

900.11 USES PERMITTED BY CONDITIONAL USE PERMIT (CUP) AND INTERIM USE PERMIT (IUP)

Subd. 1. Uses Permitted by CUP

A. Permit Procedures

1. Intent and Purpose. Unless carefully controlled and monitored, some uses have the potential to have a deleterious effect on adjacent properties and the community as a whole. They must therefore meet and maintain a higher standard of quality to insure land use and environmental compatibility. Uses possessing unique and potentially detrimental characteristics may be authorized in certain zoning districts by issuance of a CUP where certain conditions are met.

2. Information Required. Applications for a CUP shall be made to the City Planning Department and shall be accompanied by 12 copies of the following information:
 - a. A generalized location map with legal description showing the location of the proposed site in relation to the rest of the community.

 - b. A scaled plot plan with north indicated, of the proposed site showing all site dimensions.

 - c. All types of proposed uses.

 - d. Location of all buildings and structures on and within 350 feet of the proposed site.

 - e. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.

 - f. An abstracter's certificate showing the names and addresses of all property owners within 350 feet of the outer boundaries of the property in question.

 - g. Any plans for the modification of standards set by this Ordinance or any other Ordinance.

 - h. Location and size of all required parking spaces.

 - i. Landscaping plan including location, size and type of all proposed planting materials.

 - j. General floor plans of all proposed buildings and structures.

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- k. Indication of location, size and type of storage facilities for the storage of trash and waste materials.
 - l. Design layout and size of all proposed signs.
 - m. Drainage plan of the proposed site.
3. Application Procedures, Public Hearings, Notice Requirements and Conditions. The Planning Commission shall conduct a public hearing on the proposal to issue a CUP and shall report its findings and recommendations to the City Council. Upon receipt of the Planning Commission's report, the City Council may hold a public hearing as it deems advisable and shall make a decision on the CUP either to approve, deny or continue the request. If the City Council finds that the general and specific requirements of this Section are satisfied, it may grant the CUP and attach such conditions and guarantees as may be necessary and appropriate to provide assurances that the development will be compatible with adjacent development, the City and the environment. Public hearing and notice requirements shall be the same as for Amendments as provided for by Section 900.12, Subd 4 of this Ordinance except that the permit shall be issued on the affirmative vote of a majority of the entire City Council.
4. General Requirements/Findings. Before a CUP shall be issued, the City Council shall find that all of the following requirements are met:
- a. The use does not have an undue adverse impact on the public health, welfare or safety of the neighborhood or the City.
 - b. The use is consistent with the goals, objectives and policies of the City's Comprehensive Plan.
 - c. The use is consistent with the intent of this Ordinance.
 - d. The use is adequately served by public facilities and services and will not create excessive demands for additional public services.
 - e. The use complies with the performance standards specified in Section 900.08 of this Ordinance.
 - f. (The use) will not result in the loss of solar access, significant natural, scenic or historical features.

5. Duration. A CUP shall remain in effect as long as the agreed upon conditions are observed. A CUP shall be issued for a particular use and not a person or firm.
6. Filing of Permit. A certified copy of a CUP shall be filed with the Carver County Recorder or Registrar of Titles.
7. Annual Review/Revocation. Any CUP shall be reviewed by the Planning Commission annually to ensure that its conditions are being complied with. Failure to comply with any condition set forth in a CUP shall constitute a violation of this Ordinance and shall automatically terminate the permit.
8. Expiration. A CUP shall become void one (1) year after being granted by the City Council if substantial construction has not been completed. Upon reapplication, the City Council, after a recommendation from the Planning Commission, may extend the permit for such period as it deems appropriate.

B. Conditional Uses/Specific Requirements

In addition to satisfying the general requirements specified in Section 900.11, Subd. 1 A4, no CUP shall be granted unless the following specific requirements are met. In addition to basic requirements for zoning districts additional regulations shall be met.

