



Ordinance 20 - _____

An Ordinance Amending Section 30-1, Definitions; Section 30-995, R-4 district; Section 30-1584, MU-ERP mixed use Elk River Plaza district; 30-1587, Focused Area Study (FAST) 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:

Townhome ~~see Townhouse, attached, means a one-family dwelling in a row of at least two attached units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more fire resistant walls.~~

Townhouse, attached, means a one-family dwelling of at least ~~four~~ three 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 § ~~30-995~~, 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 ~~(four units max)~~.
- (4) Residential, single family.
- (5) Residential facilities (one to six persons).
- (6) State-licensed residential facilities or housing with services establishments registered under Minn. Stat. 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. Section 30-994 subsections (e-k) shall apply.

SECTION 3. 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:

(b) *Subzone A. Multiple-family residential.*

(1) Permitted uses are as follows:

a. Residential, multiple family

b. Residential, single family

c. Townhouse, attached

~~Single family residential.~~

~~Two family residential.~~

~~Townhouse dwellings.~~

~~Multiple family residential.~~

~~(6)~~(2) Accessory uses are as follows:

a. Accessory structures.

b. Public shelters.

~~(7)~~(3) Conditional uses are as follows:

a. Conditional home occupations.

SECTION 4. 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. Model homes in compliance with section 30-800.

2. Public parks.

3. Residential, apartments.

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

5. Residential facilities. (One to six persons.)

6. Townhouses, attached. Section 30-994 subsections (e-k) shall apply

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.
 5. Health care facilities, outpatient.
 6. Licensed day care facilities (13 or more children).
 7. Nonprofit clubs.
 8. Professional offices.
 9. Residential facilities (seven to 16 persons).

~~0. Townhomes, attached.~~

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

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

(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. Professional offices.
 6. Public parks.
 7. Residential, apartments.

8. Residential, multiple-family. (4 units max)
 9. Residential, single-family.
 10. Residential facilities (1-6 persons)
 11. 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.
 12. Towers, up to 60 feet in height.
 13. Townhouse, attached. Section 30-994 subsections (e-k) shall apply
- 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.
 7. Health care facilities, inpatient.
 8. Home occupations, conditional.
 9. Horticulture, in preserved open space.
 10. Kennels, commercial.
 11. Kennels, private, on parcels less than five acres.
 12. Licensed day care facilities for 13 or more children.
 13. Residential, multiple-family, provided that business/commercial uses at street level occupy the floor.
 14. Residential facilities (7-16 persons).

- 15. Stables, private.
- 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.

SECTION 5. 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 16th day of March, 2020.

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk

