



CHAIR: CHAD GENZ  
MEMBER: JOE POLUNC  
MEMBER: BRUCE PAULSEN  
MEMBER: KEVIN KAMERUD  
MEMBER: DARYL PETERSON  
ALTERNATE MEMBER: JACOB WECKMAN

## **Work Session - Cannabis Regulation Discussion**



## REQUEST FOR PLANNING COMMISSION ACTION

|                                                                                                                |                                                      |  |                 |   |                    |  |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------|--|-----------------|---|--------------------|--|
| <b>Meeting Date:</b>                                                                                           | September 5, 2024                                    |  |                 |   |                    |  |
| <b>Item Name:</b>                                                                                              | August 8th, 2024 Planning Commission Meeting Minutes |  |                 |   |                    |  |
| <b>Originating Department:</b>                                                                                 | Community Development                                |  |                 |   |                    |  |
| <b>Presented by:</b>                                                                                           | Lane Braaten                                         |  |                 |   |                    |  |
| <b>Previous Commission Action</b> (if any):                                                                    |                                                      |  |                 |   |                    |  |
| <b>Item Type (X only one):</b>                                                                                 | Consent                                              |  | Regular Session | X | Discussion Session |  |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>               |                                                      |  |                 |   |                    |  |
| Motion to adopt the August 8th, 2024 Planning Commission Meeting Minutes                                       |                                                      |  |                 |   |                    |  |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i> |                                                      |  |                 |   |                    |  |
| <b>Attachments:</b><br>1. <a href="#">August 8th 2024 Planning Commission Meeting Minutes.docx</a>             |                                                      |  |                 |   |                    |  |
| <b>FINANCIAL IMPLICATIONS:</b><br>Funding Sources & Uses:                                                      |                                                      |  |                 |   |                    |  |
| Budget Information:<br>_____ Budgeted<br>_____ Non Budgeted<br>_____ Amendment Required                        |                                                      |  |                 |   |                    |  |

**CITY OF WACONIA PLANNING COMMISSION**  
**Thursday, August 8, 2024**

1) [Call meeting to order and roll call](#)

Pursuant to due call and notice thereof the regular meeting of the Planning Commission of the City of Waconia was called to order by Commissioner Chair Genz at 6:30 PM.

**Members Present: Genz, Polunc, Kamerud, Paulsen, Peterson**

**Members Absent: None**

**City Liaison: Grengs**

**Staff Present: Braaten, Nelson, Stein, Havlik**

2) [Adopt Agenda](#)

No changes to the agenda.

**Motion by Paulsen, seconded by Peterson to adopt the agenda. All in favor voted aye. MOTION CARRIED**

3) [Minutes Approval](#)

3.1 [July 11th, 2024, Planning Commission Meeting Minutes](#)

[Cover Page](#)

[July 11 2024 PC Meeting Minutes.pdf](#)

**Motion by Polunc, second by Kamerud to approve the minutes. All in favor voted aye. MOTION CARRIED.**

4) [New Business](#)

4.1 [PUBLIC HEARING - SITE PLAN, DESIGN REVIEW, VARIANCE and PLAT - Olive & Second Street Apartments](#)

[Cover Page](#)

[CONCLUSION RECOMMENDATION.pdf](#)

[Location Map\\_Olive and Second.pdf](#)

[Olive & Second Narrative.pdf](#)

[Olive and Second Plan Set.pdf](#)

## [OLIVE AND SECOND Final Plat.pdf](#)

### [Impervious Exhibit.pdf](#)

Braaten introduced the Olive and Second Street mixed use project. He gave a summary of the proposed location and properties in close proximity of the project. The property is zoned B-3, Central Business District and is located within the Downtown Design Standards District. Braaten went on to show and explain the proposed Site Plan. He explained the Site Plan, floor plan and landscape plan. He went on to discuss the off-street parking noting what the City Ordinance requires explaining different scenarios. Applicant is proposing 175 parking stalls, 142 would be below ground. They are meeting minimum parking requirements along with identifying 20 + spaces for public parking. Any future signage would be reviewed by staff. Lighting plan meets City Code. Braaten talked about pedestrian access, noting that the applicant is showing a sidewalk and boulevard along 2<sup>nd</sup> Street and staff has indicated the sidewalk should be at the back of curb. This would cause the landscape plan to be adjusted. Trash and screening meet requirements.

Braaten went on to explain the design review element of the application. The proposed application includes a requested height of 65' versus the maximum of 45' allowed in the B-3, Central Business District. He displayed the proposed exterior building materials.

Commissioner Paulsen asked about the transformer and screening and what was the issue. Discussion continued about possible options.

Braaten informed the Commission that there could be some revisions to the parking and access plan as the city continues to work with the applicant regarding a possible stormwater partnership. Braaten summarized the variance review criteria for the Commissioners.

Paulsen asked if the city done a comprehensive parking study to which Braaten indicated that he was not aware of one. Paulsen asked if the city looked at a study to see what they wanted the Downtown to look like going forward. Braaten explained the city has its Architectural Design Standards that we rely on and use these standards as the applicable resource. The discussion circled back to the height element. Paulsen asked where the current building height (45') originated from. Braaten stated that if he were to guess the 45' height maximum probably stemmed from an emergency response standpoint and/or requiring new buildings to be consistent with the existing heights found in downtown. Discussion continued regarding the height issue.

Polunc asked about traffic flow in and out of the alley. There was discussion about various possibilities regarding the issue. Genz asked about other apartment applications, if they asked for variances with the application. Nelson stated the Otto asked for a height variance.

Genz opened the public hearing.

Genz asked for the design team/owners to come up.

Steve Yetzer, Waconia came up and explained his history and his former request to build a smaller apartment building on a portion of this site. He included his thoughts on what Waconia should look like, and also how he became involved with the current apartment project. He went on to explain some of the aspects with the current project.

Craig Hartman with Momentum Design Group, St. Paul explained the thoughts and the thinking in the design of the apartment project. The design tries to compliment instead of copying other buildings. He went on to explain the height of the building and how it is captured within the building design.

Genz asked how the grade is determined. Craig went on to explain the process. More discussion followed regarding the grade.

Cathy Stahlke, business owner on Olive Street. Her concern is with the tenant parking. If the tenant chooses not to pay for the underground parking, where would they park. She explained that her and Steve Yetzer had this concern 10 years ago and now it comes back to the forefront.

Stacy Nelson, 40 Maple Street North. Came up to talk about the quaintness that Waconia has to offer. She mentioned the skyline and she mentioned the size of the new apartment how it would be changed. Also, the traffic becoming very busy. She also wanted to know how the height compares to the other apartment buildings.

Nate Albee, 134 Stacy Circle. His concern is the green space. He mentioned that it would be nice to break up the hard surface in the back of the building with some green space. Also planting mature trees to help screen the large parking area. He brought up maybe there is a possibility to have a partnership with the city for more parking. He talked more about his concern for the green space regarding the “heat island” effect.

**Motion by Paulsen, second by Kamerud to close the Public Hearing. All in favor voted aye. MOTION CARRIED.**

Genz at this point addressed the saved questions. He asked about the paid parking if the tenant does not pay.

Carl Runck, 441 2<sup>nd</sup> Street Excelsior. He explained that many of the tenants that sign will opt for the indoor parking. With limited parking outside.

Polunc asked about the 10 stalls for the residents if they will be assigned or will they be on a first come basis. Mr. Runck explained that the garage stalls and outside stalls will be assigned. Peterson asked if parking is included with the rent or if it was an additional cost. Mr. Runck mentioned that it is still to be determined.

Genz asked the question Ms. Nelson brought up about the height compared to other apartment buildings.

Craig Hartman, Momentum Design came up to make the comparison in height between the Uptown Apartment and the proposed apartment.

Mr. Runck mentioned that they are considering allowing public use for some of the setback outdoor space, so the community could enjoy the view and space.

Braaten asked about traffic with the number of new units proposed in the area. Mr. Runck asked if the city required a traffic study for the project. Braaten stated that it wasn't required as the property was zoned correctly for the proposed project. Mr. Runck went on to talk about what this project brings to the city and county. In terms of quality and price points with the different bedroom options. They feel there is a need for this higher quality. With the location being the gateway to the city they are talking with restaurant operators now about the retail space they have identified along Olive Street.

Braaten asked about the green space, which Mr. Albee identified as a concern. Mr. Runck explained the green space and the dog run area. He mentioned they wanted people to walk downtown and not necessarily stay onsite. He went on to say that this isn't park space.

Paulsen brought up the parking lot and using different materials that reduce the heat effect from a large area. Discussion followed.

Commissioner discussion followed.

**Motion by Polunc to approve the Site Plan, Design Review Variance along with the 14 conditions included int the staff report, which includes the storm water solution that is yet to be vetted. Second by Paulsen. MOTION CARRIED.**

Paulsen asked Braaten about the height ordinance and wondering if it should be looked at and possibly changed. Braaten stated he would ask Council what their thoughts are and proceed from there. Paulsen asked if a parking study is warranted, discussion followed. Also, Paulsen asked about a possible study to what the city should look/feel like study.

Braaten had a wrap-up on the Site Plan, Design Review, Variance stating that it will go to City Council on August 19<sup>th</sup>, with a recommendation from the Planning Commission to approve the project.

5) Old Business

No old business.

6) Other - Staff Update

85 new homes so far which includes single family and townhomes. We estimated for the year to be around 65. Staff anticipates, based on past experience, that we should land somewhere around 100 new home permits for the year.

The Williams variance for the property located at 343 Lakeview Terrace Boulevard was approved by the City Council.

The Site Plan application for 219 East Frontage Road also got Council approval.

Braaten informed the Commission of the feasibility study being completed for the eastern half of the community, which was in response to the sketch plan submittals for both the Kirsch and Falk properties earlier this year.

September meeting anticipating we will have an ordinance amendment from a possible business.

We are also working on a possible ordinance amendment on the Shoreland Overlay District and continue to work on the digital signage ordinance.

## **Adjourn**

**Motion by Kamurud and seconded by Paulsen to adjourn. All in favor voted aye.**  
**MOTIONED CARRIED**

Work Session - Discuss Shoreland Flexibility Regulations

Respectfully submitted,

David Havlik  
Office Assistant



## REQUEST FOR PLANNING COMMISSION ACTION

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                     |  |                 |   |                    |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--|-----------------|---|--------------------|--|
| <b>Meeting Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | September 5, 2024                                                                                                                   |  |                 |   |                    |  |
| <b>Item Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | PUBLIC HEARING - Amend Section 900.04, Definitions and Section 900.05.7, B-1 Highway Business District - Rural Lifestyle Retail Use |  |                 |   |                    |  |
| <b>Originating Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Community Development                                                                                                               |  |                 |   |                    |  |
| <b>Presented by:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Lane Braaten                                                                                                                        |  |                 |   |                    |  |
| <b>Previous Commission Action</b> (if any):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                     |  |                 |   |                    |  |
| <b>Item Type (X only one):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Consent                                                                                                                             |  | Regular Session | X | Discussion Session |  |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                     |  |                 |   |                    |  |
| Open public hearing.<br>Motion to close the public hearing.<br>Recommend approval or denial of the proposed amendment to Sections 900.04 and 900.05, which would define rural lifestyle retail and allow it as a permitted use with special restrictions in the B-1, Highway Business District.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                     |  |                 |   |                    |  |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                     |  |                 |   |                    |  |
| <b>APPLICANT INFORMATION</b><br><b>Applicant:</b> David Soto, Atwater Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                     |  |                 |   |                    |  |
| <b>REQUEST</b><br>The applicant, David Soto, has submitted an Ordinance Amendment application proposing to amend Sections 900.04, Definitions and 900.05.7, B-1, Highway Business District., Specifically, the applicant is proposing to define rural lifestyle retail, which would allow outdoor storage and display within designated areas without screening, allow a moveable loading dock, and allow fencing to exceed the 8-foot height maximum allowed in the B-1, Highway Business District. The language proposes to allow said use as a permitted use with special restrictions in the district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                     |  |                 |   |                    |  |
| <b>APPLICABLE ORDINANCE PROVISIONS:</b><br>1. Section 900.04, Definitions<br>2. Section 900.05.7. B-1, Highway Business District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                     |  |                 |   |                    |  |
| <b>BACKGROUND:</b><br>The Ordinance Amendment is in response to conversations with the applicant related to the possible future location and construction of a Tractor Supply Co. building on Marketplace Drive. Specifically, our current City Code language would not allow outdoor retail and display spaces without being screened from the public right-of-way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                     |  |                 |   |                    |  |
| <b>ORDINANCE AMENDMENT ANALYSIS</b><br>1. The proposed type of retail (i.e. Tractor Supply Co.) appears to be consistent with the intent and purposes of the B-1, Highway Business District which states “The purpose of this district is to provide for an appropriate range of businesses that will be utilized by area residents as well as vehicular traffic generated from the surrounding area.”<br>2. The proposed text includes rural lifestyle retail as a permitted use, and a permitted use with special restrictions. Staff believes this is an oversight and it should be considered under uses permitted with special restrictions.<br>3. The applicant has provided a concept plan and applicable imagery to explain how this type of use functions in different communities. The Commission should review this information and determine if the request is consistent with the underlying zoning district. Specifically, staff is wondering how comfortable the Planning Commission and City Council will be in regard to a moveable loading dock (and how it should be screened) and the 16-foot-tall chain link/tubed aluminum fencing versus the 8 ft. opaque fencing typically used for |                                                                                                                                     |  |                 |   |                    |  |

screening purposes.

4. City Code does allow motor fuel stations some outdoor sales areas indicating “The storage for items for sale outside the principal building shall be displayed in specifically designated containers.” Other than this ordinance provision nearly all other outdoor storage and display areas are required to be screened.
5. The applicant is only proposing to revise the City Code language in association with the B-1, Highway Business District. If the revision is appropriate, the Planning Commission may want to further discuss if this amendment should also apply to any other zoning districts as well.
6. The draft language has been submitted to the City Attorney for review and comment. Staff will provide the City Attorney comments when received, or at the meeting on September 5th, 2024.

**PUBLIC NOTICE/COMMENT:**

The notice was published in the WACONIA PATRIOT on August 22nd, 2024, posted on the City of Waconia website and posted at Waconia City Hall. To date no public hearing comments have been received.

**RECOMMENDATION:**

The Planning Commission is required to hold a public hearing to discuss the proposed draft ordinance language. The Planning Commission should review the attached information and make a recommendation to the City Council, which would be considered at their upcoming meeting on September 16th, 2024.

**Attachments:**

1. [Narrative for Text Amendment to Code Section 900.04 and 900.05.7.pdf](#)
2. [Proposed Text Amendment.pdf](#)
3. [Site Plan - Waconia TSC 11x17.pdf](#)
4. [Typical TSC Building Elevations11x17.pdf](#)
5. [Mobile Loading Ramp.pdf](#)
6. [Typical TSC Site Examples.pdf](#)

***FINANCIAL IMPLICATIONS:***

Funding Sources & Uses:

Budget Information:

\_\_\_\_\_ Budgeted  
\_\_\_\_\_ Non Budgeted  
\_\_\_\_\_ Amendment Required

August 9, 2024

Lane Braaten  
Community Development Director  
City of Waconia  
201 Vine Street  
Waconia, MN 55387

Via Email  
[LBraaten@waconia.org](mailto:LBraaten@waconia.org)

Re: Proposed Amendment to §§ 900.04 and 900.05.7 of the Waconia Zoning Ordinance

Dear Mr. Braaten:

We represent Atwater Waconia MN LLC with regard to this application for text amendment to the Waconia Zoning Ordinance §§ 900.04 and 900.05.7 (the "Code"). The proposed amendment introduces Rural Lifestyle Retail as a permitted use in the B-1 Highway Business District (the "B-1 district") and will provide much needed flexibility for essential outdoor product displays and certain design guidelines without disrupting the underlying goals of the B-1 district.

