



AGENDA

PLANNING COMMISSION MEETING

April 25, 2024 - 6:00 PM

City Hall Council Chambers

Members of the public can participate in person at Lakeville City Hall, 20195 Holyoke Avenue. Members of the public may join the meeting via Teams Meeting, **Meeting ID: 264 804 648 175, Passcode 6APsK9** or by calling **Toll Number 1-323-433-2142; Conference ID: 603 481 968#**.

The Planning Commission meeting can be viewed live on Spectrum cable channel 180 or via web stream at LakevilleMN.gov. The Chair will allow for public comments and questions at the appropriate time.

1. Call to order, and flag pledge
2. Roll Call
3. Election of Officers
4. Approval of Minutes
 - a. 04/04/2024 Planning Commission meeting minutes
5. Announcements
6. Public Hearing
 - a. Superior Sand and Gravel IUP
 - b. Zoning Ordinance Annual Review and Update
7. Staff Notices
 - a. The City Council meeting at which the above items may be considered will be held on May 6, 2024
 - b. The next Planning Commission meeting is scheduled for May 9, 2024
 - c. Future and Continued Planning Commission Agenda Items / Summary of City Council Actions on Planning Commission Agenda Items
8. Adjourn

CITY OF LAKEVILLE
PLANNING COMMISSION MEETING MINUTES
April 4, 2024

Vice Chair Zimmer called the meeting to order at 6:00 p.m. in the Council Chambers at City Hall. The Pledge of Allegiance to the flag was given.

New Planning Commission alternate member, Mark Traffas was sworn in by Recording Secretary Tina Morrow.

Members Present: Vice Chair Christine Zimmer, Scott Einck, Pat Kaluza, Amanda Tinsley, Mark Traffas, Patti Zuzek, Ex-Officio Jeff Hanson

Members Absent: Chair Jenna Majorowicz, Jason Swenson

Staff Present: Tina Goodroad, Community Development Director; Kris Jenson, Planning Manager; Alanna Sobottka, Civil Engineer; Tina Morrow, Recording Secretary

3. Approval of the Meeting Minutes

The March 21, 2024 Planning Commission meeting minutes were approved as presented.

4. Announcements

Planning Manager Kris Jenson stated that the following was distributed to the Planning Commission at tonight's meeting:

1. April 3, 2024 Parks, Recreation and Natural Resources Committee meeting motion regarding the Autumn Hill preliminary plat.
2. Agenda Item 6, Autumn Hill preliminary plat, amended wording for Stipulation #5 of the March 27, 2024 planning report.
3. Revised tree inventory, landscape, and foundation planting plans for Autumn Hill preliminary plat.

5. Autumn Hill

Vice Chair Zimmer opened the public hearing to consider the application of Youngfield Homes, Inc. for a preliminary plat of 54 twinhome lots and one detached townhome lot to be known as Autumn Hill, located south of 185th Street (CSAH 60) and east of Dodd Boulevard (CSAH 9).

Bob Wiegert, with Paramount Engineering presented a brief overview of the project.

Planner Manager Kris Jenson presented the planning report. Ms. Jenson stated the applicant has applied for a preliminary plat to allow the development of 54 twinhome lots and one detached townhome lot for a total of 55 townhome lots on 20.08 acres to be known as Autumn Hill.

The Autumn Hill property is located in Planning District 5 of the 2040 Comprehensive Plan, which guides the subject property for low/medium density residential development.

Ms. Jenson commented that the stipulation added to the March 27, 2024 planning report was regarding the requirement that an HOA be established to own and maintain common area property as well as the exteriors of the twinhome units. A revised tree inventory, landscape plan, and typical foundation planting plan were distributed at tonight's meeting. She indicated that the tree inventory plan was updated to reflect required changes to the grading plan, while the landscape and typical foundation planting plans were updated to include more plantings around the site and perimeter of the homes.

Community Development staff recommends approval of the Autumn Hill preliminary plat subject to the nine stipulations listed in the March 27, 2024 planning report.

Vice Chair Zimmer opened the hearing to the public for comment.

There were no comments from the audience.

Motion was made by Kaluza, seconded by Einck to close the public hearing at 6:09 p.m.

Voice vote was taken on the motion.

Ayes – unanimous

Nays: 0

Vice Chair Zimmer asked for comments from the Planning Commission. Discussion points included:

- Commissioner Zuzek asked for clarification regarding the proposed HOA requirements.
- Vice Chair Zimmer inquired about the width of the garages and how this affects the minimum garage size relating to the proposed building. Mr. Weigert outlined the requirements for the garage spaces.
- Commissioner Kaluza positively commented on Lakeville diversity of housing types and products.

Motion was made by Kaluza, seconded by Zuzek to recommend to City Council approval of the Autumn Hill preliminary plat subject to the following stipulations, as amended:

1. Implementation of the recommendations listed in the March 27, 2024 engineering report.

2. Park dedication shall be satisfied with a cash contribution paid with the final plat.
3. The developer shall construct five-foot-wide concrete sidewalks as shown on the preliminary plat plans.
4. Outlot A shall be deeded to the City with the final plat.
5. An HOA must be established for maintenance of all attached townhome units with Autumn Hill as well as ownership and maintenance of the following common area lots:
 - Lot 31, Block 1
 - Lot 11, Block 2
 - Lot 16, Block 3
6. Buffer yard landscaping shall be installed according to the approved landscape plan and a security for the buffer yard landscaping shall be submitted with the final plat.
7. Within Lot 31, Block 1, the Developer must install sod with the buffer yard plantings to the trails along 185th Street and Dodd Boulevard.
8. Prior to City Council consideration, the landscape plan must be modified to include a combination of overstory, understory, evergreens and shrubs across the site and to incorporate the 12 spruce trees indicated as save trees on the tree inventory plan.
9. Prior to City Council consideration, the typical foundation planting plan must be revised to show foundation plantings around the entire perimeter of the principal structure.

Ayes: Zuzek, Kaluza, Zimmer, Einck, Tinsley, Traffas

Nays: 0

There being no further business, the meeting was adjourned at 6:13 p.m.

Respectfully submitted,

Tina Morrow, Recording Secretary



Memorandum

To: Planning Commission

From: Frank Dempsey, AICP, Associate Planner

Date: April 19, 2024

Subject: Packet Material for the April 25, 2024 Planning Commission Meeting

Agenda Item: Superior Sand & Gravel Interim Use Permit

Action Deadline: June 19, 2024

BACKGROUND

Representatives of Superior Sand & Gravel have submitted an application for an Interim Use Permit (IUP) to allow mining and excavation, grading, filling, and aggregate processing operations on property located in the northeast quadrant of Kenrick Avenue and 195th Street at 19250 Kenrick Avenue. Superior Sand & Gravel proposes to excavate the aggregate deposit within the 100-foot-wide high pressure gas main easement that runs north and south through the approximate west one-third of the property that was recently abandoned by Centerpoint Energy.

An Interim Use Permit is required to allow grading, filling and processing on the property. The applicant requests active mining and excavation within the easement area and final site rehabilitation and grading through December 31, 2029.

EXHIBITS

- A. Location Map
- B. Zoning Map
- C. MUSA Staging Area Plan

- D. Area of Proposed Mining
- E. Aggregate Resources Area 2040 Comprehensive Land Use Plan
- F. Applicant Plan Narrative
- G. Proposed Mining and Site Rehabilitation Plan
- H. Resident email dated April 12, 2024

The property is owned by Ashbury, LP and is approximately 63 acres in area. Superior Sand & Gravel has been the site operator since 2020 to complete the final stages of filling and rehabilitation of the property as outlined in the approved 2011 Interim Use Permit, which expired December 31, 2021 without site rehabilitation being completed. Superior Sand & Gravel applied for an interim use permit in 2022 to allow continuation of mining and processing that included crushing and sorting of demolition bituminous and concrete, but the City Council denied that request.

SURROUNDING LAND USES

North – Lake Marion

South – 195th Street/Casperson Park/Gopher Outside Storage

East – Lake Marion

West – Kenrick Avenue and Interstate 35

PLANNING ANALYSIS

The property has operated as a sand and gravel mine at various times since 1965, and the property has been owned by the Bury family since 1968. Approximately 709,358 cubic yards of compactable soil has been imported and compacted between 2011 and 2021. Approximately 334,000 cubic yards of additional fill material remains to be imported to complete site rehabilitation to the grades required to bring the property to an elevation to allow gravity flow sewer flow at the time of future property development. Between 2011 and the end of 2023, approximately 893,358 cubic yards of fill material have been imported for finished grades and site rehabilitation.

Comprehensive Plan. The 2040 Comprehensive Land Use Guide Plan guides the property between medium/high density and low density residential with low density comprising the approximate east two-thirds of the property. The property is within Municipal Urban Service Area (MUSA) B, which guides the property to be outside the MUSA no sooner than 2029 or as late as 2038 depending on when the property is brought into the current MUSA when sanitary sewer is available to the property as development occurs from the south on the east side of Kenrick Avenue. City sanitary sewer and water to serve the property is approximately seven-tenths of a mile to the south.

Natural Resources - 2040 Comprehensive Land Use Plan. The 2040 Comprehensive Land Use Plan identifies sand and gravel aggregate deposits as natural resources consistent with the Metropolitan Council identification of sand and gravel as a regional resource to be protected for extraction in support of anticipated regional growth. The Minnesota DNR has mapped a generalized inventory of sand and gravel deposits within the Twin Cities Metropolitan Area. The map illustrates scattered deposits within Lakeville with larger concentrations in the northeast and southwest areas of the city. While a number of gravel pits have existed within the city, only one is currently active. This active gravel mining operation is in southeast quadrant of I-3 and 185th Street (CSAH 60) adjacent to Lake Marion. Extraction of sand and gravel deposits must be regulated in a manner so as to be compatible with existing and planned development of the surrounding area. The intent of such regulations is to allow for the use without negatively impacting the natural environment or City infrastructure. New gravel mining operations will be limited to an interim use in areas designated as MUSA Expansion Areas, Urban Reserve, or Permanent Rural on the MUSA Staging Plan map so as not to interfere with planned urban growth. The city will also continue to regulate gravel mining through the Extraction and Mining Ordinance included within the City Code. The City utilizes this ordinance to evaluate gravel mining plans and operations in issuing an annual license after the interim use permit is approved.

Zoning. The west one-third of the property is zoned RM-2, Medium Density Residential District, consistent with the 2040 Comprehensive Land Use Guide Plan. The west two-thirds of the property is zoned RS-3, Single Family Residential District. Both zoning categories are consistent with the 2040 Comprehensive Land Use Guide Plan. The property is also located within the RAO, Rural Agriculture Overlay District and the Shoreland Overlay District of Lake Marion. Mining and Excavation is an allowed use in these zoning districts subject to approval of an interim use permit. Interim use permit applications must conform to the standards listed in Title 7, Chapter 4 of the City Code.

The plans submitted with the interim use permit application outline the proposed materials processing and rehabilitation in detail. The plans have addressed the information required by Title 7, Chapter 4 of the City Code.

Superior Sand & Gravel proposes to excavate, crush, and sort the various aggregate deposits in the vicinity of the former gas main easement. Sorted materials would be shipped from the site as necessary for area building and road construction needs. Superior Sand & Gravel estimates a two-year timeframe to excavate and sort the various aggregate by size in preparation for export.

The hours of operation shall be limited to 7:00 AM to 7:00 PM Monday through Friday. No crushing operations may occur on Saturdays and Sundays. Noise generated from the site must

be in compliance with the Minnesota Pollution Control Agency and the Federal Environmental Protection Agency rules and regulations.

Dust will be controlled as necessary by using water and a pumping truck from the water available in the settling ponds. Any water obtained from a city water hydrant will require a permit from the City. Gravel and dust tracked onto Kenrick Avenue must be promptly removed by the operator.

The finished grades will include a minimum of three inches of topsoil as proposed in the rehabilitation plan. Slopes, graded areas and backfill areas shall be surfaced with adequate topsoil to secure and hold ground cover. Such ground cover shall be tended as necessary until it is self-sustained.

Superior Sand & Gravel is required to apply for an annual mining and excavation (rehabilitation) permit at which time staff determines whether the mine is complying with the stipulations of the approved interim use permit. The site is inspected periodically during the year to confirm compliance with the approved permit. Failure to comply with the approved plans may result in the annual permit not being issued whereby the operator cannot continue to operate until any noted irregularities are addressed.

Complaints. Superior Sand & Gravel been allowed to import fill material to the property after the interim use permit extension was not approved by the City Council in 2022. Superior Sand & Gravel shall promptly address within one working day of receiving complaints. Community Development Department staff has not received complaints regarding site operations, primarily import and grading of fill material since 2022. The city is typically notified if calls are made to the site operator.

Site Improvement Performance Agreement and Financial Guarantee. The Zoning Ordinance for interim use permit administration and the City Code require the submittal of a site improvement performance agreement to guarantee the completion of work as allowed by the approved interim use permit. A finance guarantee will be required as surety for the completion of the property rehabilitation as required by the City Code and as outlined in the planning report.

A cash escrow or bond must be submitted in favor of the City of Lakeville in accordance with City Code in the sum of \$1,500.00 per acre for the remaining acreage yet to be rehabilitated according to the proposed mining and excavation and rehabilitation plan if the interim use permit is approved.

Neighborhood Meeting. Superior Sand & Gravel representatives hosted a neighborhood meeting March 12, 2024, at Hampton Inn on Keokuk Avenue. Two residents attended the neighborhood meeting. Questions were primarily regarding days and hours of operation, how many years of mining and site rehabilitation, is concrete crushing be proposed and noise and dust control measures.

Zoning Decision Making Pyramid. Decision making authority for the City is limited by the various categories noted in the pyramid below. The city may apply some conditions provided there is a nexus between the conditions specific request. An interim use permit falls under the same category as conditional use permits (yellow).



Pyramid of Discretion

RECOMMENDATION

Community Development Department staff recommends approval of the interim use permit subject to the stipulations noted in the April 19, 2024 planning report and approval of the findings of fact:

1. The boundaries of the processing, grading, and rehabilitation areas shall be limited to the areas identified in the approved plans.
2. Rehabilitation, grading, drainage, erosion and sedimentation control, and finished grades shall occur consistent with the Excavation and Grading plan prepared by Sathre-Berquist, Inc., dated October 23, 2023.
3. Perimeter side slopes shall be back filled to a maximum grade of 3:1 (33%). No Trespassing signs shall be installed and maintained at regular intervals at the perimeter of the mine adjacent to Kenrick Avenue and 195th Street.
4. Vegetation shall be reestablished as an ongoing part of the site rehabilitation. Ground vegetation shall consist of grass seed mixture.
5. Only clean compactable fill shall be imported to property.