1. Churches in Residential and Agricultural Districts subject to the following:
 - a. Immediate access onto a collector or arterial street as identified in the Comprehensive Plan.
 - b. Minimum parcel size shall be one acre.
 - c. A 25% building coverage maximum shall be allowed.
 - d. No building shall be located within 50 feet of any lot line.
2. Funeral Homes and Mortuaries in Residential and B-1 Districts subject to the following:
 - a. Off-street parking facilities are provided.
 - b. Light sources on the site are directed away from residential areas.
 - c. Landscaping requirements are met.

- d. The facility shall have direct access to a collector or arterial street as identified in the Comprehensive Plan.
3. Bed and Breakfasts in the R-2 and R-4 Districts subject to the following:
 - a. That the owner must reside on the premises and be the operator of the facility.
 - b. That a maximum of four bed and breakfast units may be established in a structure.
 - c. That all bed and breakfast units be established within the principal structure.
 - d. That a building permit be applied for to assure conformance to Health, Building and Fire Codes.
 - e. The only meal to be served to guests shall be breakfast and only guests shall be served.
 - f. Each operator shall keep a list of the names of all persons staying at the bed and breakfast operation. Such list shall be available for inspection by City Officials at any time.
 - g. The maximum stay for any occupant(s) of bed and breakfast operations shall be fourteen (14) days.
 - h. A minimum of one off-street parking stall for each guest room plus two off-street parking stalls for the permanent residents of the primary structure shall be required.
 - i. No Conditional Use Permit shall be granted for a bed and breakfast which would be located within 200 feet of another bed and breakfast.
 - j. Signs. On-premises advertising for any bed and breakfast facility shall be limited to either one wall sign measuring four square feet, or, a one or two sided free standing sign not more than two square feet in area. The content of any such sign shall be limited to identifying not more than the name and address of the facility. No sign shall be internally illuminated.
 - k. The exterior appearance of the structure shall not be altered from its single-family character.
 - l. That no pets of guests be allowed at the facility.

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- m. No other uses or functions such as wedding receptions or business meetings will be permitted.
 - n. The facility must have access to a collector or arterial street or be contiguous to a commercial district.
4. Outdoor Commercial Recreation Facilities subject to the following:
- a. Access shall be to a collector or arterial street as identified in the Comprehensive Plan.
 - b. Access to any such site shall not pass through any existing or proposed residential neighborhoods.
5. Public Service Installations in Residential Districts subject to the following:
- a. Light sources be directed away from any residential area abutting the site.
 - b. Utility building or any such structure shall be screened or fenced from residential view.
 - c. Access to utility facilities shall be located in a manner so as not to pass through residential neighborhoods.
6. Heliports subject to the following:
- a. All Federal Aviation Administration Guidelines are met.
 - b. The heliport is established for medically related uses only.
7. Blacktop and Redi-Mix Plants subject to the following:
- a. A pre-determined traffic route for all truck traffic shall be submitted and should avoid all residential areas.
 - b. Plans for controlling additional dust created by traffic must be submitted.
 - c. All applicable screening and landscaping requirements per City Code apply.
 - d. Specific hours of operation must be submitted for City review.

- e. All standards relating to potential noise, vibration, smoke and particle matter, odors, noxious matters, explosives, and radiation or electrical emissions shall be in compliance with the State of Minnesota Pollution standards.
8. Mining Operations subject to the following:
- a. Submittal of a registered land survey indicating where the processing is to be done.
 - b. A plan showing the route of trucks moving to and from the site in removing processed material from the site.
 - c. The site shall be returned to its natural state as it was prior to mining including, but not limited to, trees (on a caliper inch basis), grasses, private roads.
 - d. A permit shall not be granted for a period of longer than 12 months.
 - e. Operations shall have direct access to a collector or arterial street as identified in the Comprehensive Plan.
9. Truck Stops subject to the following:
- a. Adequate off-street parking stalls shall be provided, based on number of seats in a truck stop, for semitrailers and trucks.
 - b. Must have access to a collector or arterial street as identified in the Comprehensive Plan.
 - c. Adequate turning and receiving lanes are shown for the site.
10. Bulk Liquid Storage subject to the following:
- a. All storage tank apparatus be screened from public view.
 - b. All liquid storage tanks comply with applicable State Codes and documents from those offices shall state that the use is compliant with applicable codes.

11. Feedlots subject to the following:

- a. Said feed lot is of temporary nature for a period of not more than 3 months, or for a non-farming use such as a stable, mink ranch or fur farm.
- b. A separate permit shall be issued by the Pollution Control Agency.
- c. A map or aerial photo indicating dimensions of feed lot and showing all existing homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, wells, and general contour and north arrow.
- d. A description of the geological conditions, soil types, and groundwater elevations, including the high water table to a depth of 10 feet below the lowest elevation on the site.
- e. A plan indicating operational procedures, the location and specifications of proposed animal waste treatment facilities, land used for the disposal of waste, and the quality and type of effluent to be discharged from the site.
- f. Should the land indicated as a disposal site not be owned by the applicant, a lease submitted indicating that the applicant has the right to dispose of waste on said land shall accompany the application, the same showing the duration of the lease.
- g. No feed lot shall be located within 2,000 feet of the normal high water mark of any lake, pond or flowage, or within 600 feet of a river or a stream.
- h. No feed lot shall be located within the flood plain.
- i. No feed lot shall be located within a 1/2 mile of ten or more homes except the following:
 1. Exhibition barns and related structures at fairs.
 2. Corrals for seasonal rodeos.
 3. Tracts of land having no more than 1/2 animal unit per acre.

12. Poultry and Livestock Processing subject to the following:

- a. All loading areas shall be screened from public view.

- b. All Pollution Control Agency Standards shall be met for odor, noise and any other potential factors that may disturb the health, welfare and safety of the City. A document from the PCA shall be submitted stating compliance with applicable standards.
13. Tower subject to the following:
- a. Base of tower is screened from public view.
 - b. Tower may not exceed 100 feet in height above ground level.
 - c. Tower shall be protected to discourage climbing by unauthorized persons.
 - d. Tower shall be constructed of corrosive-resistant steel or other corrosive resistant, non-combustible materials.
14. Incineration subject to the following:
- a. Incineration of goods and materials shall be prohibited as a principal use, but may be allowed by CUP if incidental to permitted principal use.
 - b. Incineration shall comply with all applicable local, state and federal laws, rules and regulations.
 - c. The owner shall pay for an inspection conducted by an independent testing firm as may be ordered by the City of Waconia from time to time.
15. Contractors Yard subject to the following:
- a. Must have access to a collector, arterial or service road.
 - b. All storage areas open to vehicles must be paved with asphalt surfacing, crushed rock or other dust-free materials.
 - c. All equipment or accessory material stored outside shall be stored in the rear yard of the principal building and be screened with appropriate fencing and/or landscaping material.

16. Large Retail Projects subject to the following:

- a. The City determining that the large retail project is compatible with the City's comprehensive plan and any official maps. To support such determination, the applicant shall provide a written compatibility report describing how the large retail project is compatible with adopted City plans, including the comprehensive plan and any official maps.
- b. The City determining that traffic associated with the large retail project will not cause off-site public roads, intersections, or interchanges to function below the service level (as defined by the Institute of Transportation Engineers) that exists at the time of application for the conditional use permit. To support such determination, the applicant shall provide adequate funding to the City to hire a traffic engineer of the City's choice to complete and present a traffic impact analysis. The traffic impact analysis shall consider the Institute of Traffic Engineers trip generation standards. If the City determines the large retail project could cause off-site public roads, intersections, or interchanges to function at a service level below the level existing at the time of application, the City may deny the application, require a size reduction in the proposed development, or require that the applicant construct and/or pay for required off-site improvements.
- c. The City determining that the large retail project is compatible with the community. To support such determination, the applicant shall provide adequate funding to the City to hire a consultant of the City's choice with appropriate experience to complete and present an independent community impact analysis. The applicant shall fully cooperate with such analysis and shall provide information to the City's consultant as requested. Such impact analysis shall identify and assess the impact of the large retail project, including positive, negative, and indirect impacts. It shall also propose measures to mitigate adverse impacts and/or maximize positive impacts including the provision of infrastructure or public services improvements sufficient to support the large retail project. Any adverse impacts that cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified. Every impact statement shall, at a minimum, assess the following in regard to the large retail project and the business to be conducted therein:
 1. The types of jobs created;
 2. The number of full-time (40 hrs/wk) and part time (less than 40 hrs/wk) jobs created;

