

BILL NO. 2015-15

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE TO ALLOW
MICRO-PRODUCTION FACILITIES AND TAPROOMS/COCKTAIL ROOMS IN
COMMERCIAL AND MIXED-USE ZONING DISTRICTS**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Subsection 507.07 of the Richfield City Code is amended to add new definitions to read as follows and be inserted alphabetically, and by now renumbering all following subdivisions accordingly:

“Brewer.” A person who manufactures malt liquor for sale.

“Brewpub.” A micro-brewery with a restaurant use operated on the same premises as the brewery.

“Cocktail Room.” “An area for the on-sale consumption of distilled spirits produced at the distillery for consumption on the premises of the distillery or distillery-owned property adjacent to the distillery. A cocktail room may also include sale for off-premises consumption of distilled spirits produced at the distillery, subject to Minnesota Statute 340A.22, Subd. 4 or its successor.

“Growler.” A specially designed 64 ounce or 750 ml beer container for exclusive off-sale of micro-brewery facility beer. A growler shall be packaged subject to Minnesota Statute 340A.285, or its successor.

“Malt Liquor.” Any beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

“Micro-brewery.” A facility that produces for sale, distribution, and consumption beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume, and which possesses the appropriate Federal, State, and Municipal licenses and which produces not more than 3,500 barrels of malt liquor in a calendar year. A micro-brewery may include a taproom.

“Micro-distillery.” A facility that produces Ethyl Alcohol, hydrated oxide or ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use in total quantity not to exceed 40,000 gallons in a calendar year. A distillery may include a cocktail room.

“Micro-production facility.” A facility in which beer or other alcoholic beverages are brewed, fermented, or distilled for distribution and

consumption. Micro-production facilities include breweries, brewpubs, and distilleries.

“Taproom (Brewery).” An area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of a brewery or an abutting property in common ownership of the brewer, which may include sales of malt liquor produced and packaged at the brewery for off-premises consumption as allowed by Minnesota Statute 340A.285, or its successor.

Section 2 Subsection 512.07 of the Richfield City Code is amended to read as follows:

512.07. - Permitted, Conditional, Accessory and Prohibited Uses in Commercial Districts.

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Commercial Districts. Refer to Sections 529 through 534 for complete regulations. (Amended, Bill No. 2011-19)

P: Permitted

A: Accessory

C: Conditional

N: Null or not Permitted

Land Use	S-O	C-1	C-2
Adult businesses	N	N	P
Animal kennels	N	N	P/C
Apartments within a commercial building	A	A/C	C
Assembly, light manufacturing, warehouse	N	N	A
Auction houses	N	N	P
Auto mechanical/body repair	N	N	C
Auto detailing	N	N	C
Auto or boat sales	N	N	C
Auto stereo installation service	N	N	P
Auto washes	N	N	C
Barber or beauty shops	P/C	P/C	P/C

Bicycle stores	N	P/C	P/C
Bicycle repair shops	P/C	P/C	P/C
Bowling alleys	N	N	P
Carpet or paint stores	N	P/C	P/C
Cemeteries	N	N	C
Convenience store	N	P	P
Day care facilities	C	P	P
Drug stores without drive-up facility	N	P/C	P/C
Drug stores with drive-up window	N	N	C
Emergency shelter	N	N	C
Enclosed storage	A	A	A
Fences, walls and hedges	A	A	A
Financial institutions without drive-up service	N	N	P
Financial institutions with drive-up service	N	N	C
Firearms related uses	N	N	C
Fortune telling	N	N	P
Funeral homes, mortuaries	N	N	C
Furniture or appliance stores	N	P/C	P/C
Governmental buildings	P	P	P
Grocery stores	N	P/C	P/C
Health club or studio, spa	N	P	P
Hospital or 24-hour urgent care	P/C	P/C	P/C
Hotel or motel (6 or more units)	N	N	C
Junk yard	N	N	N
Libraries, public	P	P	P
Liquor store, municipal	N	N	P
Marijuana (medical) dispensaries	N	N	C
Marijuana (recreational) sales outlets	N	N	N
<u>Micro-production facility (micro-brewery/micro-distillery)</u>	<u>N</u>	<u>N</u>	<u>C</u>
Nursing home	P	P	N
Office, single-tenant, professional, executive or business	P/C	P/C	P/C
Office, multi-tenant, professional, executive, or business	P/C	P/C	P/C

Outdoor merchandising or storage (except as allowed by Section 1135 of the City Code)	N	N	N
Parking	A	A	A
Pawn shops and second hand goods dealers licensed under Section 1186 or 1187 of the City Code	N	N	C
Public utility, minor	A	A	A
Public utility, major	C	C	C
Religious institutions	N	N	P
Restaurant, take-out only (Class IV)	N	C	P
Restaurant, fast food/convenience food (Class III) or any restaurant with drive-up service	N	N	C
Restaurant, traditional or cafeteria (Class II)	N	C	C
Restaurant, full service (Class I)	N	N	C
Retail, general (single or multi-tenant)	N	P/C	P/C
Schools, public or private	N	N	P
Service station	N	N	C
Service station/convenience store	N	N	C
Service or non-auto repair shop	P/C	P/C	P/C
<u>Taproom / Cocktail Room</u>	<u>N</u>	<u>N</u>	<u>A/C</u>
Tattoo shops	N	N	C
Taxi or limousine service	N	N	P
Theater, movie or live entertainment	N	N	C
Veterinary clinic	N	N	P

Section 3 Subsection 512.09 of the Richfield Code is amended to read as follows:

512.09. - Permitted, Conditional, Accessory and Prohibited Uses in Mixed-Use Districts.

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Mixed-Use Districts. Refer to Section 537 for complete regulations.

P: Permitted

A: Accessory

C: Conditional

N: Null or not Permitted

Land Use	MU-N	MU-C	MU-R
Residential			
Townhome development	P	N	N
Multifamily dwellings (min. 3 units)	P	P	P (but see 537.07 Subd. 2a)
Live-work units	P	P	N
Assisted living facilities, nursing, rest homes	P	P	N
Other			
Adult businesses	N	P	P
Animal kennels	C	C	C
Assembly and manufacturing accessory and subordinate to retail use	N	A	A
Auto mechanical/body repair	N	C	C
Auto detailing	N	C	C
Auto rental facilities as an accessory to primary office or hotel use	N	A	A
Auto sales	N	N	C
Clinics	A*	P	P
Convenience store	P*	P	P
Day care facilities	P	P	P
Drive-up window or teller service	N	C	C
Firearms related uses	N	N	C
Funeral homes, mortuaries	N	P	N
Governmental buildings	A	P	A
Health or athletic clubs, spas, yoga studios	N	P	P
Hotel or motel (6 or more units)	N	P	P
Hospitals	N	N	P
Libraries, public	P	P	N
Marijuana (medical) dispensaries	N	N	N

Marijuana (recreational) sales outlets	N	N	N
<u>Micro-production facility (micro-brewery/micro-distillery)</u>	<u>N</u>	<u>C</u>	<u>C</u>
Offices	A	P	P
Parking	A	A	A
Police sub-station	P	P	P
Public utilities	A	A	A
Recreational facilities, noncommercial, principal use	P	P	P
Religious institutions	P	P	A
Restaurant, take-out only (Class IV)	P	P	P
Restaurant, fast food/convenience food (Class III)	N	C	C
Restaurant, traditional or cafeteria (Class II)	P	P	P
Restaurant, full service (Class I)	N	C	P
Retail, neighborhood services	P	P	P
Retail, general services	C	P	P
Retail, regional services	N	C	P
Schools, public or private	P	P	C
Service station	N	P	P
Service station/convenience store	N	P	P
<u>Taproom/Cocktail Room</u>	<u>N</u>	<u>A/C</u>	<u>A/C</u>
Tattoo shops	N	P	P
Theaters, movie or live entertainment	N	N	P
Transit facilities	A	A	A

*Conditions apply; see section 537 for complete regulations.

Section 4 Subsection 512.11 of the Richfield Code is amended to read as follows:

512.11. - Permitted, Conditional, Accessory and Prohibited Uses in the Industrial District.

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Industrial District. Refer to Section 539 for complete regulations.

