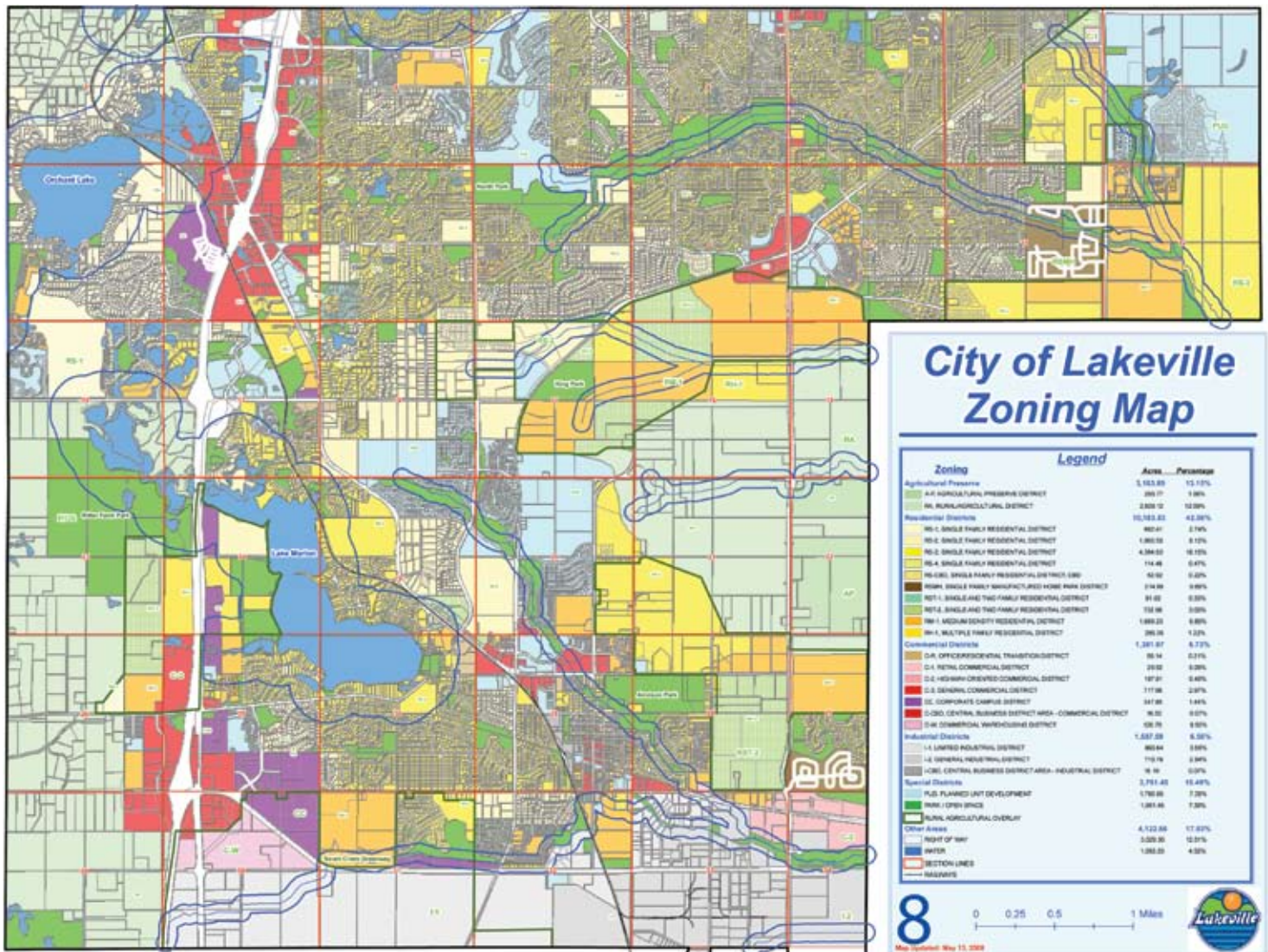




Lakeville Commercial Property For Sale or Lease

10906 162nd St W, Lakeville, MN 55044

Zoning Map





Chapter 71 C-1, Retail Commercial District

11-71-1: Purpose:

