

**CITY OF TONKA BAY
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

ORDINANCE NO. 2015-2

Section 1. THE CITY COUNCIL OF THE CITY OF TONKA BAY, MINNESOTA AMENDS SECTION 1024 AS FOLLOWS:

SECTION 1024 - C-2, GENERAL COMMERCIAL DISTRICT

1024.01 **PURPOSE.** The purpose of the C-2, General Commercial District is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region.

1024.02 **PERMITTED USES.** Subject to applicable provisions of this Ordinance, the following are permitted uses in a C-2 District:

- Subd. 1. Adult use - principal and accessory.
- Subd. 2. Archery shop and range.
- Subd. 3. Art and school supplies.
- Subd. 4. Bakery goods and baking of goods for retail sales on the premises, provided the preparation and baking process shall not have a gross floor area in excess of two thousand four hundred (2,400) square feet.
- Subd. 5. Bank, savings, and loan, savings credit unions and other financial institutions.
- Subd. 6. Barber and beauty shops.
- Subd. 7. Bicycle sales and repair.
- Subd. 8. Boat and motor sales.
- Subd. 9. Bowling alley.
- Subd. 10. Candy, ice cream, popcorn, nuts, frozen desserts and soft drinks.
- Subd. 11. Camera and photographic supplies.
- Subd. 12. Commercial and professional offices.

- Subd. 13. Dance school.
- Subd. 14. Delicatessen.
- Subd. 15. Dry cleaning pick-up and laundry pick-up stations including incidental repair and assembly.
- Subd. 16. Drug store.
- Subd. 17. Elevated municipal water storage and public buildings.
- Subd. 18. Florist shop.
- Subd. 19. Frozen food store, but not including a locker plant.
- Subd. 20. Gift or novelty store.
- Subd. 21. Grocery, fruit or vegetable store, but not including sales from moveable, motorized vehicles.
- Subd. 22. Grocery, supermarket.
- Subd. 23. Gun shop.
- Subd. 24. Hardware.
- Subd. 25. Hobby store.
- Subd. 26. Ice sales with storage not to exceed five (5) tons.
- Subd. 27. Insurance sales.
- Subd. 28. Laundromat.
- Subd. 29. Locksmith.
- Subd. 30. Mail order businesses.
- Subd. 31. Meat market, but not including processing for locker plant.
- Subd. 32. Medical and dental offices and clinics.
- Subd. 33. Off-sale liquor stores.
- Subd. 34. Optical sales.
- Subd. 35. Paint and wallpaper sales.

- Subd. 36. Plumbing, television, radio, electrical, sales and such repair as are an accessory use to the retail establishment permitted within this district.
- Subd. 37. Power equipment and small engine repair.
- Subd. 38. Public utility collection offices.
- Subd. 39. Real estate sales.
- Subd. 40. Restaurants.
- Subd. 41. Shoe repair.
- Subd. 42. Commercial Bus Storage of up to 80 buses, provided that:
- a. There shall be no open and outside storage, unless approved through a conditional use permit subject to this Section and Section 1003.
 - b. There shall be no repair of buses except those stored on the premises and only within an enclosed structure.
 - c. Said use shall be prohibited within three hundred feet of a shopping center as defined in this Ordinance.
 - d. Parking or vehicle storage space shall be screened from view of abutting residential districts.
 - e. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Section 1011.06 of this Ordinance and shall be subject to the approval of the City Engineer.
 - f. Adequate screening and landscaping from neighboring residential districts shall be provided.
 - g. Adequate off-street parking and off-street loading in compliance with the requirements of Sections 1101.05 and 1011.06 of this Ordinance shall be provided.
 - h. The entire site other than that taken up by a building, structure or plantings shall be hard surfaced with a material to control dust and drainage which is subject to the approval of the City Engineer.

- i. A minimum lot area of twenty thousand (20,000) square feet and the minimum lot width of one hundred (100) feet shall be required.
- j. A drainage system subject to the approval of the City Engineer shall be installed. Any lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with Section 1011.02 of this Ordinance.
- l. Provisions shall be made to control and reduce noise.
- m. Whenever fuel pumps are to be installed, pump islands shall be installed.
- n. 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 the State regulations 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.

Subd. 43. Licensed day care centers, provided that:

- a. They have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;
- b. They have outdoor play areas located and designed in a manner which mitigates visual and noise impacts on adjoining residential and commercial areas;
- c. The applicant obtains and maintains all applicable state, county, and city licenses.

Subd. 44. Temporary Seasonal/Outdoor Sales. *(added 4/17/03)*

- a. No person shall conduct temporary/seasonal outdoor sales without first having received a permit as provided below.
- b. The application for a permit shall include a site plan, a list of materials to be sold or displayed, and the duration of the sale.
- c. A new permit shall be required for all sales located on sites where a permit has not been issued during the preceding twelve (12) month period, and for all sales that include a different site plan, list of materials to be sold, or size and/or location of the sales area from the most recently approved permit. A renewal permit shall be

required for a sale that is substantially similar to the most recently approved sale at the site, provided that the most recently approved permit was issued during the preceding twelve (12) month period.

- d. The applicant shall pay the new or renewal permit fee as established annually by the city council. The permit fee shall be paid in full with the application.
- e. Permits issued under this section shall be for a period not to exceed ninety (90) days. No more than two (2) permits shall be issued to the same applicant or property owner in any calendar year.
- f. This section shall not apply to promotional events such as sidewalk sales or shopping center carnivals accessory to the principal use of the property limited to no more than five (5) consecutive days.
- g. The applicant for the permit shall be the owner of the property. If the sale is operated by a person other than the property owner, the owner must notify the City of the operator. The property owner is responsible for the actions of the operator and the conditions of the permit.
- h. The city council shall issue a new or renewal permit if the applicant demonstrates that the following performance standards will be met:
 - 1. Off-street parking and loading areas are provided where required.
 - 2. No public address system shall be used.
 - 3. The number, area, bulk, height, location, frequency and duration of such uses is controlled. The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste which results in offensive odors or unsightly conditions.
 - 4. Display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - 5. No uses or displays shall be permitted in required parking areas, required green areas, parking setback areas, or any right-of-way or other public property.
 - 6. The sale and associated parking shall not obstruct parking spaces needed by any permanent business established on the site except that when a sale is held only during the time when all permanent businesses on the site are closed, parking spaces may be obstructed.
 - 7. No portion of the use or event shall take place within one hundred (100) feet of any residential buildings.

- i. No renewal permit shall be issued if the operator failed to comply with any performance standards during the term of a previously issued new or renewal permit, except upon the approval of the City Council.
 - j. A temporary/seasonal outdoor sales permit shall be issued for a particular use and to the property owner making application for such permit. Such permit shall not be transferred or assigned for use by another without the written consent of the City.
 - k. Failure to comply with any performance standard or any other violation of this section shall constitute sufficient cause for the termination of the permit by the City Council following a public hearing.
- Subd. 45. Small Brewer and Brewer Taproom provided that *(effective 9/3/15)*:
- a) The owner of the brewery facility qualifies for and receives all federal, state and city licenses necessary for the operation of the brewery, including brewer taproom license and small brewer license, according to Minn. Statutes 340A.
 - b) Total production of off-sale growler sales shall not exceed 500 barrels annually.
 - c) No outdoor storage is permitted on the site, with the exception that waste handling may occur in an enclosure that is fully screened.
 - d) The 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.
 - e) Hours of operation shall be limited to the hours specified in Minn. Statutes 340A for off-sale intoxicating liquor unless further limited by the City Council.
 - f) All signage shall be in conformance with Section 330 of the City Code.
- Subd. 46. And such other uses as in the determination of the City Council are in a similar nature.

1024.03 **INTERIM USES.** Subject to the applicable provisions of this Ordinance, the following are interim uses in the C-2 District and are governed by Section 1007 of this Ordinance.

Subd. 1 None.

1024.04 ACCESSORY USES. Subject to the applicable provisions of this Ordinance, the following are permitted accessory uses in the C-2 District:

Subd. 1. Accessory uses customarily incidental to the uses allowed in Sections 1024.02 and 1024.05 of this Ordinance. Subd. 2. Off-street parking and loading areas and structures in compliance with Sections 1011.05 and 1011.06 of this Ordinance.

Subd. 3. Commercial or business buildings and structures for a use accessory to the principal use, but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.

1024.05 CONDITIONAL USES. Subject to the applicable provisions of this Ordinance, the following are conditional uses in a C-2 District. (Requires a conditional use permit based upon procedures set forth in and regulated by Section 1003 of this Ordinance.)

Subd. 1. Public regulated utility buildings and structures necessary for the health, safety and general welfare of the community, provided that:

- a. Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
- b. Equipment is completely enclosed in a permanent structure with no outside storage.
- c. Adequate screening and landscaping from neighboring residential districts is provided.
- d. The provisions of Section 1003, Subd. 8 of this Ordinance are considered and satisfactorily met.

Subd. 2. Open and outdoor storage as a principal or accessory use, provided that:

- a. The area is fenced and screened from view of neighboring residential uses.
- b. Storage is screened from view from the public right-of-way.
- c. Storage area is blacktopped or concrete surfaced.

- d. 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 and shall be in compliance with Section 1011.02 of this Ordinance.
- e. Does not take up parking or loading space as required for conformity with this Ordinance.
- f. The provisions of Section 1003, Subd. 8 of this Ordinance are considered and satisfactorily met.

Subd. 3. Open or outdoor service, sale and rental as a principal or accessory use, provided that:

- a. Outside services, sales and equipment rental connected with the principal use is limited to thirty (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.
- b. Outside sales areas are fenced and screened from view of neighboring residential uses.
- c. 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 and shall be in compliance with Section 1011.02 of this Ordinance.
- d. Sales area is blacktopped or concrete surfaced.
- e. Does not take up parking space as required for conformity to this Ordinance.
- f. The provisions of Section 1003, Subd. 8 of this Ordinance are considered and satisfactorily met.

Subd. 4. (Amended 10-24-97) Accessory, enclosed retail, coffee house drive-through, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:

- a. Adequate off-street parking and off-street loading in compliance with the requirements of Sections 1011.05 and 1011.06 of this Ordinance is provided.
- b. All signing and informational or visual communication devices shall be in compliance with Section 330 of this Code.

- c. The provisions of Section 1003, Subd. 8 of this Ordinance are considered and satisfactorily met.

Subd. 5. Limited warehouse, indoor storage, commercial truck storage structures as a principal or accessory use provided that:

- a. Parking or vehicle storage space shall be screened from view of abutting residential districts.
- b. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Section 1011.06 of this Ordinance and shall be subject to the approval of the City Engineer.
- c. Adequate screening and landscaping from neighboring residential districts is provided.
- d. Adequate off-street parking and off-parking loading in compliance with the requirements of Sections 1011.05 and 1011.06 of this Ordinance is provided.
- e. The entire site other than that taken up by a building, structure or plantings shall be hard surfaced with a material to control dust and drainage which is subject to the approval of the City Engineer.
- f. A minimum lot area of twenty thousand (20,000) square feet and the minimum lot width of one hundred (100) feet shall be required.
- g. A drainage system subject to the approval of the City Engineer shall be installed.
- h. Any lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with Section 1011.02 of this Ordinance.
- i. Provisions shall be made to control and reduce noise.
- j. Whenever fuel pumps are to be installed, pump islands shall be installed.
- k. 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 the State regulations 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.

- l. The maximum number of trucks stored shall not exceed thirty and the total number of buses and trucks as allowed herein shall not exceed eighty.
- m. There shall be no open or outside storage unless approved through a conditional use permit subject to this Section and Section 1003.
- n. There shall be no repair of trucks except those stored on the premises and only within an enclosed structure.
- o. Said conditional use shall be prohibited within three hundred (300) feet of a shopping center as defined in this Ordinance.

Subd. 6. Limited light dock manufacturing and assembly, outdoor storage of raw materials and manufactured products as an accessory use to retail business, provided that:

- a. All manufacturing and assembly be done in an enclosed structure that does not exceed thirty (30) percent of the retail building area used for business.
- b. The building meets all building and fire codes.
- c. The manufacturing or assembly process shall not emit smoke, noise, odors or vibration.
- d. All outside storage of raw materials and finished products be fenced and screened from residential property and public right-of-way.
- e. 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 and shall be in compliance with Section 1011.02 of this Ordinance.
- f. That the provisions of Section 1003, Subd.8 of this Ordinance are considered and satisfactorily met.

Subd. 7. Boat and motor repairs as a Principal or Accessory Use provided that:

- a. Said activity is located at least three hundred (300) feet from a shopping center as defined in this Ordinance.

- b. The area is fenced and screened from view of neighboring residential uses.
- c. 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 and shall be in compliance with Section 1011.02 of this Ordinance.
- d. Storage area is grassed or hard surfaced to control dust.
- e. Does not take up parking space as required for conformity to this Ordinance.
- f. The provisions of Section 1003, Subd. 8 of this Ordinance are considered and satisfactorily met.

Subd. 8. Commercial planned unit development as regulated by Section 1006 of this Ordinance.

1024.06 **AREA AND SETBACK REQUIREMENTS.** The following minimum requirements shall be observed in the C-2 District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

Subd. 1. Lot Area: None.

Subd. 2. Lot Width: Not less than one hundred (100) feet.

Subd. 3. Setbacks:

- a. Front Yards: Not less than thirty (30) feet or as specified in Section 1070, the Shoreland District.
- b. Side Yards: Not less than fifteen (15) feet on any one side, nor less than thirty (30) feet on a side yard abutting a public right-of-way.
- c. Rear Yards: Not less than fifteen (15) feet.

Subd. 4. Accessory Structure(s) Setbacks.

- a. Front Yard: Not less than thirty (30) feet or as specified in Section 1070, the Shoreland District.
- b. Side Yard: Eight (8) feet.
- c. Rear Yard: Eight (8) feet.

d. Other Buildings: Six (6) feet.

1024.07 **HEIGHT.** The following requirements shall be observed in a C-2 District:

Subd. 1. Principal Building Height. No structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet, whichever is least.

Subd. 2. Accessory Building Height. Accessory buildings shall be limited to a maximum height of fifteen (15) feet.

Section 2. EFFECTIVE DATE.

This ordinance shall take effect upon its adoption by the City Council and its publication in the City's official newspaper.

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, City Clerk/Administrator

First Reading: August 11, 2015
Second Reading: August 25, 2015
Publication: September 3, 2015