P: Permitted

A: Accessory

C: Conditional

N: Null or not Permitted

Land Use	
Adult businesses	P
Bottling operation	P
Cold storage	P
Computer assembly	P
Electric appliance manufacturing	P
Electronic components assembly	P
Food products manufacturing	P
Laboratories for testing or research	P
Living quarters for security personnel	A
Lumber or building materials sales	P
Marijuana production/processing	N
Metal products manufacturing	P
<u>Micro-production facility (micro-brewery/micro-distillery)</u>	<u>P</u>
Paper products manufacturing	P
Parking	A
Pawn shops and second hand goods dealers licensed under Section 1186 or 1187 of the City Code	C
Rubber or plastics products manufacturing	P
Satellite dish antennas	A
Stone, clay or glass products manufacturing	P
Telecommunication towers	C
Textile products manufacturing	P
Wood products manufacturing	P

Section 5

Subsection 534.07 of the Richfield Code relating to conditional uses in the C-2 (General Business) District is amended by adding a new Subdivision 27 to read as follows:

Subd. 27. Micro-production facilities provided that the following conditions are met:

- a) Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); and/or a distiller's license from the State of Minnesota.
- b) Taproom/Cocktail Room Location. Micro-production facilities with an accessory taproom or cocktail room must be on a lot abutting an arterial or collector street.
- c) Taproom/Cocktail Room License. An accessory taproom or cocktail room for the sale of beer or spirits produced on-site shall require a taproom/cocktail room license from the City of Richfield in accordance with Section 1202 of the City Code.
- d) Taproom/Cocktail Room Operations. Taprooms/cocktail rooms must either make food available on-site or expressly allow patrons to carry in food.
- e) Off-sale. A micro-production facility may sell their product for off-sale consumption through their taproom or cocktail room. Any on-site sale of beer in the form of growlers shall require a Micro-brewery Off-sale License in accordance with Section 1202 of the City Code.
- f) Production of Beer. Annual production of malt liquor for a micro-brewery with an accessory taproom shall not exceed 3,500 barrels, and only 500 barrels may be sold off-sale as growlers. Production at micro-breweries without a taproom shall not exceed 1,750 barrels annually.
- g) Production of Spirits. Annual production of spirits for a micro-distillery with an accessory cocktail room shall not exceed 40,000 proof gallons annually. Production at micro-distilleries without a cocktail room shall not exceed 20,000 proof gallons annually.
- h) Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public right-of-ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
- i) Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
- j) Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit.

Section 6

Subsection 537.03 of the Richfield Code relating to permitted, conditional and accessory uses in the Mixed Use Districts is amended as follows:

537.03. - Permitted Uses.

Subdivision 1. The following table establishes permitted, conditionally permitted and accessory uses for the Mixed Use Districts:

Table 1. Uses of the Mixed-Use District

Note—The following abbreviations are used within the use table:

P: Permitted

A: Accessory

C: Conditional

N: Null or not Permitted

Use	MU-R	MU-C	MU-N
COMMERCIAL			
Regional retail services	P	C	N
General retail services	P	P	C
Neighborhood retail services	P	P	P
Restaurant Class I (serving alcohol)	P	C	N
Restaurant Class II (traditional/cafeteria)	P	P	P
Restaurant Class III (fast food/convenience)	C	C	N
Restaurant Class IV (take out only)	P	P	P
<u>Micro-production facility (micro-brewery/micro-distillery)</u>	<u>C</u>	<u>C</u>	<u>N</u>
<u>Taproom/Cocktail room</u>	<u>A/C</u>	<u>A/C</u>	<u>N</u>

Service Station/convenience store	P	P	N
Convenience store	P	P	P
Offices and clinics	P	P	A
Hotel/motel (defined as 6 or more rooms)	P	P	N
Mortuaries and funeral chapels	N	P	N
Health or athletic clubs, spas, yoga studios	P	P	N
Theaters, movie or live entertainment	P	N	N
Auto sales or lease -new vehicles	C	N	N
Auto mechanical or body repair shops	C	C	N
Auto detailing	C	C	N
Auto rental facilities accessory to a primary office or hotel use	A	A	N
Assembly and manufacturing accessory and subordinate to a retail use	A	A	N
Drive-up window or teller service	C	C	N
Adult business establishments as defined and regulated under Subsection 1196 of the City Code	P	P	N
Tattoo shops	P	P	N
Firearms related uses	C	N	N
Licensed day care facilities	P	P	P
Animal kennels	C	C	C

