

## **CHAPTER 1 "C-2" HIGHWAY COMMERCIAL BUSINESS DISTRICT.**

### **Subd. 1. Purpose.**

The purpose of the "C-2" Highway Commercial Business District is to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities and acceptable "quasi-industrial" and wholesale enterprises that do not need an industrial setting but which have considerable customer contact. Permitted uses take advantage of direct access to major highways, frontage roads or streets intersecting a highway in a manner other businesses are not afforded.

### **Subd. 2. Permitted Uses.**

- A. The following are permitted uses in the shoreland overlay and non-overlay portions of the "C-2" Highway Commercial Business District:
1. Antique stores.
  2. Apparel store.
  3. Auto accessory store.
  4. Barber shops and beauty parlors.
  5. Bowling alleys.
  6. Clinics, medical and dental.
  7. Commercial recreational uses.
  8. Convenience stores, without motor fuel facilities.
  9. Dance halls.
  10. Department store.
  11. Essential services.
  12. Forest Management.
  13. Florists.
  14. Funeral homes and mortuaries.
  15. Gift Shops.
  16. Governmental (including Fire and Police stations) and public related utility buildings and structures.
  17. Green houses, nurseries and garden stores.
  18. Hospitals and medical buildings.
  19. Lumber yard, construction material sales, garden and landscaping sales and services (including produce).
  20. Motel.
  21. Office or professional building.
  22. Off-sale liquor establishment.
  23. On-sale liquor establishment.
  24. Printing shops.
  25. Private clubs or lodges serving food and beverages.
  26. Restaurants, not of the drive-in, convenience or drive-through type.
  27. Surface Water Oriented Commercial.
  28. Video store.
  29. Wholesale businesses.
  30. Wholesale or warehouse operations.
  31. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

**Subd. 3. Accessory Uses.**

The following are permitted accessory uses in the "C-2" Highway Commercial Business District:

- A. Any incidental repair, processing and storage necessary to conduct a principal use, but not to exceed thirty percent (30%) of the floor space of the principal building.
- B. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.
- C. Fences.
- D. Landscaping.
- E. Off-Street Parking Facilities and Off-Street Loading Facilities as regulated by Chapter 20 of this Ordinance.

**Subd. 4. Conditional Uses.**

- A. The following are conditional uses in the shoreland and non-shoreland overlay portions of the "C-2" Highway Commercial Business District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
  - 1. Commercial Planned Unit Developments as regulated by Chapter 17 of this Ordinance.
  - 2. Ground source heat pump systems in public waters may be permitted subject to the following:
    - 1. Approval from the Minnesota Department of Natural Resources.
    - 2. Written consent of all property owners and/or approval by an association in accordance with its adopted bylaws.
    - 3. Demonstrated compliance with applicable city permit requirements.
- B. Drive-in and convenience food establishments, provided that:
  - a. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - b. Parking areas shall be screened from the view of abutting residential districts.
  - c. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
  - d. Provisions are made to control and reduce noise.
  - e. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
  - f. The entire area shall have a drainage system subject to the approval of the City Engineer.
  - g. 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.
  - h. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  - i. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
- C. Commercial car washes (drive through, self-service and mechanical) provided that:

- a. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - b. Parking areas shall be screened from the view of abutting residential districts.
  - c. Stacking space is constructed, subject to approval by the City Engineer, to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period.
  - d. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
  - e. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
  - f. The entire area shall have a drainage system subject to the approval of the City Engineer.
  - g. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  - h. Provisions are made to control and reduce noise.
  - i. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
- D. Motor vehicle and truck fuel sales, motor vehicle and recreational vehicle repair and service, major automotive repair, motor vehicle, farm implement and recreation equipment sales, uses, structures, and outdoor sales and storage accessory thereto provided that:
- a. Motor fuel facilities are installed in accordance with state and city standards.
  - b. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
  - c. Wherever fuel pumps are to be installed, pump islands shall be installed.
  - d. A protective canopy located over the pump island(s) may be an accessory structure on the property; however, adequate visibility both on and off site shall be maintained.
  - e. 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.
  - f. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - g. Parking areas shall be screened from the view of abutting residential districts.
  - h. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
  - i. Provisions are made to control and reduce noise.
  - j. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
  - k. The entire area shall have a drainage system subject to the approval of the City Engineer.
  - l. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  - m. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
- E. Convenience Store with gasoline, provided that:

- a. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.
  - b. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
  - c. Motor fuel facilities are installed in accordance with state and city standards.
  - d. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
  - e. Wherever fuel pumps are to be installed, pump islands shall be installed.
  - f. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
  - g. 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.
  - h. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - i. Parking areas shall be screened from the view of abutting residential districts.
  - j. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
  - k. Provisions are made to control and reduce noise.
  - l. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
  - m. The entire area shall have a drainage system subject to the approval of the City Engineer.
  - n. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  - o. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
- F. Open or outdoor service, sale and rental other than those specified as a permitted use in this district, provided that:
- a. Such outdoor or open services, sales and rentals are limited to fifty percent (50%) of the gross floor area of the principal use.
  - b. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - c. The use does not take up parking space as required for conformity to this Ordinance.
  - d. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
  - e. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
- G. Storage unit rental facilities, provided that:
- a. Security lighting is addressed;
  - b. the property is adequately screened (aesthetic/noise) from residential areas;

**Subd. 5. Interim Uses.**

- A. The following are interim uses in the shoreland and non-shoreland and portions of the C-2 Highway Commercial Business.

1. A short-term use of a temporary building shall be permitted only after application for and issuance of a permit.

2. Motor vehicle and truck fuel sales, motor vehicle and recreational vehicle repair and service, major automotive repair, motor vehicle, farm implement and recreation equipment sales, uses, structures, and outdoor sales and storage accessory thereto provided that:

- n. Motor fuel facilities are installed in accordance with state and city standards.
- o. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
- p. Wherever fuel pumps are to be installed, pump islands shall be installed.
- q. A protective canopy located over the pump island(s) may be an accessory structure on the property; however, adequate visibility both on and off site shall be maintained.
- r. 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.
- s. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
- t. Parking areas shall be screened from the view of abutting residential districts.
- u. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
- v. Provisions are made to control and reduce noise.
- w. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
- x. The entire area shall have a drainage system subject to the approval of the City Engineer.
- y. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
- z. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.

**Subd. 6. Performance Standards.**

- A. Minimum Lot Size: Ten thousand (10,000) square feet (lot size/width requirements for lots existing on the effective date of this ordinance may adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size but in conformance with this ordinance).
- B. Minimum lot width: One hundred (100) feet (lot size/width requirements for lots existing on the effective date of this ordinance may adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size but in conformance with this ordinance).
- C. Setbacks (measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:
  - 1. Front yard: Thirty (30) feet

2. Side yard: Ten (10) feet, unless abutting a residential district, then thirty-five (35) feet.
3. Rear yard: Twenty (20) feet, unless abutting a residential district, then thirty-five (35) feet.
4. Structures and independent sewage treatment facilities shall be setback from the Ordinary High Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewered lots	Sewage treatment system
Minnie Lake	100 feet	75 feet	75 feet
Linneman, Ochotto, & Lake Anna	150 feet	150 Feet	150 Feet
Middle & Lower Spunk Lakes	75 feet	50 feet	50 feet
Spunk Creek	100 feet	50 feet	

5. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 22 (General Provisions), Chapter 15 (Surface Water Management) and Chapter 16 (Land Preservation).

*Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.*

- D. Maximum Building Height: Thirty-five (35) feet or three (3) stories.
- E. Maximum Site Coverage: No structure or combination of structures/impervious surface shall occupy more than eighty-five (85) percent of the lot area, providing:
  1. Non-shoreland overlay areas: No structure or combination of structures/impervious surface shall occupy more than eight-five (85) percent of the lot area.
  2. Shoreland overlay areas: No structure or combination of structures shall occupy more than eighty-five (85) percent of the lot area, providing:
    - a. Appropriate structures and practices are in place for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water as approved by the City Engineer.
    - b. Wherein surface water management standards and erosion control measures identified in Chapters 15 and 16 of this code are achieved/observed/maintained.
    - c. All applicable State and Federal regulations for the management of storm water runoff in shoreland areas based on the proposed level of impermeable surface have been met.
  3. Within the shoreland overlay district structures or combinations of structures on lots not in conformance with sub-items a., b., and c. above shall not occupy more than twenty-five (25) percent of the lot area.
- F. Uses without water oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.

- G. Surface water-oriented commercial uses and industrial, public or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
  2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
  3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the provisions contained in Chapter 19 (Signs) and Chapter 22, Subd. 11 (Lighting).
- H. Additional requirements, including but not limited to, shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.
- I. **REQUIRED FIRE ACCESS EQUIPMENT:** Every commercial or industrial or multi-family residential dwelling containing 4 or more units within the City of Avon shall be equipped with a Knox Box approved by the Fire Chief. The cost of the Knox Box shall be the responsibility of the property owner. The cost shall be determined by the Council and established in the Fee Schedule.

**Additional regulations regarding parking, accessory structures, fences, and other items are found in other sections of this ordinance.**