The purpose of the C-1, retail commercial district is to provide for low intensity, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a limited community market scale and located in areas which are well served by collector or arterial street facilities at the edge of residential districts. (Ord. 674, sec. 1, 7-17-2000)

11-71-3: Permitted Uses:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in a C-1 district:

- A. Bakery goods and baking of goods for retail sales on the premises.
- B. Bank, savings and loan, savings credit unions and other financial institutions.
- C. Barbershops.
- D. Beauty parlors.
- E. Bicycle sales and repair.
- F. Camera and photographic supplies.
- G. Bagel, candy, coffee, ice cream, popcorn, nuts, frozen desserts, pastries, sandwich, soup, and soft drink sales.
- H. Convenience grocery markets (not supermarket type and without motor fuel facilities and delicatessen food service).
- I. Copy services but not including printing press or newspaper.
- J. Delicatessen.
- K. Drugstore.
- L. Dry cleaning pick up and laundry pick up stations including incidental repair and assembly but not including processing.
- M. Florist shop.
- N. Frozen food store, but not including a locker plant.
- O. Funeral homes and mortuaries.
- P. Gift or novelty store.
- Q. Hardware.
- R. Hobby store.



- S. Laundromats, self-service washing and drying.
 - T. Locksmiths.
 - U. Meat market, but not including processing for a locker plant.
 - V. Offices, general and clinical.
 - W. On site service businesses.
 - X. Paint and wallpaper sales.
 - Y. Plumbing, television, radio, electrical sales and including accessory repair.
 - Z. Prepared food: delivery and/or takeout only.
-
- AA. Public garages and parking lots.
 - BB. Public utility collection offices.
 - CC. Video rental.
 - DD. Instructional classes. (*Ord. 674, sec. 1, 7-17-2000; amd. Ord. 705, sec. 1, 3-4-2002; Ord. 762, sec. 49, 4-5-2004*)

11-71-5: Permitted Accessory Uses:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in a C-1 district:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by chapter 21 of this title.
- C. Keeping of animals as regulated by chapter 35 of this title.
- D. Off-street loading as regulated by chapter 20 of this title.
- E. Off street parking as regulated by **chapter 19** of this title, but not including semitrailer trucks, except in designated loading areas not to exceed four (4) hours.
- F. Secondary or accessory use antennas or satellites as regulated by chapter 30 of this title.
- G. Sexually oriented uses-accessory.
- H. Signs as regulated by chapter 23 of this title. (*Ord. 674, sec. 1, 7-17-2000*)

11-71-7: Conditional Uses:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in a C-1 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. Commercial car washes (automatic mechanical drive-through only) as accessory use associated with convenience store/motor fuel sales, provided:



1. The accessory car wash must be attached to the convenience store/motor fuel sales facility.
 2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.
 3. Magazine or stacking space must not interfere with on site circulation patterns or required on site parking or loading areas.
 4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section **11-21-9** of this title.
 5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines. The car/truck wash doors must remain closed during the entire operation cycle of the car/truck wash and dryer.
 6. The location and operation of vacuum machines must not interfere with magazines or stacking areas on site circulation or on site parking and loading areas, and may not be located in a yard abutting residentially zoned property.
 7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.
- B. 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. There shall be adequate short term parking or drop off area provided within close proximity to the main entrance. Short term or drop off parking shall accommodate three (3) car spaces and shall be designated as temporary in nature. The short term parking or drop off area shall not conflict with off street parking access and shall not conflict with pedestrian movement.
 - c. 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 not be so dissimilar to the existing buildings or area as to cause impairment of property values or constitute a blighting influence within a reasonable distance of the lot.
 - b. When the community preschool, latchkey and adult education facility is a use within a multitenant 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 sound proofed 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.
- C. Daycare facilities as a principal or accessory use provided that the use complies with the provisions of chapter 31 of this title.
- D. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- E. 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.
- F. Motor vehicle fuel sales with or without convenience grocery and/or prepared food as regulated by chapter 37 of this title.
- G. Personal wireless service antennas not located on an existing structure or tower, as regulated by chapter 30 of this title.
- H. Properties with more than one principal structure provided that:
 1. A property owners' association is established for operation and maintenance of the buildings and property. Said agreement shall be subject to the review and acceptability of the city attorney.



