

CITY OF LEXINGTON
COUNTY OF ANOKA
STATE OF MINNESOTA

ORDINANCE #15-11

AN ORDINANCE AMENDING CITY CODE CHAPTER 11

Section 1. The City Council of Lexington does hereby ordain as following changes to Chapter 11 of the Lexington City Code:

SECTION 11.02. DEFINITIONS

“Automotive Sales Lot” - ~~The sale of passenger vehicles and light trucks not to exceed 12,000 gross vehicle weight rate. Sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.~~ Sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.

“Automotive Service Station” - A retail place of business engaged primarily in the sale of motor vehicle fuels, ~~but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services and the performance of automotive maintenance and repair.~~ and includes businesses providing standalone car wash services.

“Carport” – A roofed automobile shelter opened on at least two sides, usually formed by extension of the roof from the side of a building. A carport is an accessory structure.

“Entertainment” For the purposes of this Chapter, “entertainment” is allowed within an establishment operating under an entertainment license granted pursuant to Section 6.31.

~~“Garage, Private” – A detached accessory building or portion of the principal building, including a carport, which is intended to be used primarily for storing passenger vehicle.~~

~~“Gazebo” – An open pavilion, built as a freestanding structure and not intended for habitation.~~

“Manufactured Home Park” - A parcel of land so designated and improved with utilities, parking paths, walks and access roads ~~to accommodate manufactured homes~~ for the purpose of supplying a location or accommodation for a manufactured home.

“Retail Sales and Service” - Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

Examples include uses from the four subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, plants, printed material, stationery, and videos; food sales, and Farmers Markets.

2. Personal service-oriented: Branch banks, laundromats; dry cleaners; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; and animal grooming; medical and dental offices; health services; pharmacies.

3. Entertainment-oriented: Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, and other temporary lodging with an average length of stay of less than 30 days.

4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop.

“Restaurant, Standard” - An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

“Restaurant” - means any establishment, other than a hotel, under the control of a single proprietor or manager, having appropriate facilities for the serving of meals, and where, in consideration of payment thereof, meals are regularly served at tables to the general public, which employs an adequate staff to provide the usual and suitable service to its guests.

“Trailer, Temporary” - A trailer or manufactured home used for no more than six months as an office for construction mobilization, the display or sale of real estate, or major durable goods or as a temporary form of residential dwelling on lot on which a house is being constructed-repaired or improved. Temporary trailers shall not connect to water or sewer. Temporary trailers may be used in any district only following the receipt of a conditional use-zoning permit from

staff. In the event of a natural disaster or other emergency, staff shall issue permits for temporary trailers as necessary.

~~“Two Family Home”~~—A structure on a single lot containing two dwelling units, each of which is totally separate from the other except for a common stairwell exterior to both units.

~~“Vet-Veterinary Clinic”~~ - A facility whose function is the medical and surgical treatment of animals, including grooming, on an out-patient basis.

SECTION 11.10. GENERAL PROVISIONS

Subd. 4. Accessory Use, ~~Structure or Buildings, Structures, Uses.~~

- A. No accessory use shall be constructed or use developed on a lot prior to obtaining a building permit for the principal building or use to which it is accessory.
- B. A detached accessory use shall not be located in any required front yard.
- C. All accessory buildings and uses shall comply with the regulations of the zoning district in which they are located.
- D. Accessory buildings shall be located behind the building setback line as herein regulated, subject to the building code, and fire zone regulations.
- E. Unless otherwise herein specified, no accessory building shall exceed the height of the principal building.
- F. No **accessory building used as a** private garage used or intended for the storage of passenger automobiles shall exceed the square footage of the main floor of the principal structure.
- G. ~~A detached accessory building, except **used as a** garages ~~or intended for the storage of passenger automobiles~~, shall occupy not more than thirty (30) percent of the area of the main floor of the principal structure.~~
- H. All accessory buildings in residential districts shall be constructed with materials and to a design which conforms to **the general** neighborhood architecture **of the primary structure.**
- I. All accessory buildings in residential districts shall have a setback of ten (10) feet from the principal structure without fire wall construction and three (3) feet from the principal structure with fire wall construction.
- J. **Accessory buildings shall include, but are not limited to garages, carports, storage sheds, gazebos, or structures not to exceed 200 square feet.**
- K. **Each lot up to 10,000 square feet of property is limited to no more than one structure not to exceed 200 square feet. Thereafter a lot may have another structure not to exceed 200 square feet for each additional 10,000 square feet of property, or fraction thereof.**

SECTION 11.20. ADMINISTRATION

SUBD. 8 Zoning Permit

- A. Purpose. The purpose of a Zoning Permit is to provide a review to ensure the improvement meets standard zoning requirements such as setbacks, hard surface coverage, structure height, etc. The Zoning Permit is a tool to help property owners insure that improvements they make to their property, particularly those improvements that are permanent or that would be difficult or expensive to move after the fact are installed according to City Code in the first place. Examples of the types of improvements include, but are not limited to, fences, patios, sport and tennis courts, driveway replacement/expansion and sidewalks, one-story detached accessory structures used as tool or storage, play houses/structures and similar uses, not to exceed 200 square feet in building area (multi-story structures or those larger than 200 square feet require a building permit), retaining walls less than 4 feet in height (retaining walls 4 feet and taller require a building permit).**
- B. A Zoning Permit is required for the construction of a physical improvement that does not require a building permit and may be subject to inspection or review.**
- C. The City shall establish zoning permit fees sufficient to recover the costs of enforcing this section.**

SECTION 11.30. ZONING DISTRICT.