The B-1 district exists along Highway 5 and provides an appropriate range of businesses for area residents as well as vehicular traffic generated from the surrounding area. Permitted uses include commercial sales and service businesses intended to attract both local and area residents. The amount of outdoor display area is limited in the B-1 district, which makes certain outdoor-oriented retail uses unviable that are otherwise a perfect fit for the B-1 district.

The City Council has the legislative authority to approve this text amendment by the process in § 900.12, subd. 6. In creating the Rural Lifestyle Retail use, the amendment seeks narrow, but impactful changes to allow the outdoor sale and display of equipment, machinery, implements, motorized vehicles, materials, merchandise, and home goods to support outdoor rural lifestyles, farms, ranches, and gardens for the professional, hobbyist, and novice alike in B-1 district properties that are well-suited to accommodate the same.

Importantly, the Rural Lifestyle Retail amendment meets the purpose and intent of the comprehensive plan. It promotes an intensive variety of retail, service, and office land uses along Highway 5 and utilizes the capacity of the transportation corridor by promoting a higher intensity retail use. The proposed text amendment also promotes the B-1 district goals as indicated in § 900.01, including orderly development, respect for zoning districts and their classifications, protects public health, safety, and welfare, and preserves property values by integrating performance standards and limitations around the proposed use.

Specifically, Rural Lifestyle Retail will be allowed on properties in the B-1 district that are at least 4 acres, but not adjacent to residential property, to provide over 20,000 square feet of outdoor sales and display areas so long as a retail building not larger than 25,000 square feet exists on

August 9, 2024

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the property, the retail mix includes farm equipment and implements, and access exists on two roadways to allow circulation of larger vehicles and trailers. Outdoor sales and display, fencing, and screening requirements would be accommodated in certain situations, though the City will maintain site plan review as well as building design and landscaping standards. Additional details are included in the redline of Code §§ 900.04 and 900.05.7 enclosed with the application for text amendment.

Approving this amendment will support the strong and unmet demand in Waconia and the surrounding communities for retail focused on rural lifestyles and activities. For all the reasons discussed above, we respectfully request that the City approve the text amendment as proposed.

Please reach out to me if you have any questions and the proposed text amendment or the attached materials.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MS. B.', is positioned above the typed name.

Jacob M. Saufley, for  
Larkin Hoffman

Direct Dial: 952-896-3220  
Email: jsaufley@larkinhoffman.com

Enclosures

cc: David Soto  
Peter Coyle, Esq.  
J. Michael Melchert, Esq.

4885-9863-9574, v. 2

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## Redline of Proposed Text Amendment to Code §§ 900.04 and 900.05.7

### Sec. 900.04. Definitions.

The following words, terms, and phrases, as used herein, have the following meanings:

*Accessory apartment* means a second dwelling unit in an existing single-family detached dwelling for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

*Accessory structure* means a structure subordinate to, and serving the principal structure on the same lot and customarily incidental thereto.

*Accessory use* means a use incidental to, and on the same lot as, a principal use.

*Adult arcade* means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

*Adult bookstore, adult novelty store or adult video store* means a commercial establishment which, as one (1) of its principal purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- B. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offer for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store, or adult video store. such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

*Adult cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly features;

- A. Persons who appear in a state of nudity or semi-nude; or
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

*Adult motel* means a hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

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- B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

*Adult day care facility* means care facilities as licensed by the State of Minnesota.

*Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

*Adult theater* means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

*Alley* means a public right-of-way permanently reserved as a secondary means of access to abutting property.

*Animal, food* means fish, fowl, cattle, swine, sheep and other raised for purposes of food consumption.

*Animal, fur* means animals raised for their pelt.

*Animal, pleasure* means dogs, cats, horses, birds.

*Animal unit* means the following animals constitute one (1) animal unit equivalency: one (1) cow or steer, one (1) horse, donkey or burro, three (3) sheep, three (3) hogs or one hundred (100) fowl.

*Antenna* means equipment used for transmitting or receiving tele-communication, television or radio signals which is located on the exterior of, or outside of, any building or structure.

*Apartment* means a room with full housekeeping facilities which is rented on a monthly basis.

*Arterial street* means interregional roads conveying traffic between towns and other urban areas as defined in the comprehensive plan.

*Basement* means a portion of a building located partly underground. A basement shall be counted as a story if it has one-half (½) or more of its height above the highest level of the adjoining ground and/or if it is intended to be used for dwelling or business purposes.

*Bed and breakfast* means an owner occupied single-family dwelling where lodging in up to four (4) guest rooms and breakfast are provided to the traveling public by the resident owner for compensation.

*Boarding house* means a building other than a motel or hotel where, for compensation for definite periods of time, meals or lodgings are provided.

*Boulevard* means that portion of a street right-of-way between the curb or curb line and the property line.

*Block* means an area of land within a subdivision that is entirely bounded by streets or a combination of street, exterior boundary lines of the subdivision and/or bodies of water.

*Building* means any structure having a roof which may provide shelter or enclosure of persons, animals or chattel.

*Building height* means the vertical distance from the average elevation of the adjoining ground level to the top of the highest point of the structure.

*Building line* means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

*Business* means any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor, and materials, or where services are offered for compensation.

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*Canopy* means a roof-like structure projecting over the entrance to a building.

*Cemetery* means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

*Church* means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

*Clear cutting* means the removal of an entire stand of trees.

*Club* means a non-profit association of persons who are bonafide members paying annual dues; use of premises being restricted to members and their guests.

*Collector street* means a street whose function is to channel traffic from local streets to major arterial roads. These streets are identified in the city's comprehensive plan.

*Commercial recreational facilities* means uses including, but not limited, to the following: Miniature golf, driving ranges, waterslides, amusement centers.

*Commercial telecommunication antenna* means an antenna used for the commercial purpose of sending and receiving electromagnetic signals in the ordinary course of commerce.

*Comprehensive plan* means a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city and its environs.

*Conditional use* means those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning use district, which for the respective conduct or performance in such designated use districts may require reasonable, but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modification or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience, or safety therein and in the county, and therefore may be permitted in such use district only by a conditional use permit (CUP).

*Contractor's yard* means a building and/or lot specifically used for the storing of construction vehicles, equipment and other related apparatus.

*Cul-de-sac* means a local street, one (1) end of which is closed and consists of a circular turn around.

*Dairy farming* means the process of maintaining a herd for the principal purpose of producing milk, plus horticultural activities.

*Day care nursery* means a building or structure where care, protection and supervision of children are provided for a fee as licensed by the State of Minnesota and in accordance with the zoning ordinance.

*Deck* means a structure which is either free standing or attached to a principal or accessory building, constructed at grade or above grade, intended or designed for use as outdoor living space and unenclosed by solid or non-solid walls or a roof.

*District* refers to a specific zoning district as described in the zoning ordinance.

*Dump truck* means a truck that: i) unloads contents by tilting the truck bed backwards or sideways; and ii) exceeds seven (7) feet, six (6) inches in height at its highest point (with the truck bed lowered).

*Dwelling* means a room or group of rooms providing complete living facilities for one (1) household.

