WAYZATA PLANNING COMMISSION
Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Monday, March 7, 2022
6:30 PM

HYBRID MEETING INFORMATION
Click here to join Zoom Meeting
Meeting ID: 831 5697 5916 Passcode: 767209

Members of the public may attend this Planning Commission meeting in person, provided they follow all City policies and protocols related to the pandemic, including wearing masks.

Members of the public may watch and listen remotely by viewing the meeting on Channel 8, WCTV, and at the City's website at www.wayzata.org/WCTV.

Public comment during the Public Forum and/or Public Hearing portions of the meeting may be provided in person at the meeting, in advance, or by logging into the zoom call and raising your hand during the public hearing. **When your name is called in the meeting, you will be seen and heard in our Council Chambers and the cable channel**. You will be asked to unmute and then you may begin your comment. All public comments must include your full name and address.

The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing PublicComment@wayzata.org, calling City staff at 952-404-5323, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

1. **Planning Commission Annual Training Workshop (5:00-6:00 pm)**
   a. Annual Training for Planning Commissioners
2. **Call to Order**
3. **Roll Call**
4. **Approval of Agenda**
5. **Consent Agenda**
   a. Approval of Planning Commission Report and Recommendation of Approval for Driveway Setback Variance at 445 Bovey Road
6. **Public Hearing Items**
   a. Consider Zoning Ordinance Text Amendments for Residential and Commercial Zoning Districts
7. **Other Items**
   a. Review of Development Activities
   b. Planning Commission Meeting Schedule
8. **Adjournment**

Upcoming Meetings:

City Council - March 8, 2022
Planning Commission - March 21, 2022

Members of the Planning Commission and some staff members may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: March 7, 2022	**AGENDA ITEM:** 5.a
TITLE: Approval of Planning Commission Report and Recommendation of Approval for Driveway Setback Variance at 445 Bovey Road	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: April 22, 2022 (extended to 120 days)	

BACKGROUND:

The applicant, 688 Bryant LLC, has submitted a development application requesting approval of a variance from the driveway setback requirement of 10 feet from the side yard within the R-1A District to allow for the construction of a driveway located at 445 Bovey Road.

A public hearing was conducted at the Planning Commission meeting on February 28, 2022. The Planning Commission recommended (4-2) that staff prepare a Report and Recommendation of approval for review at the next Planning Commission meeting. If the draft Report and Recommendation is approved by the Planning Commission, the application would likely be scheduled for review by the City Council on March 22, 2022.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. Draft PC Report and Recommendation for 445 Bovey Road

WAYZATA PLANNING COMMISSION

March 7, 2022

REPORT AND RECOMMENDATION OF APPROVAL OF DRIVEWAY SETBACK VARIANCE AT 445 BOVEY ROAD

DRAFT

SUMMARY OF RECOMMENDATION

Approval* of Variance from Driveway Setback Requirement

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. The applicant, 688 Bryant LLC, (the "Applicant") has submitted a development application (the "Application") requesting a 10-foot variance from the applicable side yard setback to construct a driveway (the "Project") to serve a future single-family house on the property at 445 Bovey Road (the "Property"). In December of 2018, a request was made to construct a public street to access the Property from a different access point by converting an existing gravel fire lane to the northwest of the Property into a public street. This request was denied by City Council at the time, and it was noted that the owner could have asked for an easement over the property to the north to access Peavey Lane, or over the property to the southwest to access Ferndale Woods Road. There was also discussion during the City Council meeting that Bovey Road might be a more appropriate access point.

1.2 Application Request. The Applicant is requesting approval of the following:

A. Driveway Setback Variance: A variance from the ten (10) foot driveway curb cut Side Yard setback requirement of Section 920.05.E.8 (Curb Cut Spacing

Minimum) of the Zoning Ordinance to allow for a driveway that would enter the Property from the Side Yard (the "Driveway Setback Variance").

1.3 Property. The street address, property identification number and owner of the Property are as follows, and the legal description of the Property is attached.

445 Bovey Road	01-117-23-31-0002	688 Bryant LLC

1.4 Land Use. The Property is zoned and guided as follows:

Zoning:	R-1A / Low Density Single Family Estate District
Comp Plan:	Estate Single Family
Overlay District:	S / Shoreland Overlay District

1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on February 17, 2022 and mailed to all property owners located within 500 feet of the Property on February 16, 2022. The public hearing on the Application was held at the February 28, 2022 Planning Commission meeting, where there was no public comment on the Application.

Section 2. STANDARDS

2.1 Driveway Setback Variance. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 905.1.C. are:

A. Variances shall only be permitted when they are:
   (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
   (ii) consistent with the Comprehensive Plan.

B. Variances may be granted when the Applicant establishes that there are practical difficulties in complying with the Zoning Ordinance.

C. "Practical difficulties," as used in connection with the granting of a variance, means that:
   (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
   (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
   (iii) t he variance, if granted, will not alter the essential character of the locality.

D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

E. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.

F. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff reports, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Driveway Setback Variance. The Driveway Setback Variance requested is in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan. The following conditions are met for the Driveway Setback Variance:

A. The Driveway Setback Variance requested is reasonable, due to circumstances related to the unique conditions of the Property noted below; the position of the lot relative to adjacent lots; and a desire to minimize the environmental impact of accessing and developing the Property.

B. The Property's unique topography including mature vegetation and tree coverage, wetlands, steep slopes, and distance from public streets all create practical difficulties in complying with the Driveway Setback coverage limits.

C. If granted Driveway Setback Variance would not alter the essential character of the locality that includes access points through similar topography to single family residences. It would be less impactful to the essential character of the locality than a permitted driveway curb cut in the Front Yard of the Property, which would alter more of the slopes, grading, wetlands, and mature vegetation and trees on the Property.

D. The practical difficulties necessitating the Driveway Setback Variance are not solely economic in nature. The unique conditions of the Property noted above, the position of the lot relative to adjacent lots, and a desire to minimize impact of accessing and developing the Property, are all significant factors in the practical difficulty of meeting the ordinance requirements.

E. The proposed uses of the Property are permitted within the R-1A District.

F. The Applicant has provided the reasons that the Driveway Setback Variances are justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends approval of the Driveway Setback Variance, subject to the following conditions:

A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes, tree preservation and land use regulations, and City Code and policies applicable to days and times of work, and construction management.

B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 7th day of March 2022.

DRAFT

Attachment A
Legal Description of Property

Lot 8, Block 1, FERNDALE WOODS.
Torrens property.

DRAFT

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: March 7, 2022	**AGENDA ITEM:** 6.a
TITLE: Consider Zoning Ordinance Text Amendments for Residential and Commercial Zoning Districts	
PREPARED BY: Valerie Quarles, Assistant Planner, Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Accessory Dwelling Unit Regulations

At the February 28 meeting, staff received feedback focused on the Accessory Dwelling Unit code language. While updates to the redlined code language will be incorporated after this meeting, updates regarding that feedback are outlined below.

A statement regarding rental licensing requirements will appear in the updated code language sent to the City Council.

The Planning Commission discussed the potential impact of ADUs within the R-3 and R-3A zoning districts due to relatively smaller lot sizes on average. Staff is presenting two options to alleviate these concerns:

- Option A: Require a minimum lot size for detached ADUs. Staff is suggesting 10,000 square feet (about one quarter of an acre) as the minimum lot size. This excludes many lots within the above zoning districts but not all. Below are selected minimum lot sizes for municipalities within the Twin Cities.

City	Minimum Lot Size
Saint Paul	5,000 square feet
Crystal	6,000 square feet
Burnsville, Stillwater (portions)	10,000 square feet
Bloomington	11,000 square feet

- Option B: Do not allow any detached ADUs in R-3 or R-3A. While this was a large part of the discussion at the last meeting, an analysis of parcels within these districts shows a wide variety of parcel sizes and configurations. Many would be just as conducive to detached ADU construction as similar parcels in R-2.

Lastly, the Planning Commission discussed height limitations for detached ADUs in order to keep two-story structures from overwhelming one-story homes. Staff is discussing how a height limitation tied to the height of a home conflicts with existing accessory structure regulations, and asks the Commission to refer to the attached ADU infographic for further discussion.

The ADU Community Meeting was held on March 1 and garnered generally positive feedback. The principal topics for further exploration are the resulting tax classification for a property with an ADU, a separate entrance requirement, and short-term rentals.

Retail and Business Regulations

At the February 28 meeting, the Planning Commission discussed a number of issues including if some retail businesses need more or different regulations than other retail businesses. Staff has researched a couple of options for the Planning Commission to consider.

City Code Part V - Municipal Licenses

The Planning Commission discussion included the question of whether certain businesses have potential negative impacts, such as pawn shops, which would require additional regulations than most retail businesses. The City has the ability to provide additional regulations on businesses that can be documented to have potential negative impacts through a business license that may include regulations beyond typical zoning, such as what zoning district they are located on, how far they are located from the property line or how much of the lot the business can occupy. The City currently requires business licenses for the following types of businesses:

- Sales of alcohol
- Sales and preparation of food
- Sales of gasoline and other fuels
- Sales of tobacco
- Door-to-door sales
- Temporary sales of Christmas trees
- Car washes
- Gas fitting and plumbing services
- Lodging
- Massage services
- Operation of amplified sound equipment
- Tree removal services
- Adult uses (within Chapter 935)

If there are additional businesses that may require additional regulations, the Commission can discuss the impacts that result from these business operations and if it would be better suited for a business license regulation or through zoning regulations.

Chapter 920 - Off-Street Parking and Loading

Additionally, staff has reviewed how different types of businesses are regulated beyond the individual zoning regulations. Parking requirements, through City Code Section 920.11.B., is one example.

Use	Number of Parking Stalls Required
Beauty or Barber Shops	Two spaces for each working station, plus two spaces for each three employees.
Boat and Marine Sales	One space for each 400 sq. ft. of floor area for the first 25,000 sq. ft., plus one space for each 600 sq. ft. thereafter.
Furniture Sales	One space for each 400 sq. ft. of floor area for the first 25,000 sq. ft., plus one space for each 600 sq. ft. thereafter.
Professional Offices	Three spaces for each 1,000 sq. ft. of floor area.
Restaurants	15.2 spaces for each 1,000 sq. ft. of floor area.
Retail Commercial Uses	Three spaces for each 1,000 sq. ft. of floor area.
Retail Sales and Service Business With 50 percent or More of Gross Floor Area Devoted to Storage	Eight spaces or one space for each 200 sq. ft. devoted to public sales or service plus one space for each 500 sq. ft. of storage area.
Shopping Center	One space for each 150 sq. ft. of floor area.

General retail uses have one cohesive parking regulation, which happens to be the same as professional offices. Retail uses that sell large items (boats, furniture) or having at least half of the building used as storage have lower parking requirements than general retail. It should be noted that a site that has multiple retail business in one location (shopping center) has a parking requirement that is more than twice as large as for independent retail business.

Limited Retail and the C-1A and C-1B Zoning District

The proposed commercial use table has two different retail uses: "Retail, General" and "Retail, Limited". General Retail and Limited Retail are permitted uses within the C-2, C-3, C-4A, C-4 and C-4B zoning districts while the

Limited Retail is a permitted use within the C-1A and C-1B zoning districts as well. The C-1A and C-1B commercial zoning districts are intended to located in areas that are adjacent to residential uses such as along Wayzata Boulevard between Barry Avenue and Superior Boulevard or with the "Bluff" design district. While a definition of Limited Retail has not been adopted, it is intended to be compatible with neighboring residential uses. Two possible ways to define Limited Retail uses could be:

- Size: Similar to the way that parking regulations change with larger items for sale, limited retail can be defined differently by a limit on the size of the retail business. One way would be to limit the maximum size of a retail business to the lot coverage allowed on the minimum lot area. Both the C-1A and the C-1B lot coverage maximum is 30% while the minimum lot area of the C-1B district is 7,000 square feet. This would allow a building footprint of about 2,000 square feet on the minimum sized lot. Staff would recommend the maximum size of a Limited Retail business to 2,000 square feet.
- Accessory: The C-1A Zoning District is named "Neighborhood Office and Limited Commercial" and the C-1B Zoning District is named the "Mixed Use". Both zoning districts have personal services and professional office as permitted uses. Limited Retail uses could be defined as the retail sales associated and accessory to an existing personal service and professional office use.

Staff asks the Planning Commission to consider the possible options for regulating retail and business uses listed above.

ACTION REQUESTED:

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

ATTACHMENTS:

1. Staff Report - Zoning Amendments - Residential and Commercial Districts
2. Accessory Dwelling Unit (ADU) Infographic
3. Proposed Zoning Amendments - Residential and Commercial Districts

Memorandum

To: Wayzata Planning Commission

From: Eric Zweber, WSB Consulting Planner

Reviewed: Valerie Quarles, Assistant Planner

Date: February 22, 2022

Re: Commercial and Residential Zoning Ordinance Amendments
WSB Project No. 018603-000

701 XENIA AVENUE S | SUITE 300 | MINNEAPOLIS, MN | 55416 | 763.541.4800 | WSBENG.COM

Background

Changes to the residential and commercial zoning districts were discussed by the 12-member Zoning Study Task Force for over a year. In total there were eleven meetings held by the Task Force to discuss potential modifications to the Zoning Ordinances. Goals for the changes were to:

1. Align the Ordinance with the recently adopted Comprehensive Plan
2. Simplify the ordinance for general use
3. Streamline regulations
4. Promote consistency in performance standards

The Task Force has provided guidance on all areas of the Zoning Ordinance dealing with the commercial and residential sections and are reflected in the attached ordinance. These changes have been reviewed and adapted by staff in accordance with the concerns of the Task Force.

A high-level overview by the Planning Commission of all the proposed changes occurred in late 2021 and early 2022, generally focusing on the changes made to ordinance regulations that impact city policies. Staff has addressed modifications requested by the Task Force and Planning Commission, finalized the redlines of existing code sections, and created Chapter 937, which is a combined table of permitted, conditional, accessory, and interim uses within the residential and commercial districts. Chapter 937 also includes all the standards for the permitted and conditional uses, housing the performance regulations in one location instead of by district.

The following highlights the main areas of code modification, addressing structural and policy modifications to the ordinance.

Residential Zoning Changes:

<u>Accessory Dwelling Units</u>

Accessory dwelling units (ADUs) are proposed within Wayzata to increase and diversify flexible housing options. The presence of an ADU will also increase density in the permitted residential areas which will be consistent with the 2040 Comprehensive Plan. ADUs are proposed in the R-1 through R-3 & R-5 residential districts, and the Institutional district meeting the goals listed in the 2040 Comp Plan. Additionally, they fulfill two of the eight guiding principles in the Comp Plan – Multi-Generational and City Nodes with Greater Housing Diversity.

Accessory dwelling units have also been known as: carriage houses, mother-in-law apartments, basement apartments, backyard cottages, granny flats, and other terms. Consistent with the goal for ease of use, the code does not reference all of these terms and instead permits an ADU with

standards. The most common existing ADU type in Wayzata is detached guest houses in the R-1 and R-1A zoning districts, but ADUs of different configurations can exist in nearly all residential districts. An infographic has been created so residents can navigate the various ADU requirements and options to assess whether their site can accommodate its creation.

R-4 District Modifications

The 2040 Comprehensive Plan identifies the Medium Density Residential land use as the appropriate land use designation for twin homes and townhouses. Changes have been made to the R-4 district to recognize its use for attached housing projects such as twin home, townhomes, and smaller sized apartments buildings; single family housing has been deleted from this section. Modifications to lot sizing and inclusion of multi-family apartments and elderly multi-family projects will allow for densities within the Comprehensive Plan Medium Density residential range of 6 to 12 units per acre.

R-5 District Modifications

The R-5 district is intended to allow the city's highest dwelling unit densities. The land use designations within R-5 call for densities as high as 40 units/acre, and changes have been made to the district to increase the overall project densities as compared to the current ordinance standards. The multiple family dwelling unit lot area requirement has been decreased, lot coverage and impervious surface limits increased, and two new "allowances" added to permit an increase in project units with conditions, which in turn increase project density. The new allowances, consistent with the goals of the Comprehensive Plan, are in consideration of energy efficiency or introduction of affordable housing units, along with the current allowance for underground parking. Another change in the R-5 district is to remove lower density residential development opportunities such as single-family and two-family uses. These modifications will permit R-5 developments to more closely align with the adopted Comprehensive Plan high density standards.

Upper-Story Housing in C-2 and C-3

There are eight commercial zoning districts within Wayzata, with development intensity increasing from C-1 to C-4B. Presently, upper level residential is permitted in all C-4 commercial districts. Modifications to the C-2 and C-3 districts includes upper residential uses as a permitted use, to create mixed use opportunities. Upper story residential uses continue to be permitted uses in all of the C-4 zoning districts.

Commercial District Modifications:

C-2 and C-3 Modifications:

There have been development standard modifications to the C-2 and C-3 districts to aid in implementing Comprehensive Plan goals and objectives. To support the shopping center purpose of the C-2 zoning district, 2040 Comprehensive Plan objectives, and Design Guideline survey results, the height standard for C-2 has been reduced to a two-story building while increasing the height standard for the C-3 zoning district to three-stories. Additionally, to implement the 2040 Comprehensive Plan objectives to protect water and natural resources, the lot coverage limitation for the C-2 is established at 50% and the impervious surface is limited to 75% for both zoning districts. Finally, the revised C-3 zoning district allows a three-story building with 50% lot coverage, the floor area ratio (FAR) is increased to 1.5, and the lot area per unit for both zoning districts is limited to 1,500 square feet per dwelling unit to limit the residential density to no more than 30 units/acre.

C-4, C-4A, C-4B Modifications

Staff is recommending one change to the C-4A zoning district performance standards, two changes to the C-4 district standards, and two changes to the C-4B district standards. The common change to all three zoning districts is adding a lot area per unit limitation of 1,500 square feet per dwelling unit to limit the residential density to no more than 30 units/acre. The common change between the C-4 and C-4B zoning districts is to address the existing non-conforming lots within the two zoning districts by modifying the minimum lot size to 8,000 square feet for the C-4 zoning district and 6,000 square feet for the C-4B zoning district.

Land Use Table and Ordinance Structure

Specific land uses for each of the commercial and residential districts have been aggregated and combined into one table. The Table lists all zoning categories and identifies which land uses are permitted, conditional, accessory, or interim. The uses have been grouped into broader land use categories such as Food and Beverage Establishment instead of identifying every type of differing sit down, café, deli, fast casual, or fast-food restaurant. This change should provide the community with greater flexibility as new types of businesses are developed over time. The new chapter, Chapter 937, also includes all the standards for specified permitted uses as well as the conditions necessary for approval of conditional use permits in either residential or commercial uses. This modification allows access to all land uses within the community and specific standards of approval, making the ordinance easier to use for the public and administrator.

Conclusion

Changes to the residential and commercial zoning districts were discussed by the Task Force for over a year. These changes have been reviewed and adapted by staff in accordance with the concerns of the Task Force. A high-level overview of all the proposed changes, including code cleanup items, was given at the Planning Commission's December 6 workshop. The existing document includes the modifications requested by the Task Force and reflect the goals and objectives of the adopted comprehensive plan.

Attachments:

1. Draft Zoning Ordinance
2. ADU Infographic

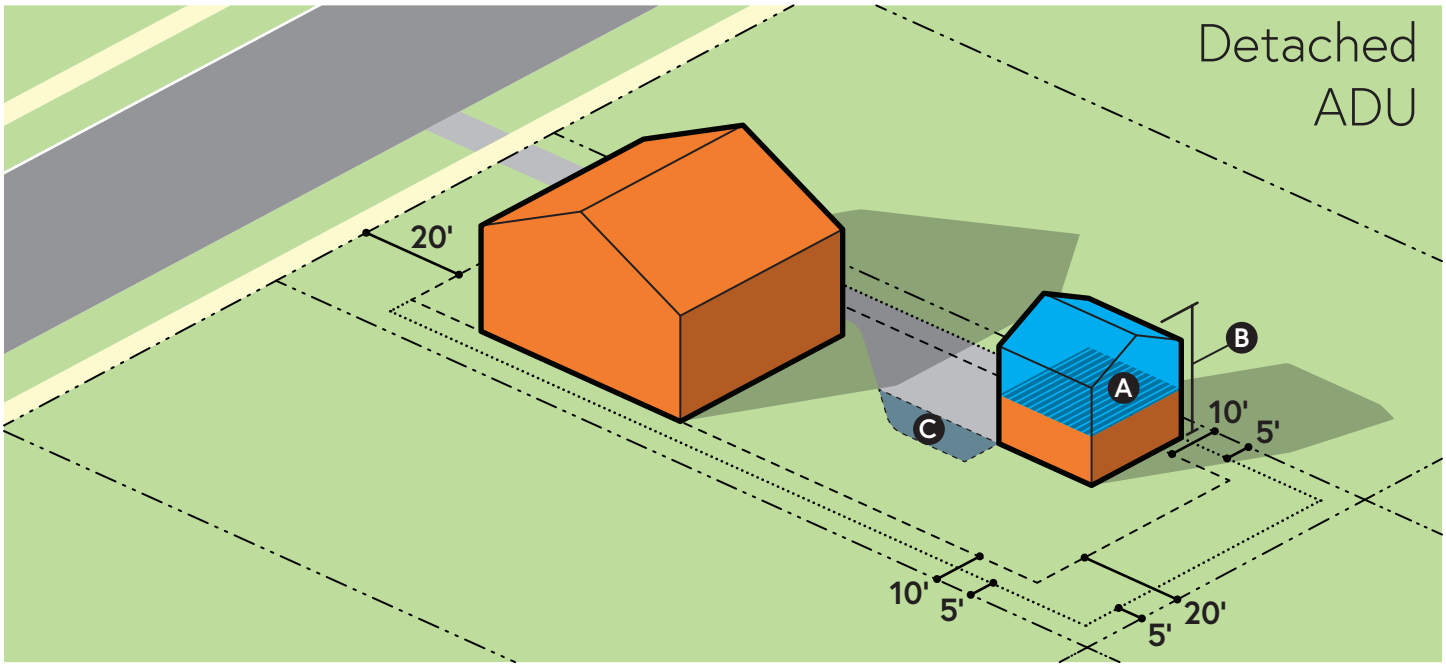
ACCESSORY DWELLING UNIT ZONING REGULATIONS

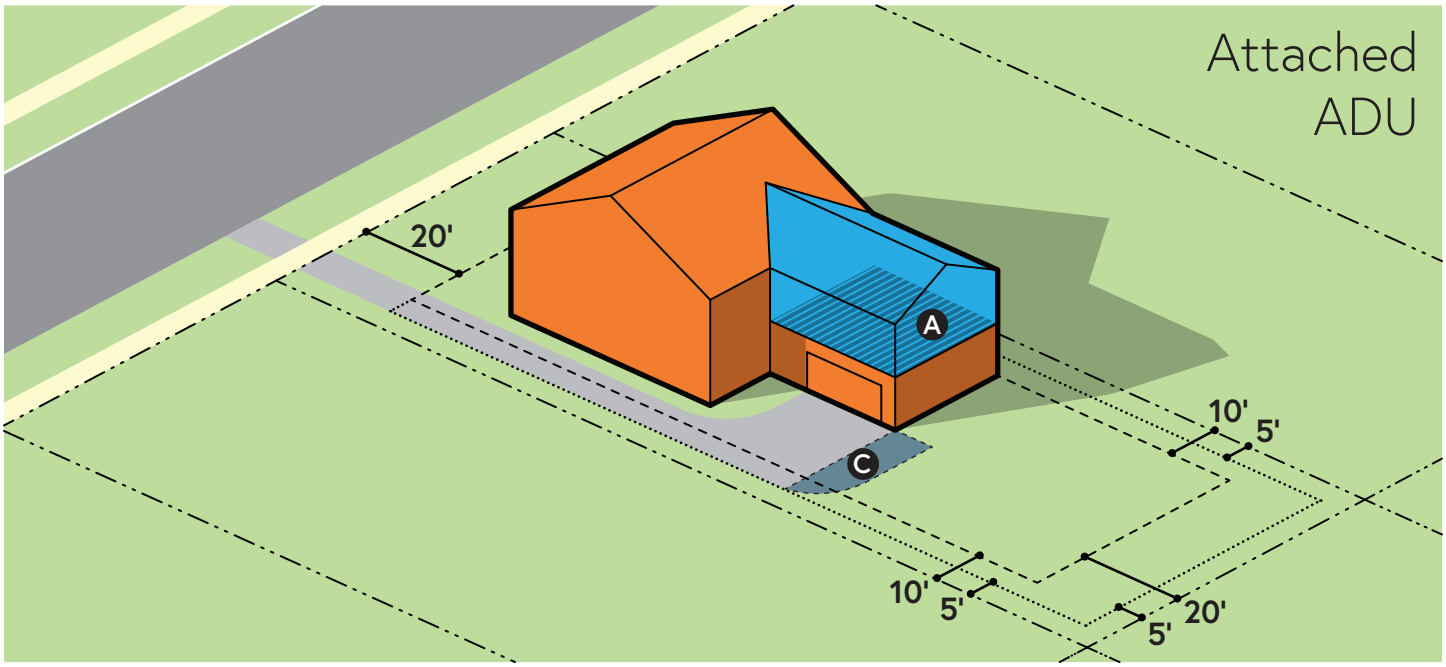
Principal Structure

Accessory Dwelling Unit (ADU)

Standards

- ADU limited to 33% of the residence habitable space (A)
- Minimum size of the ADU is 300 square feet; Maximum size no greater than 960 square feet* (A)
- Maximum height for detached ADU is 20' in all zoning districts except for R-1 and R-1A which has a height of 25' or two stories whichever is less (B)
- A parking stall is required for the ADU over and above the 2 parking stalls required for the residence (C)
- Only one ADU per property
- The residence or ADU must be owner-occupied





CHAPTER 937 – USE PERFORMANCE STANDARDS

937.01 – Purpose

The standards set forth in this Charter are intended to specify the types of uses may be allowed within each zoning district so long as the uses meet the standards specified in this Chapter and elsewhere in the Zoning Ordinance.

937.02 – Use Table

The following table specifies what Permitted Uses (P), Conditional Uses (C), Interim Uses (I), Permitted Accessory Uses (A/P), Conditional Accessory Uses (A/C) and Interim Accessory Uses (A/I) are allowed in each zoning district.

Residential and Institutional Districts Uses

-	R-1A	R-1	R-2A	R-2	R-3A	R-3	R-4A	R-4	R-5	INS
Accessory Structure or Use, Residential	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	-
Cemeteries and Memorial Gardens	C	C	C	C	-	-	-	-	-	C
Child Day Care Facility, General	C	C	C	C	C	C	C	C	C	-
Child Day Care Facility, 12 or Fewer Children	P	P	P	P	P	P	P	P	P	-
Institutions of Higher Education	-	-	-	-	-	-	-	-	-	C
Community Center	-	-	-	-	-	-	-	-	-	C
Dwellings, Accessory Units	A/P	A/P	A/P	A/P	A/P	A/P	-	-	A/P	C
Dwellings, Housing for the Elderly	-	-	-	-	-	-	-	C	C	C
Dwellings, Multiple Family	-	-	-	-	-	-	-	C	P	-
Dwellings, Single Family Detached	P	P	P	P	P	P	-	-	-	-
Dwellings, Single Family or Two Family Detached	-	-	-	-	-	-	-	-	-	C
Dwellings, Townhomes	-	-	-	-	-	-	P	P	-	-
Dwellings, Two Family Detached	-	-	-	-	C	C	P	P	-	-
Educational Facilities	-	-	-	-	-	-	-	-	-	P

	R-1A	R-1	R-2A	R-2	R-3A	R-3	R-4A	R-4	R-5	INS
Essential Services	P	P	P	P	P	P	P	P	P	P
Greenhouse, Residential	A/P	A/P	A/P	A/P	A/P	A/P	-	-	-	-
Halfway Houses	-	-	-	-	-	-	-	-	C	C
Hospitals, Residential Care Facilities, and Elderly Care Facilities	-	-	-	-	-	-	-	-	-	C
Horses, Keeping of	A/C	A/C	-	-	-	-	-	-	-	-
Parking Garages/Lots	-	-	-	-	-	-	-	-	-	C
Parking and Loading Areas and Structures	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Personal Services	-	-	-	-	-	-	-	-	-	-
Post offices	-	-	-	-	-	-	-	-	-	P
Publicly owned Civic or Cultural Buildings	-	-	-	-	-	-	-	-	-	P
Public Services and Utilities	C	C	C	C	C	C	C	C	C	C
Recreation, Outdoor Commercial	C	C	-	-	-	-	-	-	-	-
Recreation, Outdoor Residential, Accessory	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	-
Recreation, Outdoor Residential, Principal	C	C	C	C	-	-	-	-	-	-
Recreation, Outdoor Public	C	C	C	C	P	P	P	P	P	A/P
Religious Institutions	-	-	-	-	-	-	-	-	-	P
Residential Care Facility, Six or Fewer Residents	P	P	P	P	P	P	P	P	-	-
Residential Care Facility, 16 or Fewer Residents	-	-	-	-	-	-	-	-	P	-

Commercial Districts Uses

-	C-1A	C-1	C-1B	C-2	C-3	C-4A	C-4	C-4B
Adult Day Care	P	-	P	P	P	-	-	-
Amusement, Indoor	-	-	-	C	C	-	-	-

	C-1A	C-1	C-1B	C-2	C-3	C-4A	C-4	C-4B
Animal Clinic	-	-	-	C	-	-	-	-
Animal Clinics, Hospitals or Kennels	-	-	-	-	C	-	-	-
Car Wash, Accessory	-	-	-	A/C	A/C	-	-	-
Car Wash, Principal	-	-	-	-	C	I	-	-
Clubs or Lodges, Existing	C	-	-	-	-	C	C	C
Child Day Care Facility, General	C	C	C	C	C	C	C	C
Child Day Care Facility, 12 or Fewer Children	P	-	P	-	-	-	-	-
Dry Cleaning or Laundry	-	C	-	P	P	P	P	P
Drive-Thru Sales and Service	-	-	-	C	C	-	-	-
Dwellings, Multiple Family	-	-	-	-	-	C	C	C
Dwellings, Multiple Family, Upper Story	-	-	-	P	P	P	P	P
Dwellings, Single Family Detached	P	P	P	-	-	-	-	-
Dwellings, Two Family Detached	C	C	C	-	-	-	-	-
Educational Facilities	-	-	-	P	P	P	P	P
Food and Beverage Establishment	-	-	-	P	P	P	P	P
Health Clinics	C	P	-	P	P	P	P	P
Liquor Store	-	-	-	P	P	P	P	P
Lodging	-	-	-	-	C	-	-	-
Manufacturing	-	-	-	-	C	-	-	-
Micro-production facilities	-	-	-	C	C	C	C	C
Mixed-Use Buildings	P	P	P	-	-	-	-	A/P
Monument Sales, excluding Processing	-	-	-	-	P	-	-	-
Mortuaries or Funeral Homes	-	P	-	-	P	-	-	-
Motor Vehicle Rental and Sales	-	-	-	-	C	-	-	-

	C-1A	C-1	C-1B	C-2	C-3	C-4A	C-4	C-4B
Motor Vehicle Service	-	-	-	C	C	-	-	-
Parking Garages/Lots	C	C	-	C	C	P	P	A/I
Parking and Loading Areas and Structures	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Personal Services	P	P	-	P	P	P	P	P
Post offices	-	-	-	P	P	P	P	P
Professional Services (inc. Finance and Office Uses)	P	P	P	P	P	P	P	P
Public Services and Utilities	C	C	C	C	C	C	C	C
Recreation, Indoor	-	-	-	P	P	C	C	C
Recreation, Outdoor Commercial	-	-	-	-	C	-	-	-
Recreation, Outdoor Public	P	P	P	P	P	P	P	P
Religious Institutions	-	-	-	C	C	C	C	C
Repair of Home, Garden or Personal Appliances	-	-	-	C	C	-	-	-
Retail Sales, Limited	P	-	P	P	P	P	P	P
Retail Sales, General	-	-	-	P	P	P	P	P
Sailing School	-	-	-	-	C	-	-	-
Sales; Garden, Greenhouses or Nursery	-	-	-	-	C	-	-	-
Sales, Service, or Rental; Outdoors	-	-	-	A/C	A/C	A/C	A/C	A/C
Sales, Service, or Rental; Accessory	-	-	-	-	-	A/C	A/C	A/C
Sidewalk Café, Outdoors	-	-	-	A/P	A/P	A/P	A/P	A/P
Storage, Indoor	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Storage, Outdoor	-	-	-	A/C	A/C	A/C	A/C	A/C
Theaters, excluding Drive-Ins	-	-	-	P	P	P	P	P

937.03 – Permitted Use with Restrictions

A. Dwellings, accessory units (ADU), defined as a subordinate habitable dwelling unit that provides the basic requirements of shelter, heating, cooking and sanitation, provided that:

1. An ADU 's total floor area shall be no more than 33% of the primary residence's gross habitual space. The minimum ADU size is 300 square feet.
2. Within the R-2A, R-2, R-3A, and R-3 districts, the maximum ADU size is no more than 960 square feet.
3. An ADU shall be designed and maintained as to be consistent with the architectural design, style, appearance and character of the primary residence. If an ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing facade, roof pitch, siding and windows.
4. One off-street parking spaces shall be required for the ADU, in addition to the two off-street parking spaces required for the primary residence.
5. The principal structure or ADU must be owner-occupied.
6. No more than one ADU shall be permitted on a lot or parcel.

B. Food and beverage establishments
1. Garden Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
2. Hours. The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
3. Landscaping. Landscaping and screening in accordance with Chapter 918 of this Ordinance.
4. Licensing. The use obtains all local, state and federal food and beverage handling licenses and/or permits.
5. Lighting Standard Base Landscaping. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.
6. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
7. Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.
8. Outdoor Storage. There shall be no outdoor storage and/or display.
9. Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.
10. Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
11. The room or rooms containing the preparation and baking process for bakeries shall not have a gross floor area in excel of 2,400 square feet.
12. For pick up and delivery establishments, no seating is provided and no facilities exist for customer dining on the premises.

937.04 – Conditional Residential Land Uses. All conditional uses are subject to the provisions of this Ordinance and require a conditional use permit based upon procedures set forth and regulated by Chapter 904 of this Ordinance.

A. Dwelling, Multiple-family
1. The development does not front or border Lake Street.
2. The development does not conflict with existing or potential future commercial uses and activities.
3. The density standards imposed as part of the R-5 Zoning District are complied with.
4. Adequate open space and recreational space is provided on site for the benefit of the occupants.

B. Dwellings, Single-family detached or Two-family.
1. The development shall be in compliance with the provisions of the R-3 Zoning District.

C. Dwellings, Two-family

D. Halfway houses

E. Dwelling, Housing for the elderly
   1. The development is in conformance to standards established in Section 959.06 of this Ordinance.

F. Recreation, outdoor residential, principal
   1. Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.
   2. The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.
   3. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.

G. Sailing School

H. Swimming pools as an outdoor residential recreation accessory use
   1. The use is fenced in accordance with Chapter 918 of this Ordinance.
   2. The use is not located within the front yard.
   3. The use shall meet setbacks for accessory structures.

I. Tennis and pickleball courts as an outdoor residential recreation accessory use
   1. The use is not located within the front yard.
   2. The courts shall be fenced in accordance with Chapter 918 of this Ordinance.
   3. The courts shall meet the setback requirements for an accessory structure.
   4. Any lighting used shall not allow the light to spread to adjoining properties.
   5. A grading and drainage plan must be submitted and approved by the City Engineer.

J. Recreation, outdoor public, cemeteries, and memorial gardens
   1. The site is landscaped.
   2. The use is available to the “public.”
   3. The land area of the property containing such use or activity meets the minimum established for the district.
   4. The use meets the minimum setback requirements for accessory structures.
   5. The site accesses on a collector or arterial street.

K. Public services and utilities
   1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.

L. Horses, keeping of
   1. The minimum lot size for accommodating one horse shall be three acres, and the minimum lot size for two horses shall be five acres. No more than two horses may be accommodated on any one property within the City.
   2. All stables shall be located a minimum distance of 300 feet from any adjacent residential structure, excluding the structure of the applicant, and all corral areas shall be located a minimum distance of 200 feet from any adjacent residential structure, excluding the residence of the applicant.
   3. All accommodations for horses shall occur within the rear yard of a residential lot.
   4. Where an application for the boarding of a horse shall occur adjacent to a vacant lot, the City Council shall take into account a proper location of a future residence in considering the application.

937.04 – Conditional Commercial Land Uses. All conditional uses are subject to the provisions of this Ordinance and require a conditional use permit based upon procedures set forth and regulated by Chapter 904 of this Ordinance.

A. Child day care facility, general
    1. Compliance with Chapter 924.02.

B. Animal Clinics,
    1. The size of the clinic may not exceed 4,000 square feet.
    2. The clinic may not provide animal boarding services, kenneling or overnight stays for patients.
    3. The hours of operation must coincide with those of the businesses in the area or complex in which the clinic is located
    4. The clinic may not provide services or treatment of exotic animal (such as reptiles, amphibians, birds, and most mammals)
    5. The clinic may not share a common demising wall or be located directly adjacent to a restaurant.
    6. The clinic may not be located on the same property or in the same shopping area where another clinic exists.
    7. The clinic must comply with all other applicable state, local and federal regulation, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions.

C. Animal Clinics, Hospitals or Kennels
    1. Any building in which animals are kept, whether roofed sheltered or enclosed structure, shall be located a distance of 100 feet or more from any lot line.
    2. The animals shall, at a minimum, be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than 100 feet from a lot line.
    3. The clinic must comply with all other applicable state, local and federal regulation, including those that pertain to animal clinics and to nuisance, health, sanitation and safety conditions.

D. Drive-Thru Sales and Service.
    1. Drive-thru, sales and services
        a. Access. The driveway access shall not be on a residential street. The curb cut setbacks and parking shall be in conformance with Chapter 920, the Parking Ordinance.
        b. Compatibility. The service windows and driveway shall be screened from view if adjacent to a residentially used property.
        c. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
        d. Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
        e. Noise. The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and shall satisfy established state regulations.
        f. Stacking. Not less than 180 feet of segregated automobile stacking lane must be provided for the service window.

g. Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
h. Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.

E. Dry cleaning or laundry
1. The outside storage of materials and equipment is prohibited.
2. Operations with the primary function of in-store retail and general public customer contact are permitted.

F. Lodging
1. The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.

G. Professional services
1. The services which are provided are for the local area rather than the region.
2. The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets.

H. Micro-production facilities
1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according Minn. Stats. § 340A.
2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
3. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.
4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
6. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
7. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
8. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
9. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to

reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.

10. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.
11. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
12. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.

I. Health clinics

J. Sales, garden, greenhouses or nursery
   1. There are no growing fields on the site.
   2. Outdoor sales/display area shall be limited to 30 percent of the gross lot area and be in conformance with the performance standards of Section 937.09 of this Ordinance.

K. Repair of home, garden or personal appliances
   1. The use is conducted completely indoors.

L. Sales, service or rental; outdoors
   1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.
   1. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting residential zoning district.
   2. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
   3. Sales, service or rental areas are asphalt or concrete surfaced.
   4. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
   5. Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.

937.05 – Conditional Automobile Orientated Uses

A. Motor vehicle rental and sales
   1. The use is adequately screened from view of neighboring residential uses or an abutting Residential zoning district.
   2. Adequate measures are taken to control pollution and emissions exhaust.
   3. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses.
   4. Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
   5. Lighting. Each light standard base island and all islands in the parking lot shall be landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.
   6. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
   7. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
   8. Refuse Storage. All refuse shall be stored in containers as specified by the City Code. Said containers are to be fully screened and enclosed by a fence or similar structure.

B. Parking garages/lots

C. Car washes, principal
   1. Magazine or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30-minute period and shall be subject to the approval of the City Engineer.
   2. At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.
   3. Each light standard island and all islands in the parking lot shall be landscaped or covered.
   4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Chapter 918 of this Ordinance.
   5. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 916.06 of this Ordinance.
   6. All signing and information or visual communication devices shall be in compliance with the applicable provisions of Chapter 927 of this Ordinance.
   7. Provisions are made to control and reduce noise.

D. Convenience or Grocery Store with Gasoline. .
   1. Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.
   2. Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed are devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.
   3. Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.
   4. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
   5. Area. That the approximate area and location devoted to non-automatic merchandise sales shall be specified in general terms in the application and in the conditional use permit. Exterior sales shall be subject to a separate conditional use permit.
   6. Hours of Operation. The hours of operation shall be limited to 6.00 a.m. to 12.00 p.m., unless extended by the City Council.
   7. Motor Fuel Facilities. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
   8. Canopy. A protective canopy located over pump island may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off-site is maintained.
   9. Compatibility. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious finish treatment.
   10. Area. A minimum lot area of 20,000 square feet and minimum lot frontage of 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safety handling all activities and required facilities.
   11. Curb Separation. A continuous and permanent concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.
   12. Landscaping. At the boundaries of the lot, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.
   13. Light Standards Base Landscaped. Each light standard base shall be landscaped.

14. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
15. Outside Storage and Sales. No outside storage except as allowed in compliance with Section 937.09. An enclosed screened area is to be provided for rubbish and dumpsters.
16. Vehicle repair and service is prohibited on the site.

E. Motor vehicle service
    1. No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, shall be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public right-of-way.
    2. Sites for such facilities are freestanding and not part of a principal shopping center structure and shall have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area shall be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.
    3. Pump islands shall be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.
    4. Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment shall be used totally within an enclosed building.
    5. Facilities on a site from contiguous to any neighboring residential uses or an abutting residential zoning district shall not be operated between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise allowed by formal action of the City Council.
    6. Facilities may offer minor auto repairs, but they shall not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.
    7. Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
    8. Pump Islands. Wherever fuel pumps are to be installed, pump islands shall be installed.
    9. Green Strip. At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918.
    10. Lighting Standard Base Landscaped. Each light standard base shall be landscaped.
    11. Stacking, parking or car magazine storage space shall be screened from view of a butting residential districts in compliance with Chapter 918.
    12. Vehicle Circulation. Vehicular access points shall create a minimum of conflict with through traffic movement. Provisions shall be made for transport delivery of fuel which will not conflict with pump island service.
    13. Outside Storage. No outside storage except as allowed in compliance with Section 937.09 of this Ordinance.
    14. (C-2) Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
    15. Sales Limitations. Sale of products other than those specifically necessary for motor vehicle repair shall be subject to a conditional use permit and be in compliance with Section 937.09 of this Ordinance.

937.05 – Conditional Institutional Land Uses. All conditional uses are subject to the provisions of this Ordinance and require a conditional use permit based upon procedures set forth and regulated by Chapter 904 of this Ordinance.

A. Colleges, seminaries and other institutions of higher education.
    1. Provisions are made to buffer and screen from view of neighboring residential uses or an abutting residential zoning district.

2. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

B. Community centers.
   1. Provisions are made to buffer and screen from view of neighboring residential uses or an abutting residential zoning district.
   2. Adequate off-street parking and access is provided and that such parking is adequately screened and landscaped from adjoining and abutting residential uses or residential zoning districts.

C. Hospitals, residential care facilities, extended care facilities; rest homes and other elderly care facilities
   1. Interior side yards are screened.
   2. Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled and screened in compliance with Chapter 918 of this Ordinance.
   3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
   4. All signing and informational or visual communication devices shall be in compliance with Chapter 927 of this Ordinance.

937.06 – Conditional Recreational Land Uses. All conditional uses are subject to the provisions of this Ordinance and require a conditional use permit based upon procedures set forth and regulated by Chapter 904 of this Ordinance.

A. Clubs or Lodges, Existing.
   1. The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.

B. Amusement indoor
   1. If located within a shopping center, the use has its own exclusive exterior access.
   2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
   3. The hours of operation shall be subject to City Council control and change as a means to maintain compatibility of uses and activities.

C. Recreation, indoor
   1. The use shall not serve alcoholic beverages.
   2. If located within a shopping center, the use has its own exclusive exterior access.
   3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.

D. Recreation, Outdoor.
   1. Recreation, outdoor commercial
      a. The entire perimeter of the site is fenced in accordance with Chapter 918 of this Ordinance.
      b. The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses or abutting and residential zoning district.
      c. The principal use, function or activity is open, outdoor in character.
      d. Not more than five percent of the land area of site shall be covered by buildings or structures.
      e. Lighting. All lighting shall be hooded and so directed to prevent glare onto adjacent properties and/or roads.
      f. The site is well maintained, landscaped and screened in accordance with Chapter 918 of this Ordinance. When abutting a residential use or a residential zoning district, the property is screened and landscaped for the protection of the abutting use.

g. The land area of the property containing such use or activity meets the minimum established for the district.

937.08 – Conditional Manufacturing. All conditional uses are subject to the provisions of this Ordinance and require a conditional use permit based upon procedures set forth and regulated by Chapter 904 of this Ordinance.

A. Manufacturing
    1. The proposed use complies with the performance standards outlined in Chapters 916, 917, 918, 919, 920 and all other applicable provisions of this Ordinance.

937.09 – Accessory Uses

A. Sales, service or rental, accessory
    1. Such use is allowed as a permitted use in a C-1 or C-2 District.
    2. Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.
    3. All signing and informational or visual communication devices shall be in compliance with Chapter 927 this Ordinance.

B. Sidewalk cafe, outdoors
    1. A permit pursuant to City Code Ch. 315 is required.

C. Storage, indoor
    1. Indoor storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.

D. Storage, outdoor
    1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting a residential use or a residential use district.
    2. Storage is landscaped and screened from view from the public right-of-way.
    3. Storage area is blacktopped or concrete surfaced.
    4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
    5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

937.10 – Interim Uses

A. Existing car wash and dispensing operations, provided that:
    1. All proposed alterations and/or modifications to the building and site are subject to the issuance of a conditional use permit as set forth in Chapter 904 of the Zoning Ordinance.

CHAPTER 951 R-1A LOW DENSITY SINGLE FAMILY ESTATE DISTRICT

951.01 Purpose.

The R-1A District is intended to provide a low density residential district for existing large and estate-type properties. These properties are unique in that they are unusually large in size and frequently include accessory structures, such as ~~guest houses and employees' quarters~~accessory dwelling units. This district also allows recreational uses.

951.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the ~~"~~R-1A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Single family detached dwellings.~~
~~B. Essential services.~~
~~C. Day care facilities serving 12 or fewer persons.~~
~~D. Residential care facilities serving six or fewer persons.~~

951.03 Interim Uses.

~~Subject to applicable provisions of this Ordinance, the following are interim uses in the R-1A District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~ No interim uses are allowed in the R-1A District.

951.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in the ~~"~~R-1A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
~~B. Private garages and off-street parking.~~
~~C. Greenhouses, provided they do not exceed 200 square feet in area.~~
~~D. Swimming pools.~~
~~E. Tennis courts.~~
~~F. Living quarters within the principal structure of persons employed on the premises.~~
~~G. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
~~H. Accessory uses customarily incidental to the uses permitted in Sections 951.02 and 951.05 of this Ordinance.~~

951.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"~~R-1A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~All conditional use~~s require a conditional use~~ permit ~~based upon~~approved under the procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.~~)~~

~~A. One guest, carriage, or caretaker's house as an accessory use, provided that:~~

~~1. The structure will not be used for rental purposes.~~
~~2. The structure, design, building materials and color are compatible with the principal structure and surrounding land uses.~~
~~3. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Off-site private recreational facilities, provided that:~~

~~1. Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~

2. The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.
3. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.
4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. Public parks, playgrounds, cemeteries and memorial gardens, provided that:

1. The site is landscaped.
2. The use is available to the "public."
3. The land area of the property containing such use or activity meets the minimum established for the district.
4. The use meets the minimum setback requirements for accessory structures.
5. The site accesses on a collector or arterial street.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Accommodations for horses as an accessory use, in accordance with the following provisions:

1. The minimum lot size for accommodating one horse shall be three acres, and the minimum lot size for two horses shall be five acres. No more than two horses may be accommodated on any one property within the City.
2. All stables shall be located a minimum distance of 300 feet from any adjacent residential structure, excluding the structure of the applicant, and all corral areas shall be located a minimum distance of 200 feet from any adjacent residential structure, excluding the residence of the applicant.
3. All accommodations for horses shall occur within the rear yard of a residential lot.
4. Where an application for the boarding of a horse shall occur adjacent to a vacant lot, the City Council shall take into account a proper location of a future residence in considering the application.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

E. Commercial outdoor recreational areas including golf courses and country clubs, swimming pools and similar facilities, provided that:

1. The principal use, function or activity is open, outdoor in character.
2. Not more than five percent of the land area of the site shall be covered by buildings or structures.
3. When abutting a residential use or a residential use district, the property is screened and landscaped for the protection of the abutting use.
4. The land area of the property containing such use or activity meets the minimum established for the district.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

F. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
3. Planned unit development as regulated by Chapter 933 of this Ordinance.

951.06 Lot Area and Setback ~~Requirements~~Standards.

The following minimum requirements ~~shall~~ must be ~~observed~~ met for all lots in the~~an~~ "R-1A" District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Area Requirements:

1. Lot Area: 80,000 square feet.
2. Lot Width: 200 feet.

3. Lot Depth: 200 feet.

B. Minimum Setbacks:

1. Principal Structure:

a) Front Yard: 45 feet.
b) Side Yard: 20 feet.
c) Rear Yard: 50 feet.

2. Accessory Structure(s):

a) Front Yard: 50 feet.
b) Side Yard: ~~Ten~~ 10 feet.
c) Rear Yard: ~~Ten~~ 10 feet.

C. Structures Adjacent to a Shoreline Used Exclusively for the Storage of Watercraft:

1. Side Yard: ~~Ten~~ 10 feet.
2. Rear Yard: None required.

951.07 Lot Coverage, Impervious Surface and Height Standards.

The following ~~requirements shall be observed~~limits apply in ~~an~~ the "R-1A" District:

A. Lot coverage ~~shall~~ may not exceed ten percent of lot area. Impervious surfaces on a lot ~~shall~~ may not exceed 20 percent of ~~the~~ lot area.
B. ~~All S~~single family residences ~~shall~~ may ~~be limited~~not exceed ~~to~~ a ~~maximum~~ height of three stories ~~and~~ or 40 feet~~, whichever is lesser~~.
C. ~~All accessory~~ Accessory buildings ~~shall be limited to~~may not exceed a ~~maximum~~ height of two stories or~~and~~ 25 feet~~, whichever is lesser~~.

CHAPTER 952 R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

952.01 Purpose.

The purpose of the R-1 Low Density Single Family District is to provide for exclusive low density single family detached residential dwelling units and directly related, complementary uses. These properties are large in size and commonly have accessory structures, such as ~~guest houses and employees' quarters~~accessory dwelling units. This district also allows limited recreational uses.

952.02 Permitted Use.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in an ~~"~~R-1~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Single family detached dwellings.~~
~~B. Essential services.~~
~~C. Day care facilities serving 12 or fewer persons.~~
~~D. Residential care facilities serving six or fewer persons.~~

952.03 Interim Use.

No interim uses are allowed in the R-1 District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the R-1 District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

952.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in the ~~"~~R-1~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
~~B. Private garages and off-street parking.~~
~~C. Greenhouses, provided they do not exceed 200 square feet in area.~~
~~D. Swimming pools.~~
~~E. Living quarters within the principal structure of persons employed on the premises.~~
~~F. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
~~G. Accessory uses customarily incidental to the uses permitted in Sections 952.02 and 952.05 of this Ordinance.~~

952.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"~~R-1~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~All conditional use s require a conditional use permit based upon procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. One guest, carriage, or caretaker's house as an accessory use, provided that:~~

~~1. The structure will not be used for rental purposes.~~
~~2. The structure, design, building materials and color are compatible with the principal structure and surrounding land uses.~~
~~3. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Off-site private recreational facilities, provided that:~~

~~1. Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~

2. The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.
3. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.
4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. Public parks, playgrounds, cemeteries and memorial gardens, provided that:

1. The site is landscaped.
2. The use is available to the "public."
3. The land area of the property containing such use or activity meets the minimum established for the district.
4. The use meets the minimum setback requirements for accessory structures.
5. The site accesses on a collector or arterial street.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Accommodations for horses as an accessory use, in accordance with the following provisions:

1. The minimum lot size for accommodating one horse shall be three acres, and the minimum lot size for two horses shall be five acres. No more than two horses may be accommodated on any one property within the City.
2. All stables shall be located a minimum distance of 300 feet from any adjacent residential structure, excluding the structure of the applicant, and all corral areas shall be located a minimum distance of 200 feet from any adjacent residential structure, excluding the residence of the applicant.
3. All accommodations for horses shall occur within the rear yard of a residential lot.
4. Where an application for the boarding of a horse shall occur adjacent to a vacant lot, the City Council shall take into account a proper location of a future residence in considering the application.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

E. Commercial outdoor recreational areas including golf courses and country clubs, swimming pools and similar facilities, provided that:

1. The principal use, function or activity is open, outdoor in character.
2. Not more than five percent of the land area of the site shall be covered by buildings or structures.
3. When abutting a residential use or a residential use district, the property is screened and landscaped for the protection of the abutting use.
4. The land area of the property containing such use or activity meets the minimum established for the district.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

F. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

G. Planned unit development as regulated by Chapter 933 of this Ordinance.

952.06 Lot Area and Setback RequirementsStandards.

The following minimum requirements shall must be met for all lotsobserved in an the "R-1" District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Area Requirements:

1. Lot Area: 40,000 square feet.
2. Lot Width: 150 feet.

3. Lot Depth: 150 feet.

B. Minimum Setbacks:

1. Principal Structure:

a) Front Yard: 45 feet.
b) Side Yard: 20 feet.
c) Rear Yard: 50 feet.

2. Accessory Structure(s):

a) Front Yard: 50 feet.
b) Side Yard: ~~Ten~~ 10 feet.
c) Rear Yard: ~~Ten~~ 10 feet.

C. Structures Adjacent to a Shoreline Used Exclusively for the Storage of Watercraft:

1. Side Yard: ~~Ten~~ 10 feet.
2. Rear Yard: None required.

952.07 Lot Coverage, Impervious Surfaces and Height.

The following lot coverage, impervious surface and height ~~requirements shall be observed~~limits apply in an "R-1" District:

A. Lot coverage ~~shall~~ may not exceed 15 percent of lot area. Impervious surfaces on a lot ~~shall~~ may not exceed 25 percent of ~~the~~ lot area.
B. ~~All~~ S~~s~~ingle family residences ~~shall be limited to~~may not exceed a ~~maximum~~ height of three stories ~~and~~ or 40 feet~~, whichever is lesser~~.
C. A~~ll a~~ccessory buildings ~~shall be limited to~~may not exceed a ~~maximum~~ height of two stories ~~and~~ or 25 feet~~, whichever is lesser~~.

CHAPTER 953 R-2A SINGLE FAMILY RESIDENTIAL DISTRICT

953.01 Purpose.

The purpose of the R-2A Single Family Residential District is to provide for low to medium density single family detached dwelling units, accessory dwelling units, and directly related, complementary uses.

953.02 Permitted Use.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the ~~"~~R-2A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Single family detached dwellings.~~
~~B. Essential services.~~
~~C. Day care facilities serving 12 or fewer persons.~~
~~D. Residential care facilities serving six or fewer persons.~~

953.03 Interim Use.

No interim uses are allowed in the R-2A District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the R-2A District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

953.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in the ~~"~~R-2A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
~~B. Private garages and off-street parking.~~
~~C. Greenhouses, provided they do not exceed 200 square feet in area.~~
~~D. Swimming pools.~~
~~E. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
~~F. Accessory uses customarily incidental to the uses permitted in Sections 953.02 and 953.05 of this Ordinance.~~

953.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"~~R-2A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~ All conditional use~~s require a conditional use~~ permit based upon procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. Off-site private recreational facilities, provided that:~~

~~1. Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
~~2. The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
~~3. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.~~
~~4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Public parks, playgrounds, cemeteries and memorial gardens, provided that:~~

~~1. The site is landscaped.~~

2. The use is available to the "public."
3. The land area of the property containing such use or activity meets the minimum established for the district.
4. The use meets the minimum setback requirements for accessory structures.
5. The site accesses on a collector or arterial street.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Planned unit development as regulated by Chapter 933 of this Ordinance.
E. Tennis courts as an accessory use, provided that:

1. The use is not located within the front yard.
2. The courts shall be fenced in accordance with Chapter 918 of this Ordinance.
3. The courts shall meet the setback requirements for an accessory structure.
4. Any lighting used shall not allow the light to spread to adjoining properties.
5. A grading and drainage plan must be submitted and approved by the City Engineer.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

F. Living quarters of persons employed on the premises, provided that:

1. Occupancy is limited to the principal structure.
2. Such accommodations are provided for no more than one family.
3. Two extra off-street parking spaces are provided on the lot.
4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

G. Sailing School, provided the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

953.06 Lot Area and Setback RequirementsStandards.

The following minimum requirements shall must be met for all lotsobserved in an the "R-2A" District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Area Requirements:

1. Lot Area: 25,000 square feet.
2. Lot Width: 100 feet.
3. Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:

a) Front Yard: 30 feet.
b) Side Yard: 15 feet.
c) Rear Yard: 20 feet.

2. Accessory Structure(s):

a) Front Yard: 35 feet.
b) Side Yard: 15 feet.
c) Rear Yard: Five 5 feet.

953.07 Lot Coverage, Lot Coverage and Height.

The following requirements shall be observedlimits apply in an the "R-2A" District:

A. Lot coverage shall may not exceed 20 percent of lot area. Impervious surfaces on a lot shall may not exceed 30 percent of the lot area.

B. ~~All~~ S~~s~~ingle family residences ~~shall be limited to~~may not exceed a ~~maximum~~ height of three stories ~~and~~ or 40 feet~~, whichever is lesser~~.
C. A~~ll a~~ccessory buildings, except for accessory dwelling units, ~~shall be limited to~~may not exceed a ~~maximum~~ height of 20 feet.
D. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 954 R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

954.01 Purpose.

The purpose of the R-2 Medium Density Single Family Residential District is to provide for medium density single family detached dwelling units, accessory dwelling units, and directly related, complementary uses.

954.02 Permitted Use.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the ~~"~~R-2~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Single family detached dwellings.~~
~~B. Essential services.~~
~~C. Day care facilities serving 12 or fewer persons.~~
~~D. Residential care facilities serving six or fewer persons.~~

954.03 Interim Use.

No interim uses are allowed in the R-2 District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the R-2 District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

954.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in the ~~"~~R-2~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
~~B. Private garages and off-street parking.~~
~~C. Greenhouses, provided they do not exceed 200 square feet in area.~~
~~D. Swimming pools.~~
~~E. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
~~F. Accessory uses customarily incidental to the uses permitted in Sections 954.02 and 954.05 of this Ordinance.~~

954.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"~~R-2~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~All conditional use s require a conditional use permit based upon procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. Off-site private recreational facilities, provided that:~~

~~1. Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
~~2. The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
~~3. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.~~
~~4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Public parks, playgrounds, cemeteries and memorial gardens, provided that:~~

~~1. The site is landscaped.~~
~~2. The use is available to the "public."~~

3. The land area of the property containing such use or activity meets the minimum established for the district.
4. The use meets the minimum setback requirements for accessory structures.
5. The site accesses on a minor arterial.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Planned unit development as regulated by Section 801.33 of this Ordinance.
E. Tennis courts as an accessory use, provided that:

1. The use is not located within the front yard.
2. The courts shall be fenced in accordance with Chapter 918 of this Ordinance.
3. The courts shall meet the setback requirements for an accessory structure.
4. Any lighting used shall not allow the light to spread to adjoining properties.
5. A grading and drainage plan must be submitted to and subject to approval of the City Engineer.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

F. Living quarters of persons employed on the premises, provided that:

1. Occupancy is limited to the principal structure.
2. Such accommodations are provided for no more than one family.
3. Two extra off-street parking spaces are provided on the lot.
4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

954.06 Lot Area and Setback RequirementsStandards.

The following minimum requirements shall must be met for all lotsobserved in thean "R-2" District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Area Requirements:

1. Lot Area: 15,000 square feet.
2. Lot Width: 100 feet.
3. Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:

a) Front Yard: 25 feet.
b) Side Yard: Ten 10 feet.
c) Rear Yard: 20 feet.

2. Accessory Structure(s):

a) Front Yard: 30 feet.
b) Side Yard: Five 5 feet.
c) Rear Yard: Five 5 feet.

954.07 Lot Coverage, Impervious Surfaces and Height.

The following requirements shall be observedlimits apply in an the "R-2" District:

A. Lot coverage shall may not exceed 20 percent of lot area. Impervious surfaces on a lot shall may not exceed 30 percent of the lot area.
B. All Ssingle family residences shall be limited tomay not exceed a maximum height of 2½ stories and or 30 feet, whichever is lesser.

C. All accessory buildings, except for accessory dwelling units, shall be limited tomay not exceed a maximum height of 20 feet.
D. All detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 955 R-3A SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

955.01 Purpose.

The purpose of the R-3A Single and Two Family Residential District is to provide for high density single family dwelling units in the community's oldest neighborhoods and to introduce on a restricted basis, two family dwelling units, accessory dwelling units, and directly related, complementary uses.

955.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the ~~"~~R-3A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Single family detached dwellings.~~
~~B. Essential services.~~
~~C. Day care facilities serving 12 or fewer persons.~~
~~D. Residential care facilities serving six or fewer persons.~~
~~E. Public parks and playgrounds.~~

955.03 Interim Use.

No interim uses are allowed in the R-3A District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the R-3A District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

955.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted accessory uses in the "~~R-3A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.:

~~A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
~~B. Private garages and off-street parking.~~
~~C. Greenhouses, provided they do not exceed 200 square feet in area.~~
~~D. Swimming pools.~~
~~E. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
~~F. Accessory uses customarily incidental to the uses permitted in Sections 955.02 and 955.05 of this Ordinance.~~

955.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"~~R-3A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~All conditional use s require a conditional use permit based upon procedures and standards set forth ~~and regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

~~1. When abutting a residential use in a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Planned unit development as regulated by Section 801.33 of this Ordinance.~~
~~C. Tennis courts as an accessory use, provided that:~~

~~1. The use is not located within the front yard.~~
~~2. The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
~~3. The courts shall meet the setback requirements for an accessory structure.~~

~~4. Any lighting used shall not allow the light to spread to adjoining properties.~~
~~5. A grading and drainage plan must be submitted and approved by the City Engineer.~~
~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~D. Two family detached dwellings, provided that:~~

~~1. They are located and designed so as to be compatible with the surrounding neighborhood.~~
~~2. The provisions of Section 904.02.F of this Ordinance are considered satisfactorily met.~~

955.06 Lot Area and Setback ~~Requirements~~Standards.

The following minimum requirements ~~shall~~ must be met for all lots~~observed~~ in ~~an~~ the ~~"~~R-3A~~"~~ District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Area Requirements:

1. Single Family:

a) Minimum Lot Area: 9,000 square feet.
b) Minimum Lot Width: 60 feet.
c) Minimum Lot Depth: 100 feet.

2. Two Family:

a) Minimum Lot Area: 18,000 square feet.
b) Minimum Lot Area Per Unit: 9,000 square feet.
c) Minimum Lot Width: 100 feet.
d) Minimum Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:

a) Front Yard: 20 feet.
b) Side Yard: ~~Ten~~ 10 feet.
c) Rear Yard: 20 feet.
d) Corner Lots: Lots fronting two principal streets shall be considered corner lots, and shall have a minimum of a 20 foot setback for both the front yard and side yard which abut a principal street. For corner lots that have less than 60 feet in width, the rear yard setback may be reduced to ~~ten~~ 10 feet, and the inside side yard (non-principal street fronting) may be reduced to ~~five~~ 5 feet.

2. Accessory Structure(s):

a) Front Yard: 20 feet.
b) Side Yard: ~~Five~~ 5 feet.
c) Rear Yard: ~~Five~~ 5 feet.

955.07 Lot Coverage, Impervious Surfaces and Height.

The following lot coverage, impervious surfaces and height ~~requirements shall be observed~~limits apply in an ~~"~~R-3A~~"~~ District:

A. Lot coverage ~~shall~~ may not exceed 30 percent of lot area. Impervious surfaces on a lot ~~shall~~ may not exceed 35 percent of ~~the~~ lot area.
B. R~~All r~~esidences ~~shall be limited to~~may not exceed a ~~maximum~~ height of two stories ~~and~~ or 32 feet in vertical distance above the Grade Plane, as measured to the peak of the roof~~, whichever is lesser~~.
C. A~~ll residential a~~ccessory buildings, except for accessory dwelling units, ~~shall be limited to~~may not exceed a ~~maximum~~ height of 20 feet.
D. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 956 R-3 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

956.01 Purpose.

The purpose of the R-3 Single Family and Two Family Residential District is to provide for high density single family dwelling units and to introduce on a restricted basis, two family dwelling units, accessory dwelling units, and directly related, complementary uses.

956.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the ~~"~~R-3~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Single family detached dwellings.~~
~~B. Essential services.~~
~~C. Day care facilities serving 12 or fewer persons.~~
~~D. Residential care facilities serving six or fewer persons.~~
~~E. Public parks and playgrounds.~~

956.03 Interim Use.

No interim uses are allowed in the R-3 District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the R-3 District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

956.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in the ~~"~~R-3~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
~~B. Private garages and off-street parking.~~
~~C. Greenhouses, provided they do not exceed 200 square feet in area.~~
~~D. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
~~E. Accessory uses customarily incidental to the uses permitted in Sections 956.02 and 956.05 of this Ordinance.~~

956.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"~~R-3~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~All conditional use s require a conditional use permit based upon procedures and standards set forth ~~and regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Planned unit development as regulated by Chapter 933 of this Ordinance.~~
~~C. Tennis courts as an accessory use, provided that:~~

~~1. The use is not located within the front yard.~~
~~2. The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
~~3. The courts shall meet the setback requirements for an accessory structure.~~
~~4. Any lighting used shall not allow the light to spread to adjoining properties.~~
~~5. A grading and drainage plan must be submitted and approved by the City Engineer.~~
~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~D. Two family detached dwellings, provided that:~~

~~1. They are located and designed so as to be compatible with the surrounding neighborhood.~~
~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

956.06 Lot Area and Setback ~~Requirements~~Standards.

The following minimum requirements ~~shall~~ must be met for all lots~~observed~~ in ~~an~~ the ~~"~~R-3~~"~~ District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Area Requirements:

1. Single Family:

a) Minimum Lot Area: 9,000 square feet.
b) Minimum Lot Width: 60 feet.
c) Minimum Lot Depth: 100 feet.

2. Two Family:

a) Minimum Lot Area: 18,000 square feet.
b) Minimum Lot Area Per Unit: 9,000 square feet.
c) Minimum Lot Width: 100 feet.
d) Minimum Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Single Family, Two Family:

a) Front Yard: 20 feet.
b) Side Yard: ~~Ten~~ 10 feet.
c) Rear Yard: 20 feet.

2. Accessory Structure(s):

a) Front Yard: 20 feet.
b) Side Yard: ~~Five~~ 5 feet.
c) Rear Yard: ~~Five~~ 5 feet.

956.07 Lot Coverage, Impervious Surfaces and Height.

The following lot coverage, impervious surfaces and height requirements ~~shall be observed~~limits apply in the~~an~~ ~~"~~R-3~~"~~ District:

A. Lot coverage ~~shall~~ may not exceed 30 percent of lot area. Impervious surfaces on a lot ~~shall~~ may not exceed 35 percent of ~~the~~ lot area.
B. ~~All~~ R~~r~~esidences ~~shall be limited to~~may not exceed a ~~maximum~~ height of 2½ stories ~~and~~ or 30 feet~~, whichever is lesser~~.
C. A~~ll residential a~~ccessory buildings, except for accessory dwelling units, ~~shall be limited to~~may not exceed a ~~maximum~~ height of 20 feet.
D. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 957 R-4A LOW TO MEDIUM DENSITY MULTIPLE RESIDENTIAL DISTRICT

957.01 Purpose.

The R-4A District is intended to provide a district which will allow low to medium density ~~single family,~~ two family dwellings, townhouses and cluster housing in those areas where such development properly relates to other land uses and major streets, or where said use may act as a transition between land uses.

957.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the ~~"~~R-4A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Single family detached dwellings.~~
~~B. Essential services.~~
~~C. Day care facilities serving 12 or fewer persons.~~
~~D. Residential care facilities serving six or fewer persons.~~
~~E. Public parks and playgrounds.~~
~~F. Townhouses.~~
~~G. Two family dwellings.~~

957.03 Interim Use.

No interim uses are allowed in the R-4A District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the R-4A District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

957.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in an ~~"~~R-4A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
~~B. Private garages and off-street parking.~~
~~C. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
~~D. Accessory uses customarily incidental to the uses permitted in Sections 957.02 and 957.05 of this Ordinance.~~
~~E. Off-street loading areas.~~

957.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"~~R-4A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~ All conditional use s require a conditional use based upon procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. Swimming pools as an accessory use, provided that:~~

~~1. The use is fenced in accordance with Chapter 918 of this Ordinance.~~
~~2. The use is not located within the front yard.~~
~~3. The use shall meet setbacks for accessory structures.~~
~~4. All City permits are obtained for the use.~~
~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Tennis courts as an accessory use, provided that:~~

~~1. The use is not located within the front yard.~~
~~2. The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~

~~3. The courts shall meet the setback requirements for an accessory structure.~~
~~4. Any lighting used shall not allow the light to spread to adjoining properties.~~
~~5. A grading and drainage plan must be submitted and approved by the City Engineer.~~
~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~C. Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:~~

~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~D. Planned unit development as regulated by Chapter 933 of this Ordinance.~~

957.06 Lot Area and Setback ~~Requirements~~Standards.

The following minimum requirements ~~shall~~ must be met for all lots~~observed~~ in ~~an~~ the "R-4A" District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Area Requirements:

~~1. Single Family:~~

~~a) Minimum Lot Area: 12,000 square feet.~~
~~b) Minimum Lot Width: 80 feet.~~
~~c) Minimum Lot Depth: 100 feet.~~

1~~2~~. Two Family:

a) Minimum Total Lot Area: 18~~24~~,000 square feet.
b) Minimum Lot Area Per Dwelling Unit: ~~12~~9,000 square feet.
~~c) Minimum Lot Width: 100 feet.~~

2~~3~~. Townhouses:

a) Minimum Total Lot Area: ~~30~~21,000 square feet.
b) Minimum Lot Area Per Dwelling Unit: ~~10~~7,000 square feet.
~~c) Minimum Lot Width: 120 feet.~~

B. Minimum Setbacks:

1. ~~Single Family, Two Family~~Principal Structure(s):

a) Front Yard: 30 feet.
b) Side Yard: ~~Ten~~ 10 feet.
c) Rear Yard: 20 feet.

~~2. Townhouses:~~

~~a) Front Yard Setback: 35 feet.~~
~~b) Side Yard Setback: 20 feet.~~
~~c) Rear Yard Setback: 40 feet.~~

2~~3~~. Accessory Structure(s):

a) Front Yard Setback: 40 feet.
b) Side Yard Setback: ~~Ten~~ 10 feet.
c) Rear Yard Setback: ~~Ten~~ 10 feet.

C. Should a structure containing four or more units be built upon property which abuts property zoned and used for a less intensive use, yard and setback requirements where the properties are contiguous shall conform to those which would be required in the zoning district which calls for the greater setbacks.

957.07 Lot Coverage, Impervious Surfaces and Height.

The following lot coverage, impervious surfaces and height ~~requirements shall be observed in~~limits apply ~~an~~ in the "~~"~~R-4A~~"~~ District:

A. Lot coverage ~~and impervious surface shall~~ may not exceed 35 percent of lot area. Impervious surfaces may not exceed 35 percent of lot area.

B. ~~All~~ B~~b~~uildings ~~shall be limited to~~may not exceed a ~~maximum~~ height of 2½ stories ~~and~~ or 3~~0~~5 feet~~, whichever is lesser~~.

CHAPTER 958 R-4 MEDIUM DENSITY MULTIPLE RESIDENTIAL DISTRICT

958.01 Purpose.

The R-4 District is intended to provide a district which will allow medium density ~~one or~~ two family dwellings, townhouses and ~~cluster~~ multiple dwelling housing in those areas where such development properly relates to other land uses and thoroughfares, or where said use may act as a transition between land uses.

958.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the ~~"~~R-4~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Single family detached dwellings.~~
~~B. Essential services.~~
~~C. Day care facilities serving 12 or fewer persons.~~
~~D. Residential care facilities serving six or fewer persons.~~
~~E. Public parks and playgrounds.~~
~~F. Townhouses.~~
~~G. Two family dwellings.~~

958.03 Interim Use.

No interim uses are allowed in the R-4 District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the R-4 District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

958.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in an ~~"~~R-4~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
~~B. Private garages and off-street parking.~~
~~C. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
~~D. Accessory uses customarily incidental to the uses permitted in Sections 801.58.2 and 801.58.5 of this Ordinance.~~
~~E. Off-street loading areas.~~

958.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"~~R-4~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~All conditional use s require a conditional use based upon procedures set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. Swimming pools as an accessory use, provided that:~~

~~1. The use is fenced in accordance with Chapter 918 of this Ordinance.~~
~~2. The use is not located within the front yard.~~
~~3. The use shall meet setbacks for accessory structures.~~
~~4. All City permits are obtained for the use.~~
~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Tennis courts as an accessory use, provided that:~~

~~1. The use is not located within the front yard.~~
~~2. The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
~~3. The courts shall meet the setback requirements for an accessory structure.~~

~~4. Any lighting used shall not allow the light to spread to adjoining properties.~~
~~5. A grading and drainage plan must be submitted and approved by the City Engineer.~~
~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~C. Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:~~

~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Section 801.18 of this Ordinance.~~
~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~D. Planned unit development as regulated by Chapter 933 of this Ordinance.~~

958.06 Lot Area and Setback ~~Requirements~~Standards.

The following minimum requirements ~~shall~~ must be met for all lots~~observed~~ in ~~an~~ the R-4 District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Area Requirements:

~~1. Single Family:~~

~~a) Minimum Lot Area: 9,000 square feet.~~
~~b) Minimum Lot Width: 60 feet.~~
~~c) Minimum Lot Depth: 100 feet.~~

1~~2~~. Two Family:

a) Minimum Total Lot Area: 1~~4~~8,000 square feet.
b) Minimum Lot Area Per Dwelling Unit: 7~~9~~,000 square feet.
~~c) Minimum Lot Width: 100 feet.~~

2~~3~~. Townhouses:

a) Minimum Total Lot Area: 15~~27~~,000 square feet.
b) Minimum Lot Area Per Dwelling Unit: 5~~9~~,000 square feet.
~~c) Minimum Lot Width: 100 feet.~~

3. Multiple Family Dwellings:
a) Minimum Total Lot Area: 30,000 square feet.
b) Minimum Lot Area per Dwelling Unit: 3,750 square feet.

4. Multiple Family Dwelling-Elderly Housing:
a) Minimum Total Lot Area: 30,000 square feet.
b) Minimum Lot Area per Dwelling Unit: 3,750 square feet.

B. Minimum Setbacks:

1. ~~Single Family, Two Family~~Principal Structure(s):

a) Front Yard: 20 feet.
b) Side Yard: ~~Ten~~ 10 feet.
c) Rear Yard: ~~20~~10 feet.

~~2. Townhouses:~~

~~a) Front Yard Setback: 35 feet.~~
~~b) Side Yard Setback: 20 feet.~~
~~c) Rear Yard Setback: 40 feet.~~

2~~3~~. Accessory Structure(s):

a) Front Yard Setback: 20 feet.
b) Side Yard Setback: ~~Ten~~ 5 feet.
c) Rear Yard Setback: ~~Ten~~ 5 feet

C. Should a structure containing four or more units be built upon property which abuts property zoned and used for a less intensive use, yard and setback requirements where the properties are contiguous shall conform to those which would be required in the zoning district which calls for the greater setbacks.

958.07 Lot Coverage, Impervious Surfaces and Height.

The following lot coverage, impervious surfaces and height ~~requirements shall be observed in an~~limits apply in the ~~"~~R-4~~"~~ District:

A. Lot coverage ~~and impervious surface shall~~ may not exceed 35 percent of lot area. Impervious surfaces shall not exceed 45 percent of the lot area.

B. ~~All buildings~~ Buildings ~~shall be limited to~~may not exceed a ~~maximum~~ height of 3~~2~~½ stories ~~and~~ of 35 feet~~, whichever is lesser~~.

CHAPTER 959 R-5 ~~AVERAGE~~HIGH DENSITY MULTIPLE RESIDENTIAL DISTRICT

959.01 Purpose.

The R-5 District is intended to provide a general multiple residence district of ~~average~~ high density in those areas where such development property relates to other land uses and thorough fares, or where said use may act as a transition between land uses.

959.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the ~~"~~R-5~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Single family detached dwellings.~~
~~B. Essential services.~~
~~C. Day care facilities serving 12 or fewer persons.~~
~~D. Residential care facilities serving six or fewer persons in single family detached dwellings.~~
~~E. Public parks and playgrounds.~~
~~F. Townhouses.~~
~~G. Two family dwellings.~~
~~H. Multiple family dwellings.~~
~~I. Manor homes.~~
~~J. Quadraminiums.~~
~~K. Residential care facilities in multiple family structures having 16 or fewer persons.~~

959.03 Interim Use.

No interim uses are allowed in the R-5 District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the R-5 District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

959.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in an ~~"~~R-5~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
~~B. Private garages and off-street parking.~~
~~C. Living quarters of persons employed on the premises.~~
~~D. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
~~E. Accessory uses customarily incidental to the uses permitted in Sections 959.02 and 959.05 of this Ordinance.~~
~~F. Off-street loading areas.~~

959.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"~~R-5~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~All conditional use s require a conditional use permit based upon procedures set forth in ~~an regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. Swimming pools as an accessory use, provided that:~~

~~1. The use is fenced in accordance with Chapter 918 of this Ordinance.~~
~~2. The use is not located within the front yard.~~
~~3. The use shall meet setbacks for accessory structures.~~
~~4. All City permits are obtained for the use.~~
~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Halfway houses, as defined in Chapter 902 of this Ordinance, provided that:~~

~~1. The use is licensed by the State.~~
~~2. Provisions are made to ensure compatibility with surrounding uses.~~
~~3. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~C. Housing for the elderly, as defined by Section 902.02 of this Ordinance, in accordance with the following special provisions.~~

~~1. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~D. Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:~~

~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
~~3. Planned unit development as regulated by Chapter 933 of this Ordinance.~~

959.06 Lot Area and Setback ~~Requirements~~Standards.

The following minimum requirements ~~shall~~ must be met for all lots~~observed~~ in ~~an~~ the ~~"~~R-5~~"~~ District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Area Requirements:

~~1. Single Family:~~

~~a) Minimum Lot Area: 9,000 square feet.~~
~~b) Minimum Lot Width: 60 feet.~~
~~c) Minimum Lot Depth: 100 feet.~~

~~2. Two Family:~~

~~a) Minimum Lot Area Per Dwelling Unit: 5,300 square feet.~~
~~b) Minimum Total Lot Area: 10,600 square feet.~~

~~3. Townhouses, Quadraminiums, Manor Homes:~~

~~a) Minimum Lot Area Per Dwelling Unit: 5,300 square feet.~~
~~b) Minimum Total Lot Area: 10,600 square feet.~~

1~~4~~. Multiple Family Dwellings:

a) Minimum Lot Area Per Dwelling Unit: 2,~~500~~ 175 square feet.
b) Minimum Total Lot Area: 20,000 square feet.