- I. Seating accessory to bakery, bagel, candy, coffee, ice cream, popcorn, nuts, frozen desserts, pastries, sandwich, soup, and soft drink sales in a shopping center if an administrative permit has previously been issued for such use in the center, provided that:
 1. No accessory drive-through facilities shall be permitted.
 2. No sale or consumption of on-/off-sale liquor shall be permitted.
 3. The area dedicated to seating shall be limited to three hundred (300) square feet of floor area.
 4. Adequate off street parking and off street loading shall be provided in compliance with chapters 19 and 20 of this title.
- J. 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 and seventy five degrees Fahrenheit (60°_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.
- K. Multiple principal buildings on one lot of record, provided that:
 1. Base Lot Requirements: The base lot shall conform to the minimum lot area, lot width, and setback requirements of section **11-71-13** of this chapter.
 2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').
 3. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, drainage ponds, 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. Condominium ownership pursuant to Minnesota statutes 515A.1-106.



- 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.
4. 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. (Ord. 674, sec. 1, 7-17-2000; amd. Ord. 705, sec. 2, 3-4-2002; Ord. 707, sec. 3, 3-4-2002; Ord. 730, sec. 32, 3-17-2003; Ord. 762, sec. 50, 4-5-2004)

11-71-9: Interim Uses:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the C-1 district and are governed by section **11-5-3** of this title:

- A. WECS, as regulated by chapter 29 of this title. (Ord. 674, sec. 1, 7-17-2000)

11-71-11: 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 a C-1 district by administrative permit as may be issued by the zoning administrator:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Open or outdoor sales, rental or display as an accessory use in association with an allowed principal use provided that:
 1. The area so occupied shall not exceed ten percent (10%) of the principal building.
 2. No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.



3. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by *chapter 19* of this title, except as may be exempted for cause by the zoning administrator.
- C. Other uses of the same general character as those listed as a permitted use in this district.
- D. Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by chapter 30 of this title.
- E. Temporary, outdoor promotional events and sales provided that:
 1. Outdoor Sales (Except Promotional Events, Christmas Trees and Transient Merchant Sales):
 - a. Such activity is directed towards the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and seasonal merchandise sales (except Christmas trees).
 - b. The following specific standards shall apply to all proposed temporary outdoor sales activities allowed by this subsection and by city code business licensing provisions in addition to other applicable building and safety code requirements as determined by the zoning administrator:
 - (1) The maximum total time for temporary outdoor sales activities shall be the period specified in the administrative permit and, in no case, shall exceed sixty (60) days per calendar year per property.
 - (2) There shall be no more sales activities than those specified in the administrative permit and, in no case, shall there be more than ten (10) sales activities per year per property.
 - (3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Temporary sales on unpaved landscaped areas is prohibited.
 2. Promotional Events, Outdoor Christmas Tree And Transient Merchant Sales:
 - a. Such activity is directed towards the general public and consists of the sales of cut evergreen trees, boughs, wreaths and other natural holiday decorations and related products, sales of produce or other licensed transient sales and displays of materials that are typically not sold or serviced on the site.
 - b. The following specific standards shall apply to all proposed outdoor events and sales allowed by this subsection and by city code business licensing provisions in addition to other applicable building and safety code requirements as determined by the zoning administrator:
 - (1) The maximum total time for sales activities shall be the period specified in the administrative permit and, in no case, shall exceed ninety (90) days per calendar year per property.
 - (2) There shall be no more than one sales activity per year per property, which shall be in addition to any promotional events or other outdoor sales permitted on the property.
 - (3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with seasonal parking demand, traffic, circulation or emergency vehicle access. Sales on unpaved landscaped areas are prohibited.
 3. General Standards:
 - a. The event shall be clearly accessory to or promoting the permitted or conditional use approved for the site. Only merchandise which is normally manufactured, sold, or stocked by