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3. The amount of local labor to be used in the construction of the project;
4. The geographical market of the business to be conducted;
5. Any plans for phased construction;
6. Whether an over-supply of retail space in the City will be created;
7. The impact on commercial vacancy rates in the City and nearby sites;
8. The impact on the diversity of the City's economic base by projected elimination of smaller businesses;
9. The projected costs arising from increased demand for and required improvements to public services and infrastructure;
10. Projected tax revenues to the City;
11. Projected impact on land values (both residential and commercial) and potential loss or increase in tax revenues to the City as a result thereof;
12. An estimation of the revenue to be generated that will be retained and re-directed back into the economy of the City compared to other chain stores and locally-owned, independent retailers in the City;
13. The extent to which higher value development on the site will be precluded, if at all;
14. The projected lifespan of building; and
15. A summary of the written policies concerning the applicant's charitable giving and volunteer participation in the community.

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- d. Where the large retail project is proposed to be distant from a public street, as determined by the City, the overall development design shall include smaller buildings, pads or outlots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas and neighborhoods.
- e. The architectural materials regulations set for in Section 900.06, Subd. 9, of this Code shall be met based upon the design district in which the large retail project is located.
- f. The landscaping and screening regulations set forth in Section 900.07 of this Code shall be met.
- g. The nuisance standards set forth in Section 900.08 of this Code shall be met.
- h. The large retail project shall have direct access to a collector level street.
- i. Vehicle access to the large retail project shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices, and sidewalks.
- j. The site design for the large retail project shall provide direct connections to adjacent land uses if required by the City.
- k. Parking lots with spaces exceeding the minimum number of parking spaces required by this Code shall be allowed only with specific and reasonable justification.
- l. The entire site containing the large retail project shall provide for safe pedestrian and bicycle access to all uses within the site development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be ten feet; and the minimum width for sidewalks elsewhere in the development shall be five feet. The site shall provide secure, integrated bicycle parking at a rate of one (1) bicycle rack space for every 25 vehicle parking spaces.

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- m. The entire site containing the large retail project shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 5,000 square feet of gross building floor area.
- n. The large retail building shall provide interior pedestrian furniture in appropriate locations at a minimum rate of one bench seat for every 15,000 square feet of gross building floor area. Seating in food service areas, or other areas where food or merchandise purchasing activities occur shall not count toward this requirement. A minimum of four seats shall be located within the large retail building, with a clear view through exit doors to a passenger pick-up or drop-off area.
- o. Each large retail building exceeding 75,000 square feet of gross building floor area shall provide exterior central area(s) or feature(s) such as patio seating areas, pedestrian plazas with benches, outdoor playground areas, water features, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the large retail building and shall be maintained over the life of the large retail project.
- p. A minimum of one 200 square foot cart return area shall be provided for every 100 parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within 25 feet of any building within the large retail project.
- q. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten feet. Display areas on building aprons must maintain a minimum walkway width of ten feet between the display items and any vehicle drives.
- r. Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan and screened as required by Section 900.07 of this Code.

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- s. Noise associated with activities at the large retail project shall not create a nuisance to nearby properties, and shall comply with applicable City noise requirements.
- t. Storm water runoff, conveyance and detention shall meet the requirements of this Code including, but not limited to, the requirements found in Section 1000.06, Subd. 9, and Section 1000.07, Subd. 10. Maintenance of storm water conveyance and detention features shall be solely borne by the applicant unless dedicated to and accepted by the City.
- u. If not otherwise required by the Code, the applicant shall enter into a development agreement with the City providing for the payment of on and off site improvements associated with the large retail project.
- v. A conditional use permit shall be required for the expansion of any large retail building, including any large retail building existing at the time of adoption of the requirements set forth in this Section 900.11, Subd. 1, B 16.