6. Demolition concrete and bituminous shall not be imported to the property nor shall crushing of such materials be permitted.
7. The on-site stormwater basins constructed in 2011 shall be inspected and certified to be functional per the approved design to prevent soil and sand sediment from discharging to Lake Marion.
8. A site improvement performance agreement and annual permits shall be submitted by the applicant along with security as required by Title 7, Chapter 4 of the City Code and Section 11-5-13 of the Zoning Ordinance. A security deposit shall be submitted by the operator for each acre of land remaining to be rehabilitated in an amount approved by the City Council to complete the approved rehabilitation plan. The annual permit application shall include figures stating the amount of aggregate material exported from the property and fill material imported to the property.
9. Abandoned or inoperable machinery or equipment and rubbish shall not be stored on the site.
10. The maximum noise level at the perimeter of the site shall be within the limits set by the Minnesota Pollution Control Agency and the Federal Environmental Protection Agency.
11. Grading and hauling operations may occur between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Crushing and processing operations shall not occur on Saturdays and Sundays.
12. Operators shall comply with all applicable city, county, state, and federal regulations for the protection of water quality, including the Minnesota Pollution Control Agency and Federal Environmental Protection Agency regulations for the protection of water quality. No waste products or processed residue shall be deposited in any lake, stream or natural drainage system.
13. All topsoil shall be retained at the site until complete rehabilitation of the site has taken place according to the rehabilitation plan. Slopes, graded areas and backfill areas shall be surfaced with adequate topsoil to secure and hold ground cover. Such ground cover shall be tended as necessary until it is self-sustained.
14. Earthen screening berms along Kenrick Avenue and 195th Street shall remain in place during the life of the grading and rehabilitation operation. Earthen berms shall not be located within 50 feet of 195th Street and Kenrick Avenue.

15. Access to and from the site shall be exclusive to Kenrick Avenue.
16. Any flammable liquids stored on the site shall be in above ground storage containers and shall meet Minnesota Pollution Control and Fire Code requirements.
17. The first 400 feet of the access road shall remain paved with bituminous and shall be swept regularly to keep gravel off of Kenrick Avenue. Kenrick Avenue shall be swept regularly as needed. Any water used by the operator that is acquired from a City water hydrant will require a permit from the City.
18. Excavation is prohibited below an elevation of 1004 (sea level datum). The mining plan shall be revised to comply with this stipulation prior to City Council consideration of the interim use permit.
19. Rehabilitation of the property shall occur no later than December 31, 2029.

**CITY OF LAKEVILLE
DAKOTA COUNTY, MINNESOTA**

SUPERIOR SAND & GRAVEL

INTERIM USE PERMIT

FINDINGS OF FACT AND RECOMMENDATION

The Lakeville Planning Commission met at its regularly scheduled meeting on April 25, 2024 to consider the application of Superior Sand & Gravel for an interim use permit to allow mining, excavation and rehabilitation operations on property located at 19250 Kenrick Avenue. The Planning Commission conducted a public hearing on the application preceded by published and mailed notice. The applicant was present, and the Planning Commission heard testimony from all interested persons wishing to speak.

FINDINGS OF FACT

1. The subject property is guided for both Medium/High Density Residential and Low-Density Residential land use by the 2040 Comprehensive Plan.
2. The subject site is zoned RM-2, Medium Density Residential District and RS-3, Single Family Residential District, and is included in the RAO, Rural Overlay District and the Shoreland Overlay District.
3. The legal description of the property is as follows:

That part of Government Lots 6 and 7, Section 24, Township 114, Range 21, lying East of the Easterly right of way line of Trunk Highway No. 35, northerly of the east – west quarter line of said Section 24 and southerly and westerly of the shore line of Lake Marion. Subject to a street or road easement for 195th Street West. Except the following described property: That part of Government Lot 7 of Section 24, Township 114, Range 21, Dakota County, Minnesota lying Easterly of the Easterly right of way line of Trunk Highway Number 35 (as now located and established) including the accretions and relictions and all other riparian rights thereto; which lies Westerly of a line run parallel with and distant 135 feet Easterly of line 1 described below: Line 1: Beginning at a point on the West and East quarter line of Section 13, Township 114, Range 21, distant 1421 feet East of the West quarter corner thereof; thence run Southerly at an angle of 92 degrees 6 minutes 00 seconds from said East and West quarter line (measured from East to South) for 3707.3 feet and there terminating.

4. Chapter 11-5-3 of the City of Lakeville Zoning Ordinance provides that an interim use permit shall comply with the same criteria as a conditional use permit. The criteria and our findings regarding them are:

- a. **The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.**

Finding: Mining and excavation activity on the subject property predated most residential and commercial uses in the area. The 2040 Comprehensive Land Use Plan states that gravel resources be accessed in a manner that protects Lakeville's environment, is compatible with adjoining land uses, and is consistent with the City's long-range planning. The proposed grading, filling, processing, and rehabilitation operations are consistent with the 2040 Lakeville Comprehensive Plan, which establishes objectives and criteria for these types of activities in areas located within MUSA Expansion Area B. The operational activities associated with site rehabilitation on the property are considered compatible with the nearby residential uses and the natural environment.

- b. **The proposed use is or will be compatible with present and future land uses of the area.**

Finding: The proposed use will be compatible with nearby existing land uses given compliance with the stipulations listed in the April 19, 2024 planning report. The proposed grading, filling and rehabilitation plans have been developed to incorporate future low density residential and medium/high density residential land uses consistent with the 2040 Comprehensive Land Use Plan.

- c. **The proposed use conforms to all performance standards contained in the Zoning Ordinance and the City Code.**

Finding: The proposed development will comply with requirements of the Zoning Ordinance and City Code in accordance with the stipulations outlined in the April 19, 2024 planning report.

- d. **The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.**

Finding: The subject site is located in MUSA Expansion Area B of the 2040 Comprehensive Land Use Plan and is not served by City sanitary sewer and water services.

- e. Traffic generated by the proposed use is within capabilities of streets serving the property.

Finding: Traffic generated by the proposed use can be accommodated by Kenrick Avenue, a minor arterial street as designated in the 2040 Transportation Plan.

- 5. The report dated April 19, 2024 prepared by Frank Dempsey, Associate Planner is incorporated herein.

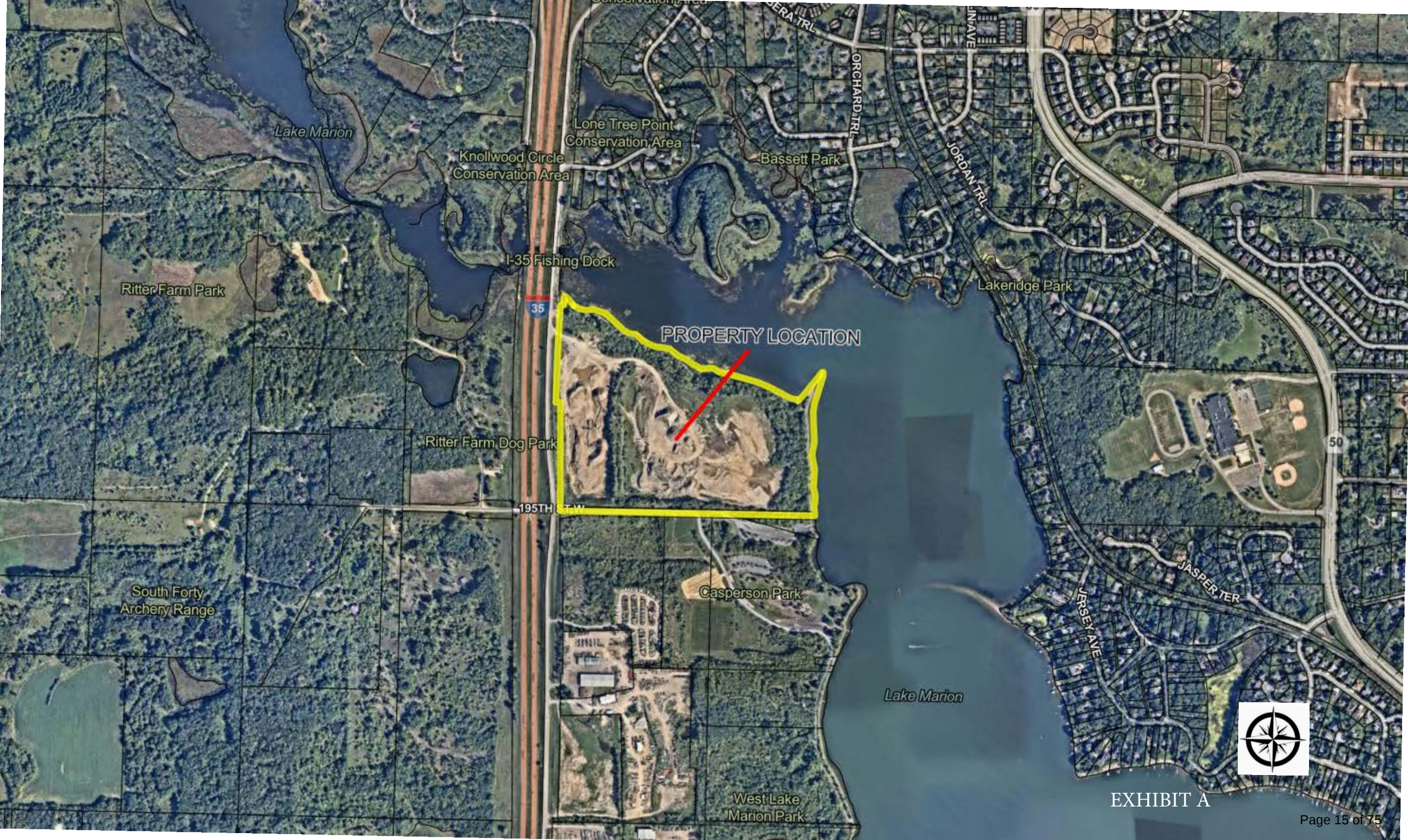
RECOMMENDATION

The Planning Commission recommends that the City Council approve the interim use permit based upon the foregoing information, findings, and the considerations outlined in the Planning Report dated April 19, 2024 prepared by Frank Dempsey, Associate Planner.

