

CHAPTER 8**LAND AND BUILDING REGULATIONS****SECTION 838.1 – COMMERCIAL-HIGHWAY (CH) - DISTRICT**

Section 838.1.01 Commercial-Highway (CH) - Purpose. The purpose of the Commercial-Highway (CH) district is to provide a zoning district for a mix of retail and service businesses with visibility from and proximity to arterial roadways which provide services for residents of the city as well as the broader region. Development shall include high quality and attractive building materials and architectural design as well as extensive landscaping in order to limit impacts on surrounding land uses, and shall be integrated and coordinated in a way to most efficiently utilize site improvements and to protect the natural environment.

Section 838.1.02. (CH) Permitted Uses. The following shall be permitted uses within the CH district, subject to applicable provisions of the city code:

- (1) Essential Services
- (2) Professional and Medical Office Uses
- (3) Parks and Open Space
- (4) Public Services
- (5) Retail Uses, except the following are not permitted uses: pet stores, pawn shops, and adult establishments.
- (6) Service Uses, except the following are not permitted uses: hospitals; veterinarian clinics; adult establishments; services related to automobiles; and services delivered off-site, including but not limited to building/lawn contractors, electrical and other skills trades and pest control.
- (7) Hotels and Motels
- (8) Places of assembly, conference halls, lodges, and similar uses
- (9) Religious institutions
- (10) Banks and financial institutions
- (11) Showrooms
- (12) Daycare Facilities
- (13) Physical fitness clubs, dance studios, and similar uses

Section 838.1.03. (CH) Conditional Uses. The following shall be permitted within the CH district, subject to conditional use permit approval, the specific requirements established in Section 838.5.08, and other applicable provisions of the city code:

- (1) Structures which exceed 50,000 square feet in floor area
- (2) Automobile, Marine, or Trailer Sales or Rental
- (3) Automobile Repair, Oil Lubrication Service Shops, Auto Body Shops
- (4) Automobile Towing

- (5) Car Washes or Auto Detailing
- (6) Drive-through services
- (7) Hospitals
- (8) Indoor Recreational Uses, including but not limited to bowling alleys, dance halls, movie theaters, and live entertainment.
- (9) Motor Fuel Stations
- (10) Retail and service uses which include the keeping of animals on-site such as pet stores, veterinarian clinics, animal day cares, animal boarding, commercial kennels and similar uses.
- (11) Wind Energy Conversion Systems (WECS)

Section 838.1.04. (CH) Accessory Uses. The following accessory uses shall be permitted within the CH district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Off-street parking and loading
- (2) Outdoor dining and/or drinking areas, subject to the requirements established in Section 838.5.08.
- (3) Outdoor display of goods used in conjunction with and on the same site as the permitted use or conditional use, subject to the requirements established in Section 838.5.08.
- (4) Outdoor recreational sports courts, subject to a conditional use permit and the requirements established in Section 838.5.08.
- (5) Outdoor Storage, subject to a conditional use permit and the requirements established in Section 838.5.08.
- (6) Seasonal Flea Market or Farmers Market, subject to an administrative review of compliance with the requirements established in Section 838.5.08.
- (7) Signs, subject to the requirements of the sign ordinance
- (8) Temporary Outdoor Sales Events, subject to an administrative review of compliance with the requirements established in Section 838.5.08.
- (9) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd.1 of the City Code.
- (10) Brewing, Distilling, and Similar Uses, provided such production does not exceed 50% of the floor area and provided such activities are accessory to on-site sales or consumption.
- (11) Keeping of Honey Bees in compliance with standards of Section 828.22 of this ordinance.

Section 838.1.05. (CH) Lot Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. Minimum Lot Size: One acre. The minimum lot size may be reduced to 0.5 acre if the lot is part of an integrated development utilizing shared improvements such as parking and stormwater management, as approved by the City.

Subd. 2. Minimum Lot Width: 100 feet

Subd. 3. Minimum Lot Depth: 120 feet

Subd. 4. A lot of record, which existed on or before December 31, 1999, and has one or more of the following characteristics shall be considered buildable, without requiring a variance, provided all other relevant provisions of the ordinance are met:

- (a) Less than the required lot size
- (b) Less than the required lot width
- (c) Less than the required lot depth

Subd. 5. Minimum Front Yard Setback: 25 feet

Subd. 6. Minimum Rear Yard Setback: 25 feet

Subd. 7. Minimum Interior Side Yard Setback: 15 feet

Subd. 8. Street Setbacks: A required yard setback adjacent to a public or private street shall be increased based on the classification of the street in the Comprehensive Plan as follows:

- (a) Local Roadway: 25 feet
- (b) Minor Collector Roadway: 35 feet
- (c) Major Collector or Arterial Roadway: 50 feet

Subd. 9. Residential Setback: A required yard setback adjacent to or across a street from a residential zoning district shall be increased to 50 feet.

Subd. 10. Minimum Railroad Setback: A required yard setback adjacent to a railroad right-of-way may be reduced to zero, except as necessary for safety, fire access, or utility purposes.

Subd. 11. Minimum Parking Setbacks: Parking stalls, parking aisles, and fire lanes may encroach within the required yard setbacks but shall be located the following distances from property lines:

- (a) Front Yard: 25 feet
- (b) Rear and Interior Side Yard: 10 feet, except to accommodate shared/joint parking across a common lot line.
- (c) Side Yard, if adjacent to street: 25 feet
- (d) Residential Zoning District: 40 feet

Subd. 12. Maximum Impervious Surface: Impervious surface coverage shall not exceed 75 percent of the entire lot. The maximum impervious surface coverage may be increased to 80 percent if the lot is part of an integrated development utilizing shared improvements such as parking and stormwater management, as approved by the City. However, in no case shall impervious surface coverage exceed 85 percent of the remaining lot area after wetlands and stormwater ponds have been excluded.

Section 838.1.06. (CH) Design and Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. The commercial district standards, as required in Section 838.5, shall be observed.

Subd. 2. Building Size: Structures in excess of 50,000 square feet of floor area shall only be permitted subject to conditional use permit approval, the specific requirements established in Section 838.5.08, and other applicable provisions of the city code.

Subd. 3. Maximum Building Height: Building height shall not exceed 45 feet or three stories, whichever is greater. In the case that a structure is not equipped with a compliant fire sprinkler system, the maximum building height shall be 30 feet.

Subd. 4. Outdoor Lighting: Unless otherwise specified herein, outdoor lighting shall abide by the requirements specified in the outdoor lighting ordinance.

- (a) Lighting levels at property lines shall be limited to 0.5 foot-candle, except if adjacent to a residential zoning district, where lighting shall be limited to 0.0 foot-candle.
- (b) Parking and walkway lighting fixtures shall utilize full cut-off luminaires with no more than 10 percent of light output above the horizontal plane through the light source.
- (c) Landscape and architectural lighting shall be aimed directly at the area of focus. Spill light shall be minimized through the use of narrow distribution luminaires and control devices such as louvers, refractors, barn doors, and glare shields.

SECTION 838.2 – COMMERCIAL-HIGHWAY/RAILROAD (CH-RR) DISTRICT

Section 838.2.01 Commercial-Highway/Railroad (CH-RR) - Purpose. The purpose of the Commercial-Highway/Railroad (CH-RR) district is to provide a zoning district for a mix of retail and service businesses with visibility from and proximity to arterial roadways which provide services for residents of the city as well as the broader region. Development shall include high quality and attractive building materials and architectural design as well as extensive landscaping in order to limit impacts on surrounding land uses, and shall be integrated and coordinated in a way to most efficiently utilize site improvements and to protect the natural environment. The district is similar to Commercial-Highway except that property in the district is fronted by both state highway and railroad right-of-way, which separates the property from surrounding uses.

Section 838.2.02. (CH-RR) Permitted Uses. The following shall be permitted uses within the CH-RR district, subject to applicable provisions of the city code:

- (1) Essential Services
- (2) Professional and Medical Office Uses
- (3) Parks and Open Space
- (4) Public Services
- (5) Retail Uses, except the following are not permitted uses: pawn shops, pet stores, and adult establishments.
- (6) Service Uses, except the following are not permitted uses: hospitals; veterinarian clinics; adult establishments; services related to automobiles; and services delivered off-site, including but not limited to building/lawn contractors, electrical and other skills trades and pest control.
- (7) Hotels and Motels
- (8) Places of assembly, conference halls, lodges, and similar uses
- (9) Religious institutions
- (10) Banks and financial institutions
- (11) Showrooms
- (12) Daycare Facilities
- (13) Physical fitness clubs, dance studios, and similar uses

Section 838.2.03. (CH-RR) Conditional Uses. The following shall be permitted uses within the CH-RR district, subject to conditional use permit approval, the specific requirements established in Section 838.5.08, and other applicable provisions of the city code:

- (1) Structures which exceed 50,000 square feet in floor area
- (2) Automobile, Marine, or Trailer Sales or Rental
- (3) Automobile Repair, Oil Lubrication Service Shops, Auto Body Shops
- (4) Automobile Towing
- (5) Motor Fuel Stations
- (6) Car Washes or Auto Detailing

- (7) Drive-through services
- (8) Hospitals
- (9) Indoor Recreational Uses, including but not limited to bowling alleys, dance halls, movie theaters, and live entertainment.
- (10) Retail and service uses which include the keeping of animals on-site such as pet stores, veterinarian clinics, animal day cares, animal boarding, commercial kennels and similar uses.
- (11) Wind Energy Conversion Systems (WECS)

Section 838.2.04. (CH-RR) Accessory Uses. The following accessory uses shall be permitted within the CH-RR district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Off-street parking and loading
- (2) Outdoor dining and/or drinking areas, subject to the requirements established in Section 838.5.08.
- (3) Outdoor display of goods used in conjunction with and on the same site as the permitted use or conditional use, subject to the requirements established in Section 838.5.08.
- (4) Seasonal Flea Market or Farmers Market, subject to an administrative review of compliance with the requirements established in Section 838.5.08.
- (5) Outdoor recreational sports courts, subject to a conditional use permit and the requirements established in Section 838.5.08.
- (6) Outdoor Storage, subject to a conditional use permit and the requirements established in Section 838.5.08.
- (7) Signs, subject to the requirements of the sign ordinance
- (8) Temporary Outdoor Sales Events, subject to an administrative review of compliance with the requirements established in Section 838.5.08.
- (9) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.
- (10) Brewing, Distilling, and Similar Uses, provided such production does not exceed 50% of the floor area and provided such activities are accessory to on-site sales or consumption.
- (11) Keeping of Honey Bees in compliance with standards of Section 828.22 of this ordinance.

Section 838.2.05. (CH-RR) Lot Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. Minimum Lot Size: One acre. The minimum lot size may be reduced to 17,500 square feet if the lot is part of an integrated development utilizing shared improvements such as parking and stormwater management, as approved by the City.

Subd. 2. Minimum Lot Width: 100 feet

Subd. 3. Minimum Lot Depth: 120 feet

Subd. 4. A lot of record, which existed on or before December 31, 1999, and has one or more of the following characteristics shall be considered buildable, without requiring a variance, provided all other relevant provisions of the ordinance are met:

- (a) Less than the required lot size
- (b) Less than the required lot width
- (c) Less than the required lot depth

Subd. 5. Minimum Front Yard Setback: 25 feet

Subd. 6. Minimum Rear Yard Setback: 25 feet

Subd. 7. Minimum Interior Side Yard Setback: 15 feet

Subd. 8. Street Setbacks: A required yard setback adjacent to a public or private street shall be increased based on the classification of the street in the Comprehensive Plan as follows. A required yard setback adjacent to a frontage road which abuts railroad or state highway right-of-way shall be reduced subject to Subd. 9. below.

- (a) Local Roadway: 25 feet
- (b) Minor Collector Roadway: 35 feet
- (c) Major Collector or Arterial Roadway: 50 feet

Subd. 9. Frontage Road Setback: A required yard setback adjacent to a frontage road directly abutting railroad or state highway right-of-way may be reduced to zero, except as necessary for safety, fire access, or utility purposes.

Subd. 10. Residential Setback: A required yard setback adjacent to or across a street from a residential zoning district shall be increased to 50 feet.

Subd. 11. Minimum Railroad Setback: A required yard setback adjacent to a railroad right-of-way may be reduced to zero, except as necessary for safety, fire access, or utility purposes.

Subd. 12. Minimum Parking Setbacks: Parking stalls, parking aisles, and fire lanes may encroach within the required yard setbacks but shall be located the following distances from property lines:

- (a) Front Yard: 25 feet
- (b) Rear and Interior Side Yard: 10 feet, except to accommodate shared/joint parking across a common lot line.
- (c) Side Yard, if adjacent to street: 25 feet
- (d) Residential Zoning District: 40 feet

Subd. 13. Maximum Impervious Surface: Impervious surface coverage shall not exceed 75 percent of the entire lot. The maximum impervious surface coverage may be increased to 80 percent if the lot is part of an integrated development utilizing shared

improvements such as parking and stormwater management, as approved by the City. However, in no case shall impervious surface coverage exceed 85 percent of the remaining lot area after wetlands and stormwater ponds have been excluded.

Section 838.2.06. (CH-RR) Design and Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. The commercial district standards, as required in Section 838.5, shall be observed.

Subd. 2. Building Size: Structures in excess of 50,000 square feet of floor area shall only be permitted subject to conditional use permit approval, the specific requirements established in Section 838.5.08, and other applicable provisions of the city code.

Subd. 3. Maximum Building Height: Building height shall not exceed 45 feet or three stories, whichever is greater. In the case that a structure is not equipped with a compliant fire sprinkler system, the maximum building height shall be 30 feet.

Subd. 4. Outdoor Lighting: Unless otherwise specified herein, outdoor lighting shall abide by the requirements specified in the outdoor lighting ordinance.

