



Ordinance 19 - ____

An Ordinance Amending Chapter, 30-1, Definitions, 30-383, Exemptions, 30-938 Architectural Standards, 30-991, R-1 districts, 30-992 R-2a district, 30-993 R-2b district, 30-994 R-3 townhome district, 30-995 R-4 district, 30-1022 C-1 central business district, 30-1023 C-2 office district, 30-1024 C-3 highway commercial district, 30-1026 DD downtown district, 30-1584 MU-ERP mixed use Elk River Plaza district, 30-1587 Focused area study (FAST), and 78-501 Generally, of the City of Elk River, Minnesota, City Code

The City Council of the City of Elk River does hereby ordain as follows:

SECTION 1. That § 30-1, **Definitions** of the City of Elk River Code of Ordinances shall be amended to read as follows:

Dwelling, multiple-family, means a detached building containing ~~three~~two or more single-family dwelling units, ~~with the number of families in residence not exceeding the number of dwelling units provided.~~ Condominiums and cooperatively owned multiple residential dwellings are multiple-family dwellings for purposes of article VI of this chapter.

Educational institution means a public, parochial, or private institution that provides educational instruction to students.

Health care facility, inpatient means a facility where a patient receives medical treatment while being admitted for one or more nights, excluding hospitals.

~~*Outpatient health care facility, outpatient*~~ means a facility where a patient receives medical, ~~dental,~~ and/or ~~optical~~ treatment without being admitted overnight.

Hospital means an institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Institutional facilities includes any of the following uses: educational institution, health care facility (inpatient or outpatient), or religious institutions.

~~*Institutional use* means a place or facility which is designed for use as a place of worship, public service, education, and for health care facilities for principally inpatient care.~~

Medical treatment means a patient receiving medical, dental, and/or optical treatment.

Religious institution means a church or place of worship or religious assembly with related facilities.

Residential, apartment means two or more dwelling units attached by a series of common or party walls, in which each unit has access to an inside common hallway and each unit may be for rent or owner-occupied.

Residential, multiple-family means two or more dwelling units attached by a series of common or party walls, in which each unit has its own front and/or rear access to the outside and each unit may be for rent or owner-occupied. Apartments and attached townhouses are not included.

Residential, single-family means one dwelling unit contained in a structure.

Residential facility means any facility, public or private, which, for gain or otherwise, regularly provides one or more persons with a 24-hour per day substitute for care, food, lodging, training, education, supervision, rehabilitation, habilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to, state institutions under the control of the state commissioner of public welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, or schools for handicapped children, except as specifically excluded in identical exclusions to those set forth in the definition of "day care facility" in this section, which are incorporated within this definition as though fully set forth herein. A residential facility does not provide medical treatment as defined in this section.

Townhouse, attached, means a one-family dwelling of at least four attached units in which each unit has its own access to the outside, no unit is located over another unit, and each unit is separated horizontally by a series of common or party walls. There shall be no more than six dwellings per structure in a row or no more than eight dwellings per structure if back-to-back.

SECTION 2. That § 30-383, **Exemptions** of the City of Elk River Code of Ordinances shall be amended to read as follows:

- (11) Mobile food units contracted by residential property owners for private parties where food is not sold to guests or any other members of the public. This exclusion does not include religious or educational institutional uses in the residential zoning district where mobile food units are contracted to provide food for a public event.

SECTION 3. That § 30-938, **Architectural standards** of the City of Elk River Code of Ordinances shall be amended to read as follows:

(6) Buildings abutting ~~street, residential, religious, or institutional~~educational uses, or place of assembly. All portions or sides of buildings which abut a public street, a residential zone, religious or s- or institutional-educational uses or zone, or place of assembly, such as a public park or recreational facility, shall be constructed of materials on the list of exterior building finishes in subsection (2)~~b-a~~ of this section.

SECTION 4. That § 30-991, **R-1 districts** of the City of Elk River Code of Ordinances shall be amended to read as follows:



(b) *Permitted uses* . Permitted uses in the R-1 districts are as follows:

- (1) Agricultural uses (only in the R-1a district on parcels 5 acres or larger).
 - (2) Bed and breakfast establishments, homeowner-occupied.
 - (3) Farm wineries (only in the R-1a district on parcels 5 acres or larger).
 - (4) Open space preservation (as permitted in Section 30-511 et seq.).
 - (5) Public parks.
 - (6) Residential, single family.
 - (7) Residential facilities (1-6 persons).
 - (8) State licensed residential facilities or a housing with services establishment registered under chapter 144D serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.
- ~~(1) Single family dwellings per section 30-799;~~
 - ~~(2) Licensed day care facilities for 12 or fewer children;~~
 - ~~(3) Model homes in compliance with section 30-800;~~
 - ~~(4) Agricultural uses in the R-1a district (more than five-acre lot size);~~
 - ~~(5) Public parks, playgrounds and open space;~~
 - ~~(6) Permitted home occupations;~~
 - ~~(7) Truck tractor and/or trailer parking (nonplatted parcels five acres in size or greater within the R-1a district);~~
 - ~~(8) State licensed residential facilities or housing with services establishments registered under Minn. Stats. ch. 144D serving six or fewer persons, licensed day care facilities serving 12 or fewer persons and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be a permitted use;~~
 - ~~(9) Open space preservation development plats within the R-1a district (residential clustering);~~
 - ~~(10) Towers less than 60 feet in height;~~
 - ~~(11) Private kennels on parcels five buildable acres or greater, excluding lots located in cluster subdivisions (see subsection (d)(12));~~

~~(12) Homeowner-occupied bed and breakfast establishments shall be allowed in all residential districts as a permitted use, subject to site plan review, provided the use complies with the following criteria:~~

- ~~a. Off street parking shall be provided at a rate of one space per guest room plus those required for the single family use. A piggy-backed or tandem parking arrangement is permitted;~~
- ~~b. Off street parking shall be provided on an existing driveway;~~
- ~~c. Signage shall be limited to one freestanding sign, not to exceed four feet in height and eight square feet in size, and one wall sign not to exceed four square feet in size. Signs shall not be illuminated;~~
- ~~d. The exterior appearance of the structure shall not be altered from its single family character;~~
- ~~e. The proposal shall comply with all building and fire code requirements;~~

~~If the proposed bed and breakfast business does not comply with one or more of the above criteria, it will require a conditional use permit.~~

~~(13) Farm wineries in the R-1a zoning district provided the use does not include on-site sales of any type;~~