DATED: April 25, 2024

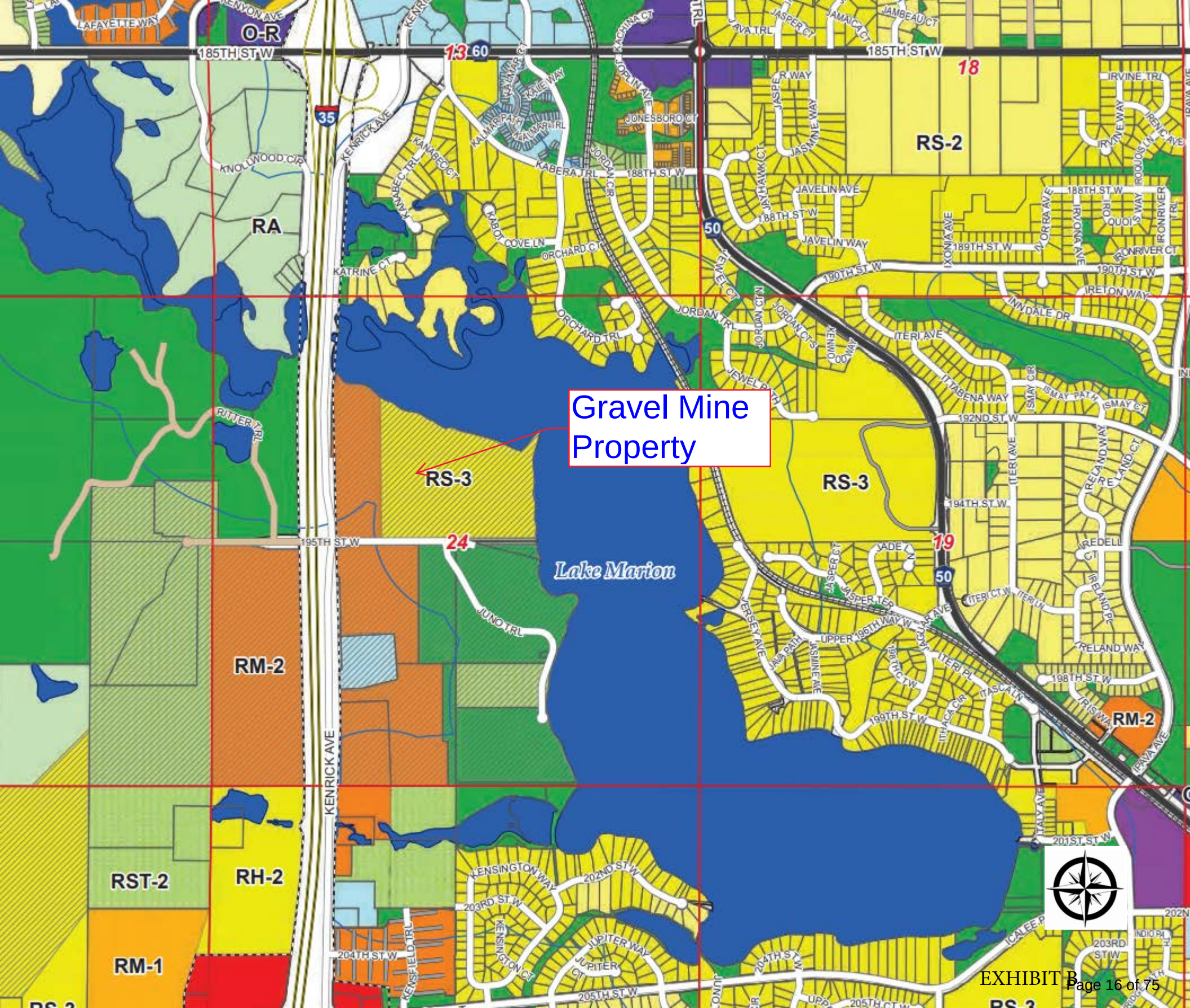
LAKEVILLE PLANNING COMMISSION

BY: _____
Jenna Majorowicz, Chair

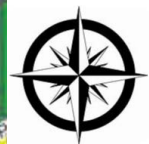


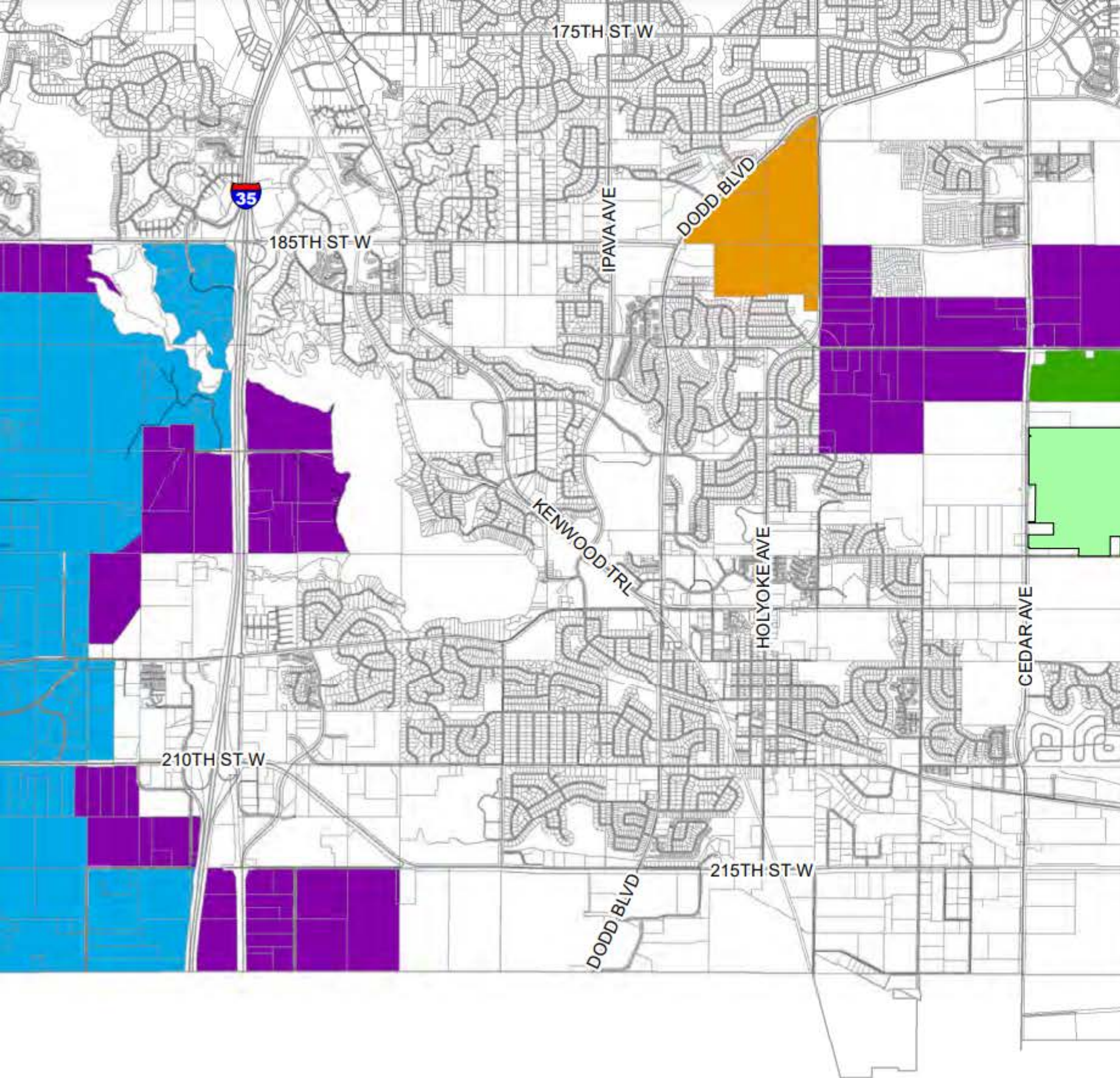
PROPERTY LOCATION

EXHIBIT A



Gravel Mine
Property





CITY OF LAKEVILLE

2040 MUSA Staging Plan

- Expansion Area "A" (Before 2028)
- Expansion Area "B" (2029-2038)
- Urban Reserve (Not Before 2038)
- Rural Service Area
- Agriculture Preserves
- Agriculture Preserves (Terminating in 2020)



EXHIBIT C





I-35 Fishing Dock

35

AREA OF PROPOSED MINING

RITTER FARM DOG PARK

Ritter Farm Dog Park

KENRICK AVE

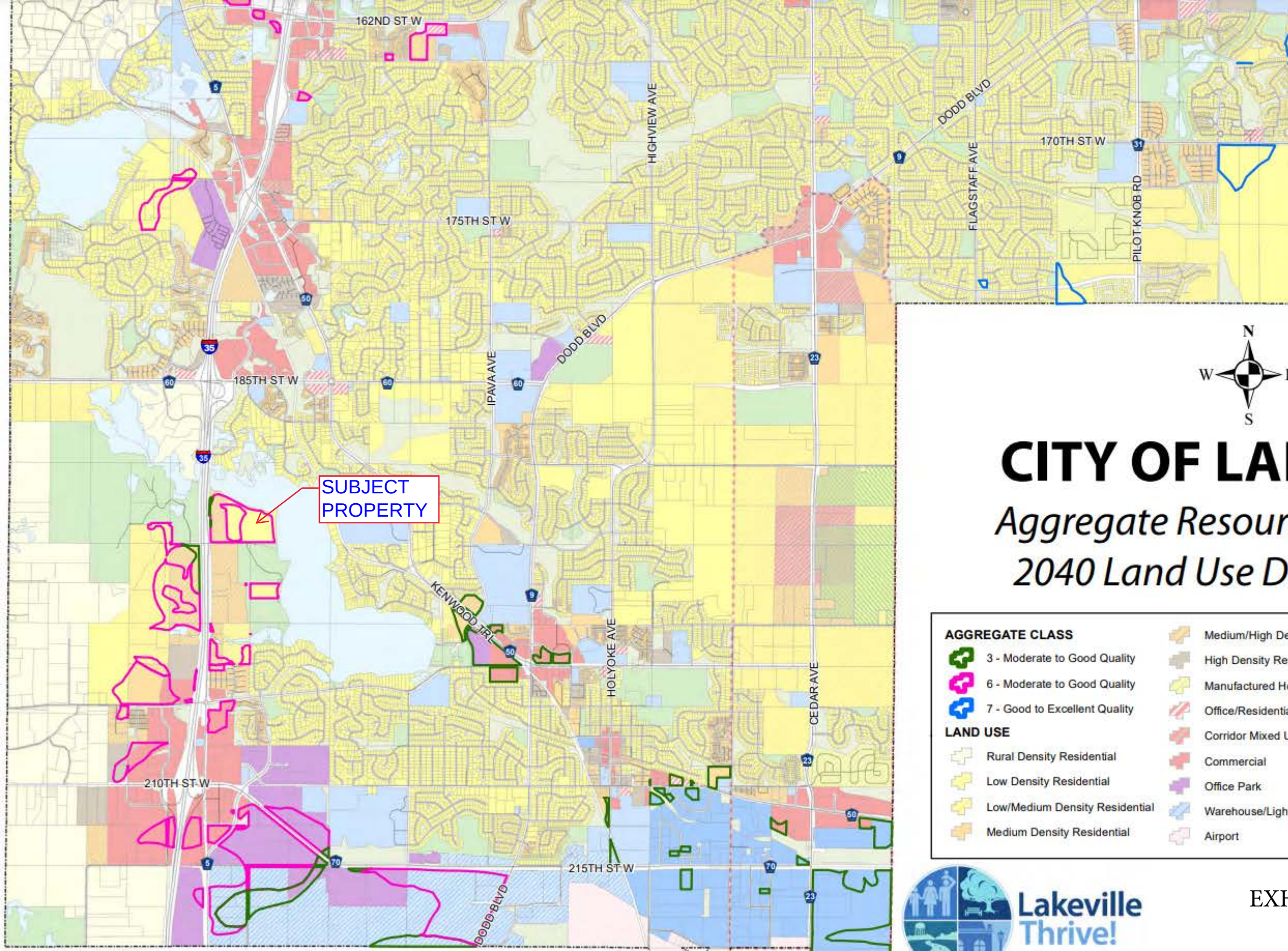
195TH ST W

195TH ST W

JUNOT



EXHIBIT D



CITY OF LAKEVILLE

Aggregate Resource Areas and 2040 Land Use Designations

AGGREGATE CLASS	
	3 - Moderate to Good Quality
	6 - Moderate to Good Quality
	7 - Good to Excellent Quality
LAND USE	
	Rural Density Residential
	Low Density Residential
	Low/Medium Density Residential
	Medium Density Residential
	Medium/High Density Residential
	High Density Residential
	Manufactured Housing
	Office/Residential Transition
	Corridor Mixed Use
	Commercial
	Office Park
	Warehouse/Light Industrial
	Airport
	Industrial
	Public and Quasi-Public
	Parks
	Restricted Development
	Water
	Agriculture Preserves
	Cedar Corridor



EXHIBIT E





*Superior Products for
Superior Customers*

14045 Northdale Blvd.
Rogers, MN 55374
Main: 763-290-1914
www.superiorsand.net
sales@superiorsand.net

Superior Sand & Gravel is submitting this narrative to accompany an application to amend the IUP for the Lake Marion Pit, located at 19250 Kenrick Ave, Lakeville. SSG is requesting to amend the IUP for excavation and mining of a berm that runs through the center of the property (north and south). The berm has been previously untouched due to the presence of a gas main.

In 2023, Northern Natural Gas removed the gas main that ran north to south through the center of the Lake Marion site, and has released their easement back to the property owner. This new development substantially impacted the current grading plan, resulting in a new grading plan for the property. The new grading plan takes in to account the removal of the berm and will allow more housing units and higher elevations, increasing the attractiveness of the property for development.

The gas berm material contains a significant amount of aggregates that can be of use to construction projects in the surrounding area. The proposed mining and excavation of the berm will include screening to separate the sand and rock; and crushing the natural rock to produce products suitable for use in construction projects in the area. Crushed aggregates are used for road base, radon mitigation, infiltration media, storm chamber systems, etc. It is important to note that SSG will not be seeking permission for crushing of concrete and asphalt rubble as the issue was settled in 2021.

With the utilization of aggregates in the gas berm, the site will need 334,000 Cubic Yards to bring the site up the new grading plan. Since taking over the site in 2020, SSG has placed, tested, and compacted an average of appx 92,000 Cubic Yards per year. We are asking to extend mining and excavation operations through 12/31/2029.

Attachments:

Check for \$1,500.00

- \$500.00 Fee
- \$1,000.00 Escrow

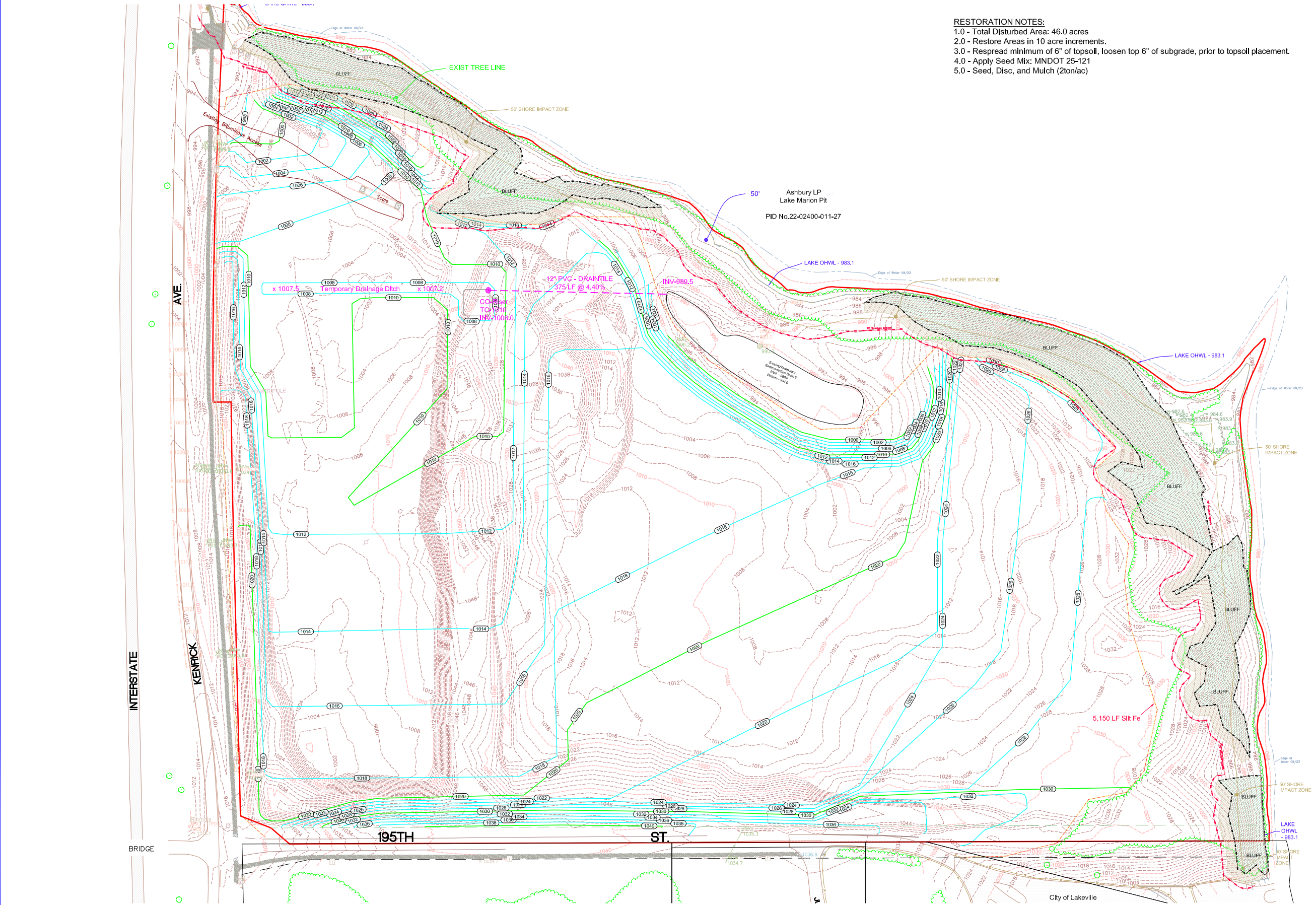
IUP Application

Mining Plan

Mining Plan w/ Overlay

John Fritz

EXHIBIT F



RESTORATION NOTES:
1.0 - Total Disturbed Area: 46.0 acres
2.0 - Restore Areas in 10 acre increments.
3.0 - Respread minimum of 6" of topsoil, loosen top 6" of subgrade, prior to topsoil placement.
4.0 - Apply Seed Mix: MNDOT 25-121
5.0 - Seed, Disc, and Mulch (2ton/ac)

SYMBOL LEGEND		
DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
BUILDING SETBACK LINE		
GARAGE SETBACK LINE		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRIP-RAP		
SANITARY SEWER MANHOLE		
HYDRANT		
GATE VALVE		
DRAIN FLOW/RUNOFF ARROW		
EMERGENCY OVERFLOW SWALE		
SILT FENCE-PRE CONSTRUCTION		
SILT FENCE-POST CONSTRUCTION		
SPOT ELEVATION		
TBC SPOT ELEVATION		

	ROCK ENTRANCE BERM
	SILT FENCE
	POST GRADING SILT FENCE
	BIO-ROLL
	ROCK DITCH CHECK
	CONCRETE WASHOUT
	INLET PROTECTION
	EROSION BLANKET

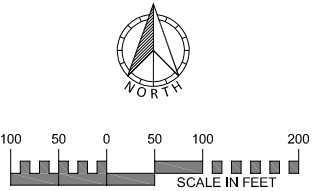


EXHIBIT G

EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISION
LM 2022 - Layout	1			
DRAWN				
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CHECKED				
XXX				
DATE				
XX/XX/XX				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert S. Molstad
Robert S. Molstad, P.E.
Date: 10/23/23 Lic. No. 264728



SATHRE-BERGQUIST, INC.
14000 25TH AVE N #120 PLYMOUTH, MN. 55447 (952) 476-6000

CITY PROJECT NO.