- (a) Lighting levels at property lines shall be limited to 0.5 foot-candle, except if adjacent to a residential zoning district, where lighting shall be limited to 0.0 foot-candle.
- (b) Parking lot and walkway lighting fixtures shall utilize full cutoff luminaires with no more than 10 percent of light output above the horizontal plane through the light source.
- (c) Landscape and architectural lighting shall be aimed directly at the area of focus. Spill light shall be minimized through the use of narrow distribution luminaires and control devices such as louvers, refractors, barn doors, and glare shields.

SECTION 838.3 – COMMERCIAL-GENERAL (CG) DISTRICT

Section 838.3.01 Commercial-General (CG) - Purpose. The purpose of the Commercial-General (CG) district is to provide a zoning district for a mix of service, office, warehouse, and light manufacturing businesses. Property in this district will be proximate to arterial roadways, but generally have less visibility to these roadways than Commercial-Highway property. New development shall include high quality and attractive building materials and architectural design as well as extensive landscaping in order to limit impacts on surrounding land uses and shall enhance the existing structures and uses in the district.

Section 838.3.02. (CG) Permitted Uses. The following shall be permitted uses within the CG district, subject to applicable provisions of the city code:

- (1) Contractor services typically delivered off-site such as, building contractors, lawn care, electrical, plumbing, locksmiths, and extermination or pest control.
- (2) Essential services
- (3) Professional and Medical Office Uses
- (4) Parks and open space
- (5) Public Services
- (6) Retail Uses, except the following are not permitted uses: pawn shops, pet stores, and adult establishments.
- (7) Service Uses, except the following are not permitted uses: hospitals, veterinarian clinics, adult establishments, services related to automobiles
- (8) Warehousing, Wholesaling, and Distributors not exceeding 10,000 square feet
- (9) Places of assembly, conference halls, lodges, and similar uses
- (10) Religious institutions
- (11) Banks and financial institutions
- (12) Showrooms
- (13) Daycare Facilities
- (14) Physical fitness clubs, dance studios, and similar uses

Section 838.3.03. (CG) Conditional Uses. The following shall be permitted uses within the CG district, subject to conditional use permit approval, the specific requirements established in Section 838.5.08, and other applicable provisions of the city code:

- (1) Structures which exceed 50,000 square feet of floor area
- (2) Assembly or Manufacturing of light industrial products, except not the following uses and processes: leather tanning; paper manufacturing; meat slaughtering or rendering; metal plating; Teflon coating or similar coatings requiring high temperatures; the use of heavy or other drop forges; the use of heavy or other hydraulic surges; or the use of any devices capable of detection at the property line.
- (3) Automobile, Marine, or Trailer Sales or Rental
- (4) Automobile Repair, Oil Lubrication Service Shops, Auto Body Shops
- (5) Automobile Towing
- (6) Car Washes or Auto Detailing

- (7) Indoor Recreational Uses, including but not limited to bowling alleys, dance halls, movie theaters, and live entertainment.
- (8) Retail and service uses which include the keeping of animals on-site such as pet stores, veterinarian clinics, animal day cares, animal boarding, commercial kennels and similar uses.
- (9) Warehousing, Wholesaling, or Distributors more than 10,000 but less than 20,000 square feet.
- (10) Wind Energy Conversion Systems (WECS)

Section 838.3.04. (CG) Accessory Uses. The following accessory uses shall be permitted within the CG district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Off-street parking and loading
- (2) Outdoor dining and/or drinking areas, subject to the requirements established in Section 838.5.08.
- (3) Outdoor display of goods used in conjunction with and on the same site as the permitted use or conditional use, subject to the requirements established in Section 838.5.08.
- (4) Outdoor recreational sports courts, subject to a conditional use permit and the requirements established in Section 838.5.08.
- (5) Outdoor Storage, subject to a conditional use permit and the requirements established in Section 838.5.08.
- (6) Signs, subject to the requirements of the sign ordinance
- (7) Temporary Outdoor Sales Events, subject to an administrative review of compliance with the requirements established in Section 838.5.08.
- (8) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.
- (9) Brewing, Distilling, and Similar Uses, provided such production does not exceed 50% of the floor area and provided such activities are accessory to on-site sales or consumption.
- (10) Keeping of Honey Bees in compliance with standards of Section 828.22 of this ordinance.

Section 838.3.05. (CG) Lot Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. Minimum Lot Size: One acre. The minimum lot size may be reduced to 0.5 acre if the lot is part of an integrated development utilizing shared improvements such as parking and stormwater management, as approved by the City.

Subd. 2. Minimum Lot Width: 100 feet

Subd. 3. Minimum Lot Depth: 120 feet

Subd. 4. A lot of record, which existed on or before December 31, 1999, and has one or more of the following characteristics shall be considered buildable, without requiring a variance, provided all other relevant provisions of the ordinance are met:

- (a) Less than the required lot size
- (b) Less than the required lot width
- (c) Less than the required lot depth

Subd. 5. Minimum Front Yard Setback: 25 feet

Subd. 6. Minimum Rear Yard Setback: 20 feet

Subd. 7. Minimum Interior Side Yard Setback: 10 feet

Subd. 8. Street Setbacks: A required yard setback adjacent to a public or private street shall be increased based on the classification of the street in the Comprehensive Plan as follows:

- (a) Local Roadway: 25 feet
- (b) Minor Collector Roadway: 35 feet
- (c) Major Collector or Arterial Roadway: 50 feet

Subd. 9. Minimum Residential Setback: The required yard setback shall be increased to 50 feet if adjacent to a residential zoning district.

Subd. 10. Minimum Railroad Setback: A required yard setback adjacent to a railroad right-of-way may be reduced to zero, except as necessary for safety, fire access, or utility purposes.

Subd. 11. Minimum Parking Setbacks: Parking stalls, parking aisles, and fire lanes may encroach within the required yard setbacks but shall be located the following distances from property lines:

- (a) Front Yard: 25 feet
- (b) Rear and Interior Side Yard: 5 feet, except to accommodate shared/joint parking across a common lot line.
- (c) Side Yard, if adjacent to street: 25 feet
- (d) Residential Zoning District: 25 feet

Subd. 12. Maximum Impervious Surface: Impervious surface coverage shall not exceed 75 percent of the entire lot. Additionally, excluding wetlands and stormwater ponds, no more than 80 percent of the remaining lot shall be covered with impervious surfaces.

Section 838.3.06. (CG) Design and Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. The commercial district standards, as required in Section 838.5, shall be observed.

Subd. 2. Building Size: Structures in excess of 50,000 square feet of floor area shall only be permitted subject to conditional use permit approval, the specific requirements established in Section 838.5.08, and other applicable provisions of the city code.

Subd. 3. Maximum Building Height: Building height shall not exceed 35 feet. In the case that a structure is not equipped with a compliant fire sprinkler system, the maximum building height shall be 30 feet.

Subd. 4. Outdoor Lighting: Unless otherwise specified herein, outdoor lighting shall abide by the requirements specified in the Outdoor Lighting Ordinance.

- (a) Lighting levels at property lines shall be limited to 0.5 foot-candle, except if adjacent to a residential zoning district, where lighting shall be limited to 0.0 foot-candle.
- (b) Parking lot and Walkway lighting fixtures shall utilize full cut-off luminaires with no more than 10 percent of light output above the horizontal plane through the light source.
- (c) Landscape and architectural lighting shall be aimed directly at the area of focus. Spill light shall be minimized through the use of narrow distribution luminaires and control devices such as louvers, refractors, barn doors, and glare shields.

SECTION 838.4 – COMMERCIAL-NEIGHBORHOOD (CN) DISTRICT

Section 838.4.01 Commercial-Neighborhood (CN) - Purpose. The purpose of the Commercial-Neighborhood (CN) district is to provide a zoning district for a mix of lower intensity retail and service businesses within proximity of residential zoning districts which provide services primarily for local residents. Development shall include high quality and attractive building materials and architectural design as well as extensive landscaping in order to relate with the residential surroundings and limit impacts on surrounding land uses. Development shall be integrated and coordinated in a way to most efficiently utilize site improvements and to protect the natural environment.

Section 838.4.02. (CN) Permitted Uses. The following shall be permitted uses within the CN district, subject to applicable provisions of the city code:

- (1) Essential services
- (2) Office Uses
- (3) Parks and open space
- (4) Public Services
- (5) Retail Uses, except the following are not permitted uses: pawn shops, pet stores, and adult establishments.
- (6) Service Uses, except for the following: hospitals; veterinarian clinics; adult establishments; services related to automobiles; and services delivered off-site, including but not limited to building/lawn contractors, electrical and other skills trades and pest control.

Section 838.4.03. (CN) Conditional Uses. The following shall be permitted within the CN district, subject to conditional use permit approval, the specific requirements established in Section 838.5.08, and other applicable provisions of the city code:

- (1) Indoor Recreational Uses, including but not limited to bowling alleys, dance halls, movie theaters, and live entertainment.
- (2) Retail and service uses which include the keeping of animals on-site such as pet stores, veterinarian clinics, animal day cares, animal boarding, commercial kennels and similar uses.

Section 838.4.04. (CN) Accessory Uses. The following accessory uses shall be permitted within the CN district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Off-street parking and loading
- (2) Outdoor dining and/or drinking areas, subject to the requirements established in Section 838.5.08.
- (3) Outdoor display of goods subject to the requirements established in Section 838.5.08.

- (4) Outdoor recreational sports courts, subject to a conditional use permit and the requirements established in Section 838.5.08.
- (5) Seasonal Flea Market or Farmers Market, subject to an administrative review of compliance with the requirements established in Section 838.5.08.
- (6) Signs, subject to the requirements of the sign ordinance
- (7) Temporary Outdoor Sales Events, subject to an administrative review of compliance with the requirements established in Section 838.5.08.
- (8) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

Section 838.4.05. Interim Uses. Within the CN district, single family detached dwellings existing prior to March 21, 2019 shall be a permitted interim use. Such use shall be allowed without obtaining an interim use permit until such time as the property is redeveloped.

Subd. 1. The interim use may be continued, including through repair, replacement, restoration, maintenance or improvement until such time as the property is redeveloped.

Subd. 2. An increase in the size of the interim use by 30 percent or less shall not be considered an expansion and shall not require an interim use permit. Expansion of the use or improvement of the property in an amount greater than 30 percent of its current size shall be permitted only by interim use permit.

Subd. 3. If an interim use is damaged or destroyed by fire, storm, or other hazard, it may be reconstructed without obtaining an interim use permit if a building permit is applied for within 720 days of the event causing the damage.

Section 838.4.06. (CN) Lot Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. Minimum Lot Size: One acre. The minimum lot size may be reduced to 0.5 acre if the lot is part of an integrated development utilizing shared improvements such as parking and stormwater management, as approved by the City.

Subd. 2. Minimum Lot Width: 100 feet

Subd. 3. Minimum Lot Depth: 120 feet

Subd. 4. A lot of record, which existed on or before December 31, 1999, and has one or more of the following characteristics shall be considered buildable, without requiring a variance, provided all other relevant provisions of the ordinance are met:

- (a) Less than the required lot size
- (b) Less than the required lot width
- (c) Less than the required lot depth

Subd. 5. Minimum Front Yard Setback: 30 feet

Subd. 6. Minimum Rear Yard Setback: 25 feet

Subd. 7. Minimum Interior Side Yard Setback: 15 feet

Subd. 8. Street Setbacks: A required yard setback adjacent to a public or private street shall be increased based on the classification of the street in the Comprehensive Plan as follows:

- (a) Local Roadway: 30 feet
- (b) Minor Collector Roadway: 35 feet
- (c) Major Collector or Arterial Roadway: 50 feet

Subd. 9. Minimum Residential Setback: Any setback adjacent to a residential zoning district shall be increased to 40 feet.

Subd. 10. Minimum Railroad Setback: A required yard setback adjacent to a railroad right-of-way may be reduced to zero, except as necessary for safety, fire access, or utility purposes.

Subd. 11. Minimum Parking Setbacks: Parking stalls, parking aisles and fire lanes may encroach within the yard setbacks required by this section, but shall be located the following distances from property lines:

- (a) Front Yard: 25 feet
- (b) Rear and Interior Side Yard: 5 feet, except to accommodate shared/joint parking across a common lot line.
- (c) Side Yard, if adjacent to street: 25 feet
- (d) Residential Zoning District: 40 feet

Subd. 12. Maximum Impervious Surface: Impervious surface coverage shall not exceed 70 percent of the entire lot. Additionally, excluding wetlands and stormwater ponds, no more than 80 percent of the remaining lot shall be covered with impervious surfaces.

Section 838.4.07. (CN) Design and Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. Maximum Building Size: No structure shall exceed 20,000 square feet of floor area.

Subd. 2. Maximum Building Height: Building height shall not exceed 35 feet. In the case that a structure is not equipped with a compliant fire sprinkler system, the maximum building height shall be 30 feet.

Subd. 3. Outdoor Lighting: Unless otherwise specified herein, outdoor lighting shall abide by the requirements specified in the Outdoor Lighting Ordinance.

- (a) Lighting levels at property lines shall be limited to 0.0 foot-candle.

- (b) Parking and Walkway lighting fixtures shall utilize full cut-off luminaries with no more than 10 percent of light output above the horizontal plane through the light source.
- (c) Landscape and architectural lighting shall be aimed directly at the area of focus. Spill light shall be minimized through the use of narrow distribution luminaries and control devices such as louvers, refractors, barn doors, and glare shields.

Subd. 4. Outdoor Storage Prohibited. Outdoor Storage shall be prohibited within the Commercial-Neighborhood zoning district.

Subd. 5. Buffer Yard. A buffer yard as described in Section 828.31 shall be required.

Subd. 6. The commercial district standards, as required in Section 838.5, shall be observed.