2~~5~~. Multiple Family Dwelling-Elderly Housing:

a) Minimum Lot Area Per Dwelling Unit: 1,000 square feet per unit.
b) Minimum Total Lot Area: 20,000 square feet.

B. Minimum Setbacks:

1. ~~Single Family, Two Family~~Principal Structure(s):

a) Front Yard: 20 feet.
b) Side Yard: ~~Ten~~ 10 feet.
c) Rear Yard: ~~20~~ 10 feet.

2. Accessory Structure(s):

a) Front Yard: 20 feet.
b) Side Yard: ~~Five~~ 5 feet.
c) Rear Yard: ~~Five~~5 feet.

959.07 Schedule of Allowances.

Except for elderly housing, the lot areas per multiple family dwelling unit prescribed above shall be further subject to the following schedule of allowances, which shall be added to or subtracted from the minimum lot area per dwelling unit as prescribed, thereby relating density requirements to the location, use and access provided the property.

A. For each parking space provided under the living area of a building or underground subtract 300 square feet.

B. ~~If an adjacent site is zoned R-1A, R-1, R-2A, R-2, R-3A or R-3 Residential use, add 300 square feet per unit for that portion of any building within 200 feet of said district.~~ If the project includes a renewable energy component or meets a sufficient energy certification as defined by the City's Sustainability Policy that produces 100% of the energy usage per unit, subtract 300 square feet per unit.

C. ~~If an adjacent site is zoned for commercial use, subtract 300 square feet per unit for that portion of any building within 200 feet of said district.~~ If the project includes affordable housing units as defined by the City's Affordable Housing Policy, subtract 300 square feet per unit.

D. ~~For each unit containing bedrooms in excess of two, add 300 square feet.~~

~~E.~~ The maximum allowance which may be subtracted under Section 959.07.A and B~~C~~ shall be 675~~500~~ square feet per unit.

959.08 Lot Coverage, Impervious Surfaces and Height ~~and Bulk~~.

The following lot coverage, imperious surfaces and height ~~and bulk requirements shall be observed~~limits apply in the ~~"~~R-5~~"~~ District:

A. Lot coverage ~~shall~~ may not exceed 4~~3~~0 percent of lot area. Impervious surfaces on a lot ~~shall~~ may not exceed ~~3~~50 percent of the lot area.

~~B. The maximum floor area ration (F.A.R.) shall be 0.7.~~

B~~C~~. ~~All~~ Bbuildings ~~shall be limited to~~may not exceed a ~~maximum~~ height of three stories ~~and~~ or 35 feet~~, whichever is lesser~~.

CHAPTER 970 INS INSTITUTIONAL DISTRICT

970.01 - Purpose.

The INS District is intended to provide a district for facilities devoted to serving the public. It is unique in that the primary objective of uses within this district is the provision of services, frequently on a non-profit basis, rather than the sale of goods or services. It is intended that uses within such a district will be compatible with adjoining development, and they normally will be located on an arterial street or thoroughfare.

970.02 - Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the INS District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Pre-school, elementary, junior or senior high schools having a regular course of study accredited by the State of Minnesota.~~

~~B. Religious institutions, such as churches, chapels, temples and synagogues.~~

~~C. Publicly owned civic or cultural buildings, such as libraries, City offices, auditoriums, public administration buildings, public parking structures as a principal and sole use, and historical developments.~~

970.03 - Interim Use.

No interim uses are allowed in the INS District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the INS District and are governed by Chapter 934 of this Ordinance:~~

~~None.~~

970.04 - Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in the INS District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Accessory uses customarily incidental to the uses permitted in Sections 970.02 and 970.05 of this Ordinance.~~

~~B. Parks, playgrounds or athletic fields.~~

~~C. Off-street parking and loading areas.~~

970.05 - Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an INS District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~All conditional use s require a conditional use permit based upon procedures set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. Automobile parking lots as a principal use, provided that:~~

~~1. The use and design is in conformance with Chapter 920 of this Ordinance.~~

~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Cemeteries or memorial gardens, provided that:~~

~~1. The site is landscaped.~~

~~2. The use is available to the "public."~~

3. The land area of the property containing such use or activity meets the minimum established for the district.

4. The use meets the minimum setback requirements for accessory structures.

5. The site accesses on a collector or arterial street.

6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. Colleges, seminaries and other institutions of higher education, provided that:

1. Adequate parking is provided in conformance with Chapter 920 of this Ordinance.

2. Provisions are made to buffer and screen any surrounding residential uses.

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

4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Community centers, provided that:

1. Adequate screening from abutting and adjoining residential uses and landscaping is provided.

2. Adequate off-street parking and access is provided and that such parking is adequately screened and landscaped from adjoining and abutting residential uses.

3. Adequate off-street loading and service entrances are provided and regulated where applicable by Chapter 920 of this Ordinance.

4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

E. Hospitals and residential care facilities including extended care facilities for mentally retarded, rest homes and care for the aged, ill and infirmed, provided that:

1. Interior side yards are screened.
2. Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled and screened in compliance with Chapter 918 of this Ordinance.

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

4. All signing and informational or visual communication devices shall be in compliance with Chapter 927 of this Ordinance.

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

6. Adequate off-street parking is provided in compliance with Chapter 920 of this Ordinance.

7. Off-street loading space in compliance with Chapter 920 of this Ordinance is provided.

8. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

F. Housing for the elderly, provided that:

1. The development is in conformance to standards established in Section 959.06 of this Ordinance.

2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

G. Halfway houses, provided that:

1. The use is licensed by the State.

2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

H. Living quarters which are provided as an accessory use to a principal use in Section 970.02 or to a conditional use in this Section, provided that:

1. The use shall not be used as rental property.

2. A maximum of one such dwelling shall be allowed.

3. There shall be a demonstrated and documented need for such a facility.

4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

I. Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:

1. Equipment and vehicles are completely enclosed in a permanent structure or if stored outside, are screened and landscaped from neighboring uses as provided in Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

J. Public recreational facilities, provided that:

1. The site is landscaped.

2. The use is available to the "public."

3. The land area of the property containing such use or activity meets the minimum established for the district.

4. The use meets the minimum setback requirements for accessory structures.

5. The site accesses on a minor arterial.

6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

K. Single family or two family residential dwellings, provided that:

1. The development shall be in compliance with the provisions of the R-3 Zoning District.

2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

L. The lot area requirement for permitted uses may be reduced, provided that:

1. The use existed prior to July 1, 1990.

2. Compatibility with surrounding existing and potential uses is maintained.

3. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

M. Other uses of the same general character as those listed in Sections 970.02, 970.04 and 970.05 of this Ordinance.

N. Planned unit development as regulated by Chapter 933 of this Ordinance.

970.06 - Lot Area and Setback RequirementsStandards.

The following minimum requirements shall must be met for all lotsobserved in an the "INS" District subject to additional requirements, exceptions, modifications set forth in this Ordinance:

A. Lot Area:

1. Minimum Site Area Requirements:
   a) Religious Institutions: Three 3 acres.
   b) Elementary Schools: 15 acres.
   c) Junior High Schools: 30 acres.
   d) Senior High Schools: 50 acres.
   e) Hospitals: Ten 10 acres.
   f) Community Centers: Three 3 acres.
   g) Public Parking Structure: One 1 acre.

2. All school area requirements prescribed above may be reduced if and when the site is combined with or included within a neighborhood park.

B. Minimum Setbacks:

1. Schools:
   a) Front Yard: 50 feet.

b) Side Yard: 100 feet.

c) Rear Yard: 100 feet.

2. Hospitals:

a) Front Yard: 50 feet.

b) Side Yard: 100 feet.

c) Rear Yard: 100 feet.

3. Public Works Facilities:

a) Front Yard: 50 feet.

b) Side Yard: 100 feet.

c) Rear Yard: 100 feet.

4. Public Parking Structures: There shall be no minimum front yard, side yard or rear yard setback requirements, except that there shall be a minimum required setback when such boundary is adjacent to a residential district. In which case, the minimum required setback shall be the same as the setback for the adjacent residential district. In addition, the minimum requirements of Section 970.06.B.6 do not apply to a public parking structure.

5. All Other Institutional Uses:
a) Front Yard: 50 feet.

b) Side Yard: 50 feet.

c) Rear Yard: 50 feet.

6. In addition to these minimum requirements, setbacks of buildings located within the Institutional District shall be at least equal to the height of such buildings.

970.07 - Lot Coverage and Height ~~Requirements~~.
The following lot coverage and height ~~requirements shall be observed~~limits apply in the "INS" District:

A. The total lot coverage of all buildings ~~shall~~ may not exceed 30 percent, except that rest homes and housing for the elderly ~~shall~~ may not exceed a lot coverage of 40 percent, and public parking structures ~~shall~~ may not exceed a lot coverage of 60 percent.

B. ~~All~~ Pprincipal structures and their accessory buildings ~~shall be limited to~~may not exceed a ~~maximum~~ height of three stories ~~and~~ or 40 feet.

CHAPTER 974 C-1A NEIGHBORHOOD OFFICE AND LIMITED COMMERCIAL DISTRICT

974.01 Purpose.

The C-1A District is intended to provide a district which is related to and may reasonably adjoin residential districts for the location and development of limited office, service, and retail uses. The uses allowed in this district are those in which there is limited contact with the public and provide for mixed commercial and residential use.

974.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the C-1A District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Art galleries or studios.~~
~~B. Barber, beauty shops, and day spas.~~
~~C. Commercial/professional offices.~~
~~D. Day care facilities serving 12 or fewer persons.~~
~~E. Florist shops.~~
~~F. Interior decorating studios.~~
~~G. Mixed use buildings with a combination of residential and allowable retail, office and service use.~~
~~H. Municipal parks and playgrounds.~~
~~I. Photographic studios.~~
~~J. Residential use as a principal use subject to the density standards of the R-3 District.~~

~~All new residential buildings with a footprint of 3,000 square feet or more are encouraged to be developed with more than one use.~~

974.03 Interim Use.

No interim uses are allowed in the C-1A District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the C-1A District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

974.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in a C-1A District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Accessory uses and structures customarily incidental to the uses permitted in Section 974.02 and 974.05 of this Ordinance.~~
~~B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~
~~C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

974.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a C-1A District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~All conditional use s require a conditional use permit based upon procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:~~

~~1. The provisions of Chapter 920 of this Ordinance are considered and satisfactorily met.~~
~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Governmental and public related utility buildings and structures necessary for the health, safety, and general welfare of the City, provided that:~~

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. Existing clubs or lodges, provided that:

1. All State regulations are complied with including obtaining all required permits and/or licenses.
2. Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.
3. The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.
4. The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Planned unit development as regulated by Chapter 933 of this Ordinance.
E. Medical or Dental Clinics.

974.06 Yard and Setback RequirementsStandards.

The following minimum setback requirements shall must be met for all lotsobserved in a the C-1A District, subject to additional requirements, exceptions, and modifications set forth in this Ordinance:

A. Front Yard: 20 feet.
B. Side Yard: Ten 10 feet.
C. Side Yard: Directly abutting an R District. 20 feet.
D. Rear Yard: 20 feet.

974.07 Lot Coverage, Floor Area Ratio, Height and Lot AreaBulk.

The following lot coverage, floor area ratio, height and lot area and bulk shall be observedlimits apply in thea C-1A District:

A. Lot cCoverage. The maximum lot coverage of all buildings shall be may not exceed 30 percent of lota area.
B. Floor Area Ratio. The maximum floor area ratio (F.A.R.) shall be may not exceed 2.0.
C. Height. All Bbuildings shall be limited tomay not exceed a maximum height of 2.5 stories and or 30 feet, whichever is lesser.
D. Lot Area. The minimum total lot area shall must be 9,000 square feet.

CHAPTER 975 C-1 OFFICE AND LIMITED COMMERCIAL DISTRICT

975.01 Purpose.

The C-1 District is intended to provide a district which is related to and may reasonably adjoin high density or other residential districts for the location and development of administrative office buildings and related office uses which are subject to more restrictive controls. The office uses allowed in this district are those in which there is limited contact with the public and no manufacture, exterior display or selling of merchandise to the general public.

975.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the ~~"~~C-1~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Barber and beauty shops.~~

~~B. Commercial offices.~~

~~C. Interior decorating studios.~~

~~D. Medical offices or clinics.~~

~~E. Mortuaries or funeral homes.~~

~~F. Music or dance studios.~~

~~G. Photographic or art studios.~~

~~H. Municipal parks and playgrounds.~~

~~I. Residential use as a principal use subject to the density standards of the R-3 District.~~

~~J. Mixed use buildings with upper story residential and ground floor office/service commercial use.~~

~~K. All new residential buildings with a footprint of 3,000 square feet or more shall be developed with more than one use.~~

975.03 Interim Use.

No interim uses are allowed in the C-1 District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the C-1 District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

975.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the~~a~~ ~~"~~C-1~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Accessory uses and structures customarily incident to the uses permitted in Sections 975.02 and 975.05 of this Ordinance.~~

~~B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~

~~C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

975.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in the~~a~~ ~~"~~C-1~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 904 of this Ordinance.)

~~A. Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:~~

~~1. The provisions of Chapter 920 of this Ordinance are considered and satisfactorily met.~~

~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Banks or savings and loan institutions, not including drive-in facilities, provided that:~~

~~1. The services which are provided are for the local area rather than the region.~~

~~2. The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets.~~

~~3. The architectural appearance and scale of the building shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or constitute a blighting influence within the neighborhood.~~

~~4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~C. Dry cleaning or laundry establishments as a principal use, provided that:~~

~~1. The development meets all applicable performance standards of the C-1 Zoning District, including, but not limited to, all setbacks, screening and landscaping and parking requirements.~~

~~2. The emission of odor or noise by any use shall be in compliance with and regulated by applicable state of Minnesota pollution control standards, as amended.~~

~~3. The outside storage of materials and equipment is prohibited.~~

~~4. The location of exterior steam vents shall be such as to minimize the impacts on surrounding structures and uses. A plan demonstrating such shall be submitted to City staff for review.~~

~~5. The development is to be architecturally compatible with and sensitive to nearby structures.~~

~~6. The development does not conflict or result in incompatible land use arrangements as related to abutting land uses.~~

~~7. Operations with the primary function of in-store retail and general public customer contact are permitted. Operations which are primarily to serve other businesses on a wholesale level are prohibited.~~

~~8. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~D. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~

~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~E. Planned unit development as regulated by Chapter 933 of this Ordinance.~~

975.06 Yard and Setback ~~Requirements~~Standards.

The following minimum requirements ~~shall~~ must be observed in a "C-1" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance setbacks. Front yard, side yard and rear yard setbacks all ~~shall~~ must be a minimum distance of 10~~ten~~ feet.

975.07 Lot Coverage, Floor Area Ratio, Height and ~~Bulk~~Lot Area.

The following lot coverage, floor area ratio, height and lot area ~~bulk shall be observed~~limits apply in the~~a~~ "C-1" District:

A. ~~Lot Coverage.~~ The ~~maximum~~ lot coverage of all buildings ~~shall be~~may not exceed 50 percent.

B. ~~Floor Area Ratio.~~ The ~~maximum~~ floor area ratio (F.A.R.) ~~shall be~~may not exceed 2.0.

C. ~~Height. All~~ Bbuildings ~~shall be limited to~~ may not exceed a ~~maximum~~ height of three stories ~~and~~ or 35 feet~~, whichever is lesser~~.

D. ~~Lot Area.~~ The minimum ~~total~~ lot area ~~shall~~ must be 9,000 square feet.

CHAPTER 975.5 C-1B MIXED USE RESIDENTIAL DISTRICT

975.5.01 Purpose.

The C-1B District is intended to provide a district which is related to and may reasonably adjoin residential districts for the location and development of mixed use buildings with residential use as the predominant use, in addition to limited office, service, and retail uses.

975.5.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the C-1B District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Mixed use buildings with no less than 60 percent of the building square footage (SF) comprising residential use, and the balance comprising of one or more of the following (or similar) type retail, office, or service use:~~

~~1. Art galleries or studios.~~
~~2. Commercial/professional offices.~~
~~3. Day care facilities serving 12 or fewer persons.~~
~~4. Florist shops.~~
~~5. Interior decorating studios.~~
~~6. Photographic studios.~~
~~7. Hobby Stores.~~
~~8. Variety, gift, boutique, or soft goods stores.~~
~~9. Wearing apparel stores.~~

~~B. Municipal parks and playgrounds.~~
~~C. Residential use as a principal use subject to the density standards of the R-3A District.~~

975.5.03 Interim Use.

No interim uses are allowed in the C-1B District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the C-1B District and are governed by Section 801.34 of this Ordinance.~~

~~A. None.~~

975.5.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in a C-1B District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Accessory uses and structures customarily incidental to the uses permitted in Section 801.81.2 and 801.81.5 of this Ordinance.~~
~~B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~
~~C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

975.5.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a C-1B District listed within Section 937.02.~~ (Requires a~~All conditional use s require a conditional use permit based upon procedures and standards set forth in ~~and regulated by~~ Section 9801.04 of this Ordinance.~~)~~

~~A. Governmental and public related utility buildings and structures necessary for the health, safety, and general welfare of the City, provided that:~~

~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Section 801.18 of this Ordinance.~~
~~2. The provisions of Section 801.04.2.F. of this Ordinance are considered and satisfactorily met.~~

~~B. Planned unit development as regulated by Section 801.33 of this Ordinance.~~

975.5.06 Yard and Setback ~~Requirements~~Standards.

The following minimum setback requirements ~~shall~~ must be met for all lots~~observed~~ in ~~a~~ the C-1~~I~~B District, subject to additional requirements, exceptions, and modifications set forth in this Ordinance.

A. Principal Structures.

1. Front Yard: ~~Ten~~ 10 feet.
2. Side Yard: ~~Ten~~ 10 feet.
3. Rear Yard: 20 feet.

B. Accessory Structure(s).

1. Front Yard: 20 feet.
2. Side Yard: ~~Five~~ 5 feet.
3. Rear Yard: ~~Five~~ 5 feet.

975.5.07 Lot Coverage, Floor Area Ratio, Height and Lot Area~~, Bulk, and Other Regulations~~.

The following lot coverage, floor area ratio, height and lot area ~~bulk shall be observed~~limits apply in the~~a~~ C-1B District.

