

11-73-1: PURPOSE:

The purpose of the C-3 district is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region. (Ord. 867, sec. 110, 5-17-2010)

11-73-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in a C-3 district:

- A. Bank, savings and loan, savings credit unions and other financial institutions.
- B. Commercial recreation, indoor.
- C. Funeral homes and mortuaries.
- D. Governmental and public utility buildings and structures; city of Lakeville only.
- E. Hotels.
- F. Instructional classes.
- G. Office businesses.
- H. Pawnshops.
- I. Private clubs or lodges serving food and beverages with on- and off-sale liquor.
- J. Public garages and parking lots.
- K. Restaurants, general with on- and off-sale liquor.
- L. Retail businesses.
- M. Service businesses, on and off site.
- N. Sexually oriented uses, principal.
- O. Tattoo parlors. (Ord. 867, sec. 110, 5-17-2010)
- P. Data centers.
- Q. Fitness centers and health clubs. (Ord. 917, 2-18-2014)
- R. Brew on premises.
- S. Brewpub. (Ord. 924, 7-7-2014)

11-73-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in a C-3 district:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use. (Ord. 867, sec. 110, 5-17-2010)
- B. Community gardens as regulated by section 11-18-15 of this title. (Ord. 958, 3-21-2016)
- C. Fences as regulated by chapter 21 of this title.
- D. Ground source heat pump systems as regulated by chapter 29 of this title.
- E. Off street loading as regulated by chapter 20 of this title.

F. Off street parking as regulated by chapter 19 of this title, but not including semitrailer trucks, except in designated loading areas not to exceed four (4) hours.

G. Satellite TVROs as regulated by chapter 30 of this title.

H. Secondary or accessory use antennas or satellites as regulated by chapter 30 of this title.

I. Sexually oriented uses, accessory.

J. Signs as regulated by chapter 23 of this title.

K. Solar energy systems as regulated by chapter 29 of this title. (Ord. 867, sec. 110, 5-17-2010; amd. Ord. 958, 3-21-2016)

11-73-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in a C-3 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

A. Auto repair, minor, provided that:

1. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the city engineer.

2. A minimum lot area of twenty thousand (20,000) square feet and minimum lot width of one hundred fifty feet (150').

3. A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas.

4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.

5. No outside storage except as allowed in compliance with this chapter.

6. Sale of products other than those specifically mentioned in this section be subject to a conditional use permit and be in compliance with this section.

7. All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

B. Automobile repair, major, provided that:

1. All building materials and construction including those of accessory structures must be in conformance with section 11-17-9 of this title.

2. Not less than twenty five percent (25%) of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.

3. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the city engineer.

4. The following minimum requirements shall apply:

Lot area	1 acre
Lot width	100 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	20 feet on any one side, or 30 feet on the side yard abutting the major street or residentially zoned property

5. The hours of operation shall be between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. Evening hours of operation shall be subject to the approval of the city council.

6. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with Minnesota pollution control standards, Minnesota regulation APC 1-15, as amended.

7. The emission of odor by a use shall be in compliance with and regulated by the Minnesota pollution control standards, Minnesota regulation APC 7011, as amended.

8. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota state fire code.

9. All outside storage is prohibited. The storage of damaged vehicles, vehicles being repaired and vehicle parts and accessory equipment must be completely inside a principal or accessory building.

10. All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served by modifying the conditions.

C. Bottled gas sales outside of activities included with motor fuel sales in chapter 37 of this title, provided that:

1. Retail sales activities connected with the principal use must constitute at least fifty percent (50%) of the gross floor area of the principal use.

2. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota state fire code. In addition, the conditional use permit shall be reviewed and subject to conditions set forth by the city fire marshal.

3. All outside storage is prohibited. The storage of all accessory equipment related to the storage and sale of flammable fuels must be completely inside a principal or accessory building.

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

1. A car wash that is accessory to a convenience store/motor fuel facility shall be included as part of the principal building.

2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.

3. Magazine or stacking space must not interfere with on site circulation patterns or required on site parking or loading areas.

4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.

5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.

a. Where the car wash operation is within five hundred feet (500') of a residential district, the exterior vehicle doors of the car wash must remain closed during the entire operation cycle.

6. The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on site parking and loading areas, and may not be located in a yard abutting residentially zoned property.

7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.

E. Commercial recreation, outdoor.

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

1. Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.

2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.

3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.

4. Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.

5. Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.

6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.

7. Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.

8. Parking:

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

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

9. Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the

structure is in compliance with the state fire and building codes. The facility shall meet the following conditions:

- a. The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.
 - b. When the community preschool, latchkey and adult education facility is a use within a multi-tenant building, it shall be located in a portion of the building separated from the other uses located within the structure.
 - c. The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.
- G. Connection of principal buildings across a property line for interior pedestrian or vehicle use, provided that:
1. The exterior materials for the structure connecting the principal buildings shall be consistent with the materials used for the principal buildings and shall comply with Section 11-17-9.D of this title.
 2. Setbacks:
 - a. Except for the structure connecting the principal buildings, each principal building shall comply with the setback requirements within each lot.
 - b. The structure connecting the principal buildings shall not encroach upon a required front yard or the required side yard of a corner lot.
 3. The property owner(s) shall execute an agreement in a form approved by the City Attorney to be recorded with each lot for the structure connecting the principal buildings that includes, but is not limited to, provisions that address:
 - a. Responsibilities for maintenance and repair to the structure connecting the principal buildings.
 - b. Provision of utilities including temperature control, water, and/or electricity.
 - (1) Water service to the structure connecting the principal buildings shall be extended from the City water meter of one (1) of the connected principal buildings.
 - c. Removal of the structure connecting the principal buildings and termination of the agreement.
 4. Grading and storm water management issues for the structure connecting the principal buildings shall be subject to review and approval by the City Engineer.
 5. The structure connecting the principal buildings shall not encroach within or over any drainage and utility easement; the property owner(s) shall execute an agreement to be recorded with each lot addressing storm water management along the common property line, subject to approval of the City Engineer.
 6. The structure connecting the principal buildings shall comply with the requirements of the Building Code.

H. Convenience restaurants, provided that:

1. Hours: The hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M., unless extended by the city council as part of the conditional use permit.

2. Architectural Standards:

- a. As a part of the conditional use permit application, a color illustration of all building elevations must be submitted.
- b. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, so as not to constitute a blighting influence.
- c. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to section 11-17-9 of this title.
- d. Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.
- e. Earth tone colors of exterior materials including the canopy columns shall be required. "Earth tone colors" shall be defined as any various soft colors like those found in nature in soil, vegetation, etc., such colors are limited to brown, black, gray, tan, beige, soft green, soft blue, or white.
- f. Ten percent (10%) of the building facade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones. The canopy may have contrasting color bands or accent lines not to exceed an accumulative width of four inches (4"). The color bands shall not be illuminated.

3. Landscaping:

- a. At least twenty five percent (25%) of the lot, parcel or tract of land shall remain as a grass plot, including trees, shrubbery, plantings or fencing and shall be landscaped. Required minimum green area should be emphasized in the front and side yards abutting streets or residential property.
- b. At the boundaries of the lot, the following landscape area shall be required:
 - (1) From side and rear property lines, an area of not less than five feet (5') wide shall be landscaped in compliance with section 11-21-9 of this title.
 - (2) From all public rights-of-way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with section 11-21-9 of this title.
 - (3) Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in compliance with section 11-21-9 of this title.
 - (4) The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.

4. Dust Control And Drainage: The entire area other than occupied by buildings, structures or plantings shall be surfaced with asphalt, concrete, cobblestone, or paving brick to control dust and drainage, which is subject to review and approval of the City Engineer.

5. Exterior Lighting: The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with section 11-16-17 of this title.

6. Access: Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with chapter 19 of this title and shall be subject to the approval of the City Engineer.

7. Drive-Through Windows: Service windows shall be allowed if the following additional criteria are satisfied:

a. **Stacking:** Not less than one hundred eighty feet (180') of segregated automobile stacking lane must be provided for the service window.

b. **Traffic Control:** The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.

c. **Use Of Street:** No part of the public street or boulevard may be used for stacking of automobiles.

8. **Circulation And Loading:** The site design must accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas must be exclusive of off street parking stalls and drive aisles and shall not cause conflicts with customer vehicles and pedestrian movement. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.

9. **Pedestrian Traffic:**

a. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles. In front of the principal structure, the pedestrian sidewalk must be a minimum of five feet (5') wide and clear of any obstacle or impediment.

b. A continuous and permanent concrete curb not less than six inches (6") above grade shall separate internal sidewalks for pedestrian traffic from motor vehicle areas, pursuant to the provisions of subsection 11-19-71 of this title.

10. **Noise:** The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Noise control shall be required as regulated in section 11-16-25 of this title.

11. **Signs:** All signs and informational or visual communication devices shall be minimized and shall be in compliance with chapter 23 of this title and the following provisions:

a. **Comprehensive Sign Plan:** A Comprehensive Sign Plan must be submitted as part of a conditional use permit application.

b. **Freestanding Sign:** A freestanding sign allowed by chapter 23 of this title shall be a monument sign constructed as follows:

(1) The sign shall be self-supported vertically by a solid base extending horizontally for a minimum of the entire width of the sign face. Total height of the monument sign including the base shall not exceed fifteen feet (15').

(2) The sign base and supporting material shall be equal to at least forty percent (40%) of the total allowable sign square footage, and shall not be counted toward the sign area. The base shall be attached to the ground for its entire horizontal width of the sign. The base shall be stone, brick, or decorative masonry and shall not contain any sign copy.

c. **Menu Signs:** In addition to the freestanding sign allowed by chapter 23 of this title, convenience food uses may display menu signs related to drive-through facilities, provided that:

(1) Not more than two (2) menu signs per drive-through lane are allowed.

(2) The menu sign(s) shall be single sided with an area not to exceed fifty (50) square feet.

(3) The height of the menu sign(s) shall not exceed eight feet (8') including its base or pole measured from grade to the top of the structure.

(4) The menu sign(s) shall not encroach into any principal building setback and shall be located directly adjacent to the drive-through aisle and oriented in such a manner so that the sign provides information to the drive-through patrons only and does not provide supplemental advertising to pass-by traffic and does not impair site visibility or obstruct circulation.

12. Additional Stipulations: All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

I. Daycare facilities as a principal use provided that the use complies with the provisions of chapter 31 of this title.

J Essential services involving transmission pipelines and transmission or substation lines in excess of thirty three kilovolts (33 kV) and up to one hundred kilovolts (100 kV), as regulated by chapter 26 of this title. (Ord. 867, sec. 110, 5-17-2010)

K. Governmental and public utility buildings and structures; other than City of Lakeville.

L. Motor vehicle fuel sales with or without convenience grocery and/or prepared food as regulated by chapter 37 of this title.

M. Multiple principal buildings on one lot of record, provided that:

1. Lot Requirements: The lot shall conform to the minimum lot area and lot width requirements of section 11-73-13 of this chapter.

2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').

3. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, stormwater basins, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:

a. All of the property including buildings and common areas shall be owned by a single entity.

b. Condominium ownership pursuant to Minnesota Statutes 515A.1-106.

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

(1) The tenant space related to each unit lot shall have an exclusive exterior entrance.

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

4. Utilities:

a. Underground Or Exterior Service: All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.

b. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.

(1) Water connection: A shutoff valve for each individual unit shall be provided.

(2) Sewer connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.

N. Nursing homes, residential care facilities, continuing care retirement communities and senior housing with services establishments licensed by the Minnesota department of health provided that:

1. Side and rear yards shall be screened in compliance with section 11-21-9 of this title.

2. Only the rear yard shall be used for recreational areas. Said area shall be fenced and controlled and screened in compliance with section 11-21-9 of this title.

3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated by the use.

4. The use of exterior building materials shall be as required for buildings in the RH-1 district.

5. All state statutes and rules governing such uses are strictly adhered to and all required operating permits are secured.

O. Personal wireless service antennas not located on an existing structure or tower, as regulated by chapter 30 of this title.

P. Pet shops which may include pet grooming, pet supplies, and/or pet accessories, provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties or tenants in the case of multiple occupancy buildings.

2. Animal wastes are disposed of at least once each day via an existing sanitary sewer system or enclosed in a container of sufficient construction at least once a day to minimize odors.

3. The floors and walls of pet grooming areas are made of nonporous materials or sealed concrete to make them nonporous.

4. All applicable requirements of this code regarding the keeping and care of animals are satisfactorily met.

5. No commercial boarding or kenneling of animals shall be allowed.

6. The breeding of cats and dogs is prohibited unless expressly allowed by the conditional use permit.

7. All applicable provisions of Minnesota statutes sections 346.35 through 346.58 regarding the commercial keeping and care of animals are satisfactorily met.

8. All animals to be sold are acquired from a licensed animal broker.

Q. Principal building height of up to six (6) stories or sixty five feet (65'), whichever is less, provided that:

1. The minimum side or rear yard setback abutting Residential zoned property shall be fifty feet (50').

R. Religious institutions such as churches, chapels, temples, and synagogues, including social services.

S. Theaters, indoor.

T. Veterinary clinics provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
 2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
 3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:
 - a. The number of animals boarded shall not exceed twenty (20).
 - b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
 - c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty degrees (60°) and seventy five degrees Fahrenheit (75°F).
 - d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
 - e. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
 - f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
 - g. The appropriate license is obtained from the City Clerk and the conditions of section 5-1-12 of this Code are met.
 - h. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.
 4. There shall be adequate physical separation within a multiple occupancy building between the veterinary clinic and other individual tenant spaces to protect public health and safety.
- U. Commercial kennels for dogs, cats, and other domestic animals provided that:
1. The facility shall be licensed in accordance with the rules of the Minnesota Board of Animal Health.
 2. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed to make it nonporous.
 3. A room or cage separate from the primary kennel area shall be provided to adequately separate animals that are sick or injured from healthy animals.
 4. All animal waste shall be disposed of at least once per day to prevent a public nuisance by being flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms that shall be emptied by a waste disposal service a minimum of two (2) times every seven (7) days, or as otherwise determined to be necessary to protect public health, safety and welfare.
 5. A ventilation system shall be provided capable of completely exchanging internal air at a rate of 1.00 cfm/square foot of floor space per area dedicated for the keeping of animals, exclusive of offices, pursuant to chapter 1346 of the Minnesota State Building Code.
 6. Within a multiple tenant building, there shall be adequate physical separation, including soundproofing, between the kennel and other individual tenant spaces to protect public health and

safety and prevent nuisance issues.

7. Outdoor exercise areas shall be allowed for a kennel within a single occupancy building only, subject to the following requirements:

- a. The property shall be set back a minimum of five hundred feet (500') from any Residential District.
- b. The outdoor exercise area shall be located only within an interior side yard or rear yard.
- c. The outdoor exercise area shall be set back a minimum of fifteen feet (15') from all lot lines.
- d. A solid fence with a minimum height of six feet (6') shall be provided in compliance with the requirements of section 11-21-5 of this title to screen the outdoor exercise area from surrounding properties and public rights-of-way.
- e. The outdoor exercise area shall be contained within a raised curb to contain waste runoff and must include a waste filtration bed with once per year excavation and disposal or connection to the sanitary sewer system.
- f. An attendant shall be present at all times to control animals that are outdoors and prevent nuisance issues including, but not limited to, noise.
- g. No animals shall be allowed to be outdoors between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.

V. Microdistilleries with tasting rooms.

W. Small breweries with taprooms.

(Ord. 867, sec. 110, 5-17-2010; amd. Ord. 888, 2-21-2012; Ord. 897, 12-3-2012; Ord. 913, 11-4-2013; Ord. 917, 2-18-2014; Ord. 924, 7-7-2014; Ord. 958, 3-21-2016; Ord. 996, 5-7-2018; Ord. 1010, 5-20-2019; Ord. 1018, 11-18-2019)