**SECTION 838.5 – DESIGN AND DEVELOPMENT STANDARDS
FOR ALL COMMERCIAL DISTRICTS**

Section 838.5.01. Generally. The standards of this Section shall apply to all commercial zoning districts, subject to requirements set forth in other sections of this ordinance. These standards are established to reduce the impact of commercial uses on surrounding land uses and to achieve a high standard of development.

Section 838.5.02. Building Materials and Design.

Subd. 1. Building Materials. All exterior building materials shall be durable and meet the following standards:

- (a) A minimum of 30 percent of the building exterior shall be brick, natural stone, stucco (not Exterior Insulation and Finish System or similar product), copper, or glass.
- (b) A maximum of 70 percent may be decorative concrete, split face (rock face) decorative block, and/or decorative pre-cast concrete panels. Decorative concrete shall be color impregnated in earth tones (rather than painted) and shall be patterned to create a high-quality terrazzo, brick, stucco, or travertine appearance.
- (c) A maximum of 20 percent may be wood, metal (excluding copper), or fiber cement lap siding, if used as accent materials which are integrated into the overall building design.
- (d) Notwithstanding anything herein to the contrary, Fiber Cement Architectural Wall Panels with a minimum 5/8” thickness are an approved material in the case of an existing masonry building with water infiltration issues making stucco an unsuitable finish material and which cannot support the additional weight of precast panels, full height masonry, or other approved materials. Panels shall be colored during production rather than painted after production and shall be installed with a hidden fastening system that also serves as a built in drained and back-ventilated rainscreen. If fiber cement architectural wall panels are proposed, a minimum of 30 percent of the building exterior shall be brick, natural stone, stucco, or glass.

Subd. 2. Building Modulation. Buildings shall be modulated a minimum of once per 40 feet of building perimeter to avoid long, monotonous building walls. This modulation may include varying building height, building setback, or building materials/design. The portions of building which exceed two stories or 35 feet shall be set back a minimum of six feet from the lower portion of the building.

Subd. 3. Building Fenestration and Transparency. Building elevations which face a public street shall include generous window coverage. Alternative architectural elements may be approved by the city when windows are not practical.

Subd. 4. Multi-sided Architecture. Any rear or side building elevation which faces a public street, an interior access drive for the development, or a residential zoning district shall include design and architectural elements of a quality generally associated with a

front façade. The elevation(s) shall be compatible with the front building elevation. Additional signage shall be permitted for an elevation facing a public street or interior access drive, as regulated within the sign ordinance. Multi-sided architecture shall not be required in situations where the rear or side building elevation is fully screened from view from the adjacent street or residential property.

Section 838.5.03. Landscaping Requirements.

Subd. 1. Generally. The entire lot shall be landscaped, except for areas occupied by buildings, walks, trails, parking lots, drives, loading docks, plaza space, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and sod. Areas may be seeded if determined to be practically necessary by the city. Properly maintained natural vegetation may also be utilized. Integrated stormwater management practices, such as vegetative swales, vegetated filter strips, bioretention, and raingardens, shall be considered landscaping and shall not be excluded from the gross acreage of the parcel when calculating impervious surface coverage.

Subd. 2. Building Setting. At least 10 feet of landscaped area shall be provided adjacent to all buildings except for walks, outdoor sales areas, plaza space and approved loading docks. Walks within this landscaped area shall be limited to where practically necessary to serve access points of buildings.

Subd. 3. Overstory Deciduous Shade Trees and Coniferous Trees. A minimum of one tree per 50 feet, or fraction thereof, of lot perimeter shall be required.

- (a) Size. Deciduous trees shall not be less than 2.5 caliper inches measured four feet off ground, and coniferous trees shall not be less than six feet in height.
- (b) Location. Tree location shall be approved by the city prior to planting.
- (c) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species, as listed within the tree preservation ordinance are required unless otherwise necessary. No more than 25 percent of trees may be of a single species.
- (d) Credit for Preserved Trees. The city may reduce the required number of overstory trees if an applicant preserves more existing trees than required by Subd. 9 of Section 838.5.03. The trees shall satisfy the requirements of Subd. 3 of Section 838.5.03. The city shall determine the amount of credit granted for such existing trees.

Subd. 4. Ornamental Trees. A minimum of one tree per 100 feet, or fraction thereof, of lot perimeter shall be required.

- (a) Size. Trees shall not be less than two caliper inches measured four feet off ground.
- (b) Location. Tree location shall be approved by the city prior to planting.
- (c) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species are required unless otherwise necessary. No more than 25 percent of trees may be of a single species.

Subd. 5. Understory Shrubs. In addition to trees, a full compliment of understory shrubs shall be provided to complete a quality landscape treatment of the lot. Shrubs shall be potted and a minimum of 24 inches. In no instances shall the number of shrubs be less than one per 30 feet, or fraction thereof, of lot perimeter.

Subd. 6. Parking Lot Landscaping. A minimum of eight percent of the total land area within parking, driveway, and loading dock areas shall be landscaped.

- (a) Landscaping at least 12 feet in width shall separate parking lots into cells of no more than 120 stalls.
- (b) Landscaping shall break up rows of parking approximately every 20 spaces.
- (c) Shade trees shall be included within the landscaping. Species selection shall be guided by soils conditions and trees shall be planted in a way which increases the likelihood of long-term survival.
- (d) Where practical, the landscaping areas shall be designed to receive stormwater runoff from the adjacent parking area.

Subd. 7. Maintenance. Provisions shall be made to irrigate landscaping areas as necessary, consistent with the water usage regulations. The property owner shall be responsible to see that the approved landscaping plan is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive.

Subd. 8. Landscaping Guarantee. The owner shall guarantee the growth and maintenance of all plants for a minimum of two growing seasons following an inspection of all completed plantings. The owner shall submit a financial guarantee, in a form acceptable to the City, prior to issuance of a building permit to ensure the planting and survival of the plantings. Any plant which does not survive or has severely declined (for example, 25% of the crown has died in the case of trees) shall be replaced, and the replacement should be guaranteed for an additional two growing seasons. The City shall retain financial guarantee in an amount necessary for any replacements.

Subd. 9. Tree Preservation. Removal of significant trees and any construction activity within commercial districts shall be subject to the requirements set forth by the City's Tree Preservation Ordinance Section 828.41.

Section 838.5.04. Utilities, Mechanical Equipment, and Trash and Recycling Facilities.

Subd. 1. Utilities. All utilities shall be placed underground. To the extent possible, all utility equipment, meters and transformers shall be placed either inside of the building or within an outside mechanical court formed by walls. If not located within the building, these items shall be fully screened from view from adjacent property and streets through the use of opaque landscaping or walls constructed of materials which are compatible with the building.

Subd. 2. Mechanical Equipment. All HVAC and other mechanical equipment shall be designed, located, and/or screened so they are not visible from adjacent property or public streets.