A. Lot c~~C~~overage~~. The maximum lot coverage of all buildings shall~~ may not exceed ~~be~~ 30 percent of lot area.
~~B. Impervious Surface. The maximum impervious surface coverage on a lot shall be 35 percent.~~
B~~C~~. Floor a~~A~~rea r~~R~~atio~~. The maximum floor area ratio~~ (F.A.R.) ~~shall be~~may not exceed 2.0.
C~~D~~. ~~Height. All B~~buildings ~~shall be limited to~~may not exceed a ~~maximum~~ height of two and one-half stories or~~and~~ 30 feet in vertical distance above the Grade Plan to the highest point of a flat, mansard, shed, round or arch type roof, or 32 feet in vertical distance above the Grade Plane, as measured to the highest peak of a pitched, hipped, or gambrel roof.
D~~E~~. ~~Lot Area.~~ The minimum ~~total~~ lot area ~~shall~~ must be 7,000 square feet.
~~F. All accessory buildings shall be limited to a maximum height of 20 feet.~~

CHAPTER 976 C-2 SHOPPING CENTER BUSINESS DISTRICT

976.01 Purpose.

The C-2 District is intended to provide a district which may be applied to land in single ownership or unified control for the purpose of developing a planned shopping center with a unified and organized arrangement of buildings and service facilities at locations which are suitable for such use. All of the following principal uses, except for required off-street parking facilities, shall be conducted wholly within an enclosed building.

976.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in a ~~"~~C-2~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Adult Use—Principal and Accessory.~~
~~B. Antique shops.~~
~~C. Appliance sales or service stores.~~
~~D. Art galleries or studios.~~
~~E. Art supply, school supply, book or stationery stores.~~
~~F. Automotive accessory stores.~~
~~G. Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.~~
~~H. Banks, savings, lending or other financial institutions, excluding drive-in facilities.~~
~~I. Barber shops.~~
~~J. Beauty parlors.~~
~~K. Bicycle stores, including bicycle rental, repair or sales.~~
~~L. Blueprinting, photostatting or instant printing establishments under 2,000 square feet in gross floor area.~~
~~M. Business machine sales or services stores.~~
~~N. Camera and photo stores.~~
~~O. Candy or ice cream stores.~~
~~P. Carpet and rug stores.~~
~~Q. Catering establishments.~~
~~R. Clothes pressing or tailoring shops.~~
~~S. Department stores.~~
~~T. Drug stores.~~
~~U. Dry cleaning or laundry establishments.~~
~~V. Florist shops.~~
~~W. Food, grocery, meat, fish, bakery or delicatessen stores.~~
~~X. Furniture stores.~~
~~Y. Hardware stores.~~
~~Z. Hobby or toy stores.~~
~~AA. Interior decorating studios.~~
~~BB. Jewelry stores.~~
~~CC. Laboratories (medical or dental).~~
~~DD. Leather goods or luggage shops.~~
~~EE. Libraries.~~
~~FF. Locksmith shops.~~
~~GG. Medical or dental clinics.~~
~~HH. Newsstands.~~
~~II. "Off-sale" liquor stores.~~
~~JJ. Offices, including both business and professional uses.~~
~~KK. "On-sale" liquor stores.~~
~~LL. Optical stores.~~
~~MM. Orthopedic or medical appliance stores.~~
~~NN. Paint or wallpaper stores.~~

OO. Pickup and delivery food establishments, provided that no seating is provided and that no facilities exist for customer dining on the premises.
PP. Pet shops.
QQ. Phonograph, record or sheet music stores.
RR. Photography studios.
SS. Physical fitness, health service establishments, or reducing salons.
TT. Picture framing or picture stores.
UU. Pipe or tobacco shops.
VV. Post offices.
WW. Plumbing sales
XX. Public utility service stores.
YY. Schools, such as music, dance, business or vocational schools.
ZZ. Sporting goods stores.
AAA. Taxidermy shops.
BBB. Theaters, excluding drive-ins.
CCC. Variety, gift, notion or soft good stores.
DDD. Wearing apparel stores.
EEE. Coffee shops.
FFF. Municipal parks and playgrounds.

976.03 Interim Use.

No interim uses are allowed in the C-2 District. Subject to applicable provisions of this Ordinance, the following are interim uses in the C-2 district and are governed by Chapter 934 of this Ordinance:

A. Auto glass installation, internal to a shopping center complex.

976.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in a "C-2" District are listed in the Table shown in Section 937.02 of this Ordinance.:

A. Accessory uses customarily incidental to the uses allowed in Sections 976.02 and 976.05 of this Ordinance.
B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.
C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.
D. Bus or taxi loading and unloading facilities.
E. Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.

(Ord.782[8-9-2018])

976.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the following are conditional uses in a "C-2" District are listed in the Table shown in Section 937.02 of this Ordinance.: (Requires a All conditional use s require a conditional use permit based upon procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.)

A. Freestanding Automobile Service Station and/or Motor Repair-Minor. Motor fuel station, auto repair—minor, tire and battery stores and service, and/or other such limited services, provided that:

1. No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, shall be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public right-of-way.

2. Sites for such facilities are freestanding and not part of a principal shopping center structure and shall have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area shall be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.
3. Pump islands shall be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.
4. Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment shall be used totally enclosed within a building.
5. Facilities on a site contiguous to any residential district shall not be operated between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise allowed by formal action of the City Council.
6. Facilities may offer minor auto repairs, but they shall not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.
7. Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
8. Compatibility. The architectural appearance, scale, and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
9. Surfacing. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.
10. Drainage. A drainage system subject to the approval of the City shall be installed.
11. Curbing. A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicles service areas.
12. Pump Islands. Wherever fuel pumps are to be installed, pump islands shall be installed.
13. Green Strip. At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918.
14. Lighting Standard Base Landscaped. Each light standard base shall be landscaped.
15. Stacking, parking or car magazine storage space shall be screened from view of a butting residential districts in compliance with Chapter 918.
16. Vehicle Circulation. Vehicular access points shall create a minimum of conflict with through traffic movement. Provisions shall be made for transport delivery of fuel which will not conflict with pump island service.
17. Noise. Provisions are made to control and reduce noise in accordance with the Noise Control Section of this Ordinance.
18. Outside Storage. No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.
19. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
20. Sales Limitations. Sale of products other than those specifically mentioned in this Section shall be subject to a conditional use permit and be in compliance with Section 976.05.I of this Ordinance.
21. The provisions of Section 904.02.F are considered and satisfactorily met.

B. Convenience Store with Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:

1. Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.
2. Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed are devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.

3. Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.
4. Licenses. That the non-automotive sales shall qualify for and be granted an annual food handling, retail sales license or other license, as circumstances shall require, in addition to the conditional use permit.
5. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
6. Area. That the approximate area and location devoted to non-automatic merchandise sales shall be specified in general terms in the application and in the conditional use permit. Exterior sales shall be subject to a separate conditional use permit.
7. Hours of Operation. The hours of operation shall be limited to 6.00 a.m. to 12.00 p.m., unless extended by the City Council.
8. Motor Fuel Facilities. Motor fuel facilities are installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
9. Canopy. A protective canopy located over pump island may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off-site is maintained.
10. Compatibility. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious finish treatment.
11. Dust Control and Drainage. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.
12. Area. A minimum lot area of 20,000 square feet and minimum lot frontage of 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safety handling all activities and required facilities.
13. Curb Separation. A continuous and permanent concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.
14. Landscaping. At the boundaries of the lot, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.
15. Light Standards Base Landscaped. Each light standard base shall be landscaped.
16. Access. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.
17. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
18. Noise. Noise control shall be as required in the Noise Control Section of this Ordinance.
19. Outside Storage and Sales. No outside storage except as allowed in compliance with Section 916.12. An enclosed screened area is to be provided for rubbish and dumpsters.
20. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. Drive-in facilities for banks, or savings and loan associations, provided that:

1. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential

buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.

2. Vehicle Access. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements.
3. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
4. Drive-through Windows. Service windows shall be allowed if the following additional criteria are satisfied:

a) Stacking. Not less than 180 feet of segregated automobile stacking lane(s) must be provided for the service window.
b) Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
c) Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
d) Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.
e) Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
f) Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
g) The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Indoor amusement or recreational establishments, such as commercial bowling alleys, billiard halls, game centers, swimming pools, skating rinks, or tennis courts as a principal use, provided that:

1. If located within a shopping center, the use has its own exclusive exterior access.
2. Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.
3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
4. The hours of operation shall be subject to City Council control and change as a means to maintain compatibility of uses and activities.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

E. Repair stores or "fix-it" shops which provide services for the repair of home, garden, yard or personal appliances, provided that:

1. The use is conducted completely indoors.
2. The site shall accommodate sufficient parking and loading areas in conformance with Chapter 920 of this Ordinance.
3. The provisions of Section 904.02.F are considered and satisfactorily met.

F. Restaurants, excluding drive-ins or convenience food operations, provided that:

1. The use obtains all local, state and federal food and beverage handling licenses and/or permits.
2. There shall be no excessive noise or odors emitted from the use.
3. There shall be no outdoor storage and/or display.
4. The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.

5. The use must be landscaped and screened in accordance with Chapter 918 of this Ordinance.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

G. Restaurant, convenience food, provided that:

1. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
2. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
3. Lighting Standard Base Landscaping. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.
4. Curbing. Parking areas and driveways shall be curbed with continuous concrete curbs not less than six inches high above the parking lot or driveway grade.
5. Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
6. Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
7. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
8. Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.
9. Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.
10. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
11. Drive-Through Windows. Service windows shall be allowed if the following additional criteria are satisfied:

    a) Stacking. Not less than 180 feet of segregated automobile stacking lane must be provided for the service window.
    b) Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
    c) Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
    d) Noise. The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and shall satisfy established state regulations.
    e) Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.

12. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

H. Open and outdoor storage as an accessory use, provided that:

1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.
2. Storage is landscaped and screened from view from the public right-of-way.
3. Storage area is blacktopped or concrete surfaced.
4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.

5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

I. Open or outdoor services, sale and rental as a principal or accessory use, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.
2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.
3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
4. Areas are asphalt or concrete surfaced.
5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
6. Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.
7. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

J. Child care facilities as an accessory use, provided that:

1. The attendance of children is on a temporary sporadic basis as compared to a long-term schedule enrollment.
2. The facility must allow the children to stay for a period longer than three hours. The maximum length of stay per individual child is five hours.
3. The ages of the children attending range from 16 months to 12 years.
4. The hours of operation coincide with those of the commercial retail stores in the area or complex.
5. The employees and facility are licensed by the State Department of Human Services.
6. Fire codes as applicable are complied with.
7. Liability insurance coverage for the operation is demonstrated to the satisfaction of the City, and includes the City as an additional named insured.
8. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

K. Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:

1. The provisions of Chapter 920, of this Ordinance are considered and satisfactorily met.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

L. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

M. Planned unit development as regulated by Chapter 933 of this Ordinance.
N. Micro-production Facility, provided that:

1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according Minn. Stats. § 340A.
2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
3. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.

4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
6. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
7. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
8. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
9. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
10. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.
11. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
12. Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.
13. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.
14. Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.

O. Animal Clinics, provided that:

1. The size of the clinic may not exceed 4,000 square feet.
2. The clinic may not provide animal boarding services, kenneling, or overnight stays for patients.
3. The hours of operation must coincide with those of the businesses in the area or complex in which the clinic is located.
4. The clinic may not provide services or treatment of exotic animals (such as reptiles, amphibians, birds, and most mammals).
5. The clinic may not share a common demising wall or be located directly adjacent to a restaurant.
6. The clinic may not be located on the same property or in the same shopping area where another clinic exists.
7. The clinic must comply with all other applicable state, local, and federal regulations, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions.
8. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

(Ord. No. 793 [11-6-2019])

976.06 Special Limitations and Conditions.

A. All business establishments shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.
B. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.

976.07 ~~Height, Yard and Lot Coverage Requirements~~Heights, Setbacks, Floor Area Ratio, Lot Area, Lot Coverage, Impervious Surfaces and Landscaping.

The following minimum requirements ~~shall~~ must be met for all lots~~observed~~ in ~~a~~ the "C-2" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance:

A. ~~Height. No~~ Bbuildings ~~shall be erected or structurally altered to~~may not exceed a height of~~three~~ two stories ~~and~~ or ~~35~~ 30 feet in height~~, whichever is lesser~~.
B. Minimum Setbacks.

1. There ~~shall~~ must be a side yard on each side of any building having a width of not less than 20 feet, except that no building ~~shall~~ must be located within 50 feet of any side lot line abutting a lot in any residential district.
2. There ~~shall~~ must be a rear yard having a depth of not less than 20 feet, except that no buildings ~~shall~~ must be located within 50 feet of any residential district.
3. The minimum building setback from any commercial district boundary ~~shall~~ must be as set forth herein or the average height of the building, whichever is greater.

C. Floor aArea rRatio~~. The maximum floor area ratio~~ (F.A.R.) ~~shall be~~may not exceed 1.0.
D. ~~Lot Area.~~ The minimum ~~total~~ lot area ~~shall~~ must be 20,000 square feet.
E. Lot coverage may not exceed 50 percent of lot area.
F. Impervious surfaces may not exceed 75 percent of lot area.
G~~E~~. Required Landscaping. A minimum of 20 percent of the total lot area ~~shall~~ must be landscaped. A landscaped buffer strip of at least eight feet wide ~~shall~~ must be provided between parking areas and adjacent streets or sidewalks. The buffer strip shall consist of shade trees at maximum intervals of 30 feet and a decorative fence, masonry wall, or hedge.

976.08. Administrative Procedure.

Requests for shopping centers within the C-2 Zoning District shall be processed in accordance with the requirements and procedures of Chapter 933 (Planned Unit Development) of this Ordinance.

CHAPTER 977 C-3 SERVICE DISTRICT

977.01 Purpose.

The C-3 District is intended to provide an area of service facilities to the motoring public. Because of the unique character of this type of commercial activity and its great dependence upon transient trade and traffic, and because of the greater than normal adverse effects created by the uses within this district, the location of such activities are critical and should be developed either within other commercial spheres adjacent to arterial traffic routes or as well-buffered areas adjacent to major streets. This district also is intended as a business district which may be located adjacent to shopping centers or other retail business districts, thus keeping the basic retail areas compact and convenient, or in separate areas which may be located in close proximity to a major street or highway, in order that highway service types of land uses can be provided.

977.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in a ~~"~~C-3~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Adult Use – Principal and Accessory.~~
~~B. Antique shops.~~
~~C. Appliance sales or service stores.~~
~~D. Art galleries or studios.~~
~~E. Art supply, school supply, book or stationery stores.~~
~~F. Automotive accessory stores.~~
~~G. Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.~~
~~H. Banks, savings, lending or other financial institutions, excluding drive-in facilities.~~
~~I. Barber shops.~~
~~J. Beauty parlors.~~
~~K. Bicycle stores, including bicycle rental, repair or sales.~~
~~L. Blueprinting, photostatting or instant printing establishments under 2,000 square feet in gross floor area.~~
~~M. Business machine sales or services stores.~~
~~N. Camera and photo stores.~~
~~O. Candy or ice cream stores.~~
~~P. Carpet and rug stores.~~
~~Q. Catering establishments.~~
~~R. Clothes pressing or tailoring shops.~~
~~S. Department stores.~~
~~T. Drug stores.~~
~~U. Dry cleaning or laundry establishments.~~
~~V. Florist shops.~~
~~W. Food, grocery, meat, fish, bakery or delicatessen stores.~~
~~X. Furniture stores.~~
~~Y. Hardware stores.~~
~~Z. Hobby or toy stores.~~
~~AA. Interior decorating studios.~~
~~BB. Jewelry stores.~~
~~CC. Laboratories (medical or dental).~~
~~DD. Leather goods or luggage shops.~~
~~EE. Libraries.~~
~~FF. Locksmith shops.~~
~~GG. Medical or dental clinics.~~
~~HH. Monument sales, excluding processing.~~
~~II. Mortuaries or funeral homes.~~
~~JJ. Newspaper distribution agencies.~~

~~KK. Newsstands.~~
~~LL. "Off-sale" liquor stores.~~
~~MM. Offices, including both business and professional uses.~~
~~NN. "On-sale" liquor stores.~~
~~OO. Optical stores.~~
~~PP. Orthopedic or medical appliance stores.~~
~~QQ. Paint or wallpaper stores.~~
~~RR. Pickup and delivery food establishments, provided that no seating is provided and that no facilities exist for customer dining on the premises.~~
~~SS. Pet shops.~~
~~TT. Phonograph, record or sheet music stores.~~
~~UU. Photography studios.~~
~~VV. Physical fitness, health service establishments, or reducing salons.~~
~~WW. Picture framing or picture stores.~~
~~XX. Pipe or tobacco shops.~~
~~YY. Post offices.~~
~~ZZ. Plumbing sales~~
~~AAA. Public utility service stores.~~
~~BBB. Recording studios.~~
~~CCC. Rental agencies for the rental of automobiles, trucks or carriage trailers.~~
~~DDD. Repair stores or "fix it" shops which provide services for the repair of home, garden, yard or personal appliances.~~
~~EEE. Schools, such as music, dance, business or vocational schools.~~
~~FFF. Sporting goods stores.~~
~~GGG. Taxidermy shops.~~
~~HHH. Theaters, excluding drive-ins.~~
~~III. Trading stamp redemption centers.~~
~~JJJ. Variety, gift, notion or soft good stores.~~
~~KKK. Wearing apparel stores.~~
~~LLL. Coffee shops.~~
~~MMM. Municipal parks and playgrounds.~~

977.03 Interim Use.

No interim uses are allowed in the C-3 District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the C-3 District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

977.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in a ~~"~~C-3~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Accessory uses customarily incident to the uses permitted in Sections 977.02 and 977.05 of this Ordinance.~~
~~B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~
~~C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~
~~D. Bus or taxi loading and unloading facilities.~~
~~E. Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

~~(Ord.782[8-9-2018])~~

977.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a ~~"~~C-3~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~ All conditional use~~s require a conditional use~~ permit based upon procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. Freestanding Automobile Service Station and Auto Repair—Minor. Motor fuel station, auto repair—minor, tire and battery stores and service, and/or other such limited services, provided that:~~

~~1. No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, shall be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public road right-of-way.~~

~~2. Sites for such facilities are freestanding and not internal to a principal shopping center structure and shall have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area shall be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.~~

~~3. Pump islands shall be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.~~

~~4. Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment shall be used totally enclosed within a building.~~

~~5. Facilities on a site contiguous to any residential district shall be not operated between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise allowed by formal action of the City Council.~~

~~6. Facilities may offer minor auto repairs, but they shall not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.~~

~~7. Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.~~

~~8. Compatibility. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.~~

~~9. Surfacing. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.~~

~~10. Drainage. A drainage system subject to the approval of the City shall be installed.~~

~~11. Curbing. A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicles service areas.~~

~~12. Pump Islands. Wherever fuel pumps are to be installed, pump islands shall be installed.~~

~~13. Green Strip. At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918.~~

~~14. Lighting Standard Base Landscaped. Each light standard base shall be landscaped.~~

~~15. Stacking. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Chapter 918.~~

~~16. Vehicle Circulation. Vehicular access points shall create a minimum of conflict with through traffic movement. Provisions shall be made for transport delivery of fuel which will not conflict with pump island service.~~

~~17. Noise. Provisions are made to control and reduce noise in accordance with the Noise Control Section of this Ordinance.~~

~~18. Outside Storage. No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.~~

19. Sales Limitations. Sale of products other than those specifically mentioned in this Section be subject to a conditional use permit and be in compliance with Section 976.05.I of this Ordinance.
20. The provisions of Section 904.02.F are considered and satisfactorily met.