~~(14) Accessory dwelling units, on single family detached lots, provided:~~

- ~~a. Not more than one accessory dwelling unit shall be allowed on a single family detached lot;~~
- ~~b. An accessory dwelling unit may be permitted within a principal single family dwelling unit or in a detached accessory structure;~~
- ~~c. An accessory dwelling unit shall require a building permit that may only be applied for concurrently with the application for a building permit for construction of the principal single family dwelling unit on the lot or after the construction of the principal structure;~~
- ~~d. A detached accessory dwelling unit shall be counted towards the total number of allowed accessory structures on a parcel;~~
- ~~e. A rental license for the accessory dwelling unit is obtained pursuant to chapter 30, article III, division 3 of the City Code;~~
- ~~f. An accessory dwelling unit shall be clearly a subordinate part of the principal single family dwelling unit on the lot and the living area shall not be more than 1,000 square feet, nor less than 250 square feet in size;~~
- ~~g. No more than two sleeping rooms shall be allowed in an accessory dwelling unit;~~
- ~~h. The entrance to an accessory dwelling unit shall not be in the front yard of the principal single family dwelling unit;~~
- ~~i. In the A-1 and R-1a districts, and on lots greater than 2½ acres in the R-1b, R-1c, R-1d, R-1e, and residential PUD districts, detached accessory dwelling units may be finished with wood, vinyl lap siding, metal siding, metal panels, and/or masonry. On~~

lots less than 2½ acres in the R-1b, R-1c, R-1d, R-1e and residential PUD districts, detached accessory dwelling units may be finished with wood, vinyl lap siding, metal siding, and/or masonry;

- ~~j. Accessory dwelling units in combination with their associated principal single family dwelling unit must conform to all City Code requirements for single family dwellings, including but not limited to setback, height, impervious surface, and accessory structure standards;~~
- ~~k. In addition to the parking required for the principal single family dwelling unit on the lot, there shall be one off-street parking space provided on an approved surface for the accessory dwelling unit;~~
- ~~l. The property owner must reside in the principal single family dwelling unit or in the accessory dwelling unit;~~
- ~~m. An accessory dwelling unit must be on the same parcel of property as the principal single family dwelling unit. A property may not be subdivided or otherwise segregated to provide separate ownership of an accessory dwelling unit;~~
- ~~n. The principal single family dwelling unit and accessory dwelling unit shall have one postal address;~~
- ~~o. An accessory dwelling unit must provide for one independent housekeeping unit having cooking, sleeping, and sanitary facilities;~~
- ~~p. The principal single family dwelling unit and accessory dwelling unit shall be served by single well, septic, municipal water, sanitary sewer, gas and/or electric utility service lines. Separate meters for the respective utilities are allowed;~~
- ~~q. The principal single family dwelling unit and attached accessory dwelling unit shall have one heating and air conditioning system;~~
- ~~r. The accessory dwelling unit and the associated principal single family dwelling unit must meet all current state building, plumbing, electrical, mechanical, and fire code provisions including emergency vehicle access to any accessory dwelling unit.~~

(c) *Accessory uses.* Accessory uses in the R-1 districts are as follows:

- (1) Accessory dwelling units.
- (2) Agricultural buildings.
- (3) Home occupations, permitted.
- (4) Kennels, private. (On parcels 5 buildable acres or greater).
- (5) Parking lots.
- (6) Private recreation facilities.
- (7) Structures, accessory.
- (8) Towers (less than 60 feet in height).
- (9) Tractor trailer parking (only in the R-1a district on parcels 5 acres or larger).
- (10) Trailer, temporary

- (11) Signs (as permitted in Section 30-851 et seq.).
 - ~~(1) Accessory farm structures.~~
 - ~~(2) Public shelters and essential services.~~
 - ~~(3) Garages and sheds, including metal-skinned buildings in R-1a districts.~~
 - ~~(4) Private recreational facilities.~~
 - ~~(5) Signs as permitted in section 30-851 et seq.~~
- (d) *Conditional uses.* Conditional uses in the R-1 districts are as follows:
 - (1) Agricultural uses (in the R-1b, R-1c, and R-1d districts on parcels 5 acres or larger and in the R-1A district on parcels less than 5 acres).
 - (2) Bed and breakfast establishments, non-homeowner-occupied.
 - (3) Cemeteries (minimum lot size 4 acres).
 - (4) Commercial recreation facilities (On properties adjacent to arterial or collector streets when associated with an approved educational institution)
 - (5) Cooperative gardening.
 - (6) Day care, (in religious institutions).
 - (7) Educational institutions.
 - (8) Farm wineries (only in the R-1a zoning district when on-site sales are included and/or on parcels less than 5 acres).
 - (9) Feedlots (only in the R-1a district on parcels 5 acres or larger).
 - (10) Golf courses and country clubs.
 - (11) Government facilities.
 - (12) Home occupations, conditional.
 - (13) Horticultural uses.
 - (14) Kennels, commercial.
 - (15) Kennels, private (on parcels less than 5 buildable acres or on parcels located in cluster subdivisions).
 - (16) Mobile homes, temporary
 - (17) Religious institutions
 - (18) Stables, private.
 - (19) Tractor trailer parking (only in the R-1a district on parcels less than 5 acres in size)
 - (20) Wayside stands.
 - ~~(1) Conditional home occupations.~~
 - ~~(2) Fairground facilities.~~

- ~~(3) Golf courses and country clubs.~~
- ~~(4) Governmental offices.~~
- ~~(5) Temporary mobile homes used as a residence.~~
- ~~(6) Institutional uses.~~
- ~~(7) Licensed day care facilities in institutional buildings.~~
- ~~(8) Agricultural uses in the R-1a district (less than five-acre lot size).~~
- ~~(9) Agricultural uses in R-1b, R-1c, and R-1d districts (five-acre minimum lot size).~~
- ~~(10) Feedlots in the R-1a district.~~
- ~~(11) Commercial kennels in the R-1a district.~~
- ~~(12) Private kennels on parcels less than five buildable acres or lots located in cluster subdivisions.~~
- ~~(13) Truck tractor and/or trailer parking (platted parcels or parcels less than five acres in size within the R-1a district).~~
- ~~(14) Cooperative gardening in preserved open space.~~
- ~~(15) Horticulture and floriculture services in preserved open space.~~
- ~~(16) Private stables in preserved open space.~~
- ~~(17) Wayside stands in preserved open space.~~
- ~~(18) Therapeutic massage and sauna establishments operated as a home occupation.~~
- ~~(19) Cemeteries minimum lot size four acres.~~
- ~~(20) Non-homeowner-occupied bed and breakfast establishments, located on a collector street or above, as identified in the city's comprehensive transportation plan, shall be a conditional use in all residential districts, provided the use complies with the following criteria:
 - ~~a. Off-street parking shall be provided at a rate of one space per guest room plus those required for the single-family use. A piggy-backed or tandem parking arrangement is permitted.~~
 - ~~b. Off-street parking shall be provided on an existing driveway.~~
 - ~~c. Signage shall be limited to one freestanding sign, not to exceed four feet in height and eight square feet in size, and one wall sign not to exceed four square feet in size. Signs shall not be illuminated.~~
 - ~~d. The exterior appearance of the structure shall not be altered from its single-family character.~~
 - ~~e. The proposal shall comply with all building and fire code requirements.~~~~
- ~~(21) Farm wineries in the R-1a zoning district when on-site sales are included.~~