- (a) Rooftop Equipment. Equipment shall be screened through the use of architectural elements and materials which are compatible with the overall design of the building. Wood fencing or chain link fencing with slats shall not be permitted.
- (b) Ground Equipment. Equipment shall be screened with walls which are constructed of materials which are compatible with the building or with landscaping which is opaque during the entire year.

Subd. 3. Trash and Recycling Facilities. All trash and material to be recycled shall be stored within the principal building, within an accessory structure, or within an enclosed outdoor area adjacent to the principal structure. The accessory structure or enclosed area shall be constructed of similar materials and have compatible architecture as the principal structure and shall abide by yard setback requirements.

Section 838.5.05. Screening. All structures, parking areas, and loading areas shall be screened from adjacent residential property. In situations where screening is required by the zoning ordinance or as a term of a conditional use permit, the following standards shall be satisfied through the use of fences, walls, or vegetative screens.

Subd. 1. Standards for vegetative screens. Vegetative screens shall consist of fully hardy plant materials, planted in a way to be at least 80 percent opaque year-round. The height of the screen shall be determined by the city, taking into account the characteristics of the object(s) or area being screened, but shall be of adequate size immediately upon planting. The plants within a vegetative screen shall be in addition to the general landscaping requirements of this section.

Subd. 2. Standards for screening fences or walls. A screening fence or wall shall be constructed of attractive, finished materials such as masonry, brick or wood. Materials and design shall be compatible with the principal structure. The height of the fence or wall shall be determined by the city taking into account the characteristics of the object(s) or area being screened.

Subd. 3. Maintenance. The property owner shall be responsible for ensuring that fences and walls are not in disrepair and that planting screens are maintained in a neat and healthful condition. Failure to do so shall be a violation of this ordinance and may be deemed a nuisance, subject to necessary enforcement procedures.

Subd. 4. Berming. If an earth berm is proposed to supplement the screening, the berm shall be undulating in order to give a natural appearance.

Section 838.5.06. Outside Storage of Service Vehicles. A limited number of vehicles utilized for the use permitted on a property may be stored within the required off-street parking area. One vehicle for every 10,000 square feet of building footprint, or portion thereof, shall be

allowed. Vehicles shall be currently licensed, operable, less than 24 feet in length, and not more than 12,000 lbs. of gross vehicle weight. Additional vehicles and larger vehicles than allowed above shall be parked inside of buildings, within a loading dock, or within an outside storage area as regulated herein.

Section 838.5.07. Loading Docks.

Subd. 1. Screened from Residential. No loading dock shall be visible, to the fullest extent possible, from any residential zoning district. Screening may be accomplished through one or more of the following: using buildings to screen, opaque landscaping, decorative walls, or decorative fencing.

Subd. 2. Location. No loading dock shall encroach into the required setbacks for the front yard or a side yard adjacent to a street. Loading docks shall be located, and landscaping shall be utilized so as to minimize visibility from streets.

Section 838.5.08. Supplemental Requirements for Specific Uses within Commercial Zoning Districts. In addition to the general standards specified for conditional uses in section 825.39 of the City Code and other requirements of this ordinance, the following uses shall not be permitted unless the city council determines that all of the specific standards contained in this subdivision will be met:

Subd. 1. Structures which exceed 50,000 square feet of floor area.

- (a) The structure may only be utilized for a use which is permitted in the zoning district in which it is located.
- (b) Required Front, Rear, and Side Yard Setbacks shall be increased to 50 feet.
- (c) Structures and loading areas shall be no less than 100 feet from residential zoning districts. Parking shall be no less than 80 feet from residential zoning districts.
- (d) The city may require increased landscaping and screening to minimize the impact of intensive traffic within parking and loading areas.
- (e) The city may require additional landscaping, screening and architectural elements to minimize the impact of longer building facades.
- (f) A detailed traffic analysis may be required by the city to determine traffic control needs.

Subd. 2. Assembly and Manufacturing of light industrial products

- (a) The structure containing the use shall be no less than 200 feet from residential districts.
- (b) Equipment specifications shall be submitted. Vibration and noise reduction measures, and conditions related to building layout may be required by the city. Measures may be required regarding ventilation systems in order to prevent adverse effects of exhaust or emissions on adjoining property or tenant spaces.
- (c) Specific provisions shall be identified for property storage and disposal of fuels, chemicals, and any other hazardous materials.

Subd. 3. Automobile, Marine, and Trailer Sales or Rental

- (a) Inventory shall be stored and displayed inside of a building or within an approved outdoor storage area, which shall meet the standards required herein.
- (b) No inoperative vehicles shall be stored on the premises, unless in the process of being repaired and are stored within a building.
- (c) On-site repair or maintenance of vehicles shall be subject to the conditions established for Automobile Repair, Oil Lubrication Service Shops, Auto Body Shops above.
- (d) No test driving of vehicles shall be permitted on local residential streets.
- (e) All vehicle dealers shall be licensed by the state.

Subd. 4. Automobile Repair, Oil Lubrication Service Shops, Auto Body Shops

- (a) The structure containing the use shall be no less than 125 feet from residential districts.
- (b) Vehicles parked outside awaiting service or pick-up shall be located in an area which is fully screened from neighboring properties and from the right-of-way.
- (c) No inoperative vehicles shall be stored on the premises, unless in the process of being repaired and are stored within a building.
- (d) All repair functions shall occur within an enclosed building.
- (e) No sales, storage, or display of automobiles shall be permitted unless a conditional use permit is granted for such a use.
- (f) Equipment specifications shall be submitted. Vibration and noise reduction measures may be required by the city.
- (g) Additional screening may be required to limit sight and noise impacts of service bays.
- (h) Adequate provision shall be made for proper inside storage of all new and used petroleum, chemical, liquid, and other products.
- (i) Towing operations shall be permitted as an accessory use, but only if allowed as part of the conditional use permit and if clearly subordinate to the principal use. The city may apply necessary conditions and limitation on this use.

Subd. 5. Automobile Towing

- (a) Towed vehicles shall be stored inside of a building or within an approved outdoor storage area, as regulated herein.
- (b) No inoperative vehicles shall be stored on the premises, unless stored within a building.
- (c) No salvaging, crushing or recycling of vehicles shall be permitted.
- (d) Additional screening may be required adjacent to the area where vehicles are loaded into the building and/or approved outdoor storage area.

Subd. 6. Car Washes or Auto Detailing

- (a) The structure containing the use shall be no less than 200 feet from residential districts.
- (b) Additional screening may be required to limit sight and noise impacts of service bays.
- (c) Equipment specifications shall be submitted. Noise reduction measures may be required by the city.

- (d) Adequate provisions shall be made for circulation and stacking. Stacking requirements shall be based on the specifications of the car wash and the amount of time required to wash a car.

