

CHAPTER 70

O-R, OFFICE/RESIDENTIAL TRANSITION DISTRICT

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11-70-1: PURPOSE:

The purpose of the O-R district is to provide for an orderly and progressive transition in land use from business to residential development and to provide for the harmonious intermixing of such activities. A full range of public services and facilities shall be available within areas zoned O-R district. (Ord. 867, sec. 107, 5-17-2010)

11-70-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an O-R district:

- A. Banks, savings and loans, credit unions and other financial institutions.
- B. Funeral homes and mortuaries.
- C. Governmental and public utility buildings and structures; city of Lakeville only.
- D. Instructional classes.
- E. Office businesses.
- F. On site service businesses.
- G. Parks, trails, play fields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- H. Restaurants, takeout/delivery only. (Ord. 867, sec. 107, 5-17-2010)

11-70-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an O-R district:

- A. Accessory uses and buildings incidental and customary to uses allowed as permitted, conditional, interim and administrative permits in this chapter.
- B. Fences as regulated by chapter 21 of this title.
- C. Ground source heat pump systems as regulated by chapter 29 of this title.
- D. Keeping of animals as regulated by chapter 35 of this title.
- E. Off street parking and off street loading as regulated by chapters 19 and 20 of this title, but not including semitrailer trucks, except in designated loading areas not to exceed four (4) hours.
- F. Satellite TVROs as regulated by chapter 30 of this title.
- G. Secondary or accessory use antennas or satellites as regulated by chapter 30 of this title.
- H. Sexually oriented uses, accessory.
- I. Signs as regulated by chapter 23 of this title.
- J. Solar energy systems as regulated by chapter 29 of this title. (Ord. 867, sec. 107, 5-17-2010)

11-70-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an O-R district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section

11-4-7 of this title.

A. Antennas: Personal wireless service antennas and telephone antennas not located on a public structure, as regulated by chapter 30 of this title.

B. Commercial Activities: Retail commercial activities, provided that:

1. Merchandise is sold at retail.
2. The retail activity is located within a structure whose principal use is not commercial sales.
3. The retail activity shall not occupy more than fifteen percent (15%) of the gross floor area of the building.
4. No directly or indirectly illuminated sign or sign in excess of ten (10) square feet identifying the name of the business shall be visible from the outside of the building.
5. No signs or posters of any type advertising products for sale shall be located on the outside of the building.

C. Community Preschool, Latchkey And Adult Education Facilities: Community preschool, latchkey and adult education facilities provided that:

1. Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.

2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.

3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.

4. Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.

5. Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.

6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.

7. Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.

8. Parking:

a. When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.

b. Parking and loading areas shall be separate from any outdoor play area.

9. Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions:

a. The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.

b. When the community preschool, latchkey and adult education facility is a use within a multi-tenant building, it shall be located in a portion of the building separated from the other uses located within the structure.

c. The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.

D. Daycare: Daycare facilities as a principal use provided that the use complies with the provisions of chapter 31 of this title.

E. Essential Services: Essential services involving transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV, as regulated by chapter 26 of this title.

F. Fitness Centers: Fitness centers limited to two thousand (2,000) square feet of gross floor area or less provided that:

1. Adequate off street parking and off street loading shall be provided in compliance with chapters 19 and 20 of this title.

2. The total number of stations shall not exceed one per one hundred (100) square feet of gross floor area.
 3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
 4. Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M. unless otherwise allowed by the city council.
- G. Governmental And Public Utility Buildings: Governmental and public utility buildings and structures; other than city of Lakeville.
- H. Hotels: Extended stay hotels without restaurants provided that:
1. More than fifty percent (50%) of the rooms shall have cooking facilities.
 2. Accessory restaurants, reception halls, cocktail lounges, and conference centers shall be prohibited.
 3. All signage shall be compatible with surrounding residential and business uses.
- I. Mixed Uses: Buildings combining residential and nonresidential uses allowed in this district, provided that:
1. The residential and nonresidential uses shall not conflict in any manner.
 2. The residential building standards as outlined in the RH-1 district are met.
- J. Multiple-Family Dwellings: Multiple-family dwelling structures subject to the requirements of the RH-1 district.
- K. Multiple Principal Buildings: Multiple principal buildings on one lot of record, provided that:
1. Lot Requirements: The lot shall conform to the minimum lot area and lot width requirements of section 11-70-15 of this chapter.
 2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').
 3. Wetland Boundary Setback: All buildings shall be set back a minimum thirty three feet (33') from the designated wetland boundary.
 4. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, stormwater basins, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:
 - a. All of the property including buildings and common areas shall be owned by a single entity.
 - b. Common interest community pursuant to Minnesota statutes 515B.
 - c. The property shall be divided into a base lot and unit lots to allow for individual ownership of the principal buildings or individual tenant spaces within the principal building, with each owner of a unit lot having an equal and undivided interest in the common area, subject to the following requirements:
 - (1) The tenant space related to each unit lot shall have an exclusive exterior entrance.
 - (2) A management association shall be established for all commercial developments with multiple principal buildings subdivided in a base lot/unit lot configuration that is to be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of driveways and parking areas, subject to review and approval of the city attorney.
5. Utilities:
- a. Underground Or Exterior Service: All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
 - b. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.
 - (1) Water connection: A shutoff valve for each individual unit shall be provided.
 - (2) Sewer connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.
- L. Nursing Homes, Residential Care Facilities, Continuing Care Retirement Communities And Senior Housing With Services Establishments: Nursing homes, residential care facilities, continuing care retirement communities and senior housing with services establishments licensed by the Minnesota department of health provided that:
1. Side and rear yards shall be screened in compliance with section 11-21-9 of this title.
 2. Only the rear yard shall be used for recreational areas. Said area shall be fenced and controlled and screened in compliance with section 11-21-9 of this title.