SECTION 5. That **§ 30-992, R-2a district** of the City of Elk River Code of Ordinances shall be amended to read as follows:

(b) *Permitted uses.* Permitted uses in the R-2a district are as follows:

- (1) Public parks
- (2) Residential, multiple family (2 units max)
- (3) Residential, single family
- (4) Residential facilities (1-6 persons).
- (5) State licensed residential facilities or a housing with services establishment registered under chapter 144D serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

~~(1) Single family dwellings.~~

~~(2) Two-family dwellings.~~

~~(3) State licensed residential facilities or housing with services establishments registered under Minn. Stats. ch. 144D serving six or fewer persons, licensed day care facilities serving 12 or fewer persons and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be a permitted use.~~

State Law reference — Similar provisions, Minn. Stats. § 462.357, subd. 7.

~~(4) Model homes in compliance with section 30-800.~~

~~(5) Public parks, playgrounds and open space.~~

~~(6) Permitted home occupations in single family dwellings.~~

(c) *Accessory uses* Accessory uses in the R-2a district are as follows:

- (1) Home occupations, permitted
- (2) Parking lots.
- (3) Private recreational facilities.
- (4) Signs (as permitted in section 30-851 et seq.).
- (5) Structures, accessory.
- ~~(1) Public shelters and essential services.~~
- ~~(2) Garages and sheds.~~

- ~~(3) Private recreational facilities.~~
- ~~(4) Signs as permitted in section 30-851 et seq.~~

(d) *Conditional uses.* Conditional uses in the R-2a district are as follows:

- (1) Day care (in religious institutions)
- (2) Educational institutions.
- (3) Governmental facilities.
- (4) Home occupations, conditional
- (5) Religious institutions.
- (6) Zero lot line developments.
- ~~(1) Conditional home occupations in single-family dwellings.~~
- ~~(2) Metal-skinned buildings.~~
- ~~(3) Institutional uses.~~
- ~~(4) Governmental offices.~~
- ~~(5) Licensed day care facilities with 13 or more children in institutional buildings.~~
- ~~(6) Zero lot line development.~~
- ~~(7) Manufactured home parks as defined in Minn. Stats. § 327.14, subd. 3.~~

SECTION 6. That **§ 30-993, R-2b district** of the City of Elk River Code of Ordinances shall be amended to read as follows:

(b) *Permitted uses.* Permitted uses in the R-2b district are as follows:

- (1) Public parks
- (2) Residential, multiple family (4 units max)
- (3) Residential, single family
- (4) Residential facilities (1-6 persons).
- (5) State licensed residential facilities or a housing with services establishment registered under chapter 144D serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.
- ~~(1) Single-family dwellings.~~
- ~~(2) Two-family dwellings.~~

- ~~(3) Townhouses and multifamily dwellings (four units per structure maximum).~~
- ~~(4) State licensed residential facilities or housing with services establishments registered under Minn. Stats. ch. 144D serving six or fewer persons, licensed day care facilities serving 12 or fewer persons and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be a permitted use.~~

State Law reference — Similar provisions, Minn. Stats. § 462.357, subd. 7.

- ~~(5) Model homes in compliance with section 30-800.~~
- ~~(6) Public parks, playgrounds and open space.~~
- ~~(7) Permitted home occupations in single family dwellings.~~
- (c) *Accessory uses.* Accessory uses in the R-2b district are as follows:
 - (1) Home occupations, permitted
 - (2) Parking lots.
 - (3) Private recreational facilities.
 - (4) Signs (as permitted in section 30-851 et seq.).
 - (5) Structures, accessory
 - ~~(1) Public shelters and essential services.~~
 - ~~(2) Garages and sheds.~~
 - ~~(3) Private recreational facilities.~~
 - ~~(4) Signs as permitted in section 30-851 et seq.~~
- (d) *Conditional uses.* Conditional uses in the R-2b district are as follows:
 - (7) Day care (in religious institutions)
 - (8) Educational institutions.
 - (9) Governmental facilities.
 - (10) Home occupations, conditional
 - (11) Religious institutions
 - (12) Zero lot line developments.
 - ~~(1) Conditional home occupations in single family dwellings.~~
 - ~~(2) Metal skinned buildings.~~
 - ~~(3) Institutional uses.~~
 - ~~(4) Governmental offices.~~
 - ~~(5) Licensed day care facilities with 13 or more children in institutional buildings.~~

- ~~(6) Zero lot line development.~~
- ~~(7) Manufactured home parks as defined in Minn. Stats. § 327.14, subd. 3.~~

SECTION 7. That § **30-994, R-3 townhome district** of the City of Elk River Code of Ordinances shall be amended to read as follows:

(b) *Permitted uses.* Permitted uses in the R-3 district are as follows:

- (1) Public parks
- (2) Residential, single family
- (3) Residential facilities (1-6 persons).
- (4) State licensed residential facilities or a housing with services establishment registered under chapter 144D serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

(5) Townhouse, attached

- ~~(1) Single family dwellings.~~
- ~~(2) Duplexes.~~
- ~~(3) Triplexes.~~
- ~~(4) Townhomes, with no more than six dwellings per structure if in a row or no more than eight dwellings per structure if back-to-back.~~
- ~~(5) Model homes in compliance with section 30-800.~~
- ~~(6) Licensed daycare facilities for 16 or fewer children.~~
- ~~(7) Public parks, playgrounds and open space.~~
- ~~(8) State licensed residential facilities or housing with services establishments registered under Minn. Stats. ch. 144D serving six or fewer persons, licensed day care facilities serving 12 or fewer persons and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be a permitted use.~~

(c) *Accessory uses.* Accessory uses in the R-3 district are as follows:

- (1) Accessory structures.
- (2) Home occupations, permitted
- (3) Private recreational facilities.
- (4) Signs (as permitted in Section 30-851 et seq.).