Subd. 7. Drive-through services

- (a) All parts of the drive-through lane(s) shall be no less than 200 feet from residential zoning districts.
- (b) Drive-through lanes shall not be permitted within required yard setback areas.
- (c) The site plan shall allow adequate pedestrian circulation, vehicle circulation, and vehicle stacking which does not interfere with on-site parking and loading.
- (d) The drive-through shall allow adequate stacking and circulation so as to avoid impacts on adjacent property or public right-of-way.
- (e) The City may require additional necessary conditions to limit the impact of drive-through lanes on surrounding property, including but not limited to: limiting hours of operation, restricting drive-through lane orientation, limiting the volume of loudspeakers and ordering devises, and/or requiring additional landscaping, berming, or other means of screening.

Subd. 8. Hospitals

- (a) Hospital structure(s) shall not be located within 1,500 feet of a residential zoning district. Additionally, the primary vehicular access point to the hospital shall not be located within 1,500 feet of a residential zoning district.
- (b) Primary access shall be located on a road designated as a collector or arterial.
- (c) No heliport shall be located within 1,500 feet of a residential zoning district.
- (d) A traffic analysis shall be submitted which specifically takes emergency vehicle access into consideration.
- (e) A detailed plan shall be submitted for parking (long- and short-term), access, and pedestrian circulation based on the operation of the hospital facility.

Subd. 9. Indoor Recreational Uses.

- (a) Entrances for public access, as well as other outdoor areas where patrons may congregate, shall be no less than 200 feet from residential districts.
- (b) Provisions for noise reduction shall be identified based on the type of use proposed.

Subd. 10. Motor Fuel Stations

- (a) Fuel pumps and structures shall be no less than 200 feet from residential zoning districts.
- (b) No ingress or egress to the site shall be provided within 60 feet of the projected curb lines of intersecting streets.
- (c) Fuel pumps shall be installed at least 12 feet from required yard setbacks.
- (d) Stacking shall be provided at each fuel pump island which does not interfere with vehicle or pedestrian circulation.
- (e) Site drainage and stormwater facilities shall be designed to limit the potential impact of fuel spills and other hazardous materials.

- (f) Any protective canopy shall meet the required yard setbacks of the district, but in no case shall be located closer than 20 feet from a property line. The canopy structure shall be constructed using materials and architectural design which are compatible with the principal structure. Canopy lighting shall be recessed or fully shielded and shall meet the outdoor lighting requirements of this ordinance.
- (g) No sales, rental, repair, or maintenance of motor vehicles or trailers shall be permitted unless these uses are part of the conditional use permit approval and meet the requirements set forth herein for the specific use.
- (h) Additional screening may be required to limit the impact of headlights on adjacent property.
- (i) Modification of the requirements of this section may be made for fuel stations in existence prior to February 1, 2001 if the city council finds that, because of the shape of the lot, size of the lot, location of the principal structure, or similar circumstances that it would be impossible to satisfy the strict terms of this section or that they could be satisfied only by imposing exceptional undue hardship upon the owner of the lot.

Subd. 11. Outdoor dining and/or drinking areas

- (a) The outdoor space shall be at least 200 feet from any residential zoning district.
- (b) The area shall be directly adjacent to the principal structure, and be clearly delineated by fencing or decorative landscaping.
- (c) The area shall not interfere with fire safety access to the building.
- (d) Outdoor speakers and lighting shall be designed to limit impacts on adjacent property or right-of-way.
- (e) Pervious surfacing is encouraged, and if utilized, these areas shall not be considered as an impervious surface.

Subd. 12. Outdoor display of goods used in conjunction with and on the same site as the permitted use or conditional use

- (a) The display area shall be directly adjacent to a structure or under a permanent canopy.
- (b) The display area shall not exceed two percent of the area of the footprint of the principal building or 400 square feet, whichever is less.
- (c) Goods in the display area shall be organized and neatly stored.
- (d) The display area shall not occupy parking/loading or landscaping areas, and shall not interfere with fire safety access to the building.

Subd. 13. Outdoor recreational sports courts

- (a) Conditions shall be required to minimize the impact of noise and lighting, and also to minimize the likelihood of the recreational activity spilling over onto adjacent property or right-of-ways. These conditions may include, but are not limited to: limiting hours of use, restricting the location of the court, and requiring fencing or screening.
- (b) The sport court shall not be located in the front yard or a side yard adjacent to a right-of-way, and shall abide by structure setback requirements.

Subd. 14. Retail and Service Uses Related to Animals

- (a) Shall not be located on a property within 200 feet of a residential zoning district.
- (b) Sufficient space shall be required within the principal structure to accommodate all boarding and exercise activities, if applicable. The size and design of this space shall be appropriate for the planned use according to responsible animal care standards. The space shall be well maintained and animal waste shall be promptly collected, discarded, and the location disinfected.
- (c) Impervious, washable materials shall be required for floor finishes and wall finishes below a height of 24 inches in all areas where animals will commonly be located. Materials may include sealed concrete or masonry, ceramic tile, or others approved by the City.
- (d) The City may permit an outdoor area to be utilized by the animals for exercise and play subject to the following limitations:
 - (i) The outdoor area shall be located a minimum of 500 feet from any residential zoning district.
 - (ii) Sufficient space shall exist within the principal structure to fully accommodate the animals, including exercise activities, regardless of the potential for an outdoor area to be utilized by the animals.
 - (iii) The outdoor area shall be enclosed within an opaque, sturdy fence of a height and design sufficient to keep the animals confined. The fence shall be designed to complement the principal structure and the City may require additional landscaping or other elements in order to avoid the appearance of a long, monotonous wall. The fenced area shall abide by the minimum yard setbacks required for structures.
 - (iv) The City shall adopt limitations on the hours of use of the outdoor area based on the following, as well as other relevant, factors: potential impacts to neighboring properties; proposed use of the space; location and characteristics of the outdoor area.
 - (v) The outdoor area shall be well maintained and animal waste shall be promptly collected and discarded.
 - (vi) A noise mitigation plan shall be required and approved by the City which describes the specific measures which will be implemented to minimize the impact of the outdoor area on neighboring properties. The City may apply necessary conditions including but not limited to: size and location of outdoor area, number of animals permitted outdoors at one time, limitations on hours of use, and other factors.
 - (vii) No outdoor area shall be allowed within the Commercial-Neighborhood (CN) zoning district.
- (e) The site and building plans shall be designed in a way to reduce noise. This shall include floor plan layout, ventilation plans, and window and door locations. The City may require improvements to be installed to reduce the impact on neighboring properties or tenant spaces.
- (f) The site plan shall identify provisions for proper storage and disposal of hazardous materials, medical waste, and animal waste.

Subd. 15. Seasonal Farmers Market.

- (a) A farmers market may operate no more than two days per calendar week and no more than 60 days per calendar year.
- (b) No outside storage shall be permitted when the market is not operating.
- (c) Sales may take place within required yard setback areas, provided adequate traffic, parking and emergency vehicle access are maintained. Sales shall not occur within landscaped areas.
- (d) A farmers market shall only be permitted if the adequate on-site parking exists for both the accessory use and the permitted or conditional use occurring simultaneously.
- (e) A temporary sign no larger than 32 square feet per side shall be permitted. This sign shall be displayed only during operating hours, and shall be permitted in addition to other signage on the property.
- (f) Tents, stands, or other temporary structures shall only be permitted during operating hours.
- (g) Provisions shall be made for the proper disposal of garbage and recycling, and all litter shall be disposed of properly.
- (h) Prior to operating a farmers market, the applicant shall submit to the zoning administrator a site plan showing sales area, parking area, and emergency access. Additionally, the applicant shall submit a schedule of operation and any additional information required by the zoning administrator in order to review compliance with the requirements of this ordinance. The zoning administrator may require any necessary conditions to the use to ensure compliance with this ordinance and to promote public safety, or may deny an application which does not abide by the conditions or otherwise violates this ordinance. The applicant may appeal a decision of the zoning administrator to the city council. The applicant shall be responsible for costs accrued with review of the application and any appeal, as described by city fee schedule.

Subd. 16. Seasonal Flea Market

- (a) A flea market may operate no more than one day per calendar week and no more than 30 days per calendar year.
- (b) No outside storage shall be permitted when the market is not operating.
- (c) Sales may take place within required yard setback areas, provided adequate traffic, parking and emergency vehicle access are maintained. Sales shall not occur within landscaped areas.
- (d) A flea market shall only be permitted if the adequate on-site parking exists for both the accessory use and the permitted or conditional use occurring simultaneously.
- (e) A temporary sign no larger than 32 square feet per side shall be permitted. This sign shall be displayed only during operating hours, and shall be permitted in addition to other signage on the property.
- (f) Tents, stands, or other temporary structures shall only be permitted during operating hours.

- (g) Provisions shall be made for the proper disposal of garbage and recycling, and all litter shall be disposed of properly.
- (h) Prior to operating a flea market, the applicant shall submit to the zoning administrator a site plan showing sales area, parking area, and emergency access. Additionally, the applicant shall submit a schedule of operation and any additional information required by the zoning administrator in order to review compliance with the requirements of this ordinance. The zoning administrator may require any necessary conditions to the use to ensure compliance with this ordinance and to promote public safety, or may deny an application which does not abide by the conditions or otherwise violates this ordinance. The applicant may appeal a decision of the zoning administrator to the city council. The applicant shall be responsible for costs accrued with review of the application and any appeal, as described by city fee schedule.

Subd. 17. Outdoor Storage of Materials and Inventory.

- (a) Outside storage shall not be permitted on parcels less than 3 acres in size.
- (b) The area of storage shall not exceed an area equal to 10 percent of the gross area of the lot or 20 percent of the footprint area of the principal structure, whichever is less.
- (c) The area of storage shall not be located within the front yard or a side yard adjacent to a right-of-way.
- (d) The area of outside storage shall be set back a minimum of 50 feet from all property lines, and a minimum of 100 feet from a residential zoning district
- (e) The area of storage shall be surfaced with a material approved by the city, and may not be gravel.
- (f) The area of storage shall be fully screened from neighboring properties and from the right-of-way. If a fence is used for screening, additional landscaping shall be required adjacent to the area of storage, which shall not be counted towards the landscaping requirements of the site. Similarly, if natural screening is utilized, these plantings shall not be counted towards landscaping requirements.

Subd. 18. Temporary Outdoor Sales Events.

- (a) Sales events shall not be conducted on a property for more than 60 days in a given calendar year, and shall not be permitted on a vacant lot.
- (b) Sales events shall not be permitted on public sidewalks or streets, or within public right-of-way, except if allowed subject to the City special event ordinance.
- (c) The sales area shall not exceed ten percent of the area of the footprint of the principal building or 3,000 square feet, whichever is less.
- (d) The sales area shall abide by the front, rear, and side yard setback requirements of the relevant zoning district and shall be located at least 200 feet from a residential zoning district.
- (e) The sales area shall not be permitted on an unpaved surface.
- (f) The sales area may be located within a parking lot provided:

- (1) The City determines that adequate parking will be provided for the needs of both the principal use and sales events. However, in no case shall more than ten percent of the parking spaces on the property be occupied by the sales events.
- (2) The City determines that adequate vehicular circulation, pedestrian circulation, and emergency vehicle access are maintained.
- (g) Sales shall only be conducted by the owner or a leaseholder of a property, unless a transient merchant license is obtained from the City.
- (h) No outdoor speakers or music shall be allowed.
- (i) Temporary signage for the event shall be regulated by the City sign ordinance.
- (j) Prior to operating a sales event, the applicant shall submit to the zoning administrator a site plan showing sales area, parking area, and emergency access. Additionally, the applicant shall submit a schedule of operation and any additional information required by the zoning administrator in order to review compliance with the requirements of this ordinance. The zoning administrator may require any necessary conditions to the use to ensure compliance with this ordinance and to promote public safety, or may deny an application which does not abide by the conditions or otherwise violates this ordinance. The applicant may appeal a decision of the zoning administrator to the city council. The applicant shall be responsible for costs accrued with review of the application and any appeal, as described by city fee schedule.

Subd. 19. Warehousing, Wholesaling, and Distributors more than 10,000 but less than 20,000 square feet

- (a) The structure containing the use shall be no less than 200 feet from residential districts.
- (b) Additional screening may be required to minimize impact of noise because of intensive truck circulation on the site.

Subd. 20. Wind Energy Conversion Systems (WECS) – shall meet the requirements set forth in Section 828.09.1 of this code.

Amendment History of this Section

Adopted March 17, 2009 (Ord. 458).

Amended March 15, 2011 (Ord. 501). Amending sections 838.1.03, 838.2.03, 838.3.03, 838.4.03, and 838.5.08 regarding retail and service uses related to animals.

Amended March 20, 2012 (Ord. 525). Amended section 838.5.08, Subd. 18 regarding temporary outdoor sales events.

Amended July 17, 2012 (Ord. 532). Amended sections 838.1.02, 838.2.02, and 838.3.02 regarding allowed uses in commercial districts.

Amended November 7, 2012 (Ord. 539). Amended sections 838.1.03, 838.1.04, 838.2.03, 838.2.04, 838.3.03, 838.3.04, and 838.5.08 regarding regulations of Wind Energy Conversion Systems, Solar Equipment, and Geothermal Systems.

Amended November 18, 2014 (Ord. 568). Amended Section 838.1.04, 838.2.04 and 838.3.04 adding “Brewing, Distilling, and Similar Uses” as an accessory use.

Amended February 17, 2015 (Ord. 576). Amending Sections 838.1.04, 838.2.04, 838.3.04 and 838.4.04 regarding solar equipment.

Amended January 16, 2018 (Ord. 628). Amended Sections 838.1.04, 838.2.04, and 838.3.04 regarding the keeping of honey bees.

Amended February 7, 2018 (Ord. 629). Amended Section 838.5.02 regarding required building materials in the commercial zoning districts.

Amended March 5, 2019 (Ord. 643). Amended Section 838.4.03, 838.4.04 and 838.4.07. Added Section 838.4.05 regarding interim uses in the CN district.