LAKEVILLE,
MINNESOTA

IUP - MINING & RESTORATION PLAN 10/23/23

LAKE MARION PROPERTY
ASHBURY LLP

FILE NO.
57925-001

X

April 12, 2024

City of Lakeville Planning Commission,

I am writing to ask about the details regarding the Superior Sand and Gravel mining expansion proposal at the Lake Marian gravel pit.

I have been a Lake Marian neighborhood resident since 1994, and a homeowner on Lake Marian since 2012. I do have concerns regarding ramifications of further mining. The gravel pit is in the center of Lakeville, so close to the lake, and surrounding greenspace, along with the surrounding population, including neighborhoods, and schools. Obviously, this has been going on since the 1980's, however the air quality and population growth have both changed significantly since then. In the 1990's when you drove across the river, the cityscape had a bright blue backdrop. Now the blue backdrop of the skyline is instead hazy and gray. The population of Lakeville in 1980, when the mining first started, was under 15,000. Now the population exceeds 70,000.

These are some questions.

- What is the environmental impact of removing the gas line and the gas berm itself? ●
What are the possible complications?
- Which part of the mining/filling process releases the most particles?
- What percent of the mining/filling does this include?
- What are the radon levels in these pits? Is the release a concern?
- Climate change with hotter, drier, sometimes windier conditions, are there any provisions being made?

I understand that the DNR has regulations regarding the lake. I wonder about the EPA and the regulations regarding mining within city limits and surrounding populations? Unfortunately I am out of town for this meeting. I trust these questions and others will be answered at the City Council meeting. Once the information is gathered the Council can decide "do we really want a gravel pit in the center of Lakeville?"

Sincerely,
Linda Burman
952-270-6987
19767 Jersey Ave

EXHIBIT H



MEMORANDUM

TO: Tina Goodroad/Kris Jenson

FROM: D. Daniel Licht

DATE: 17 April 2022

RE: Lakeville – Zoning Ordinance; Annual review/update (2024)

TPC FILE: 135.01

BACKGROUND

The Planning Department initiates an annual review of the Zoning Ordinance, Subdivision Ordinance, and/or City Code to address issues identified in the course of ongoing administration of the City's development regulations and review of development applications. An initial work session was held by the Planning Commission on February 8, 2024 to discuss the list of topics compiled by City staff during the prior year to provide direction as to possible amendments. City staff and our office have collaborated on drafting of proposed amendment language addressing the comments provided by the Planning Commission to be considered at a public hearing noticed for April 25, 2024. The proposed amendments are attached to this memorandum with text to be deleted ~~stricken~~ and added text double underlined.

Exhibits:

- Draft ordinance

ANALYSIS

Outlot Subdivision. Section 10-1-5 of the Subdivision Ordinance outlining processes for administrative subdivisions is to be amended to state that subdivision of an outlot requires application for a preliminary plat and final plat. As written, the administrative subdivision process states that a "lot" may be subdivided with administrative approval. The proposed amendment provides clarity that use of the term "lot" specifically excludes a request involving an outlot.

Subdivision Applications. Chapter 2 of the Subdivision Ordinance establishes procedures for subdivision applications. The current provisions require applicants to submit multiple paper copies of application information for City staff review. However, the City currently accepts and encourages application information to be submitted electronically. The proposed amendments eliminate the requirement for hard copies of information to be submitted. The proposed amendment also revises the number of days for City staff to inform an applicant if the application is complete to be the 15 days as required by Minnesota Statutes 15.99.

Zoning Definitions. The proposed amendments include revising the definitions of auto repair (minor), commercial uses, daycare facility, and religious institution. Definitions are to be added for adult education, funeral home or mortuary, micro unit (dwelling), and scared community.

Natural Landscaping. In 2023, the Legislature passed and the Governor signed a law requiring that cities allow for installation of natural landscaping. Section 11-21-7 of the Zoning Ordinance regulating General Mandatory Landscaping and Maintenance is to be amended to establish that natural landscaping is to be allowed within private yards subject to approval of an Administrative Permit by the Zoning Administrator. A planting and maintenance plan is to be submitted with application for the Administrative Permit detailing a planting diagram showing the location and mature height of all specimens of natural landscaping, information on the upkeep of each specimen, details for long term maintenance required for natural landscaping. There is an additional requirement that the natural landscaping be setback 10 feet from any property line and five feet from any public right-of-way.

Plant Sizes. City staff is recommending that the minimum evergreen tree size requirements established by Section 11-21-9.C.1 be reduced from eight feet to six feet. There is less available nursery stock meeting the minimum eight foot height requirement. The City Forester has indicated support for the proposed amendment to these requirements. This change also requires amendment of Section 11-21-9.E.5.a of the Zoning Ordinance, which specifies the minimum screening height for residential buffer yards.

Outdoor Storage. City staff is recommending the following amendments related to accessory outdoor storage uses:

- Amendment of Section 11-22-5.D of the Zoning Ordinance to require outdoor storage of land/sea containers or semi-trailers on an asphalt, concrete, or paver surface with perimeter concrete curb, unless the City Engineer approves an exemption of the curb for stormwater management purposes. This amendment is consistent with the language in Section 11-22-5.B of the Zoning Ordinance for general outdoor storage uses. City staff recommends this change for consistency and also increased environmental protection within Shoreland Overlay Districts and the Vermillion River Watershed.
- The O-P Office Park District lists standards in 11-75-13 of the Zoning Ordinance for outdoor storage. However, outdoor storage is not listed as a permitted accessory use in Section 11-75-5 of the Zoning Ordinance. City staff recommends amending Section 11-75-

5 of the Zoning Ordinance to include outdoor storage as a permitted accessory use, provided compliance with Section 11-75-13.J of the Zoning Ordinance.

Education Uses. Public and private education institutions limited to accredited elementary, middle or junior high, and senior high schools are a conditional use within residential zoning districts. Community preschool, latchkey, and adult education facilities are conditional uses within the commercial zoning districts. City staff is recommending the following amendments related to education uses:

- Allowance of elementary, middle, and senior high schools as conditional uses in residential districts is expanded to include preschool, head start, early childhood education, and adult education as inclusive of such programs.
- The definition of daycare, and performance standards for daycare uses set forth in Chapter 31, and the listing of daycares as allowed uses within the respective zoning districts are to be amended to include early childhood education and head start education programs. Including early childhood education and head start programs within the definition and performance standards for daycares makes these programs allowed in residential, commercial, and industrial zoning districts the same as daycares.
- The terms daycare, early childhood education, and early start education programs replace use of the term latchkey, which is an older term generally used to describe afterschool care for students. Currently, before- and after-school care is available to students at all elementary schools in ISD 194. This type of program is now standard at schools and is utilized by the students attending that same elementary school. City staff recommends that Latchkey as a separate use be eliminated in the Zoning Ordinance.
- Adult education facilities are added as permitted uses within the M-1, M-2, O-R, C-1, C-2, and C-3 Districts.

Home Occupations. The Zoning Ordinance presently does not allow home occupations to have employees that are not residents of the premises. With continuing changes to the office work environments since the COVID-19 Pandemic, City staff is recommending that Section 11-32-7.K of the Zoning Ordinance be amended to allow one non-resident employee to work at a home occupation not involving on-site services provided off-street parking is available.

Sacred Communities. The Legislature passed and Governor signed in to law provisions allowing religious institutions to locate micro dwelling units on their campus for the purpose of providing expanded affordable housing options. The Statute provides that cities must allow for these dwellings regulated only to the extent specified by the law. As such, provisions referencing the performance standards outlined by Statute for micro dwelling units within scared communities have been added to the specialized housing provisions in Section 33 of the Zoning Ordinance and allowances for religious institutions in the various zoning districts are to be amended to allow scared communities as a conditional use.

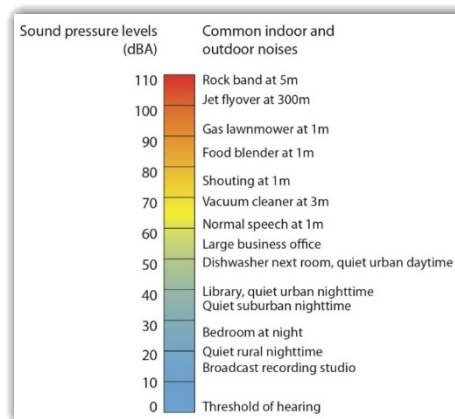
Motor Fuel Facility Signs. In 2023, the Zoning Ordinance was amended to allow signage on a motor vehicle fuel canopy in addition to a wall sign on the building. It was identified that minor updates needed to be made to language in Chapter 37 of the Zoning ordinance to be consistent with the changes made in Chapter 23 of the Zoning Ordinance regulating signs.

Transition Requirements. The 2000 Zoning Ordinance included establishment of RM, Medium Density Residential Districts and RH, High Density Residential Districts to provide for development of townhouse and multiple family uses through conventional zoning districts with standardized performance standards opposed to the PUD, Planned Unit Development District approach that had been common practice previously.

The transition requirement is intended to address development of areas guided for medium and high-density residential uses as guided by the 1998 Comprehensive Plan adjacent to existing developed single-family subdivisions that zoned RS-1, RS-2, and RS-3 Districts. In 2010, the Zoning Ordinance was amended to include the RS-4, Single Family Residential District with smaller minimum lot area and lot width requirements than the RS-1, RS-2, and RS-3 Districts. Our office recommends that the transition provisions be amended to remove the application for these requirements when abutting an RS-4 District.

The lot area and width requirements of the RS-4 District serve as a transitional land use when located adjacent to medium and high-density residential land uses. The transition requirements allow for the transition requirement to be satisfied by uses within the RST-2 District, which includes single family uses meeting RS-4 District standards. We would further recommend that the transition requirements be amended to apply when abutting RS-1, RS-2, and RS-3 Districts within the MUSA consistent with the original purpose of buffering existing single-family subdivisions from new medium and high-density residential development.

Commercial Car Washes. City staff is proposing amendment of the performance standards for commercial car washes allowed within the C-2, C-3, and M-1 Districts as conditional uses in order to mitigate potential noise impacts. These standards include a requirement that the door of the car wash be closed while in operation when the use is within 500 feet of a residential district and that vacuums be limited to 70 decibels levels at the property line. Car washes are to be removed from the C-1 District.



M-2 District Uses. The Planning Commission had discussion with Oppidan Development, Inc. regarding a potential development at Cedar Avenue (CSAH 23) and 179th Street (CSAH 9) as to appropriate uses given the current character of mixed use and commercial development. The M-

2 District was developed following adoption of the 2018 Lakeville Comprehensive Plan to provide for mixed use development similar in character to that of Arbor Lakes in Maple Grove or Heart of the City in Burnsville.

However, there are sites within the current MUSA zoned M-2 District that the Planning Commission believes are not viable under current conditions for that type of development. Therefore, the Planning Commission supported amendment of the M-2 District to include commercial car wash and minor auto repair uses. Allowance of these uses as proposed includes a standard that requires a 500-foot setback from Cedar Avenue (CSAH 23) to minimize visibility of the automobile use from what is to be a transit-oriented development corridor.

I-1 District Uses. Many of the buildings located within the Air Lake Industrial Park are older and are smaller in size and were constructed with lower ceiling clearances than those facilities constructed in recent years. To ensure the viability of these buildings, City staff would like to consider additional uses be appropriate within the I-1 District that includes most of these properties.

Last year, the Community Development Department was approached about a retail use of automobiles that would occur indoors, with no or limited outdoor display, but that use is not currently permitted in the I-1 District. Flexible with uses can help older buildings remain in use, which generates jobs and activity within the industrial park. Modifications to sites to accommodate new parking or loading facilities may require stormwater improvements, many of which were developed with little to no stormwater treatment on site.

The specific changes to the I-1 District uses include:

- Adding permitted uses including commercial catering businesses, indoor firearms and archery ranges and instructional classes.
- Moving outdoor civic events and servicing of motor freight and heavy construction vehicles from permitted uses to uses allowed by administrative permit as the uses include specific performance standards that need to be approved by City staff.
- Moving indoor enclosed accessory retail, commercial recreation, and daycare facilities from conditional uses to uses allowed by administrative permit to expedite the review process.
- Adding as uses by administrative permit fitness centers and health clubs, motor vehicle sales, leasing, or rental (without outdoor storage or display), and veterinary services.

Future Topics. The topics addressed by the proposed amendments involve relatively basic changes to single performances standards for current best practices or changes intended to facilitate ease of the development approval process. Larger scale changes require additional

review by the Planning Commission based on more on establishment of policy include the following topics that will be presented at a future date:

- Comprehensive revision of Chapter 19 regulating off-street parking stall to update for best management practices, clarity, and ease of use and reference.
-
- Comprehensive revision of Chapter 23 regulating signs to clarity, and ease of use and reference.
- Review options for increasing density allowances for medium and high-density residential development meeting affordable housing requirements.
- Consideration of expanded options for uses within mixed-use and commercial zoning districts reflecting current retail, service, and office development trends.