- the occupant on the subject premises, except Christmas trees and plant sales, shall be sold and/or promoted.
- b. Tents, stands, and other similar temporary structures may be utilized, provided they are clearly identified on the submitted plan and provided that it is determined by the zoning administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
 - c. The submitted plan shall clearly demonstrate that adequate off street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the zoning administrator who shall consider the nature of the event and the applicable parking requirements of **chapter 19** of this title. Consideration shall be given to the parking needs and requirements of other occupants in the case of multiple tenant buildings. Parking on public right of way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the chief of police, at the petitioner's expense.
 - d. Signage related to the event shall be in compliance with the temporary sign standards of chapter 23 of this title and shall be allowed for the duration of the event. Special signage for purposes of traffic direction and control may be authorized by the zoning administrator; the erection and removal of such signage shall be the responsibility of the applicant.
 - e. The approved permit shall be displayed on the premises for the duration of the event.
- F. Temporary structures as regulated by chapter 28 of this title.
- G. Seating accessory to bakery, bagel, candy, coffee, ice cream, popcorn, nuts, frozen desserts, pastries, sandwich, soup, and soft drink sales provided that:
- 1. No accessory drive-through facilities shall be permitted.
 - 2. No sale or consumption of on-/off-sale liquor shall be permitted.
 - 3. The area dedicated to seating shall be limited to three hundred (300) square feet of floor area.
 - 4. Adequate off street parking and off street loading shall be provided in compliance with chapters 19 and 20 of this title.
 - 5. Only one business in a shopping center may obtain an administrative permit for accessory seating. (*Ord. 674, sec. 1, 7-17-2000; amd. Ord. 705, sec. 3, 3-4-2002; Ord. 741, sec. 1, 8-4-2003; Ord. 762, sec. 51, 4-5-2004*)

11-71-13: Lot Requirements and Setbacks:

The following minimum requirements shall be observed in a C-1 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot Area: 20,000 square feet

Lot Width: 100 feet

Setbacks:

Front yards: 30 feet

Rear yards: 30 feet

Side yards: 20 feet on any one side, or 30 feet on the side yard abutting a street or residential zoned property (*Ord. 674, sec. 1, 7-172000*)



Chapter 72

C-2, Highway Oriented Commercial District

11-72-1: Purpose:

The purpose of the C-2, highway oriented commercial district is to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities. (Ord. 674, sec. 1, 7-17-2000)

11-72-3: Permitted Uses:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in a C-2 district:

- A. All permitted uses as allowed within the C-1 zoning district.
- B. Auto accessory store.
- C. Commercial recreation, indoor.
- D. Governmental and public utility buildings and structures.
- E. Motels, motor hotels and hotels provided that the lot area contains not less than five hundred (500) square feet of lot area per unit.
- F. Motor vehicle and recreation equipment sales and structures accessory thereto (excluding those involving outdoor display).
- G. Private clubs or lodges serving food and beverages, on- and off-sale liquor.
- H. Restaurants, cafes, on- and off-sale liquor.
- I. Sexually oriented uses, principal. (Ord. 792, sec. 1, 9-19-2005)

11-72-5: Permitted Accessory Uses:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in a C-2 district:

- A. All permitted accessory uses as allowed within the C-1 zoning district. (Ord. 674, sec. 1, 7-17-2000)

11-72-7: Conditional Uses:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in a C-2 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. All conditional uses as allowed within the C-1 zoning district except:
 1. Veterinary clinics.
- B. Reserved.
- C. Automobile repair, major provided that:
 1. All building materials and construction including those of accessory structures must be in conformance with section **11-17-9** of this title.
 2. Not less than twenty five percent (25%) of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.



3. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the City Engineer.
 4. The following minimum requirements shall apply:
 - Lot Area: 1 acre
 - Lot Width: 100 feet
 - Setbacks:
 - Front yards: 30 feet
 - Rear yards: 30 feet
 - Side yards: 20 feet on any one side, or 30 feet on the side yard abutting the major street or residentially zoned property
 5. The hours of operation shall be between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. Evening hours of operation shall be subject to the approval of the City Council.
 6. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
 7. The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC, as amended.
 8. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.
 9. All outside storage is prohibited. The storage of damaged vehicles, vehicles being repaired and vehicle parts and accessory equipment must be completely inside a principal or accessory building.
 10. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served by modifying the conditions.
- D. Auto repair (minor) and tire and battery stores and service, provided that:
1. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City Engineer.
 2. A minimum lot area of twenty thousand (20,000) square feet and minimum lot width of one hundred fifty feet (150').
 3. A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas.
 4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section **11-21-9** of this Title.
 5. No outside storage except as allowed in compliance with subsection I of this Section.
 6. Sale of products other than those specifically mentioned in this Section be subject to a conditional use permit and be in compliance with subsection B of this Section.
 7. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.



- E. Commercial car washes (drive-through, mechanical and self-service) provided that:
 - 1. The accessory car wash must be attached to the convenience store/motor fuel sales facility.
 - 2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the City Engineer.
 - 3. Magazine or stacking space must not interfere with on-site circulation patterns or required on-site parking or loading areas.
 - 4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section **11-21-9** of this Title.
 - 5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines. The car/truck wash doors must remain closed during the entire operation cycle of the car/truck wash and dryer.
 - 6. The location and operation of vacuum machines must not interfere with magazines or stacking areas on-site circulation or on-site parking and loading areas, and may not be located in a yard abutting residentially zoned property.
 - 7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the City Engineer and Building Official, and subject to applicable requirements of Metropolitan Council Environmental Services and MPCA.
- F. Drive-in and convenience food establishments, provided that:
 - 1. Hours: The hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M., unless extended by the City Council as part of the conditional use permit.
 - 2. Architectural Standards:
 - a. As a part of the conditional use permit application, a color illustration of all building elevations must be submitted.
 - b. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, so as not to constitute a blighting influence.
 - c. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to Section **11-17-9** of this Title.
 - d. Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.
 - e. Earth tone colors of exterior materials including the canopy columns shall be required. "Earth tone colors" shall be defined as any various soft colors like those found in nature in soil, vegetation, etc., such colors are limited to brown, black, grey, tan, beige, soft green, soft blue, or white.
 - f. Ten percent (10%) of the building facade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones. The canopy may have contrasting color bands or accent lines not to exceed an accumulative width of four inches (4"). The color bands shall not be illuminated.



3. Landscaping:
 - a. At least twenty five percent (25%) of the lot, parcel or tract of land shall remain as a grass plot, including trees, shrubbery, plantings or fencing and shall be landscaped. Required minimum green area should be emphasized in the front and side yards abutting streets or residential property.
 - b. At the boundaries of the lot, the following landscape area shall be required:
 - (1) From side and rear property lines, an area of not less than five feet (5') wide shall be landscaped in compliance with Section **11-21-9** of this Title.
 - (2) From all road rights of way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with Section **11-21-9** of this Title.
 - (3) Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in compliance with Section **11-21-9** of this Title.
 - (4) The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.
4. Dust Control And Drainage: The entire area other than occupied by buildings, structures or plantings shall be surfaced with asphalt, concrete, cobblestone, or paving brick to control dust and drainage, which is subject to review and approval of the City Engineer.
5. Exterior Lighting: The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with section **11-16-17** of this title. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:
 - a. Lighting at the periphery of the site and building shall be directed downward, and individual lights shall not exceed fifteen (15) foot-candles at ground level.
 - b. Maximum site illumination shall not exceed one foot-candle at ground level when measured at any boundary line with an adjoining residential property or any public property.
 - c. Except for permitted wall signage the building fascia shall not be illuminated.
6. Access: Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with **chapter 19** of this title and shall be subject to the approval of the city engineer.
7. Drive-Through Windows: Service windows shall be allowed if the following additional criteria are satisfied:
 - a. Stacking: Not less than one hundred eighty feet (180') of segregated automobile stacking lane must be provided for the service window.
 - b. Traffic Control: The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
 - c. Use Of Street: No part of the public street or boulevard may be used for stacking of automobiles.
8. Circulation And Loading: The site design must accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas must be exclusive of off street parking stalls and drive aisles and shall not cause conflicts with customer vehicles and pedestrian movement. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.