RESIDENTIAL			
Dwelling, townhouse	N	N	P
Dwelling, multifamily (min. 3 units)	P	P	P (but see 537.07, Subd. 2a)
Live - work units	N	P	P
Assisted living facilities, nursing, rest homes	N	P	P
INSTITUTIONAL/PUBLIC			
Places of worship	A	P	P
Government offices	A	P	A
Police sub-station	P	P	P
Schools	C	P	P
Library	N	P	P
Parks	P	P	P
Hospitals	P	N	N
Transit facilities	A	A	A
Public utility	A	A	A

Subd. 2. Any land use not listed as Permitted, Accessory or Conditional in this section or Subsection 512.09 is prohibited in the Mixed-Use Districts unless the use is found to be substantially similar to a use listed, as determined by the City in accordance with Subsection 509.23 of this Code.

Section 7

Subsection 537.05 of the Richfield Code relating to conditional uses in the Mixed Use (MU-C and MU-R) Districts is amended by adding a new Subdivision 13 to read as follows:

Subd. 13. Micro-production facilities in the MU-C and MU-R Districts provided that the following conditions are met:

- a) Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); and/or a distiller's license from the State of Minnesota.
- b) Taproom/Cocktail Room Location in MU-C District. Micro-production facilities with an accessory taproom or cocktail room in the Mixed Use – Community District must be on a lot abutting an arterial or collector street.
- c) Taproom/Cocktail Room Operations. Taprooms/cocktail rooms must either make food available on-site or expressly allow patrons to carry in food.
- d) Taproom/Cocktail Room License. An accessory taproom or cocktail room for the sale of beer or spirits produced on-site shall require a taproom/cocktail room license from the City of Richfield in accordance with Section 1202 of the City Code.
- e) Off-sale. A micro-production facility may sell their product for off-sale consumption through their taproom or cocktail room. Any on-site sale of beer in the form of growlers shall require a Micro-brewery Off-sale License in accordance with Section 1202 of the City Code.
- f) Production of Beer. Annual production of malt liquor for a micro-brewery with an accessory taproom shall not exceed 3,500 barrels, and only 500 barrels may be sold off-sale as growlers. Production at micro-breweries without a taproom shall not exceed 1,750 barrels annually.
- g) Production of Spirits. Annual production of spirits for a micro-distillery with an accessory cocktail room shall not exceed 40,000 proof gallons annually. Production at micro-distilleries without a cocktail room shall not exceed 20,000 proof gallons annually.
- h) Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public right-of-ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
- i) Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated

from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.

- j) Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit.

Section 8 Subsection 544.13, Subdivision 6 of the Richfield City Code related to the number of off-street parking lots required for permitted and conditional uses is amended to read as follows:

Subd. 6. Number of Off-Street Spaces Required. Off-street parking spaces shall be provided according to the following minimum standards. Parking for land uses not listed below shall be regulated according to the most similar use and/or authoritative sources as determined by the City Planner.

Land Use	Minimum Number of Off-Street Parking Spaces Required*
COMMERCIAL USES	
Animal hospital	1 for every 200 square feet of gross floor area.
Auto mechanical, body repair shop or gas station	4 plus 2 per service stall and 1 per 150 square feet of retail area
Bakery	1 per 25 square feet of customer floor area.
Bank or similar financial service	1 space per 250 square feet of gross floor area.
Bed and breakfast inn	2 plus 1 per room for rent. No required parking may be located in the front yard nor shall the parking area exceed 50 percent of the rear yard.
Bowling alley	5 per bowling lane plus 1 per 4.5 seats of other related facilities (e.g., restaurant)