17. Guest Cottages subject to the following:

- a. No more than twelve persons shall use a guest cottage at any one time, and no more than three persons shall occupy any bedroom at any one time. No more than three groups of persons shall use a guest cottage per calendar week. Calendar week shall mean Monday (12:01 a.m.) to Sunday (midnight).
- b. Each operator of a guest cottage shall keep a current list showing the names of all persons who have used the guest cottage and when they used it. This list shall be available for inspection by City Officials at any time to assure compliance with City Code.
- c. No persons shall be allowed to congregate outdoors between the hours of 10:00 p.m. and 7:00 a.m. This restriction shall apply to the lot on which a guest cottage is located as well as all adjoining lots and public streets.
- d. Three off-street parking stalls shall be provided for each guest cottage. In addition, if a guest cottage has lodging facilities, one additional off-street parking stall shall be provided for each bedroom within the guest cottage. All required off-street parking stalls shall be provided on the lot where the guest cottage is located. All parking areas shall be properly screened from abutting properties and shall comply with applicable setback requirements.
- e. No Guest Cottage shall be located within 500 feet of any other guest cottage.

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- f. One wall mounted nameplate sign may be located on each guest cottage, not to exceed 4 square feet in area. No other building sign, monument sign or other type of sign shall be allowed.
- g. Containers for garbage, refuse, recyclables and compost must be stored within an enclosed structure, except for the day of pick-up.
- h. Any significant exterior modification or improvements to a guest cottage structure shall require the business owner to go through the site plan review process (i.e. painting, awnings, additions, adding windows/doors, etc.).
- i. The property shall be subject to Chapter 541 of the Waconia City Code as it relates to Rental Dwellings and all necessary inspections.

18. Garden Center Use subject to the following:

- a. The facility shall have direct access to a collector or arterial street as identified in the Comprehensive Plan.
- b. Vehicular access to any such site shall not pass through any existing or proposed residential neighborhoods.
- c. Minimum parcel size shall be 5 acres.
- d. Off-street parking facilities shall be provided consistent with Section 900.09 of the Code.
- e. Light sources on the site shall be screened and directed away from residential areas.
- f. Landscaping and screening requirements shall be consistent with the standards identified in Section 900.07 for the B-1, Highway Business District.
- g. Signage shall be allowed consistent with Section 900.10 and the garden center use shall be allowed signage rights consistent with the B-1, Highway Business District standards.
- h. Hours of operation shall be subject to the City Council's approval and memorialized in the resolution approving the conditional use permit. Any change to the approved hours shall require an amendment to the conditional use permit, which may be granted or denied in the City Council's discretion.
- i. The use shall be in compliance with the City's nuisance standards identified in Section 900.08 of the Code.
- j. The property shall be located within the City Limits and connected to City utility services.

Subd. 2. Uses Permitted by IUP

A. Permit Procedures

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1. Intent and Purpose. Interim uses are similar to conditional uses except that they represent a temporary use of property and have a know termination date. All of the procedures established under this Section for CUP's shall apply to IUP's except as follows:
 - a. The date or event that will terminate the use can be identified with certainty.
 - b. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
 - c. The user agrees to any conditions that City Council deems appropriate for permission of the use.
2. General Requirements/Findings. Before an IUP shall be issued, the City Council shall find that all of the following additional requirements are met.
 - a. The date or event that will terminate the use can be identified with certainty.
 - b. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
 - c. The user agrees to any conditions that City Council deems appropriate for permission of the use.
3. Duration. An IUP shall remain in effect only until the agreed upon termination date. Upon a recommendation from the Planning Commission, the City Council may extend the IUP for another specified period of time if the event which was to terminate the use has not yet occurred.