- ~~(1) Public shelters and essential services.~~
 - ~~(2) Garages and sheds.~~
 - ~~(3) Private recreational facilities.~~
 - ~~(4) Signs as permitted in section 30-851 et seq.~~
- (d) *Conditional uses.* Conditional uses in the R-3 district are as follows:
- (1) Cemeteries (minimum lot size 4 acres)
 - (2) Daycare, licensed (for 13 or more children).
 - (3) Educational institutions.
 - (4) Government facilities
 - (5) Home occupations, conditional
 - (6) Religious institutions.
 - (7) Residential facilities (7-16 persons).
- ~~(1) Licensed daycare facilities for 17 or more children.~~
 - ~~(2) Governmental offices.~~
 - ~~(3) Business and professional offices.~~
 - ~~(4) Institutional uses.~~
 - ~~(5) Home occupations.~~
- ~~(6) Cemeteries minimum lot size four acres.~~

SECTION 8. That **§ 30-995, R-4 district** of the City of Elk River Code of Ordinances shall be amended to read as follows:

- (b) *Permitted uses.* Permitted uses in the R-4 district are as follows:
- (1) Public parks.
 - (2) Residential, apartment
 - (3) Residential, multiple family (4 units max)
 - (4) Residential, single family
 - (5) Residential facilities (1-6 persons).
 - (6) State-licensed residential facilities or housing with services establishments registered under Minn. Stats. ch. 144D serving six or fewer persons, licensed day care facilities serving 12 or fewer persons and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be a permitted use.
 - (7) Townhouse, attached
 - ~~(1) Single family dwellings.~~

- ~~(2) Two family dwellings.~~
 - ~~(3) Townhouse dwellings (12 units per structure maximum).~~
 - ~~(4) Multiple family dwellings.~~
 - ~~(5) Model homes in compliance with section 30-800.~~
 - ~~(6) Licensed day care facilities for 16 or fewer children.~~
 - ~~(7) Public parks, playgrounds and open space.~~
 - ~~(8) State licensed residential facilities or housing with services establishments registered under Minn. Stats. ch. 144D serving six or fewer persons, licensed day care facilities serving 12 or fewer persons and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be a permitted use.~~
- (c) *Accessory uses.* Accessory uses in the R-4 district are as follows:
- (1) Private recreational facilities.
 - (2) Signs (as permitted in section 30-851 et seq).
 - (3) Structures, accessory
 - ~~(1) Public shelters and essential services.~~
 - ~~(2) Garages and sheds.~~
 - ~~(3) Private recreational facilities.~~
 - ~~(4) Signs as permitted in section 30-851 et seq.~~
- (d) *Conditional uses.* Conditional uses in the R-4 district are as follows:
- (1) Boardinghouses.
 - (2) Day cares (for 13 or more children).
 - (3) Educational institutions.
 - (4) Governmental facilities.
 - (5) Manufactured home parks (as defined in Minn. Stats. § 327.14, subd. 3.).
 - (6) Ministorage.
 - (7) Outpatient health care facilities.
 - (8) Religious institutions.
 - (9) Residential facilities (7-16 persons)
 - (10) Zero lot line development.
- ~~(1) Outpatient health care facilities.~~
 - ~~(2) Boardinghouses.~~
 - ~~(3) Institutional uses.~~
 - ~~(4) Licensed day care facilities for 17 or more children.~~
 - ~~(5) Governmental offices.~~

- ~~(6) Ministorage.~~
- ~~(7) Zero lot line development.~~
- ~~(8) Manufactured home parks as defined in Minn. Stats. § 327.14, subd. 3.~~

SECTION 9. That **§ 30-1022, C-1 central business district** of the City of Elk River Code of Ordinances shall be amended to read as follows:

Sec. 30-1022. - C-1 central business district.

(b) *Permitted uses.* Permitted uses in the C-1 district are as follows:

- (1) Bed and breakfasts establishments, non-homeowner-occupied (shall only be allowed in an existing single family residential structure)
- (2) Brewer taprooms, (producing less than 10,000 barrels of malt liquor annually).
- (3) Brewpubs.
- (4) Business offices.
- (5) Day cares.

(6) Financial institutions.

(7) Firearms, sale of.

(8) Funeral homes.

~~(8)(9)~~ Health care facilities, outpatient

~~(9)(10)~~ Hotels.

~~(10) Outpatient health care facilities.~~

(11) Personal service establishments.

(12) Physical recreation or training.

(13) Public parks.

(14) Restaurants, class I.

(15) Retail sales.

(d) *Conditional uses.* Conditional uses in the C-1 district are as follows:

(1) Apartments (subordinate to the principal use).

(2) Brewer taprooms, (producing less than 10,000 or more barrels of malt liquor annually).

(3) Commercial recreational facilities.

(4) Governmental facilities.

(5) Health care facilities, inpatient

~~(4)(6)~~ Hospital

~~(5) Institutional uses.~~

- ~~(6)~~(7) _____ Kennel, commercial
- ~~(7)~~(8) _____ Liquor establishments, on-sale.
- ~~(8)~~(9) _____ Motor vehicle service stations.
- (10) _____ Nonprofit clubs, lodges or halls.
- ~~(9)~~(11) _____ Religious institutions.
- ~~(10)~~(12) _____ Residential, multiple-family (provided that business/commercial uses occupy the ground floor below the residential use).
- ~~(11)~~(13) _____ Restaurants, class II.
- ~~(12)~~(14) _____ Saunas, steam baths, and heat-bathing rooms.

SECTION 10. That § 30-1023, C-2 office district of the City of Elk River Code of Ordinances shall be amended to read as follows:

(b) *Permitted uses.* Permitted uses in the C-2 district are as follows:

- (1) Bed and breakfast establishments, non-homeowner-occupied.
- (2) Business offices.
- (3) Day cares.
- (4) Financial institutions.
- (5) Funeral homes.
- ~~(5)~~(6) _____ Health care facilities, outpatient
- ~~(6)~~ Outpatient health care facilities.
- (7) Personal service establishments.
- (8) Public parks.

(d) *Conditional uses.* Conditional uses in the C-2 district are as follows:

- (1) Governmental facilities.
- (2) Health care facilities, inpatient
- ~~(1)~~(3) _____ Hospitals
- (4) Institutional uses.
- (5) Religious institutions.
- ~~(2)~~(6) _____ Saunas, steam baths, and heat-bathing rooms.

SECTION 11. That § 30-1024, C-3 highway commercial district of the City of Elk River Code of Ordinances shall be amended to read as follows:

(b) *Permitted uses.* Permitted uses in the C-3 district are as follows:

- (1) Brewer taprooms, (producing less than 10,000 barrels of malt liquor annually).