Coffee shop	4.5 per 1,000 square feet of gross floor area.
Dance or physical culture studio	3 per 1,000 square feet of gross floor area.
Day care center (adult or child)	1 per 5 enrolled persons based on licensed capacity.
Health club or fitness center	1 per 225 square feet of gross floor area
Hotel	1 per room plus 1 per 4.5 seats of other related facilities (e.g., restaurant)
Medical or dental office	
Floor area of 2,500 square feet or less	1 for every 250 square feet of floor area.
Floor area greater than 2,500 square feet	1 for every 200 square feet of floor area.
<u>Micro-production facilities (micro-breweries & micro-distilleries)</u>	<u>1 per 1,000 square feet of gross floor area.</u>
Office	
Floor area of less than 50,000 square feet	1 per 275 square feet of floor area
Floor area of 50,000 to 200,000 square feet	1 per 300 square feet of floor area
Floor area of 200,000 to 400,000 square feet	1 per 325 square feet of floor area
Floor area of more than 400,000 square feet	1 per 350 square feet of floor area
Other businesses or industries, including wholesale	1 per 2 employees plus 1 per vehicle used in conduct of the enterprise OR 1 per 800 square feet of gross floor

	area, whichever is greater.
Shopping center	
Community (under 50,000 sf)	3.5 per 1,000 square feet of gross floor area
Regional (50,000 sf or more)	4 per 1,000 square feet of gross floor area
Restaurants or food service in shopping centers	Calculated separately unless the restaurant meets all of these requirements:
	•The shopping center floor area is over 20,000 square feet
	•The restaurant does not have wait staff serving food directly to the customer while seated
	•Intoxicating liquor sales at the restaurant shall not exceed five percent of annual revenue
	•The restaurant does not have in-vehicle sales or service
	•The combined total of all restaurants and food services total less than 25 percent of the gross floor area of the building and shopping center.
Retail (other than shopping center) where more than 25 percent of the gross floor area is customer area	5 per 1,000 square feet of gross floor area
Retail (other than shopping center) where more than 25 percent of the gross floor area is customer area and where the merchandise is	2 per 1,000 square feet of floor area (including outdoor display areas).

large such as furniture, carpeting, large appliances or automobiles	
Retail (other than shopping center) where less than 25 percent of the gross floor area is customer area and where the product is picked up or delivered by patron.	10 per 1,000 square feet of gross floor area
<u>Restaurants and Related</u>	
Class I and II	10 per 1,000 square feet of gross floor area.
Class III (Fast food/convenience)	17 per 1,000 square feet of gross floor area.
Class IV (Take-out only)	1 per 25 square feet of customer floor area plus 1 per delivery vehicle on the maximum shift.
<u>Taproom/Cocktail Room</u>	<u>10 per 1,000 square feet of gross floor area (to be added to required number for adjacent micro-production facility)</u>
<u>Brewpub</u>	<u>1 per 1,000 square feet of gross floor area of Micro-brewery production floor area and 10 per 1,000 square feet of gross floor area of kitchen, dining and bar floor area.</u>
Theater	1 per 3 seats if part of a shopping center; 1 per 2.5 seats if free standing

RESIDENTIAL USES
Multiple-family housing

MR-1 District: two-family dwelling	2 per housing unit, 1 of which must be enclosed. Only one (1) curb cut is permitted to the property.
MR-2 District: 8 or fewer units; 9 to 25 units as a conditional use.	2 per housing unit. May be reduced to 1.5 spaces per unit for 7 or more units if factors warrant.
MR-3 District: 20 or fewer units; more than 20 units as a conditional use.	2 per housing unit. May be reduced to 1.25 spaces per unit for ten (10) or more units if factors warrant.
Group home (state licensed residential facility)	2 per 5 beds offered for residence purposes.
Nursing or convalescent home	5 plus one (1) per 5 beds offered for residence purposes.

INSTITUTIONAL/PUBLIC USES	
Places of worship and/or assembly	1 parking space per 3 seats based on rated design capacity plus additional parking spaces, as applicable for accessory facilities which are used concurrently.
School	
K-8	1 per employee plus 8 for visitors
High school	1 per employee plus 1 per 8 students
Business or trade school	1 per employee plus 1 per 3 students based on rated design capacity.

*If calculation results in a fraction, the next higher whole number shall be used.

Section 9 This Ordinance is effective in accordance with Section 3.09 of the
Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 10th day of
November, 2015.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk