

SECTION 1023 - C-1, RECREATIONAL AND LIMITED COMMERCIAL DISTRICT

1023.01 **PURPOSE.** The C-1 Recreational and Limited Commercial District is intended to provide for lake-oriented commercial uses and low intensity, limited commercial activities.

1023.02 **PERMITTED USES.** Subject to applicable provisions of this Ordinance, the following are permitted uses in the C-1 District:

Subd. 1. Marinas.

Subd. 2. Yacht Clubs.

Subd. 3. 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. 4. And such other uses as in the determination of the City Council are in a similar nature.

1023.03 **INTERIM USES.** Subject to the applicable provisions of this Ordinance, the following are interim uses in the C-1 District and are governed by Section 1007 of this Ordinance:

Subd. 1. None.

1023.04. ACCESSORY USES.

Subd. 1. Accessory uses customarily incidental to the uses permitted in Section 1023.02.

Subd. 2. Off-street parking and loading areas and structures in compliance with Section 1011.06 of this Ordinance.

Subd. 3. Boat sales, rental, storage and launching.

Subd. 4. Sale of limited items used in conjunction with boating (bait and tackle, accessories, etc.)

Subd. 5. Incidental boat and motor repair provided that:

- a. Provisions are made to control and reduce noise.
- b. The provisions of Section 1003.01, Subd. 8 are considered and satisfactorily met.

Subd. 6. Gasoline dispensing equipment provided that:

- a. The standards imposed by the Minnesota Uniform Fire Code relating to Marina and Boat Yards shall apply.
- b. The provisions of Section 1003, Subd. 8 are considered and satisfactorily met.

Subd. 7. Sale of food and non-alcoholic beverages provided that:

- a. The provisions of Section 1003, Subd. 8 are considered and satisfactorily met.

Subd. 8. 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 or if abutting a residential district.
- b. Storage is screened from view from the public right-of-way.
- c. Storage area is grassed or hard surfaced to control dust.
- 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 space as required for conformity to this Ordinance.
- f. The provisions of Section 1003, Subd. 8 are considered and satisfactorily met.

Subd. 9. Open or outdoor service, sale and rental as a principal or accessory use provided that:

- a. Outside sales areas are fenced and screened from view of neighboring residential uses or if abutting a residential district.
- b. 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.
- c. Sales area is grassed or hard surfaced to control dust.
- d. The use does not take up parking space as required for conformity to this Ordinance.
- e. The provisions of Section 1003, Subd. 8 are considered and satisfactorily met.

1023.05 **LOT AREA AND SETBACK REQUIREMENTS.** The following minimum requirements shall be observed in the C-1 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. Principal Structure Setbacks:

- a. Front Yard: Not less than ten (10) feet or as specified in Section 1070, the Shoreland District.
- b. Side Yards: Not less than ten (10) feet on any one side, or as specified in Section 1070, the Shoreland District.
- c. Rear Yards. Not less than ten (10) feet.

Subd. 4. Accessory Structure(s) Setbacks:

- a. Front Yard: Not less than ten (10) 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.

1023.06 **HEIGHT.** The following requirements shall be observed in a C-1 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.