9. Pedestrian Traffic:
 - a. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles. In front of the principal structure, the pedestrian sidewalk must be a minimum of five feet (5') wide and clear of any obstacle or impediment.
 - b. A continuous and permanent concrete curb not less than six inches (6") above grade shall separate internal sidewalks for pedestrian traffic from motor vehicle areas, pursuant to the provisions of subsection **11-19-71** of this title.
10. Noise: The stacking lane, order board intercom, and servicewindow shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Noise control shall be required as regulated in section **11-16-25** of this title.
11. Signs:
 - a. Sign Plan: A comprehensive sign plan must be submitted as part of a conditional use permit application.
 - b. Freestanding Sign: A freestanding sign allowed by chapter 23 of this title shall be a monument sign constructed as follows:
 - (1) The sign shall be self-supported vertically by a solid base extending horizontally for a minimum of the entire width of the sign face. Total height of the monument sign including the base shall not exceed fifteen feet (15').
 - (2) The sign base and supporting material shall be equal to at least forty percent (40%) of the total allowable sign square footage, and shall not be counted toward the sign area. The base shall be attached to the ground for its entire horizontal width of the sign. The base shall be decay resistant wood, stone, brick, or decorative masonry and shall not contain any sign copy.
 - c. Drive-Through Facilities: In addition to the freestanding sign allowed by chapter 23 of this title, convenience food uses with drive-through facilities may display additional signs, provided that:
 - (1) Not more than two (2) signs are allowed.
 - (2) The sign(s) shall be single sided with an area not to exceed fifty (50) square feet.
 - (3) The height of the sign(s) shall not exceed eight feet (8') including its base or pole measured from grade to the top of the structure.
 - (4) The sign(s) shall not encroach into any principal building setback and shall be located directly adjacent to the drive-through aisle and oriented in such a manner so that the sign provides information to the drive-through patrons only and does not impair site visibility or obstruct circulation.
 - d. Additional Regulations: All other signing and informational or visual communication devices shall be minimized and shall be in compliance with chapter 23 of this title.
12. Additional Stipulations: All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.



- G. Motor vehicle sales, including new and used automobiles, trucks, motorcycles, recreational vehicles and equipment, boats and marine sales, that involve open and outdoor sales and display areas larger than thirty percent (30%) of the area of the principal building provided that:
1. The outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with section **11-21-9** of this title.
 2. The architectural appearance, scale, building materials and functional plan of the site and building shall not be dissimilar to existing uses and buildings so as to cause a blighting influence.
 3. The sales area is surfaced with bituminous material or concrete.
 4. The sales area does not take up parking space as required for conformity to this title.
 5. Hours of operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. unless otherwise allowed by the city council.
 6. Accessory automobile repair shall require the processing of a separate conditional use permit(s), subject to the conditions of subsections D and/or C of this section, except the use shall not be subject to subsection C2 of this section.
- H. Open or outdoor service, sale and rental as a principal or accessory use, provided that:
1. Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
 2. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with section **11-21-9** of this title.
 3. Sales area is grassed or surfaced to control dust.
 4. The use does not take up parking space as required for conformity to this title.
- I. Open and outdoor storage as a principal or accessory use, provided that:
1. The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right of way in compliance with section **11-21-9** of this title.
 2. The storage area is grassed or surfaced to control dust.
 3. The storage area does not take up parking space as required for conformity to **chapter 19** of this title.
 4. The storage does not include any waste, except as provided in section **11-18-11** of this title.
- J. Fitness centers larger than two thousand (2,000) square feet and health clubs.
(Ord. 674, sec. 1, 7-17-2000; amd. Ord. 762, secs. 52, 53, 4-5-2004; Ord. 792, sec. 2, 9-19-2005; Ord. 816, sec. 5, 2-5-2007)

11-72-9: Interim Uses:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the C-2 district and are governed by **chapter 5** of this title:

- A. All interim uses as allowed within the C-1 zoning district. (Ord. 674, sec. 1, 7-17-2000)

11-72-11: 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 a C-2 district by administrative permit as may be issued by the zoning administrator:

- A. All uses by administrative permit as allowed within the C-1 zoning district. (Ord. 674, sec. 1, 7-17-2000)



11-72-13: Lot Requirements and Setbacks:

The following minimum requirements shall be observed in a C-2 district subject to additional requirements, exceptions and modifications set forth in this title

Lot Area: 20,000 square feet

Lot width: 100 feet

Setbacks:

Front yards: 30 feet

Rear yards: 30 feet

Side yards: 20 feet on any one side, or 30 feet on the side yard abutting a street or residential zoned property (*Ord. 674, sec. 1, 7-17-2000*)

