(Official Publication)
VILLAGE OF MINNETONKA, MINNESOTA
ORDINANCE NO. 77

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE INHABITANTS OF THE VILLAGE OF MINNETONKA BY LESSENING CONGESTION IN THE STREETS, SECURING SAFETY FROM FIRE, PANIC AND OTHER DANGERS; PROVIDING ADEQUATE LIGHT AND AIR; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATION OF POPULATION; FACILITATING THE ADEQUATE PROVISION OF TRANSPORTATION, WATER, SEWERAGE, SCHOOLS PARKS AND OTHER PUBLIC REQUIREMENTS; CONSERVING THE VALUE OF PROPERTIES, AND ENCOURAGING THE MOST APPROPRIATE USE OF LAND, AND SUPERSEDING ORDINANCE NO. 17 AS AMENDED AND ORDINANCE NO. 50 AS AMENDED.

THE VILLAGE COUNCIL OF THE VILLAGE OF MINNETONKA ORDAINS:

SECTION 1 PURPOSES AND INTENT

This Ordinance is enacted for the following purposes: To promote the health, safety, morals and general welfare of the inhabitants of the Village of Minnetonka by lessening congestion in the public right of ways, securing safety from fire, panic and other dangers; Providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of properties, and encouraging the most appropriate use of land.

SECTION 2 TITLE

This Ordinance shall be known and may be cited and referred to as the "Minnetonka Zoning Ordinance"; when referred to herein, it shall be known as "this Ordinance", and shall be codified as Section 450 of the 1962 Code of Ordinances.

SECTION 3 SCOPE: INTERPRETATION

Subdivision 1. Scope.

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered and in respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the Village of Minnetonka shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming properties or uses.

Subdivision 2. Interpretation.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

SECTION 4 RULES AND DEFINITIONS

Subdivision 1. Rules.

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word building shall include the word structure; the word lot shall include the word plot; the word shall is mandatory and not directory, and the word may is discretionary.

Subdivision 2. Definitions.

For the purposes of this Ordinance, certain terms and words are defined as follows:

Accessory Building - A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Alley - A public thoroughfare less than thirty (30) feet in width which provides secondary access to abutting property.

Apartment - A part of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence for one family or individual and equipped with cooking and private sanitary facilities.

Automobile Wrecking - see Junk Yards.

Basement - A portion of a building located partly underground, but having less than half of its floor-to-ceiling height below the average grade of the adjoining grounds.

Boarding House - Any dwelling other than a hotel or motel where meals or lodgings and meals for compensation are pvovided to five or more persons, pursuant to previous arrangements and not to anyone who may apply.

Buffer - The use of land, topography (difference in elevation), space, fences or landscape plantings to screen or partially screen a tract or property from another tract or property and thus reduce undesirable influences, such as: sight, noise, dust and othe external effects, which a land use may have upon other adjacent or nearby land uses.

Building - Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind, and when separated by party walls without openings, each portion of such buildings so separated shall be deemed a separate building.

Building Height - The verticle distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Community Water and Sewer Systems - Utilities systems serving a group of buildings, lots, or an area of the Village, with the design and construction of such utilities systems as approved by the Village Engineering Department.

Corner Lot - A lot situated at the junction of and fronting on two or more streets.

Court - An open unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

Curb Level - The curb level is the level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the Village Engineer shall establish such curb level or its equivalent for the purpose of this Ordinance.

Depth of Lot - The mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

Depth of Rear Yard - The mean horizontal distance between the rear line of the building and the center line of an alley, where an alley exists, otherwise a rear lot line.

District - A section of the Village for which the regulations governing the height, area, use of buildings and premises are the same.

Dwelling - Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings either permanently or transiently.

Dwelling - One Family - A building designed for or occupied exclusively by one family.

Dwelling - Two Families - A building designed for or occupied by two families.

Dwelling - Multiple - A building designed for or occupied by more than two families.

Family - Any number of individuals living together on the premises or a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel as herein described.

Farming - The cultivation of the soil and all activities incident thereto, except that said term shall not include the raising and feeding of hogs, sheep, goats, cattle, and fur bearing animals and shall not include riding academies, commercial stables, or kennels.

Floor Area - The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls including basements and attached accessory buildings.

Garage - Community - A garage with a capacity of two or more power driven vehicles, for storage only of vehicles owned separately by owners or tenants of the dwelling units served by such garage, which is erected as an accessory building.

Garage - Private - A garage with a capacity of not more than four power driven vehicles for storage only and which is erected as an accessory building.

Garage - Public - Any premises except those described as a private or community garage, used for the storage or care of power driven vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling, and does not change the character thereof or have any exterior evidence of such secondary use. This occupation shall be carried on or conducted only by members of a family residing in the dwelling and in connection with which there is kept no stock in trade or commodity for sale upon the premises.

Hotel - Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in an individual room or apartment.

Junk Yard - Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products for wrecking of automobiles, other vehicles accessory to any business or industrial use on the same lot.

Loading Space — That portion of a lot or plat designed to serve the purpose of loading or unloading all types of vehicles.

Lodging Housing — A building or premises where lodging is provided for compensation for five or more persons, but not exceeding twenty-five persons.

Lot — One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this Ordinance and having frontage on a public street.

Lot Area — The lot area is the land area within the lot lines.

Lot Area Per Family — The lot area per family is the lot area required by this Ordinance to be provided for each family in a dwelling.

Lot, Double Frontage — An interior lot having frontage on two streets.

Lot, Interior — A lot other than a corner lot.

Lot Lines — The lines bounding a lot as defined herein. When a lot line abuts a street, avenue, park or other public property except an alley, such line shall be known as a street line, and when a lot line abuts on an alley, it shall be known as an alley line.

Lot Width — The width of a lot is its own mean width measured at right angles.

Motel — A building or group of buildings used primarily for the temporary residence of motorists or travelers.

Non-Conforming Uses — A use lawfully in existence in the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated, except that such a use is not nonconforming if it would be authorized under Conditional Use Permit where located.

Persons — Means any individual, firm, partnership, corporation, company, association, joint stock association, of body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Plot — A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a home site and improved or intended to be improved by the erection thereon of a dwelling and accessory buildings and having a frontage upon a public street or upon a thoroughfare or upon a highway or upon a traveled or used road and including as a minimum such open spaces as required under this Ordinance.

Premises—A lot or plot with the required front, side and rear yards for a dwelling.

Shopping Center Regional - A planned business center with a unified arrangement of buildings and service facilities designed to serve a large trade area containing 100,000 to 200,000 persons and utilizing a total land area of not less than forty (40) acres.

Shopping Center — Community - A planned business center with a unified arrangement of buildings and service facilities designed to serve a trade area containing 20,000 to 100,000 persons and utilizing a total land area of not less than fifteen (15) acres.

Shopping Center — Neighborhood - A planned business center with a unified arrangement of buildings and service facilities designed to serve a limited trade area containing 5,000 to 20,000 persons and utilizing a total land area of not less than five (5) acres.

Sign — A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business.

Sign — Advertising - A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is

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located.

Sign — Business - A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.

Sign — Flashing - Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

Sign — Illuminated - Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.

Sign — Name Plate - Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

Sign — Pylon - A free standing sign erected upon a single pylon or post which is in excess of ten feet in height with a sign mounted on top thereof.

Sign — Rotating - A sign which revolves or rotates on its axis by mechanical means.

Sign — Surface Area of - The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display.

Single Family Dwelling — See Dwelling - One Family.

Story — That portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half — That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.

Structure — Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

Structural Alterations — Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Street — A public thoroughfare thirty (30) feet or more in width.

Townhouse — A single structure consisting of three or more dwelling units having the first story at the ground level with no other dwelling units or portions thereof directly above or below with no openings.

Use — The purpose for which land or premises or a building thereos is designated, arranged or intended, or for which it is o may be occupied or maintained.

Use, Accessory — A use incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

Variance — A modification or variation of the provisions of this Ordinance as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a variance.

Yard — Any space in the same lot with a building open and unobstructed by structures from the ground to the sky.

Yard, Front — A yard extending across the front of the lot between the inner side yard lines and lying between the front street line of the lot and the nearest line of the building.

Yard - Rear — An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

Yard, Side — An open unoccupied space on the same lot with a building between the building and the side line of the lot, and extending from the front lot line to the rear of the back yard

SECTION 5 CLASSIFICATION OF DISTRICTS

Subdivision 1. Districts.

For the purpose of this Ordinance, the Village of Minnetonka is hereby divided into classes of districts which shall be designated as follows:

RESIDENCE DISTRICTS
R-1A ONE FAMILY RESIDENCE DISTRICT
R-1 ONE FAMILY RESIDENCE DISTRICT
R-2 TWO FAMILY RESIDENCE DISTRICT
R-3 MULTIPLE FAMILY RESIDENCE DISTRICT (Townhouse)
R-4 MULTIPLE FAMILY RESIDENCE DISTRICT
BUSINESS DISTRICTS
B-1 LIMITED BUSINESS DISTRICT
B-2 SHOPPING CENTER BUSINESS DISTRICT
B-3 SERVICE BUSINESS DISTRICT
B-4 GENERAL BUSINESS DISTRICT
INDUSTRIAL DISTRICTS
I-1 PLANNED INDUSTRIAL DISTRICT
I-2 GENERAL INDUSTRIAL DISTRICT

Subdivision 2. Zoning Map.

The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map and said Map is hereby made a part of this Ordinance; said map shall be known as the "Village of Minnetonka Zoning Map". Said Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said Map and amendments thereto shall be recorded on said Zoning Map within thirty (30) days after official publication of amendments. The official Zoning Map shall be kept on file in the Village Hall.

Subdivision 3. District Boundaries.

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, or railroad right of ways, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

Subdivision 4. Future Annexation.

Any land annexed to the Village in the future shall be placed in the R-1 SINGLE FAMILY RESIDENCE DISTRICT, until placed in another district by action of the Village Council after recommendation of the Village Planning Commission.

SECTION 6 R-1A RESIDENCE DISTRICT

Subdivision 1. Purpose.

The R-1A RESIDENCE DISTRICT is intended to provide a district which will allow extensive areas of the Community to be retained in a lower density in advance of the need for these lands for extensive urban purposes and to prevent the occurrence of premature scattered urban development, which would be uneconomical from the standpoint of municipal services, utilities and schools.

Subdivision 2. Permitted Uses.

Within an R-1A RESIDENCE DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Single family detached dwellings.
2. Parks and recreational areas owned or operated by governmental agencies.
3. Public schools, elementary or high, or private schools having a curriculum equivalent to a public elementary school or public high school.
4. Golf courses, except club houses, miniature courses and driving tees operated for commercial purposes.
5. Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any of the CLASSES OF RESIDENCE DISTRICTS.
6. Agriculture, farming and truck gardening.

Subdivision 3. Uses by Conditional Use Permit.

Within an R-1A RESIDENCE DISTRICT, no building or land shall be used for one or more of the following uses except by Conditional Use Permit:

1. Municipal administration buildings, police and fire stations, community center buildings, public libraries, museums, art galleries, post office and other municipal service buildings, except those customarily considered industrial in use and provided that no buildings shall be located within fifty (50) feet of any lot line of an abutting lot in any of the CLASSES OF RESIDENCE DISTRICTS.
2. Water supply buildings, reservoirs, wells, elevated tanks, and similar essential service structures.
3. Golf club house, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within fifty (50) feet of any lot line of an abutting lot in any of the CLASSES OF RESIDENCE DISTRICTS.
4. Offices of professional persons and home occupations when such use does not exceed one-third (1/3) of the main floor space of a dwelling, is conducted not in any other building on the premise except the principal dwelling, and does not employ persons not residing on the premises.
5. Railroad right-of-ways, but not including railroad yards.
6. Amateur transmitting and receiving stations.
7. Cemetery, memorial garden.

Subdivision 4. Permitted Accessory Uses.

Within an R-1A RESIDENCE DISTRICT, the following uses shall be permitted Accessory Uses:

1. Private Garage.
2. Private swimming pool when completely enclosed within a chain link or similar fence five (5) feet high.
3. Keeping of not more than two boarders and/or roomers by a resident family.
4. Living quarters of persons employed on the premises.
5. Accessory uses customarily incident to the uses permitted in Subdivisions 2 and 3 of this SECTION.

Subdivision 5. Height, Yard, Area and Lot Width and Depth Regulations.

1. Height Regulations:
   No building hereafter erected or altered shall exceed two and one-half (2½) stories or thirty (30) feet in height.
2. Front Yard Regulations:
   (a) There shall be a front yard having a depth of not less than thirty-five (35) feet.
   (b) There shall be a front yard of not less than fifty (50) feet on a lot or plot that abuts a thoroughfare as shown on the adopted Village Thoroughfares Plan.
   (c) Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot. No accessory buildings shall project beyond the front yard of either street.
3. Side Yard Regulations:
   There shall be a side yard, on one side of a building, having a width of not less than fifteen (15) feet, and a side yard on the other side of a building having a width of not less than one hundred and thirty-five (135) feet.
4. Rear Yard Regulations:
   There shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot.
5. Lot Area Regulations:
   Every lot or plot of land on which a single family dwelling is erected shall contain an area of not less than forty-five thousand (45,000) square feet.
6. Lot Width and Depth Regulations:
   Every lot or plot of land on which a single family dwelling is erected shall have a minimum width of not less than three hundred (300) feet at the building setback line, and a minimum depth of not less than one hundred and twenty-five (125) feet.

Subdivision 6. General Regulations.

Additional Regulations in the R-1A RESIDENCE DISTRICT are set forth in SECTION 17.

SECTION 7 R-1 SINGLE FAMILY RESIDENCE DISTRICT

Subdivision 1. Purpose.

The R-1 SINGLE FAMILY RESIDENCE DISTRICT is intended to provide a district which will allow residential development in those areas where such development fits the Village Comprehensive Plan.

Subdivision 2. Permitted Uses.

Within an R-1 RESIDENCE DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Any use permitted in Subdivision 2 of the R-1A RESIDENCE DISTRICT, as regulated therein.

Subdivision 3. Uses by Conditional Use Permit.

Within an R-1 RESIDENCE DISTRICT, no building or land shall be used for one or more of the following uses except by Conditional Use Permit:

1. Any use permitted in Subidivison 3 of the R-1A RESIDENCE DISTRICT, as regulated therein.
2. Residential subidivision unit projects as provided in Subdivision 7 of this SECTION

Subdivision 4. Accessory Uses.

Within an R-1 RESIDENCE DISTRICT, the following uses shall be permitted Accessory Uses:

1. Any use permitted in Subdivision 4 of the R-1A RESIDENCE DISTRICT, as regulated therein.
2. Accessory uses customarily incident to the uses permitted in Subdivisions 1 and 2 of this SECTION.

Subdivision 5. Height, Yard, Area and Lot Width and Depth Regulations.

1. Height Regulations:
   No building hereafter erected or altered shall exceed two and one-half (2½) stories or thirty (30) feet in height.
2. Front Yard Regulations:
   (a) There shall be a front yard having a depth of not less than thirty-five (35) fee

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(b) There shall be a front yard of not less than fifty (50) feet on a lot or plot that abuts a thoroughfare as shown on the adopted Village Thoroughfare Plan.

(c) Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot. No accessory buildings shall project the front yard line of either street.

3. Side Yard Regulations:
There shall be a side yard, on each side of the building, having a width of not less than fifteen (15) feet.

4. Rear Yard Regulations:
There shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot.

5. Lot Area Regulations:
Every lot or plot of land upon which a single family dwelling is erected shall contain an area of at least twenty-two thousand (22,000) square feet.

6. Lot Width and Depth Regulations:
Every lot or plot of land on which a single family dwelling is erected shall have a minimum width of one hundred and ten (110) feet at the building setback line and a minimum depth of one hundred and twenty-five (125) feet.

Subdivision 6. General Regulations.
Additional regulations in the R-1 RESIDENCE DISTRICT are set forth in SECTION 17.

Subdivision 7. Residential Subdivision Unit Projects.

1. Purposes:
The purpose of this Subdivision is to make provision for residential subdivision unit projects within the R-1 RESIDENCE DISTRICT for larger tracts of land under single or unified ownership. Such residential Subdivision Unit Projects to allow modification of individual lot area and width requirements and to secure park recreational lands, and open space while maintaining area requirements for a Subdivision Unit Project as a whole. Such local open space areas to offer recreational opportunities close to home, to enhance the appearance of neighborhoods through preservation of natural green spaces, to counteract the effects of urban congestion and monotony to conserve local spots of natural beauty, and to provide for more unified neighborhood subdivison design. Residential Subdivision Unit Projects shall be developed in accordance with an overall design and an integrated development plan and otherwise in accordance with the Village Subdivision Regulations. Such Project to be consistent with the intent and purpose of this Ordinance and not to adversely affect the propery adjacent to the land area included in the Project.

2. Regulations:

(a) The minimum area of land to be included in a Residential Subdivision Unit Project shall be at least twenty (20) acres.

(b) The Residential Subdivision Unit Project shall be served by public or community water systems, which must be in conformity with the overall Village water plan.

(c) With the exception of individual lot area and frontage requirements, the Residential Subdivision Unit Project shall conform to the requirements of the Village Subdivision Regulations.

(d) The Residential Subdivision Unit Project shall contain an adequate amount of land for park or local permanent open space use, exclusive of sump and drainage areas, which shall not be less than ten (10) percent of the gross area of the property and which shall be land that can be utilized for park and playground purposes without extensive filling operations, and such land shall conform, as near as is practical, to park areas proposed by the adopted Village Comprehensive Plan. Low or swamp lands may be a part of such open space when the Planning Commission finds that such lands: are needed for drainage purposes, or suitable for park development, and conform to the Comprehensive Plan, and will enhance the neighborhood through the preservation of natural areas. Such low or swamp lands, however, shall not be considered as a portion of the total area in computing overall density as set forth in subparagraph (f) below. Such open space shall be permanent and may not be replatted in the future. The Planning Commission may in the case of such plats showing land: to be used for park, recreation, school open space, or other municipal use, set forth conditions of the ownership, maintenance, and use of such lands as it deems necessary to assure preservation of such lands for their intended purpose. Park recreation, school, or open space lands at the option of the Village may be deeded to the public, retained by the developer or deeded to an association of home owners. When such lands are retained in other than public ownership, plans for improvement and maintenance of these tracts must be approved by the Village Park Board and suitable deed restrictions must be approved by the Planning Commission to assure both continuing use of the tracts for such purposes as well as proper use and maintenance of the same.

(e) The Residential Subdivision Unit Project shall have a minimum individual lot size of:

(1) A front yard of not less than thirty-five (35) feet, except that where a lot abuts a thoroughfare as shown on the adopted Village Thoroughfare Plan, a front yard at fifty (50) feet shall be required. For corner lots a front yard shall be required for each steet side of such lots.

(2) A side yard of not less than ten (10).

(3) A rear yard of not less than twenty (20) percent of the depth of the lot.

(4) A width of not less than one hundred (100) feet at the building setback line.

(5) An average depth of not less than one hundred and twenty (120) feet.

(6) An area of not less than eighteen thousand (18,000) square feet.

(f) The total area in square feet in the Subdivision devoted to residential lots, parks and playground areas (exclusive of sump, drainage and street right-of-way areas) divided by the total number of residential lots shall equal or exceed twenty-two thousand (22,000) square feet.

3. Administrative Procedure:

(a) The proponents of a Residential Subdivision Unit Project shall submit a preliminary subdivision plat along with the application for a Conditional Use Permit to, and secure the approval of the Village Planning Commission and Village Council. Such preliminary plat shall conform to the provisions of this Ordinance and the Village Subdivision Regulations. In addition, such proposed preliminary plat shall conform to the provisions of this Ordinance and the Village Subdivision Regulation. In addition, such proposed preliminary plat shall clearly indicate the land areas to be dedicated for park and recreation purposes and the proposed sewer and water systems.

(b) If the Conditional Use Permit and Preliminary Plat are approved, the Preliminary Plat is attached to and is a part of the Conditional Use Permit. Any substantial change to the Preliminary Plat will require a resubmission to and approval by the Planning Commission and Village Council.

(c) If the Conditional Use Permit is approved, the final plat shall be submitted to the Village in accordance with the Village Subdivision Regulations. Designated park and recreation land shall be dedicated to the Village as a part of the final plat.

SECTION 8 - R-2 TWO FAMILY RESIDENCE DISTRICT

Subdivision 1. Purpose.
The R-2 TWO FAMILY RESIDENCE DISTRICT is intended to provide a district which will allow double family dwelling development in those areas where such development fits the Village Comprehensive Plan and where municipal or community utilities are immediately available.

Subdivision 2. Permitted Uses.
Within an R-2 RESIDENCE DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Any use permitted in Subdivision 2 of the R-1 RESIDENCE DISTRICT as regulated therein.
2. Two family dwellings, provided that such dwellings shall be served by public or community sewer and water systems.

Subdivision 3. Uses by Conditional Use Permit.
Within an R-2 RESIDENCE DISTRICT, no building or land shall be used for one or more of the following uses except by Conditional Use Permit.

1. Any use permitted in Subdivision 3 of the R-1 SINGLE RESIDENCE DISTRICT, as regulated therein.

Subdivision 4. Permitted Accessory Uses.
Within an R-2 RESIDENCE DISTRICT, the following uses shall be Permitted Accessory Uses:

1. Any use permitted in Subdivision 4 of the R-1 RESIDENCE DISTRICT, as regulated therein.
2. Accessory uses customarily incident to the uses permitted in Subdivisions 2 and 3 of this SECTION.

Subdivision 5. Height, Yard, Area, Lot Width and Depth Regulations.

1. Height Regulations:
No building hereafter erected or altered shall exceed two and one-half (2½) stories or thirty (30) feet in height.

2. Front Yard Regulations:

(a) There shall be a front yard having a depth of not less than thirty-five (35) feet.

(b) There shall be a front yard of not less than fifty (50) feet on a lot or plot that abuts a thoroughfare as shown on the adopted Village Thoroughfares Plan.

(c) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of each corner lot. No accessory buildings shall project beyond the front yard line of either street.

3 Side Yard Regulations:
There shall be a side yard, on each side of a building, having a width of not less than fifteen (15) feet.

4. Rear Yard Regulations:
There shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot.

5. Lot Area Regulations:
A lot on which there is erected a two family dwelling shall have an area of not less than twenty-five thousand (25,000) square feet.

6. Lot Width and Depth Regulations:
A lot on which there is erected a two family dwelling shall have a minimum width of not less than one hundred and thirty (130) feet at the building setback line, and a minimum depth of not less than one hundred twenty-five (125) feet.

Subdivision 6. General Regulations.
Additional regulations in the R-2 RESIDENCE DISTRICT are set forth in SECTION 17.

SECTION 9 - R-3 MULTIPLE FAMILY RESIDENCE DISTRICT (Townhouse)

Subdivision 1. Purpose.
The R-3 MULTIPLE FAMILY RESIDENCE DISTRICTS are intended to provide a district which will allow townhouses in those areas where such development fits the Village Comprehensive Plan, where properly related to other land uses and thoroughfares and where municipal of community facilities are immediately available.

Subdivision 2. Permitted Uses.
Within an R-3 RESIDENCE DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Any use permitted in Subdivision 2 of the R-2 RESIDENCE DISTRICT as regulated therein.
2. Townhouse multiple dwellings.

Subdivision 3. Uses by Conditional Use Permit.
Within an R-3 MULTIPLE FAMILY RESIDENCE DISTRICT, no building or land shall be used for one or more of the following uses, except by Conditional Use Permit.

1. Any use permitted in Subdivision 3 of the R-2 TWO FAMILY RESIDENCE DISTRICT as regulated therein.
2. Community Unit Projects as provided in Subdivision 8 of SECTION 10.

Subdivision 4. Permitted Accessory Uses.
Within an R-3 MULTIPLE FAMILY RESIDENCE DISTRICT, the following uses shall be Permitted Accessory Uses:

1. Any use permitted in Subdivision 4 of the R-2 TWO FAMILY RESIDENCE DISTRICT as regulated therein.
2. Storage Garages.
3. Private recreational facilities, including swimming pools, tennis courts, intended solely for the use and enjoyment of the residents of the principal use and their guests.
4. Accessory uses customarily incident to the uses permitted in Subdivisions 2 and 3 of this SECTION.

Subdivision 5. Height, Yard, Area, Lot Width and Depth, Lot Coverage and Minimum Floor Area Regulations.

1. Height Regulations:
Townhouses shall not exceed two and one-half (2½) stories or thirty-five (35) feet in height.

2 Front Yard Regulations:

(a) There shall be a front yard having a depth of not less than thirty-five (35) feet on all public streets.

(b) There shall be a front yard of not less than fifty (50) feet on a lot or plot that abuts a thoroughfare as shown on the adopted Village Thoroughfares Plan.

(c) There shall be a front yard on each street side of a corner lot. No accessory buildings shall project beyond the

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front yard line on either street.

(d) On private streets there shall be a front yard setback from the curb line of twenty-five (25) feet.

3. Side Yard Regulations:
There shall be a side yard on each side of a building, having a width of not less than fifteen (15) feet.

4. Rear Yard Regulations:
There shall be a rear yard having a depth of not less than thirty (30) feet.

5. Lot Area Regulations:

(a) The required total lot area, in square feet, shall not be less than the sum of the minimum lot area per dwelling unit which shall be further adjusted by the allowances permitted or imposed hereunder, and in no event shall the required lot area be less than the minimum total lot area:

(1) The minimum lot per dwelling unit shall be not less than seven thousand (7,000) square feet.

(2) The minimum total lot area shall be not less than thirty-five thousand (35,000) square feet.

(b) The maximum amount of allowance permitted is one thousand (1,000) square feet per dwelling unit and the basis for computing the amount of allowance permitted shall be as follows:

(1) For each parking stall in or under the multiple residence (including attached garages) or otherwise completely underground: subtract 300 square feet.

(2) If the multiple residence site adjoins a village thoroughfare or collector street having an average traffic volume per day in' excess of 4000 vehicles: subtract 150 square feet per dwelling unit.

(3) If the multiple residence site adjoins a village thoroughfare having an average traffic volume per day in excess of 10,000 vehicles: subtract 300 square feet per dwelling unit.

(4) If property adjoining a side or the front of the multiple residence site is zoned for any business use (except B-1 LIMITED BUSINESS DISTRICT): subtract 100 square feet per dwelling unit.

(5) If the multiple residence is a part of a community unit project as set forth in this Section: subtract 200 square feet per dwelling unit.

(6) If the total lot coverage is less than ten percent: subtract 100 square feet per dwelling unit.

(7) If the property adjoining the multiple residence site is zoned for either R-1A, R-1 or R-2 DISTRICT, add 300 square feet per dwelling unit.

(8) For each bedroom in excess of two in any one dwelling unit: add 400 square feet.

(c) Where a lot has less area or width than herein required, and was on record at the time of the passage of this Ordinance, that lot may be used only for single family dwelling purposes, unless such lot is replatted as required by Ordinance 49, The Subdivision Regulations of the Village of Minnetonka" in such a way as to provide the minimum area required.

6. Lot Width and Depth Regulations:
A lot on which there is erected a townhouse shall have a minimum width of not less than one hundred and thirty (130) feet at the building setback line, and a minimum depth of not less than one hundred and twenty-five (125) feet.

7. Lot Coverage Regulations:
Not more than fifteen (15) percent of a lot or plot shall be occupied by buildings.

8. Minimum Floor Area:
The minimum floor area of an efficiency dwelling unit shall be not less than 500 net square feet, that of a one bedroom dwelling unit shall be not less than 800 net square feet, and that of a two bedroom dwelling unit shall be not less than 1,000 net square feet. Units containing three or more bedrooms shall have an additional 200 net square feet of floor area for each bedroom in excess of two bedrooms.
For purposes of measurement, the net floor area of a dwelling unit shall mean that area within a building used as a single dwelling unit, and shall be measured from the inside of outside walls to the center of partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or unenclosed public porches, separate utility rooms, furnace areas or rooms, storage areas not within the apartment or garages.

Subdivision 6. Design and Construction Requirements.
The design and construction requirements for the R-3 District shall be as set forth in Subdivision 6 of Section 10.

Subdivision 7. General Regulations.

1. Community unit projects are permitted as regulated in Subdivision 8, Section 10.
2. Additional regulations in the R-3 RESIDENCE DISTRICT and set forth in SECTION 17.

SECTION 10 - R-4 MULTIPLE FAMILY RESIDENCE DISTRICT

Subdivision 1. Purpose.
The R-4 MULTIPLE FAMILY RESIDENCE DISTRICTS are intended to provide a district which will allow multiple dwellings (apartments, row houses, townhouses, etc.) in those areas where such development fits the Village Comprehensive Plan, where properly related to other land uses and thoroughfares and where municipal or community utilities are immediately available.

Subdivision 2. Permitted Uses.
Within an R-4 RESIDENCE DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Any use permitted in Subdivision 2 of the R-3 RESIDENCE DISTRICT as regulated therein.
2. Multiple dwellings, apartment buildings, and group of row or town houses, provided that such dwellings shall be served by public or community sewer and water systems.
3. Boarding and lodging houses, convalescent and nursing homes, where served by public or community sewer and water systems. For the purpose of computing guests or patients allowed, a minimum of the one (1) acre plus three hundred (300) square feet of lot area shall be provided for each guest or patient.
4. Hospitals.
5. Institutions of a religious, educational, eleemosynary of philanthropic nature.

Subdivision 3. Uses by Conditional Use Permit.
Within an R-4 MULTIPLE FAMILY RESIDENCE DISTRICT, no building or land shall be used for one or more of the following uses, except by Conditional Use Permit.

1. Any use permitted in Subdivision 3 of the R-3 RESIDENCE DISTRICT as regulated therein.
2. Community Unit Projects as provided in Subdivision 8 of this SECTION.
3. High-rise apartment buildings as provided in Subdivision 3, SECTION 17, of this Ordinance.
4. Private clubs and lodges, except those the chief activity of which is a service customarily carried on as a business.

Subdivision 4. Permitted Accessory Uses.
Within an R-4 MULTIPLE FAMILY RESIDENCE DISTRICT, the following uses shall be Permitted Accessory Uses:

1. Any use permitted in Subdivision 4 of the R-3 RESIDENCE DISTRICT as regulated therein.
2. Storage garages where the lot is occupied by a multiple dwelling, hospital, or institutional building.
3. Private recreational facilities, including swimming pools and tennis courts, intended solely for the use and enjoyment of the residences of the principal use and their guests.
4. Accessory uses customarily incident to the uses permitted in Subdivision 2 and 3 of this SECTION.

Subdivision 5. Height, Yard, Area, Lot Width and Depth, Lot Coverage and Minimum Floor Area Regulations.

1. Height Regulations:
Multiple dwellings shall not exceed four (4) stories or forty-five (45) feet in height, provided further that any building exceeding three (3) stories in height shall set back from all yard lines required in this SECTION an additional distance of one (1) foot for every one (1) foot that the building exceeds the height of thirty (30) feet.
2. Front Yard Regulations:
(a) There shall be a front yard having a depth of not less than thirty-five (35) feet.
(b) There shall be a front yard of not less than fifty (5[illegible] feet on a lot or plot that abuts a thoroughfare as shown on the adopted Village Thoroughfares Plan.
(c) There shall be a front yard on each street side of a corner lot. No accessory buildings shall project beyond the front yard line on either street.
3. Side Yard Regulations:
(a) There shall be a side yard on each side of a building, having a width of not less than fifteen (15) feet for buildings not exceeding three (3) stories in height.
(b) Except that no building shall be located within thirty feet of any side lot line abutting a lot in any R-1A, R-1, or R-2 DISTRICT.
(c) For buildings exceeding three (3) stories in height, there shall be a side yard on each side of a building having a width of fifteen (15) feet plus one (1) foot of side yard for each one (1) foot of building height over thirty (30 feet.
4. Rear Yard Regulations:
There shall be a rear yard having a depth of not less than forty (40) feet.
5. Lot Area Regulations:
(a) The required total lot area, in square feet, shall not be less than the sum of the minimum lot area per dwelling unit which shall be further adjusted by the allowances permitted or imposed hereunder, and in no event shall the required lot area be less than the minimum total lot area:
(1) The minimum lot area per dwelling unit shall be not less than five thousand (5,000) square feet.
(2) The minimum total lot area shall be not less than forty-five thousand (45,000) square feet.
(b) The maximum amount of allowance permitted is one thousand five hundred (1,500) square feet per dwelling unit and the basis for computing the amount of allowance permitted shall be as follows:
(1) For each parking stall in or under the multiple residence or otherwise completely underground; subtract 400 square feet.
(2) If the multiple residence site adjoins a village thoroughfare or collector street having an average traffic volume per day in excess of 4000 vehicles: subtract 200 square feet per dwelling unit.
(3) If the multiple residence site adjoins a village thoroughfare having an average traffic volume per day in excess of 10,000 vehicles: subtract 400 square feet per dwelling unit.
(4) If property adjoining a side or the front of the multiple residence site is zoned for any business use (except B-1 LIMITED BUSINESS DISTRICT): subtract 200 square feet per dwelling unit.
(5) If the multiple residence is a part of a community unit project as set forth in this Section: subtract 300 square feet per dwelling unit.
(6) For each parking stall completely enclosed (garag[illegible] subtract 100 square feet.
(7) If the multiple residence is more than two stories in height: subtract twenty (20) square feet per dwelling unit per story up to and including a maximum of 400 square feet.
(8) If the total lot coverage is less than ten percent: subtract 100 square feet per dwelling unit.
(9) If the property adjoining the multiple residence site is zoned for either R-1A, R-1, and R-2 DISTRICT add 400 square feet per dwelling unit.
(10) For each bedroom in excess of two in any one dwelling unit: add 400 square feet.
(c) Where a lot has less area or width than herein required and was on record at the time of the passage of this Ordinance, that lot may be used only for single fam'l' dwelling purposes, unless such lot is replatted as required by Ordinance 49, "The Subdivision Regulations of the Village of Minnetonka" in such a way as to provide the minimum area required.
6. Lot Width and Depth Regulations:
A lot on which there is erected a multiple dwelling shall have a minimum width of not less than one hundred and thirty (130) feet at the building setback line, and a minimum depth of not less than one hundred and twenty-five (125) feet.
7. Lot Coverage Regulatiions.
Not more than twenty (20) percent of a lot or plot shall be occupied by buildings.
8. Minimum Floor Area:
The minimum floor area of an efficiency dwelling unit shall be not less than 400 net square feet, that of a one bedroom dwelling unit shall be not less than 700 net square feet, and that of a two bedroom dwelling unit shall be not less than 900 net square feet. Units containing three or more bedrooms shall have an additional 150 net square feet of floor area for each bedroom in excess of two bedrooms.
For the purposes of measurement, the net floor area of a dwelling unit shall mean that area within a building used as a single dwelling unit, and [illegible] be measured from the inside of

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outside walls to the center of partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or unenclosed public porches, separate utility rooms, furnace areas or rooms, storage areas not within the apartment or garages.

Subdivision 6. Design and Construction Requirements.

1. Design Review:
A building permit for a multiple dwelling must be approved by the Village Planning Commission and Village Council in the manner set forth in SUBDIVISION 2 of SECTION 20 CONDITIONAL USE PERMITS and the Planning Commission and Council may designate conditions or guarantees in connection therewith as will, secure substantially the provisions of this District.
2. Building Design and Construction:
A building permit for a multiple residence building containing more than 4 dwelling units shall not be issued unless the applicant's building plans, including the site plan, are certified by an architect registered in the State of Minnesota, stating that the design of the building and site has been prepared under his direct supervision. Any building of Type 1 or Type 11 construction, as provided in the Minneapolis Building Code incorporated by reference by Section 400:26 of the 1962 Code of Ordinances, shall have its electrical, mechanical and structural systems designed by registered engineers. Provisions of this paragraph shall in no way prohibit the preparation of the site plan by a professional site planner.
3. Type of Construction.
Any building more than two and one-half stories in height shall be of Type 1 or Type 11 construction as provided in said Minneapolis Building Code.
4. One Room Apartments.
No more than 20% of the dwelling units in any one building shall be one room apartments.
5. Closets and bulk Storage.
The following minimum amounts of closet and bulk storage shall be provided for each dwelling unit:
(a) One Bedroom Unit. 10 lineal feet of closet space and 80 cu. ft. of bulk storage.
(b) Two-Bedroom Unit. 24 lineal feet of closet space and 100 cu. ft. of bulk storage.
(c) Three or More Bedrooms. For each bedroom in excess in of two in any one dwelling unit, an additional 10 lineal feet of closet space and 50 cu. ft. of bulk storage.
(d) Only closet space having a minimum clear finish to finish depth of 2'0" shall be considered in determining the lineal feet of closet provided.
6. Sound.
Party and corridor partitions and floor systems shall be of a type rated by a laboratory regularly engaged in sound testing as capable of accomplishing an average sound transmission loss (using a 9 frequency test) of not less than 50 decibels. Door systems between corridors and dwelling units shall be of solid core construction and include gaskets and closure plates. Room relationships, hallway designs, door and window placements and plumbing and ventilating installations shall be such that they assist in the control of sound transmission from unit to unit.
7. Projecting Air Conditioning and Heating Units.
Air conditioning or heating units projecting through exterior walls or windows shall be so located and designed that they neither unnecessarily generate or transmit sound nor disrupt the architectural amenities of the building. Units projecting more than 4 inches beyond the exterior finish of a building wall shall be permitted only with the written consent of the building inspector, which shall be given only when building structural systems prevent compliance.
8. Trash Incinerators and Garbage.
Except with row houses and multiple residence sites of four or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of row houses and multiple residences with four or less units, there shall be no exterior incineration, and any storage shall be completely enclosed by walls and roof.
9. Elevators.
Any multiple residence building of three stories or more shall be equipped with at least one public elevator.
10. Distance between Multiple Dwelling Buildings.
No building shall be located closer to any other building than a distance equal to the sum of their respective heights or 25 feet, whichever is greater. For townhouses, a maximum of six (6) dwelling units may be tied together provided, however, that no building face shall be longer than one hundred twenty (120) feet.
11. Accessory Buildings.
Accessory buildings shall observe the same setback requirements established for the multiple residence building except that accessory buildings located within the rear yard of the multiple residence building may be located to within 5 feet of the rear or interior side property line. The Village Council may require common walls for accessory buildings where common walls will eliminate unsightly and hazadous areas. Exteriors of accessory buildings shall have the same exterior finish as the main structure.

Subdivision 7. General Regulations.

Additional regulations in the R-3 RESIDENCE DISTRICT are set forth in SECTION 17.

Subdivision 8. Community Unit Projects.

1. Purposes:
The purpose of this Subdivision is to make provision for group housing, multiple dwelling unit apartments, or institutional projects within the R-4 RESIDENCE DISTRICT for larger tracts of land under single or unified ownership. Such Community Unit Projects shall be developed in accordance with an overall design and an integrated general development plan, be consistent with the intent and purposes of this Ordinance and not adversely affect the property adjacent to the land included in the project.
2. Regulations:
(a) The project shall conform with all of the regulations of the R-4 RESIDENCE DISTRICT.
(b) The minimum area of land to be included in a Communtiy Unit Project shall be at least five (5) acres.
(c) The Community Unit Project shall be served by public or community sewer and water systems.
(d) Private roadways within the Project shall be installed to Village specifications for public roadways.
(e) Shall provide recreation areas in the same amount and manner as provided in SUBDIVISION 7, SECTION 7.
3. Administrative Procedure:
(a) The proponents of a Community Unit Project shall submit a General Development Plan along with the application for rezoning or Conditional Use Permit to, and secure the approval of, the Village Planning Commission and Village Council. The General Development Plan shall be drawn to scale with topography of a contour interval not greater than two (2) feet. The Plan shall show:
(1) The proposed site and existing developments on adjacent properties.
(2) Proposed size, location, and arrangement of buildings.
(3) Parking areas and stall arrangement.
(4) Entrance and exit drives.
(5) Landscaping.
(6) Dimensions.
(7) Proposed sewer and water systems.
(8) Recreation areas.
(b) If the zoning change is approved, the General Development Plan is attached to and is a part of the ordinance establishing the zoning change. Any substantial change to the Plan will require a resubmission to and approved by the Planning Commission and Village Council.
(c) Owner or developer must agree to comply with all the requirements of the Village regarding lighting, noise abatement, traffic control and regulations, maintaining order and keeping the premises free from debris.

SECTION 11 B-1 LIMITED BUSINESS DISTRICT

Subdivision 1. Pupose.

The B-1 LIMITED BUSINESS DISTRICT is intended to provide a district which is related to and may reasonably adjoin high density or other residential districts for the location and development of administrative office buildings and related offices uses which are subject to more restrictive controls. The office uses allowed in this district are those in which there is limited contact with the public and no manufacturing, exterior display or selling of merchandise to the general public.

Subdivision 2. Permitted Uses.

Within a B-1 LIMITED BUSINESS DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Any use permitted in Subdivision 2, Paragraphs 2, 3, 4, 5, 6 and 7 of the R-4 RESIDENCE DISTRICT as regulated therein.
2. Offices for administrative, executive, professional, research or similar organization, and laboratories having only limited contact with the general public, provided that no merchandise or services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

Subdivision 3. Uses by Conditional Use Permit.

Within a B-1 LIMITED BUSINESS DISTRICT, no building or land shall be used for one or more of the following uses except by Conditional Use Permit:

1. Any use permitted in Subdivision 3 of the R-4 MULTIPLE FAMILY RESIDENCE DISTRICT as regulated therein except single and two family dwellings.
2. Mortuaries.
3. Music Studios.
4. Photographic Studios.
5. Interior Decorating Studios.
6. Day nurseries provided that not less than fifty (50) square feet of outside play space per pupil be provided and when completely enclosed within a chain link or similar fence five (5) feet high.
7. Other business activities of the same general character as listed in Subdivision 2 of this SECTION.

Subdivision 4. Permitted Accessory Uses.

Within a B-1 LIMITED BUSINESS DISTRICT, the following uses shall be permitted Accessory Uses:

1. Accessory Uses customarily incident to the uses permitted in Subdivisions 2 and 3 of this SECTION.
2. Off-street parking and loading as regulated by SECTION 17.
3. Signs as regulated by SECTION 17.

Subdivision 5. Height, Yard and Lot Coverage Regulations.

1. Height Regulations:
No building shall hereafter be erected or structurally altered to exceed four (4) stories or forty-five (45) feet in height, provided further that any building exceeding three (3) stories in height shall set back from all yard lines required in this SECTION an additional distance of one (1) foot for every one (1) foot that the building exceeds the height of thirty (30) feet.
2. Front Yard Regulations:
(a) There shall be a front yard having a depth of not less than fifty (50) feet.
(b) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of each corner lot. No accessory buildings shall project beyond the front yard line of either street.
3. Side Yard Regulations:
(a) There shall be a side yard, on each side of a building, having a width of not less than fifteen (15) feet,
(b) except that no building shall be located within thirty (30) feet of any side lot line abutting a lot in any R-1A, R-1 or R-2 RESIDENTIAL DISTRICTS.
4. Rear Yard Regulations:
There shall be a rear yard having a depth of not less than fifty (50) feet.
5. Lot Coverage Regulations:
Not more than twenty-five (25) percent of a lot or plot shall be occupied by buildings.

Subdivision 6. General Regulations.

Additional regulations in the B-1 LIMITED BUSINESS DISTRICT are set forth in SECTION 17.

SECTION 12 B-2 SHOPPING CENTER BUSINESS DISTRICT

Subdivision 1. Purpose.

The B-2 SHOPPING CENTER BUSINESS DISTRICT is intended to provide a district which may be applied to land in single ownership or unified control for the purpose of developing a planned business center with a unified and organized arrangement of buildings and service facilities at locations which are suitable for such use.

Subdivision 2. Permitted Uses.

Within a B-2 SHOPPING CENTER BUSINESS DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Any use permitted in the B-1 BUSINESS DISTRICT, except that no dwellings shall be permitted.
2. Antique or gift shop.
3. Apparel shops.
4. Appliance store.
5. Art and school supply.
6. Artists' Studio.
7. Automobile sales, in Community and Regional Shopping Cen-

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ters only.
8. Bakery or pastry shop selling retail only.
9. Beverage store.
10. Boat sales in Community and Regional Shopping Centers only.
11. Bowling alley, in Community and Regional Shopping Centers only.
12. Bank, savings institution.
13. Barber or beauty shop.
14. Bicycle sales and repair shop.
15. Book or stationery store.
16. Bus Station.
17. Business, commercial, or trade schools.
18. Department store, in Community and Regional Shopping Centers only.
19. Candy, ice cream, soft drinks, or confectionery stores, excluding drive-in type of service.
20. Card Shop.
21. Camera, or photographic supply store.
22. Carpet and rug store.
23. China and glassware stores.
24. Clinics, for people only.
25. Clothing or ready-to-wear stores.
26. Curtain and Drapery store.
27. Dancing school.
28. Delicatessen.
29. Drug Store.
30. Dry cleaning or laundry collection stations, including on the premises cleaning and laundry, provided sewage disposal and water supply meet Village and State Health Department standards.
31. Dry goods or notion store.
32. Electrical appliance store.
33. Fabric store.
34. Florists' or Gift Shop.
35. Furniture store.
36. Grocery, fruit, or vegetable store.
37. Hardware store.
38. Hobby store.
39. Interior Decorator's Studio.
40. Jewelry store.
41. Key shop.
42. Launderettes or self-service laundries, provided sewage disposal and water supply meet Village and State Health Department standards.
43. Leather goods and luggage shop.
44. Library.
45. Loan and finance companies.
46. Mortuary or funeral home.
47. Music studios and musical instrument store.
48. Newsstand.
49. Nursery or garden store.
50. Offices, business or professional, including ticket sales.
51. Optical laboratory.
52. Paint, wallpaper stores.
53. Pet Shop.
54. Photographers studio.
55. Physical culture and health clubs, gyms.
56. Pipe and tobacco shop.
57. Plumbing, television, or radio repair when operated as an accessory use to a retail sales establishment.
58. Postal sub-station.
59. Radio and television service and repair.
60. Record Shop.
61. Restaurant, tea room, cafe, tavern, excluding drive-in type of service.
62. Sewing machine sales and service shop.
63. Shoe store or shoe repair shop.
64. Sporting goods store.
65. Stationery store.
66. Stock Broker.
67. Tailor shop.
68. Telephone Booth (outside).
69. Theatre, excluding drive-in type of service, in Community and Regional Shopping Centers only.
70. Toy store.
71. Taxi stand.
72. Taxidermy shop.
73. Variety store, five and ten cent store.
74. Wearing apparel store.

Subdivision 3. Uses by Conditional Use Permit.

Within a B-2 SHOPPING CENTER BUSINESS DISTRICT, no building or land shall be used for one or more of the following uses except by Conditional Use Permit:

1. Service stations for gasoline and oil and tire, battery, and accessory stores, excluding body repair and major motor repair and provided they are included as an integral part of the Shopping Center General Development Plan design.
2. Outdoor displays.
3. Other business activities of the same general character as listed in Subdivision 2 of this SECTION.

Subdivision 4. Permitted Accessory Uses.

Within a B-2 SHOPPING CENTER BUSINESS DISTRICT, the following uses shall be Permitted Accessory Uses:

1. Accessory uses customarily incidental to the uses permitted in Subdivisions 2 and 3 of this SECTION.
2. Off-street parking and loading as regulated by SECTION 17.
3. Signs as regulated by SECTION 17.

Subdivision 5. Height, Yard, Area, and Lot Coverage Regulations.

1. Height Regulations:
   (a) No building shall hereafter be erected or structurally altered to exceed four (4) stories or forty-five (45) feet in height.
   (b) Except that in Regional Shopping Centers this height may be increased to one hundred (100) feet in height provided that any building exceeding four (4) stories or forty-five (45) feet in height shall set back from all yard lines required in this SECTION an additional distance of one (1) foot for every one (1) foot that the building exceeds the height of forty-five (45) feet.
2. Front Yard Regulations:
   (a) There shall be a front yard having a depth of not less than fifty (50) feet,
   (b) except that on every lot in a B-2 BUSINESS DISTRICT that is located across the street from any of the CLASSES OF RESIDENCE DISTRICTS there shall be a front yard of not less than one hundred (100) feet, provided, however, that where such a street is a limited access highway with at least one hundred and fifty (150) feet of right-of-way width, the front yard may have a depth of not less than fifty (50) feet.
3. Side Yard Regulations:
   (a) There shall be a side yard, on each side of a building, having a width of not less than fifty (50) feet,
   (b) except that no building shall be located within one hundred (100) feet of any side lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
4. Rear Yard Regulations:
   (a) There shall be a rear yard having a depth of not less than fifty (50) feet,
   (b) except that no building shall be located within one hundred (100) feet of any rear lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
5. Lot Area Regulations:
   The minimum area of land to be included in a B-2 BUSINESS DISTRICT shall be at least five (5) acres.
6. Lot Coverage Regulations:
   Not more than twenty-five (25) percent of the lot or plot area shall be occupied by buildings.

Subdivision 6. General Regulations.

1. All required yards excluding those which may be used for off-street parking as set forth in SECTION 17 shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.
2. All business shall be conducted within an enclosed yard or building, except by Conditional Use Permit as provided in Subdivision 3 of this SECTION.
3. Additional regulations in the B-2 BUSINESS DISTRICT are set forth in SECTION 17.

Subdivision 7. Administrative Procedure.

1. The proponents of a B-2 BUSINESS DISTRICT SHOPPING CENTER shall submit a General Development Plan (along with the application for rezoning) to, and secure the approval of, the Village Planning Commission and Village Council. The General Development Plan shall be drawn to scale. The Plan shall show:
   (a) The proposed site and existing developments on adjacent properties.
   (b) Proposed general size, location, and arrangement of buildings.
   (c) Parking areas and stall arrangement.
   (d) Entrance and exit drives.
   (e) Buffers, their location and height.
   (f) Approximate dimensions.
   (g) Proposed utility and drainage plans.
2. If the zoning change is approved, the General Development Plan is attached to and is a part of the Ordinance establishing the zoning change. Any substantial change to the Plan affecting the Plan requirements set forth in Paragraph 1 of this summary will require a submission to and approval by the Planning Commission and Village Council.
3. If the zoning change is approved, the first phase of construction must begin or show reasonable progress within three (3) years for neighborhood shopping centers, four (4) years for community shopping centers, and six (6) years for regional shopping centers after approval of the General Development Plan and zoning change by Ordinance or the District may be zoned back to its original Zoning District Classification or other appropriate Zoning District Classification.
4. Requirements with regard to lighting, noise abatement, traffic control and regulation, maintaining order, and keeping the premises free from debris, may be set forth by the Planning Commission and Village Council, after review with the owner or developer, and included as a part of the General Development Plan.

SECTION 13 B-3 SERVICE BUSINESS DISTRICT

Subdivision 1. Purpose.

The B-3 SERVICE BUSINESS DISTRICT is designed to furnish areas served by other retail business districts with a wide range of services and goods which might otherwise be incompatible with the uses permitted in retail business districts. This district is intended as a business district which may be located in separate areas adjacent to shopping centers and other retail business districts and thus help to keep the basic retail areas compact and convenient, and in other separate areas to provide a district which may be located in close proximity to a major thoroughfare or highway in order that highway service types of land uses can be provided.

Subdivision 2. Permitted Uses.

Within a B-3 SERVICE BUSINESS DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Automobile sales and used car lots.
2. Automobile service stations, as defined by Section 800 of the Village Code of Ordinances.
3. Billiard or pool hall.
4. Bowling alleys.
5. Drive-in retail stores or service uses.
6. Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles.
7. Nursery, garden, fruit and vegetable stores.
8. Marine and boat sales.
9. Miniature golf course, or archery or golf driving range.
10. Motel, motor hotel, or tourist camp.
11. Professional offices.
12. Restaurant, tea room, or cafe.

Subdivision 3. Uses by Conditional Use Permit.

Within a B-3 SERVICE BUSINESS DISTRICT, no building or land shall be used for one or more of the following uses except by Conditional Use Permit:

1. Other business activities of the same general character as listed in Subdivision 2 of this SECTION.
2. Tavern.

Subdivision 4. Permitted Accessory Uses.

Within a B-3 SERVICE BUSINESS DISTRICT, the following uses shall be Permitted Accessory Uses:

1. Accessory uses customarily incident to the uses permitted in Subdivision 1 and 2 of this SECTION.
2. Off-street parking and loading as regulated by SECTION 17.
3. Signs as regulated by SECTION 17.

Subdivision 5. Height, Yard, Lot Coverage Regulations, and required buffers.

1. Height Regulations:
   No building shall hereafter be erected or structurally altered to exceed two (2) stories or thirty (30) feet in height.
2. Front Yard Regulations:
   (a) There shall be a front yard having a depth of not less than fifty (50) feet,

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3. Side Yard Regulations:
   (a) There shall be a side yard, on each side of a building, having a width of not less than fifteen (15) feet, except where a greater side yard is required to provide parking and loading as required by SECTION 17.
   (b) except that no building shall be located within thirty (30) feet of any side lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
4. Rear Yard Regulations:
   (a) There shall be a rear yard having a depth of not less than fifteen (15) feet, except where a greater yard is required to provide parking and loading as required by SECTION 17,
   (b) and except that no building shall be located within thirty (30) feet of any rear lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
5. Lot Coverage Regulations:
   Not more than fifty (50) percent of the lot or plot area shall be occupied by buildings.
6. Required Buffers:
   The required front, rear and side yard for this District shall also be provided with a buffer, as defined in this Ordinance, which will adequately screen this use from the sight of surrounding properties which are in any of the CLASSES OF RESIDENCE DISTRICTS.

Subdivision 6. General Regulations:
Additional Regulations in the B-3 BUSINESS DISTRICT are set forth in SECTION 17.

SECTION 14. B-4 GENERAL BUSINESS DISTRICT

Subdivision 1. Purpose.
The B-4 GENERAL BUSINESS DISTRICT is intended to provide a district which will allow general commercial uses which, due to their size and nature, would not conform to other business districts.

Subdivision 2. Permitted Uses.
Within a B-4 GENERAL BUSINESS DISTRICT, no building or land shall be used except for one or more of the following uses:
1. Any use permitted in the B-1 LIMITED BUSINESS DISTRICT and B-2 SHOPPING CENTER BUSINESS DISTRICT, except that no dwellings shall be permitted.
2. Animal or pet shop.
3. Armories, convention hall, or exhibition hall.
4. Auto laundries or car wash.
5. Billboards, as regulated by SECTION 17.
6. Billiard or pool hall.
7. Bowling alley.
8. Cabinet or carpenter shop employing not more than four (4) persons engaged in the manufacturing process.
9. Cat and dog hospital.
10. Commercial radio or television broadcasting stations or transmitting stations and towers.
11. Dance hall.
12. Dyeing and cleaning plants, employing not more than ten (10) persons engaged in the dyeing and cleaning process.
13. Frozen food lockers for individual or family use.
14. Garages. (Repair)
15. Garden supply store.
16. Greenhouses (commercial).
17. Ice delivery station.
18. Job printing, newspapers, lithographing, and publishing.
19. Medical supply store.
20. Municipal or government buildings.

Subdivision 3. Uses by Conditional Use Permit.
Within a B-4 GENERAL BUSINESS DISTRICT, no building or land shall be used for one or more of the following uses except by Conditional Use Permit:
1. Any use permitted in Subdivision 3 of the B-2 SHOPPING CENTER BUSINESS DISTRICT, as regulated therein, except that no dwellings shall be permitted.
2. Other general business activities of the same general character as listed in Subdivision 2 of this SECTION.
3. Public utility srtuctures.
4. Nightclub or tavern.

Subdivision 4. Permitted Accessory Uses.
Within a B-4 GENERAL BUSINESS DISTRICT, the following uses shall be Permitted Accessory Uses:
1. Accessory uses customarily incident to the use permitted in Subdivisions 2 and 3 of this SECTION.
2. Off-street parking and loading as regulated by SECTION 17
3. Signs as regulated by SECTION 17.

Subdivision 5. Height, Yard, and Lot Coverage Regulations:
1. Height Regulations:
   No building shall hereafter be erected or structurally altered to exceed two (2) stories or thirty (30) feet in height.
2. Front Yard Regulations:
   There shall be a front yard having a depth of not less than fifty (50) feet.
3. Side Yard Regulations:
   (a) No side yard shall be required,
   (b) except that no bulding shall be located within fifty (50) feet of any side lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
4. Rear Yard Regulations:
   (a) There shall be a rear yard having a depth of not less than fifteen (15) feet except where a greater rear yard is required to provide parking and loading as required by SECTION 17,
   (b) except that no building shall be located within fifty (50) feet of any rear lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
5. Lot Coverage Regulations:
   Not more than sixty (60) percent of a lot or plot shall be occupied by buildings.

Subdivision 6. General Regulations.
Additional regulations in the B-4 BUSINESS DISTRICT are set forth in SECTION 17.

SECTION 15 I-1 PLANNED INDUSTRIAL DISTRICT

Subdivision 1. Purpose.
The PLANNED INDUSTRIAL DISTRICT is intended to be located in those areas of the Village in close proximity to existing or estimated future residential concentrations. It is recognized that, while the Village is predominately residential in character, industrial uses are an important part of the Village land use pattern. The regulations for this District are intended to encourage initial industrial development that is compatible with surrounding or abutting residential districts. To accomplish this compatibility, development in the Planned Industrial District:
1. is limited to administrative, wholesaling, manufacturing, and related uses that can be carried on in an unobtrusive manner,
2. is limited to a low concentration of activity,
3. must provide suitable open spaces, landscaping and parking areas, and
4. must establish a high standard of appearance and external effects (such as noise, smoke, etc.) are to be limited.

Subdivision 2. Permitted Uses.
Within an I-1 PLANNED INDUSTRIAL DISTRICT, no building or land shall be used except for one or more of the following uses:
1. Wholesale business and office establishments.
2. Storage or warehouse.
3. Research, experimental, or testing stations.
4. Camera and photographic supplies manufacture.
5. Cartography and bookbinding.
6. Electrical and electronic products manufacture.
7. Electrical service shops.
8. Engraving, printing, and publishing.
9. Jewelry manufacture.
10. Medical, dental, and optical laboratories.
11. Musical instruments manufacture.
12. Railroad rights of way.

Subdivision 3. Uses by Conditional Use Permit.
Within an I-1 PLANNED INDUSTRIAL DISTRICT, no building or land shall be used for one or more of the following uses except by Conditional Use Permit:
1. Other industrial uses of the same general character as listed in Subdivision 2 of this SECTION.
2. Retail and service establishments essential to the operation of an I-1 PLANNED INDUSTRIAL DISTRICT.

Subdivision 4. Permitted Accessory Uses.
Within an I-1 PLANNED INDUSTRIAL DISTRICT, the following uses shall be permitted accessory uses:
1. All uses customarily incident to the uses permitted in Subdivision 2 and 3 of this SECTION.
2. Off-street parking and loading as regulated by SECTION 17.
3 Signs as regulated by SECTION 17.

Subdivision 5. Height, Yard, Frontage, Area and Lot Coverage Regulations.
1. Height Regulations:
   No building shall hereafter be erected to exceed a height of thirty-five (35) feet.
2. Front Yard Regulations:
   (a) There shall be a front yard having a depth of not less than fifty (50) feet between buildings and the street right of way,
   (b) except where the District abuts or adjoins a residential district across the street, there shall be a front yard having a depth of not less than one hundred(100) feet.
3. Side Yard Regulations:
   (a) There shall be two (2) side yards, one (1) on each side of a building each of a width of not less than thirty (30) feet,
   (b) except where the District abuts or adjoins a residential district, the side yard abutting said residential district shall be of a width of not less than seventy (70) feet.
4. Rear Yard Regulations:
   (a) There shall be a rear yard having a depth of not less than thirty (30) feet,
   (b) except where the District abuts or adjoins a residential district, there shall be a rear yard of not less than one hundred(100) feet.
5. Lot Area Regulations:
   Every individual lot, site, or tract shall have an area of not less than two (2) acres.
6. Minimum District Area Regulations:
   No I-1 PLANNED INDUSTRIAL DISTRICT shall be established on any tract, the total area of which is less than forty (40) acres, in a single ownership or under unified control; this requirement may be waived when the tract abuts or adjoins an existing PLANNED INDUSTRIAL DISTRICT or INDUSTRIAL DISTRICT.
7. Frontage Regulations:
   Every lot or tract shall have a width of not less than one hundred and ten (110) feet abutting a public right of way.
8. Lot Coverage Regulations:
   Not more than thirty (30) percent of the total area of a lot shall be covered by buildings.

Subdivision 6. Procedures and Design Standards.
1. All petitions for rezoning to establish or expand an I-1 PLANNED INDUSTRIAL DISTRICT must also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required must be filed with the Village Clerk and Planning Commission as required by Ordinance No 49. the Subdivision Ordinance of the Village of Minnetonka.
2. All public right of ways within I-1 PLANNED INDUSTRIAL DISTRICT shall be considered collector streets or thoroughfares as defined in Ordinance No. 49, Subdivision Ordinance of the Village of Minnetonka.
3. Upon finding by the Planning Commission and Village Council that the proposed I-1 PLANNED INDUSTRIAL DISTRICT and preliminary plat will constitute an industrial district of sustained desirability, will be consistent with long range comprehensive plans for the Village and meet the requirements of the I-1 PLANNED INDUSTRIAL DISTRICT, the Village Council may establish an I-1 PLANNED INDUSTRIAL DISTRICT on the property included in the preliminary plat. The preliminary plat as approved, together with such covenants, deed restrictions, controls, variances or special permits as may be attached to it, shall be filed and recorded by the owner or developer in his office of the Hennepin County Registrar of Deeds and shall become a part of the Ordinance establishing the zoning change. Any substantial change to the Plan will require resubmission to and approval by the Planning Commission and Village Council.
4. The final platting of land zoned I-1 PLANNED INDUSTRIAL DISTRICT shall be subject to such requirements for approval, recording, and the installation of improvements as required by Ordinance, No. 49, the Subdivision Regulations of the Village of Minnetonka.
5. Prior to obtaining a building permit or constructing any building improvements on an individual lot or site within an I-1 PLANNED INDUSTRIAL DISTRICT, five (5) copies of the site plan or proposed improvements shall be submitted to and reviewed by the Planning Commission and Village Council. Such site plan shall show the location and extent of proposed buildings, parking, loading, access drives, landscaping, sewage and water systems, and any other improvements. Plans will be examined for compliance with the recorded preliminary plat and attachments thereto and the Planning Commission shall consider the plans and make its recommendations to the Village Council which shall have the power to approve or disapprove the same.

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6. When, in the opinion of the Planning Commission and or Village Council, lands should be zoned Planned Industrial District, petitions for such rezoning may be initiated by the Village Council. When such petitions, so initiated by the Village Council, result in amendment of the Zoning Ordinance to add such a Planned Industrial District to the Zoning Ordinance, no building permits shall be issued for lands in this district until the owner of such lands has filed a preliminary and final plat as required by Ordinance No. 49, the Subdivision Ordinance of the Village of Minnetonka. Provided, however, that where no additional streets are required, divisions of the property may be made by registered land survey or metes and bounds as provided by Section 7 or Ordinance No. 49, the Subdivision Ordinance of the Village of Minnetonka. And provided further than where such lands zoned Planned Industrial District, under one ownership, are to be used by a single industrial use, this shall be permitted subject to Paragraph 5 of this Subdivision.

Subdivision 7. General Regulations.

Additional regulations in the I-1 PLANNED INDUSTRIAL DISTRICT are set forth in SECTION 17.

Subdivision 8. Performance standards.

1. Intent:

It is the intent of this Subdivision to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

2. Standards:

(a) Landscaping. All required yards shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining any of the CLASSES OF RESIDENCE DISTRICTS shall be landscaped with buffer planting screens. Plans of such screens shall be submitted for approval as a part of the site plan and installed prior to issuance to a building permit for any tract in the district, or if such planting buffers are not to be installed until after completion of the building, the owner shall be required to deposit an amount equal to one and one half times the Village engineer's estimated cost of such planting, either in cash or indemnity bond which shall be held until such planting is completed, or one year from the date of Certificate of Occupancy, after which the cash or bond shall be forfeited.

(b) Noise. Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittance, beat frequency, shrillness or intensity. At the property line, the sound pressure level of noise radiated continuously from a facility shall not exceed the values given in Table 1 in any octave band frequency. The sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published by the American Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24. 10-1953, American Standards Association, Inc., New York, N.Y., shall be used.

TABLE 1

Maximum permissible sound-pressure levels at specified points of measurement for noise radiated continuously from a facility.

Frequency Band Cycles Per Second	Decibel* Level
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28
10,000 - 20,000	26
20,000 - 30,000	25
30,000 - 40,000	24
40,000 - 50,000	23

*According to the following formula

Sound Pressure level in Decibels
equals 10 log P1/P2
where Pequals 0.0002 dynes / cm2

(c) Odors. Odors from any use hereafter begun shall not be discemible at the property line to a greater degree than odors from plants for the manufacture or fabrication of books, textile weaves, electronic equipment, or other plants in which operations do not result in greater degree of odors. The values given in Table III (Odor Thresholds) Chapter 5, "Physiological Effects", in the "Air Pollution Abatement Manual", by the Manufacturing Chemists' Association, Inc., Washington, D. C. copyright 1951, shall be used as standard in case of doubt concerning the character of odors emitted. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.

(d) Glare. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

(e) Exterior Lighting. Any lights used for exterior illumination shall direct light away from adjoining properties.'

(f) Vibration. Vibration shall not be discemible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration of any kind shall not produce at any time an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting", on any structure The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.

(g) Smoke. Measurements shall be of the point of emission. The Ringelman Smoke Chart published by the United States Bureau of Mines shall be used for the measurement of smoke. Smoke not darker or more opaque than No. 1 on said chart may be emitted except that smoke not darker or more opaque than No. 2 on said chart may be emitted for periods not longer than four (4) minutes in any thirty (30) minutes. These provisions, applicable to visible grey smoke, shall apply to visible smoke of a different color but with an equivalent apparent opacity.

(h) Dust. Solid or liquid particles shall not be emitted at any point in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Farenheit and 50% excess air.

(i) Fumes or gases. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table 1 (Industrial Hygiene Standards - Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds,) Table IV(Concentrations of substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Injury to Vegetation) in the latest revision of Chapter 5, "Physiological Effects", that contains such tables, in the "Air Polution Abatement Manual", by the Manufacturing Chemists' Association, Inc., Washington, D. C., are hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.

(j) Hazard. Every operation shall be carried on with reasonable precautions against fire and explosion hazards.

(k) Water Supply. The design and construction of water supply facilities and water supply source shall be in accord with Village amd Minnesota State Department of Health standards and requirements. All necessary permits from the Division of Waters, Department of Conservation, shall be attached to the proposed plans when submitted.

(l) Waste. All sewage and industrial wastes shall be treated and disposed of in such manner as to comply with Village and Minnesota State Department of Health standards and requirements, and the Minnesota Water Pollution Control Commission standards and requirements.

3. In order to insure compliance with the performance standards set forth above, the Village Council may require the owner or operator of any permitted use to have made such investigations and/or tests as may be required to show adherence to the performance standards. Such investigation and/or tests as are required to be made shall be carried out by an independent testing organization as may be selected by the Village. The costs incurred in such investigation or testing shall be ordered by the owner or operator and shared equally by the owner or operator and the Village of Minnetonka unless the investigation and tests disclose noncompliance with the performance standards; in which situation the entire investigation or testing cost shall be paid by the owner or operator.

SECTION 16 I-2 GENERAL INDUSTRIAL DISTRICT

Subdivision 1. Purpose.

The I-2 GENERAL INDUSTRIAL DISTRICT is intended to provide a district which will allow general industrial uses which, due to their size and nature, would not conform to the PLANNED INDUSTRIAL DISTRICT.

Subdivision 2. Permitted Uses.

Within an I-2 GENERAL INDUSTRIAL DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Any use permitted in the I-1 INDUSTRIAL DISTRICT.
2. Bottling establishment.
3. Building materials sales and storage.
4. Cartage and express facilities.
5. Contractors' offices, shops, and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry, electrical, and refrigeration.
6. Drycleaning establishments, laundries.
7. Electric light or power generating station.
8. Freight terminal.
9. Fuel and ice sales and storage.
10. Garages for storage, repair, and servicing of motor vehicles.
11. Highway maintenance shops and yards.
12. Monument works.
13. Printing.
14. Public service structures including power substations, gas regulator stations, sewage disposal plant, telephone exchange, police or fire station, elevated tanks, and water works.
15. Manufacturing, processing, storage, servicing, and testing, provided such use or uses shall comply with the performance standards in I-2 INDUSTRIAL DISTRICTS.

Subdivision 3. Use by Conditional Use Permit.

Within an I-2 GENERAL INDUSTRIAL DISTRICT, no building or land shall be used for one or more of the following uses except by Conditional Use Permit:

1. Any conditional use permitted in the I-1 PLANNED INDUSTRIAL DISTRICT, as regulated therein.
2. Extraction, processing or storage of sand, gravel, stone or other raw material.
3. Other general industrial activities of the same general character as listed in Subdivision 2 of this SECTION.

Subdivision 4. Permitted Accessory Uses.

Within an I-2 GENERAL INDUSTRIAL DISTRICT, the following uses shall be Permitted Accessory Uses:

1. Accessory uses customarily incidental to the uses permitted in Subdivisions 2 and 3 of this SECTION.
2. Off-street parking and loading as regulated by SECTION 17.
3. Signs as regulated by SECTION 17.

Subdivision 5. Height, Yard, and Lot Coverage Regulations and Required Buffer.

1. Height Regulations:

No building shall hereafter be erected or structurally altered to exceed three (3) stories or forty (40) feet in height.

2. Front Yard Regulations:

(a) There shall be a front yard having a depth of not less than twenty-five (25) feet,

(b) except that on every lot that is located across the street from any of the CLASSES OF RESIDENCE DISTRICTS there shall be a front yard of not less than one hundred (100) feet.

(c) There shall be a front yard of not less than fifty (50) feet on a lot or plot that abuts a thoroughfare as shown on the adopted Village Thorughfare Plan.

3. Side Yard Regulations:

(a) No side yard shall be required,

(b) except that no building shall be located within one hundred (100) feet of any side lot line abutting any of the CLASSES OF RESIDENCE DISTRICTS;

(c) except that no building shall be located within fifty (50) feet of any side lot abutting any other BUSINESS or INDUSTRIAL DISTRICT.

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4. Rear Yard Regulations:
   (a) There shall be a rear yard having a depth of not less than fifteen (15) feet except where a greater side yard is required to provide parking and loading as required by SECTION 17.
   (b) except that no building shall be located within one hundred (100) feet of any rear lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS;
   (c) except that no building shall be located within fifty (50) feet of any rear lot line abutting any other BUSINESS or INDUSTRIAL DISTRICT.
5. Lot Coverage Regulations:
   Not more than sixty (60) percent of the lot or plot shall be occupied by buildings.
6. Required Buffers:
   The required front, rear and side yard for this District shall also be provided with a buffer, as defined in this Ordinance, which will adequately sceen uses in this District from the sight of surrounding properties which are in any of the CLASSES OF RESIDENCE DISTRICTS.

Subdivision 6. General Regulations.

Additional Regulations in the I-2 INDUSTRIAL DISTRICT are set forth in SECTION 17.

Subdivision 7. Performance Standards.

1. Intent:
   It is the intent of this subsection to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:
2. Standards:
   (a) Landscaping. All required yards shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining residential districts shall be landscaped with buffer planting screens. Such screens shall be installed as set forth in SECTION 15, Subdivision 7, Paragraph 2 (a).
   (b) Noise. Noise shall be measured on any property line of the tract in which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittance, beat frequency, shrilliness or intensity. At the property line, the sound pressure level of noise radiated continuously from a facility shall not exceed the values given in Table 1 in any octave band frequency. The sound pressure an Octave Band Analyzer that conform to specifications published by the American Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24. 10-1953, American Standards Association, Inc., New York, N.Y., shall be used.
   (c) Odors. Odors from any use hereafter begun shall not be discemible at the property line to a greater degree than odors from plants for the manufacture of fabrication of books, textile weaves, electronic equipment, or other plants in which operations do not result in greater degree of odors. The values given in Table III (Odor Thresholds) Chapter 5, "Physiological Effects," in the "Air Pollution Abatement Manual," by the Manufacturing Chemists' Association, Inc., Washington, D.C., copyright 1951, shall be used as standard in case of doubt concerning the character of odors emitted. In such case the smallest value given in Table III shall be the maximum odor permitted. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.

TABLE I

Maximum permissible sound-pressure levels at specified points of measurement for noise radiated continuously from a facility.

Frequency Band Cycles Per Second	Decibel* Level
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28
10,000 - 20,000	26
20,000 - 30,000	25
30,000 - 40,000	24
40,000 - 50,000	23

*According to the following formula

Sound Pressure level in Decibels
equals 10 log P1/P2
where P equals 0.002 dynes/cm2

All signs hereafter erected or maintained, except official, traf-

   (d) Glare. Glare, whether director or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
   (e) Exterior Lighting. Any lights used for exterior illumination shall direct light away from adjoining properties.
   (f) Vibration. Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration of any time shall not produce at any time an accelaration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting," on any structure. The methods and equations of said Bulletin No. 442 shall be used to compute all values for the endorcement of this provision.
   (g) Smoke. Measurements shall be of the point of emission. The Ringelman Smoke Chart published by the United States Bureau of Mines shall be used for the measurement of smoke. Smoke not darker or more opaque than No. 1 on said chart may be emitted except that smoke not darker or more opaque than No. 2 on said chart may be emitted for periods not longer than four (4) minutes in any thirty (30) minutes. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.
   (h) Dust. Solid or liquid particles shall not be emitted at any point in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Farenheit and 50 percent excess air.
   (i) Fumes or gases. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards-Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentration of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Injury to Vegetation) in the latest revision of Chapter 5, "Physiological Effects," that contains such tables, in the "Air Pollution Abatement Manual," by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.
   (j) Hazard. Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
   (k) Water Supply. The design and construction of water supply facilities and water supply source shall be in accord with Village and Minnesota State Department of Health standards and requirements. All necessary permits from the Division of Waters, Department of Conservation, shall be attached to the proposed plans when submitted.
   (l) Waste. All sewage and industrial wastes shall be treated and disposed of in such manner as to comply with Village and Minnesota State Department of Health standards and requirements, and the Minnesota Water Pollution Control Commission standards and requirements.
3. In order to insure compliance with the performance standards set forth above, the Village Council may require the owner or operator of any permitted use to have made such investigations and or tests as may be required to show adherence to the performance standards. Such investigation and or tests as are required to be made shall be carried out by an independent testing organization as may be selected by the Village. The costs incurred in such investigation or testing shall be ordered by the owner or operator and shared equally by the owner or operator and the Village of Minnetonka unless the investigation and tests disclose noncompliance with the performance standards; in which situation the entire investigation or testing cost shall be paid by the owner or operator.

SECTION 17 GENERAL REGULATIONS

Subdivision 1. Sign Regulations.

All signs hereafter erected or maintained, except official, traffic and street signs, shall conform with the provisions of this Subdivision and any other Ordinance or Regulations of the Village.

1. Signs in R-1A, R-1, R-2, R-3 and R-4 Residence Districts.
   (a) In all CLASSES OF RESIDENCE DISTRICTS, no sign shall be erected except the following:
      (1) A name plate sign, or professional name plate sign, identifying the owner or occupant of a building or dwelling unit provided the surface area does not exceed two (2) square feet. This sign may be placed in any front yard, but in no case may it be placed in any side yard and on corner lots such signs shall be subject to provisions of Subdivision 3, Paragraph 2-(h) of this SECTION. Such signs may be illuminated.
      (2) One identification sign, not to exceed thirty (30) square feet in surface area, for the following uses: church, school, hospital, sanitarium, club, library or similar uses. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services. Such signs may be illuminated.
      (3) One (1) name plate sign for a dwelling group of five (5) or more units not exceeding five (5) square feet in surface area. Such signs may indicate the names and addresses of the buildings or it may be a directory for occupants.
      (4) Temporary signs advertising a new subdivision development, each subdivision or development shall be allowed the following signs:
         (a) One sign, located within the subdivision, not to exceed ninety-six (96) square feet in surface area or more than fifteen (15) feet in height. Such sign may be illuminated.
         (b) One sign, located within the subdivision, not to exceed twelve (12) square feet in surface area, or more than fifteen (15) feet in height. Such sign may be illuminated.
         (c) Unilluminated directional signs not to exceed four (4) square feet in surface area provided that each subdivision shall be limited to one such sign per major thoroughfare approach to the subdivision or development. No such sign shall be allowed on minor residential streets.
      (5) Signs as permitted and regulated in Paragraph 7 of this subdivision.
   (b) No sign except temporary signs advertising a new subdivision development shall project over ten (10) feet above grade.
   (c) All signs over four (4) square feet in surface area shall be set back at least ten (10) feet from any property line.
2. Signs in B-1 LIMITED BUSINESS DISTRICTS:
   (a) In the B-1 BUSINESS DISTRICT no sign shall be erected except the following:
      (1) One identification sign, not to exceed thirty (30) square feet in area for private educational institutions, community centers, rest homes, nursing homes, and medical and dental offices or similar use. Such signs may be illuminated.
      (2) One business sign for business and profesional office buildings not exceeding in surface area thirty (30) square feet or three (3) percent of the wall area upon which it is placed whichever is greater, and indicating only the name and address of the building, occupant or management may be displayed. For corner lots, two such signs one facing each street - shall be permitted. Such signs may be illuminated.
      (3) Business signs for conditional uses shall be limited to one pylon sign thirty-five (35) square feet in surface area or one sign fifty (50) square feet in surface area if attached to the building. Such sign may be illuminated.
      (4) Signs as permitted and regulated in Paragraph 7 of this subdivision.
   (b) No sign shall project higher than twenty-four (24) feet above average grade at the building line, or the height of the building, whichever is greater.
   (c) Identification signs, business signs, pylon signs permitted

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by conditional use permits and all signs over four (4) square feet in surface area shall be set back at least twenty (20) feet from any property line.

3. Signs in B-2 Shopping CENTER BUSINESS DISTRICTS;
   (a) In the B-2 SHOPPING CENTER BUSINESS DISTRICT no sign shall be erected except the following:
      (1) Shopping centers shall be permitted pylon or ground identification signs as follows:
         (a) Neighborhood shopping centers shall be permitted such signs not to exceed eighty (80) square feet in surface area, thirty-five (35) feet in height, and located on the shopping center property provided that each such sign shall be limited to one such sign per major thoroughfare approach to the center. Such signs may be illuminated.
         (b) Community shopping centers shall be permitted such signs not to exceed one hundred twenty (120) square feet each in surface area, thirty-five (35) feet in height, and located on the shopping center property provided that each such center shall be limited one such sign per major thoroughfare approach to the center. Such signs may be illuminated.
         (c) Regional shopping centers shall be permitted such signs not to exceed two hundred (200) square feet each in surface area, thirty-five (35) feet in height, and located on the shopping center property provided that each such center shall be limited to one such sign per major thoroughfare approach to the center. Such signs may be illuminated.
      (2) Business signs shall be limited to flat wall signs which shall not extend more than eighteen (18) inches from the face of the building, except that a sign may be placed on the roof of a covered walk or marquee in a building complex providing it does not extend above the roof or parapet line of said building. Such business signs shall not exceed one hundred (100) square feet in surface area or 20% of the building facing whichever is greater, nor shall two (2) or more smaller signs be so arranged and integrated as to create a surface area in excess of these or requirements. Such signs may be illuminated.
      (3) Signs as permitted and regulated in Paragraph 7 of this subdivision.
      (4) No sign on a building shall project above the building height in the B-2 SHOPPING CENTER DISTRICT.
      (5) All signs over four (4) square feet in surface area shall be set back at least twenty (20) feet from any property line.

4. Signs in B-3 SERVICE BUSINESS DISTRICTS, and B-4 GENERAL BUSINESS DISTRICT signs are permitted subject to the following regulations:
   (a) In the B-3 and B-4 BUSINESS DISTRICTS, signs are permitted subject to the following regulations:
      (1) The total surface area of all business signs on a lot shall not exceed the sum of two (2) square feet per lineal foot of lot frontage. No single business sign surface shall exceed seventy-five (75) square feet in surface area, nor shall two (2) or more smaller signs be arranged and integrated as to create a surface area in excess of seventy-five (75) square feet in surface area. In the case of corner lots the least width of a corner lot shall be the front for the purpose of this Ordinance. Such signs may be illuminated.
      (2) Advertising sign structures shall be limited to not more than one for a lot of two hundred (200) foot frontage or less and to only one per each additional two hundred (200) feet of additional lot frontage and in no case may such signs be so placed so as to be closer than two hundred (200) feet to any other advertising sign structure. Such structure may not contain more than two (2) signs per facing nor exceed fifty-five (55) feet in total length. No advertising sign may be erected within one hundred (100) feet of an adjoining RESIDENTIAL DISTRICT. Such signs may be illuminated.
      (3) Pylon business signs shall be permitted provided they are limited to one per frontage on a major thoroughfare and do not contain over fifty (50) square feet in surface area. Such sign may be illuminated.
      (4) Signs as permitted and regulated in Paragraph 7 of this subdivision.
   (b) No sign shall project higher than thirty-two (32) feet above average grade or in the case of signs placed upon the building above the height of the building.
   (c) Pylon business signs shall be set back at least ten (10) feet from any property line.
   (d) Wall and projecting signs may project eight (8) feet into any required yard area.
   (e) Advertising signs may project two (2) feet into the required yard area.

5. Signs in I-1 PLANNED INDUSTRIAL DISTRICTS.
   (a) Within I-1 PLANNED INDUSTRIAL DISTRICTS signs are permitted subject to the following regulations:
      (1) The total surface area of all business signs on a lot shall not exceed the sum of two (2) square feet per lineal foot of frontage, or one hundred (100) square feet in area or fifteen (15) percent of the building face upon which the sign is placed whichever is greater, nor shall two (2) or more smaller signs be so arranged and integrated as to create a surface area in excess of these requirements. In the case of corner lots the least width of a corner lot shall be the front for purposes of this Ordinance. Such signs may be illuminated.
      (2) Each building shall be permitted one (1) pylon business sign or ground identification sign not over thirty-five (35) square feet in surface area. No part of such sign may be illuminated.
      (3) Signs as permitted and regulated in Paragraph 7 of this subdivision.
   (b) No sign shall project above the permitted building height in the I-1 PLANNED INDUSTRIAL DISTRICT.
   (c) All signs over four (4) square feet in surface area, except pylon signs, shall not project more than two (2) feet into a required yard area.

6. Signs in I-2 INDUSTRIAL DISTRICTS.
   (a) Within I-2 INDUSTRIAL DISTRICTS, signs are permitted subject to the following regulations:
      (1) The total surface area of all business signs on a lot shall not exceed three (3) square feet for each lineal foot of lot frontage or three hundred (300) square feet in area, twenty (20) percent of the building facing upon which the sign is placed, whichever is the greater, nor shall two or more smaller signs be so arranged and integrated as to create a surface area in excess of these requirements. In case of corner lots, the least width of such corner lot shall be the front for the purpose of this Ordinance. Such signs may be illuminated.
      (2) Advertising signs shall be permitted as regulated in the B-4 GENERAL BUSINESS DISTRICT.
      (3) Signs as permitted and regulated in Paragraph 7 of this subdivision.
   (b) No sign shall project above the permitted building height in the I-2 INDUSTRIAL DISTRICT.
   (c) All signs over four (4) square feet in surface area shall not project more than two (2) feet into a required yard area.

7. General Provisions.
   The following regulations shall apply to all signs hereinafter permitted in all districts:
   (a) Signs shall not be permitted within the public right of way or easements except that the Village Council may grant a conditional use permit for a period not to exceed one year to allow advertising on newspaper sales stands and special permits for temporary signs and decorations to be strung across the right of way.
   (b) Illuminated flashing signs, moving signs, revolving signs, and illuminated revolving beacons, zip flashers or similar devices shall not be permitted in any use district.
   (c) Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required, to be kept in good condition, and shall be repainted, removed or painted out when in the opinion of the Village Council they are not so maintained.
   (d) No signs, except name plate signs hanging under canopies which may not exceed four (4) square feet in surface area, shall project more than twenty-four (24) inches over a public sidewalk.
   (e) No sign shall be placed that resembles any official marker erected by a governmental agency or display such words as "stop" or "danger" except that in shopping centers or other planned developments served with private streets, stop signs and other traffic control signs may be used where approved by the Village Engineer.
   (f) No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
   (g) No ground advertising sign to be primarily viewed from the Interstate Highway No. 494 shall be erected within five hundred (500) feet of any other such sign located on the same lot, tract or parcel of land located adjacent to such interstate Highway. In addition, such signs shall comply with all other use, height, setback, and sign area regulations in effect for the respective Zoning Districts.
   (h) Political signs may be permitted for a period of not more than thirty (30) days before and ten (10) days after an election period.
   (i) The owner, lessee, or manager of said ground sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.
   (j) Advertising signs, business signs and name plate signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the licensee, owner, or owner of the property upon which the sign stands upon notice of the Village Council or its representative.
   (k) Where a sign is illuminated, the source of light shall not be directed upon any part of a residence or into any of the CLASSES OF RESIDENCE DISTRICTS. Such illumination must be indirect or diffused.
   (l) A temporary unilluminated sign pertaining to the lease or sale of a building or property may be located in any use district providing such signs are not closer than ten (10) feet to any property lines and do not exceed twelve (12) square feet in surface area and ten (10) feet above grade if located in residential use districts and thirty-two (32) square feet in surface area and ten (10) feet above grade if located in other use districts.'
   (m) A temporary unilluminated sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building may be located in any use district, provided such sign shall not exceed twelve (12) square feet in surface area and ten (10) feet above grade if located in a residential use district, and thirty-two (32) square feet in surface area and ten (10) feet above grade if located in other use districts and is located no closer than ten (10) feet to any property line.
   (n) Unilluminated directional signs not to exceed four (4) square feet in surface area and ten (10) feet above grade for the following uses; church, school, hospital, sanitorium, club, library or similar use may be located in any use district provided that each shall be limited to one such sign per major thoroughfare approach. No such sign shall be allowed on minor residential streets.
   (o) Directional signs or parking lot identification signs in any parking area necessary for the orderly movement of traffic may be located in any use district provided that such sign shall not exceed fifteen (15) square feet and shall not be used as advertising space. Such sign may be illuminated.
   (p) No sign may be erected that, by reason or position, shape or color would interfere with the proper functioning of a traffic sign or signal.
   (q) Service stations may erect pylon signs with a maximum area of fifty (50) square feet which may be placed in the front yard within the front setback area, but in no case may they be placed in any side yard. On corner lots signs shall be subject to the provisions of Subdivision 3, Paragraph 2-(h) of this SECTION.
   (r) Banners and stringers may be used, for grand openings and holidays only and they shall be limited to a period of not to exceed thirty (30) days for such occasions.
   (s) Temporary signs in any required setback area may be used for grand openings and holidays only and they shall be limited to a period of not to exceed thirty (30) days for such occasions. There shall be no more than three (3) such signs on any parcel, and the total sign area shall not exceed thirty (30) square feet.
   (t) To provide reasonable flexibility in the sign regulations, set

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forth in this subdivision, the zoning administrator may, subject to the approval of the Village Council, approve an application for a sign that exceeds the number, size or height of signs permitted by these regulations where such exception would not be inconsistent with the intent of these regulations.

(u) The Council may deny the issuance of a permit for the erection of a sign otherwise permitted by this Ordinance if the Council finds that the erection of such sign would be contrary to the public interest or the general welfare; and in so finding the Council may take into consideration, but not be limited to, the proximity of other signs, traffic conditions, or aesthetic conditions.

8. Permits and Permit Fees:
   (a) When this Ordinance becomes effective, the owner or other person having control of any advertising sign (billboard) shall file an application for a permit for the maintenance and annual inspection of such sign. Application for such permits shall be accompanied by detailed plans and such other necessary information to determine the location and compliance with all applicable regulations, and a permit may be issued upon payment of the required permit fee.
   (b) The permit and annual inspection fee for all advertising signs shall be $15.00 and all permits shall expire on December 31st of each year.
   (c) An initial permit shall be required for all new business and identification signs and the permit fee shall be $15.00. There shall be no annual inspection fee for such signs.
   (d) Every sign which requires a permit shall have displayed thereon a strip showing the name of the permit holder and the number of the permit granted for such sign, with letters two (2) inches minimum in width and height and a three-eighths (3/8) inch stroke.

Subdivision 2. Off-street Parking and Loading Regulations.

1. Minimum size regulations:
   Each space shall contain a minimum area of not less than three hundred (300) square feet including access drives, a width of not less than eight and one-half (8½) feet, and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles it is designed to serve.
2. Reduction and Use of Parking and Loading Space:
   Off-street parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. Off-street parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or of sale or rent.
3. Computing Requirements:
   In computing the number of such parking spaces required the following rules shall govern:
   (a) Unless otherwise specified, floor space shall mean the gross floor area of the specific use.
   (b) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
   (c) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Village Planning Commission.
4. Yards:
   Off-street parking and loading facilities shall be subject to the front yard, side yard, and rear yard regulations for the use district in which the parking is located, unless modified by the following:
   (a) In a B-1 LIMITED BUSINESS DISTRICT no parking or loading space shall be located within twenty (20) feet of any property line.
   (b) In a B-2 SHOPPING CENTER BUSINESS DISTRICT, no parking or loading space shall be located within twenty (20) feet of any property line.
   (c) In a B-3 SERVICE BUSINESS DISTRICT, no parking or loading space shall be located within fifteen (15) feet of any property line.
   (d) In a B-4 GENERAL BUSINESS DISTRICT, no parking or loading space shall be located within fifteen (15) feet of any property line that abuts a street right of way or any of the CLASSES OF RESIDENCE DISTRICTS.
   (e) In an I-1 PLANNED INDUSTRIAL DISTRICT, no parking or loading space shall be located in any front yard or in any side yard or rear yard that abuts any of the CLASSES OF RESIDENCE DISTRICTS, and in no instance shall parking or loading space be located within fifteen (15) feet of a front, side or rear property line, except for railroad loading areas.
   (f) In an I-2 GENERAL INDUSTRIAL DISTRICT, no parking or loading space shall be located within fifteen (15) feet of any property line that abuts a street row or any of the CLASSES OF RESIDENCE DISTRICTS, except for railroad loading areas.
5. Fences and Planting Screens:
   Off-street parking and loading areas near or adjoining RESIDENCE DISTRICTS shall be screened by a fence of adequate design or a planting buffer screen; plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan and such fence or landscaping shall be installed as a part of the initial construction.
6. Access:
   (a) Parking and loading space shall have proper access from a public right of way.
   (b) The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.
   (c) In B-1, B-2, B-3 and B-4 BUSINESS DISTRICTS, direct access shall be provided to a thoroughfare as shown on the adopted Village Thoroughfare Plan or to a related service road.
   (d) Vehicular access to business or industrial uses across property in R-1, R-2 and R-3 RESIDENCE DISTRICTS shall be prohibitied.
7. Location of Parking Facilities:
   Required off-street parking space shall be provided on the same lot or an adjacent lot as the principal building or use.
8. Combined Facilities:
   Combined or joint parking facilities may be provided for one (1) or more buildings or uses in R-3 and R-4 RESIDENCE DISTRICTS, in B-1, B-2, B-3, and B-4 BUSINESS DISTRICTS, and in I-1 and I-2 INDUSTRIAL DISTRICTS, provided that the total number of spaces shall equal the sum of the requirements for each building or use, or in the case of uses which do not have parking demands at the same time the total number of spaces may be reduced provided such reduction is approved by the Village Council.
9. Construction and Maintenance:
   (a) In R-3 and R-4 RESIDENCE DISTRICTS, in B-1, B-2, B-3 and B-4 BUSINESS DISTRICTS, and in I-1 and I-2 INDUSTRIAL DISTRICTS, parking areas and access drives shall be covered with a dust-free all weather surface with proper surface drainage as required by the Village Engineering Department.
   (b) The operator of the principal building or use shall maintain parking and loading areas, access drives, and yard areas in neat and adequate manner.
10. Lighting:
    Where parking is lighted, the source of light shall not be directed upon any part of a residence or into any of the CLASSES OF RESIDENCE DISTRICTS. Such illumination must be indirect or diffused.
11. Required Site Plan:
    Any application for a building permit or for a Certificate of Occupancy shall include a site plan or plot plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this Ordinance.
12. Application of Parking and Loading Regulations:
    Off-street parking and loading regulations shall apply to all buildings, and uses of land established after the effective date of this Ordinance.
13. Required Number of Off-street Parking Spaces:
    Off-street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, and employees shall be provided on the premises of each use. The minimum number of required off-street parking spaces for the following uses shall be as follows:
    (a) Single Family Dwelling - One (1) parking space. No garage shall be converted into living space unless other acceptable off-street parking space is provided.
    (b) Two Family Dwelling - One (1) parking space for each family or dwelling unit.
    (c) There shall be provided on the site occupied by multiple dwellings and townhouses or community unit projects at least one completely enclosed parking space (garage or in main structure) and one half (½) exterior parking space for each dwelling unit.
    (d) Boarding and Lodging House - One (1) parking space for each two (2) persons for whom sleeping accommodations are provided.
    (e) Convalescent or Nursing Home - One (1) parking space for each four (4) beds for which accommodations are offered.
    (f) Public Park and Recreation Area - Five (5) parking spaces for each acre of park, playground, or playfield over two (2) acres; where public recreation area has more than one use, off-street parking shall be provided for each use.
    (g) Hospitals - One (1) parking space for each two (2) hospital beds plus one (1) parking space for each employee on the major shift.
    (h) Churches - One (1) parking space for each four (4) seats based on the design capacity of the main sanctuary.
    (i) Public Senior High School or Private High School - One (1) Parking space for each classroom plus one (1) parking space for each ten (10) students based upon design capacity.
    (k) Public Elementary, Junior High School or similar Private School - Two (2) parking spaces for each classroom.
    (l) Municipal Administration Buildings, Community Center, Public Library, Museum, Art Galleries, Post Office, and Other Municipal Service Buildings - Ten (10) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area in the principal structure.
    (m) Golf Course, Golf Clubhouse, Country Club, Swimming Club, Tennis Club, Public Swimming Pool - Twenty (20) spaces plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.
    (n) Professional offices, Medical and Dental Clinics, and Animal Hospital - One (1) parking space for each two hundred and fifty (250) square feet of floor area.
    (o) Office Buildings - Ten (10) parking spaces plus one (1) parking space for each two hundred and fifty (250) square feet of floor area over one thousand (1,000) square feet of floor area.
    (p) Shopping Center - In a B-2 SHOPPING CENTER BUSINESS DISTRICT where several business uses are grouped together according to a General Development Plan, off-street automobile parking shall be provided in a ratio of not less than three (3) square feet of gross parking area for each one (1) square foot of net rentable floor area; separate off-street parking space shall be provided for loading and unloading.
    (q) Automobile Service Station - Four (4) parking spaces plus two (2) parking spaces for each service stall; such parking spaces shall be in addition to parking space required for gas pump areas.
    (r) Auto Sales, Trailer Sales, Marine and Boat Sales, Implement Sales, Garden Supply Store, Building Materials Sale, Auto Repair - Six (6) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
    (s) Bowling Alley - Five (5) parking spaces for each bowling lane.
    (t) Drive-in Restaurant - Twenty (20) parking spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.
    (u) Motel or Motor Hotel - One (1) parking space for each rental room or suite.
    (v) Miniature Golf Course, Archery Range, or Golf Driving Range - Ten (10) parking spaces.
    (1) parking space for each four (4) seats based upon design capacity.
    (w) Assembly or Exhibition Hall, Auditorium, Theater, or Sports Arena - One (1) parking space for each four (4) seats based upon design capacity.
    (x) Restaurant, Cafe, Nightclub, Tavern or Bar - One (1) parking space for each seventy-five (75) square feet of floor area.
    (y) Skating Rink or Dance Hall - One (1) parking space for each two hundred (200) square feet of floor area.
    (a) Retail Stores and Service Establishments - One (1) off-street parking space for each one hundred (100) square feet

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of floor area, plus one (1) space for each employee on the major shift or one (1) off-street parking space for each three hundred and fifty (350) square feet of gross floor area within the building, whichever is the greater.

(aa) Research, Experimental, or Testing Stations - One (1) off-street parking space for each employee on the major shift or one (1) off-street parking space for each five hundred (500) square feet of gross floor area within the building, whichever is greater.

(bb) Wholesale Business Establishments - One (1) off-street parking space for each employee on the major shift or one (1) space for each two thousand (2,000) square feet of gross feet of gross floor area, whichever is greater, plus one (1) off-street parking space for each company motor vehicle when customarily kept on the premises.

(cc) Storage or Warehouse Establishments - One (1) off-street parking space for each two (2) employees on the major shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is larger, plus one (1) space for each company motor vehicle, when customarily kept on the premises.

(dd) Manufacturing or Processing Plant - One (1) off-street parking space for each employee on the major shift or one (1) off-street parking space for each three hundred and fifty (350) square feet of gross floor area within the building, whichever is the greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.

14. Required Loading Areas:
Loading and unloading areas for goods, supplies, and services shall be sufficient to meet the requirements of each use.

Subdivision 3. Additional Requirements, Exceptions and Modifications.

1. Height Regulations:
(a) Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established street elevation at the property line, one (1) story in addition to the number permitted in the District in which the lot is situated shall be permitted on the down-hill side of any building.
(b) Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following:
(1) Monuments.
(2) Flag poles.
(3) Cooling towers.
(4) Elevator penthouses.
(c) Height limitations set forth elsewhere in the Ordinance may be increased with no limitation when applied to the following:
(1) Church spires, belfries, or domes which do not contain usable space.
(2) Water towers.
(3) Chimneys or smokestacks.
(d) Height limitations set forth in the R-4, B-1 and B-2 DISTRICTS may be increased to six stories or sixty-five (65) feet of height unless otherwise specified in that District where the building is not adjacent, or closer than three hundred (300) feet, to any lot in any R-1A, R-1 or R-2 DISTRICT, and provided a conditional use permit is issued for such height increase, as required by this Ordinance.

2. Yard Regulations:
Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:
(a) Cornices, canopies, or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
(b) Fire escapes may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
(c) A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet six (6) inches may be placed around such place.
(d) The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace, or outside stairway shall project into the required side yard distance.
(e) A wall, fence or hedge may occupy part of the required front, side or rear yard.
(f) On double frontage lots, the required front yard shall be provided on both streets.
(g) The required front yard of a corner lot shall not contain any wall, fence, or other structure, tree, shrub, or other growth which may cause danger to traffic on a street or public road by obscuring the view.
(h) The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two sides of which are the lines running along the side street lines between the street intersection and a point twenty (20) feet from the intersection and the third side of which is the line between the latter two points.
(i) In determining the depth of rear yard for any building where the rear yard opens into an alley, one-half (½) the width of the alley, but not exceeding ten (10) feet, may be considered as a portion of the rear yard subject to the following qualifications.
(j) The depth of any rear yard shall not be reduced to less than ten (10) feet by the application of this exception.
(k) If the door of any building or improvement, except a fence, opens toward an alley, it shall not be erected or established closer to the center line of an alley than a distance of fifteen (15) feet.

3. Yard Landscaping:
In all CLASSES OF BUSINESS DISTRICTS and in I-2 INDUSTRIAL DISTRICTS, all required yards shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining any of the CLASSES OF RESIDENCE DISTRICTS shall be landscaped with planting buffer screens. Plans for such screens shall be submitted as a part of the application for building permit and installed as set forth in SECTION 15, Subdivision 7, Paragraph 2 (a).

4. Storage of Materials:
In all CLASSES OF BUSINESS DISTRICTS and all CLASSES OF INDUSTRIAL DISTRICTS, open storage of materials in any required front, side, or rear yard shall be prohibited. Any other outside storage shall be located or screened with buffers so as not to be visible from any of the CLASSES OF RESIDENCE DISTRICTS.

5. Area Regulations:
No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed.

6. Accessory Uses:
The following accessory uses, in addition to those hereinbefore specified shall be permitted in any RESIDENTIAL DISTRICT, if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the District.
(a) The renting of rooms or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective District, but not to the extent of constituting a hotel as defined in this Ordinance, unless permitted in the District.
(b) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the District.
(c) News and refreshment stands and restaurants in connection with passenger stations.
(d) Recreation, refreshment and service buildings in public parks and playgrounds.
(e) Fallout Shelters.

7. Accessory Buildings:
(a) In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five (5) feet to the main building, except as otherwide provided in this Subdivision.
(b) A detached accessory building shall not be located in any required front or side yard.
(c) A detached accessory building not over one (1) story and not exceeding twelve (12) feet in height shall occupy not more than thirty (30) percent of the area of any rear yard, providing further that no detached accessory building shall be located within fifteen (15) feet of any rear lot line.

SECTION 18 NON-CONFORMING USES

Subdivision 1. Continuation.

The lawful use of buildings or land existing at the effective date of this Ordinance which does not conform to the provisions of this Ordinance shall be discontinued within a reasonable period of amortization of the building, uses of land or buildings which become non-conforming by reason of a subsequent change in this Ordinance shall also be discontinued within a reasonable period of amortization of the building. The period of amortization shall commence with the completed erection or major alteration of the building, or the effective date of this Ordinance, whichever is the latter; and shall extend for a period of not more than:

1. Thirty (30) years for buildings of ordinary wood frame construction.
2. Forty (40) years for buildings of wood and masonry construction.
3. Fifty (50) years for buildings of fire proof construction.
4. Dwellings found to be non-conforming only by reason of height, yard, or area requirements shall be exempt from the other continuation provisions of this subdivision.

Subdivision 2. Alterations.

The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Subdivision 3. Restoration.

No building which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than fifty (50) percent of its value shall be restored except in conformity with the regulations of this Ordinance.

Subdivision 4. Discontinuance.

In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the District in which it is located.

Subdivision 5. Junk Yards.

No junk yard may continue as a non-conforming use for more than one (1) year after the effective date of this Ordinance except, that a junk yard may continue as a non-conforming use in an industrial district if within that period it is completely enclosed within a building, fence, screen planting or other device of such height so as to screen completely the operations of the junk yard. Plans of such building or device shall be approved by the Village Planning Commission and the Village Council before it is erected or put into place.

Subdivision 6. Non-Conforming Signs.

1. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth shall become a non-conforming sign.
2. Advertising signs (billboards) which become a non-conforming use shall be removed within three years after the effective date of this Ordinance or otherwise be relocated to comply with all the provisions of this subdivision, except that those non-conforming signs which have become a non-conforming sign by virtue of any prior ordinance shall be relocated or removed to comply with the provisions if such ordinance.
3. Business signs which become a non-conforming use shall be removed within a reasonable period of amortization of the sign which shall be a period of ten years from the date of construction or five years from the effective date of this Ordinance, whichever is the greater.
4. Business signs on the premises of a non-conforming building or use may be continued but such signs shall not expand in number, area, height or illumination. New signs not to exceed thirty - five (35) square feet or equal to size of existing signs whichever is lesser, in aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of the adoption of this Ordinance. Such new signs may be illuminated.
5. No sign erected before the passage of this Ordinance shall be rebuilt, altered or moved to a new location without being

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brought into compliance with the requirements of this Ordinance.

Subdivision 7. Residential Alterations.

Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units provided, however, that they do not increase the number of dwelling units in the building.

Subdivision 8. Normal Maintenance.

Maintenance of a building or other structure containing or used as a non-conforming use will be permitted when it includes necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use.

Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building Inspector.

SECTION 19 BOARD OF ZONING ADJUSTMENT

Subdivision 1. Creation and Membership.

A Board of Zoning Adjustment is hereby established and the Mayor and Council may act as such; or the Mayor and Council may appoint a Board of Zoning Adjustment and vest same with such administrative authority as is hereinafter provided. Such Board shall then consist of three (3) members of the Village Planning Commission and two (2) citizens residing in the Village of Minnetonka. The Village Engineer and the Zoning Administrator shall serve as ex officio members without the right to vote. The Board shall be appointed for terms coinciding with the terms of appointees to the Planning Commission so far as is practical. The Board may establish its own rules of conduct and the Zoning Administrator shall act as Secretary.

Subdivision 2. Powers.

The Board of Zoning Adjustment, subject to the approval and confirmation of the Village Council in each case as hereinafter provided, shall have power to recommend adjustments in and exceptions to any of the provisions of this Ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict applications.
2. To permit the extension of a District where the boundary line thereof divides a lot of one ownership at the time of the passage of this Ordinance, but such extension of any District shall not exceed one hundred (100) feet.

The Board of Zoning Adjustment shall not recommend the granting of any application and the Council shall not grant any application unless they find the following facts. At the hearing the applicant shall present a statement and evidence in such form as the Board of Zoning Adjustment may require to show these facts:

1. That there are special circumstances or conditions affecting the land, building or use referred to in the application.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.
3. That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

Subdivision 3. Appeals.

Any person objecting to the ruling of any official on the administering of the provisions of this Ordinance shall have the right to appeal to the Board of Zoning Adjustment.

Subdivision 4. Procedure.

Application for any adjustment permissible under the provisions of this SECTION shall be made to the Zoning Administrator, in the form of a written application for a building permit or for a permit to use the property or pemises as set forth in the application. An application for an adjustment shall be accompanied by payment of a fee of fifteen dollars ($15.00), in addition to the regular building permit fee, if any. Upon receipt of any application, such officer shall set a time and place for a public hearing before the Board of Zoning Adjustment on such application. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper.

The Board of Zoning Adjustment shall thereupon make its decision upon the application, and the action of the Board of Zoning Admustment shall be reported to the Village Council within fifteen (15) days of the public hearing. In recommending any adjustment or variance under the provisions of this SECTION, the Board of Zoning Adjustment shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation or provision to which the adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare.

No permit shall be issued under the provisions of this SECTION unless and until a decision of the Board of Zoning Adjustment, as aforesaid, approving the same, is approved and confirmed by the Village Council. In reporting its decision to the Village Council, the Board of Zoning Adjustment shall report its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth any adjustment or variance granted and the conditions designated. Upon receipt of such report, the Village Council either shall by resolution approve and confirm the decision, with or without changes, whereupon the permit as applied for may be issued or shall refuse to approve and confirm the decision. In all cases in which adjustments or variances are granted under the provisions of this SECTION, the Board of Zoning Adjustment and the Village Council shall require such evidence and guarantees as it may deem necessary to insure compliance with the conditions designated in connection therewith.

SECTION 20 CONDITIONAL USE PERMITS

Subdivision 1. Application.

Conditional Use Permits may be issued for any of the following:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this Ordinance.
2. Public utility or public service uses or public building in any District when found to be necessary for the public health, safety, convenience or welfare.
3. Commercial excavating of natural materials used for building or construction purposes in any District.
4. To classify as a conforming use any non-conforming institutional use existing in any District at the time of the establishment of such District.
5. To permit the location of any of the following uses in a District from which they are excluded by the provisions of this Ordinance: airport, library, community center, church, hospital, any institution of an educational, philanthropic or charitable nature, cemetery, or mausoleum.
6. To permit the location in any district of temporary uses which will not be for a period of more than six (6) months.

Subdivision 2. Procedure.

1. Application for the issuance of a Conditional Use Permit shall be made to the Planning Commission, except that any proceedings to classify certain uses as conforming uses as provided, in this SECTION may be initiated either by such application or by the Village Council or by the Planning Commission. The Planning Commission may hold such hearings on the proposal to issue a Conditional Use Permit as it may consider necessary, but at least one public hearing shall be held on any application for a Conditional Use Permit for the establishment of any use listed in Subdivision 1, Paragraph 5, of this SECTION. Following the hearing, the Planning Commission shall make a report upon the proposal to the Village Council and shall recommend to the Village Council whatever action it deems advisable; but the Planning Commission shall not recommend the granting of a permit unless it finds that the establishment, maintenance, or conducting of the use for which a Use Permit is sought will not under the circumstances of the particular case be deterimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to such use, or to the public welfare, or injurious to property or improvements in the area adjacent to such use. The Planning Commission may designate conditions and require guarantees in the granting of Use Permits in the manner provided in SECTION 19, BOARD OF ZONING ADJUSTMENT for the granting of adjustments.
2. To defray administrative costs of processing of requests for Conditional Use Permits, a fee of $10.00 shall be paid by the applicant along with the application.
3. Upon receipt of the report of the Planning Commission, the Village Council shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant a Conditional Use Permit.
4. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such Permit and of any conditions designated in connection therewith.

SECTION 21 CERTIFICATE OF OCCUPANCY

Subdivision 1. Application.

A certificate of occupancy shall be obtained before:

1. Any building hereafter erected or structurally altered, occupied or used.
2. The use of any such building is altered.

Subdivision 2. Procedure.

1. Application for a Certificate of Occupancy for a new building or for an existing building which has been altered shall be made to the Zoning Administrator as part of the application for a building permit as required in SECTION 23, ENFORCEMENT. This Certificate shall be issued within ten (10) days after a written request for the same has been made to the Zoning Administrator, after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance. Pending the issuance of such a Certificate the Zoning Administrator may issue a Temporary Certificate of Occupancy for a period of not exceeding six (6) months during the completion of the erection or alteration of such building. The Temporary Certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the Village relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.
2. Every Certificate of Occupancy shall state that the building or proposed use of a building complies with all provisions of law and of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be chaged for a Certificate of Occupancy.
3. No building permit for the erection or alteration of a building shall be issued before application has been made for a Certificate of Occupancy.
4. A Certificate of Occupancy shall be issued for all lawful non-conforming uses of land or buildings created by adoption of this Ordinance, or in existence at the effective date of this Ordinance. Application for such Certificate of Occupancy for a non-conforming use shall be filed with the Zoning Administrator by the owner or lessee of the building or land occupied by such non-conforming use within one (1) year of the effective date of this Ordinance. It shall be the duty of the Zoning Administrator to issue a Certificate of Occupancy for a lawful non-conforming use. Failure to apply for such Certificate of Occupancy for a non-conforming use or refusal of the Zoning Administrator to issue a Certificate of Occupancy for such non-conforming use shall be prima facie evidence that such non-conforming use was either illegal or did not lawfully exist at the effective date of this Ordinance.

SECTION 22 AMENDMENT

Subdivision 1. Procedure.

This Ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by following the procedure specified as follows:

1. Proceedings for amendment of this Ordinance shall be initiated by (1) a petition of the owner or owners of the actual property, the zoning of which is proposed to be changed; (2) a recommendation of the Planning Commission; or (3) by action of the Village Council.
2. To defray administrative costs of processing of requests for an amendment to this Ordinance for the purpose of rezoning a fee of $50.00 shall be paid by the petitioner.
3. All applications for changes in the boundaries of any Zoning District which are initiated by the petition of the owner or owners of property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands proposed to be changed and all lands within two hundred (200) feet of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in such area as the same appear on the records of the County Auditor of Hennepin County.
4. Before any amendment is adopted, the Planning Commission shall hold at least one public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten (10) days before the hearing. Following the hearing the Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Village Clerk within sixty (60) days

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after the hearing. If no recommendation is transmitted by the Planning Commission within sixty (60) days after the hearing, the Village Council may take action without awaiting such recommendation.

5. Upon the filing of such report, the Village Council shall hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Village Council may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if four-fifth (4/5) of all the members of the Council concur in its passage.

SECTION 23 ENFORCEMENT

Subdivision 1. Zoning Administrator.

The office of the Zoning Administrator is hereby established, for which the Village Council may appoint such employe or employees of the Village as it may deem proper. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels.

Subdivision 2. Compliance with Regulations.