- (2) Brewpubs.
- (3) Business offices.
- (4) Carwash facilities.
- (5) Day cares.
- (6) Dry cleaning establishments.
- (7) Financial Institutions.
- (8) Firearms, sale of
- (9) Funeral homes.
- ~~(10)~~ Garden centers.
- ~~(10)~~(11) Health care facilities, outpatient
- ~~(11)~~(12) Hotels.
- ~~(12)~~(13) Liquor establishments, on-sale.
- ~~(13)~~(14) Motels.
- ~~(14)~~(15) Motor vehicle service stations.
- ~~(15)~~(16) Motor vehicle sales (maintenance and repair prohibited).
- ~~(16)~~(17) Personal service establishments.
- ~~(17)~~(18) Physical recreation and training.
- ~~(18)~~(19) Produce markets.
- ~~(19)~~(20) Public parks.
- ~~(20)~~(21) Restaurants, class I
- ~~(21)~~(22) Restaurants, class II
- ~~(22)~~(23) Retail sales.

(d) *Conditional uses.* Conditional uses in the C-3 district are as follows:

- (1) Brewer taprooms, (producing 10,000 or more barrels of malt liquor annually).
- (2) Commercial recreational facilities.
- (3) Equipment rentals.
- ~~(4)~~ Governmental facilities.
- ~~(5)~~ Health care facilities, inpatient
- ~~(4)~~(6) Hospitals
- ~~(5)~~ Institutional uses.
- ~~(6)~~(7) Landscaping Contractor Yards. (outside of the Urban Service District)
- ~~(7)~~(8) Liquor establishments, off-sale (municipally owned).
- ~~(8)~~(9) Manufacturing, light (enclosed with related retail sales).

- ~~(9)~~(10) Microdistilleries.
- ~~(10)~~(11) Ministorage (provided that the use is on unplatted land outside the urban service district).
- ~~(11)~~(12) Motor vehicle repair shops.
- ~~(12)~~(13) Motor vehicle sales.
- ~~(13)~~(14) Motor vehicle specialty service stations.
- ~~(14)~~(15) Pawnshops
- ~~(14)~~(16) Religious institutions.
- ~~(15)~~(17) Saunas, steam baths, and heat-bathing rooms.
- ~~(16)~~(18) Shopping centers.
- ~~(17)~~(19) Veterinary clinics.

SECTION 12. That § 30-1026, DD downtown district of the City of Elk River Code of Ordinances shall be amended to read as follows:

- (b) *Permitted uses.* The following uses shall be permitted uses in the downtown district, subject to the design standards set forth in subsections (e) and (f) and the site plan review process set forth in subsection (g) of this section:
- (1) Brewer taprooms (producing less than 10,000 barrels of malt liquor annually).
 - (2) Brewpubs.
 - (3) Business offices.
 - (4) Commercial recreational facilities.
 - (5) Day cares.
 - (6) Dry cleaning establishments.
 - ~~(7)~~ Financial institutions.
 - ~~(7)~~(8) Health care facilities, outpatient.
 - ~~(8)~~(9) Hotels.
 - ~~(9)~~(10) Nonprofit clubs, lodges or halls.
 - ~~(10)~~ Outpatient health care facilities.
 - (11) Personal service establishments.
 - (12) Physical recreation and training.
 - (13) Public parks.
 - ~~(14)~~ Residential, multiple-family (provided that business/commercial uses at street level occupy the floor).
 - ~~(14)~~(15) Residential facilities (1-6 persons).

~~(15)~~(16) Restaurants, class I.

~~(16)~~(17) Retail sales.

(d) *Conditional uses.* The following uses shall be conditional uses in the downtown district, subject to the design standards set forth in subsections (e) and (f) and the procedures and standards for the approval of conditional use permits set forth in sections 30-651 through 30-659 of this chapter:

(1) Brewer taprooms, (producing 10,000 or more barrels of malt liquor annually).

(2) Funeral homes.

~~(3)~~ Governmental facilities.

~~(4)~~ Health care facilities, inpatient.

~~(3)~~(5) Hospitals.

~~(4)~~ Institutional uses. (worship facilities only)

~~(5)~~(6) Liquor establishments, on-sale.

~~(7)~~ Produce markets.

~~(8)~~ Residential facilities (7-16 persons).

~~(6)~~(9) Saunas, steam baths, and heat-bathing rooms.

SECTION 13. That § 30-1584, **MU-ERP mixed use Elk River Plaza district** of the City of Elk River Code of Ordinances shall be amended to read as follows:

(d) *Subzone C. Commercial.*

(3) Conditional uses are as follows:

- a. Carwashes.
- b. Class II restaurants.
- c. Commercial recreation, outdoor.
- d. Commercial recreational facilities, indoor.
- e. Dry cleaning establishment.
- f. Enclosed light manufacturing with related retail sales.
- g. Equipment rental businesses with no outdoor storage.
- h. Financial institutions.
- i. Funeral parlors.
- j. Governmental offices.
- k. ~~Institutional Uses~~ Health care facilities, outpatient.
- l. Licensed day care facilities.
- m. Motor vehicle specialty shops.
- n. Nonprofit clubs, lodges or halls.
- o. On-sale liquor establishments.
- p. Pawnshops (250-foot setback from any residential zone and 500-foot setback from schools, parks, day care centers, churches and other pawnshops, measured from the property line).
- q. Produce markets.

- ~~¶~~ Religious institutions.
- ~~¶~~ Sauna establishments.
- ~~¶~~ Shopping centers.
- ~~¶~~ Veterinary clinics.

SECTION 14. That **§ 30-1587, Focused area study (FAST)** of the City of Elk River Code of Ordinances shall be amended to read as follows:

(1) *The Point (A).*

- a. Purpose. Subzone "A" is established to provide an environment for high density residential development and to maximize the recreational and aesthetic benefits of the river. Most development is less than three stories.
- b. Permitted uses are as follow:

- ~~1. Licensed daycare facilities (16 or fewer children).~~
- ~~2.1. Model homes in compliance with section 30-800.~~
- ~~3.2. Public parks.~~
- ~~4. Residential, duplexes.~~
- 3. Residential, apartments.
- ~~5.4. Residential, multiple-family. (4 units max).~~
- 5. Residential, single family.
- 6. Residential facilities. (1-6 persons)
- ~~6.7. Townhouses, attached~~
- ~~7. Residential, triplexes.~~
- ~~8. State licensed residential facilities or housing.~~

- c. Accessory uses are as follows:
 - 1. Accessory structures (provided the materials are the same as those of the existing principal structure).
 - 2. Public shelters.
 - 3. Signs as permitted in section 30-851 et seq.