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B. Interim Uses/Specific Requirements

In addition to satisfying the general requirements specified in Section 900.11, Subd. 2 A2, no IUP shall be granted unless the following specific requirements are met.

1. Temporary Blacktop and Redi-Mix Plants in Agricultural Districts subject to the following:
 - a. That a specified time period for operation be stated.
 - b. That the temporary plant functions for a specified project such as a highway overlay project or new road construction.
 - c. A pre-determined traffic route for all truck traffic shall be submitted and should avoid all residential areas.
 - d. Plans for controlling additional dust created by traffic must be submitted.
2. Land Reclamation in Agricultural Districts subject to the following submittals:
 - a. A finished grade plan of the site which will not adversely affect the adjacent lands and as a condition thereof shall regulate the type of fill permitted.
 - b. Program for rodent control.
 - c. Plan for fire control and general maintenance of the site.
 - d. Plan for vehicular ingress and egress to the site.
 - e. Plan for the control of material disturbed by wind or hauling of material to or from the site.
3. Harvesting of Wild Crops subject to the following:
 - a. The applicant must secure permission from the owner of the property that is within the Conservation Zoning District.
 - b. Specify crops and quantity of crop that will be harvested.
 - c. Specify time frame in which the harvest will take place.
 - d. Specify method in which the crop(s) will be harvested.

- e. If the method of harvest disrupts natural terrain, a plan to restore the terrain to its original state.
4. Interim Use of Churches and Schools and other non-residential buildings in Residential Districts subject to the following:
- a. The proposed interim use must be specified.
 - b. Detailed plans including hours of operation, number of employees, anticipated traffic estimates, parking, signage, and lights must be submitted. These items shall not disrupt or negatively affect surrounding residential areas to the extent the church, school or non-residential building did prior to the interim use request.
 - c. No use shall be allowed that projects noise beyond the boundaries of the property on which the use is located.
 - d. A building permit shall be applied for to verify that such use is in conformance with Uniform Building Code Standards.
5. Unsurfaced Parking Lots subject to the following:
- a. Alternatives to control dust, subject to City Engineer Review, shall be submitted and approved.
 - b. The unsurfaced parking area shall provide a bumper or fence along the edge of the lot to ensure no vehicle encroaches into landscaped yard areas.
 - c. The parking area must be properly identified as such.
 - d. The City Engineer shall review the site and/or plans to determine adequate drainage capabilities.
6. Above Ground, Portable Fuel Systems subject to the following:
- a. The portable fuel system must be located on a vacant parcel(s) of land with a minimum aggregate area of 15,000 square feet.
 - b. The above mentioned vacant lot(s) must constitute a corner lot.
 - c. The land on which the fuel system is to be located must be adjacent to, or across the street from, property zoned B-1 Highway Business District.

- d. No other structures other than those associated with the fuel system may be located upon the property.
- e. Protective bumper guards or pole structures shall be placed around the fuel system to prevent vehicles or other objects from striking the tank. The Fire Chief shall determine the number of poles or amounts and location of bumper guard to be placed.
- f. A landscaped fence shall be placed around three of the four sides of the tank or all sides facing a residential housing unit, whichever is more restrictive. The fence shall be opaque in nature and be at a height slightly above the highest point of the fuel tank. The fence shall be maintained in an aesthetically pleasing manner at all times.
- g. Prior to the commencement of construction of fuel system the City shall have on file, in writing, approvals from the Office of the State Fire Marshal, the Minnesota Pollution Control Agency and the Waconia Fire Chief stating that said fuel system, as proposed, will be in compliance with all local, state and federal fire codes.
- h. The maximum storage capacity of the fuel system shall not exceed 10,000 gallons and shall be limited to one storage tank.
- i. The fuel system shall be utilized specifically by a single user for a primary purpose that must be specified by resolution. No retail sale of the fuel to the public will be allowed.
- j. The applicant shall agree to remove the fuel system on or before the expiration date of the IUP specified pursuant to Section 900.11, Subd. 2A.3. and to restore the property to the condition which existed prior to construction of the fuel system.

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