The standards set forth are for a parking facility within a mixed use building, parking facility as an accessory use, and parking facility as a principal use. These are set forth in order to help ensure that the parking facility is cohesive in design to the surrounding residential neighborhood.
- *Sales and Storage Lots.* There are standards for sales and storage lots elsewhere in the City Code, however staff is not recommending the city include these uses in these two zoning districts. The Planning Commission discussed this use during their December 10 meeting and as such we are showing this use ~~crossed-out~~ (on page 7 of the ordinance). If the City wants to include these uses in these two zoning districts, then staff would recommend including additional standards (as shown) to require additional screening.
- *Outdoor Recreation Facility.* There are existing standards for this use, and additional standards are proposed to minimize noise and light.
- *Indoor Recreation Facility.* There are existing standards for this use and additional standards are proposed to increase the required setback from residential properties and require noise reduction.

- *Outdoor Dining as an Accessory Use.* These standards are carried over from the Commercial and VMX districts in addition to the requirement that the outdoor dining areas be located at least 200 feet from residential districts and that outdoor speakers and lighting be designed to limit impacts on adjacent property or right-of-way.
- *Outdoor Storage.* There are two different sets of standards for outdoor storage: one for display of goods in conjunction with a permitted or conditional use and one of materials and inventory.

The attached version of the proposed mixed-use ordinance is a clean copy (with no strikeouts or underlines) and should include all the changes discussed by the Planning Commission on January 14. It includes the additional language about compatible uses on page 5, removing all underlining for new language and any language that was shown as strikeout and clarifying the possible industrial uses on page 8. It is the intent of staff to bring this latest version of the ordinance to the Planning Commission on February 11 for a public hearing, unless the Planning Commission has additional comments or suggestions about the proposed ordinance.

RECOMMENDATION:

Staff recommends that the Planning Commission review the latest version of the proposed Mixed Use Commercial and Mixed Use Business Park ordinances and provide staff with feedback. Staff will make changes to the proposed ordinance and then bring the proposed ordinance back to the Planning Commission meeting on February 11, 2019 for a public hearing.

ATTACHMENTS:

1. Proposed Mixed Use Ordinance (clean copy)

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

ORDINANCE NO. 08-__

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:

**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 percent of the net developable area of a proposed mixed use commercial development is to be residential, and residential development within these areas shall occur at a density of at least 10-15 units per acre. If a proposed development does not include at least 50 percent 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 percent of the project site with residential land use(s). 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 allows light industrial and limited manufacturing in this district with the city approval of a conditional use permit. (Sec 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 percent of the net developable area of a proposed mixed use business park development is to be residential, and residential development within these areas shall occur at a density of at least 6-10 units per acre. If a proposed development does not include at least 50 percent 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 percent of the project site with residential land use(s). 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 percent 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 percent of the site in residential land uses 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 the residential units, the associated residential density (in units per acre) and the acreages of residential and other land uses associated with each development approved by the City with and by 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: In the event of any question as to the appropriate use type or compatibility of any proposed land use or activity in a mixed use development, the Planning Director shall have the authority to determine if the City should consider the use or activity as permitted, conditional or prohibited from a location in a mixed use zoning district. In making such a determination, the Planning Director shall consider the operational and physical characteristics of the proposed use or activity in question. In addition, the Planning Director shall consider the specific requirements of the use in common with those included as permitted or conditional uses in the zoning district. Where a question or conflict arises as to the appropriateness or compatibility of a proposed use or activity, the Planning Director shall refer the matter 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 mixed use development within the zoning district.

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)
<i>Public and Civic Uses</i>			
Community Services	C	C	154.513 (F)
Day Care Center	C	C	154.012 (B)
Public Assembly	C	C	154.513 (F)
<i>Services</i>			
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)
Transportation Services	C	C	154.012 (B)
Veterinary Services	C	C	154.513 (L)
<i>Food Services</i>			
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)
<i>Sales of Merchandise</i>			
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	
<i>Automotive/Vehicular Uses</i>			
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)
<i>Outdoor Recreation</i>			
Outdoor Recreation Facility	C	-	154.306 (C)
Parks and Open Areas	P	P	154.012
<i>Indoor Recreation/Entertainment</i>			
Indoor Athletic Facility	C	C	154.307
Indoor Recreation	C	C	154.307
<i>Industrial and Extractive Uses</i>			
Light Industrial/limited manufacturing		C	154.012
Non-Production Industrial		C	(See Note X on page 19).
Research and Testing	C	C	154.012
<i>Transportation and Communications</i>			
Broadcasting or Communications Facility	C	C	
<i>Accessory Uses</i>			
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	

§ 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)		
<i>Residential uses</i>		
Front yard ^d	20	20
Interior side yard ^f		
Principal Buildings	<u>7</u>	<u>7</u>
Attached Garage or Accessory Structures ^{e,f}	<u>5</u>	<u>5</u>
Corner side yard ^g	<u>10</u>	<u>10</u>
Rear yard	20	20
<i>Non-residential uses</i>		
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

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).

§ 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.

- 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.

§ 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 loudspeakers 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. (Reserved.)*

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 Parts/Supply*

1. The structure containing the parts supply shall be no less than 200 feet from residential properties or land uses.
2. 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.
3. No test driving of vehicles shall be permitted on local residential streets.
4. The City does not allow the sales, exterior storage, or display of motor vehicles in the mixed use zoning districts.

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 outdoor storage of vehicles is prohibited.

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 loudspeakers 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 2. 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.

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-__ 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 08-__ was published on the ____ day of _____, 2019.