- d. Conditional uses are as follows:
 - 1. Boardinghouses.
 - 2. Business offices.
 - 3. Development of property within the 50-foot setback of the wild and scenic river district.
 - 4. Health care facilities, inpatient
 - ~~3.5. Health care facilities, outpatient~~

~~4. Institutional uses.~~

~~5-6.~~ Licensed day care facilities (~~47~~13 or more children).

~~6-7.~~ Nonprofit clubs.

~~7. Outpatient health care facilities.~~

8. Professional offices.

~~8-9.~~ Residential facilities (~~7-16~~ persons)

~~9-10.~~ Townhomes, attached (~~maximum 12 units per structure~~).

e. Bulk regulations. Bulk regulations are listed in section 30-1588.

f. Architectural standards. Architectural standards are outlined in section 30-938.

(2) *The Pinnacle (B)*.

a. Purpose. Subzone "B" is established to provide an environment for certain industrial, office, and commercial uses which are compatible with and complement each other. The focus of the district is job creation, where highway visibility is not a necessary component of successful businesses. Most development is less than three stories.

b. Permitted uses are as follow:

1. Brewpubs.

2. Brewer taprooms producing less than 10,000 barrels of malt liquor annually.

3. Business offices.

4. Financial institutions.

5. Governmental facilities.

~~5-6.~~ Health care facilities, outpatient

~~6-7.~~ Light manufacturing.

~~7-8.~~ Mail order operations.

~~8.~~ ~~Outpatient health care facilities.~~

9. Physical recreation and training.

10. Printing shops.

11. Professional offices.

12. Public parks.

13. Research and development facilities.

14. Restaurants, class I.

15. Restaurants, class II.

16. Retail sales establishments.

17. School, vocational.

18. Warehouses (not exceeding 50 percent of the entire building).

19. Wholesale businesses.

c. Accessory uses are as follows:

1. Accessory structures (provided the materials are the same as those of the existing principal structure).
2. Cocktail rooms.
3. Outdoor storage areas accessory to principal use.
4. Signs as permitted in section 30-851 et seq.

d. Conditional uses are as follows:

1. Bottling and distribution.
2. Brewer taprooms producing 10,000 or more barrels of malt liquor annually.
3. Bus storage. Not to exceed ten buses, unless the property has direct access to an arterial or collector street.
4. Commercial recreation facilities.
5. Development of property within the 50-foot setback of the wild and scenic river district.
6. Dry cleaning establishments.
7. Equipment rental.
8. Firearm sales.

~~9. Institutional uses.~~

9. Health care facilities, inpatient

10. Hospitals

~~10:11.~~ 11. Kennels, commercial.

~~11:12.~~ 12. Laundry establishments.

~~12:13.~~ 13. Loading areas (when overhead doors are located in front yards).

~~13:14.~~ 14. Manufacturing, light enclosed with related retail sales.

~~14:15.~~ 15. Microdistilleries.

~~15:16.~~ 16. Motor vehicle repair shops.

~~16:17.~~ 17. Nonprofit clubs.

~~17:18.~~ 18. Recycling processing centers.

~~18:19.~~ 19. Storage tanks.

~~19:20.~~ 20. Telecommunication operations.

~~20:21.~~ 21. Vehicle sales and services.

~~21:22.~~ 22. Warehouse space exceeding 50 percent of the total building floor area up to a maximum of 65 percent.

- e. Bulk regulations. Bulk regulations are listed in section 30-1588.
- f. Architectural standards. Architectural Standards are outlined in section 30-938.

(3) *North Business Park (C)* .

- a. Purpose. Subzone "C" is established to encourage a planned, integrated environment for certain industrial, office, and commercial uses, which are compatible with and complement each other as well as the surrounding land uses. The underlying land use designation within the district may vary and may be either light industrial or highway business. Development within Subzone "C" will correspond with the land use designation. Industrial and office uses are allowed where the land use designation is light industrial, and commercial uses are allowed where the land use designation is highway business. It is the intent of this section that development reflects common themes using compatible architectural design and consistency in signage, landscaping, and lighting. It is also the intent to encourage businesses, which generate a high number of jobs per square foot rather than predominantly warehouse type uses.
- b. Permitted uses are as follow:
 - 1. All uses allowed as a permitted use in section 30-1294 (business park).
- c. Accessory uses are as follows:
 - 1. All uses allowed as an accessory use in section 30-1294 (business park).
- d. Conditional uses are as follows:
 - 1. All uses allowed as a conditional use in section 30-1294 (business park).
- e. Bulk regulations. Bulk regulations are listed in sections 30-1311 and 30-1312.
- f. Architectural standards. Architectural standards are outlined in section 30-1294 (business park).

(4) *Hillside Heights (D)*.

- a. Purpose. Subzone "D" establishes an environment that provides a range of housing options and takes advantage of wetland views and woodland typology. The area provides for attached family development, preserving the maximum green space amenities will affording maximum density near employment, transportation, and service centers offered by the other subzones. Most development is less than three stories.
- b. Permitted uses are as follow:
 - 1. Bed and breakfast establishments, homeowner-occupied.
 - 2. Business offices.
 - 3. Home occupations, permitted.
 - 4. Kennels, private, on parcels less than five acres.
 - ~~5. Licensed daycare facilities for 16 or fewer children.~~
 - ~~6. Model homes in compliance with section 30-800.~~
 - 7.5. Professional offices.

~~8.6.~~ Public parks.

~~9. Residential, duplexes.~~

7. Residential, apartments.

~~10.8.~~ Residential, multiple-family. (4 units max)

~~11.9.~~ Residential, single-family.

~~12.10. Residential, townhomes, up to eight units per structure.~~ Residential facilities (1-6 persons)

~~13. State licensed residential facilities or housing.~~

11. Towers, up to 60 feet in height.

~~14.12.~~ Townhouse, attached.

c. Accessory uses are as follows:

1. Accessory structures.
2. Private recreational facilities.
3. Public shelters.
4. Signs as permitted in section 30-851 et seq.

d. Conditional uses are as follows:

1. Bed and breakfast establishments, non-homeowner-occupied.
2. Cemeteries, minimum lot size four acres.
3. Cooperative gardening in preserved open space.
4. Golf courses and country clubs.
5. Governmental offices.

6. Floriculture, in preserved open space

~~6.7.~~ Health care facilities, inpatient

~~7.8.~~ Home occupations, conditional.

