



4646 Dakota Street SE  
Prior Lake, MN 55372

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**CITY OF PRIOR LAKE  
ORDINANCE NO. 123-03**

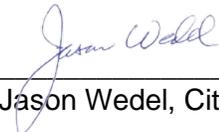
**AN ORDINANCE AMENDING PRIOR LAKE CITY CODE  
SUBSECTION 1122.300, LAND USE DEFINITIONS AND CONDITIONS  
AND ADOPTING BY REFERENCE CITY CODE SECTION 104, WHICH, AMONG OTHER THINGS,  
CONTAINS PENALTY PROVISIONS**

The City Council of the City of Prior Lake, Minnesota, ordains:

1. Controlled Access Lot, Subd. (B)(s), within Prior Lake City Code Subsection 1122.300, Land Use Definitions and Conditions, is hereby amended to increase the number of slips permitted for the Pixie Point Homeowners Association from five (5) to six (6).
2. City Code Section 104 entitled "General Penalty" is adopted in its entirety, by reference, as though repeated verbatim herein.
3. This ordinance shall become effective upon its passage and publication.

Passed by the City Council of the City of Prior Lake this 5<sup>th</sup> day of June 2023.

ATTEST:

  
\_\_\_\_\_  
Jason Wedel, City Manager

  
\_\_\_\_\_  
Kirt Briggs, Mayor

This Ordinance shall be published in the Prior Lake American on Saturday, June 17, 2023.

SECTION 1122  
LAND USE DEFINITIONS AND CONDITIONS

**SUBSECTIONS**

- 1122.100: Land Uses**  
**1122.200: Land Use Restrictions**  
**1122.300: Land Use Definitions and Conditions**
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**1122.100: LAND USES:**

1122.101: **Land Uses.** The only uses which can be made of land and/or structures are those uses listed in the land use table and defined in this Section. If there is a conflict between the land use table and this Section, then this Section governs.

1122.102: **Land Uses Not Listed.** Any land use which is not listed in this Section is specifically prohibited. Any person seeking to establish whether a use which is not specifically listed is included in an existing use may ask the Zoning Administrator for an opinion. The Zoning Administrator's decision will establish whether the proposed use is permitted under any of the existing uses in this Zoning Code. The Zoning Administrator shall consider functional similarities between uses listed in the Zoning Code and the proposed use including nuisance characteristics, traffic, appearance and mode and hours of operation in making this determination. The determination of the Zoning Administrator shall be in writing and shall include a statement whether the use is a "permitted use", "permitted accessory use", "permitted use with conditions", "conditional use" or "interim use". If the Zoning Administrator determines that the proposed use is not permitted under any existing use, that conclusion shall be stated in the written determination.

**1122.200: LAND USE RESTRICTIONS:** All land uses must comply with all applicable provisions of the City Code including but not limited to the conditions in this Section and all other applicable provisions of the Zoning Code.

**1122.300: LAND USE DEFINITIONS AND CONDITIONS:** This subsection contains the definitions and conditions for land uses as allowed by the land use table.

**ACCESSORY APARTMENT**

**A. Definition:** An independent, subordinate dwelling unit contained within a single family detached dwelling for occupancy only by immediate family members ("immediate family" means the spouse, parents, grandparents and children and grandchildren (all including step- and foster-) or individuals providing care to the people occupying the other dwelling unit.

**B. Zoning Districts and Conditions:**

1. Permitted with Conditions in A, R-S, R-1, R-2, R-3 and TC-T with the following conditions:
  - a. No more than one apartment may be created in any single family dwelling.
  - b. The single family dwelling or accessory apartment must be owner-occupied

- on a continuous basis except for temporary absences.
- c. A minimum of 2 off-street parking spaces must be provided for each dwelling unit with such parking to be in a garage, carport or on an area surfaced in asphalt or concrete specifically intended for that purpose. Such parking may not be located within a required turnaround.
  - d. In an existing single family dwelling, an accessory apartment may be created by the conversion of living space within the dwelling but not by conversion of garage space unless space is available on the property for a new two car garage in the future without the need for a variance.
  - e. An accessory apartment must be no more than 35 percent of the gross living area of the single family dwelling (including the accessory apartment) or 950 square feet, whichever is smaller.
  - f. Exterior changes to the dwelling must not substantially alter the single family character of the structure.
  - g. No apartment may be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the City and State.
  - h. An accessory apartment is permitted only where it is demonstrated that it will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood.
  - i. All other provisions of this Zoning Code relating to single family dwelling units must be met, unless specifically amended by this subdivision.

#### **ACCESSORY STRUCTURE**

**A. Definition:** A separate and subordinate structure the use of which is related to and is incidental to that of the principal structure, and which may include, but is not limited to garages, carports, storage buildings, water oriented accessory structures, pools, etc. There must be a principal structure on the property in order for an accessory structure to be allowed.

**B. Zoning Districts and Conditions:**

1. Permitted accessory use in A, R-S, R-1, R-2, R-3, TC-T, C-3 and I-1 with the following conditions:
  - a. The accessory structure shall be either constructed of the same materials as the principal structure or screened from public view from adjacent roads and contiguous properties. The screening must meet all applicable standards of this Zoning Code.
  - b. If located in a residential Zoning District total amount of accessory structures is limited to 1000 square feet.
  - c. Maximum building height shall not exceed fifteen (15) feet as defined in Subsection 1111.100.
  - d. The accessory structure shall be located to the side or rear of the principal structure and is not permitted within the front yard or side yard abutting a street.
  - e. The minimum setback to a side or rear property line is five (5) feet unless the property line abuts a street which requires a minimum setback of twenty-five (25) feet.
  - f. No accessory structure may be located in any public right-of-way or public easement.
  - g. Sanitary sewer connections are prohibited.

## **ADULT USES**

**A. Definition:** See City Code Section 1124.

**B. Zoning District and Conditions:**

1. Conditional use in A, TC, C-2 and I-1 with the conditions listed in City Code Section 1124.

## **AGRICULTURE AND FORESTRY**

**A. Definition:** The production of crops, plants, or vines, including forestry. The term also applies to the keeping, grazing, or feeding of livestock but shall not include commercial stables or animal handling.

**B. Zoning District and Conditions:**

1. Permitted with conditions in A and R-S subject to the conditions in City Code Section 801.

## **ANIMAL HANDLING**

**A. Definition:** The sale, boarding, breeding, grooming, training, treatment and/or care of privately owned traditional pets as defined in City Code Section 801.

**B. Zoning District and Conditions:**

1. Conditional Use in A, C-2, C-3, and I-1 with the following conditions:
  - a. Animal runs and exercise areas shall be located at least 200 feet from any dwellings and 100 feet from any buildings used by the public.
  - b. No animals shall be kept outside the building or located in a manner or location which causes offensive odors discernible at the property line of the property on which the activity is conducted.
  - c. All principal use activities, including animal boarding, shall be conducted within the principal structure; except that animal runs may be located outdoor as long as the other conditions in this subsection are met and as long as animals are not left in the run overnight.
  - d. All outdoor animal runs or exercise areas shall be fenced and secured at all times so that no animal contained therein may escape such enclosure.
  - e. All buildings in which animals are kept or boarded shall be located a minimum of 100 feet from any property line in a residential Zoning District.
  - f. All animals shall be kept in conformance with City Code Section 801.

## **APPLIANCE AND SMALL ENGINE REPAIR**

**A. Definition:** Maintenance and repair of appliances and small engines, . Characteristics include some outdoor activity and noise.

**B. Zoning District and Conditions:**

1. Permitted with conditions in C-1 with the following conditions:
  - a. Engines shall not be operated or tested outside of a structure if the use is located within 300 feet of any property line in a residential Zoning District.
2. Permitted with conditions in C-2 and C-3 with the following conditions:
  - a. Engines shall not be operated or tested outside of a structure if the use is located within 100 feet of any property line in a residential Zoning District.
3. Permitted with conditions in I-1 with the following conditions:
  - a. No sales or display of new or used appliances or engines shall be permitted.

## **AUTO BODY/PAINTING**

**A. Definition:** The painting, straightening, replacing and/or repairing the frame and body parts of motor vehicles, usually damaged as result of an accident or as a result of exposure to the elements; it includes the outdoor storage of damaged and dismantled vehicles, and may generate odor and noise; this use excludes junkyards and automobile wrecking yards.

**B. Zoning District and Conditions:**

1. Conditional use in C-3 with the following conditions:
  - a. No sales, storage or display of used automobiles shall be permitted.
  - b. No inoperable vehicles shall be stored outside the primary structure.
  - c. All auto body repair and painting must be conducted within the primary structure.
  - d. No outdoor storage will be permitted.
  - e. All necessary governmental permits (i.e., VOC/air emissions, hazardous substance disposal) must be obtained and adhered to.
2. Permitted with conditions in I-1 with the following conditions:
  - a. No inoperable vehicles shall be stored outside the primary structure or designated screened storage areas.
  - b. No sales or display of new or used automobiles shall be permitted.
  - c. All necessary governmental permits (i.e., VOC/air emissions, hazardous substance disposal) must be obtained and adhered to.

**BANK**

**A. Definition:** The deposit, management, and lending of money, frequently with accessory drive-up facility. This use includes banks and savings and loans but not insurance companies or stock brokerage firms. Characteristics may include high peak hour traffic on certain days.

**B. Zoning District and Conditions:**

1. Permitted with conditions in TC with the following conditions:
  - a. The use shall not include any drive-through or drive-up windows or facilities.
2. Permitted use in C-1 and C-2.

**BED AND BREAKFAST ESTABLISHMENT**

**A. Definition:** The use of a private, owner-occupied single family or two family dwelling providing temporary lodging facilities and some meals to paying lodgers. The lodging is subordinate and incidental to the main residential use of the dwelling. Indoor recreational facilities for the use of the residents and paying lodgers may be included.

**B. Zoning District and Conditions:**

1. Permitted with conditions in A, R-S, R-1, R-2, R-3, TC and TC-T with the following conditions:
  - a. The dwelling shall be owner-occupied.
  - b. The required parking shall be screened with a bufferyard Type B as defined in the Zoning Code.
  - c. The total number of guests shall be limited to 6.
  - d. Not more than 50% of the gross floor area of the dwelling shall be used for the lodging operation.
  - e. Only exterior alterations which do not alter the exterior appearance from its single family character will be allowed.
  - f. Accommodations may be provided to a guest for a period not exceeding 14 days.
  - g. Food service shall be limited to breakfast and afternoon tea.
  - h. Rented rooms shall not contain cooking facilities.

- i. Rooms used for sleeping shall be part of the primary residential structure and shall not have been constructed specifically for rental purposes.
- j. No more than 50% of the rear yard may be surfaced in asphalt and concrete or used for parking.

#### **BICYCLE SALES AND REPAIR**

**A. Definition:** Maintenance, repair, and sales of two and three wheeled non-motorized vehicles with wheels which are more than 16 inches in diameter.

**B. Zoning District and Conditions:**

1. Permitted in TC, C-1, C-2, and C-3.

#### **BOARDERS, KEEPING OF**

**A. Definition:** The use of a single family dwelling for the dwelling of a person or persons on an extended basis rather than daily or weekly where the primary resident is the owner of the dwelling.

**B. Zoning District and Conditions:**

1. Permitted accessory use in A, R-S, R-1, R-2, R-3 and TC-T with the following conditions:
  - a. The dwelling shall be owner-occupied.
  - b. No more than 2 boarders may be kept in a dwelling.
  - c. Rented rooms shall not contain cooking facilities.
  - d. Rooms used for sleeping shall be part of the primary residential structure and shall not have been constructed specifically for rental purposes.

#### **BOAT SLIPS, CITY**

**A. Definition:** The mooring of watercraft with permission of the City on property owned or controlled by the City. City boat slips, regardless of number, are not a Mooring Facility. City Boat Slips are permitted only on riparian property owned or controlled by the City of Prior Lake, subject to DNR approval. The City may use the slips as determined and regulated by the City Council including rental of the slips. The City shall not increase the number of boat slips or increase the number of boat slips which the City rents without first holding a public hearing.

**B. Zoning Use and Conditions:**

1. Permitted in A, R-S, R-1, R-2, R-3, C-1, C-2, C-3, and I-1.

#### **BOAT SLIPS, PERSONAL**

**A. Definition:** The mooring of five (5) or fewer restricted watercraft allowed for personal use by the owners or tenants of residential riparian lots.

**B. Zoning District and Conditions:**

1. Permitted with conditions in A, R-S, R-1, R-2, R-3, C-1, C-2, C-3, and I-1 with the following conditions:
  - a. Personal Boat Slips are permitted only on riparian lots. The lot and Personal Boat Slips shall meet the following minimum conditions as determined by the Zoning Administrator:
    - i. The slips can be located on separate dock structures, but no more than five (5) slips can be located on a lot.
    - ii. No more than five (5) restricted watercraft may be moored at any

- one lot at a time.
- iii. If three (3) or more restricted watercraft are moored at any one lot at a time, any dock structure on that lot shall be at least ten (10) feet from all side lot lines at the ordinary high water level.
- b. All Personal Boat Slips on a lot shall be used in only one of the following manners:
  - i. Owner use - all restricted watercraft moored at the lot shall be owned and registered to the property owner or the property owner's immediate family. For purposes of this requirement, "immediate family" means the spouse, parents, children and grandchildren (all including step- and foster-) of the property owner or the property owner's spouse.
  - ii. Tenant use – if the entire dwelling on the lot is being leased to a tenant and the owner occupies no portion of the lot, all restricted watercraft moored at the lot shall be owned and registered to the tenant or the tenant's immediate family (as immediate family is defined above). In no case may the property owner and tenant both moor watercraft at the lot.
  - iii. Boarder use – if a portion of a dwelling on the lot is being leased to a boarder(s) but the owner still occupies a portion of the lot, all restricted watercraft moored at the lot shall be owned and registered to the owner under provision (i) above or the boarder(s) (regardless of number of boarders) may moor only one (1) restricted watercraft at the lot. In no case may the property owner and boarder both moor watercraft at the lot.
- c. Rental of slips is prohibited. Use of slips allowed by (b) above is not considered "rental" of slips.
- d. If the City has reason to believe that any provisions in this subsection relating to personal boat slips or mooring facilities are not being complied with, the City has the authority to require the submittal of watercraft registration information, proof of ownership/tenancy of property or watercraft, proof of relationships, use of slip, or other information needed to establish compliance.

## **BREW PUB**

**A. Definition:** An establishment operating as a Brew Pub pursuant to City Code Section 301.

**B. Zoning District and Conditions:**

1. Permitted use in TC.
2. Conditional use in C-2, C-3 and I-1 with the following conditions:
  - a. Access to the use shall be from a roadway identified in the Comprehensive Plan as a collector street or located in a manner so that access can be provided without generating significantly increased commercial traffic on local residential streets.
  - b. All customer entrances to the building shall be located a minimum of 100 feet from any property line in a residential Zoning District. In the case of a multi-tenant building, the entrance will be measured from the collective entrance to the building. In the case of an entrance with a vestibule, the most exterior customer entrance door will be the point of measurement.
  - c. If the building housing the use is located less than 100 feet from any property line in a residential Zoning District, the following additional conditions shall be

met:

- i. All customer entrances to the building shall be through a vestibule area with an inside and outside door.
- ii. No outdoor amplified music, public address system, or outdoor special event is permitted.

## **BREWER TAPROOM**

**A. Definition:** An establishment operating as a Brewer Taproom pursuant to City Code Section 301.

### **B. Zoning District and Conditions:**

1. Permitted in TC.
2. Conditional use in C-2, C-3, and I-1 with the following conditions.
  - a. Access to the use shall be from a roadway identified in the Comprehensive Plan as a collector street or located in a manner so that access can be provided without generating significantly increased commercial traffic on local residential streets.
  - b. All customer entrances to the building shall be located a minimum of 100 feet from any property line in a residential Zoning District. In the case of a multi-tenant building, the entrance will be measured from the collective entrance of the building. In the case of an entrance with a vestibule, the most exterior customer entrance door will be the point of measurement.
  - c. If the building housing the use is located less than 100 feet from any property line in a residential Zoning District, the following additional conditions shall be met:
    - i. All customer entrances to the building shall be through a vestibule area with an inside and outside door.
    - ii. No outdoor amplified music, public address system, or outdoor special event is permitted.

## **BUILDING IMPROVEMENT TRADES**

**A. Definition:** A building used for the storage of building supplies and construction equipment and/or office areas dedicated to the conducting of a business related to the construction, alteration, renovation, or structural change to a residential or commercial structure. Such uses may include construction, masonry, HVAC, plumbing or electrical.

### **B. Zoning District and Conditions:**

1. Permitted with conditions in C-3 and I-1 with the following conditions:
  - a. No inoperable vehicles shall be stored outside the primary structure or designated screened storage areas.

## **BUSINESS SERVICES**

**A. Definition:** A business primarily engaged in providing services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing and personal supply services.

### **B. Zoning District and Conditions:**

1. Permitted in C-2, and C-3.
2. Conditional use in TC-T with the following conditions:
  - a. The use must be located completely within the existing structure. No additions

- to the structure are permitted.
- b. The exterior of the existing building shall maintain the residential character of the structure.
- c. No more than one wall sign shall be permitted.
- d. No outdoor storage will be permitted.

## **CAR WASH**

**A. Definition:** The use of a structure, or portion thereof, for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.

**B. Zoning District and Conditions:**

1. Conditional use in C-1, C-2, C-3 and I-1 with the following conditions:
  - a. No public address system shall be audible from any property located within a residential Zoning District.
  - b. Drainage and surfacing plans shall be subject to the City Engineer's approval prior to construction or reconstruction. The plans shall describe the wash water disposal and sludge removal facilities for on premise dust, salt and other chemical and mud abatement. Drainage must be designed to prevent the accumulation of surface water, wash water or sludge on the site or in the vicinity of the property.
  - c. All parking and areas surfaced in asphalt or concrete meet the drainage, design and landscaping provisions of Parking Section of the Zoning Code.
  - d. The ingress or egress points for an accessory car wash shall be subject to the City Engineer's approval prior to construction or reconstruction. The exit door from the car wash shall be at least 45 feet from the public right-of-way. Drainage shall be away from the public street at egress points of the car wash to prevent spillage onto the street. The grades of the interior floor shall be sloped away from the exit door, and sloped to an accepted interior drainage system. No water which is used in the operation of the car wash shall be allowed on any public right-of-way.
  - e. An automatic car wash accessory to a motor fuel station or motor vehicle service and repair facility shall provide stacking space for at least four cars. Cars located in these stacking spaces should not block ingress and egress driveways on the site or driveways providing access to gasoline pumps, service bays or required off-street parking, except that vehicles in stacking spaces may block access to parking stalls which are signed for employee parking only.
  - f. Hours of operation shall be limited to 6:00am to 10:00pm, unless the service doors to the facility remain closed at all times or the facility is in the I-1 Zoning District.

## **CEMETERIES**

**A. Definition:** The use of an area for the burial or entombment of one or more deceased persons, including graveyards, mausoleums, and columbaria.

**B. Zoning District and Conditions:**

1. Permitted use in A, R-S, R-1, R-2, and R-3.

## **CLUSTER HOUSING**

**A. Definition:** Single family attached and/or detached dwelling units on smaller lots than

provided for in the applicable Zoning District in order to allow the same number of units as would be allowed in a standard development on the same property but clustering the units together on smaller lots to preserve additional wooded areas, open space or other natural features. Dwelling units may be located on individual lots or on a lot in common. Characteristics may include a larger building mass and scale and larger concentrations of areas surfaced in asphalt or concrete than single family detached dwellings.

**B. Zoning District and Conditions:**

1. Conditional use in R-1 and R-2 with the following conditions:
  - a. Cluster housing shall meet the following minimum requirements:
    - i. No more than four dwelling units shall be incorporated in a single building;
    - ii. The density of development shall not exceed the density allowed in the Zoning District in which the property is located
    - iii. Existing dwelling units may not be converted into clustered units unless the site is fully cleared and redeveloped. Existing units may be incorporated into new development plans when such units are not converted into clustered units or added to;
    - iv. There shall be 600 square feet of usable open space for each dwelling unit.
  - b. The applicant shall clearly demonstrate through the application and site plan that a superior development would result by clustering. The presence of a superior development shall be determined by reference to the following criteria:
    - i. The presence and preservation of topographic features, woods and trees, water bodies and streams, wetlands, and other physical and ecological conditions;
    - ii. Suitable provisions for permanently retaining and maintaining the amenities and open space;
    - iii. Locating and clustering the buildings to preserve and enhance existing natural features and scenic views, aesthetically pleasing building forms and materials, addition of landscaping to screen development, recognition of existing development and public facilities, and consistency with City goals and plans for the areas.

**COCKTAIL ROOM**

**A. Definition:** An establishment operating as a Cocktail Room pursuant to City Code Section 301.

**B. Zoning District and Conditions:**

1. Permitted use in TC.
2. Conditional use in C-2, C-3 and I-1 with the following conditions:
  - a. Access to the building shall be from a roadway identified in the Comprehensive Plan as a collector street or located in a manner so that access can be provided without generating significantly increased commercial traffic on local residential streets.
  - b. All customer entrances to the use shall be located a minimum of 100 feet from any property line in a residential Zoning District. In the case of a multi-tenant building, the entrance will be measured from the collective entrance of the building. In the case of an entrance with a vestibule, the most exterior customer entrance door will be the point of measurement.

- c. If the building housing the use is located less than 100 feet from any property line in a residential Zoning District, the following additional conditions shall be met:
  - i. All customer entrances to the building shall be through a vestibule area with an inside and outside door.
  - ii. No outdoor amplified music, public address system, or outdoor special event is permitted.

## **COMMUNITY CENTERS**

**A. Definition:** The use of a building, structure, or area for the public, to accommodate and serve significant segments of the community for educational, religious, fraternal, social and recreational programs. This use may include accessory food service and accessory retail shops.

### **B. Zoning District and Conditions:**

- 1. Permitted with conditions in R-1, R-2, and R-3 with the following conditions:
  - a. The building shall not be located within 50 feet of any property line in a residential Zoning District.
  - b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
  - c. Outdoor areas intended for group activities shall be located at least 25 feet from any property line in a residential Zoning District.
  - d. A bufferyard Type C as defined in the Zoning Code shall be installed and maintained along any property line abutting a residential Zoning District.
- 2. Permitted with conditions in TC and C-2 with the following conditions:
  - a. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
  - b. Outdoor areas intended for group activities shall be located at least 25 feet from any property line in a residential Zoning District.
  - c. A bufferyard Type C as defined in the Zoning Code shall be installed and maintained along any property line abutting a residential Zoning District.

## **CONTRACTORS YARD**

**A. Definition:** The use of land for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the property in the conduct of any building trade or craft.

### **B. Zoning District and Conditions:**

- 1. Permitted with conditions in I-1 with the following conditions:
  - a. Areas used for storage of equipment and materials shall be fully screened. Screening shall be 100% opacity in the form of fencing, landscaping, berming or some combination thereof from all property lines and abutting public rights-of-way.
  - b. Stored materials shall not interfere with either on-site or off-site traffic visibility.
  - c. Storage of inoperative vehicles or equipment or other items typically stored in a junkyard or salvage yard shall not be permitted.
  - d. All areas used for storage and parking of street legal or road legal vehicles (such as an automobile, motorcycle, light or heavy truck that are equipped and licensed for use on public roads) shall be surfaced in asphalt or concrete.
  - e. All contractor yards adjacent to an residential Zoning District shall meet the required building setback for the Industrial Zoning District; in all other

instances contractor yards shall meet the required parking setback.

### **CONTROLLED ACCESS LOT**

**A. Definition:** A riparian parcel of land used as a Mooring Facility for non-riparian lot owners with access to public waters.

**B. Zoning District and Conditions:**

1. Conditional use in R-1 and R-2 on General Development Lake with the following conditions:
  - a. Controlled Access Lots shall meet the following conditions as determined by the Zoning Administrator:
    - i. The facility shall be compatible with the adjacent land and water uses.
    - ii. Adequate water depth is available for the proposed facility without churning of bottom sediments.
    - iii. The facility will not create a volume of traffic on the lake in the vicinity of the facility that will be unsafe or will cause an undue burden.
    - iv. The facility will not affect the quality of water and the ecology of the lake.
    - v. The facility, by reason of noise, fumes or other nuisance characteristics, will not be a source of annoyance to persons in the vicinity of the facility.
    - vi. Adequate sanitary and parking facilities will be provided in connection with the facility.
  - b. Controlled Access Lots are allowed only on riparian lots on General Development Lakes by Conditional Use Permit in the R-1 and R-2 Zoning Districts. Controlled Access Lots shall comply with all applicable conditions listed in this subsection, the applicable Zoning District and with any other conditions the Planning Commission, or City Council in the case of an appeal, may impose that are intended to promote the health, safety and welfare of the residents within the City. All docks, mooring facilities, and Controlled Access Lots legally existing on the date of this ordinance which do not meet the applicable conditions shall be considered legally nonconforming and the use may be continued in conformance with Minnesota Statutes Section 462.357 Subd. 1e, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. It is the intent of the City of Prior Lake to allow legally nonconforming Controlled Access Lots to maintain the number of Boat Slips which were approved via permit issued by the City of Prior Lake or Minnesota Department of Natural Resources as of the date of adoption of this ordinance. Below is a list of legally nonconforming Controlled Access Lots and the number of Boat Slips permitted for each.
  - c. The property shall be suitable for the intended use as a Mooring Facility.
  - d. The property shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided access rights on the property.
  - e. The property shall meet, at a minimum, the width and area requirements for a Single-Family residential riparian property.
  - f. The allowable number of Boat Slips for a Controlled Access Lot shall be based on the conditions identified in (a) above; provided however, in no

case shall the number of Boat Slips exceed one (1) Boat Slip for every 40 feet of lot width. Property width shall be the lesser of either the shoreline as measured at the ordinary high water level or a straight line measured between where the two side property lines intersect with the ordinary high water level (or the straight extension of the side property lines if the side property lines do not intersect with the ordinary high water level). Regardless of measurement method, any shoreland area which is unusable (wetland, swamp, bog, marsh, etc.) or which does not abut or lie within 10 feet of navigable water, shall not count toward property width.

- g. All restricted watercraft moored at the property shall be owned and registered to owners or tenants of the subdivision lots or their immediate family. For purposes of this requirement, "immediate family" means the spouse, parents, children and grandchildren (all including step- and foster-) of the owner or tenant or the owner or tenant's spouse. Use of slips by persons described in this provision is not considered "rental" of slips.
- h. Rental of slips is prohibited.
- i. Covenants shall be recorded against the Controlled Access Lot and all benefiting lots that specify which lot owners have authority to use the Controlled Access Lot and what activities are allowed. The activities may include watercraft launching, loading, storing, beaching, mooring, or docking. The covenants may also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants shall limit the total number of watercraft allowed to be securely moored, docked, or stored over water, and shall require centralization of all common facilities and activities in the most suitable locations on the property to minimize topographic and vegetation alteration. The covenants shall also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical, from view from public water, assuming summer, leaf-on conditions.
- j. Functioning restroom facilities shall be accessible on the property for all users of the property 24 hours per day during the boating season (from May 1 through September 30). The restrooms shall either be connected to municipal sanitary sewer or shall be Portable Toilets as approved by the Zoning Administrator.
- k. No dock, mooring facility or other structure shall be located so as to:
  - i. Obstruct the navigation of any lake;
  - ii. Obstruct reasonable use or access to any other dock, mooring facility or other structure;
  - iii. Present a potential safety hazard; or
  - iv. Be detrimental to significant fish and wildlife habitat or protected vegetation.
- l. Docks and mooring facilities shall be set back a minimum of ten (10) feet from side property lines as measured at the Ordinary High Water Level. Docks and mooring facilities shall be located a minimum of ten (10) feet from a straight line extension of the side property lines of the property into the Lake. This requirement may be adjusted, at the discretion of the Zoning Administrator, in cases where topography significantly limits the placement of docks.

- m. One (1) off-street parking space surfaced in asphalt and concrete shall be provided for each four (4) Boat Slips for which the owners, lessees or users do not live within 1,000 feet of the Controlled Access Lot. In addition, a landscaping buffer shall be installed and maintained between the parking and the Ordinary High Water Level sufficient to capture and filter all run-off from the parking area.
- n. The storage of materials that are flammable, explosive, or potentially injurious to human, animal, or plant life upon any Controlled Access Lot, dock or mooring facility is prohibited.
- o. No oscillating, rotating, flashing, moving or advertising signs shall be permitted on any Controlled Access Lot, dock or mooring facility.
- p. Access across wetlands is permitted only in accordance with the State and Federal wetland regulations.
- q. Controlled Access Lots shall meet the Residential Performance Standards of the Zoning Code.
- r. Garbage receptacles shall be made available on the property for use during the boating season (from May 1 through September 30) and all garbage receptacles shall be emptied on a regular basis to avoid the accumulation of refuse.
- s. All docks, mooring facilities, and Controlled Access Lots legally existing on the date of this ordinance which do not meet the above listed conditions shall be considered legally nonconforming and the use may be continued in conformance with Minnesota Statutes Section 462.357 Subd. 1e, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. It is the intent of the City of Prior Lake to allow legally nonconforming Controlled Access Lots to maintain the number of Boat Slips which were approved via permit issued by the City of Prior Lake or Minnesota Department of Natural Resources as of the date of adoption of this ordinance. Below is a list of legally nonconforming Controlled Access Lots and the number of Boat Slips permitted for each.

Permit #	Association Name	Parcel ID Number (PIN)	Water Body	# of Slips Permitted
88-6322	Windsong on the Lake	252360310	Lower Prior Lake	37
89-6013	Harbor Community Association	252030070	Lower Prior Lake	60
89-6021	Oakland Beach Homeowners Association	251700010	Lower Prior Lake	39
89-6022	Island View 1st Add. Association	251430700	Upper Prior Lake	36
89-6002	Island View 5th Add. Association	252520320	Upper Prior Lake	20
89-6035	Mitchell Pond Association	251550260	Lower Prior Lake	23
89-6272	Fish Point Beach Homeowners Association	259360520	Lower Prior Lake	9
89-6290	Pixie Point Homeowners Association	250500011	Lower Prior Lake	6
89-6378	Lakeside Manor Association	250550260	Lower Prior Lake	53
89-6456	Willow Beach Association	251080020	Upper Prior Lake	46
89-6458	Boudin's Manor Association	251530010	Lower Prior Lake	39
City Permit	Spring Lake Estates Association	254400850	Spring Lake	54
City PUD	Crystal Bay Association	254170250	Upper Prior Lake	21
City Permit	Inguadona Beach Homeowners Association	250950030	Upper Prior Lake	20

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## CONVENTION AND EXHIBITION CENTER

- A. **Definition:** The use of a building with meeting rooms for the assembly of persons and the display of products and information. This use may include accessory food service or banquet

kitchen facilities. Characteristics include heavy parking and loading area requirements and large scale buildings.

**B. Zoning District and Conditions:**

1. Conditional use in C-2 and C-3 with the following conditions:
  - a. All buildings, structures, and truck maneuvering areas shall be located a minimum of 100 feet from any property line in a residential Zoning District.
  - b. All loading shall be done within a structure or in an area screened from view with a wall of the same material as the building. Truck maneuvering areas shall be completely screened.

**DATA CENTER**

**A. Definition:** The storage, management, processing and transmission of digital data, the housing of computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. May also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

**B. Zoning District and Conditions:**

1. Permitted use in C-3 and I-1.

**DAY CARE, FAMILY (INCLUDES FAMILY DAY CARE AND GROUP FAMILY DAY CARE AS DEFINED BY STATE STATUTE)**

**A. Definition:** The care, protection and supervision of children in a private single family dwelling for periods of less than 24 hours per day for a fee. A Family Day Care may serve no more than ten (10) children at a time and a Group Family Day Care may serve no more than 14 children at a time. The size of the outdoor play area, the maximum number of children who may be served, and the number and qualifications of required outside teachers or helpers are set forth in Minnesota State Statutes which may be amended from time to time. This use must be licensed by the State of Minnesota or Scott County.

**B. Zoning District and Conditions:**

1. Permitted accessory use in A, R-S and R-1.
2. Permitted with conditions in R-2, R-3 and TC-T with the following conditions:
  - a. Use must be located in a single family detached dwelling, not permitted in a twinhome, rowhome or multi family dwelling.

**DAY CARE, COMMERCIAL (INCLUDES CHILD CARE PROGRAMS AS DEFINED BY STATE STATUTE)**

**A. Definition:** The systematic organization or arrangement of activities, personnel, materials, and equipment in a facility to promote the physical, intellectual, social, and emotional development of a child in the absence of the parent for a period of less than 24 hours a day in a non-residential building. This use must be licensed by the State of Minnesota or Scott County.

**B. Zoning District and Conditions:**

1. Permitted with conditions in A, R-S and R-1 with the following conditions:
  - a. May serve no more than 12 children at a time.
  - b. At least 40 square feet of outside play space per child is provided.
  - c. The outside play area must be fenced and screened with a bufferyard Type B as defined in the Zoning Code.
  - d. Off-street drop off and loading areas must be provided which do not interfere with traffic and pedestrian movements.
2. Permitted with conditions in R-2 and R-3 with the following conditions:
  - a. May serve no more than 16 children at a time.

- b. At least 40 square feet of outside play space per child is provided.
  - c. The outside play area must be fenced and screened with a bufferyard Type B as defined in the Zoning Code.
  - d. Off-street drop off and loading areas must be provided which do not interfere with traffic and pedestrian movements.
3. Permitted with conditions in TC, C-1 and C-2 with the following conditions:
- a. At least 40 square feet of outside play space per child is provided.
  - b. The outside play area must be fenced and screened with a bufferyard Type B as defined in the Zoning Code.
  - c. Off-street drop off and loading areas must be provided which do not interfere with traffic and pedestrian movements.
  - d. Outdoor play areas shall be located a minimum of 100 feet from a roadway designated in the Comprehensive Plan as a principal arterial. For all other road classifications, the outdoor play areas shall be setback the minimum building setback from the property line.
  - e. In the TC Zoning District, the facility shall not be located fronting Main Avenue, Dakota Street or County Road 21.

### **DEDICATED WATERFRONT**

**A. Definition:** A Dedicated Waterfront is a parcel of land which has all of the following elements: (i) the parcel of land is used as a Mooring Facility for access to public waters for non-riparian lot owners; (ii) the source of the right to access public waters is by virtue of a grant or dedication on a plat; and (iii) the lots with the right to access public waters are not subject to recorded homeowners' association documents. Only those parcels that exist in this manner as of January 1, 2016 shall qualify as Dedicated Waterfront.

**B. Zoning District and Conditions:**

- 1. Permitted with conditions in R-1 with the following conditions:
  - a. The facility shall be compatible with the adjacent land and water uses.
  - b. Adequate water depth is available for the proposed facility without churning of bottom sediments.
  - c. The facility will not create a volume of traffic on the lake in the vicinity of the facility that will be unsafe or will cause an undue burden.
  - d. The facility will not affect the quality of water and the ecology of the lake.
  - e. The facility, by reason of noise, fumes or other nuisance characteristics, will not be a source of annoyance to persons in the vicinity of the facility.
  - f. Adequate sanitary and parking facilities will be provided in connection with the facility.

### **DRY CLEANING**

**A. Definition:** The cleaning or dry cleaning of clothing, diapers or other fabrics on site. Materials to be cleaned may be brought to the site either by delivery trucks operated as part of the business or by customers who drop off and pick up their own materials to be cleaned. The use may include the storage of delivery vehicles on the site.

**B. Zoning District and Conditions:**

- 1. Permitted with conditions in TC with the following conditions:
  - a. The buildings housing the use shall not exceed 5,000 square feet in area.
  - b. Outside storage and parking of trucks involved in the operation of the business is limited to trucks and vans with a manufacturer's rated cargo capacity of one (1) ton or less. All trucks in operation with the business must be stored on-site (not in public parking areas).

2. Permitted with conditions in C-1 and C-2 with the following conditions:
  - a. The total area in which the buildings housing the use occurs shall not exceed 15,000 square feet in area.
  - b. Outside storage and parking of trucks and vans involved in the operation of the business is limited to trucks and vans with a manufacturer's rated cargo capacity of one (1) ton or less.
  - c. Access shall be from a roadway identified in the Comprehensive Plan as a collector or arterial or shall be located in a manner that access can be provided without generating significant traffic on local residential streets.

#### **DWELLING, MULTI FAMILY**

**A. Definition:** A building that includes three or more dwelling units where dwelling units are configured in part vertically above and below other dwelling units.

**B. Zoning District and Conditions:**

1. Permitted in R-3.
2. Conditional Use in TC with the following conditions:
  - a. Multiple family dwellings shall be in combination with a commercial use. This is in keeping with the objectives of intentional land use planning that facilitates commercial development for an expanded tax base and exploring ways to encourage downtown as a vibrant destination.
  - b. Commercial uses shall occupy a minimum of 60% of the building's first floor (street level) area for all buildings that are located on a "prime commercial lot". For the purposes of this subsection, a prime commercial lot is one that due to its location, street or highway frontage, access, visibility, size and/or other features would be appropriate for commercial uses.
    - i. Commercial uses shall occupy a minimum of 85% of the first floor (street level) front building façade facing a public street or highway. This requirement shall apply to all building facades facing a public street or highway. Residential lobby and management/leasing offices and residential amenity spaces such as studios, fitness centers, refreshment areas, meeting spaces, pet wash stations, etc. shall not be considered commercial uses.
  - c. For buildings that are not located on a prime commercial lot, commercial uses shall occupy a minimum of 25% of the building's first floor (street level) area.
    - i. Commercial uses shall occupy a minimum of 15% of the first floor (street level) front building façade facing a public street or highway. This requirement shall apply to all building facades facing a public street or highway. Residential lobby and management/leasing offices and residential amenity spaces such as studios, fitness centers, refreshment areas, meeting spaces, pet wash stations, etc. shall not be considered commercial uses.
  - d. The minimum number of off-street private parking shall be provided at a rate of one and one-half (1.5) parking stalls per residential unit.
  - e. Safe and adequate pedestrian access to open space, plazas and pedestrian ways must be provided. (Ord. Amd. 122-10, Pub. 8/13/2022)

#### **DWELLING, SINGLE FAMILY ATTACHED - ROWHOME**

**A. Definition:** A building or group of buildings that include three or more dwellings on a site where the dwellings are configured in a side by side or back to back fashion and share at

least one (1) common wall but are not vertically stacked.

**B. Zoning District and Conditions:**

1. Permitted in R-2 and R-3.

**DWELLING, SINGLE FAMILY ATTACHED - TWINHOME**

**A. Definition:** A dwelling unit designed or used for residential occupancy by two families fully separated by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units, including both duplexes and double bungalows but not including accessory apartments.

**B. Zoning District and Conditions:**

1. Permitted in R-2 and R-3.

**DWELLING, SINGLE FAMILY DETACHED**

**A. Definition:** A dwelling unit designed or used for residential occupancy by one family that is physically separated from any other dwelling on the same property.

**B. Zoning District and Conditions:**

1. Permitted in A, R-S, R-1, and R-2.

**ELECTRICAL UTILITY SUBSTATIONS**

**A. Definition:** A structure of electrical components to transform high voltage electricity into lesser voltages to make suitable for distribution to end users. The use consists of a large structure and numerous power lines which are difficult to screen. This use has minimal outdoor activity and traffic generation.

**B. Zoning District and Conditions:**

1. Conditional use in A, R-S, TC, C-1, C-2, C-3 and I-1 with the following conditions:
  - a. No structure shall be located within 25 feet of any property line.
  - b. No structure shall be located within 100 feet of any property line in a residential Zoning District.

**EXCLUSIVE LIQUOR STORE**

**A. Definition:** An establishment operating as an Exclusive Liquor Store pursuant to City Code Section 301.

**B. Zoning District and Conditions:**

1. Permitted use in TC, C-1, and C-2.

**EXPANSION OF NONCONFORMING USE IN TOWN CENTER**

**A. Definition:** A use existing legally on June 1, 2009 in the TC district.

**B. Zoning District and Conditions:**

1. Conditional use in TC with the following conditions:
  - a. The use must exist on June 1, 2009 and may be expanded only on the existing parcel, or on a combination of parcels as part of a campus plan.
  - b. All new construction must be consistent with the design standards of the TC Zoning District.

## **FREIGHT TERMINAL**

**A. Definition:** Short-term storage and transshipment of materials and the outdoor storage of trucks and directly related equipment. Characteristics include high volumes of large truck traffic.

**B. Zoning District and Conditions:**

1. Permitted use in I-1.

## **FUNERAL HOME**

**A. Definition:** The holding of funeral services and embalming and other processes in preparation of the deceased for burial; the use may include the storage of caskets, funeral urns and other related funeral supplies, and usually provides vehicles to transport the deceased to the place of burial. This use does not include a crematorium. Characteristics include intermittent periods of high traffic generation.

**B. Zoning District and Conditions:**

1. Permitted use in C-1 and C-2.

## **GOLF COURSE**

**A. Definition:** Land used for playing golf outdoors which consists of golf holes, clubhouse facilities which may contain lockers, shower rooms, dining and bar facilities, incidental sale of golf related items, off-street parking facilities and associated structures for the maintenance and storage of golf course maintenance vehicles and equipment.

**B. Zoning District and Conditions:**

1. Conditional use in A, R-S, R-1, R-2 and R-3 with the following conditions:
  - a. All structures shall be located a minimum of 30 feet from any property in a residential Zoning District.

## **GUN RANGE, INDOOR**

**A. Definition:** A totally enclosed building that is equipped for the practice of shooting firearms, including archery, where no activity associated with shooting is conducted outside the building.

**B. Zoning District and Conditions:**

1. Conditional use in C-3 and I-1 with the following conditions:
  - a. Indoor Gun Ranges must be designed so projectiles cannot penetrate the walls, floor or ceiling and so ricochets or back splatter cannot harm range users.
  - b. No light, sound or vibration originating from the building shall be discernible at any abutting property line.

## **HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL & SERVICE**

**A. Definition:** The sale, rental and servicing of equipment and vehicles of the following types:

- Farm and construction machinery or equipment;
- Buses and vans designed primarily for the transportation of ten (10) or more passengers;
- Motorhomes, recreational vehicles, trailers, and boats of any size.

**B. Zoning District and Conditions:**

1. Permitted with conditions in I-1 with the following conditions:
  - a. No sales, storage, rental or display of automobiles shall be permitted.
  - b. No test driving shall be permitted on any street in a residential Zoning District.

- c. No car washes shall be permitted for public use.
- d. No inoperable equipment or vehicles shall be stored outside the primary structure or designated screened storage areas.

## HOME OCCUPATIONS

**Definition:** An occupation, profession, or activity which occurs primarily in a dwelling unit, provides gainful employment of a person or persons residing in the dwelling unit, is clearly incidental and subordinate to the residential use, and which does not alter the exterior of the dwelling or structures on the lot, or affect the residential character of the neighborhood. It is the intent of the City to maintain the character and integrity of residential areas by establishing standards regulating home occupations so that they can be conducted in a manner that does not jeopardize the health, safety and general welfare of residential neighborhoods. The purpose of this provision is to distinguish between those home occupations that have minimal or no secondary impact and those that have the potential for adverse effects upon neighboring properties.

### A. Zoning District and Conditions:

1. Permitted accessory use in A, R-S, R-1, R-2, R-3 and TC-T with the following conditions:
  - a. Space within the dwelling, excluding an attached garage, devoted to the home occupation shall not exceed 500 sq. ft. or 20% of the floor area, whichever is greater. Space within an attached garage or detached accessory structure devoted to the home occupation shall not exceed 250 sq. ft. or 50% of the total floor area of all attached garages and detached accessory structures, whichever is greater.
  - b. The home occupation shall be conducted by the person or persons residing in the dwelling unit. One employee who does not reside in the dwelling unit is allowed so long as off-street parking is provided for that employee on a hard surface driveway which meets the requirements of the City Code for off-street parking.
  - c. All equipment, machinery, and materials shall be stored within an enclosed structure.
  - d. The use must be clearly subordinate to the residential use of the property.
  - e. The structure utilized for the home occupation shall conform to all applicable fire and building codes.
  - f. The activity does not generate traffic in greater volumes than would normally be expected in a residential neighborhood.
  - g. Operation of the home occupation is not apparent from the public right-of-way or any lake.
  - h. Commercial motor vehicles are prohibited from being parked on residential lots.
  - i. Deliveries may only be sent to or from the lot using a passenger motor vehicle or by a residential express mail company (USPS, UPS, FedEx, etc.)
  - j. Nothing used in the home occupation shall create noise, vibration, smoke, dust, electrical disturbances, odors, heat, glare or other nuisance factors which are discernible at the property line.
  - k. Everything associated with the home occupation shall be stored, handled and disposed of according to all applicable local, state and federal guidelines.
  - l. No garbage, rubbish, or refuse container shall exceed 96 gallons in capacity.

- m. The following activities shall not be allowed as home occupations:
  - i. Repair, painting, service or sales of small engines.
  - ii. Repair, painting, service or sales of motor vehicles that are not registered to a resident of the dwelling.
  - iii. Repair, painting, service or sales of recreational vehicles that are not registered to a resident of the dwelling.
  - iv. Repair, painting, service or sales of commercial motor vehicles.
  - v. Adult uses.
  - vi. Medical, dental, chiropractic, psychiatric or other similar treatment or therapy, including acupuncture, where the person(s) providing the service is not licensed by the State of Minnesota to administer such treatment.
  - vii. Businesses, educational programs or similar gatherings which meet on a regular basis, having more than six (6) non-resident persons in attendance at one time.
  - viii. Animal Handling, including boarding, breeding, and grooming establishments.
  - ix. Music instruction, unless conducted within a detached single family dwelling unit.
  - x. Beauty or barber shop with more than one (1) chair providing service.
  - xi. Manufacturing or processing.
  - xii. Any use which violates any applicable law.
  - xiii. Other uses as determined by the Zoning Administrator to have an adverse impact upon neighboring properties.
- n. Signage shall comply with the sign regulations in the Zoning Code.
- o. All applicable permits from other governmental agencies have been obtained.
- p. The City reserves the right to inspect the premises in which the home occupation is being conducted to ensure compliance with the provisions of this subsection.

## HOSPITAL

**A. Definition:** An institution that offers health care services, facilities and beds for short or long term use by individuals requiring diagnosis, treatment or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy and may include offices for medical personal, central facilities such as pharmacies, medical laboratories and other related uses.

**B. Zoning District and Conditions:**

1. Permitted with conditions in C-2 and C-3 with the following conditions:
  - a. All buildings and structures shall be located a minimum of 50 feet from any property line in a residential Zoning District.
  - b. Access shall be to a roadway identified in the Comprehensive Plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - c. Unobstructed visibility shall be provided from the driveway to the adjacent streets for emergency vehicles and a traffic light shall be installed at the entrance to the facility to control non-emergency traffic if recommended by the City Engineer.
  - d. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.

## **HOTEL/MOTEL**

- A. Definition:** Buildings which provide overnight lodging in individual rooms or suites of rooms, each having a private bathroom, which are rented by day or week; may include in-room or in-suite kitchens and recreational facilities for use by lodgers. Restaurants, banquet rooms, arcades, fitness centers and other amenities available to non-lodgers are considered separate primary uses.
- B. Zoning District and Conditions:**
1. Permitted with conditions in TC, C-2 and C-3 with the following conditions:
    - a. All buildings and structures shall be located a minimum of 100 feet from any property line in a residential Zoning District.

## **LIBRARY**

- A. Definition:** A building where collections of books and other materials are housed which is open to the public during regularly scheduled hours which may include weekend days and evenings. Books and other materials may be available for loan. Characteristics may include high parking demand and high traffic generation.
- B. Zoning District and Conditions:**
1. Permitted use in TC and C-1.

## **MANUFACTURING/PROCESSING**

- A. Definition:** The production of a physical commodity or changing the form of a raw ingredient; it may include administrative offices, warehousing, and limited distribution and outlet sale of a commodity. Characteristics may include heavy truck traffic, odor and noise of processes and equipment, refuse storage issues, and the use of toxic and hazardous materials. Concrete plants, junkyards, slaughter houses, rendering plants, salvage yards, and auto reduction plants are excluded.
- B. Zoning District and Conditions:**
1. Permitted use in C-3 and I-1

## **MARINA, COMMERCIAL**

- A. Definition:** A mooring facility of six or more restricted watercraft wherein boat slips are leased and commercial ancillary services common to marinas are provided, including boat tours.
- B. Zoning District and Conditions:**
1. Conditional use in R-2 and C-2 with the following conditions:
    - a. A Marina shall meet the following conditions as determined by the Zoning Administrator:
      - i. The facility shall be compatible with the adjacent land and water uses.
      - ii. Adequate water depth is available for the proposed facility without churning of bottom sediments.
      - iii. The facility will not create a volume of traffic on the lake in the vicinity of the facility that will be unsafe or will cause an undue burden.
      - iv. The facility will not affect the quality of water and the ecology of the lake.

- v. The facility, by reason of noise, fumes or other nuisance characteristics, will not be a source of annoyance to persons in the vicinity of the facility.
  - vi. Adequate sanitary and parking facilities will be provided in connection with the facility.
- b. Commercial Marinas are allowed only on riparian lots on General Development Lakes, by Conditional Use Permit in the R-2 or C-2 Zoning Districts. The lot and Commercial Marina shall comply with all applicable conditions listed this subsection, the applicable Zoning District and with any other conditions the Planning Commission, or City Council in the case of an appeal, may impose that are intended to promote the health, safety and welfare of the residents within the City.
  - c. The minimum property size shall be one (1) acre.
  - d. The lot shall provide off-street parking surfaced in asphalt or concrete at a minimum ratio of one (1) parking space per four (4) boat slips; parking shall not be located below the Ordinary High Water Level and further meet the standards in parking section of the Zoning Code. In addition, a landscaping buffer shall be installed and maintained between the parking and the Ordinary High Water Level sufficient to capture and filter all run-off from the parking. Additional off-street parking may be required for boat tours or if the Zoning Administrator determines that an ancillary use requires additional parking.
  - e. The property shall have public bathrooms connected to municipal sanitary sewer as approved by the City.
  - f. The property shall meet the impervious surface coverage requirements for a permitted commercial use in the Shoreland Overlay District.
  - g. A bufferyard, Type C, as defined in the Zoning Code, shall be installed and maintained along any property line abutting a residential Zoning District.
  - h. Hours of operation for boat tours shall be limited to between 7:00 a.m. and 10:00 p.m., seven days a week.
  - i. Commercial Marinas shall obtain and comply with a permit issued by the Minnesota Department of Natural Resources. The permit shall determine the number of allowable Boat Slips

## **MARINA, RECREATIONAL**

**A. Definition:** A mooring facility of seven or more restricted watercraft wherein boat slips are leased and commercial ancillary services common to marinas are not provided.

**B. Zoning District and Conditions:**

- 1. Conditional use in R-2 and C-2 with the following conditions:
  - a. A Marina shall meet the following conditions as determined by the Zoning Administrator:
    - i. The facility shall be compatible with the adjacent land and water uses.
    - ii. Adequate water depth is available for the proposed facility without churning of bottom sediments.
    - iii. The facility will not create a volume of traffic on the lake in the vicinity of the facility that will be unsafe or will cause an undue burden.
    - iv. The facility will not affect the quality of water and the ecology of the lake.

- v. The facility, by reason of noise, fumes or other nuisance characteristics, will not be a source of annoyance to persons in the vicinity of the facility.
  - vi. Adequate sanitary and parking facilities will be provided in connection with the facility.
- b. Recreational Marinas are allowed only on riparian lots on General Development Lakes, by Conditional Use Permit in the R-2 or C-2 Zoning Districts. The lot and Recreational Marina shall comply with all applicable conditions listed in this subsection, the applicable Zoning District and with any other conditions the Planning Commission, or City Council in the case of an appeal, may impose that are intended to promote the health, safety and welfare of the residents within the City.
  - c. The minimum property size shall be one (1) acre.
  - d. The allowable number of Boat Slips shall be determined by the Zoning Administrator based on the conditions identified in (a) above.
  - e. The property shall provide off-street parking surfaced in asphalt or concrete at a minimum ratio of one (1) parking space per four (4) Boat Slips; parking shall not be located below the Ordinary High Water Level. In addition, a landscaping buffer shall be installed and maintained between the parking and the Ordinary High Water Level sufficient to capture and filter all run-off from the parking.
  - f. The property shall meet the impervious surface coverage requirements for a permitted commercial use in the Shoreland Overlay District.
  - g. A bufferyard, Type C, as defined in the Zoning Code shall be installed and maintained along any property line abutting a residential Zoning District.

#### **MEDICAL/DENTAL LABORATORIES**

**A. Definition:** The creation of individually produced and made to order medical and dental prosthetics for the specific needs of specific individuals. Characteristics may include daily deliveries to and from the facilities by car, van or light truck; minimal heavy truck traffic; no use of outside storage and occasional visitation of facilities by customers needing specialized attention as to the make-up and fit of their specific prosthetic.

**B. Zoning District and Conditions:**

- 1. Permitted with conditions in C-2, C-3 and I-1 with the following conditions:
  - a. The use shall not generate any fumes, noise or odors which are detectable at the property lines of the parcel on which the use is located.

#### **MEDICAL/DENTAL OFFICE**

**A. Definition:** The direct delivery of health related examination and services or treatment to individuals on an appointment or walk-in basis; including, but not limited to: counseling, consultation, chiropractic and podiatry. The use may include a supporting retail component for medicine, health related food, or other product.

**B. Zoning District and Conditions:**

1. Permitted use in TC, C-1, C-2 and C-3.

#### **MICRODISTILLERY**

**A. Definition:** An establishment operating as a Microdistillery pursuant to City Code Section 301.

**B. Zoning District and Conditions:**

1. Permitted use in TC.
2. Conditional use in C-2, C-3, and I-1 with the following conditions:
  - a. Access to the use shall be from a roadway identified in the Comprehensive Plan as a collector street or located in a manner so that access can be provided without generating significantly increased commercial traffic on local residential streets.
  - b. All customer entrances to the building shall be located a minimum of 100 feet from any property line in a residential Zoning District. In the case of a multi-tenant building, the entrance will be measured from the collective building entrance. In the case of an entrance with a vestibule, the most exterior customer entrance door will be the point of measurement.
  - c. If the building housing the use is located less than 100 feet from any property line in a residential Zoning District, the following additional conditions shall be met:
    - i. All customer entrances to the building shall be through a vestibule area with an inside and outside door.
    - ii. No outdoor amplified music, public address system, or outdoor special event is permitted.

#### **MINING**

**A. Definition:** The extraction and removal of sand, gravel, or other earthen material from a parcel of land.

**B. Zoning District and Conditions:**

1. Conditional use in A with the following conditions:
  - a. Areas used for storage of equipment and materials shall be fully screened. Screening shall be 100% opacity in the form of fencing, landscaping, berming or some combination thereof from all property lines and abutting public rights-of-way.
  - b. The use shall not generate any lights, fumes, noise or odors which are detectable at the property lines of the parcel on which the use is located.
  - c. All necessary governmental permits (i.e., VOC/air emissions, hazardous substance disposal) must be obtained and adhered to.
  - d. No storage of hazardous, explosive, or flammable materials in violation of the Minnesota State Fire Code.
  - e. The site shall be kept neat and orderly.

#### **MOTOR FUEL STATIONS**

**A. Definition:** A retail building and accompanying facilities which supplies and dispenses motor fuels directly into a motor vehicle; it also includes the sale of motor vehicle accessories, such as lubricants, batteries and tires and may also include the sale of food, beverages, etc. Motor fuels may be self-serve or dispensed by an attendant. Light maintenance activities to vehicles including engine tune-ups, lubrication, repairs, and carburetor cleaning may also be

conducted. Characteristics include outdoor activity, high traffic generation and extended hours of operation. This use excludes heavy automobile repair including, but not limited to, engine overhauls, automobile painting, and body work.

**B. Zoning District and Conditions:**

1. Conditional use in C-1 and C-2 with the following conditions:
  - a. If the use is located in the C-1 Zoning District, hours of operation shall be between 6:00 a.m. and 11:30 p.m.
  - b. All pump islands, air dispensers and other service devices shall be installed at least 12 feet from any property line, and no display, servicing of vehicles, or parking shall take place within the required yard.
  - c. All parking and areas surfaced in asphalt or concrete shall meet the grading, design, and landscaping requirements of the City Code for off-street parking.
  - d. All on-site utility installations shall be placed underground.
  - e. Outside sale or display is permitted only for gasoline, seasonal items, and other goods consumed in the normal operation of a car, including but not limited to oil, gasoline and oil additives, windshield cleaner, windshield wipers, tires and batteries. No products shall be sold or displayed in any required yard, parking area, or drive aisle.
  - f. No public address system shall be audible from any property located in a residential Zoning District.
  - g. Canopies and canopy support systems shall be designed and constructed of materials which are compatible with the principal structure.

**MOTOR VEHICLE SALES**

**A. Definition:** Display, sale and rental of motor vehicles, watercraft, and recreational vehicles; motor vehicle service and repair often occur in conjunction with this use. Characteristics may include outdoor activity, outdoor sound systems, truck deliveries, night and weekend operating hours, and test driving on nearby streets.

**B. Zoning District and Conditions:**

1. Conditional use in C-2 and I-1 with the following conditions:
  - a. All vehicles stored on the premises shall be insured and operable.
  - b. All outdoor lots for sales or rental shall be operated in conjunction with a building or buildings containing the same or similar materials as displayed on the outdoor lot.
  - c. The building and the lot for sales or rentals shall be on one contiguous property.
  - d. All vehicles shall be located on hard surfaces at all times. The hard surfaces shall meet all of the landscaping and design requirements of the City Code for off-street parking.
  - e. No outdoor public address system shall be audible from any parcel located in a residential Zoning District.
  - f. All customer and employee parking shall be clearly designated and signed.
  - g. No motor vehicle transport loading or unloading shall be permitted on any minor residential street.
  - h. No display or storage of motor vehicles shall be permitted on any public right-of-way.
  - i. All parking, sales, rental, and storage lots shall be located a minimum of 100 feet from any property line in a residential Zoning District.
  - j. Test driving shall be in accordance with all applicable federal, state and local laws and regulations.

## **MOTOR VEHICLE SERVICE AND REPAIR**

**A. Definition:** Repair, lubrication, washing, detailing, equipment installation, engine overhauls, and other similar uses involving motor vehicles and recreational vehicles. Characteristics may include the storage of vehicles, truck traffic, and night and weekend operating hours; motor fuel stations and auto body/painting are excluded.

### **B. Zoning District and Conditions:**

1. Permitted with conditions in C-2, C-3, and I-1 with the following conditions:
  - a. No public address system shall be audible from any property located in a residential Zoning District.
  - b. All repair, assembly, disassembly and maintenance of vehicles shall occur inside the primary structure except tire inflation, changing wipers, installation of batteries or adding oil.
  - c. Access shall be to a roadway identified in the Comprehensive Plan as a collector or arterial or shall be located in a manner so that access can be provided without generating significant traffic on local residential streets.
  - d. The principal structure shall be located a minimum of 100 feet from any property line in a residential Zoning District..
  - e. No test driving shall be permitted on any streets in a residential Zoning District.
  - f. No car washes shall be permitted for public use.
  - g. No outdoor storage will be permitted.
  - h. No sales storage or display of used motor vehicles or recreational vehicles shall be permitted.
  - i. No inoperable vehicles shall be stored outside the primary structure.
  - j. All necessary governmental permits (i.e., VOC/air emissions, hazardous substance disposal) must be obtained and adhered to.

## **NURSERIES AND GREENHOUSES**

**A. Definition:** A business primarily engaged in providing services related to or conducting the retail sale of horticulture and floriculture products. These businesses typically produce their own stock.

### **B. Zoning District and Conditions:**

1. Permitted accessory use in A.
2. Conditional use in I-1 with the following conditions:
  - a. All accessory plantings and gardens adjacent to a residential Zoning District shall meet the required building setback for the Industrial Zoning District; in all other instances, accessory plantings and gardens shall meet the required parking setback.

## **NURSING HOME**

**A. Definition:** A building or buildings licensed as a nursing home by the State of Minnesota and providing nursing care (as defined by Minn. Stat. Sec. 144A.014 as may be amended from time to time) to at least 70% of the residents.

### **B. Zoning District and Conditions:**

1. Permitted with conditions in R-2, R-3 and C-2 with the following conditions:

- a. In a C-2 Zoning District the use shall not be located on a “prime commercial property”. A prime commercial property is one that due to its location, street frontage, access, visibility, size and/or other features would be appropriate for a large and/or high traffic commercial use.
- b. The density shall not exceed 30 dwelling units per acre.
- c. The building design and placement must provide a residential environment with minimum exposure to noise and traffic.
- d. Access shall be to a roadway identified in the Comprehensive Plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- e. The minimum spacing between buildings shall be at least equal to the average heights of the buildings except where dwellings share common walls.
- f. Buildings shall be located a minimum of 15 feet from the back of the curb line of internal private roadways or parking lots.
- g. The property owner shall record a covenant to run with the land executed in a form approved by the City which restricts the use of the property to occupancy as required for a Nursing Home/Senior Housing with Services Establishment.
- h. The development shall provide a lounge or other inside community room(s) providing a minimum of 15 square feet per unit.

#### **OFFICE**

**A. Definition:** A building in which the handling of information or the performing of administrative services is conducted; includes services provided to persons both on-site and off-site on a walk-in or appointment basis such as counseling or indirect or non-personal service such as real estate, travel agencies, financial agencies, insurance offices and professional offices. Excludes hospitals or other medical facilities; except it may include up to a maximum of 10% of the gross floor area in medical or dental offices. Characteristics include high peak period traffic generation between the hours of 8:00 a.m. to 5:00 p.m.

**B. Zoning District and Conditions:**

1. Permitted use in TC, C-1, C-2, C-3, and I-1.

#### **OUTDOOR SALES/DISPLAY**

**A. Definition:** The display and sale or rental of merchandise or equipment outside of an enclosed building; may include boat sales, canoe sales, nursery sales, lumber sales; but it excludes the sale of motor vehicles.

**B. Zoning District and Conditions:**

1. Permitted with conditions in TC with the following conditions:
  - a. The items displayed must be directly related to the principal use.
  - b. The area allowed for outdoor sales is limited to 30% of the gross floor area used for the display and sale of merchandise or goods in the principal use.
  - c. All lighting must be hooded and positioned so the light source is not visible from the public right-of-way or from neighboring properties in a residential Zoning District and is compliant with the lighting regulations of the Zoning Code.
  - d. Areas where outdoor sales occur must be hard surfaced with asphalt or concrete.
2. Permitted with conditions in C-2 and C-3 with the following conditions:
  - a. No public address system shall be audible from any property located in a

- residential Zoning District.
  - b. The site shall be kept neat and orderly.
  - c. The use shall not be permitted within any required yard, bufferyard or landscaped area.
  - d. This use shall be located a minimum of 100 feet from any property line in a residential Zoning District.
  - e. The operator of the use shall not sell or trade exclusively in used merchandise, but shall have at least 1/3 of its stock on the site as new, unused merchandise.
  - f. The items displayed must be directly related to the principal use.
  - g. The entire site, other than that used or required to be used for building, yard, bufferyard, or landscaping shall be surfaced in asphalt and concrete.
  - h. String lighting is prohibited.
  - i. The area of outdoor sales or rental lots used for storage and display of merchandise shall not exceed 500 square feet.
  - j. A bufferyard Type B, as defined in the Zoning Code, shall be installed and maintained along all public right-of-ways.
3. Permitted with conditions in I-1 with the following conditions:
- a. The items displayed must be directly related to the principal use.
  - b. The site shall be kept neat and orderly.
  - c. The area allowed for outdoor sales is limited to 30% of the gross floor area used for the display and sale of merchandise or goods in the principal building.

## **OUTDOOR SEATING**

**A. Definition:** The use of an adjacent, outside area by a restaurant, brew pub, brewer taproom, cocktail room, small brewer or microdistillery for the same eating and drinking activities that occur within the establishment.

**B. Zoning District and Conditions:**

- 1. Permitted with conditions in TC with the following conditions:
  - a. Use shall be an accessory use to a restaurant, brew pub, brewer taproom, cocktail room, small brewer or microdistillery.
- 2. Permitted with conditions in C-1 with the following conditions:
  - a. Use shall be an accessory use to a restaurant, brew pub, brewer taproom, cocktail room, small brewer or microdistillery.
  - b. No speakers or other electronic devices which omit sound are permitted outside of the principal structure.
  - c. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
  - d. Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or 10% of the gross floor area of the building, whichever is less. Parking will be required at the same rate as the principal use for that portion of outdoor seating area in excess of 500 square feet or 10% of the gross floor area of the building, whichever is less.
- 3. Permitted with conditions in C-2 with the following conditions:
  - a. Use shall be an accessory use to a restaurant, brew pub, brewer taproom, cocktail room, small brewer or microdistillery.
  - b. The use shall be separated from any adjacent residential use by a building wall. This provision will not apply if the residential use is located in an upper story above a restaurant.
  - c. No speakers or other electronic devices which omit sound shall be audible

- from any property located in a residential Zoning District.
- d. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if located within 300 feet of any property line in a residential Zoning District.
  - e. Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or 10% of the gross floor area of the restaurant, whichever is less. Parking will be required at the same rate as the principal use for that portion of outdoor seating area in excess of 500 square feet or 10% of the gross building area, whichever is less.

## **OUTDOOR STORAGE, CLASS I**

**A. Definition:** The receiving, keeping, or shipping of goods and materials outside of an enclosed building where such use occupies an area no larger than 50% of the floor area of the principal structure. Outdoor storage includes only the unloading, loading, and keeping of materials; may include storage yards for contractors, equipment, lumber, landscaping materials, construction materials and shipping materials and containers. Storage of unlicensed or inoperable vehicles or other materials typically associated with a junkyard or salvage yard are excluded.

### **B. Zoning District and Conditions:**

1. Permitted with conditions in C-3 with the following conditions:
  - a. The items stored must be directly related to the principal use.
  - b. Outdoor storage areas shall be screened from view of all adjacent property and public street. Outdoor storage areas shall be screened by a 100% solid fence or wall of at least six (6) feet in height. Privacy slats, wind screening or fence inserts, commonly used with chain link fencing, shall not be used to achieve this screening requirement.
  - c. All outdoor storage areas adjacent to a residential Zoning District shall meet the required building setback for the Industrial Zoning District; in all other instances outdoor storage shall meet the required parking setback.
2. Permitted with conditions in I-1 with the following conditions:
  - a. The items stored must be directly related to the principal use.
  - b. Storage areas shall be fully screened. Screening shall be 100% opacity in the form of fencing, landscaping, berming or some combination thereof from all property lines and abutting public rights-of-way.
  - c. Stored materials shall not interfere with either on-site or off-site traffic visibility.
  - d. All areas used for storage shall be surfaced in asphalt or concrete and a drainage plan for the site shall be approved by the City Engineer.
  - e. All outdoor storage areas adjacent to a residential Zoning District shall meet the required building setback for the Industrial Zoning District; in all other instances outdoor storage shall meet the required parking setback.

## **OUTDOOR STORAGE, CLASS II**

**A. Definition:** The receiving, keeping or shipping of goods and materials outside of an enclosed building where such use occupies an area larger than 50% of the floor area of the principal structure. Outdoor storage includes only the unloading, loading, and keeping of materials; may include storage yards for contractors, equipment, lumber, landscaping materials, construction materials and shipping materials and containers. Storage of

unlicensed or inoperable vehicles or other materials typically associated with a junkyard or salvage yard are excluded.

**B. Zoning District and Conditions:**

1. Conditional use in C-3 with the following conditions:
  - a. Outdoor storage areas shall be screened from view of all adjacent property and public streets. Outdoor storage areas shall be screened by a 100% solid fence or wall of at least 6 feet in height. Privacy slats, wind screening or other fence inserts, commonly used with chain link fencing, shall not be used to achieve this screening requirement.
  - b. All outdoor storage areas adjacent to a residential Zoning District shall meet the required building setbacks for the Industrial Zoning District; in all other instances outdoor storage shall meet the required parking setback.
  - c. Storage or parking of vehicles larger than one (1) ton capacity may be stored, provided that such vehicles are used in connection with a business located in the principal structure on-site and are screened from view of adjacent residential property and public streets in accordance with the landscaping and screening requirements of the Zoning Code.
2. Conditional use in I-1 with the following conditions:
  - a. Outdoor storage areas shall be fully screened from view of all adjacent property and public streets. Outdoor storage areas shall be screened by a minimum 98% opacity fence or wall of at least 6 feet in height.
  - b. All outdoor storage areas adjacent to a residential Zoning District shall meet the required building setback for the Industrial Zoning District; in all other instances outdoor storage shall meet the required parking setback.
  - c. Stored materials shall not interfere with either on-site or off-site traffic visibility.
  - d. All storage areas shall be surfaced in asphalt or concrete, and a drainage plan for the site shall be approved by the City Engineer; exceptions may be granted in the CUP for situations that may not warrant paving or may allow an equivalent surface material based on conditions such as distance of the storage area from a public street or the use of the storage area.

**PARKING LOT, FREESTANDING**

**A. Definition:** A hard surfaced area, typically asphalt or concrete where the principal use is the temporary parking of licensed, operable motor vehicles for periods of less than 24 hours at a time and which has a means of access to a public street.

**B. Zoning District and Conditions:**

1. Conditional use in TC, TC-T, R-1, R-2 and R-3 with the following conditions:
  - a. The parking lot must be accessory to an existing nonresidential or recreational use located within the same Zoning District.
  - b. The parking lot must be located within 500 feet of the existing nonresidential or recreational use.
  - c. The parking lot must meet all the requirements for off-street parking in the Zoning Code.
  - d. No storage of any kind is permitted on the property.
  - e. No structures are permitted on the property.

**PARKING LOT, ON-SITE**

**A. Definition:** A hard surfaced area, typically asphalt or concrete as an accessory to the principal use of the property for the temporary parking of licensed, operable motor vehicles

for employees and customers for periods of less than 24 hours at a time.

**B. Zoning District and Conditions:**

1. Conditional use in R-1, R-2 and R-3 with the following conditions:
  - a. The parking lot must be accessory to an existing nonresidential or recreational use located within the same Zoning District.
  - b. The parking lot must meet all the recruitments for off-street parking in the Zoning Code.
  - c. No storage of any kind is permitted on the property.
2. Permitted with conditions in TC and TC-T with the following conditions:
  - a. The parking lot shall be located to the side or rear of the principal building, not between the building and the right-of-way.
  - b. Parking lots adjoining the sidewalk or a walkway shall be separated from the sidewalk or walkway by a landscaped yard at least four (4) feet wide, containing a decorative fence or wall between two and a half (2½) and three (3) feet in height.
  - c. One canopy tree shall be provided for each 25 linear feet of parking lot frontage on a public street or right of way.
  - d. The corners of the parking lot and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses or other perennial flowering plants, vines, shrubs, and trees. Such spaces may include architectural features such as benches, kiosks, or bicycle parking. The interior of parking lots containing 20 or more spaces shall contain landscaped areas equal to at least 15% of the total parking lot area, including a minimum of one deciduous shade tree per ten (10) parking spaces. Lawns or landscaped areas within ten (10) feet of the perimeter of the parking lot may be counted toward the required landscaping.
3. Permitted use in C-1, C-2, C-3, and I-1.

**PARKING RAMP**

**C. Definition:** A structure built for the storage of licensed, operable motor vehicles for periods of less than 24 hours at a time.

**D. Zoning District and Conditions:**

1. Permitted with conditions in TC with the following conditions:
  - a. Ramp shall be located to the side or rear of the principal building, not between the building and the right-of-way.
  - b. Parking ramps adjoining the sidewalk or a walkway shall be separated from the sidewalk or walkway by a landscaped yard at least four (4) feet wide, containing a decorative fence or wall between two and a half (2½) and three (3) feet in height.
  - c. One canopy tree shall be provided for each 25 linear feet of parking lot frontage on a public street or right of way.
  - d. The corners of lots containing parking ramps and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses or other perennial flowering plants, vines, shrubs and trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking. The interior of parking lots containing 20 or more spaces shall contain landscaped areas equal to at least 15% of the total parking lot area, including a minimum of one deciduous shade tree per ten (10) parking spaces. Lawns or landscaped areas within ten (10) feet of the perimeter of the parking lot may be counted toward the required landscaping.

2. Permitted accessory use in C-3 with the following conditions:
  - a. The ramp shall be an accessory to a permitted or conditional use on the property.

#### **PARKS/OPEN SPACE**

- A. Definition:** A structure or area used for passive recreation including, but not limited to: hiking trails, natural areas, wild life areas, arboretums and open grass areas.
- B. Zoning District and Conditions:**
  1. Permitted use in A, R-S, R-1, R-2, R-3, TC, TC-T, C-1, C-2, C-3, and I-1.

#### **PARK/RECREATION**

- A. Definition:** A structure or land area used for active outdoor recreation activities such as baseball diamonds, tennis courts, basketball courts, play fields, playgrounds, outdoor swimming pools, fitness courses and driving ranges.
- B. Zoning District and Conditions:**
  1. Permitted use in A, R-S, R-1, R-2, R-3, TC, TC-T, C-1, C-2, C-3, and I-1.

#### **PLACE OF ASSEMBLY**

- A. Definition:** A structure or portion thereof where 20 or more persons congregate for religious, political, or social purposes. Does not include a government structure or an educational establishment.
- B. Zoning District and Conditions:**
  1. Permitted use in A.
  2. Permitted with conditions in R-S, R-1, R-2 and R-3 with the following conditions:
    - a. All buildings shall be located at least 30 feet from any property line in a residential Zoning District.
    - b. Access shall be to a roadway identified in the Comprehensive Plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

#### **POLE BUILDING**

- A. Definition:** A post frame construction building in which poles or timbers are inserted into the ground vertically, commonly at six (6) to ten (10) foot intervals with lateral supports, to form the primary support for the roof system and structure foundation.
- B. Zoning District and Conditions:**
  1. Permitted accessory use in A.
  2. Conditional use in I-1 with the following conditions:
    - a. The pole building will not alter the essential character of the neighborhood or Zoning District.
    - b. At least 60% of the use of the pole building will be designed for large space uses, including, but not limited to warehouse, large vehicle or equipment repair and building materials.
    - c. The pole building will be designed to be durable for industrial uses.
    - d. Pole buildings are not eligible to receive City public financing assistance related to economic development.

#### **POLICE/FIRE STATION/AMBULANCE**

- A. Definition:** Police, fire, and ambulance related activities, either public or accredited with local health care facilities, designed to serve the public health and safety; may include an office component, storage of fire trucks, police cars and equipment, and the boarding of

personnel within an enclosed building. Characteristics may include sporadic periods of loud noise, sirens, and activity.

**B. Zoning District and Conditions:**

1. Permitted with conditions in R-3, TC, C-1, C-2 and C-3 with the following conditions:
  - a. Buildings shall be located a minimum of 25 feet from any property in a residential Zoning District.
  - b. Access shall be to a roadway identified in the Comprehensive Plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - c. Unobstructed visibility shall be provided from the driveway to the adjacent streets for emergency vehicles and a traffic light shall be installed at the entrance to the facility to control non-emergency traffic if recommended by the City Engineer.

**PRINTING PROCESS**

**A. Definition:** A commercial or industrial printing operation involving a printing, imprinting, reproduction, or similar process. Methods may include but are not limited to off-set printing, lithography, web offset, and flexography.

**B. Zoning District and Conditions:**

1. Permitted use in C-3 and I-1.

**PRIVATE ENTERTAINMENT, INDOOR**

**A. Definition:** Any building operated on a commercial basis for the purpose of recreation, amusement, entertainment or training, the use may include but is not limited to, theatres, health or fitness centers, game rooms, bowling alleys, swimming pools, miniature golf courses, pool halls, ballroom, bingo, gymnasium, ice or roller skating, baseball, basketball, gymnastics, dance, golf, soccer, football, tennis, or similar athletic and recreation activities any of which are located indoors, but excluding golf courses.

**B. Zoning District and Conditions:**

1. Permitted with conditions in TC, C-2, C-3 and I-1 with the following conditions:
  - a. The use shall be located a minimum of 60 feet from any property line in a residential Zoning District.
  - b. The use shall provide a designated drop-off/pick-up area that is physically separated from truck loading/unloading areas.
  - c. The number of necessary parking spaces will be based on the individual uses as designated in the off-street parking Section of the Zoning Code.
  - d. All use activities shall be conducted within the principal structure
  - e. Hours of operation shall be limited to 5 a.m. to 10 p.m. on weekdays and 5 a.m. to 11 p.m. on weekends.

**PRIVATE ENTERTAINMENT, OUTDOOR**

**A. Definition:** Any property operated on a commercial basis for the purpose of recreation, amusement, entertainment or training, the use may include but is not limited to, theatres, swimming pools, miniature golf courses, ice or roller skating, baseball, basketball, gymnastics, dance, golf, soccer, football, tennis, or similar athletic and recreation activities, but excluding golf courses.

## **B. Zoning District and Conditions:**

1. Conditional use in A with the following conditions:
  - a. Access to the site shall be from a major or minor collector or arterial street.
  - b. The use shall be located a minimum of 100 feet from any property line in a residential Zoning District.
  - c. The use shall provide a designated drop-off/pick-up area that is physically separated from truck loading/unloading areas.
  - d. Hours of operation shall be limited to 5 a.m. to 10 p.m. on weekdays and 5 a.m. to 11 p.m. on weekends.
  - e. No outdoor public address system shall be audible from any parcel located in a residential Zoning District.
  - f. The site shall be kept neat and orderly.
  - g. Functioning restroom facilities shall be accessible on the property for all users during hours of operation. The restrooms shall either be connected to municipal sanitary sewer or shall be Portable Toilets as approved by the Zoning Administrator.
  - h. The storage of materials that are flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - i. Garbage receptacles shall be made available on the property and all garbage receptacles shall be emptied on a regular basis to avoid the accumulation of refuse.
  - j. No light, sound, odor, or vibration originating from the property shall be discernible at any abutting property line.

## **PUBLIC SERVICE STRUCTURE**

**A. Definition:** Structures which include water towers, utility and public service related distribution facilities; and waste water and stormwater drainage structures, but exclude electrical utility substations. These facilities are normally serviced by small trucks several times per day and by larger vehicles or equipment on a periodic basis. Buildings typically have large windowless walls and an institutional appearance.

## **B. Zoning District and Conditions:**

1. Permitted with conditions in A with the following conditions:
  - a. No public service structure shall be located with 200 feet of any property line in a residential Zoning District.
  - b. All services drives shall be surfaced in asphalt or concrete.
  - c. A bufferyard, Type C as defined in the Zoning Code, shall be installed and maintained along all public right-of-ways and along all property lines abutting a residential use district. .
  - d. All outdoor storage areas accessory to the public service structure must be located a minimum of 50 feet from any property line.
2. Permitted with conditions in R-S, R-1, R-2 and R-3 with the following conditions:
  - a. All structures shall be located a minimum of 15 feet from any property line in a residential Zoning District.
  - b. All service drives shall be surfaced in asphalt or concrete.
  - c. A bufferyard, Type C as defined in the Zoning Code, shall be installed and maintained along all property lines abutting a residential Zoning District.
3. Permitted with conditions in TC, C-1 and C-2 with the following conditions:
  - a. All structures shall be located a minimum of 10 feet from any property line in a residential Zoning District.
  - b. All service drives shall be surfaced in asphalt or concrete.

4. Permitted with conditions in C-3 and I-1 with the following conditions:
  - a. All structures shall be located a minimum of 25 feet from any property line in a residential Zoning District.
  - b. All service drives shall be surfaced in asphalt or concrete.

#### **RADIO TRANSMITTERS, MICROWAVE AND COMMUNICATION TOWERS**

- A. Definition:** See City Code Section 1125.
- B. Zoning District and Conditions:** See Subsection 707 and 1125.

#### **RECREATIONAL DOME**

- A. Definition:** A translucent or opaque fabric structure supported by air.
- B. Zoning District and Conditions:**
  1. Conditional use in R-1, R-2, R-3, and I-1 with the following conditions:
    - a. The dome must be accessory to an existing use located within the same Zoning District.
    - b. No outdoor storage of any kind is permitted on the site.
    - c. A bufferyard, Type C as defined in the Zoning Code, shall be installed and maintained along on property lines abutting a residential Zoning District.
    - d. Hours of operation shall be limited to 5 a.m. to 10 p.m. on weekdays and 5:00 a.m. to 11:00 p.m. on weekends.
    - e. All mechanical equipment shall be fully screened.
    - f. All structures shall be located a minimum of 60 feet from any property line in a residential Zoning District, and the setback shall be increased by an additional foot for each one (1) foot in height that the structure exceeds 60 feet.
    - g. No light or vibration originating from the structure or supporting equipment shall be discernible at the property line.
    - h. The structure shall not exceed 75 feet in height.
    - i. The structure shall be of a color that provides for maximum integration within its surroundings.
    - j. The dome structure shall be fully insulated.

#### **RECYCLING CENTER**

- A. Definition:** A center for the collection, processing, or repair of recyclable materials for reuse in their original form or use in manufacturing processes.
- B. Zoning District and Conditions:**
  1. Permitted use in A.

#### **RESEARCH AND TESTING LABORATORIES**

- A. Definition:** Buildings used for carrying on investigation in natural or physical sciences, or engineering and development as an extension of investigation with the objective of creating end projects, on a contractual or fee basis.
- B. Zoning District and Conditions:**
  1. Permitted in C-3 and I-1.

#### **RESTAURANTS AND CLUBS/LODGES**

- A. Definition:** An establishment whose principal business is the sale of food and beverages, with or without liquor, which are prepared and served in individual portions in a ready to consume state for consumption on site. The use often includes drive through, drive up

window and delivery service. It is preferably located on major thoroughfares with no access to residential streets.

**B. Zoning District and Conditions:**

1. Permitted with conditions in TC and C-1, and C-2 with the following conditions:
  - a. Access shall be located to minimize access to and from local residential streets.
  - b. Drive through and drive-up facilities are not permitted in the TC and C-1 districts.
  - c. Drive through and drive-up facilities are permitted as an accessory use in the C-2 district subject to the following conditions:
    - A maximum of two drive through lanes are allowed.
      - A bufferyard Type B shall be provided between the drive through facilities/vehicle stacking areas and adjacent streets. The drive-through facility shall be designed so it does not impede traffic or impair vehicular and pedestrian traffic movement or increase the potential for pedestrian or vehicular conflicts.
      - No part of a street may be used for stacking of automobiles
  - d. Access to and from an outdoor area shall be through the indoor seating area. There shall be no direct access to an outdoor seating area from the parking lot or street.
  - e. Food service to an outdoor area shall be provided during all hours of operations.
  - f. Hours of operation for outdoor seating shall be limited to 8:00 a.m. to 10:00 p.m. if the outdoor seating area is located within 200 feet from a residentially zoned property.
  - g. No bar shall be located in an outdoor area, except a service bar for the exclusive use of the employees.
  - h. No outdoor amplified music or public address system shall be discernible from a property in a residential Zoning District.

(Amd. Ord. 122-01, publ. 04/02/2022)

**RETAIL**

- A. Definition:** A use where merchandise or equipment is displayed, rented, or sold and where delivery of merchandise or equipment to the ultimate consumer is made; includes limited production, repair or processing as an accessory use. Hours of operation generally begin after a.m. peak traffic period and extend to time ranges from 5:00 p.m. to 10:00 p.m.; although some convenience stores and grocery stores are open 24 hours per day. Characteristics include high parking demand and high off-peak traffic generation; prefers high visibility and access to major thoroughfares. This use includes but is not limited to, clothing stores, department stores, grocery stores, , discount stores, jewelry stores, liquor stores, delicatessens, retail bakeries, toy stores; but excludes restaurants, motor vehicle sales, and motor fuel stations.

**B. Zoning District and Conditions:**

1. Permitted use in TC, C-1, and C-2.

**SCHOOL, PRE-K-12**

- A. Definition:** An establishment primarily engaged in providing instructional services to elementary and secondary students with a curriculum that complies with State regulations.

## **B. Zoning District and Conditions:**

1. Permitted with conditions in R-S, R-1, R-2, and R-3 with the following conditions:
  - a. Access to the site shall be from a major or minor collector or arterial street as designated in the Comprehensive Plan.
  - b. Buildings shall be located at least 100 feet from any dwelling on adjacent property
  - c. A bufferyard Type C as defined in the Zoning Code shall be installed and maintained along any property line abutting a residential Zoning District.
  - d. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.

## **SCHOOL, BUSINESS/TRADE**

**A. Definition:** A post-secondary educational facility serving persons typically over the age of 17 which provides specialized education to develop a skill to prepare for a specific job. Equipment or processing which simulates an industrial or commercial work setting may be included.

## **B. Zoning District and Conditions:**

1. Permitted in C-3 and I-1.

## **SELF-SERVICE STORAGE FACILITY**

**A. Definition:** A business consisting of a structure or group of structures containing separate storage spaces leased for the storage of goods, products, materials or other objects.

## **B. Zoning District and Conditions:**

1. Conditional use in C-3 with the following conditions:
  - a. Building shall have interior compartment doors only. No exterior access to individual compartments allowed.
  - b. Maximum building height shall be two (2) stories or 35 feet, whichever is less.
  - c. No areas on site shall be utilized as residential dwelling units.
  - d. If the proposed building(s) are within 100 feet of an abutting property which is used or zoned residential, a minimum six (6) foot fence, wall, or berm shall screen the buildings from the adjacent residential use. Screening shall be 100% opacity in the form of a fence, wall, or berm along any residential zoning district. Privacy slats, wind screening or other fence inserts, commonly used with chain link fencing, shall not be used to achieve this screening requirement.
  - e. Trash, dock areas, and mechanical equipment shall be screened in accordance with the landscaping and screening requirements of the Zoning Code.
  - f. No outdoor storage is permitted on site, including but not limited to vehicles, recreational vehicles, portable storage units, and construction materials.
  - g. No storage of hazardous, explosive, or flammable materials in violation of the Minnesota State Fire Code.
  - h. No servicing of motor vehicles, boats, lawn mowers, or similar equipment is permitted on the property.
  - i. No amplified music/sound, nor wholesale or retail sales, nor garage sales are permitted.
  - j. Exterior materials shall be in accordance with the design standards of the Zoning Code. Each building wall visible from off-site shall have a wall deviation at least every 40 feet that is a minimum depth of two (2)

- feet. Building colors shall consist of subtle, neutral, muted colors with low reflectance which complement the principal materials. No more than five (5) percent of each building façade can consist of bright or franchise colors.
- k. The site shall be maintained free of litter, odors, pests, and shall be cleaned of loose debris.
  - l. All self-service storage facility buildings must be located a minimum of 300 feet from a state highway or county-state aid highway.
2. Permitted with conditions in I-1 with the following conditions:
    - a. No compartment doors shall be allowed on a building façade which faces property in a residential zoning district.
    - b. No areas on site shall be utilized as residential living units
    - c. Maximum building height shall be two (2) stories or 35 feet, whichever is less.
    - d. If the proposed building(s) are within 100 feet of an abutting property which is used or zoned residential, a minimum six (6) foot tall fence, wall, or berm shall screen the buildings from the adjacent residential use. Screening shall be 100% opacity in the form of a fence, wall, or berm along any area visible from any property in a residential Zoning District. Privacy slats, wind screening or other fence inserts, commonly used with chain link fencing, shall not be used to achieve this screening requirement.
    - e. No outdoor storage is permitted on site, including but not limited to vehicles, recreational vehicles, portable storage units, and construction materials.
    - f. No storage of hazardous, explosive, or flammable materials is permitted.
    - g. No servicing of motor vehicles, boats, lawn mowers, or similar equipment is permitted on site.
    - h. Amplified music/sound, auctions, wholesale, retail sales and garage sales are not permitted.
    - i. Exterior materials shall be in accordance with the design requirements of the Zoning Code. Building colors shall consist of subtle, neutral, muted colors with low reflectance which complement the principal materials. No more than five (5) percent of each building façade can consist of bright or franchise colors.
    - j. All self-service storage facility buildings must be located a minimum of 300 feet from a state highway or county-state aid highway.

## **SENIOR HOUSING**

**A. Definition:** A building or buildings intended and operated for occupancy by persons 55 years of age or older, provided that at least 80 percent of the units are occupied by at least one person 55 years of age or older.

**B. Zoning District and Conditions:**

1. Permitted with conditions in R-2 and R-3 with the following conditions:
  - a. The density shall not exceed 30 dwelling units per acre.
  - b. The building design and placement must provide a residential environment with minimum exposure to noise and traffic.
  - c. Safe and adequate pedestrian access to open space, plazas and pedestrian ways must be provided.
  - d. Access shall be to a roadway identified in the Comprehensive Plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - e. The property must contain a minimum of 200 square feet of usable open

space per dwelling unit. Alternatively, public parks or plazas within 300 feet of the property may be used to meet this requirement.

- f. A minimum of 25 percent of the usable open space on the property shall be developed as outdoor recreation or garden areas.
- g. The minimum spacing between buildings shall be at least equal to the average heights of the buildings except where dwellings share common walls.
- h. Buildings shall be located a minimum of 15 feet from the back of the curb line of internal private roadways or parking lots.
- i. The property owner shall record a covenant to run with the land executed in a form approved by the City which restricts the use of the property to occupancy as required for Senior Housing.

### **SENIOR HOUSING WITH SERVICES ESTABLISHMENT**

**A. Definition:** A building or buildings registered as a housing with services establishment by the State of Minnesota and providing supportive services or health-related services (both as defined by Minn. Stat. Sec. 144D.01 as may be amended from time to time) to at least 70% of the residents.

**B. Zoning District and Conditions:**

1. Permitted with conditions in R-2, R-3, and C-2 with the following conditions:
  - a. In a C-2 Zoning District the use shall not be located on a “prime commercial lot”. A prime commercial lot is one that due to its location, street frontage, access, visibility, size and/or other features would be appropriate for a large and/or high traffic commercial use.
  - b. The density shall not exceed 30 dwelling units per acre.
  - c. The building design and placement must provide a residential environment with minimum exposure to noise and traffic.
  - d. Access shall be to a roadway identified in the Comprehensive Plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - e. The minimum spacing between buildings shall be at least equal to the average heights of the buildings except where dwellings share common walls.
  - f. Buildings shall be located a minimum of 15 feet from the back of the curb line of internal private roadways or parking lots.
  - g. The property owner shall record a covenant to run with the land executed in a form approved by the City which restricts the use of the property to occupancy as required for a Nursing Home/Senior Housing with Services Establishment.
  - h. The development shall provide a lounge or other inside community room(s) providing a minimum of 15 square feet per unit.

### **SERVICE**

**A. Definition:** On-site service provided directly to an individual; includes, but not limited to: barber shops, beauty shops, massage parlors, laundromats, and shoe repair shops.

**B. Zoning District and Conditions:**

1. Permitted use in TC, C-1, and C-2.

## SHOPPING CENTER

**A. Definition:** A group of commercial uses planned, developed and/or managed as a unit which has common parking facilities and contains a minimum of 50,000 square feet of total floor area. Shopping centers may include more than one building and more than one contiguous property. Theaters and restaurants with liquor which locate within shopping centers will be considered separate principal uses for establishing parking requirements.

### **B. Zoning District and Conditions:**

1. Permitted with conditions in TC with the following conditions:
  - a. Shopping center shall be under 150,000 sq. ft. in gross floor area.
  - b. Parking shall be provided on the property.
2. Permitted with conditions in C-1 and C-2 for shopping centers under 150,000 sq. ft. in gross floor area with the following conditions:
  - a. Access shall be to a roadway identified in the Comprehensive Plan as a collector or arterial or shall be located in a manner so that access can be provided without generating significant traffic on local residential streets.
  - b. All buildings and structures shall be set back a minimum of 75 feet from any property line in a residential Zoning District.
3. Conditional use in C-2 for shopping centers of 150,000 sq. ft. or greater with the following conditions:
  - a. Access shall be to a roadway identified in the Comprehensive Plan as a collector or arterial or shall be located in a manner so that access can be provided without generating significant traffic on local residential streets.
  - b. All buildings and structures shall be set back a minimum of 75 feet from any property line in a residential Zoning District.
  - c. Any in-vehicle sales or service included in a shopping center must comply with the conditions for in-vehicle sales or service.
  - d. Outdoor sales/display, other than permitted as a Temporary Outdoor Display, shall only be permitted when it can be demonstrated that such use can be aesthetically integrated into the site design and complies with the following additional conditions:
    - i. The size of the outdoor sales/display area(s) may be no greater than 30% of the ground floor building area of the associated principal uses(s) and may be further restricted as deemed appropriate to the scale of the Shopping Center and associated indoor uses.
    - ii. A masonry wall shall be required around the entire outdoor sales/display area and shall utilize the same exterior materials as the principal building; landscaping may also be required to supplement the appearance of the wall and diminish views of the area from surrounding properties.
    - iii. No outdoor sales/display items other than plant materials may extend above the height of the wall.
    - iv. Any temporary or permanent buildings associated with the outdoor sales/display area must be architecturally integrated with the principal building(s) and approved as part of the Conditional Use Permit.
  - e. All stores that provide shopping carts must include interior and exterior cart storage areas; areas within parking lots for the temporary storage of shopping carts must be separated from parking spaces by curbed, landscaped islands and shall not include metal "cart corrals". Other outdoor shopping cart storage areas must be screened utilizing architectural screening of the same exterior materials as the principal building.

- f. Shopping centers may reserve at least 10% of required parking spaces as landscaped open space for a minimum of two years after issuance of the Certificate of Occupancy. At any time during the first two years or thereafter, such open space shall be converted to parking if the Zoning Administrator finds that such parking is necessary based upon evidence of overflow parking on public streets, on neighboring off-site properties, in fire lanes, or in other on-site areas that are not striped for parking. This requirement may be waived by the Planning Commission if open space in excess of the minimum requirements is provided in other areas of the site. After two (2) years, the open space may be converted to parking if deemed necessary by the property owner(s).
- g. Cumulative parking requirements may be reduced by up to 30% of required spaces at the sole discretion of the Planning Commission if one (1) or more of the following are provided:
  - i. Proof of parking areas in excess of minimum required to be set aside as open space;
  - ii. A written agreement to construct parking ramps or other means of satisfying parking requirements, when and if warranted as determined by the Zoning Administrator, based upon evidence of overflow parking on public streets, on neighboring off- properties, in fire lanes, or in other on-site areas that are not striped for parking;
  - iii. Joint parking/shared parking arrangements between uses;
  - iv. Off-site employee parking, employee car/van pooling, and/or provision of employee transit passes;
  - v. Superior transit, pedestrian, and/or bicycle access and bicycle parking.
- h. All trash handling and loading areas must be interior or utilize architectural screening consisting of the same exterior facing materials as the principal building.
- i. Truck circulation and loading areas must be separated from streets and properties adjoining the site by a bufferyard. Single use buildings over 10,000 square feet and multiple use buildings over 15,000 square feet that are constructed after adoption of this Ordinance must utilize a landscaped bufferyard that is a minimum of 40 feet in width in order to satisfy this requirement. Such bufferyard must include a minimum five (5) foot tall berm along its entire length, a double row of evergreen trees that are each a minimum of eight (8) feet tall at planting and spaced no more than 25 feet apart, and deciduous trees interspersed with the evergreen plantings.
- j. Shopping centers must visually integrate all buildings by utilizing some of the same exterior materials and architectural elements such as roof pitch and window treatments.
- k. Buildings and additions to existing buildings may not exceed the unbroken building wall length to height ratio of three to one (3:1); if the three to one (3:1) ratio is used, each building wall deviation must be a minimum depth of two (2) feet; if a two to one (2:1) building wall length to height ratio is used, the depth of each building wall deviation may be reduced to one (1) foot.
- l. Buildings and additions to existing buildings must utilize parapet walls to completely screen rooftop equipment from ground level view.
- m. Shopping centers must include sidewalks along all public street right-of-ways and on-site pedestrian connections that are separated from parking areas by curbed, landscaped islands which have a minimum width of 20 feet inclusive

- of sidewalk.
- n. Shopping centers must provide either outdoor or indoor public plaza(s). Public plazas must have a minimum size of 10% of the total ground floor building area of the shopping center (including outdoor sales building area) and shall contain landscaping, walkways, benches, and a feature element such as a fountain or clock tower. Interior mall "food courts" are not included in public plaza areas. Outdoor public plazas shall be designed to break up large areas of parking and shall be accessible via landscaped pedestrian islands described in condition (m) above.
  - o. The minimum property area is seven (7) acres.

#### **SHOWROOM**

- A. Definition:** The display of merchandise and equipment and its sale to a customer where delivery of purchased merchandise is made directly to the consumer from a warehouse. Merchandise or equipment which is sold may include, but is not limited to: furniture, appliances, plumbing fixtures, lighting, and carpeting.
- B. Zoning District and Conditions:**
  - 1. Permitted use in TC for showrooms with 10,000 sq. ft. or less maximum floor area.
  - 2. Permitted use in C-2, C-3, and I-1.

#### **SMALL BREWER**

- A. Definition:** An establishment operating as a Small Brewer pursuant to City Code Section 301.
- B. Zoning District and Conditions:**
  - 1. Permitted use in TC.
  - 2. Conditional use in C-2, C-3, and I-1 with the following conditions:
    - a. Access to the use shall be from a roadway identified in the Comprehensive Plan as a collector street or located in a manner so that access can be provided without generating significantly increased commercial traffic on local residential streets.
    - b. All customer entrances to the use shall be located a minimum of 100 feet from any property line located in a residential Zoning District. In the case of a multi-tenant building, the entrance will be measured from the collective entrance. In the case of an entrance with a vestibule, the most exterior customer entrance door will be the point of measurement.
    - c. If the building housing the use is located less than 100 feet from any property line in a residential Zoning District, the following additional conditions shall be met:
      - i. All customer entrances to the use shall be through a vestibule area with an inside and outside door.
      - ii. No outdoor amplified music, public address system, or outdoor special event is permitted.

#### **STABLE, COMMERCIAL**

- A. Definition:** A structure or land area used to keep horses for sale or hire to the public. Breeding, boarding, or training of horses may also be conducted. The use may also include commercial riding arenas open to the general public.
- B. Zoning District and Conditions:**
  - 1. Conditional use in A with the following conditions:
    - a. The buildings in which animals are kept must be at least 100 feet from any

property line.

**STABLE, PRIVATE**

**A. Definition:** An accessory structure or land area that is designed, arranged, used, or intended to be used for the keeping of horses for the private use of the occupants of the dwelling and their guests, but in no event for hire.

**B. Zoning District and Conditions:**

1. Permitted use in A.

**STATE LICENSED RESIDENTIAL FACILITY**

**A. Definition:** A State licensed 24 hour per day residential facility providing persons with care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment and resident staff who live together as a single housekeeping unit. The use includes group counseling, some supervision and treatment programs. The maximum number of clients served is specified by Minnesota State Statute. Persons served may include the developmentally disabled or challenged, chemically dependent and severely physically handicapped.

**B. Zoning District and Conditions:**

1. Permitted with conditions in A, R-S and R-1 with the following conditions:
  - a. May serve no more than six (6) residents.
  - b. A minimum of 150 square feet of outdoor area for seating or exercise area shall be provided for each person under care.
  - c. The dwelling unit structure shall provide one (1) bathroom for each four (4) persons under care.
  - d. The dwelling unit structure shall provide one (1) bedroom for each two (2) persons under care.
  - e. The use shall not be located within 1,500 feet of another state licensed residential facility.
2. Permitted with conditions in R-2 and R-3 with the following conditions:
  - a. May serve no more than 16 residents.
  - b. A minimum of 150 square feet of outdoor area for seating or exercise area shall be provided for each person under care.
  - c. The dwelling unit structure shall provide one (1) bathroom for each four (4) persons under care.
  - d. The dwelling unit structure shall provide one (1) bedroom for each two (2) persons under care.
  - e. The use shall not be located within 1,500 feet of another state licensed residential facility.
  - f. Off-street drop off and loading areas must be provided which do not interfere with traffic and pedestrian movements.

**STATE LICENSED NONRESIDENTIAL FACILITY**

**A. Definition:** A State licensed program providing care, supervision, rehabilitation, training of persons in a nonresidential, less than 24 hours per day setting, including adult day care. The use includes outpatient group counseling, some supervision and treatment programs. The maximum number of clients served is specified by Minnesota State Statute. Persons served may include the developmentally disabled or challenged, chemically dependent and severely physically handicapped.

**B. Zoning District and Conditions:**

1. Permitted with conditions in C-1 and C-2 with the following conditions:

- a. Buildings shall be located at least 50 feet from any dwelling on adjacent property.
- b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.

## **STUDIO**

**A. Definition:** A building where the practice or study of the visual and audio arts occurs; may include painting, sculpting, photography, recording, radio and television studios. This use also includes gymnastic and dance studios and studios for the martial arts. This use does not include large industrial photography or printing processes.

**B. Zoning District and Conditions:**

1. Permitted in TC, C-1, C-2, and C-3.

## **TEMPORARY AGRICULTURAL COMMODITIES**

**A. Definition:** The temporary outdoor sale of Christmas Trees or other agricultural commodities.

**B. Zoning Districts and Conditions:**

1. Permitted with Conditions in A, C-1, C-2, C-3, and I-1 with the following conditions:
  - a. May be located within required yards; but not within 15 feet of any public right-of-way or where prohibited by traffic visibility regulations in the City Code.
  - b. Shall not occur for more than 90 days within a calendar year on any parcel.
  - c. Shall not be permitted in any bufferyard.

## **TEMPORARY CONSTRUCTION STRUCTURE**

**A. Definition:** A temporary building or structure used for office and equipment storage incidental to an ongoing construction project on the parcel.

**B. Zoning Districts and Conditions:**

1. Permitted with Conditions in A, R-S, R-1, R-2, R-3, TC, TC-T, C-1, C-2, C-3, and I-1 with the following conditions:
  - a. No construction structure, except a temporary sales trailer as allowed below, shall be permitted beyond the time necessary to construct the project.
  - b. No construction structure shall be located within the drip line of any trees which are designated to be saved under the approved tree preservation plan.
  - c. Construction structures may be located within required yards; but not within 15 feet of any public right-of-way.
  - d. No construction structure shall be located within an existing bufferyard.
  - e. All construction structures must be removed before a final occupancy permit is issued.

## **TEMPORARY ON-SITE EQUIPMENT AND MATERIAL STORAGE**

**A. Definition:** On-site storage of equipment or materials related to an ongoing construction project on the parcel.

**B. Zoning Districts and Conditions:**

1. Permitted with Conditions in A, R-S, R-1, R-2, R-3, TC, TC-T, C-1, C-2, C-3, and I-1 with the following conditions:
  - a. Construction materials shall not be placed on a construction site unless a valid building permit has been issued for that construction.
  - b. Construction materials shall not be permitted on site after the completion of the project.

- c. Construction materials may not be located within the drip line of any trees which are to be saved under the approved tree preservation plan.
- d. Construction materials may be located within required yards; but not within 15 feet of any public right-of-way.
- e. Any land that will be used to store any equipment or construction materials for a period exceeding 120 days shall be screened from view from any properties within a residential Zoning District.

#### **TEMPORARY OUTDOOR SALES**

**A. Definition:** The display and sale or rental of merchandise or equipment outside of an enclosed building for a time not to exceed six (6) months in a calendar year on any parcel.

**B. Zoning Districts and Conditions:**

- 1. Permitted with Conditions in TC, TC-T, and I-1 with the following conditions:
  - a. No merchandise or equipment shall be stored outdoors overnight.
  - b. Temporary outdoor sales areas which exceed 100 square feet shall be permitted for a period not to exceed four (4) consecutive days or a total of 12 days in any calendar year.
  - c. Temporary sales shall be allowed only if associated with a permitted retail business operating within a building on the parcel in which the same or similar merchandise is offered for sale.
  - d. Temporary sales shall be permitted in required front, side, and rear yards unless prohibited by traffic visibility regulations in the City Code.
  - e. Temporary outdoor sales shall not be allowed in any required landscaped area or bufferyard or within the public right-of-way.

#### **TEMPORARY POLLUTION ABATEMENT STRUCTURES AND EQUIPMENT**

**A. Definition:** Equipment or structures required to abate pollution on a parcel when the pollution abatement is required by the Minnesota Pollution Control Agency.

**B. Zoning Districts and Conditions:**

- 1. Permitted with Conditions in A, R-S, R-1, R-2, R-3, TC, TC-T, C-1, C-2, C-3, and I-1 with the following conditions:
  - a. Pollution abatement structures and equipment shall be permitted for a period not to exceed 60 months. If the abatement is not completed within 60 months, the period may be extended by the Zoning Administrator provided that a statement is provided to the Zoning Administrator which shows the progress of abatement and an estimate of the length of time needed to complete the project.
  - b. Equipment and structures shall not displace required off-street parking.
  - c. Equipment and structures shall not be located within any required yards; except where it is demonstrated that no other areas exist on a designated parcel.
  - d. Structures shall meet all of the applicable architectural requirements of the Zoning District in which they are located.
  - e. Any landscape materials which are displaced as a result of the structure or equipment shall be replaced when the structure or equipment is removed.
  - f. A Letter of Credit shall be filed before the installation of any structure or equipment to ensure its removal after pollution abatement is completed and to insure the replacement of displaced landscape materials.
  - g. All equipment and structures shall be removed and landscape materials replaced within six (6) months after the completion of the pollution abatement.

Pollution abatement shall be considered to be complete when notice has been received from the Minnesota Pollution Control Agency stating the abatement has been completed.

#### **TEMPORARY SALES TRAILERS**

**A. Definition:** A temporary structure within a residential development project for use as a sales or rental office for the units on the same site.

**B. Zoning Districts and Conditions:**

1. Permitted with Conditions in R-1, R-2, and R-3 with the following conditions:
  - a. The sales trailer shall be removed at build-out of the project or when a model home is constructed, whichever occurs earlier.
  - b. No structure shall be located within the drip line of any trees which are designated to be saved under the approved tree preservation plan.
  - c. Sales trailers may be located within required yards; but not within 15 feet of any public right-of-way.
  - d. No structure shall be located within an existing bufferyard
  - e. A paved parking area must be provided for the sales trailer.
  - f. Approval of a site plan is required prior to the placement of any sales trailer.

#### **TEMPORARY SEASONAL STRUCTURES OR TEMPORARY SEASONAL CABINS**

**A. Definition:** A structure used or intended to be used in a seasonal manner and removed or sealed for the off season.

**B. Zoning Districts and Conditions:**

1. Permitted with Conditions in A, R-S, R-1, R-2, C-1, C-2, C-3, and I-1 with the following conditions:
  - a. Seasonal structures may be used only for uses permitted within the underlying Zoning District.
  - b. Seasonal structures shall not be permitted for a period of time exceeding six (6) months in a calendar year.
  - c. Seasonal structures shall not be permitted within 15 feet of any public right-of-way.
  - d. No significant trees shall be removed for the placement of a seasonal structure.
  - e. Any landscaping material which is displaced by the seasonal structure shall be replaced upon removal of the temporary structure.
  - f. Seasonal structures shall not be permitted in any required bufferyards.
  - g. Approval of a site plan is required prior to the placement of any seasonal structures.

#### **TRANSPORTATION FACILITY**

**A. Definition:** The storage or layover of passenger buses, motor coaches, rental vehicles, taxis, van pools, rental moving vehicles, or similar uses (typically includes parking, storage of vehicles, and may include some maintenance). Does not include parking of cars/vans/pickups that are accessory to a primary use.

**B. Zoning District and Conditions:**

1. Permitted with conditions in I-1 with the following conditions:
  - a. Parking areas shall be screened with fencing, landscaping, berming or some combination thereof from all property lines and abutting public rights-of-way.
  - b. No inoperable vehicles shall be stored outside the primary structure or designated screened storage areas.

## **WAREHOUSE/STORAGE/DISTRIBUTION**

**A. Definition:** A building for receiving, holding, shipping and occasional packaging of commodities. With the exception of loading and unloading of commodities, and parking and storage of trailers, all functions are generally within an enclosed building. Characteristics may include high truck traffic and low parking demand. This use may include, but is not limited to, conventional warehouse facilities and joint warehouse and storage facilities.

**B. Zoning District and Conditions:**

1. Permitted use in C-3 and I-1.

## **WASTE HAULER**

**A. Definition:** The collection and transporting, delivering, and disposing of solid waste and recyclable materials generated from commercial and residential premises. For the purpose of this definition, this use does not include the collecting and transporting, delivering, and disposing of Hazardous Waste, as defined in Minnesota Statute 609.671, as may be amended from time to time.

**B. Zoning District and Conditions:**

1. Permitted with conditions in I-1 with the following conditions:
  - a. The property shall not abut any property in a residential Zoning District.
  - b. Storage of materials outside a principal building or enclosed container is not permitted. Outdoor storage of containers is subject to the screening requirements of the Zoning Code.

## **WHOLESALE**

**A. Definition:** The selling of merchandise to retailers, or to industrial, commercial or professional business customers, or to other wholesalers or on a mail order basis to individuals or firms, or which serve as agents or brokers buying merchandise for, or selling merchandise to, individuals and companies.

**B. Zoning District and Conditions:**

1. Permitted with conditions in C-3 with the following conditions:
  - a. The use shall occur entirely within an enclosed building.
  - b. The use does not involve live animals.
2. Permitted use in I-1.

## **WIND GENERATORS**

**A. Definition:** A turbine having a large vaned wheel rotated by the wind to generate activity and extract usable energy from winds.

**B. Zoning District and Conditions:**

1. Conditional use in I-1 with the following conditions:
  - a. All structures shall be located a minimum of 300 feet from any property line in a residential Zoning District.
  - b. All structures shall be located a minimum of 100 feet from any property line in all districts other than a residential Zoning District.  
No light, sound or vibration originating from the structure shall be discernible at any property line in a residential use district.