B. Convenience Store with Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:

1. Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.
2. Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed are devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.
3. Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.
4. Licenses. That the non-automotive sales shall qualify for and be granted an annual food handling, retail sales license or other license, as circumstances shall require, in addition to the conditional use permit.
5. Litter Control. The operation shall be responsible for litter control within 300 feet of the premises and is to occur on a daily basis.
6. Area. That the approximate area and location devoted to non-automatic merchandise sales shall be specified in general terms in the application and in the conditional use permit. Exterior sales shall be subject to a separate conditional use permit.
7. Hours of Operation. The hours of operation shall be limited to 6.00 a.m. to 12.00 p.m., unless extended by the City Council.
8. Motor Fuel Facilities. Motor fuel facilities are installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
9. Canopy. A protective canopy located over pump island may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off-site is maintained.
10. Compatibility. The architectural appearance, scale, and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious finish treatment.
11. Dust Control and Drainage. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.
12. Area. A minimum lot area of 20,000 square feet and minimum lot frontage of 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safety handling all activities and required facilities.
13. Curb Separation. A continuous and permanent concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.
14. Landscaping. At the boundaries of the lot, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.
15. Light Standard Base Landscaped. Each light standard base shall be landscaped.
16. Access. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.

17. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
18. Noise. Noise control shall be as required in the Noise Control Section of this Ordinance.
19. Outside Storage and Sales. No outside storage except as allowed in compliance with Section 916.12. An enclosed screened area is to be provided for outside rubbish and dumpsters.
20. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. Drive-in facilities for banks, or savings and loan associations, provided that:

1. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
2. Vehicle Access. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements.
3. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
4. Drive-through Windows. Service windows shall be allowed if the following additional criteria are satisfied:

    a) Stacking. Not less than 180 feet of segregated automobile stacking lane(s) must be provided for the service window.
    b) Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
    c) Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
    d) Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.
    e) Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
    f) Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
    g) The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Indoor amusement or recreational establishments, commercial bowling alleys, billiard halls, game centers, swimming pools, skating rinks or tennis courts as a principal use, provided that:

1. If located within a shopping center, the use has its own exclusive exterior access.
2. Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.
3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
4. The hours of operation shall be subject to City Council control and change as a means to maintain compatibility of uses and activities.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

E. Repair stores or "fix-it" shops which provide services for the repair of home, garden, yard or personal appliances, provided that:

1. The use is conducted completely indoors.
2. The site shall accommodate sufficient parking and loading areas in conformance with Chapter 920 of this Ordinance.
3. The provisions of Section 904.02.F are considered and satisfactorily met.

F. Restaurants, excluding drive-ins or convenience food operations, provided that:

1. The use obtains all local, state and federal food and beverage handling licenses and/or permits.
2. There shall be no excessive noise or odors emitted from the use.
3. There shall be no outdoor storage and/or display.
4. The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
5. The use must be landscaped and screened in accordance with Chapter 918 of this Ordinance.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

G. Restaurant, convenience food, provided that:

1. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
2. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
3. Lighting. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.
4. Curbing. Parking areas and driveways shall be curbed with continuous concrete curbs not less than six inches high above the parking lot or driveway grade.
5. Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
6. Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
7. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
8. Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.
9. Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.
10. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
11. Drive-Through Windows. Service windows shall be allowed if the following additional criteria are satisfied:

    a) Stacking. Not less than 180 feet of segregated automobile stacking lane must be provided for the service window.
    b) Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
    c) Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
    d) Noise. The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise,

light, and air quality shall be measured at property lines and shall satisfy established state regulations.

e) Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.

12. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

H. Open and outdoor storage as an accessory use, provided that:

1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.
2. Storage is landscaped and screened from view from the public right-of-way.
3. Storage area is blacktopped or concrete surfaced.
4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

I. Open or outdoor services, sale and rental as a principal or accessory use, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.
2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.
3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
4. Areas are asphalt or concrete surfaced.
5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
6. Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.
7. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

J. Child care facilities as an accessory use, provided that:

1. The attendance of children is on a temporary sporadic basis as compared to a long-term schedule enrollment.
2. The facility must allow the children to stay for a period longer than three hours. The maximum length of stay per individual child is five hours.
3. The ages of the children attending range from 16 months to 12 years.
4. The hours of operation coincide with those of the commercial retail stores in the area or complex.
5. The employees and facility are licensed by the State Department of Human Services.
6. Fire codes as applicable are complied with.
7. Liability insurance coverage for the operation is demonstrated to the satisfaction of the City, and includes the City as an additional named insured.
8. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

K. Animal hospitals, animal clinics or kennels, excluding establishments with outside runs, provided that:

1. Any building in which animals are kept, whether roofed sheltered or enclosed structure, shall be located a distance of 100 feet or more from any lot line.
2. The animals shall, at a minimum, be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than 100 feet from a lot line.
3. The provisions of Minnesota Pollution Control Agency Regulations SW 53(2) are complied with.

4. All other applicable state and local regulations pertaining to nuisance, health and safety conditions, etc. are complied with.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

L. Automobile agencies, used car lots, automobile washes, boat or marine stores or agencies and major auto repair which as a principal or accessory use, in accordance with the provisions of Section 977.06, provided that:

1. The use is adequately screened from view of neighboring residential uses.
2. Adequate measures are taken to control noise levels.
3. Adequate measures are taken to control pollution and emissions exhaust.
4. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses.
5. Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
6. Lighting. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.
7. Compatibility. The architectural appearance, scale, construction materials, and function plan of the building and site shall not be dissimilar to the existing nearby commercial buildings and shall not cause impairment in property values, or constitute a blighting influence within reasonable distance of the site.
8. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
9. Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
10. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
11. Parking and Loading. Adequate parking and loading spaces shall be provided on the site including adequate room to accommodate the parking and maneuvering of cars and/or semi-tractor trailers in conformance with Chapter 920 of this Ordinance.
12. Refuse Storage. All refuse shall be stored in containers as specified by the City Code. Said containers are to be fully screened and enclosed by a fence or similar structure.
13. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

M. Miniature golf courses, par three golf courses, archery ranges, tennis courts or golf driving ranges, provided that:

1. The entire perimeter of the site is fenced in accordance with Chapter 918 of this Ordinance.
2. The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses.
3. Lighting. All lighting shall be hooded and so directed to prevent glare onto adjacent properties and/or roads.
4. The site is well maintained, landscaped and screened in accordance with Chapter 918 of this Ordinance.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

N. Motels, hotels, lodges, or boarding houses, provided that:

1. All State regulations are complied with including obtaining all required permits and/or licenses.
2. Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.
3. The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.
4. The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.

5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

O. Nursery or garden stores or retail greenhouses, provided that:

1. There are no growing fields on the site.
2. Outdoor sales/display area shall be limited to 30 percent of the gross lot area and be in conformance with the performance standards of Section 916.12 of this Ordinance.
3. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

P. Outdoor sale and display of fruits or vegetables, provided that:

1. The provisions of Section 916.12 of this Ordinance are considered and satisfactorily met.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

Q. Commercial car washes (drive through, mechanical and self-service), provided that:

1. The architectural appearance, scale, and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.
2. Magazine or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30-minute period and shall be subject to the approval of the City Engineer.
3. At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.
4. Each light standard island and all islands in the parking lot shall be landscaped or covered.
5. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Chapter 918 of this Ordinance.
6. The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.
7. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
8. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 916.06 of this Ordinance.
9. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
10. All signing and information or visual communication devices shall be in compliance with the applicable provisions of Chapter 927 of this Ordinance.
11. Provisions are made to control and reduce noise.
12. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

R. Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:

1. The provisions of Chapter 920 of this Ordinance are considered and satisfactorily met.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

S. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

T. Planned unit development as regulated by Chapter 933 of this Ordinance.

U. Micro-production Facility, provided that:

1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an

~~intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.~~

~~2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.~~

~~3. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.~~

~~4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.~~

~~5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.~~

~~6. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.~~

~~7. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.~~

~~8. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.~~

~~9. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.~~

~~10. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.~~

~~11. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.~~

~~12. Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.~~

~~13. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.~~

~~14. Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.~~

977.06 Height, Setback, Floor Area Ratio, Lot Area, ~~and~~ Lot Coverage, Impervious Surfaces and Landscaping ~~Requirements~~Standards.

The following minimum requirements ~~shall~~ must be ~~observed~~ met for all lots in the~~a~~ "C-3" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance. The following height, setback, floor area ratio, lot area, lot coverage, impervious surfaces and landscaping~~, height and bulk shall be observed~~limits apply in the~~a~~ "C-3" District.

A. ~~Height. No~~ Bbuildings ~~shall be erected or structurally altered~~may not exceed ~~to exceed~~a height of three~~two~~ stories ~~and~~ or 3~~50~~ feet ~~in height, whichever is lesser~~.
B. Minimum Setbacks.

1. Front. There ~~shall~~ must be a front yard having a depth of not less than ten feet.
2. Side. There ~~shall~~ must be a side yard on each side of any building having a width of not less than ten feet, except where a greater side yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building ~~shall~~ must be located within 50 feet of any side lot line abutting a residential district.
3. Rear. There ~~shall~~ must be a rear yard having a depth of not less than ten feet, except where a greater rear yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building ~~shall~~ msut be located within 50 feet of any rear lot line abutting a residential district.

C. The floor area ratio (F.A.R.) may not exceed 1.5.
D. ~~Lot Area.~~ The minimum ~~total~~ lot area ~~shall~~ must be 15,000 square feet.
E. ~~Lot Coverage.~~ The ~~maximum l~~lot coverage of ~~all buildings shall~~ may not exceed ~~be~~ 50 percent of lot area.
F. The impervious surfaces may not exceed 75 percent of lot area.
~~E. Floor Area Ratio. The maximum floor area ratio (F.A.R.) shall be 1.0.~~
G~~F~~. Required Landscaping. A minimum of 20 percent of the total lot ~~shall~~ must be landscaped and maintained. A landscaped buffer strip of at least eight feet wide ~~shall~~ must be provided between parking areas and adjacent streets or sidewalks. The buffer strip ~~shall~~ must consist of shade trees at maximum intervals of 30 feet and a decorative fence, masonry wall, or hedge.

CHAPTER 978 C-4 CENTRAL BUSINESS DISTRICT

978.01 Purpose.

The C-4 District is intended to provide a district accommodating those retail, service and office functions which are characteristic to a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and office uses. Planned commercial development as provided for in this Ordinance will be encouraged so as to provide a cohesive and unified central business district in general accordance with the Comprehensive Plan.

978.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in a ~~"~~C-4~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Adult Use—Accessory.~~
~~B. Antique shops.~~
~~C. Appliance sales or service stores.~~
~~D. Art galleries or studios.~~
~~E. Art supply, school supply, book or stationery stores.~~
~~F. Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.~~
~~G. Banks, savings, lending or other financial institutions.~~
~~H. Barber shops.~~
~~I. Beauty parlors.~~
~~J. Blueprinting, photostatting or instant printing establishments under 2,000 square feet in gross floor area.~~
~~K. Business machine sales or service stores.~~
~~L. Camera and photo stores.~~
~~M. Candy or ice cream stores.~~
~~N. Carpet and rug stores (sample showrooms only).~~
~~O. Catering establishments.~~
~~P. Clothes pressing or tailoring shops.~~
~~Q. Department stores.~~
~~R. Drug stores.~~
~~S. Dry cleaning receiving and pick up or laundry self-service establishments, excluding commercial laundering and dry-cleaning.~~
~~T. Florist shops.~~
~~U. Food, grocery, meat, fish, bakery or delicatessen stores.~~
~~V. Furniture stores.~~
~~W.Hardware stores.~~
~~X. Hobby stores.~~
~~Y. Interior decorating studios.~~
~~Z. Jewelry stores.~~
~~AA. Laboratories (medical or dental).~~
~~BB. Leather goods or luggage shops.~~
~~CC. Libraries.~~
~~DD. Locksmith shops.~~
~~EE. Medical or dental clinics.~~
~~FF. Newsstands which are not free-standing.~~
~~GG. "Off-sale" liquor stores.~~
~~HH. Offices, including both business and professional uses.~~
~~II. "On-sale" liquor stores.~~
~~JJ. Optical stores.~~
~~KK. Paint or wallpaper stores.~~
~~LL. Parking or garages, other than those accessory to a principal use, for the parking and storage of private passenger automobiles only.~~

~~MM. Pawn shops.~~
~~NN. Pet shops.~~
~~OO. Phonograph, record or sheet music stores.~~
~~PP. Photography studios.~~
~~QQ. Picture framing or picture stores.~~
~~RR. Pipe tobacco shops.~~
~~SS. Post offices.~~
~~TT. Public utility service stores.~~
~~UU. Restaurants excluding the service of liquor and excluding convenience food establishments.~~
~~VV. Schools, such as music, dance, business or vocational schools.~~
~~WW. Sporting goods stores.~~
~~XX. Taxidermy shops.~~
~~YY. Theaters, excluding drive-ins.~~
~~ZZ. Variety, gift, notion or soft good stores.~~
~~AAA. Wearing apparel stores.~~
~~BBB. Coffee shops~~
~~CCC. Municipal parks and playgrounds.~~
~~DDD. Upper story dwelling units subject the density standards of the R-5 District.~~

978.03 Interim Use.

No interim uses are allowed in the C-4 District.~~Subject to applicable provisions of this Ordinance, the following are interim uses in the C-4 District and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

978.04 Accessory Uses.

Subject to applicable provisions of the Ordinance, t~~T~~he ~~following are~~ permitted accessory uses in a ~~"~~C-4~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Accessory uses customarily incident to the uses permitted in Sections 978.02 and 978.05 of this Ordinance.~~
~~B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~
~~C. Telephone booths.~~
~~D. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~
~~E. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~
~~F. Bus or taxi loading and unloading facilities.~~
~~G. Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

~~(Ord.782[8-9-2018])~~

978.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a ~~"~~C-4~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~All conditional use~~s require a conditional use~~ permit based upon procedures and standards set forth in ~~and regulated by Chapter~~ 904 of this Ordinance.~~)~~

~~A. Drive-in facilities for banks or savings and loan associations, provided that:~~

~~1. The driveway access shall not be on a residential street.~~
~~2. The curb cut setbacks and parking shall be in conformance with Chapter 920, the Parking Ordinance.~~
~~3. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~

4. The service windows and driveway shall be screened from view if adjacent to a residentially used property.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

B. Physical, culture or health service establishments or reducing salons, provided that:

1. The use shall not serve alcoholic beverages.
2. If located within a shopping center, the use has its own exclusive exterior access.
3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
4. Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:

1. Such use is allowed as a permitted use in a "B-1" or "B-2" District.
2. Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.
3. Adequate off-street parking and off-street loading in compliance with the requirements of Chapter 920 of this Ordinance is provided.
4. All signing and informational or visual communication devices shall be in compliance with Chapter 927 this Ordinance.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Drive-inns or convenience food establishments, provided that the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

E. Residential use as a principal use, provided that:

1. The development does not front or border Lake Street.
2. The development does not conflict with existing or potential future commercial uses and activities.
3. The density standards imposed as part of the R-5 Zoning District are complied with.
4. Adequate open space and recreational space is provided on site for the benefit of the occupants.
5. The development does not conflict or result in incompatible land use arrangements as related to abutting residential uses or commercial uses.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

F. Open and outdoor storage as an accessory use, provided that:

1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.
2. Storage is landscaped and screened from view from the public right-of-way.
3. Storage area is blacktopped or concrete surfaced.
4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

G. Open or outdoor service, sale and rental as a principal or accessory use, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use.
2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.
3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.

4. Areas are asphalt or concrete surfaced.
5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

H. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

I. Planned unit development as regulated by Chapter 933 of this Ordinance.

J. Existing clubs or lodges, provided that:

1. All State regulations are complied with including obtaining all required permits and/or licenses.
2. Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.
3. The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.
4. The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

K. Micro-production Facility, provided that:

1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.
2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
3. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.
4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
6. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
7. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
8. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
9. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or

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

10. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.
11. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
12. Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.
13. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.
14. Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.

(Ord.782[8-9-2018])

978.06 Special Limitations and Conditions.

A. All business establishments shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.
B. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment
C. Retail or Commercial Use. At least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and should comprise at least 50 percent of the ground floor building footprint.
D. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more shall be developed with more than one of the following uses. retail, service, residential, and office. Upper floors may be used for any permitted use including residential.
E. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor seating, plazas or recess entries.
F. Parking in the front yard is prohibited.

978.07 Height, Setback and, Lot Coverage and Lot Area Requirements.

The following minimum requirements shall must be observed met for all lots in thea "C-4" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance. The following height, setbacks, lot coverage, height and bulk lot area shall be observed limits apply in thea "C-4" District:

A. Height. No Bbuildings shall be erected or structurally altered tomay not exceed the height of three stories and or 35 feet in height, whichever is lesser. Three story buildings are subject to the following additional standards.

1. The third story must be set back from the building's front facade a minimum distance of ten 10 feet; or

2. A portion of the third story, equal to no more than 25 percent of the building's street frontage may be located in the same plane as the building's front facade if the remainder of the third story is setback a minimum distance of 20 feet.

B. Minimum Setbacks.

1. There ~~shall~~ must be no front yard, exterior side yard or rear yard requirements, except that there ~~shall~~ must be a required setback from C-4 District boundaries when such boundaries are adjacent to a residential district the same as the setback for the adjacent district.

C. ~~Floor Area Ratio.~~ The ~~maximum~~ floor area ratio (F.A.R.) ~~shall be~~may not exceed 2.0.
D. ~~Area.~~ The minimum ~~total~~ lot area ~~shall~~ must be 8~~12~~,000 square feet.

CHAPTER 979 C-4A LIMITED CENTRAL BUSINESS DISTRICT

979.01 Purpose.

The C-4A District is intended to provide a district accommodating those retail, service, office and residential functions which are characteristic to a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and office uses with continuous linear low level building designs. Such areas are to be characterized by individual store fronts with public sidewalk access, as contrasted to shopping mall type development. Planned commercial development as provided for in this Ordinance will be encouraged, so as to provide a cohesive and unified central business district in general accordance with the Comprehensive Plan.