Chapter 73

C-3, General Commercial District

11-73-1: Purpose:

The purpose of the C-3, general commercial district is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region. (*Ord. 674, sec. 1, 7-17-2000*)

11-73-3: Permitted Uses:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in a C-3 district:

- A. All permitted uses as allowed within the C-1 and C-2 zoning districts.
- B. Antique or gift shop.
- C. Body piercing establishments.
- D. Books, office supplies or stationery stores.
- E. Carpet, rugs and tile.
- F. Clothing stores, retail and rental.
- G. Coin and philatelic stores.
- H. Commercial recreation.
- I. Dry cleaning pick up and laundry stations including incidental repair, assembly and processing limited to items received from the patron on the premises.
- J. Dry goods store.
- K. Electrical appliance stores including incidental repair and assembly but not fabricating or manufacturing.
- L. Furniture stores.
- M. Garden supply stores.
- N. Jewelry stores.
- O. Off site service businesses.



- P. Pawnshops.
- Q. Retail stores.
- R. Tattoo parlors.
- S. Theaters, not of the outdoor drive-in type.
- T. Travel bureaus, transportation ticket offices. (*Ord. 730, sec. 33, 3-17-2003*)

11-73-5: Permitted Accessory Uses:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in a C-3 district:

- A. All permitted accessory uses as allowed within the C-2 zoning district. (*Ord. 674, sec. 1, 7-17-2000*)

11-73-7: Conditional Uses:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in a C-3 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. All conditional uses as allowed within the C-1 and C-2 zoning districts except:
 - 1. Motor vehicle sales, including new and used automobiles, trucks, motorcycles, recreational vehicles and equipment, boats and marine sales, that involve open and outdoor sales and display area greater than thirty percent (30%) of the area of the principal building. (*Ord. 674, sec. 1, 7-17-2000*)
 - 2. Fitness centers limited to two thousand (2,000) square feet of gross floor area or less. (*Ord. 707, sec. 4, 3-4-2002*)
- B. Bottled gas sales outside of activities included with motor fuel sales in chapter 37 of this title, provided that:
 - 1. Retail sales activities connected with the principal use must constitute at least fifty percent (50%) of the gross floor area of the principal use.
 - 2. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code. In addition, the conditional use permit shall be reviewed and subject to conditions set forth by the city fire marshal.
 - 3. All outside storage is prohibited. The storage of all accessory equipment related to the storage and sale of flammable fuels must be completely inside a principal or accessory building.
- C. Pet shops which may include pet grooming, pet supplies, and/or pet accessories, provided that:
 - 1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties or tenants in the case of multiple occupancy buildings.
 - 2. Animal wastes are disposed at least once each day via an existing sanitary sewer system or enclosed in a container of sufficient construction at least once a day to minimize odors.
 - 3. The floors and walls of pet grooming areas are made of nonporous materials or sealed concrete to make them nonporous.
 - 4. All applicable requirements of this code regarding the keeping and care of animals are satisfactorily met.



5. No commercial boarding or kenneling of animals shall be allowed.
6. The breeding of cats and dogs is prohibited unless expressly allowed by the conditional use permit.
7. All applicable provisions of Minnesota statutes sections 346.35 through 346.58 regarding the commercial keeping and care of animals are satisfactorily met.
8. All animals to be sold are acquired from a licensed animal broker. *(Ord. 674, sec. 1, 7-17-2000)*

11-73-9: Interim Uses:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the C-3 district and are governed by **chapter 5** of this title:

- A. All interim uses as allowed within the C-2 zoning district. *(Ord. 674, sec. 1, 7-17-2000)*

11-73-11: 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 a C-3 district by administrative permit as may be issued by the zoning administrator:

- A. All uses by administrative permit as allowed within the C-2 zoning district. *(Ord. 674, sec. 1, 7-17-2000)*

11-73-13: Lot Requirements and Setbacks:

The following minimum requirements shall be observed in a C-3 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot Area: 20,000 square feet

Lot Width: 100 feet

Setbacks:

Front yards: 30 feet

Side yards: 10 feet or 30 feet on the side yard abutting a public right of way

Rear yards: 10 feet or 30 feet abutting residential zoned property *(Ord. 674, sec. 1, 7-17-2000)*