~~8.9.~~ Horticulture, in preserved open space.

~~9. Institutional uses.~~

10. Kennels, commercial.

11. Kennels, private, on parcels less than five acres.

12. Licensed day care facilities for ~~17-13~~ or more children.

13. Residential, multiple-family, provided that business/commercial uses at street level occupy the floor.

~~13.14.~~ Residential facilities (7-16 persons)

~~14.15.~~ Stables, private.

~~15.16.~~ Telecommunication operations.

- e. Bulk regulations. Bulk regulations are listed in section 30-1588.
- f. Architectural standards. Architectural standards are outlined in section 30-938.

(5) *Office Village (E)*

- a. Purpose. Subzone "E" provides for redevelopment toward large office, business center, and showroom businesses. Good visibility but poor access once the transportation system is finalized will yield attractive, destination type development opportunities. The focus of the district is job creation, where highway access is not a necessary component of successful businesses. Most development is less than three stories.
- b. Permitted uses are as follow:
 - 1. Brewpubs.
 - 2. Brewer taprooms producing less than 10,000 barrels of malt liquor annually.
 - 3. Business offices.
 - 4. Financial institutions.
 - 5. Firearm sales.
 - 5-6. Health care facilities, outpatient
 - 6-7. Mail order operations.
 - 7-8. Manufacturing, light.
 - ~~8.~~ ~~Outpatient health care facilities.~~
 - 9. Personal service establishments.
 - 10. Physical recreation and training.
 - 11. Professional offices.
 - 12. Public parks.
 - 13. Research and development facilities.
 - 14. Restaurants, class I.
 - 15. Restaurants, class II.
 - 16. Retail sales establishments.
 - 17. Telecommunication operations.
 - 18. Therapeutic massage when offered within the confines of a medical or chiropractic clinic.
 - 19. Warehouse spaces not exceeding 50 percent of the entire building.
 - 20. Wholesale businesses.
- c. Accessory uses are as follows:
 - 1. Accessory structures (provided the materials are the same as those of the existing principal structure).

2. Cocktail rooms.
 3. Outdoor storage areas accessory to principal use.
 4. Signs as permitted in section 30-851 et seq.
- d. Conditional uses are as follows:
1. Bottling and distribution facilities.
 2. Brewer taprooms producing 10,000 or more barrels of malt liquor annually.
 3. Broadcasting studios and facilities.
 4. Bus storage. Not to exceed ten buses, unless the property has direct access to an arterial or collector street.
 5. Carwash facilities.
 6. Commercial recreation facilities.
 7. Development of property within the 50-foot setback of the wild and scenic river district.
 8. Dry cleaning establishments.
 9. Governmental facilities.
 10. Health care facilities, inpatient
 - 9:11. Hospitals
 - ~~10:12.~~ Hotels.
 - ~~11.~~ Institutional uses.
 - ~~12:13.~~ Kennels, commercial.
 - ~~13:14.~~ Laundry establishments.
 - ~~14:15.~~ Loading areas (when overhead doors are located in front yards).
 - ~~15:16.~~ Manufacturing, light, enclosed with related retail sales.
 - ~~16:17.~~ Microdistilleries.
 - ~~17:18.~~ Motels.
 - ~~18:19.~~ Motor vehicle repair shops.
 - ~~19:20.~~ Motor vehicle service stations.
 - ~~20:21.~~ Motor vehicle specialty shops.
 - ~~21:22.~~ On-sale liquor establishments.
 - ~~22:23.~~ Recycling processing centers.
 - ~~23:24.~~ Sauna establishments.
 - ~~24:25.~~ Shopping centers.
 - ~~25:26.~~ Storage tanks.

~~26-27.~~ Vehicle sales and service.

~~27-28.~~ Veterinary clinics.

~~28-29.~~ Warehouse spaces exceeding 50 percent of the total building floor area up to a maximum of 65 percent.

- e. Bulk regulations. Bulk regulations are listed in section 30-1588.
- f. Architectural standards. Architectural standards are outlined in section 30-938.

(6) *River West Residential (F)* .

a. Purpose. Subzone "F" provides single-family residences in areas with full municipal public sanitary sewers, storm sewers, and municipal water in areas that are a continuation of existing residential development patterns and the infilling of existing lots in established areas.

b. Permitted uses are as follow:

- 1. Accessory dwelling units.
- 2. Bed and breakfast establishments, homeowner-occupied.
- 3. Home occupations, permitted.
- 4. Licensed day care facilities for 12 or fewer children.
- 5. Model homes in compliance with section 30-800.
- 6. Open space preservation development plats within the R-1A district (residential clustering).
- 7. Public parks.

8. Residential, single-family.

~~8-9.~~ Residential facilities (1-6 persons)

~~9-10.~~ State-licensed residential facilities or housing.

~~10-11.~~ Towers, up to 60 feet in height.

c. Accessory uses are as follows:

- 1. Accessory structures.
- 2. Public shelters.
- 3. Private recreational facilities.
- 4. Signs as permitted in section 30-851 et seq.

d. Conditional uses are as follows:

1. Bed and breakfast establishments, non-homeowner-occupied.

2. Cemeteries, minimum lot size four acres.

~~2-3.~~ Educational institutions.

~~3-4.~~ Governmental facilities.

4.5. Home occupations, conditional.

~~5. Institutional uses.~~

6. Kennels, private.

7. Licensed day care facilities in ~~institutional buildings~~ religious institutions.

7.8. Religious institutions

e. Bulk regulations. Bulk regulations are listed in section 30-1588.

f. Architectural standards. Architectural standards are outlined in section 30-938.

(7) *Hwy 10/169 Service Commercial (G)*.

a. Purpose. Subzone "G" is to recognize the need for commercial establishments on or serving with immediate access to major highways. Permitted land uses should take advantage of the highway access in a manner which other business districts are not afforded. In addition to retail and commercial uses, quasi-industrial and wholesale enterprises that do not meet an industrial setting and have considerable customer contact are acceptable in the highway commercial district.

b. Permitted uses are as follow:

1. All uses allowed as a permitted use in section 30-1024 (highway commercial).

c. Accessory uses are as follows:

1. All uses allowed as an accessory use in section 30-1024 (highway commercial).

d. Conditional uses are as follows:

1. All uses allowed as a conditional use in section 30-1024 (highway commercial).

e. Bulk regulations. Bulk regulations are listed in sections 30-1041 and 30-1042.

f. Architectural standards. Architectural standards are outlined in section 30-1024 (highway commercial).