SYMBOL NAMES

- M-1 Central Business (Formerly B-3, B-2 and R-5) **Mixed Medium Density Residential With Business**
- M-2 Office (Formerly B-5) **Professional & Business Office Development**

SECTION 11.33. SCHEDULE OF USES BY DISTRICT.

PROPOSED M-1 TABLE TO REPLACE EXISTING TABLE

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
M-1			
Mixed Medium Density	Financial Institutions	Accessory Building	Animal Hospital

Residential With Business			
	Home Occupation	Garage, common	Automotive Sales Lot
	Public Land or Buildings	Parking	Automotive Service Station
	Restaurant	Signs	Convalescent, Nursing and Rest Home
	Retail Sales & Service		Day Care Facility
	Shopping Center		Entertainment
	Dwelling, Single-Family		Residential Facility
	Dwelling, Two-Family		Veterinary Clinic
	Dwelling, Multiple-Family or Apartment Building. *At a maximum density of 20 dwelling units per acre as part of an allowed business structure, or standalone structure.		
	Townhouse		

EXISTING M-1 TABLE TO BE DELETED

LAND-USE-DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
M-1			
Central Business	Shopping Center	Parking – surface or Structure	Indoor Amusement Center
Downtown Business supporting a strong central business district while enhancing the overall character of the community	Retail shops and Stores Restaurants with or w/o bars Entertainment Financial Institutions w/o	Signs	Automotive Sales Lot

	drive-in		
	Medical/Dental Clinic		Gasoline Pumps
	Grocery Stores (10,000 S.F.+)		Veterinary Clinic
	Personal Services		Supervised Living Group Home (Residential Facility) for 7 to 16 Persons excluding supervisors
	Health/Recreation Club		Minor Auto repair
	Fast Food Restaurant		Car Wash
	Convenience Food Store		Day Care Center
	Lodge		Print Shop
	Motel		Tattoo Parlor
	Bar		Welding/Fabrication
	Pharmacy		
	Small Appliance Repair		
	Liquor Store		
	Public Utility Structures		
	Government Buildings		
Mixed Medium Density Residential with Business	Townhouses & Multi-Family, Single and Two Family	Common Garage	Manufactured Home Park including Manufactured Housing/Manufactured Homes
	4 Plexes	Pool	Home Occupations
	Multi-Family Residential Structures at a maximum density of 20 dwelling units per acre as part of an allowed business structure, or standalone	Tennis Court	Private Kennel

		Gazebo	Wind Generator Private
	Parks & Playgrounds	Storage Shed	

PROPOSED M-2 TABLE TO REPLACE EXISTING TABLE

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
M-2			
Professional & Business Office Development	Church	Accessory Building	Day Care Facility
	Home Occupation	Garage, common	Residential Facility
	Offices	Parking	
	Public Land or Buildings	Signs	
	Recreation, Public		
	Dwelling, Single-Family		
	Dwelling, Two-Family		
	Dwelling, Multiple-Family or Apartment Building. *At a maximum density of 20 dwelling units per acre as part of an allowed business structure, or standalone structure.		
	Townhouse		

EXISTING M-2 TABLE TO BE DELETED

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
M-2			
Professional & Business Office Development	Offices	Parking – surface or Structure	Day Care Center

	Public Utility Structures	Signs	Supervised Living Group Home (Residential Facility) for up to 6 Persons excluding supervisors
	Government Buildings		Temp Real Estate Office and Model
			Churches
Mixed Low Density Residential with Business	Single family detached & two family residential dwellings	Garage	Private Kennel
	Duplex	Gazebo	Non-Retail Woodworking Studio
		Tennis Court	Communication Tower in excess of 45' above grade
Townhouse	Townhouses, Single and two family as part of an allowed business structure, or standalone	Common Garage	Home Occupations
	Parks & Playgrounds	Swimming Pool	Wind Generator Private
		Storage Shed	

Section 2. Effective Date. This ordinance shall be effective immediately upon its passage and publication of the attached summary according to law.

PASSED AND DULY ADOPTED this 5th day of November, 2015 by the City Council of the City of Lexington.

Attest:

Bill Petracek, City Administrator

Mark Kurth, Mayor