3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated by the use.

4. The use of exterior building materials shall be as required for buildings in the RH-1 district.

5. All state statutes and rules governing such uses are strictly adhered to and all required operating permits are secured.

M. Public And Private Institutions: Public and private educational institutions limited to accredited elementary, middle or junior high schools.

N. Religious Institutions: Religious institutions such as churches, chapels, temples, and synagogues including secondary social services.

O. Restaurants: Special event and catering restaurants, provided that:

1. No drive-through window service shall be provided.

2. The storage, preparation, and serving of food items are subject to the approval of the zoning administrator who shall provide specific written sanitary requirements based upon applicable state and county regulations.

P. Veterinary Clinics: Veterinary clinics provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.

2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.

3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:

a. The number of animals boarded shall not exceed twenty (20).

b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.

c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty degrees (60°) and seventy five degrees Fahrenheit (75°F).

d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.

e. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.

f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

g. The appropriate license is obtained from the city clerk and the conditions of section 5-1-12 of this code are met.

h. All state health department and Minnesota pollution control agency requirements for such facilities are met. (Ord. 867, sec. 107, 5-17-2010; amd. Ord. 897, 12-3-2012; Ord. 917, 2-18-2014; Ord. 958, 3-21-2016; Ord. 1031, 6-1-2020)

11-70-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this chapter, the following are interim uses in the O-R district and are further governed by chapter 5 of this title:

A. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title. (Ord. 867, sec. 107, 5-17-2010)

B. Single-family dwellings existing as of July 17, 2000, provided that:

1. The use shall be subject to the requirements applicable to single-family uses within the RS-4 district. (Ord. 910, 8-5-2013)

2. One detached accessory building not greater than two hundred (200) square feet in area shall be allowed when the total area of said detached building and an existing attached accessory building would exceed the percentage of minimum lot area that may be occupied by accessory buildings established by subsection 11-18-9D1 of this title. (Ord. 910, 8-5-2013; amd. Ord. 936, 3-16-2015)

3. The interim use shall terminate upon subdivision or redevelopment of the property for a use allowed within the O-R district or as provided for by section 11-5-7 of this title. (Ord. 910, 8-5-2013)

11-70-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an O-R district by administrative permit:

A. Essential services, except transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV, as regulated by chapter 26 of this title.

B. Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by chapter 30 of this title.

C. Temporary structures as regulated by chapter 28 of this title.

D. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title. (Ord. 867, sec. 107, 5-17-2010)

E. Daycare facilities as an accessory use provided that the use complies with the provisions of chapter 31 of this title. (Ord. 897, 12-3-2012)

F. Unattended outdoor receptacles for accepting donations to an organization as a secondary use:

1. There shall not be more than one outdoor donation receptacle per property.

2. The location of the donation receptacle shall be clearly indicated on the site plan and reviewed at the time of application for an administrative permit.

3. The donation receptacle shall be located upon a concrete or asphalt surface directly abutting the principal building and shall not impede vehicle and pedestrian circulation within the site or encroach into any:

a. Public right of way.

b. Required principal building setback.

c. Required parking stall or drive aisle.

d. Private pedestrian sidewalk reducing its width to less than three feet (3').

4. The footprint of the donation receptacle shall not exceed twenty four (24) square feet.

5. The height of the donation receptacle shall not exceed seven feet (7') in height.

6. Any signage shall be affixed to the side(s) of donation receptacle and shall not exceed fifty percent (50%) of the area per side of the donation receptacle; contact information for the owner shall also be displayed on at least one side of the donation receptacle.

7. The donation receptacle must be maintained so as to be secure, not have graffiti and otherwise free from damage and in good repair so as not to cause a public nuisance.

8. Items shall not be left outside of the donation receptacle and the property owner shall be responsible to provide for daily inspection to ensure compliance.

9. Noncompliance with the requirements of this subsection F or any stipulations of approval may result in revocation of the administrative permit and require immediate removal of the donation receptacle. (Ord. 913, 11-4-2013)

11-70-13: DESIGN STANDARDS:

The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding residential uses and shall comply with the exterior finish requirements of section 11-17-9 of this title. (Ord. 867, sec. 107, 5-17-2010)

11-70-15: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an O-R district subject to additional requirements, exceptions and modifications set forth in this title:

Lot area:		
Corner		24,000 square feet
Interior		20,000 square feet
Lot width:		
Corner		120 feet
Interior		100 feet
Setbacks:		
Front yards		30 feet
Rear yards		30 feet
Side yards		15 feet on each side, or 30 feet on the side yard abutting a public right of way

(Ord. 867, sec. 107, 5-17-2010)

11-70-17: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the O-R district shall exceed the following height:

- A. Principal buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory buildings: As regulated by subsection 11-18-9C of this title. (Ord. 867, sec. 107, 5-17-2010)