(8) *The Hinge (H)*.

a. Purpose. Subzone "H" facilitates development that is not centered on access, as anticipated changes to Highway 10 access will impact traditional highway centric uses. Care should be employed to provide site design that can accommodate fronting both 171st and Twin Lakes Parkway. Uses are jobs and services centric, recognizing the shift in traffic patterns. Accessory improvements, i.e. seating, trails, lighting etc. shall be employed to maximize the benefit of the wetlands within the area.

b. Permitted uses are as follow:

1. Brewpubs.

2. Brewer taprooms producing less than 10,000 barrels of malt liquor annually.

3. Business offices.

4. Firearm sales.

~~4.5.~~ Health care facilities, outpatient

~~5. Outpatient health care facilities.~~

6. Personal service establishments.
7. Physical recreation and training.
8. Printing shops.
9. Professional offices.
10. Public parks.
11. Research and development facilities.
12. Restaurants, class I.
13. Restaurants, class II.
14. Retail sales establishments.
15. Therapeutic massage when offered within the confines of a medical or chiropractic clinic.

c. Accessory uses are as follows:

1. Accessory structures (provided the materials are the same as those of the existing principal structure).
2. Cocktail rooms.
3. Signs as permitted in section 30-851 et seq.

d. Conditional uses are as follows:

1. Brewer taprooms producing 10,000 or more barrels of malt liquor annually.
2. Commercial recreation facilities.

~~3. Development of property within the 50-foot setback of the wild and scenic river district.~~

~~4.3.~~ Dry cleaning establishments.

~~5.4.~~ Financial institutions.

~~6.5.~~ Governmental facilities.

~~7. Institutional uses.~~

6. Health care facilities, inpatient

7. Hospitals

8. Laundry establishments.
9. Loading areas (when overhead doors are located in front yards).
10. Mail order operations.
11. Manufacturing, light.
12. Microdistilleries.

13. Motor vehicle repair shops.
 14. Motor vehicle service stations.
 15. Motor vehicle specialty shops.
 16. Nonprofit clubs.
 17. Off-sale liquor stores.
 18. On-sale liquor establishments.
 19. Outdoor storage, provided the storage area is:
 - (i) Is accessory to a principal permitted or conditional use; and
 - (ii) Complies with the accessory structure setback requirement applicable to the property; and
 - (iii) Is no larger than 30 percent of the building area; and
 - (iv) Includes screening so as to provide a visual barrier. Any such barrier shall reduce visibility in a manner that restricts vision of the object being screened, but is not required to totally block the vision of any such object.
 - a. Screening shall be consistent with the screening requirements outlined for outdoor storage within the business park zoning district.
 20. Pawnshops (250-foot setback from any residential zone and 500-foot setback from schools, parks, day care centers, churches and other pawnshops,
 21. Shopping centers.
 22. Storage tanks.
 23. Telecommunication operations.
 24. Warehouse spaces exceeding 50 percent of the total building floor area up to a maximum of 65 percent.
 - e. Bulk regulations. Bulk regulations applicable to the Point sub-zone are listed in section 30-1588.
 - f. *Architectural standards*. Architectural standards applicable to the Point sub-zone are outlined in section 30-938.
- (9) *East Elk River Gateway (I)*.
- a. Purpose. Subzone "I" is established to provide opportunity for destination retail and service developments immediately adjacent to the Highway 10/ Twin Lakes Road intersection. Closer to the river, uses transition to multiple-family residential and public open space. The focus of the district is service and retail node intended to serve the regional population while maximizing the recreational and aesthetic benefits of the river. As the Twin Lakes Road and Highway 10 intersection transitions to an interchange, additional right-of-way will be necessary, requiring the

relocation of businesses. These areas anticipated to be necessary for the interchange are identified as temporary destination retail in the FAST study.

- b. Permitted uses are as follow:
 - 1. Brewpubs.
 - 2. Brewer taprooms producing less than 10,000 barrels of malt liquor annually.
 - 3. Business and professional offices.
 - 4. Financial institutions.
 - 5. Firearms sales.
 - 6. Personal service establishments.
 - 7. Physical recreation and training.
 - 8. Public parks.
 - 9. Restaurants, class I.
 - 10. Restaurants, class II.
 - 11. Retail sales establishments.
- c. Accessory uses are as follows:
 - 1. Accessory structures.
 - 2. Cocktail rooms.
 - 3. Off-street parking facilities.
 - 4. Off-street loading facilities.
 - 5. Private recreational facilities.
 - 6. Signs as permitted in section 30-851 et seq.
- d. Conditional uses are as follows:
 - 1. Brewer taprooms producing 10,000 or more barrels of malt liquor annually.
 - 2. Carwashes.
 - 3. Commercial recreational facility.
 - 4. Development of property within 50 feet of the wild and scenic river district.
 - 5. Dry cleaning establishment.
 - 6. Enclosed light manufacturing with related retail sales.
 - ~~6-7.~~ Educational institutions
 - ~~7-8.~~ Equipment rental businesses.
 - 9. Governmental facilities.
 - 10. Health care facilities, inpatient
 - 11. Health care facilities, outpatient

~~8:12.~~ Hospitals

~~9:13.~~ Hotels.

~~10.~~ ~~Institutional uses.~~

~~11:14.~~ Licensed day care facilities.

~~12:15.~~ Microdistilleries.

~~13:16.~~ Motels.

~~14:17.~~ Motor vehicle service stations.

~~15:18.~~ Motor vehicle specialty shops.

~~16:19.~~ Nonprofit clubs, lodges, or halls.

~~17:20.~~ On-sale liquor establishments.

~~18:21.~~ Sauna establishments.

~~19:22.~~ Shopping centers.

~~20:23.~~ Vehicles sales and services.

~~21:24.~~ Veterinary clinics.

- e. Bulk regulations. Bulk regulations are listed in sections 30-1041 and 30-1042.
- f. Architectural standards. Architectural standards are outlined in section 30-1024 (highway commercial).

SECTION 15. That **§ 78-501, Generally** of the City of Elk River Code of Ordinances shall be amended to read as follows:

- (b) No person shall develop any land for residential, commercial, or industrial uses, or institutional facilities uses without having provided the stormwater management measures set forth herein to control or manage runoff from such development. All water entering the storm drain system generated on any developed and undeveloped lands, unless explicitly exempted by the city, shall be protected from illegal disposal/discharge and illegal connections. Refer to the most current version of the Elk River Stormwater Program Guide for other requirements.

SECTION 16. That this ordinance shall take effect upon adoption and be published as provided by law.

Passed and adopted by the City Council of the City of Elk River this 19th day of August, 2019.

~~Strikethroughs~~ to be removed
Underlines to be added

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk