

**CITY OF VICTORIA
COUNTY OF CARVER
STATE OF MINNESOTA
ORDINANCE 479 ZC**

**AN ORDINANCE AMENDING SECTIONS 16-1, 25-1, 27-7, AND 31-3, AND THE
ADDITION OF SECTION 31-5 OF THE VICTORIA ZONING CODE**

THE CITY COUNCIL OF THE CITY OF VICTORIA ORDAINS:

SECTION 1: AMENDMENT “Section 16-1 Definitions” of the Victoria Zoning Code is hereby amended with the following addition:

Outdoor dining area means a dining area located adjacent to a business for the purpose of expanding the indoor dining area to outside of the principal building.

Outdoor dining area for permanent use means the dining area was specifically constructed for the intention of repeated and continuous use.

Outdoor dining area for temporary use means the dining area was specifically constructed for a specific event or season lasting at least 24 hours and is deconstructed within 250 days of the initial construction.

Outdoor dining area for daily use means an outdoor dining area intended to be used only for the operational hours of a business and to be removed at the end of the business day.

~~*Restaurant seating, outdoor means seating for restaurant patrons which is outside of the principal structure.*~~

~~*Sidewalk café means an area located in public right-of-way that includes tables, chairs, benches and appurtenant equipment for exclusive use by patrons of an abutting food establishment, or where the service of food or beverages is offered to persons using such tables, chairs and benches.*~~

SECTION 2: AMENDMENT “Section 25-1 Parks and Open Space (P-1)” of the Victoria Zoning Code is hereby amended with the following amendment:

- A. *Purpose and scope.* The Parks and Open Space District is established to perpetuate open park and recreation areas and other natural areas which are desirable for water retention or as natural habitat for plant and animal life.
- B. *Jurisdiction.* The following shall be applicable to property designated as P-1 within the city as defined by the official zoning map.
- C. *Principal use.* The following uses and structures listed in this section are permitted as the principal use in the P-1 district.

1. Permanent open space.
2. Public and private natural conservation areas.
3. Public parks.

D. *Permitted accessory use.* The following uses are permitted as an accessory to the principal use in the P-1 district provided they are subordinate to and associated with the permitted use:

1. Public bathrooms, park shelters, playgrounds, and other low intensity park improvements.
2. Off Street Parking.
3. Bee Keeping.
4. Boat Ramps.
5. Hunting in Carver Park Reserve, consistent with Minnesota State Law, Victoria Municipal Code Section 16-1, and Three Rivers Park District Policies.
6. Essential city utility structures.
7. Outdoor dining area on private property for a temporary use.
8. Outdoor dining area for daily use adjacent to the principal use.

E. *Conditional uses.* The following uses require a conditional use permit:

1. Public Buildings with a footprint greater than 2000 sq ft in gross area.
2. Private Parks and Open Spaces
3. Golf Courses
4. Essential services or utilities not owned or operated by the City
- ~~5. Expansion of uses established before May 8, 2013 which are not in conformity with district use provisions.~~
5. Outdoor dining area on property for permanent use.

F. *Interim uses.* The following uses require an interim use permit:

1. Restaurants
2. Outdoor dining area on public property for a temporary use.

G. *Design and performance standards.* All proposed improvements in the P-1 zoning district will be reviewed for conformance with the intent of the Zoning District and

Comprehensive Plan, and existing or planned development. Setbacks, lot coverage, building height and other site or building design elements should be complimentary to neighboring land uses.

H. *Indemnification and defense of the city.* Any business operating an outdoor eating area shall indemnify and defend the City from any liability arising out of the operation of the seating area.

SECTION 3: AMENDMENT “Section 27-7 Accessory Uses of the Victoria Zoning Code is hereby amended with the following amendment:

Accessory uses for the business districts are listed in the table below. Uses not listed are considered not permitted and that any business operating an outdoor eating area shall indemnify and defend the City from any liability arising out of the operation of the seating area.

<u>Accessory Use</u>	<u>CBD Central Business District</u>	<u>C-1 Neighborhood</u>	<u>C-2 Community</u>	<u>I-1 Light Industrial</u>
Accessory dwelling unit	I	I	I	N
Accessory storage, outdoor	N	C	C	C
Automatic teller machine	P	P	P	N
Car wash	C	C	C	C
Commercial use antenna	N	C	P	P
Drive-thru or drive-in	C	N	C	C
Electric vehicle (EV) charging station	P	P	P	P
Gas pumps	C	C	C	C
Greenhouse	N	C	C	C
Heliport, minor	C	N	C	C
Outdoor dining area on private	C	C	C	C

property for permanent use				
Outdoor dining area on private property for a temporary use	P	P	P	P
Outdoor dining area on public property for a temporary use	I	I	I	N
Outdoor dining area for daily use (private or public property adjacent to the principal use)	P	P	N	N
Outdoor display	P	P	P	P
Outdoor fitness and recreation	C	C	C	N
Outdoor storage	N	N	N	C
Parking lot	P	P	P	P
Parking ramp	C	N	C	C
Restaurant seating, outdoor	I	I	I	I
Seasonal outdoor sales	P	P	P	N
Showroom	P	P	P	P
Signs	P	P	P	P
Swimming pool	C	N	C	N
Taproom	C	C	C	C
Transit facility	P	P	P	N

Temporary accessory structure	P	P	P	N
-------------------------------	---	---	---	---

P = Permitted C = Conditional I = Interim N = Not Permitted

SECTION 4: AMENDMENT “Section 31-3 Specific Conditional Use Standards” of the Victoria Zoning Code is hereby amended with the following amendment:

A. Some permitted and conditional uses are further regulated based on the standards below:

1. Accessory dwelling units (ADUs)

a. Limited to certain business uses that require overnight services including but not limited to nursing homes, hospitals, medical clinics, or animal service businesses with boarding. Attached accessory dwelling units are permitted with the following requirements:

- (1) No more than two ADUs shall be allowed per business property.
- (2) At least one resident of each ADU must be an employee of the business where the ADU is located, and it is a part of the employee's job duties to be on-site for extended or overnight hours. The unit cannot solely be rented to someone unaffiliated with the business.
- (3) The maximum size of an ADU cannot exceed 800 square feet of habitable space.
- (4) The height of the ADU cannot exceed 24 feet.
- (5) The ADU must retain the same address as the principal structure and be attached to the principal structure.
- (6) Accessory dwelling units must share utilities with the principal structure.
- (7) Accessory dwelling units may not be sold separately from the primary business and cannot be created with a new tax parcel.

2. Automotive repair, minor and major

- a. All repair operations must be conducted inside a building.
- b. All vehicles must be properly licensed.
- c. Parking of any vehicle is prohibited on an adjacent public roadway.
- d. Visibly damaged vehicles parked outdoors must be screened.
- e. No vehicle dealer's license may be issued for the property.

3. Automotive sales
 - a. The building on the property must occupy at least ten percent of the buildable site.
 - b. A minimum lot area of one buildable acre is required.
 - c. Only one state-licensed business entity is allowed per property.
 - d. State wholesale and lessor licenses may be considered office uses provided no vehicles are located on site.
4. Automotive services:
 - a. No service station structure, parking area or driveway except access driveways shall be located within 100 feet of any portion of a residential district.
 - b. Service station site shall have not less than 150 feet on a public street and shall have not less than two places of access to a public street. The total site area shall not be less than 20,000 square feet.
 - c. Hoists, pits, lubrication, washing and repair equipment shall be enclosed within the principal structure.
 - d. All driveway and parking area surfaces shall be constructed and maintained in the same manner as prescribed for parking areas in this Code.
 - e. The storage of wrecked or junked vehicles shall be in an enclosed area or in an area where they are screened from view.
5. Breweries, brewpubs, microbrewery, and microdistilleries
 - a. In CBD and C-2 districts, production is limited to 15,000 barrels per year and must be accompanied by a taproom/cocktail room.
 - b. In I-1, there is no production limit.
6. Contract service businesses must be entirely enclosed within an opaque fence with a minimum height of seven (7) feet.
7. Drive-in or drive-thru establishments:
 - a. No structure, parking area or driveway except access driveways shall be located within 100 feet of any portion of a residential district.
 - b. Each site shall have a frontage of not less than 150 feet on a public street and shall have not less than two places of access to a public street. The total site area shall be not less than 20,000 square feet.

- c. Parking areas shall have a landscaped front yard having a depth of not less than 25 feet and a landscaped side yard having a depth of not less than ten feet, or a buffer.
8. Gas pumps
 - a. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps.
 - b. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site.
 - c. Fuel pumps shall be installed on pump islands with canopies. Canopies shall maintain a 20-foot setback from property lines as measured from the edge of the canopy.
 - d. Fueling areas and canopies must be located to the rear or side of the principal structure.
9. Manufacturing uses making, assembling, repairing, buffing, finishing, plating, polishing, tempering, packing, shipping or storing, must mitigate any resulting cinders, dust, flashing, fumes, gas, noise, odor, refuse, matter, smoke, vapor or vibration to be confined effectively to the premises, and no extra fire hazard is created.
10. Outdoor storage; outdoor display; seasonal outdoor sales
 - a. Outdoor storage areas must not take up required parking spaces, drive aisles, landscaped areas, or loading areas.
 - b. Storage areas must not be used for junk or debris.
 - c. With the exception of seasonal sales of fireworks and seasonal sales of Christmas trees, wreaths, and the like, all items sold, displayed, and stored outdoors must be directly related to the business operation inside the building on site.
 - d. The seasonal outdoor retail sales uses may be located on any side of the building.
 - e. Seasonal outdoor storage of snow removal equipment and temporary salt/sand sheds/containers must be located to the side or rear of the building and screened from public rights-of-way.
11. Self-storage facility
 - a. Only a single self-storage structure is allowed per property with rental spaces indoors and climate controlled.

- b. The structure must be a minimum of two stories in height, and not exceed height maximum of the applicable zoning district.

~~12. Sidewalk cafes subject to the following:~~

- ~~a. The applicant must possess a valid food establishment license.~~
- ~~b. The city shall find that the sidewalk cafe will not restrict the safe usage of the sidewalk by the public after taking into consideration the location of obstructions, vehicular traffic and other impediments to the passage of pedestrians. A minimum of 48 inches of clear travel space between the sidewalk cafe and curb shall be maintained on the public sidewalk adjacent to the sidewalk cafe.~~
- ~~c. A distance of at least 200 feet shall be maintained between the nearest point of the sidewalk cafe to the nearest point of property zoned for residential purposes.~~
- ~~d. The area occupied by the sidewalk cafe shall abut and shall be operated as part of the food establishment operated by the public. No part of the sidewalk shall adjoin any premises other than the applicant's food establishment.~~
- ~~e. The applicant must furnish to the city evidence that insurance has been procured in amounts not less than \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate for commercial general liability coverage.~~
- ~~f. On sale intoxicating liquors, beer or wine may not be consumed unless the premises of the sidewalk cafe is included and approved in the applicant's liquor license. If the sidewalk cafe area is not included in the liquor licensed premises an amended liquor license must be obtained.~~
- ~~g. A use of public right of way permit shall be obtained prior to placement of tables, chairs or benches.~~

12. Outdoor dining areas which are not for a temporary purpose and are located on private property shall be subject to the following:

- a. The application shall require the following items and conditions to be met prior to acceptance by the city:
 - (1) The applicant must possess a valid food establishment license.
 - (2) The applicant must possess a valid liquor license if any type of alcohol is to be served.
 - (3) A narrative describing how the outdoor dining area will be utilized.
- b. A detailed site plan showing how the outdoor dining area will be laid out with dimensions including:

- (1) A pathway for pedestrian traffic that is delineated from other traffic, is no less than 72 inches in width, and is compliant with the Americans with Disabilities Act.
 - (2) Access points to the outdoor dining area.
 - (3) Barriers between the outdoor dining area, pathways, and traffic.
 - (4) Amount of seating.
- c. The city shall not issue a conditional use permit unless the following conditions are met by the applicant:
- (1) The applicant must provide a copy of liability insurance including:
 - i. Insurance amounts of not less than \$1,000,000 per occurrence and \$2,000,000 in aggregate for commercial general liability.
 - ii. Liquor liability coverage if any alcohol is to be served.
 - iii. Insurance shall include the outdoor dining area.
 - (2) Payment of all fees prescribed on the city's fee schedule and any sewer availability charges as determined by the metropolitan council.
- d. Construction of the outdoor dining area may not begin prior to the issuance of a conditional use permit.
- e. The outdoor dining area shall not create a hazard or block access for emergency services.

13. Taprooms may only be used in conjunction with a brewery, brewpub, microbrewery, or microdistillery.

14. Warehousing for material such as building materials, contractor's equipment, furniture, food, fabrics, hardware and similar goods must be entirely contained in an enclosed roofed building, provided that such permitted storage buildings shall not store scrap or junk metals, petroleum and other inflammable fluids in aboveground tanks, paint and paint materials, discarded or salvaged material, or be used for wrecking, crushing or dismantling of motor vehicles.

SECTION 5: **ADDITION** “Section 31-5 Specific Interim Use Standards” of the Victoria Zoning Code is hereby amended with the following amendment:

A. Some permitted and interim uses are further regulated based on the standards below:

- 1. Outdoor dining areas built on public property in a business or park districts shall be subject to the following conditions:

- a. The application shall require the following items and conditions to be met prior to acceptance by the city:
 - (1) The applicant must possess a valid food establishment license.
 - (2) The applicant must possess a valid liquor license if any type of alcohol is to be served.
 - (3) A narrative describing the following:
 - i. The need for the requested outdoor dining area.
 - ii. How the area will be used.
- b. A detailed site plan showing how the outdoor dining area will be layout with dimensions including:
 - (1) A pathway for pedestrian traffic that is delineated from other traffic, is no less than 72 inches in width, and is compliant with the Americans with Disabilities Act.
 - (2) Access points to the outdoor dining area.
 - (3) Barriers between the outdoor dining area, pathways, and traffic.
 - (4) Amount of seating.
- c. The city shall not issue an interim use permit unless the following conditions are met by the applicant:
 - (1) The applicant must provide a copy of liability insurance including:
 - i. Insurance amounts of not less than \$1,000,000 per occurrence and \$2,000,000 in aggregate for commercial general liability.
 - ii. Liquor liability coverage if any alcohol is to be served.
 - iii. Insurance shall include the outdoor dining area.
 - iv. The city shall be included as additionally insured.
 - (2) Payment of all fees prescribed on the city's fee schedule and any sewer availability charges as determined by the metropolitan council.
- d. Construction of the outdoor dining area may not begin prior to the issuance of an interim use permit.
- e. The outdoor dining area shall not create a hazard or block access for emergency services.

SECTION 6: **EFFECTIVE DATE** This Ordinance shall become effective upon its passage and publication in accordance with the law.

Ordinance 479 ZC: PASSED AND ADOPTED BY THE VICTORIA CITY COUNCIL
MONDAY, April 28, 2025.

	AYE	NAY	ABSENT	ABSTAIN
Mayor McMillan	_____	_____	_____	_____
Council Member Evansky	_____	_____	_____	_____
Council Member Pederson	_____	_____	_____	_____
Council Member Reiff	_____	_____	_____	_____
Council Member Roberts	_____	_____	_____	_____

Presiding Officer:

Debra McMillan, Mayor

ATTEST:

Claudia Ettesvold, City Clerk