979.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses within the ~~"~~C-4A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Adult Use—Accessory.~~
~~B. Antique shops.~~
~~C. Appliance sales or service stores.~~
~~D. Art galleries or studios.~~
~~E. Art supply, school supply, book or stationery stores.~~
~~F. Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.~~
~~G. Banks, savings, lending or other financial institutions.~~
~~H. Barber shops.~~
~~I. Beauty parlors.~~
~~J. Blueprinting, photostatting or instant printing establishments under 2,000 square feet in gross floor area.~~
~~K. Business machine sales or service stores.~~
~~L. Camera and photo stores.~~
~~M. Candy or ice cream stores.~~
~~N. Carpet and rug stores (sample showrooms only).~~
~~O. Catering establishments.~~
~~P. Clothes pressing or tailoring shops.~~
~~Q. Department stores.~~
~~R. Drug stores.~~
~~S. Dry cleaning receiving and pick up or laundry self-service establishments, excluding commercial laundering and dry cleaning.~~
~~T. Florist shops.~~
~~U. Food, grocery, meat, fish, bakery or delicatessen stores.~~
~~V. Furniture stores.~~
~~W. Hardware stores.~~
~~X. Hobby stores.~~
~~Y. Interior decorating studios.~~
~~Z. Jewelry stores.~~
~~AA. Laboratories (medical or dental).~~
~~BB. Leather goods or luggage shops.~~
~~CC. Libraries.~~
~~DD. Locksmith shops.~~
~~EE. Medical or dental clinics.~~
~~FF. Newsstands which are not free-standing.~~
~~GG. "Off-sale" liquor stores.~~
~~HH. Offices, including both business and professional uses.~~
~~II. "On-sale" liquor stores.~~
~~JJ. Optical stores.~~
~~KK. Paint or wallpaper stores.~~

~~LL. Parking or garages, other than those accessory to a principal use, for the parking and storage of private passenger automobiles only.~~
~~MM. Pawn shops.~~
~~NN. Pet shops.~~
~~OO. Phonograph, record or sheet music stores.~~
~~PP. Photography studios.~~
~~QQ. Picture framing or picture stores.~~
~~RR. Pipe tobacco shops.~~
~~SS. Post offices.~~
~~TT. Public utility service stores.~~
~~UU. Restaurants excluding the service of liquor and excluding convenience food establishments.~~
~~VV. Schools, such as music, dance, business or vocational schools.~~
~~WW. Sporting goods stores.~~
~~XX. Taxidermy shops.~~
~~YY. Theaters, excluding drive-ins.~~
~~ZZ. Variety, gift, notion or soft good stores.~~
~~AAA. Wearing apparel stores.~~
~~BBB. Coffee shops.~~
~~CCC. Municipal parks and playgrounds.~~
~~DDD. Upper story dwelling units subject to the density standards of the R-5 District.~~

979.03 Interim Use.

Subject to applicable provisions of this Ordinance, the ~~following are~~ interim uses in the C-4A District listed within Section 937.02 and are governed by Chapter 934 of this Ordinance:

~~A. Existing car wash and dispensing operations, provided that:~~

~~1. All proposed alterations and/or modifications to the building and site are subject to the issuance of a conditional use permit as set forth in Chapter 904 of the Zoning Ordinance.~~

979.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ accessory uses in the C-4A District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Accessory uses customarily incident to the uses permitted in Sections 979.02 and 979.05 of this Ordinance.~~
~~B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~
~~C. Telephone booths.~~
~~D. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~
~~E. Bus or taxi loading and unloading facilities.~~
~~F. Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

~~(Ord.782[8-9-2018])~~

979.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a ~~"~~C-4A~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~: (Requires a~~ All conditional use s require a conditional use permit based upon procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.~~)~~

~~A. Drive-in facilities for banks or savings and loan associations, provided that:~~

~~1. The driveway access shall not be on a residential street.~~
~~2. The curb cut setbacks and parking shall be in conformance with Chapter 920, the Parking Ordinance.~~

3. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
4. The service windows and driveway shall be screened from view if adjacent to a residentially used property.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

B. Physical, culture or health service establishments or reducing salons, provided that:

1. The use shall not serve alcoholic beverages.
2. If located within a shopping center, the use has its own exclusive exterior access.
3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
4. Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:

1. Such use is allowed as a permitted use in a "B-1, or "B-2" District.
2. Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.
3. Adequate off-street parking and off-street loading in compliance with the requirements of Chapter 920 of this Ordinance is provided.
4. All signing and informational or visual communication devices shall be in compliance with Chapter 927 of this Ordinance.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Drive-ins and delicatessens with seating facilities, provided that the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

E. Residential use as a principal use, provided that:

1. The development does not front or border Lake Street.
2. The development does not conflict with existing or potential future commercial uses and activities.
3. The density standards imposed as part of the R-5 Zoning District are complied with.
4. Adequate open space and recreational space is provided on site for the benefit of the occupants.
5. The development does not conflict or result in incompatible land use arrangements as related to abutting residential uses.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

F. Open and outdoor storage as an accessory use, provided that:

1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.
2. Storage is landscaped and screened from view from the public right-of-way.
3. Storage area is blacktopped or concrete surfaced.
4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

G. Open or outdoor service, sale and rental as a principal or accessory use, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use.
2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.

3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
4. Areas are asphalt or concrete surfaced.
5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

H. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

I. Planned unit development as regulated by Chapter 933 of this Ordinance.
J. Existing clubs or lodges, provided that:

1. All State regulations are complied with including obtaining all required permits and/or licenses.
2. Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.
3. The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.
4. The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

K. Micro-production Facility, provided that:

1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.
2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
3. Off-Sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.
4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
6. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
7. Off-Street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
8. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.

9. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
10. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.
11. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
12. Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.
13. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.
14. Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.

(Ord.782[8-9-2018])

979.06 Special Limitations and Conditions.

A. All business establishments shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.
B. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.
C. Retail or Commercial Use. At least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and must comprise at least 50 percent of the ground floor building footprint.
D. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more must be developed with more than one of the following uses: retail, service, residential and office. Upper floors may be used for any permitted use including residential.
E. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor Seating, plazas, or recessed entries.
F. Parking in the front yard is prohibited.

979.07 Height, Setback and, Lot Coverage and Lot Area.

The following minimum requirements shall must be observed met for all lots in thea "C-4A" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance:

A. Height. No Bbuildings shall be erected or structurally altered tomay not exceed the height of two stories and or 30 feet in height, whichever is lesser.
B. Minimum Setbacks. There shall must be no front yard, exterior side yard or rear yard requirements, except that there shall must be a required setback within C-4A District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback shall must be the same as the setback for the adjacent district.
C. Floor Area Ratio. The maximum floor area ratio (F.A.R.) shall bemay not exceed 2.0.
D. Area. The minimum total lot area shall must be 12,000 square feet.

CHAPTER 980 C-4B CENTRAL BUSINESS DISTRICT

980.01 Purpose.

The C-4B District is intended to provide a district accommodating those retail sales, service, office and residential functions which are characteristic to a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and retail uses with continuous linear low level building designs, while maintaining this desired character. Such areas are to be characterized by individual storefronts with public sidewalk access, as contrasted to shopping mall type development. The district requires retail use at street grade.

980.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in a ~~"~~C-4B~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. At street grade, the following specifically identified retail sale and service uses:~~

~~1. Adult Use—Accessory.~~
~~2. Antique shops.~~
~~3. Art galleries or studios.~~
~~4. Art supply, school supply, book or stationery stores.~~
~~5. Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.~~
~~6. Banks, savings, lending or other financial institutions, (excluding drive-ins).~~
~~7. Barber shops.~~
~~8. Beauty parlors.~~
~~9. Blueprinting, photostatting or instant printing.~~
~~10. Business machine sales or service stores.~~
~~11. Camera and photo stores.~~
~~12. Candy or ice cream stores.~~
~~13. Carpet and rug stores (sample showrooms only).~~
~~14. Clothes pressing or tailoring shops.~~
~~15. Department stores.~~
~~16. Drug stores.~~
~~17. Dry cleaning receiving and pick up or laundry self-service establishments, excluding commercial laundering and dry cleaning.~~
~~18. Florist shops.~~
~~19. Food, grocery, meat, fish, bakery or delicatessen stores.~~
~~20. Furniture stores.~~
~~21. Hardware stores.~~
~~22. Hobby stores.~~
~~23. Interior decorating studios.~~
~~24. Jewelry stores.~~
~~25. Leather goods or luggage shops.~~
~~26. Libraries.~~
~~27. Locksmith shops.~~
~~28. Medical or dental clinics.~~
~~29. Newsstands which are not free-standing.~~
~~30. Optical stores.~~
~~31. Paint or wallpaper stores.~~
~~32. Pet shops.~~
~~33. Phonograph, record or sheet music stores.~~
~~34. Photography studios.~~
~~35. Picture framing on picture stores.~~
~~36. Pipe tobacco shops.~~
~~37. Post offices.~~
~~38. Public utility service stores.~~

~~39. Restaurants including the service of liquor and excluding convenience food establishments.~~
~~40. Sporting goods stores.~~
~~41. Taxidermy shops.~~
~~42. Theaters, excluding drive-ins.~~
~~43. Variety, gift, notion or soft goods stores.~~
~~44. Wearing apparel stores.~~
~~45. Coffee shops.~~
~~46. Municipal parks and playgrounds.~~
~~47. Municipal "Off-sale" and "On-sale" Liquor Stores.~~

~~B. Other than at street grade.~~

~~1. All uses identified in Section 980.02.A above.~~
~~2. Laboratories (medical and dental).~~
~~3. Offices, including both business and professional uses.~~
~~4. Schools such as music, dance, business or vocational schools.~~
~~5. Upper story dwelling units subject to the density standards of the R-5 District.~~

980.03 Interim Use.

Subject to applicable provisions of this Ordinance, the ~~following are~~ interim uses in the C-4B District listed within Section 937.02 and are governed by Chapter 934 of this Ordinance:

~~A. Accessory parking lot fronting on Lake Street, provided that:~~

~~1. The use is accessory to a principal use or is a principal use under public ownership.~~
~~2. The design and construction of the facility is in compliance with applicable provisions of this Ordinance.~~
~~3. The use of the site for parking is temporary in nature with the intent of development of the site for commercial purposes.~~

980.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted accessory uses in the C-4B District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~

~~A. Accessory uses customarily incident to the uses permitted in Sections 980.02 and 980.05 of this Ordinance.~~
~~B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight. Unless approved as an interim use, such area shall not border or front Lake Street.~~
~~C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~
~~D. Bus or taxi loading and unloading facilities.~~
~~E. Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

~~(Ord.782[8-9-2018])~~

980.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a ~~"~~C-4B~~"~~ District are listed in the Table shown in Section 937.02 of this Ordinance.~~:~~ ~~(Requires a~~All conditional use s require a conditional use permit based upon procedures and standards set forth in ~~and regulated by Chapter~~ 904 of this Ordinance.~~)~~

~~A. Drive-in facilities for banks or savings and loan associations, provided that:~~

~~1. The driveway access shall not be on a residential street.~~
~~2. The curb cut setbacks and parking shall be in conformance with Chapter 920, the Parking Ordinance.~~

3. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
4. The service windows and driveway shall be screened from view if adjacent to a residentially used property.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

B. Physical, culture or health service establishments or reducing salons, provided that:

1. The use shall not serve alcoholic beverages.
2. If located within a shopping center, the use has its own exclusive exterior access.
3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
4. Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:

1. Such use is allowed as a permitted use in a "B-1" or "B-2" District.
2. Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.
3. Adequate off-street parking and off-street loading in compliance with the requirements of Chapter 920 of this Ordinance is provided.
4. All signing and informational or visual communication devices shall be in compliance with Chapter 927 of this Ordinance.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Drove-ins and delicatessens with seating facilities, provided that the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

E. Residential use as a principal use, provided that:

1. The development does not front or border Lake Street.
2. The development does not conflict with existing or potential future commercial uses and activities.
3. The density standards imposed as part of the R-5 Zoning District are complied with.
4. Adequate open space and recreational space is provided on site for the benefit of the occupants.
5. The development does not conflict or result in incompatible land use arrangements as related to abutting residential uses.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

F. Open and outdoor storage as an accessory use, provided that:

1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.
2. Storage is landscaped and screened from view from the public right-of-way.
3. Storage area is blacktopped or concrete surfaced.
4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

G. Open or outdoor service, sale and rental as a principal or accessory use, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use.
2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.

3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
4. Areas are asphalt or concrete surfaced.
5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

H. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

I. Planned unit development as regulated by Chapter 933 of this Ordinance.

J. Existing clubs or lodges provided that:

1. All State regulations are complied with including obtaining all required permits and/or licenses.
2. Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.
3. The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.
4. The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

K. Micro-production Facility, provided that:

1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.
2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
3. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.
4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
6. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
7. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
8. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.

9. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
10. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.
11. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
12. Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.
13. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.
14. Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.

(Ord.782[8-9-2018])

980.06 Existing Uses.

Any established use which legally existed within its respective zoning district prior to the enactment and application of a C-4B classification and which requires a conditional use permit under the C-4B designation, may be continued in like fashion and activity and shall automatically be considered as having received conditional use approval. A change in ownership of such property shall not affect the conditional use permit approval status so long as the business or use continues in a like fashion and activity.

980.07 Special Limitations and Conditions.

A. All business establishments at street grade shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.
B. All business establishments at street grade shall be complementary to the retail character of the district and enhance pedestrian traffic.
C. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located either by a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.
D. At least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and must comprise at least 50 percent of the ground floor building footprint.
E. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more must be developed with more than one of the following uses: retail, service, residential, and office. Upper floors may be used for any permitted use including residential.
F. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor seating, plazas, or recessed entries.
G. Parking is prohibited in the front yard is prohibited.

980.08 Height, Setbacks~~Yard and,~~ Lot Coverage and Lot Area ~~Requirements~~.

The following minimum requirements ~~shall~~ must be ~~observed~~ met for all lots in ~~a~~ the ~~"~~C-4B~~"~~ District subject to additional requirements, exceptions, and modifications set forth in this Ordinance:

A. ~~Height. No~~ Bb~~b~~uildings ~~shall be erected or structurally altered to~~may not exceed the height of two stories ~~and~~ or 30 feet ~~in height, whichever is lesser~~.
B. Minimum Setbacks. There ~~shall~~ must be no front yard, exterior side yard or rear yard requirements, except that there ~~shall~~ must be a required setback within C-4B District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback ~~shall~~ must be the same as the setback for the adjacent district.
C. ~~Floor Area Ratio.~~ The ~~maximum~~ floor area ratio (F.A.R.) ~~shall be~~may not exceed 2.0.
D. ~~Area.~~ The minimum ~~total~~ lot area ~~shall~~ must be ~~12~~6,000 square feet.

~~CHAPTER 985 R-D RESEARCH AND DEVELOPMENT DISTRICT~~

~~985.01 Purpose.~~
~~The R-D District is intended to allow restrictive industrial-type growth for certain uses with high standards of performance which do not create appreciable nuisances or hazards. The regulations for this District are intended to encourage development which will be very similar to office uses, which will be compatible with and can reasonably adjoin higher density residential development, and which will promote desirable concentrations of similar such uses.~~

~~985.02 Special Limitations and Conditions.~~

~~A. All applications to use or plat property for research and development purposes shall be considered in accordance with the procedures and provisions of Chapter 933, Planned Unit Development.~~
~~B. All uses within the R-D District shall be conditional uses and shall be considered in accordance with the procedures and provisions of Chapter 904, Conditional Uses. Such uses shall be limited to administrative, wholesale, testing, light manufacturing and similar or related uses which can be conducted in an unobtrusive manner.~~
~~C. All research and development projects shall contain sufficient open space, landscaping and off-street parking areas, and all such projects shall maintain a high standard of appearance, with all external effects to be adequately controlled (e.g., noise and smoke).~~

CHAPTER 986 B-W BUSINESS/WAREHOUSING DISTRICT

986.01 - Purpose.

The purpose of the "B-W" Business/Warehousing District is to provide for the establishment of wholesale and retail trade of large volume or bulk commercial items, storage and warehousing. The overall character of the "B-W" District is intended to be transitional in nature, thus industrial uses allowed within this District shall be limited to those which can compatibly exist adjacent to commercial and lower intensity activities.

986.02 – Permitted Uses.

Subject to applicable provisions of this Ordinance, the following are permitted uses within the "B-W" District:

A. Automobile repair—minor.
B. Commercial printing establishments.
C. Commercial/professional offices.
D. Conference centers.
E. Essential services.
F. Governmental and public utility buildings and structures.
G. Indoor commercial recreation.
H. Laboratories.
I. Wholesale showrooms.

986.03 - Interim Use.

Subject to applicable provisions of this Ordinance, the following are interim uses in the B-W District and are governed by Chapter 934 of this Ordinance.

A. None.

986.04 - Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses within the "B-W" District:

A. Accessory uses customarily incidental to the uses allowed in Sections 986.02 and 986.05 of this Ordinance.

B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.

C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.

D. Bus or taxi loading and unloading facilities.

986.05 - Conditional Uses.

Subject to applicable provisions of this Ordinance, the following are conditional uses in a "B-W" District: (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 904 of this Ordinance.)

A. Open and outdoor storage including the parking of commercial vehicles in excess of that allowed as a permitted accessory use as an accessory use, provided that:

1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.
2. Storage is landscaped and screened from view from the public right-of-way.
3. Storage area is blacktopped or concrete surfaced.
4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

B. Open or outdoor services, sale and rental as a principal or accessory use, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.
2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.
3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
4. Areas are asphalt or concrete surfaced.
5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
6. Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.
7. The provisions of Section 904.02.G of this Ordinance are considered and satisfactorily met.

C. Manufacturing, compounding, assembly, packaging, treatment or storage of products and materials, provided that:

1. The proposed use complies with the performance standards outlined in Chapters 916, 917, 918, 919, 920 and all other applicable provisions of this Ordinance.
2. The provisions of Section 904.02.G of this Ordinance are considered and satisfactorily met.
3. Planned unit development as regulated by Chapter 933 of this Ordinance.

D. Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City shall be allow as a conditional use, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

986.06 - Height, Yard and Lot Coverage Requirements.

The following minimum requirements shall be observed in a "B-W" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance:

A. Height. No building shall be erected or structurally altered to exceed two stories and 25 feet in height, whichever is lesser.

B. Setback.

1. Front Yard: 25 feet.

2. Side Yard: There shall be a side yard on each side of any building having a width of not less than 20 feet, except that no building shall be located within 50 feet of any side lot line abutting a lot in any residential district.

3. Rear Yard: There shall be a rear yard having a depth of not less than 20 feet, except that no buildings shall be located within 50 feet of any residential district.

C. Floor Area Ratio. The maximum floor area ratio (F.A.R.) shall be 1.0.

D. Lot Area. The minimum total lot area shall be 30,000 square feet.

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: March 7, 2022	**AGENDA ITEM:** 7.a
TITLE: Review of Development Activities	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:
Staff will give a verbal update of development activity within the city.

ACTION REQUESTED:
N/A

ATTACHMENTS:
None

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: March 7, 2022	**AGENDA ITEM:** 7.b
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

The next Planning Commission meeting is on Monday, March 21 at 6:30 p.m. The 2022 City Meeting Calendar and Liasion Schedule are attached.

ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2022 Wayzata City Calendar
2. 2022 Planning Commission Liaison Schedule

City of Wayzata
2022 Meeting Calendar

January 2022

S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February 2022

S	M	T	W	Th	F	S
		1	2	3	4	5
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March 2022

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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April 2022

S	M	T	W	Th	F	S
					1	2
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17	18	19	20	21	22	23
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May 2022

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June 2022

S	M	T	W	Th	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July 2022

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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August 2022

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2022

S	M	T	W	Th	F	S
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18	19	20	21	22	23	24
25	26	27	28	29	30	

October 2022

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23	24	25	26	27	28	29
30	31					

November 2022

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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2022

S	M	T	W	Th	F	S
				1	2	3
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Revised
9/29/2021

- Energy & Environment 5:00 PM
- Planning Commission - 6:30 PM
- City Council - 7:00 PM
- Wayzata School Board
- Lake Minnetonka Conservation District (LMCD)
- Heritage Preservation Board (HPB) - 5:00 PM
- Housing & Redevelopment Authority (HRA) - 7:30 AM
- Parks & Trails Board - 6:00 PM
- Charter Commission - 9:00 AM
- Elections (see below)
- Night to Unite

Meeting dates and times are subject to change. Dates can be confirmed by calling City Hall.

Holiday Observed
City Offices Closed

Precinct Caucuses - Feb 1, 2022

Primary Election - August 9, 2022

General Election - November 8, 2022

2022 Planning Commission Assignments at Council Meetings

	Meeting Date	Commission Representative
Tuesday	January 4, 2022	Ken Sorensen
Tuesday	January 18, 2022	Peggy Douglas
Tuesday	February 8, 2022	Laura Merriam
Tuesday	February 22, 2022	Jeffrey Parkhill
Tuesday	March 8, 2022	Bonnie Schwalbe
Tuesday	March 22, 2022	Jennifer Severson
Tuesday	April 5, 2022	Larissa Stockton
Tuesday	April 19, 2022	Ken Sorensen
Tuesday	May 3, 2022	Peggy Douglas
Tuesday	May 17, 2022	Laura Merriam
Tuesday	June 7, 2022	Jeffrey Parkhill
Tuesday	June 21, 2022	Bonnie Schwalbe
Tuesday	July 5, 2022	Jennifer Severson
Tuesday	July 19, 2022	Larissa Stockton
Wednesday	August 3, 2022	Ken Sorensen
Tuesday	August 16, 2022	Peggy Douglas
Tuesday	September 6, 2022	Laura Merriam
Tuesday	September 20, 2022	Jeffrey Parkhill
Tuesday	October 4, 2022	Bonnie Schwalbe
Tuesday	October 18, 2022	Jennifer Severson
Tuesday	November 1, 2022	Larissa Stockton
Tuesday	November 15, 2022	Ken Sorensen
Tuesday	December 6, 2022	Peggy Douglas
Tuesday	December 20, 2022	Laura Merriam