*Dwelling, single-family* means one (1) dwelling unit having open space on all four (4) sides.

*Dwelling, two-family* means a building having two (2) dwelling units.

*Dwelling, multiple family* means a building having three (3) or more dwelling units.

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*Dwelling, townhouse* means a dwelling unit attached to other dwelling units by common walls, side by side, extending from the foundation to the roof and without any portion of one (1) dwelling unit located above any portion of another dwelling unit, and with each dwelling unit having a separate entrance from outside the building.

*Easement* means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

*Engineer* means the professional engineer engaged by the city council.

*Erosion* means the wearing away of land surface by the action of manmade and natural elements.

*Escort* means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

*Escort agency* means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip, or other consideration.

*Extended care facility* means facilities where health care services can be administered and/or delivered on an on-call basis.

*Family* means an individual, or two (2) or more persons each related by blood, marriage, or adoption living together as a single housekeeping unit, or a group of not more than four (4) persons not so related maintaining a common household.

*Feed lot* means any tract of land, or structure, pen, or corral, wherein cattle, horses, sheep, goats and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

*Fence* means a lineal structure including walls, hedges, or similar barriers used to prevent access by persons or animals or prevent visual or sound transference.

*Final plat* means the final map and/or plan and/or record of a subdivision and any accompanying material presented to the city council for approval and which, if approved, will be duly filed with the County Register of Deeds.

*Floor area* means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two (2) buildings and shall include basement floor area except for porches, balconies, breezeways, and attic areas having head room of less than seven and one-half (7½) feet.

*Floor area ratio* is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

*Funeral home* means a business establishment where the bodies of the dead are prepared for burial or cremation and where funeral services can be held.

*Garage* means a building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

*Garage sale* means a sale of used or unwanted possessions, as household articles, often held in the garage of a house.

*Gazebo* means an independent, open, roofed structure from which one can gaze at the surrounding scenery.

*General farming* means the process of planting and harvesting a horticultural crop as the principal use of the land plus the keeping of livestock.

*Golf course* means a tract of land, including a clubhouse, for playing golf, with tees, greens, fairways, hazards, etc.

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*Governing body* means the city council.

*Guest cottages* means a building solely used for one (1) or more of the following purposes: scrap booking, stamping, greeting card making, quilting, beading, hosting a book club, hosting a wedding or hosting a baby shower. Such a building may include lodging for persons then using the building for a permitted use. No part of such a building, however, shall be used by its owner or operator as a dwelling.

*Hardcover surface* means any structure or material that substantially reduces or prevents the infiltration of storm water into the ground including, but not limited to, buildings, other structures, and driveways and parking areas surface with any type of pavement or gravel.

*Hardship (associated with variances)* means the property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique in his property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

*Home occupation* means any occupation or profession carried on by a member of the immediate family residing on the premises in connection with which there is no sign, other display, or other condition permitted that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling. There shall be no commodities sold upon the premises and no person employed therein other than a member of the immediate family residing on the premises or domestic servants; and no mechanical or electrical equipment shall be used except such as is normally used for purely domestic or professional purposes. No accessory building shall be used for such home occupation, and entrance to the home occupation shall be gained from within the structure.

*Hotel* means a facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

*Incineration* means a burning process which converts combustible materials into non-combustible residue or ash.

*Industry* means an enterprise which involves the production, processing, or storage of materials, goods, or products.

*Interim use* means a use, allowed on an interim or temporary basis, consistent with the zoning ordinance. An interim use shall have a known termination date.

*Kennel, commercial* means any place where a person, firm, or corporation accepts animals from the general public and where such animals are kept for the purposes of selling, boarding, breeding, training, treating or grooming.

*Kennel, private* means any place where more than two (2) animals over four (4) months of age are kept or harbored, such animals being owned by the owner or lessee of the premises wherein or whereupon the animals are kept or harbored.

*Kennel license* means no person, firm, or corporation shall maintain in this city a private or commercial kennel without securing a license therefor from the city council, and the fee being as set forth in the schedule of fees.

*Kennel license, renewal of.* Kennel licenses shall expire on the 31<sup>st</sup> day of December next following their issuance. Upon application for renewal of a kennel license, an authorized city employee shall inspect the kennel of the applicant. Said employee shall submit to the city clerk either an affirmative certification that said kennel is maintained in a neat, orderly, and safe condition or a negative certification that said kennel is not so maintained. The city clerk may issue a renewal kennel license provided that:

- A. The aforementioned certificate is affirmative; and

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- B. No complaints have been received by the city.
- C. In all other cases, the kennel license shall be renewed only upon city council approval.

*Landscaping* means plantings such as trees, grass, bushes and shrubs.

*Large retail building* means a building exceeding fifty thousand (50,000) square feet of gross building floor area where the primary use of the building floor area is devoted to the sale or rental of merchandise to the general public, including, but not limited to, department stores, discount stores, supermarkets, superstores and wholesale clubs.

*Large retail project* means a large retail building and any associated storage areas, parking lots, driveways, sidewalks and any other associated development features.

*Licensed engineer* means a person licensed as a professional engineer by the State of Minnesota.

*Livestock* means domestic animals kept for use on a farm and raised for sale and profit.

*Local street* means a roadway allowing access to abutting land, serving local traffic only.

*Lodge.* See club.

*Lot* means a parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof, abutting a public street.

*Lot area* means the area of a lot on a horizontal distance between the front lot line and the rear lot line.

*Lot depth* means the mean horizontal distance between the front lot line and the rear lot line.

*Lot of record* means a lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

*Lot width* means the horizontal distance between side lot lines, measured at the required front setback line.

*Lot, corner* means a lot abutting on and at the intersection of two (2) or more streets.

*Lot, flag* means a lot with access provided to the bulk of the lot by means of a narrow corridor. Flag lots will be allowed only as a way to preserve natural site features of a plat or to enhance the safety of a lot from traffic whose entrance would otherwise be directly onto a collector or arterial street.

*Lot, interior* means a lot other than a corner lot, including through lots.

*Lot, through* means a lot having its front and rear yards each abutting on a street.

*Lot line* means a line dividing one (1) lot from another lot or from a street or alley.

*Lot line, front* means that boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street.

*Lot line, interior* means any boundary of a lot which does not abut a public right-of-way.

*Lot line, rear* means that boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to the front lot line.

*Lot line, side* means any boundary of a lot which is not a front lot line or a rear lot line.

*Marina* means an inland or offshore area for concentrated mooring of five (5) or more watercraft, wherein facilities are provided for any or all of the following ancillary services: Boat storage, fueling, launching, mechanical repairs, sanitary pump-out and restaurant services.

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*Manufacturing* means uses which include the compounding, processing, packaging, treatment or assembly of products and materials.

*Marquee*. See *canopy*.

*Microdistillery* means a "microdistillery", as such term is defined by Minn. Stat. § 340A.101, subd. 17a, as amended.

*Mining* means the extraction of sand, gravel, rock, soil, or other material from the land in the amount of four hundred (400) cubic yards or more and the removal thereof from the site. The only exclusion from this definition should be removal of minerals associated with the nominal construction of a building.

*Mini-storage facility* means a structure or building in which customers can rent space to store possessions.

*Mixed-use building* means a building containing a retail or commercial use permitted in the district on each floor with an exterior wall at-grade, together with one (1) or more dwellings on other floors of the same building.

*Mortuary* means a place where dead bodies are kept before burial or cremation.

*Motel* means a facility offering lodging accommodations for those traveling by car usually with easy access from each room to an area for cars.

*Motor freight terminal* means a building or area in which freight brought by motor truck is transferred and/or stored for movement.

*Motor fuel station* means a retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services, and the performance of minor automotive maintenance and repair.

*Motor fuel station convenience store* means a store operated in conjunction with a motor fuel station offering a limited selection of food and other products and staying open for longer hours at a convenient location.

*Motor vehicle* means a self-propelled vehicle, excluding vehicles moved solely by human power.

*Nameplate sign* means a sign which bears the name and address of the occupant of the building.

*Non-conforming structure* means a structure which does not meet the requirements of the zoning district in which it is located due to the enactment of this chapter or any amendment thereto, but which was lawfully existing as of the date of its construction or placement.

*Non-conforming use* means a use which does not meet the requirements of the zoning district in which it is located due to the enactment of this chapter, or any amendment thereto, but which was a lawful use as of the date it was first commenced.

*Noxious matter* means matter capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects on the physical or economic well-being of individuals.

*Nude model studio* means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Minnesota or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- A. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

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- B. Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
  - C. Where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.

*Nudity or a state of nudity* means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

*Nursing home* means a building or group of buildings licensed by the State of Minnesota for the care of the aged or infirm, or a place of rest and care for those suffering physical or mental disorders. Hospitals, clinics, maternity care homes and other buildings or parts of buildings containing surgical equipment are not included.

*Off-street parking* means a maintained area, other than on a public street or right-of-way, for the storage of an automobile.

*Open storage* means storage of materials outside of a building.

*Owner* means any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

*Party wall* means a common wall which divides two (2) independent structures by a fire wall.

*Pedestrian way* means the right-of-way across or within a block for use by pedestrian traffic.

*Performance standard* means standards that are established to assure that development will not be a detriment to the public health, safety, and general welfare of the municipality.

*Person* means an individual, to include both male and female and shall also extend and be applied to bodies political and corporate and to partnership and other incorporated associations.

*Planned unit development (PUD)* means a self-contained development, often with a mixture of housing types and densities, in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots, as in most subdivisions. Therefore, densities are calculated for the entire development, usually permitting a trade-off between clustering of houses and provision of common open space.

*Planning agency* means the planning Commission or planning department as created by the City of Waconia.

*Principal structure* means a structure or building used for principal uses, including all seasonal living areas, porches, decks, and breezeways attached to the structure or building.

*Private garage.* See *garage*.

*Private residential recreational facilities* means swimming pools, tennis courts, exercise/weight rooms, club houses and similar facilities owned, operated and maintained by a development or homeowner's association for the benefit of multiple residential users.

*Publication* means notice placed in the official city newspaper stating time, location and date of meeting and description of the topic.

*Public garage* means a building or portion of a building used for the storage of vehicles for remuneration.

*Public hearing.* Whenever the term public hearing is used in this chapter, unless otherwise specifically redefined, it shall mean a public hearing pursuant to a notice published once in the official newspaper of the city and at least ten (10) days before the date of such hearing, which notice shall specify the general purpose, time and place of such hearing. Any such hearing after such publication may be continued, recessed, or adjourned from time to time without any further publication or notice thereof.

*Public service installation* means public utility structures including, but not limited to, transformers, substations and lift stations, and public utility buildings.

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*Public water* means any waters of the state as defined in Minn. Stat. 1980 § 105.37, subd. 14. However, no lake, pond or flowage of less than ten (10) acres in size and no river or stream having a total drainage area less than two (2) square miles shall be required for purposes of this chapter.

*Refrigerator truck* means a truck designed or used to transport property at a specific temperature.

*Rental facility* means a building specifically used to conduct a business of renting, to the public, general items including, but not limited to, hand power tools, automotive tools, lawn and garden items, tables and chairs, tents, moving supplies, floor care and plumbing tools, cement tools, home improvement tools, painting equipment, generators and other items used by contractors or homeowners.

*Repair garage* means a building for the maintenance of vehicles but not including auto wrecking or junk yards.

*Rural Lifestyle Retail* means a retail business located in the B-1 Highway Business District on a Lot of at least four (4) acres with a building not larger than twenty-five thousand (25,000) square feet of gross building floor area in conjunction with total outdoor storage and display that is both (i) not less than twenty thousand (20,000) square feet and (ii) not more than twenty percent (20%) of the Lot. The building and outdoor storage and display areas are primarily devoted to the retail sale of rural lifestyle goods, furnishings, and equipment along with the sale and rental of farm equipment, implements, materials, and motorized vehicles. The Lot location must be adjacent to an arterial roadway, not adjacent to residential property, and must have vehicle access to two (2) different rights-of-way.

*Semi-nude or in a semi-nude condition* means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female rear of the body which lies between two (2) imaginary lines running parallel to the ground when a person is standing, the first or top of such line drawn at the top of the cleavage of the nates and second or bottom line drawn at the lowest visible point of the cleavage or the lowest point of the curvature of the fleshy protuberance, whichever is lower, and between two (2) imaginary lines on each side of the body, which lines are perpendicular to the ground and to the horizontal lines described above, and which perpendicular lines are drawn through the point at which each nate meets the outer side of each leg. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

*Semi-trailer* means a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semi-trailer combination.

*Service road* means a street which is adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

*Setback* means the minimum horizontal distance between a structure and the nearest property line or right-of-way line; within shoreland districts it shall also mean the minimum horizontal distance between a structure and the normal highwater mark.

*Setback, front yard* means the shortest horizontal distance from the forward most point of a building or structure to the nearest point on the front lot line.

*Setback, interior side yard* means the shortest horizontal distance from any part of a building or structure to the nearest point on an interior side lot line.

*Setback, rear yard* means the shortest horizontal distance from any part of a building or structure to the nearest point on a rear lot line.

*Setback, street side yard* means the shortest horizontal distance from any part of a building or structure to the nearest point on a side lot line that adjoins a street.

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*Sexual encounter center* means a business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude.

*Sexually oriented business* means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

*Shoreland* means land located within the following distances from public water; one thousand (1,000) feet from the normal highwater mark of a lake, pond, or flowage; and, three hundred (300) feet from a river or stream, or the landward extent of a floor plain designated by ordinance of such a river or stream, whichever is greater.

*Small brewery* means a brewery operated by a brewer who holds an off-sale malt liquor license issued pursuant to Waconia City Code section 580.06, subdivision 11.

*Specified anatomical areas* means:

- A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- B. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

*Specified criminal activity* means any of the following offenses:

- A. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries; for which:
  - i. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
  - ii. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
  - iii. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.
- B. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

*Specified sexual activities* means any of the following:

- A. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- B. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- C. excretory functions as part of or in connection with any of the activities set forth in A. and B. above.

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*Street* means a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

*Street frontage* means that portion of a parcel of land abutting one (1) or more street. An interior lot has one (1) street frontage and a corner lot has two (2) such frontages.

*Structure* means anything built or constructed, an edifice or building of any kind, or any piece of work composed of parts joined together in some definite manner, except parking lots and driveways.

*Subdivision* means the division of any parcel of land into two (2) or more lots, blocks, and/or sites, with or without streets or highways and includes re-subdivision.

*Substandard use* means any use of lands existing prior to the date of enactment of this chapter which is permitted within the applicable zoning district but does not meet minimum lot area and length of frontage, structure setbacks, or other dimensional standards of the Ordinance.

*Surveyor* means a person duly registered as a land surveyor by the State of Minnesota.

*Taproom* means a space within, or in a structure adjacent to, a small brewery where malt liquor manufactured by a small brewer holding a license pursuant to Waconia City Code section 580.06, subdivision 12, is sold.

*Tower* means any pole, spire or structure, or any combination thereof, to which an antenna is attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces.

*Truck* means a motor vehicle designed, used or maintained primarily for the transportation of property.

*Truck stop* means a motor fuel station devoted principally to the needs of trucks and which shall include eating facilities.

*Truck-tractor* means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

*Use* means the purpose or activity for which the land or structure thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained.

*Use, permitted* means a use which conforms with the requirements of the zoning district within which it is located.

*Use, principal* means the primary use of land or structures as distinguished from accessory uses.

*Utility building* means an accessory building which is not usable for the storage of vehicles; is one-story in nature; is used or intended for the storage of hobby tools, garden equipment, etc.; is detached from the principal structure; and which is naturally and normally incidental to, subordinate to, and auxiliary to the principal dwelling structure.

*Variance* means any modification or variation of official controls where it is determined that because of hardship, strict enforcement of official control is impractical.

*Vehicle* means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

*Warehousing* means the storage of materials or equipment within an enclosed building.

*Wholesaling* means the selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

*Yard* means a required open space on a lot, which is unoccupied and unobstructed by any structure from its lowest ground level to the sky except as expressly permitted in this chapter.

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*Yard, front* means a yard extending across the front of the lot between the side property lines and lying between the front lot line and the nearest line of the building.

*Yard, rear* means a yard extending across the rear of the lot between the side property lines and lying between the rear lot line and the nearest line of the building.

*Yard, side* means a yard between the side lot line and the nearest line of the building and extending from the front yard line to the rear yard line.

*Zoning district* means an area of the city designated in the zoning ordinance text and delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

*Zoning map* means the official city map that delineates the various zoning districts.

*Zoning ordinance* means the official land-use controls, which list various requirements, that guide the physical development of the city.

(Ord. No. 745, 3-7-22)

### **Sec. 900.05.7. B-1 Highway Business District.**

[A. *Scope of regulations.*]

1. *Intent and purpose:* The purpose of this district is to provide for an appropriate range of businesses that will be utilized by area residents as well as vehicular traffic generated from the surrounding area.
2. *Permitted uses:* Retail businesses that are not large retail buildings nor large retail projects; eating and drinking establishments; banks; hotels and motels; automobile service and repair; farm equipment/implement sales and service; **rural lifestyle retail**; commercial recreation facilities; laundromats and dry cleaners; barber/beauty shops; mini-storage facilities; churches; off-sale liquor sales; microdistilleries; small breweries; taprooms; lumber yards; animal clinics; commercial kennels; outdoor theaters; bicycle sales/service; copy and printing services; medical related clinics/uses; and offices.
3. *Permitted accessory uses:* Fences, off-street parking, business signs, incidental repair, processing and storage necessary to conduct a permitted use but not exceeding thirty (30) percent of the floor area of the principal building, gardening and other horticultural uses where no sale of products is conducted within a building.
4. *Uses permitted with special restrictions:*
  - a. Day care facilities licensed by the State of Minnesota.
  - b. Drive-in businesses (for the purpose of this section, shall mean: Drive-in restaurants, fast food businesses with a drive thru, drive-in theaters and motor fuel stations). Restrictions include:
    - 1) No drive-in business shall be located within three hundred (300) feet of a school or church.
    - 2) No drive-in shall be located within one hundred (100) feet of any residentially zoned property, provided:
      - a) No public address system shall be audible from any residential zone; and
      - b) Screening of the property from residential areas will be required. The City may require fencing, earthen berms and landscaping, or any other

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method or combination deemed appropriate to accomplish the required screening.

- 3) No drive in shall be located on any street other than an arterial roadway, collector roadway or business service road.
- 4) No access drive shall be within one hundred (100) feet of intersecting street right-of-way lines.
- 5) No less than thirty (30) percent of the gross lot area shall be landscaped.
- 6) Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
- 7) A six-inch non-surmountable curb shall separate all walks and landscape areas from parking areas.
- 8) Should the use be a drive-in theater, an opaque fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.

c. Motor fuel stations and motor fuel station convenience stores subject to the following:

- 1) For architectural purposes, each side of a motor fuel station/convenience store shall be considered as a front face.
- 2) The storage for items for sale outside the principal building shall be displayed in specifically designed containers.
- 3) All trash, waste materials, and obsolete parts shall be stored within a separate enclosure.
- 4) All goods for sale, other than those required for the operation and maintenance of motor vehicles shall be displayed within the principal structure.
- 5) No sale of motor vehicles, trailers or campers shall be permitted.
- 6) Open dead storage of motor vehicles shall not be permitted for a period of more than seven (7) days.
- 7) All rental campers, trailers or motor vehicles shall be stored within the rear and/or sideyard not adjacent to the street.
- 8) Wherever a motor vehicle fuel station/convenience store abuts residential property, a fence or compact evergreen hedge not less than fifty (50) percent opaque not less than six (6) feet high shall be erected and maintained along the side and rear property line that abuts the residential property. Application of this provision shall not require a fence within fifteen (15) feet of any street right-of-way line.
- 9) Minimum fifteen-foot landscaped yard shall be planted and maintained behind all property lines except at driveway entrances.
- 10) The entire site, other than the part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage.
- 11) Driveways shall not exceed thirty (30) feet in width nor be spaced closer than thirty (30) feet apart measured at the property line. No more than two (2) access drives to any street shall be permitted.

- 12) A six-inch non-surmountable curb shall separate all walks and landscape areas from parking and maneuvering areas.
- 13) The total height of any overhead canopy or weather protection shall not exceed twenty (20) feet.
- 14) Setbacks:

|                                |         |
|--------------------------------|---------|
| Lot width                      | 150 ft. |
| Front yard                     | 60 ft.  |
| Adjacent to another lot        | 30 ft.  |
| Adjacent to street             | 60 ft.  |
| Rear yard                      | 30 ft.  |
| Pump setback from right-of-way | 25 ft.  |

- 15) The setback of any overhead canopy or weather protection, freestanding or projecting from the station structures, shall not be less than ten (10) feet from the street right-of-way nor less than twenty (20) feet from any adjacent property line.
- d. Car washes provided there is sufficient stacking space outside the wash bay to accommodate that number of vehicles which can be washed during a fifteen-minute period based on the equipment rating.
- e. Motor vehicle sales lots provided that all display lots for vehicles provide curb and gutter per city specifications for storm run-off purposes and all outdoor signs meet city sign regulations.
- f. All other uses that utilize a drive thru service convenience provided that use has sufficient stacking space to accommodate that number of vehicles which can be served during a fifteen-minute period.

g. Rural Lifestyle Retail user performance standards

- 1) outdoor storage and display without screening shall be permitted along the storefront, adjacent to the building, and in other areas designated on a site plan that are not within drainage and utility easement areas;
- 2) outdoor storage and display of trailers, implements, pedal boats, motorized outdoor equipment, and motorized vehicles (e.g. tractors, mowers, utility vehicles, go-karts, and e-bikes) shall be permitted without screening upon paved surfacing;
- 3) a moveable loading dock shall satisfy loading berth requirements and (i) shall not require screening while in use and (ii) shall be considered screened if stored in the rear of the building and outside the drive aisle when not in use; and
- 4) tubed aluminum or black vinyl coated chain link fencing shall be permitted and may be up to 16 feet in height when connected to outdoor areas adjacent to the retail building. Additional screening shall not be required if this type of fencing is used.

5. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
  - a. Mortuaries.

- b. Commercial recreation (which would include miniature golf, driving ranges, waterslides, amusement centers).
- c. Contractors yard.
- d. Large retail projects.

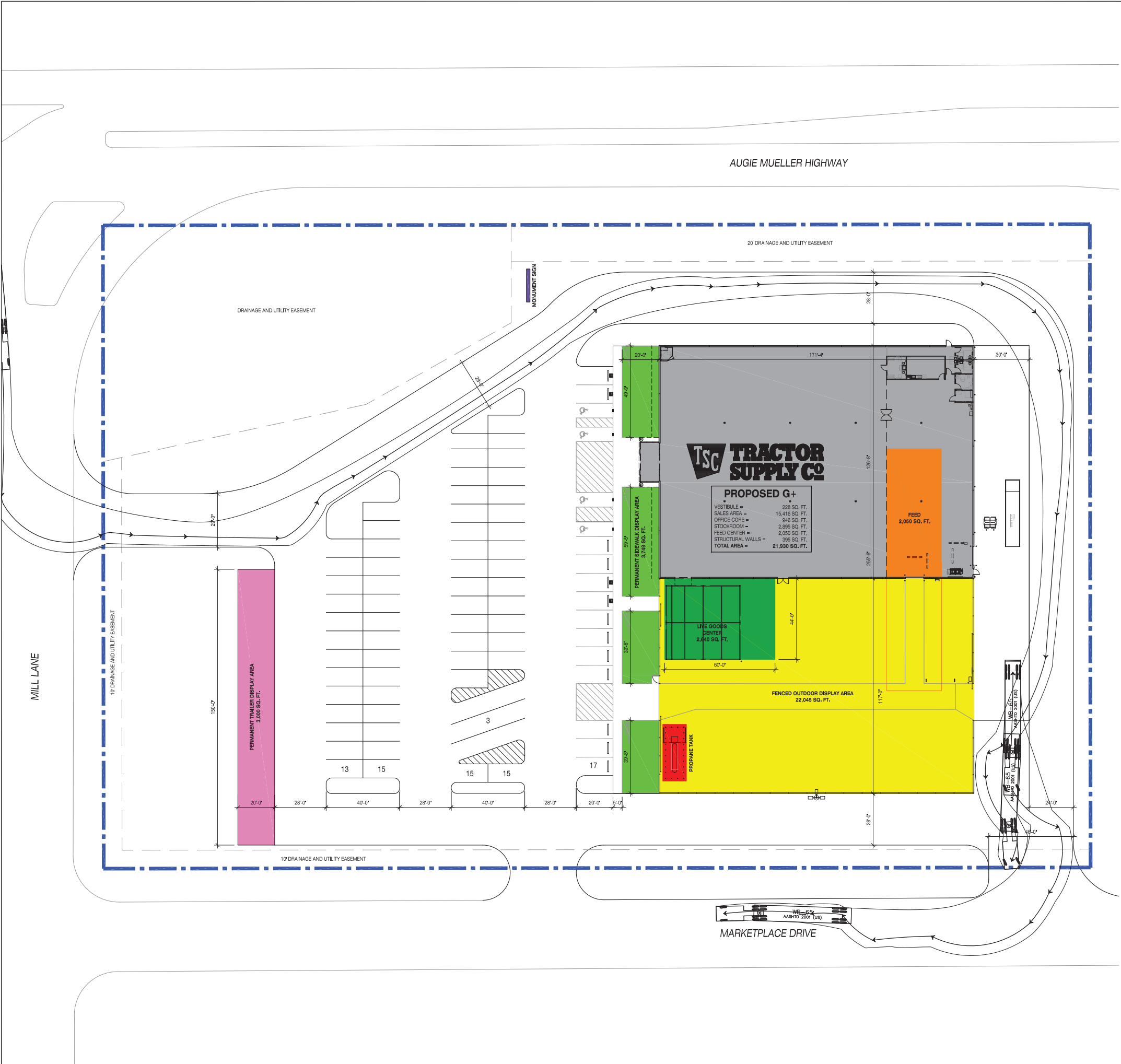
- 6. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.
  - a. Parking lots without a hardcover surface.

7. *Lot requirements:*

|                              |                |
|------------------------------|----------------|
| a. Minimum lot area          | 17,500 sq. ft. |
| b. Minimum lot width         | 100 ft.        |
| c. Maximum hardcover surface | 80%            |
| d. Maximum structure height  | 35 ft.         |
| e. Minimum yards:            |                |

|                      | Front | Street Side | Interior Side | Rear |
|----------------------|-------|-------------|---------------|------|
| Principal Structures | 25'   | 20'         | 15'*          | 20'  |

\*Thirty-five (35) feet if adjacent to residential district.



**SITE AREA:**  
+/- 4.32 ACRES

**PARKING CALCULATION:**  
1:250 GROSS FLOOR AREA

21,930 / 250 = 87.7 = OR 88 REQUIRED SPACES

PROVIDED PARKING SPACES = 78

**ZONING CLASSIFICATION:**  
EXISTING: B-1  
PROPOSED: B-1

**REQUIRED SETBACKS:**  
FRONT: 25'  
SIDE: 15'  
REAR: 20'

**FEED**

**PROPANE**

**LIVE GOODS CENTER**

**FENCED OUTDOOR DISPLAY AREA**

**PERMANENT TRAILER AND EQUIPMENT DISPLAY AREA**

**PERMANENT SIDEWALK DISPLAY AREA  
W/ 5' CLEAR WALKWAY**

**MONUMENT SIGN**

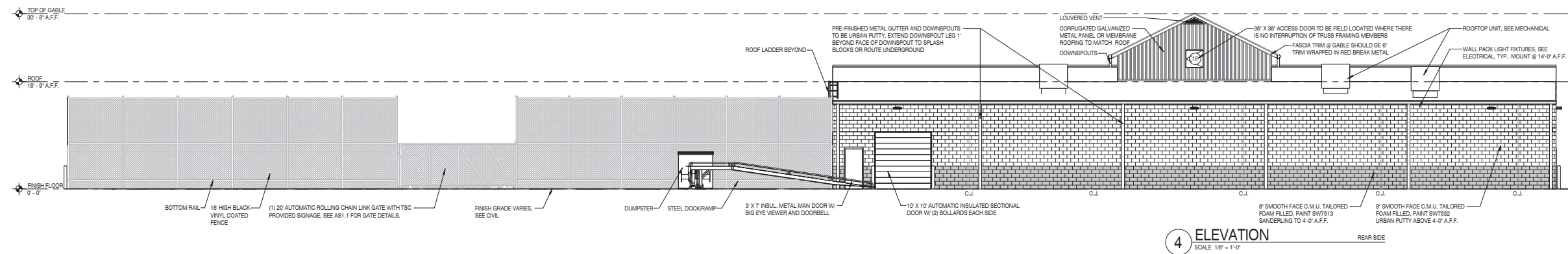
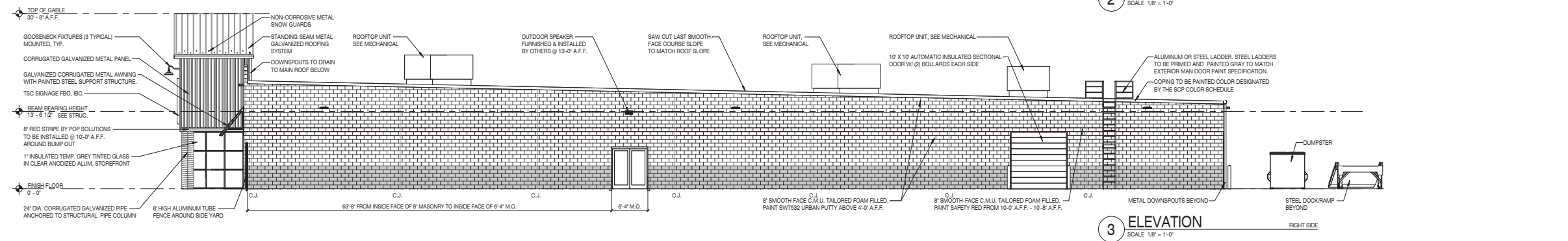
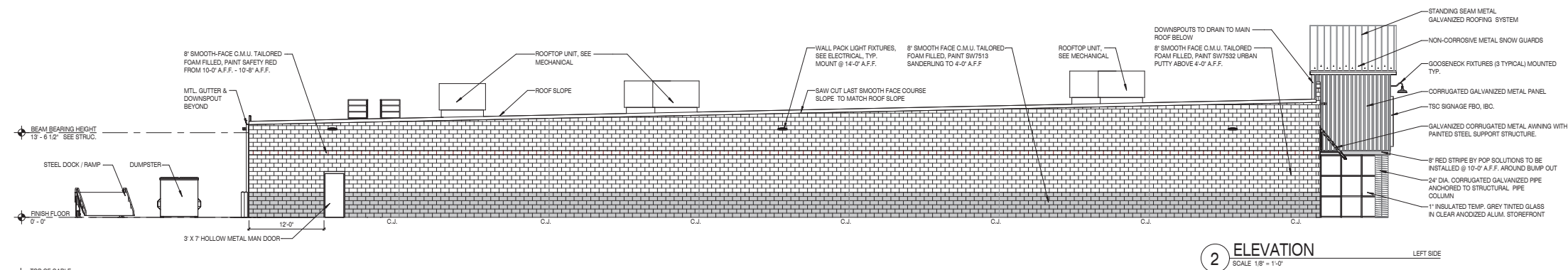
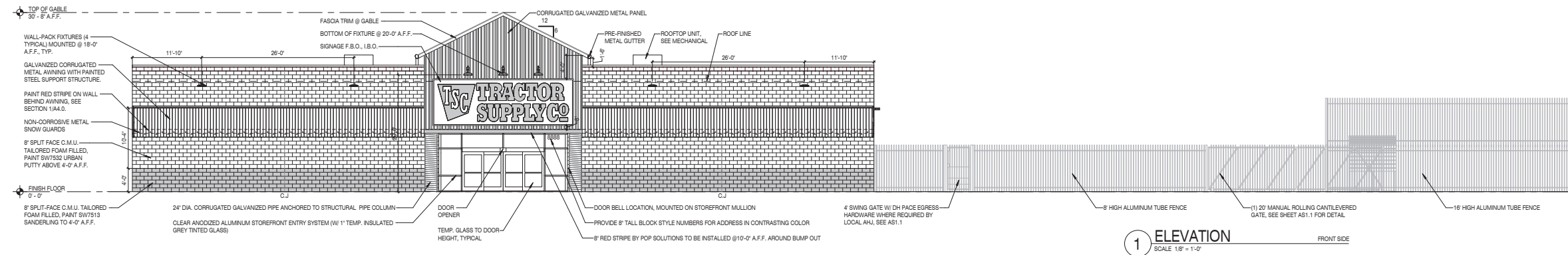
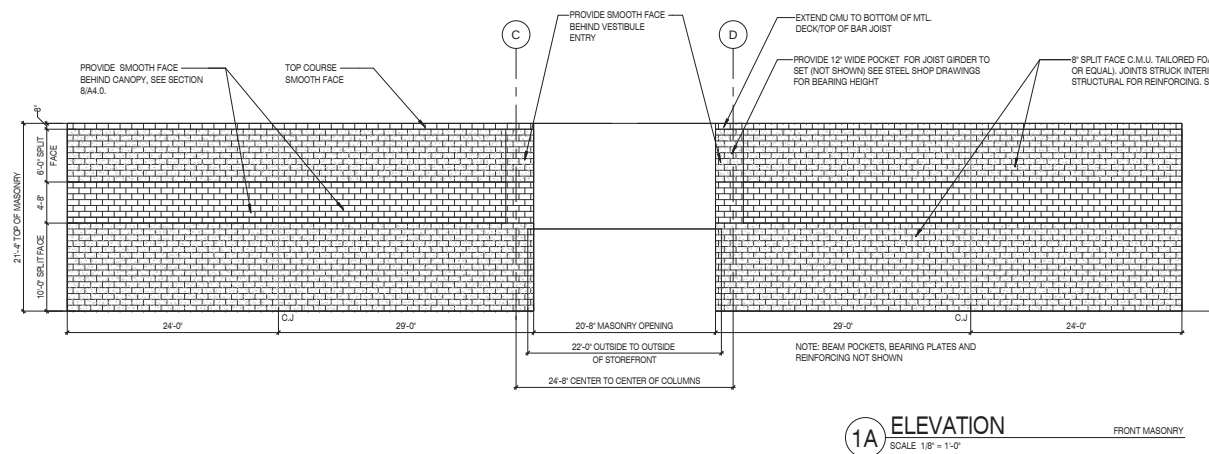
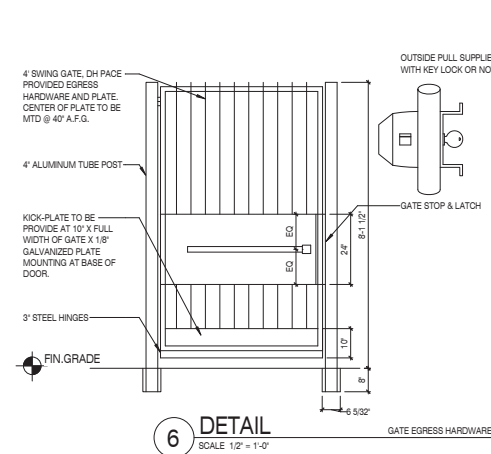
**PROPERTY LINE**

**SITE PLAN**  
SCALE: 1" = 20'

0 5' 10' 20' 40'

NORTH

WACONIA, MINNESOTA



UNLESS PREVIOUSLY DIRECTED BY THE BUILDING OWNER IN WRITING, DURING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR COVERING ANY PARTIALLY COMPLETE MASONRY WALL(S) (CMU, BRICK, ETC.) WITH STRONG WEATHER RESISTIVE MATERIAL DURING ALL TIMES WHEN CONSTRUCTION IS NOT IN PROGRESS AND ESPECIALLY AT THE END OF EACH WORK DAY TO PREVENT WATER/MOISTURE FROM ENTERING THE MASONRY WALL(S). THE COVER SHALL BE DRAPOED OVER THE WALL AND EXTEND A MINIMUM OF (2) TWO FEET DOWN FROM BOTH SIDES AND SECURELY HELD IN PLACE. CONTINUE THIS PROCESS UNTIL MASONRY WALL IS WEATHER-TIGHT AND/OR THE ROOFING MEMBRANE IS INSTALLED AND SECURED.

GENERAL CONTRACTOR, OR, THE OWNERS TESTING COMPANY SHALL PROVIDE MOISTURE TESTING OF ALL CMU AND CONCRETE EXTERIOR WALLS PER ASTM D4263 PRIOR TO APPLICATION OF PAINT. TSC PROJECT MANAGER MUST APPROVE IF THE MOISTURE CONTENT IS ABOVE 15%.



TRACTOR SUPPLY COMPANY

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Job Number 2327

Date 02.20.2024

Revisions: \_\_\_\_\_

Revisions: \_\_\_\_\_

Revisions: \_\_\_\_\_

ARCHITECTURAL ELEVATIONS

Sheet Number: A2.0



Prototypical Building, Front Sidewalk Display Area and Fenced Outdoor Display Area





Prototypical Building, Sidewalk and Fenced Outdoor Display Area

Fenced Outdoor Display  
Sidewalk Display Area  
Trailer Display Area

Ridgefield WA

**Prototypical Building, Sidewalk Display Fenced Outdoor Display Area**



Olive Branch, MS



Huntsville, AL MSA

**Trailer Display – Shaded Pink Area on Site Plan**

# Serving Life Out Here



**Committed to supporting vibrant rural communities for all.**

- Donated nearly \$16 million in 2023
- Inaugural TSC Scholarship class of FFA Students

## **Areas of Focus:**

- Agriculture education initiatives for youth through FFA and 4-H
- Preserving land for future generations
- Caring for companion pets and animals
- Being a good neighbor in the places we call home