CONCLUSION

The Planning Commission will consider the proposed amendments of the Subdivision Ordinance and Zoning Ordinance at a public hearing noticed for 25 April 2024. City staff and our office recommend approval of the proposed amendments as presented.

c. Andrea McDowell-Poehler, City Attorney

ORDINANCE NO. _____

CITY OF LAKEVILLE
DAKOTA COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE AND ZONING ORDINANCE
OF THE LAKEVILLE CITY CODE

THE CITY COUNCIL OF THE CITY OF LAKEVILLE ORDAINS:

Section 1. Section 10-1-5 of the Subdivision Ordinance (General Subdivision Provisions - Administrative Subdivisions) is hereby amended to include the following provision:

D. Any subdivision of an outlot shall be processed as a preliminary and final plat in accordance with this title.

Section 2. Section 10-2-1 of the Subdivision Ordinance (Procedures for Filing and Review – Sketch Plan) is hereby amended to read as follows:

10-2-1: SKETCH PLAN: In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this title, and the requirements or limitations imposed by other city ordinances, plans and/or policies, prior to the preparation of a preliminary plat, all applicants shall present a sketch plan to the zoning administrator prior to filing a preliminary plat. Approval of the sketch plan shall not be considered binding in regard to subsequent plat review. The zoning administrator, notably in the case of multiphased projects, shall have the authority to refer the sketch plan to the planning commission and/or city council for review and comment. The sketch plan submission shall include, but not be limited to, electronic files of the following:

- A. Formal request for subdivision.
- B. ~~Ten (10) copies of the~~ A plat sketch plan at a scale not less than one inch equals one hundred feet (1" = 100').
- C. ~~An eight and one-half inch by eleven inch (8½" x 11") reduction of the sketch plan.~~
- D. Escrow deposit to pay review costs of city staff and consultants.
- E. In cases of multiphased subdivisions, applicable preliminary plat submission information as regulated by section 10-3-2 of this title.

Section 3. Section 10-2-2.A of the Subdivision Ordinance (Procedures for Filing and Review - Preliminary Plat) is hereby amended to read as follows:

- A. Filing: ~~Ten (10) copies of the~~ The preliminary plat including all information outlined in section 10-3-2 of this title and list of property owners located within five hundred feet (500') of the subject property obtained from and certified by an abstract company, shall be submitted as electronic files to the zoning administrator. The required filing fee(s) as

established by city council resolution shall be paid and any necessary applications for variances from the provisions of this title shall be submitted with the required fee. The plat shall be officially submitted when all the information requirements are complied with. In cases where an application is judged to be incomplete, the zoning administrator shall notify the applicant, in writing, within fifteen (15) days of the date of submission.

Section 4. Section 10-2-3.B of the Subdivision Ordinance (Procedures for Filing and Review – Common Interest Communities) is hereby amended to read as follows:

- B. Review: A request for common interest community approval, as provided within this title, shall be filed with the zoning administrator on an official application form. Unless modified by the zoning administrator, such application shall be accompanied by a fee as provided for by city council resolution. Such application shall also be accompanied by detailed written and graphic materials fully explaining the proposed common interest community. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the zoning administrator shall notify the applicant, in writing, within ~~ten (10)~~ fifteen (15) days of the date of submission.

Section 5. Section 10-2-3.C.1 of the Subdivision Ordinance (Procedures for Filing and Review – Common Interest Communities) is hereby amended to read as follows:

1. ~~Five (5) copies~~ Electronic files shall be submitted to the zoning administrator of the following information regarding the common interest community, including:
 - a. All information outlined in section 10-3-3 of this title as determined applicable by the zoning administrator.
 - b. Proposed declaration and bylaws prepared in accordance with Minnesota Statutes 515B, as may be amended.

Section 6. Section 10-2-4.A of the Subdivision Ordinance (Procedures for Filing and Review - Final Plat) is hereby amended to read as follows:

- A. Review: After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in the subsections which follow. The city may agree to review the preliminary and final plats simultaneously. Request for final plat approval, as provided within this title, shall be filed with the zoning administrator on an official application form. Unless modified by the zoning administrator, such application shall be accompanied by a fee as provided for by city council resolution. Such application shall also be accompanied by detailed written and graphic materials fully explaining the proposed final plat. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the zoning administrator shall notify the applicant, in writing, within ~~ten (10)~~ fifteen (15) days of the date of submission.

Section 7. Section 10-2-4.B.1 of the Subdivision Ordinance (Procedures for Filing and Review - Final Plat) is hereby amended to read as follows:

1. ~~Five (5) copies of the~~The final plat including all information outlined in section 10-3-3 of this title shall be submitted as electronical files to the zoning administrator.

Section 8. Section 11-2-3 of the Zoning Ordinance (Rules and Definitions - Definitions) is hereby amended to revise the following definitions and list them alphabetically:

COMMERCIAL USE: The principal use of land or buildings for the sale, lease, rental or trade of products, goods, and services, ~~including, but not limited to, the following unless specifically defined by this title:~~

- A. ~~Office (General)~~OFFICE (GENERAL): An establishment located within a building or portion of a building for the conduct of business activities involving predominantly professional, or administrative service operations including attorneys, financial advisors, consultants, insurance, and other uses of similar character.
- B. ~~Office (Medical)~~OFFICE (MEDICAL): An establishment located within a building or portion of a building for the conduct of business activities involving predominantly professional medical or dental service operations, outpatient health services, and other uses of similar character.
- C. ~~Restaurant (Convenience)~~RESTAURANT (CONVENIENCE): An establishment that serves food and/or beverages, in or on disposable or edible containers, for consumption on or off premises, including drive-in restaurants, and including drive- through facilities.
- D. ~~Restaurant (General)~~RESTAURANT (GENERAL): An establishment which serves food in or on nondisposable dishes to be consumed primarily while seated at tables or booths within the building.
- E. ~~Retail Business~~RETAIL BUSINESS: An establishment engaged in the display and sale of products produced off site directly to consumers within a building or portion of a building, excluding any exterior display and sales.
- F. ~~Service Business (Off Site)~~SERVICE BUSINESS (OFF SITE): A company that provides labor, maintenance, repair and activities incidental to business production or distribution where the service is provided at the customer's location, including delivery services, catering services, plumbing and sewer services, and other uses of similar character.
- G. ~~Service Business (On Site)~~SERVICE BUSINESS (ON SITE): An establishment that provides labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as ~~banks,~~ copy centers, barber/beauty salons, tanning salons, laundromats, dry cleaners, ~~funeral homes and mortuaries,~~ animal grooming, appliance repair, tailor shops, travel bureaus, but not including auto repair (major or minor).

Section 9. Section 11-2-3 of the Zoning Ordinance (Rules and Definitions - Definitions) is hereby amended to revise the following definitions:

AUTOMOBILE REPAIR, MINOR: Installation, including ~~cellular telephones, audio electronics~~ systems, and minor repairs, upholstery, replacement of parts (tires, glass, etc.), exterior and interior detailing, window tinting, and minor motor services to passenger automobiles and trucks not exceeding twelve thousand (12,000) pounds' gross weight~~classified by the Federal Highway~~

Administration as Class 3 or smaller, but not including any operation specified under the definition of "automobile repair, major" in this section.

DAYCARE FACILITY: Any facility licensed by the State Department of Human Services, public or private, which, for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty four (24) hours per day, in a place other than the person's own home, including head start and early education programs.

RELIGIOUS INSTITUTION: ~~A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. A church, synagogue, mosque, or other religious organization organized under Minnesota Statutes Chapter 315.~~

Section 10. Section 11-2-3 of the Zoning Ordinance (Rules and Definitions - Definitions) is hereby amended to add the following definitions:

ADULT EDUCATION: A day or evening program offered by a district that is for people who do not attend an elementary or secondary school and are not subject to compulsory attendance offers academic and English language instruction necessary to earn a high school diploma or equivalency certificate administered in accordance with Minnesota Rules 124D.

FUNERAL HOME OR MORTUARY: an establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

MICRO UNIT (DWELLING): A mobile residential dwelling providing permanent housing within a scared community meeting requirements of Minnesota Statutes 327.30, Subd. 4.

SACRED COMMUNITY: A residential settlement established on or contiguous to the grounds of a religious institution's primary worship location primarily for the purpose of providing permanent housing for chronically homeless persons, extremely low-income persons, and designated volunteers meeting the requirements of Minnesota Statutes 327.30, Subd. 3.

Section 11. Section 11-21-7 of the Zoning Ordinance (Fencing/Screening/Landscaping – General Mandatory Landscaping and Maintenance) is hereby amended to include the following provisions with subsequent sections renumbered accordingly:

C. Natural Landscaping: Any owner or occupant of a lot or parcel within a residential district established by section 11-45-1 of this title desiring natural landscaping may apply for a natural landscaping permit where native grasses and forbs may exceed eight inches (8") in height, subject to the review and approval by the Zoning Administrator; provided, that:

1. Application: An application for an administrative permit as provided for by chapter 8 of this title shall be submitted, including the following additional information:

a. Statement of intent and purpose in cultivating natural landscaping.

b. A site plan drawn to scale illustrating the following information:

(1) Lot lines.

- (2) Location of principal and accessory buildings.
- (3) Any drainage and utilities easements upon the property.
- (4) Boundaries of wetlands, wetland buffers, required buffer yards, stormwater basins, drainageways or public waters within the property.
- (5) Location of the proposed natural landscaping.
- c. Latin and common names of the species the property owner or occupant plans to cultivate.
- d. Name and address of the person(s) who will be responsible for maintenance of the natural landscaping.
- e. A maintenance plan, which shall contain the following:
 - (1) Planting diagram showing the location and mature height of all specimens of natural landscaping; and
 - (2) Detailed information on the upkeep of each specimen; and
 - (3) Details of any long term maintenance required for natural landscaping; and
 - (4) Other information as may be required by the Zoning Administrator.
- 2. Setbacks. Natural landscaping shall be set back ten feet (10') from any lot line abutting a public right-of-way and five feet (5') from interior side and rear lot lines.

Section 12. Section 11-21-9.C.1 of the Zoning Ordinance (Fencing/Screening/Landscaping – Required Screening and Landscaping) is hereby amended to revise the following row:

Coniferous evergreen trees	86 feet
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Section 13. Section 11-21-9.E.5.a of the Zoning Ordinance (Fencing/Screening/Landscaping – Required Screening and Landscaping) is hereby amended to read as follows:

- a. Buffer Yards: Except where natural vegetation is acceptable, buffer yards shall contain a combination of earth berms, plantings, or privacy fencing of a sufficient density to provide a minimum visual screen and a reasonable buffer a minimum height of ~~ten feet (10')~~eight feet (8'):
 - (1) The height of the buffer yard shall be measured along a line drawn at the back of the curb of the roadway, or the edge of bituminous,

to the ground elevation at the rear line of the building pad to the height of the plantings to be installed as defined by this section.

- (2) Where the grade elevation of the first floor of the building for which the buffer is providing protection is more than ~~ten feet (10')~~ eight feet (8') above the grade of an adjacent major collector or arterial street, the minimum screening height requirements of this section shall not apply.
- (3) Where the grade elevation of the first floor of the building for which the buffer is providing protection is more than six feet (6') below the centerline grade of an adjacent major collector or arterial street, the minimum screening height requirements shall be reduced by four feet (4') along major collector or arterial streets.

Section 14. Section 11-22-7.D of the Zoning Ordinance (Outdoor Storage – Land/Sea Containers or Parking of Semitractor Trailers) is hereby amended to read as follows:

- D. ~~Surface: All land/sea containers and semitractor trailers used for outdoor storage shall be parked on a concrete, bituminous, one hundred percent (100%) crushed rock, or crushed concrete surface.~~ The area upon which the land/sea containers and semitractor trailers are located shall be surfaced with asphalt, concrete or pavers with perimeter concrete curb, unless the city engineer exempts all or portions of the curb for stormwater management purposes.

Section 15. Section 11-31-1 of the Zoning Ordinance (Daycares – Purpose) is hereby amended to read as follows:

11-31-1: PURPOSE: The regulation of daycare, head start, and early childhood education facilities in this title (herein after “daycare” or “daycares”) is to establish standards and procedures by which daycare facilities can be conducted within the City without jeopardizing the health, safety, and general welfare of the daycare participants and/or the surrounding neighborhood. This chapter establishes the City's minimum requirements for the establishment of a daycare facility ~~not allowed~~ established in accordance with Minnesota Statutes as permitted uses.

Section 16. Section 11-31-3.A of the Zoning Ordinance (Daycares – Application) is hereby amended to read as follows:

- A. ~~Conditional Use: Daycare facilities, except as otherwise provided for, shall be allowed as a conditional use within the zoning districts established by chapter 45 of this title, subject to the regulations and requirements of chapter 4 of this title.~~ In addition to the City regulation, all daycare facility operations shall comply with the minimum requirements of the applicable Minnesota Department of Human Services regulations.

Section 17. Section 11-31-7 of the Zoning Ordinance (Daycares – Nonconforming Use) is hereby repealed:

~~**11-31-7: NONCONFORMING USE:** Existing daycare facilities lawfully existing on the effective date hereof may continue as nonconforming uses. They shall, however, be required to obtain~~

~~applicable State and City permits for their continued operation. Any existing daycare facility that is discontinued for a period of more than thirty (30) days, or is in violation of the title provisions under which it was initially established, shall be brought into conformity with the provisions of this chapter.~~

Section 18. Section 11-32-7.K of the Zoning Ordinance (Home Occupations – General Provisions) is hereby amended to read as follows:

- K. Employment: ~~No~~Not more than one (1) person other than those who customarily reside on the premises shall be employed by the home occupation, except that one (1) employee that does not reside on the premises shall be allowed provided that the home occupation does not involve on-site services for clients.

Section 19. Chapter 33 of the Zoning Ordinance (Specialized Housing) is hereby amended to include the following provisions:

11-33-7: SACRED COMMUNITIES:

A. Conditional Use.

1. Dwelling in micro units within a sacred community shall be allowed upon approval of a conditional use permit subject to the requirements of this section.
2. Once approved additional conditional use permit applications shall not be required for individual units.

B. Operating Plan Required. A written plan approved by the religious institution's governing board shall be submitted with application for a conditional use permit to allow dwelling in micro units within a sacred community that outlines:

1. Disposal of water and sewage in accordance with subsection 11-33-7.C of this section.
2. Exterior lighting installed in accordance with section 11-16-17 of this title.
3. Provision of access to public streets and adequate off-street parking in compliance with chapter 19 of this title.
4. Protocols for security and addressing conduct by residents dwelling in micro units within the sacred community.
5. Safety protocols for residents dwelling in micro units within the sacred community.

C. Utilities. Residents of micro units shall have access to water and electric utilities either by:

1. Connecting the micro units to the utilities that are serving the principal building on the lot or by other comparable means; or
2. By providing the residents access to permanent common kitchen facilities and common facilities for toilet, bathing, and laundry with the number and type of

fixtures required for an R-2 boarding house under Minnesota Rules, part 1305.2902.

3. Any units that are plumbed shall not be included in determining the minimum number of fixtures required for the common facilities.

D. Setbacks. Micro units shall be setback a minimum of ten feet (10;) from other structures or property lines.

E. Insurance. Micro units within a scared community as allowed by this section shall be appropriately insured.

F. Occupancy. Between one third (1/3) and forty (40) percent of the micro units shall be occupied by designated volunteers as defined by Minnesota Statutes 327.30, Subd. 1.

G. Annual Certification. The religious institutional shall annually certify to the Zoning Administrator that it has complied with the eligibility requirements set forth by Minnesota Statutes 327.30, Subd. 2 for residents dwelling in micro units within a scared community allowed by this section.

Section 20. Section 11-37-3.E.6.b(4) of the Zoning Ordinance (Motor Vehicle Fuel Facilities – Motor Vehicle Fuel Sales, Not Including Truck Stops or Automobile Repair) is hereby repealed:

~~(4) — The use of contrasting colors upon the canopy elevations shall be in lieu of a walls sign(s) mounted upon the principal building.~~

Section 21. Section 11-37-3.F.4 of the Zoning Ordinance (Motor Vehicle Fuel Facilities – Motor Vehicle Fuel Sales, Not Including Truck Stops or Automobile Repair) is hereby amended to read as follows:

4. Canopy lighting shall consist of canister spotlights recessed into the canopy with no portion of the light source or fixture extending below the bottom face of the canopy. Total canopy illumination may not exceed the limits established by subsection 11-16-17.A of this title. The fascia of the canopy shall not be illuminated except as allowed by Section 11-37-3.E.6 of this title.

Section 22. Section 11-37-3.F.6 of the Zoning Ordinance (Motor Vehicle Fuel Facilities – Motor Vehicle Fuel Sales, Not Including Truck Stops or Automobile Repair) is hereby amended to read as follows:

6. Signage may be allowed on a detached canopy ~~in lieu of wall signage on the principal structure~~ as provided for by Section 11-23-15.O of this title, provided that:

a. The individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right-of-way.

b. The canopy fascia shall not be illuminated, except for permitted canopy signage.

Section 23. Section 11-37-7.B.6.f(2)(D) of the Zoning Ordinance (Motor Vehicle Fuel Facilities –Truck Stops) is hereby repealed:

~~(D) —The use of contrasting colors upon the canopy elevations shall be in lieu of a wall sign(s) mounted upon the principal building.~~

Section 24. Section 11-37-7.B.7.d of the Zoning Ordinance (Motor Vehicle Fuel Facilities –Truck Stops) is hereby amended to read as follows:

- d. Canopy lighting shall consist of canister spotlights recessed into the canopy with no portion of the light source or fixture extending below the bottom face of the canopy. Total canopy illumination may not exceed the limits established by subsection 11-16-17.A of this title. The fascia of the canopy shall not be illuminated except as allowed by Section 11-37-7.B.6.f of this title.

Section 25. Section 11-37-7.B.7.f of the Zoning Ordinance (Motor Vehicle Fuel Facilities –Truck Stops) is hereby amended to read as follows:

- f. Signage may be allowed on a detached canopy ~~in lieu of wall signage on the principal structure~~ as provided for by Section 11-23-15.O of this title, provided that:
 - (1) The individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right-of-way.
 - (2) The canopy fascia shall not be illuminated, except for permitted canopy signage.

Section 26. Section 11-50-7.A of the Zoning Ordinance (RS-1 District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 27. Section 11-50-7.D of the Zoning Ordinance (RS-1 District – Conditional Uses) is hereby amended to read as follows:

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, head start, early childhood education, before and after school care, and adult education programing; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 28. Section 11-50-7 of the Zoning Ordinance (RS-1 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

G. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 29. Section 11-51-7.A of the Zoning Ordinance (RS-2 District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 30. Section 11-51-7.D of the Zoning Ordinance (RS-2 District – Conditional Uses) is hereby amended to read as follows:

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including, preschool, head start, early childhood education, before and after school care, and adult education programing,; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 31. Section 11-51-7 of the Zoning Ordinance (RS-2 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

G. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 32. Section 11-52-7.A of the Zoning Ordinance (RS-3 District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 33. Section 11-52-7.D of the Zoning Ordinance (RS-3 District – Conditional Uses) is hereby amended to read as follows:

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, head start, early childhood education, before and after school care, and adult education programing; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 34. Section 11-52-7 of the Zoning Ordinance (RS-3 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

G. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 35. Section 11-53-7.A of the Zoning Ordinance (RS-4 District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 36. Section 11-53-7.D of the Zoning Ordinance (RS-4 District – Conditional Uses) is hereby amended to read as follows:

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, head start, early childhood education, before and after school care, and adult education programing; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 37. Section 11-53-7 of the Zoning Ordinance (RS-4 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

G. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').

2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 38. Section 11-54-7.A of the Zoning Ordinance (RS-CBD District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 39. Section 11-54-7.C of the Zoning Ordinance (RS-CBD District – Conditional Uses) is hereby amended to read as follows:

- C. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, head start, early childhood education, before and after school care, and adult education programing,; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 40. Section 11-54-7 of the Zoning Ordinance (RS-CBD District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

- G. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 41. Section 11-55-7.A of the Zoning Ordinance (RSMH District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 42. Section 11-55-7.D of the Zoning Ordinance (RSMH District – Conditional Uses) is hereby amended to read as follows:

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, head start, early childhood education, before and after school care, and adult education programing,; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 43. Section 11-55-7 of the Zoning Ordinance (RSMH District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

G. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 44. Section 11-55-7.A of the Zoning Ordinance (RST-1 District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 45. Section 11-56-7.D of the Zoning Ordinance (RST-1 District – Conditional Uses) is hereby amended to read as follows:

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, head start, early childhood education, before and after school care, and adult education programing,; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 46. Section 11-56-7 of the Zoning Ordinance (RST-1 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

H. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 47. Section 11-57-7.A of the Zoning Ordinance (RST-2 District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 48. Section 11-57-7.D of the Zoning Ordinance (RST-2 District – Conditional Uses) is hereby amended to read as follows:

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, head start, early childhood education, before and after school care, and adult education programing,; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 49. Section 11-57-7 of the Zoning Ordinance (RST-2 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

H. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 50. Section 11-58-9.A of the Zoning Ordinance (RM-1 District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 51. Section 11-58-9.D of the Zoning Ordinance (RM-1 District – Conditional Uses) is hereby amended to read as follows:

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, head start, early childhood education, before and after school care, and adult education programing,; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 52. Section 11-58-9 of the Zoning Ordinance (RM-1 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

H. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').

2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 53. Section 11-58-25 of the Zoning Ordinance (RM-1 District – Transition Requirement) is hereby amended to read as follows:

11-58-25: TRANSITION REQUIREMENT: Any RM-1 zoned property abutting an RS-1, RS-2, ~~or RS-3, RS-4, RS-CBD~~ district within the MUSA shall have a minimum of one tier of single-family detached, two-family dwelling lots, or detached townhomes bordering such a district and shall be subject to the lot and design standards of the RST-2 district. Exemptions to the provisions of this section may be granted at the time of preliminary plat approval, provided one or more of the following conditions exist:

- A. The properties are separated by a major collector or arterial street.
- B. The abutting land use is a nonresidential use allowed in the district in which it is located.
- C. The properties are separated by a railroad right of way, wetland, water body, floodplain, public open space, park or other such similar publicly reserved and development restricted area with a minimum width of one hundred feet (100') across its entire length.
- D. The properties are separated by a buffer yard subject to the following provisions:
 - 1. The buffer yard shall be a minimum width of twenty feet (20') across its entire length for properties separated by a minor collector or local street right of way. The buffer yard separation between properties not divided by a minor collector or local street right of way shall be sixty feet (60').
 - 2. The buffer yard is installed in accordance with requirements for a buffer yard providing a minimum ten foot (10') screening height, subject to subsection 11-21-9.E of this title.
 - 3. There shall be no direct unit access from the RM-1 district use through the buffer yard to any minor collector or local street separating the properties.
- E. The requirements of this section shall not apply to any RM-1 zoned property abutting an RS-1, RS-2, ~~or RS-3, RS-4, RS-CBD~~ district within the same preliminary plat.

Section 54. Section 11-59-9.A of the Zoning Ordinance (RM-2 District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 55. Section 11-59-9.D of the Zoning Ordinance (RM-2 District – Conditional Uses) is hereby amended to read as follows:

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school,

including preschool, head start, early childhood education, before and after school care, and adult education programming; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 56. Section 11-59-9 of the Zoning Ordinance (RM-2 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

H. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 57. Section 11-59-25 of the Zoning Ordinance (RM-2 District – Transition Requirement) is hereby amended to read as follows:

11-59-25: TRANSITION REQUIREMENT: Any RM-2 zoned property abutting an RS-1, RS-2, or RS-3, RS-4, RS-CBD district within the MUSA shall have a minimum of one tier of single-family detached, two-family dwelling lots, or detached townhomes bordering such a district and shall be subject to the lot and design standards of the RST-2 district. Exemptions to the provisions of this section may be granted at the time of preliminary plat approval, provided one or more of the following conditions exist:

- A. The properties are separated by a major collector or arterial street.
- B. The abutting land use is a nonresidential use allowed in the district in which it is located.
- C. The properties are separated by a railroad right of way, wetland, water body, floodplain, public open space, park or other such similar publicly reserved and development restricted area with a minimum width of one hundred feet (100') across its entire length.
- D. The properties are separated by a buffer yard subject to the following provisions:
 1. The buffer yard shall be a minimum width of twenty feet (20') across its entire length for properties separated by a minor collector or local street right of way. The buffer yard separation between properties not divided by a minor collector or local street right of way shall be sixty feet (60').
 2. The buffer yard is installed in accordance with requirements for a buffer yard providing a minimum ten foot (10') screening height, subject to subsection 11-21-9.E of this title.
 3. There shall be no direct unit access from the RM-2 district use through the buffer yard to any minor collector or local street separating the properties.
- E. The requirements of this section shall not apply to any RM-2 zoned property abutting an RS-1, RS-2, or RS-3, RS-4, RS-CBD district within the same preliminary plat.

Section 58. Section 11-60-9.A of the Zoning Ordinance (RS-2 District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 59. Section 11-60-9.C of the Zoning Ordinance (RM-3 District – Conditional Uses) is hereby amended to read as follows:

- C. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, head start, early childhood education, before and after school care, and adult education programing; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 60. Section 11-60-9 of the Zoning Ordinance (RM-3 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

H. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 61. Section 11-60-25 of the Zoning Ordinance (RM-3 District – Affordable Housing) is hereby amended to read as follows:

11-60-25: AFFORDABLE HOUSING: Housing qualified for meeting the city's allocation of regional affordable housing as defined by the comprehensive plan may be exempted from subsections 11-60-4921.B, C, and H of this chapter by conditional use permit, provided guarantees satisfactory to the city are in place to ensure that "for sale" housing will meet the affordable housing requirement for initial sales and "for rent" housing will meet the affordable housing requirement for the initial ten (10) year rental period.

Section 62. Section 11-61-7.A of the Zoning Ordinance (RH-1 District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 63. Section 11-61-7.D of the Zoning Ordinance (RH-1 District – Conditional Uses) is hereby amended to read as follows:

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, head start, early childhood education, before and after school care, and adult education programing; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 64. Section 11-61-7 of the Zoning Ordinance (RH-1 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

I. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 65. Section 11-61-23 of the Zoning Ordinance (RH-1 District – Transition Requirement) is hereby amended to read as follows:

11-61-23: TRANSITION REQUIREMENT: Any RH-1 zoned property abutting an RS-1, RS-2, or RS-3, RS-4, RS-CBD district within the MUSA shall have a minimum of one tier of single-family detached, two-family dwelling lots, or detached townhomes bordering such a district and shall be subject to the lot and design standards of the RST-2 district. Exemptions to the provisions of this section may be granted at the time of preliminary plat approval, provided one or more of the following conditions exist:

- A. The properties are separated by a major collector or arterial street.
- B. The abutting land use is a nonresidential use allowed in the district in which it is located.
- C. The properties are separated by a railroad right of way, wetland, water body, floodplain, public open space, park or other such similar publicly reserved and development restricted area with a minimum width of one hundred feet (100') across its entire length.

Section 66. Section 11-62-7.A of the Zoning Ordinance (RH-2 District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 67. Section 11-62-7.D of the Zoning Ordinance (RH-2 District – Conditional Uses) is hereby amended to read as follows:

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, head start, early childhood education, before and after school care, and adult education programming; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 68. Section 11-62-7 of the Zoning Ordinance (RH-2 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

I. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 69. Section 11-62-23 of the Zoning Ordinance (RH-2 District – Transition Requirement) is hereby amended to read as follows:

11-62-23: TRANSITION REQUIREMENT: Any RH-2 zoned property abutting an RS-1, RS-2, or RS-3, RS-4, RS-CBD district within the MUSA shall have a minimum of one tier of single-family detached, two-family dwelling lots, or detached townhomes bordering such a district and shall be subject to the lot and design standards of the RST-2 district. Exemptions to the provisions of this section may be granted at the time of preliminary plat approval, provided one or more of the following conditions exist:

- A. The properties are separated by a major collector or arterial street.
- B. The abutting land use is a nonresidential use allowed in the district in which it is located.
- C. The properties are separated by a railroad right of way, wetland, water body, floodplain, public open space, park or other such similar publicly reserved and development restricted area with a minimum width of one hundred feet (100') across its entire length.

Section 70. Section 11-63-9.A of the Zoning Ordinance (RH-CBF District – Conditional Uses) is hereby amended to read as follows:

- A. Daycare, head start, and early childhood education facilities as a principal or an accessory use provided that the use complies with the provisions of chapter 31 of this title.

Section 71. Section 11-63-9.C of the Zoning Ordinance (RH-CBD District – Conditional Uses) is hereby amended to read as follows:

- C. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational

institutions limited to accredited elementary, middle or junior high and senior high school, including preschool, before and after school care, and adult education programing,; ~~and religious institutions such as churches, chapels, temples, and synagogues~~ provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

Section 72. Section 11-63-9 of the Zoning Ordinance (RH-CBD District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

I. Religious institutions, provided that:

1. Minimum side yards shall be double that required for the district, but no greater than thirty feet (30').
2. Dwelling in micro units within a sacred community shall be allowed subject the provisions of section 11-33-7 of this title.

Section 73. Section 11-65-3 of the Zoning Ordinance (M-1 District – Permitted Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

A. Adult education facilities.

Section 74. Section 11-65-3.E of the Zoning Ordinance (M-1 District – Permitted Uses) is hereby amended to read as follows:

- E. Daycare, head start, and early childhood education facilities as a principal use provided that the use complies with the provisions of chapter 31 of this title.

Section 75. Section 11-65-7.A of the Zoning Ordinance (M-1 District – Conditional Uses) is hereby amended to read as follows:

A. Auto repair, minor, provided that:

1. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the city engineer.
2. A minimum lot area of twenty thousand (20,000) square feet and minimum lot width of one hundred fifty feet (150').
3. A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas.
4. Parking space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.

5. No outside storage except as allowed in compliance with this chapter of any product (whether new, used or to be discarded or recycled) and no overnight parking shall be allowed.
6. Service bay doors shall not face any residential district or use and shall remain closed at all times unless open to move a vehicle into or out of a service bay.
67. Sale of products other than those specifically mentioned in this section be subject to a conditional use permit and be in compliance with this section.
8. Building and off-street parking stalls and drive aisles related to the use shall be located no closer than five hundred feet (500') of a principal arterial roadway.
79. All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

Section 76. Section 11-65-7.D.5 of the Zoning Ordinance (M-1 District – Conditional Uses) is hereby amended read as follows:

- D. Commercial car washes (drive-through, mechanical and self-service) provided that:
 1. A car wash that is accessory to a convenience store/motor fuel facility shall be included as part of the principal building.
 2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.
 3. Magazine or stacking space must not interfere with onsite circulation patterns or required on site parking or loading areas.
 4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
 5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.
 - a. ~~Where the car wash operation is within five hundred feet (500') of a residential district, t~~The exterior vehicle doors of the car wash must remain closed during the entire operation cycle.
 - b. Mechanical equipment for vacuum machines shall be located such that sound levels measured at the property line do not exceed seventy decibels (70 dB).
 6. Building and parking related to the use shall be located no closer than five hundred feet (500') of a principal arterial roadway.
 67. The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on-site parking and loading areas, and may not be located in a yard abutting residentially zoned property.

78. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.
9. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. unless further limited by the city council.

Section 77. Section 11-65-7.F of the Zoning Ordinance (M-1 District – Conditional Uses) is hereby repealed with subsequent sections renumbered accordingly:

F. ~~Community preschool, latchkey and adult education facilities provided that:~~

1. ~~Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.~~
2. ~~Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.~~
3. ~~Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.~~
4. ~~Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.~~
5. ~~Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.~~
6. ~~Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.~~
7. ~~Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.~~
8. ~~Parking:~~
 - a. ~~When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be~~

~~calculated separately for determining the total off street parking spaces required.~~

~~b. Parking and loading areas shall be separate from any outdoor play area.~~

~~9. Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions.~~

~~a. The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.~~

~~b. When the community preschool, latchkey and adult education facility is a use within a multi-tenant building, it shall be located in a portion of the building separated from the other uses located within the structure.~~

~~c. The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.~~

Section 78. Section 11-65-7.P of the Zoning Ordinance (M-1 District – Conditional Uses) is hereby amended to read as follows:

P. Religious institutions such as churches, chapels, temples, and synagogues, including social services; also dwelling in micro units within a sacred community subject to Section 11-33-7 of this title.

Section 79. Section 11-66-3 of the Zoning Ordinance (M-2 District – Permitted Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

A. Adult education facilities.

Section 80. Section 11-66-3.E of the Zoning Ordinance (M-2 District – Permitted Uses) is hereby amended to read as follows:

E. Daycare, head start, and early childhood education facilities as a principal use provided that the use complies with the provisions of chapter 31 of this title.

Section 81. Section 11-66-7 of the Zoning Ordinance (M-2 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

A. Auto repair, minor, provided that:

1. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the city engineer.
2. A minimum lot area of twenty thousand (20,000) square feet and minimum lot width of one hundred fifty feet (150').
3. A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas.
4. Parking space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
5. No outside storage of any product (whether new, used or to be discarded or recycled) and no overnight parking shall be allowed.
6. Service bay doors shall not face any residential district or use and shall remain closed at all times unless open to move a vehicle into or out of a service bay.
7. Sale of products other than those specifically mentioned in this section be subject to a conditional use permit and be in compliance with this section.
8. Building and off-street parking stalls and drive aisles related to the use shall be located no closer than five hundred feet (500') of a principal arterial roadway.
9. All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

Section 82. Section 11-66-7 of the Zoning Ordinance (M-2 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

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

1. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.
2. Magazine or stacking space must not interfere with onsite circulation patterns or required on site parking or loading areas.
3. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
4. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.
 - a. The exterior vehicle doors of the car wash must remain closed during the entire operation cycle.

- b. Mechanical equipment for vacuum machines shall be located such that sound levels measured at the property line do not exceed seventy decibels (70 dB).
- 5. Building and parking related to the use shall be located no closer than five hundred feet (500') of a principal arterial roadway.
- 6. The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on-site parking and loading areas, and may not be located in a yard abutting residentially zoned property.
- 7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.
- 8. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. unless further limited by the city council.

Section 83. Section 11-66-7.C of the Zoning Ordinance (M-2 District – Conditional Uses) is hereby repealed with subsequent sections renumbered accordingly:

~~C. Community preschool, latchkey and adult education facilities provided that:~~

- ~~1. Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.~~
- ~~2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.~~
- ~~3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.~~
- ~~4. Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.~~
- ~~5. Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.~~
- ~~6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.~~

7. ~~Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.~~
8. ~~Parking:~~
- a. ~~When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.~~
- b. ~~Parking and loading areas shall be separate from any outdoor play area.~~
9. ~~Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions.~~
- a. ~~The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.~~
- b. ~~When the community preschool, latchkey and adult education facility is a use within a multi-tenant building, it shall be located in a portion of the building separated from the other uses located within the structure.~~
- c. ~~The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.~~

Section 84. Section 11-70-3 of the Zoning Ordinance (O-R District – Permitted Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

A. Adult education facilities.

Section 85. Section 11-70-3 of the Zoning Ordinance (O-R District – Permitted Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

C. Daycare, head start, and early childhood education facilities as a principal use provided that the use complies with the provisions of chapter 31 of this title.

Section 86. Section 11-70-7.C of the Zoning Ordinance (O-R District – Conditional Uses) is hereby repealed with subsequent sections renumbered accordingly:

C. ~~Community preschool, latchkey and adult education facilities provided that:~~

1. ~~Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.~~
2. ~~Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.~~
3. ~~Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.~~
4. ~~Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.~~
5. ~~Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.~~
6. ~~Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.~~
7. ~~Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.~~
8. ~~Parking:~~
 - a. ~~When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.~~
 - b. ~~Parking and loading areas shall be separate from any outdoor play area.~~
9. ~~Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions.~~

- a. ~~The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.~~
- b. ~~When the community preschool, latchkey and adult education facility is a use within a multi-tenant building, it shall be located in a portion of the building separated from the other uses located within the structure.~~
- c. ~~The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.~~

Section 87. Section 11-70-7.D of the Zoning Ordinance (O-R District – Conditional Uses) is hereby repealed with subsequent sections renumbered accordingly:

- D. ~~Daycare: Daycare facilities as a principal use provided that the use complies with the provisions of chapter 31 of this title.~~

Section 88. Section 11-70-7.N of the Zoning Ordinance (O-R District – Conditional Uses) is hereby amended to read as follows

- N. Religious institutions such as churches, chapels, temples, and synagogues, including social services; also dwelling in micro units within a sacred community subject to Section 11-33-7 of this title.

Section 89. Section 11-71-3 of the Zoning Ordinance (C-1 District – Permitted Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

- A. Adult education facilities.

Section 90. Section 11-71-3.B of the Zoning Ordinance (C-1 District – Permitted Uses) is hereby amended to read as follows:

- B. Daycare, head start, and early childhood education facilities as a principal use provided that the use complies with the provisions of chapter 31 of this title.

Section 91. Section 11-71-7.A. of the Zoning Ordinance (C-1 District – Conditional Uses) is hereby repealed:

- A. ~~Commercial car washes (automatic mechanical drive-through only) as accessory use associated with convenience store/motor fuel sales, provided:~~
 - 1. ~~The accessory car wash must be attached to the convenience store/motor fuel sales facility.~~

2. ~~Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.~~
3. ~~Magazine or stacking space must not interfere with on site circulation patterns or required on site parking or loading areas.~~
4. ~~Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.~~
5. ~~Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.~~
 - a. ~~Where the car wash operation is within five hundred feet (500') of a residential district, the exterior vehicle doors of the car wash must remain closed during the entire operation cycle.~~
6. ~~The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on site parking and loading areas, and may not be located in a yard abutting residentially zoned property.~~
7. ~~Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.~~

Section 92. Section 11-71-7.B of the Zoning Ordinance (C-1 District – Conditional Uses) is hereby repealed with subsequent sections renumbered accordingly:

~~B. Community preschool, latchkey and adult education facilities provided that:~~

1. ~~Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.~~
2. ~~Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.~~
3. ~~Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.~~
4. ~~Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.~~
5. ~~Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general~~

welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.

- ~~6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.~~
- ~~7. Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.~~
- ~~8. Parking:~~
 - ~~a. When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.~~
 - ~~b. Parking and loading areas shall be separate from any outdoor play area.~~
- ~~9. Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions:~~
 - ~~a. The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.~~
 - ~~b. When the community preschool, latchkey and adult education facility is a use within a multi-tenant building, it shall be located in a portion of the building separated from the other uses located within the structure.~~
 - ~~c. The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.~~

Section 93. Section 11-71-7.G of the Zoning Ordinance (C-1 District – Conditional Uses) is hereby amended to read as follows

- G. Religious institutions such as churches, chapels, temples, and synagogues, including social services; also dwelling in micro units within a sacred community subject to Section 11-33-7 of this title.

Section 94. Section 11-72-3 of the Zoning Ordinance (C-2 District – Permitted Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

A. Adult education facilities.

Section 95. Section 11-72-3.E of the Zoning Ordinance (C-2 District – Permitted Uses) is hereby amended to read as follows:

- E. Daycare, head start, and early childhood education facilities as a principal use provided that the use complies with the provisions of chapter 31 of this title.

Section 96. Section 11-72-7.D of the Zoning Ordinance (C-2 District – Conditional Uses) is hereby amended to read as follows:

- D. Commercial car washes (drive-through, mechanical and self-service) provided that:
1. A car wash that is accessory to a convenience store/motor fuel facility shall be included as part of the principal building.
 2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.
 3. Magazine or stacking space must not interfere with onsite circulation patterns or required on site parking or loading areas.
 4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
 5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.
 - a. ~~Where the car wash operation is within five hundred feet (500') of a residential district, t~~The exterior vehicle doors of the car wash must remain closed during the entire operation cycle.
 - b. Mechanical equipment for vacuum machines shall be located such that sound levels measured at the property line do not exceed seventy decibels (70 dB).
 6. The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on-site parking and loading areas, and may not be located in a yard abutting residentially zoned property.
 7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.

8. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. unless further limited by the city council.

Section 97. Section 11-72-7.F of the Zoning Ordinance (C-2 District – Conditional Uses) is hereby repealed with subsequent sections renumbered accordingly:

F. ~~Community preschool, latchkey and adult education facilities provided that:~~

- ~~1. Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.~~
- ~~2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.~~
- ~~3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.~~
- ~~4. Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.~~
- ~~5. Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.~~
- ~~6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.~~
- ~~7. Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.~~
- ~~8. Parking:
 - ~~a. When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.~~
 - ~~b. Parking and loading areas shall be separate from any outdoor play area.~~~~
- ~~9. Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as~~

~~a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions.~~

- ~~a. The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.~~
- ~~b. When the community preschool, latchkey and adult education facility is a use within a multi-tenant building, it shall be located in a portion of the building separated from the other uses located within the structure.~~
- ~~c. The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.~~

Section 98. Section 11-72-7.P of the Zoning Ordinance (C-2 District – Conditional Uses) is hereby amended to read as follows

- P. Religious institutions such as churches, chapels, temples, and synagogues, including social services; also dwelling in micro units within a sacred community subject to Section 11-33-7 of this title.

Section 99. Section 11-73-3 of the Zoning Ordinance (C-3 District – Permitted Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

- A. Adult education facilities.

Section 100. Section 11-73-3.E of the Zoning Ordinance (C-3 District – Permitted Uses) is hereby amended to read as follows:

- E. Daycare, head start, and early childhood education facilities as a principal use provided that the use complies with the provisions of chapter 31 of this title.

Section 101. Section 11-73-7.D of the Zoning Ordinance (C-3 District – Conditional Uses) is hereby amended to read as follows:

- D. Commercial car washes (drive-through, mechanical and self-service) provided that:
- 1. A car wash that is accessory to a convenience store/motor fuel facility shall be included as part of the principal building.
 - 2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.

3. Magazine or stacking space must not interfere with onsite circulation patterns or required on site parking or loading areas.
4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.
 - a. ~~Where the car wash operation is within five hundred feet (500') of a residential district, t~~The exterior vehicle doors of the car wash must remain closed during the entire operation cycle.
 - b. Mechanical equipment for vacuum machines shall be located such that sound levels measured at the property line do not exceed seventy decibels (70 dB).
6. The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on-site parking and loading areas, and may not be located in a yard abutting residentially zoned property.
7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.
8. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. unless further limited by the city council.

Section 102. Section 11-73-7.F of the Zoning Ordinance (C-3 District – Conditional Uses) is hereby repealed with subsequent sections renumbered accordingly:

F. ~~Community preschool, latchkey and adult education facilities provided that:~~

1. ~~Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.~~
2. ~~Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.~~
3. ~~Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.~~
4. ~~Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.~~
5. ~~Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined~~

~~by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.~~

- ~~6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.~~
- ~~7. Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.~~
- ~~8. Parking:~~
 - ~~a. When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.~~
 - ~~b. Parking and loading areas shall be separate from any outdoor play area.~~
- ~~9. Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions:~~
 - ~~a. The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.~~
 - ~~b. When the community preschool, latchkey and adult education facility is a use within a multi-tenant building, it shall be located in a portion of the building separated from the other uses located within the structure.~~
 - ~~c. The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.~~

Section 103. Section 11-73-7.O of the Zoning Ordinance (C-3 District – Conditional Uses) is hereby amended to read as follows

- O. Religious institutions such as churches, chapels, temples, and synagogues, including social services; also dwelling in micro units within a sacred community subject to Section 11-33-7 of this title.

Section 104. Section 11-74-3 of the Zoning Ordinance (C-CBD District – Permitted Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

A. Adult education facilities.

Section 105. Section 11-74-3.E of the Zoning Ordinance (C-CBD District – Permitted Uses) is hereby amended to read as follows:

- E. Daycare, head start, and early childhood education facilities as a principal use provided that the use complies with the provisions of chapter 31 of this title.

Section 106. Section 11-74-7.D of the Zoning Ordinance (C-CBD District – Conditional Uses) is hereby repealed with subsequent sections renumbered accordingly:

~~D. Community preschool, latchkey and adult education facilities provided that:~~

- ~~1. Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.~~
- ~~2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.~~
- ~~3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.~~
- ~~4. Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.~~
- ~~5. Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.~~
- ~~6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.~~
- ~~7. Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.~~

8. ~~Parking:~~

a. ~~When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.~~

b. ~~Parking and loading areas shall be separate from any outdoor play area.~~

9. ~~Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions:~~

a. ~~The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.~~

b. ~~When the community preschool, latchkey and adult education facility is a use within a multi-tenant building, it shall be located in a portion of the building separated from the other uses located within the structure.~~

c. ~~The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.~~

Section 107. Section 11-74-7.P of the Zoning Ordinance (C-CBD District – Conditional Uses) is hereby amended to read as follows

P. Religious institutions such as churches, chapels, temples, and synagogues, including social services; also dwelling in micro units within a sacred community subject to Section 11-33-7 of this title.

Section 108. Section 11-75-3.I of the Zoning Ordinance (O-P District – Permitted Uses) is hereby amended to read as follows:

I. Trade and postsecondary schools, and adult education facilities.

Section 109. Section 11-75-5 of the Zoning Ordinance (O-P District – Permitted Accessory Uses) is hereby amended to include the following provision and renumber subsequent sections accordingly:

G. Outdoor storage subject to the provisions of section 11-75-13.J of this title.

Section 110. Section 11-75-7.D of the Zoning Ordinance (O-P District – Conditional Uses) is hereby amended to read as follows:

- D. Daycare, head start, and early childhood education facilities accessory to a principal use provided that the use complies with the provisions of chapter 31 of this title.

Section 111. Section 11-86-3 of the Zoning Ordinance (I-1 District –Permitted Uses) is hereby amended read as follows:

11-86-3: PERMITTED USES: In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an I-1 district:

- A. Automobile repair, minor.
- B. Building materials sales.
- ~~C. Commercial catering businesses.~~
- ~~CD. Commercial printing establishments.~~
- ~~DE. Compounding, assembly, packaging, treatment, or storage of products and materials except waste.~~
- ~~EF. Cross dock distribution facility.~~
- ~~FG. Governmental and public utility buildings and structures; city of Lakeville only.~~
- ~~H. Indoor firearm and archery ranges.~~
- ~~I. Instructional classes.~~
- G. Laboratories, research and development facilities.
- H. Manufacturing.
- I. Office, general.
- ~~J. Outdoor civic events conducted by nonprofit organizations, each such outdoor event being limited to fourteen (14) days in any calendar year.~~
- K. Radio and television stations.
- ~~L. Servicing of motor freight vehicles and heavy construction equipment; directly related accessory materials and parts sales for such repair and servicing (not including new or used vehicle sales); and accessory materials and parts warehousing which is related to and dependent upon such uses, provided that:~~
 - ~~1. All servicing of vehicles and equipment shall occur entirely within the principal structure;~~

2. ~~To the extent required by state law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust, or other particulate matter;~~
3. ~~Storage and use of all flammable materials, including liquids and rags, shall conform with applicable provisions of the Minnesota uniform fire code;~~
4. ~~Parking, driveway, and circulation standards and requirements shall be subject to the review and approval of the city engineer and shall be based upon the specific needs of the operation and shall accommodate large vehicle equipment and semitrailer/tractor trucks;~~
5. ~~The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building; and~~
6. ~~The sale of products other than those specifically mentioned in this subsection L shall be subject to a separate conditional use permit and shall be in compliance with section 11-86-7 of this chapter.~~

- M. Sexually oriented uses, principal.
- N. Trade schools.
- O. Transportation terminals.
- P. Warehousing, including self-storage facilities.
- Q. Wholesale businesses.
- R. Data centers.
- S. Breweries and small breweries.
- T. Distilleries and microdistilleries.

Section 112. Section 11-86-7.E of the Zoning Ordinance (I-1 District – Conditional Uses) is hereby amended to repeal the following provisions with subsequent sections renumbered accordingly:

- A. ~~Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this title, provided that:~~
 1. ~~Such use is allowed as a permitted use in a C-1 District.~~
 2. ~~Such use does not constitute more than thirty percent (30%) of the lot area and not more than fifty percent (50%) of the gross floor area of the principal use.~~
- D. ~~Commercial recreation facilities, provided that:~~
 1. ~~The architectural appearance and function plan of the building and the site shall be designed with a high standard of architectural and aesthetic compatibility with surrounding properties. Building materials, orientation, colors, height, roof design,~~

~~lighting, signage and site landscaping shall be designed to complement the surrounding industrial properties and demonstrate potential industrial reuse. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious exterior finish treatment.~~

- ~~2. A commercial recreational use shall not be located within a shared tenancy building containing a use classified as an "H" occupancy as defined by Minnesota State Building Code, as may be amended.~~
 - ~~3. In multiple-occupancy buildings, a Material Safety Data Sheet (MSDS) shall be required identifying all materials stored or used in the operation of the tenant businesses. Any change in building tenants shall require that the MSDS be updated and provided to all other tenants in the multi-tenant building.~~
 - ~~4. A commercial recreational use in a shared tenancy building shall have its own exterior entrance and exit.~~
 - ~~5. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Chapter 19 of this title and shall be subject to the approval of the City Engineer.~~
- ~~E. Daycare facilities accessory to an allowed principal use provided that the use complies with the provisions of chapter 31 of this title.~~

Section 113. Section 11-86-11 of the Zoning Ordinance (I-1 District – Uses by Administrative Permit) is hereby amended to read as follows:

A. Commercial recreation facilities, provided that:

1. The architectural appearance and function plan of the building and the site shall be designed with a high standard of architectural and aesthetic compatibility with surrounding properties. Building materials, orientation, colors, height, roof design, lighting, signage and site landscaping shall be designed to complement the surrounding industrial properties and demonstrate potential industrial reuse. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious exterior finish treatment.
2. A commercial recreational use shall not be located within a shared tenancy building containing a use classified as an "H" occupancy as defined by Minnesota State Building Code, as may be amended.
3. In multiple-occupancy buildings, a Material Safety Data Sheet (MSDS) shall be required identifying all materials stored or used in the operation of the tenant businesses. Any change in building tenants shall require that the MSDS be updated and provided to all other tenants in the multi-tenant building.
4. A commercial recreational use in a shared tenancy building shall have its own exterior entrance and exit.
5. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with chapter 19 of this title and shall be subject to the approval of the City Engineer.

- B. Construction of solid wall or privacy fence within a required front yard or required side yard of a corner lot abutting a public right-of-way as provided for in subsection 11-21-5H1b of this title.
- C. Daycare, head start, and early childhood education facilities accessory to a principal use provided that the use complies with the provisions of chapter 31 of this title.
- D. Enclosed rental or service business as a principal use other than that allowed as a permitted use or conditional use within this title, provided that such use is allowed as a permitted use in a C-1 District.
- AE. Essential services, except transmission pipelines and transmission or substation lines in excess of thirty three kilovolts (33 kV) and up to one hundred kilovolts (100 kV), as regulated by chapter 26 of this title.
- F Fitness centers and health clubs provided that:
1. Adequate off street parking shall be provided in compliance with chapter 19 of this title.
 2. The total number of stations shall not exceed one per one hundred (100) square feet of gross floor area.
 3. Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M.
- G. Motor vehicle sales, leasing, or rental as a principal or accessory use, provided that:
1. There shall be no outside storage or display of vehicles for sale or lease.
 2. Notwithstanding any other provision of this title, signage related to motor vehicle sales, leasing, or rental shall be limited to twenty four (24) square feet.
 3. No temporary signage/advertising devices (e.g., portable signage, banners, pennants, spotlights, skytrackers, inflatables, balloons) shall be allowed.
- BH. Multiple principal buildings on one lot of record, provided that:
1. Lot Requirements: The lot shall conform to the minimum lot area and lot width requirements of section 11-86-13 of this chapter.
 2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').
 3. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, stormwater basins, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:
 - a. All of the property including buildings and common areas shall be owned by a single entity.
 - b. Common interest community ownership pursuant to Minnesota Statutes 515B.

- c. The property shall be divided into a base lot and unit lots to allow for individual ownership of the principal buildings or individual tenant spaces within the principal building, with each owner of a unit lot having an equal and undivided interest in the common area, subject to the following requirements:

- (1) The tenant space related to each unit lot shall have an exclusive exterior entrance.
- (2) A management association shall be established for all commercial developments with multiple principal buildings subdivided in a base lot/unit lot configuration that is to be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of driveways and parking areas, subject to review and approval of the city attorney.

4. Utilities:

- a. Underground Or Exterior Service: All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
- b. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.
 - (1) Water connection: A shutoff valve for each individual unit shall be provided.
 - (2) Sewer connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.

I. Outdoor civic events conducted by nonprofit organizations, each such outdoor event being limited to fourteen (14) days in any calendar year.

- G.J. Outside, aboveground storage facilities for fuels used for heating purposes, or for motor fuel dispensing purposes related to the approved principal use, but not for sale. Such facilities shall be limited to liquefied petroleum and propane gas used for standby heating and to equipment used for dispensing such gaseous fuels to vehicles and containers which are used in conjunction with the allowed principal use. The location and design of such facilities for new developments shall be included with the site plan submitted for review and approved as required by this title. The location and design of such facilities for existing developments in all cases shall be subject to the approval of the Zoning Administrator and the following criteria:

- 1. The design, construction, and location of the equipment must comply with State and City codes including appropriate National Fire Protection Association specifications, Minnesota Uniform Fire Code requirements, and manufacturer's specifications.

2. An accurate site plan for the development based upon a certified survey, shall be submitted showing to scale the location of the storage equipment, including any fencing and landscaping relating to the safety and screening of the equipment.
 3. Solid wall enclosures should not be used to assure that fire hose streams can be directed onto the storage equipment with minimal obstruction.
 4. Equipment must be located so as not to obstruct approved parking spaces, driving aisles, fire lanes, utility easements, or required building ingress or egress points.
 5. No signage shall be permitted, other than required safety information, product identification, product hazards, and operation instructions. For the purpose of this chapter, "signage" includes words, graphics, logos, and symbols.
- DK. Personal wireless service antennas including temporary mobile towers, as regulated by chapter 30 of this title.
- EL. Sales, rental or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that:
1. The area so occupied shall not exceed ten percent (10%) of the principal building.
 2. No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
 3. The outdoor sales, rental, or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by [chapter 19](#) of this title, except as may be exempted for cause by the Zoning Administrator.
- M. Servicing of motor freight vehicles and heavy construction equipment; directly related accessory materials and parts sales for such repair and servicing (not including new or used vehicle sales); and accessory materials and parts warehousing which is related to and dependent upon such uses, provided that:
1. All servicing of vehicles and equipment shall occur entirely within the principal structure;
 2. To the extent required by state law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust, or other particulate matter;
 3. Storage and use of all flammable materials, including liquids and rags, shall conform with applicable provisions of the Minnesota uniform fire code;
 4. Parking, driveway, and circulation standards and requirements shall be subject to the review and approval of the city engineer and shall be based upon the specific needs of the operation and shall accommodate large vehicle equipment and semitrailer/tractor trucks;
 5. The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building; and

6. The sale of products other than those specifically mentioned in this subsection L shall be subject to a separate conditional use permit and shall be in compliance with section 11-86-7 of this chapter.
- FN. Temporary structures as regulated by chapter 28 of this title.
- GO. WECS that comply with the height limit of this district, as regulated by chapter 29 of this title.
- H. ~~Construction of solid wall or privacy fence within a required front yard or required side yard of a corner lot abutting a public right-of-way as provided for in subsection 11-21-5H1b of this title.~~
- I. ~~Daycare facilities as an accessory use provided that the use complies with the provisions of chapter 31 of this title.~~
- P. Veterinary clinics provided that:
1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
 2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
 3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:
 - a. The number of animals boarded shall not exceed twenty (20).
 - b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
 - c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty degrees (60°) and seventy five degrees Fahrenheit (75°F).
 - d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
 - e. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
 - f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

- g. The appropriate license is obtained from the City Clerk and the conditions of section 5-1-12 of this Code are met.
 - h. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.
4. There shall be adequate physical separation within a multiple occupancy building between the veterinary clinic and other individual tenant spaces to protect public health and safety.

Section 114. Section 11-87-7.D of the Zoning Ordinance (I-2 District – Conditional Uses) is hereby amended to read as follows:

- D. Daycare, head start, and early childhood education facilities accessory to a principal use provided that the use complies with the provisions of chapter 31 of this title.

(Remainder of this page intentionally blank)

Section 115. This Ordinance shall be effective immediately upon its passage and publication according to law.

ADOPTED by the Lakeville City Council this _____ day of _____, 2024.

CITY OF LAKEVILLE

BY: _____
Luke Hellier, Mayor

ATTEST

BY: _____
Ann Orlofsky, City Clerk



Memorandum

FYI

To: Planning Commission
From: Kris Jenson, Planning Manager
Date: April 18, 2024
Subject: Future and Continued Planning Commission Agenda Items
Summary of City Council Actions on Planning Commission Items

The following is a list of possible agenda items to be considered at upcoming Planning Commission meetings:

- IUP for beekeeping
- Planning Commission work session on additional Zoning Ordinance updates.

At their April 1, 2024 meeting, the City Council:

- Approved the Northland Collision CUP.

At their April 15, 2024 meeting, the City Council:

- Approved the Autumn Hill Preliminary Plat.
- Approved an easement vacation and the final plat for Interstate Second Addition.
- Approved Site Improvement Performance and Stormwater Maintenance Agreements with MOM Brands for a building addition at 21370 Heywood Avenue.