Hereafter no person shall erect, alter, wreck, or move any building or part thereof without first securing a building permit therefore; except that no permit shall be required for an alteration costing less than two hundred and fifty (250) dollars if no structural alteration of the building is involved.

Subdivision 3. Building Permits.

Application for a building permit shall be made to the Building Inspector as required by the Village Building Code. Applications for any kind of building permit shall contain such information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The fee for a building permit shall be determined by the Village Council. The Building Inspector shall issue the building permit only after determining that the building plans, together with the application, comply with the terms of this Ordinance or any other ordinance of the Village.

SECTION 24 VIOLATIONS AND PENALTIES

Subdivision 1. Violations and Penalties.

Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $100 or by imprisonment for not to exceed 90 days. Each day that a violation continues shall constitute a separate offense.

Subdivision 2. Enforcing.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Zoning Administrator, in addition to other remedies, may institute any proper action or proceedings in the name of the Village of Minnetonka, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violations to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

SECTION 25 VALIDITY

Subdivision 1. Validity.

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 26 DATE OF EFFECT

Subdivision 1. Date of Effect.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law and supersedes Ordinance No. 17 as amended, and Ordinance No. 50, as amended, except as herein may be otherwise provided.

Passed and approved this 27th day of December, 1965.

AL W. ILLIES, Mayor

Attest:
ROY E. SWENSON, Village Clerk

(January 12, 1966)—R

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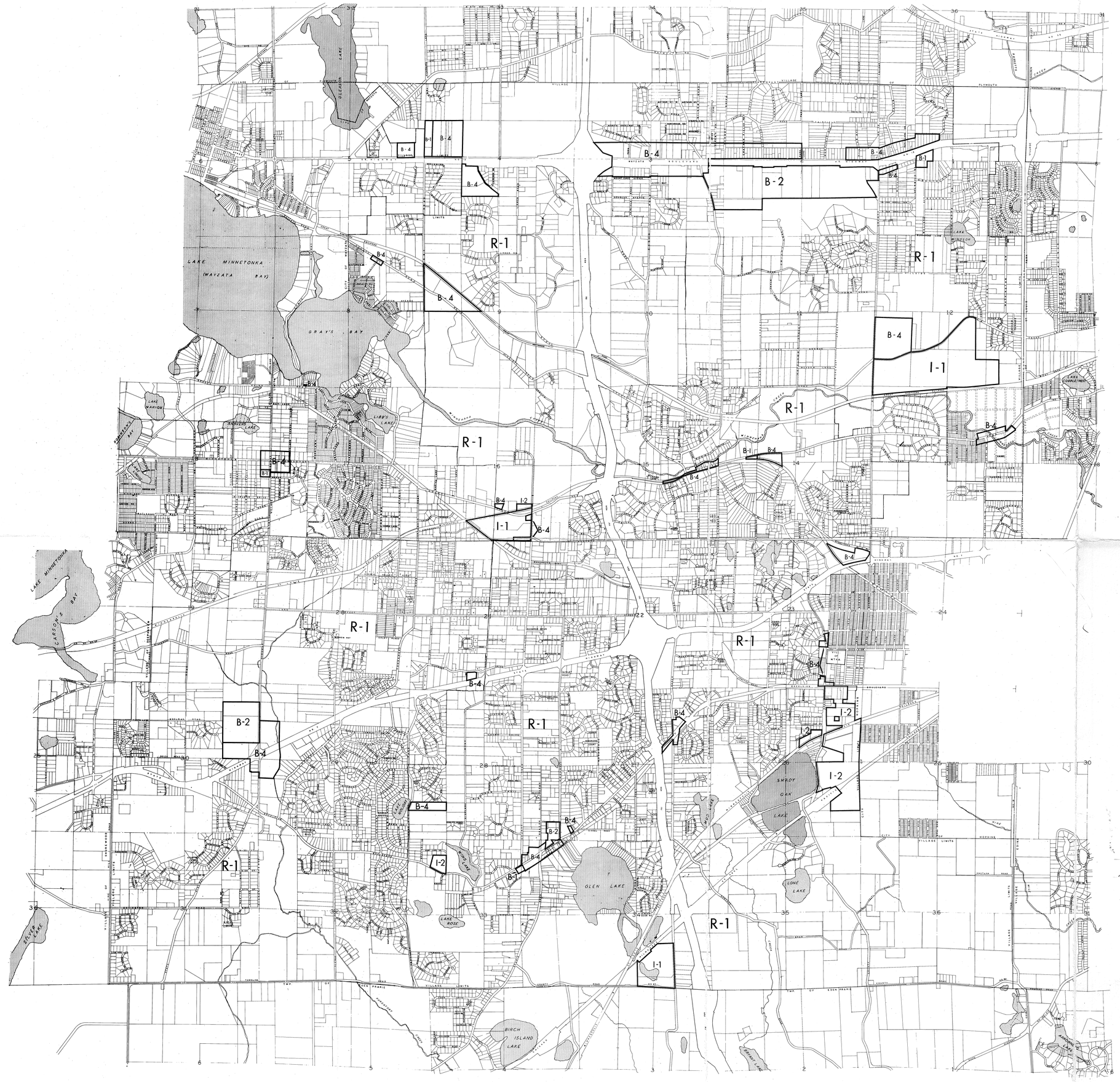
VILLAGE OF MINNETONKA

HENNEPIN COUNTY MINNESOTA



NORTH

SCALE IN FEET

prepared by:
NASON · LAW · WEHRMAN & KNIGHT, INC.
Community Planning Consultants
Minneapolis, Minnesota

RESIDENCE DISTRICTS

R-1A one family residence district
R-1 one family residence district
R-2 two family residence district
R-3 multiple family residence district
R-4 multiple family residence district

BUSINESS DISTRICTS

B-1 limited business district
B-2 shopping center business district
B-3 service business district
B-4 general business district

INDUSTRIAL DISTRICTS

I-1 planned industrial district
I-2 general industrial district

ORIGINAL COPY OF ZONING MAP AS ADOPTED AS A PART OF ORD NO 77.

MAKE NO CORRECTION ON THIS MAP

ZONING MAP

EFFECTIVE DATE: DEC. 27, 1965

BASE MAP DRG NO 4000-M REV 1-6-61 REV 11-5-63 REV 12-31-63

ORDINANCE NO. 72 72-10

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to B-1 (Limited Business District):

That part of Lot 3, Dellton, lying East of a line which is parallel with the East line of said Lot and distant therefrom 93.33 feet measured on the South line of said Lot 3, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for Hennepin County,

Subject to and together with a 16 foot easement for private driveway purposes for the owners and occupants of Lots 4 and 5, Dellton the center line of which driveway is described as follows: Commencing on a line on the West line of said Lot 5 distant 235 feet South of the Northwest corner of said Lot 5, thence running North along said lot line and the same extending, a sufficient distance to provide ingress and egress to and from State Highway #7.

Also, Lot 4, Dellton, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for Hennepin County,

Also, Lot 5, Dellton, subject to and together with a 16 foot easement for private driveway purposes for the owners and occupants of Lots 4 and 5, Dellton, the center line of which driveway is described as follows: Commencing on a line of said Lot 5 distant 235 feet South of the Northwest corner of said Lot 5, thence running North along said lot line and the same extending, a sufficient distance to provide ingress and egress to and from State Highway #7.

The adoption of this ordinance is contingent upon the petitioners commencing construction within 120 days following the effective date thereof.

Adopted by the City Council of the City of Minnetonka this 19 day of JUNE 1972.

Stan Koch

STAN KOCH, MAYOR

ATTEST:

Katherine E. Carlson

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

ORDINANCE NO 72-77-18

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to R-4, Multiple Family Residence District:

1) That part of the Northeast 1/4 of the Southwest 1/4 lying Easterly of the centerline of State Trunk Highway No. 101 except that part thereof lying North of the South line of the North 250 feet of said Northeast 1/4 of the Southwest 1/4 and except the South 198 feet of said Northeast 1/4 of the Southwest 1/4; also, that part of the Northwest 1/4 of the Southeast 1/4 lying West of the East 1155.00 feet thereof, except the North 250 feet thereof and except the South 198 feet thereof, all in Section 31, Township 117, Range 22, according to the United States Government survey thereof.
Subject to an easement for public right-of-way purposes in State Highway No. 101.

2) That part of the Northwest 1/4 of the Southeast 1/4 of Section 31, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows: beginning at the intersection of the north line of said Northwest 1/4 of the Southeast 1/4 with a line 165.00 feet east of, measured at a right angle to and parallel with the west line of said Northwest 1/4 of the Southeast 1/4; thence southerly, along said parallel line, a distance of 250.02 feet to the intersection with a line 250.00 feet south of, measured at a right angle to and parallel with the north line of said Northwest 1/4 of the Southeast 1/4; thence westerly, along the last described parallel line, a distance of 17.50 feet to the intersection with a line 1155.00 feet west of, measured at a right angle to and parallel with the east line of said Northwest 1/4 of the Southeast 1/4; thence southerly, along the last described parallel line, a distance of 1055.74 feet to the intersection with the south line of said Northwest 1/4 of the Southeast 1/4; thence easterly, along said south line, a distance of 528.08 feet to the intersection with a line 627.00 feet west of, measured at a right angle to and parallel with the east line of said Northwest 1/4 of the Southeast 1/4; thence northerly, along the last described parallel line, a distance of 604.46 feet to the intersection with a line 665.00 feet south of, measured at a right angle to and parallel with the north line of said Northwest 1/4 of the Southeast 1/4;

thence westerly, along the last described parallel line, a distance of 198.02 feet to the intersection with a line 825.00 feet west of, measured at a right angle to and parallel with the east line of said Northwest 1/4 of the Southeast 1/4; thence northerly, along the last described parallel line, a distance of 287.30 feet to the intersection with a line 411.94 feet south of, measured at a right angle to and parallel with the north line of said Northwest 1/4 of the Southeast 1/4; thence westerly, along the last described parallel line, a distance of 162.08 feet to the intersection with a line 315.00 feet east of, measured at a right angle to and parallel with the west line of said Northwest 1/4 of the Southeast 1/4; thence northerly, along the last described parallel line, a distance of 411.97 feet to the intersection with the north line of said Northwest 1/4 of the Southeast 1/4; thence westerly, along said north line, a distance of 150.00 feet to the point of beginning.
Subject to an easement for public right-of-way purposes over and across the most northerly 33 feet of the above described property.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, Par. 5, that no permit for the construction of any building shall be issued unless such building plans conform to the proposals, plans, drawings and specifications submitted by petitioner; that the use of the land be limited to 207 units and that the site plan be reviewed and approved by the Planning Commission and the Planning Department before granting any building permits.

Adopted by the City Council of the City of Minnetonka this 20 day of November 1972.

Stan Koch

STAN KOCH, MAYOR

ATTEST:

Katherine E. Carlson

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

ORDINANCE NO. 72-77-20

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to I-1, Planned Industrial District:

Parcel 1.
That part of the East 1/2 of the Southwest 1/4, Section 16, Township 117, Range 22 described as beginning at a point on the center line of County Road #5 distant 320.35 feet Northwesterly along said center line from the East line of said Southwest 1/4; thence continuing Northwesterly along said center line 368.9 feet; thence South to a point on the Northerly right-of-way line of the Minneapolis & St. Louis Railway Company distant 686.7 feet Southwesterly along said right-of-way line from the East line of said Southwest 1/4; thence Northeasterly along said right-of-way line to a point 323.5 feet Southwesterly along said right-of-way line from the East line of said Southwest 1/4; thence North to the point of beginning which lies Southerly of a line parallel with and distant 33 feet Southerly of the following described line: Commencing at the Southeast Quarter corner of said Section 16; thence South along the East line of said Section 704.7 feet; thence deflecting to the right at an angle of 57 degrees 57 minutes, a distance of 1066.78 feet; thence deflecting to the right at an angle of 20 degrees 01 minutes, a distance of 653 feet more or less; thence Southwesterly on a tangent to said curve a distance of 522.77 feet; thence Westerly along a 3 degree 30 minute curve to the right (delta angle 25 degrees 58 minutes) a distance of 741.9 feet; thence Westerly on tangent to said curve a distance of 600 feet and there terminating.

Parcel 2.
That part of the Southeast Quarter of the Southwest Quarter of Section 16, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows:

Beginning at the point of intersection of the East line of said Southeast Quarter of the Southwest Quarter with the centerline of old County Road No. 5; thence northwesterly along the center line of said road a distance of 320.35 feet; thence southerly to a point on the north-

easterly right-of-way line of the Chicago and North Western Railway Company distant 323.50 feet southwesterly along said right-of-way line from the East line of said Southeast Quarter of the Southwest Quarter; thence northeasterly along said right-of-way line a distance of 323.50 feet to said East line; thence northerly along said East line to the point of beginning.

Which lies Southerly of a line parallel with and distant 33 feet Southerly of the following described line: Commencing at the Southeast Quarter corner of said Section 16; thence South along the East line of said Section 704.7 feet; thence deflecting to right at an angle of 57 degrees 57 minutes, a distance of 1060.78 feet; thence deflecting to the right at an angle of 20 degrees 01 minutes, a distance of 653 feet more or less; thence Southwesterly on a tangent to said curve a distance of 522.77 feet; thence Westerly along a 3 degree 30 minute curve to the right (delta angle 25 degrees 58 minutes) a distance of 741.9 feet; thence Westerly on tangent to said curve a distance of 600 feet and there terminating.

This amendment will be subject to the provision of Section 22, Subd. 1, Par. 5, that no permit for the construction of any building shall be issued unless such building plans substantially conform to the proposals, plans, drawings and specifications submitted by petitioner, and that construction be started within 12 months from the date of the adoption and publication of this ordinance.

Adopted by the City Council of the City of Minnetonka this 18 day of December 1972.

STAN KOCH, MAYOR

ATTEST:

Katherine E. Carlson

KATHERINE E. CARLSON, CITY CLERK

ORDINANCE NO. 73-77-22

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to R-3, Multiple Family Residence District:

> Lots 54, 58, 59, 60, 63, 64, 65 and the West ½ of Lot 53, and all of Lot 61, except the South ½ of Lot 61, lying East of the Northerly extension of Lot 62 in Herzog Deephaven Acres, Hennepin County, Minnesota.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, Par. 5, that no permit for the construction of any building shall be issued unless such building plans conform to the proposals, plans, drawings and specifications submitted by petitioner and subject to the approval of the site plan and landscaping plan by the Planning Commission.

Adopted by the City Council of the City of Minnetonka this 8 day of January, 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

PUBLISH: March 8, 1973

ORDINANCE NO. 73-23

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to R-4, Multiple Family Residence District:

> Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 1, Sjoberg's 3rd Addition according to the map or plat thereof on file or of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, Par. 5, that no permit for the construction of any building shall be issued unless such building plans conform to the proposals, plans, drawings and specifications submitted by petitioner; that no more than 65 units be allowed on the described premises; that all construction be confined to the area south of the present ponding area; that site plan be approved by Planning Commission; that access to project be from Excelsior Boulevard; and that construction start within twenty-four (24) months following availability of municipal sewer and water.

Adopted by the City Council of the City of Minnetonka this 8th day of January, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

PUBLISHED: January 11, 1973

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ORDINANCE NO. 73-77-23

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to R-4, Multiple Family Residence District:

Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 1, Sjoberg's 3rd Addition according to the map or plat thereof on file or of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, Par. 5, that no permit for the construction of any building shall be issued unless such building plans conform to the proposals, plans, drawings and specifications submitted by petitioner; that no more than 65 units be allowed on the described premises; that all construction be confined to the area south of the present ponding area; that site plan be approved by Planning Commission; that access to project be from Excelsior Boulevard; and that construction start within twenty-four (24) months following availability of municipal sewer and water.

Adopted by the City Council of the City of Minnetonka this 8 day of January, 1973.

STAN KOCH, MAYOR

ATTEST:

Katherine E. Carlson

KATHERINE E. CARLSON, CITY CLERK

SEAL

PUBLISH: January 11, 1973

ORDINANCE NO. 73-25

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-3, Service Business District:

All that part of the following described property, except the northerly 100 feet thereof, which shall be designated R-1, Single Family Residence District:

The east 300 feet of the west 569.59 feet of that part of the southwest quarter of the northeast quarter of Section 3, Township 117 North, Range 22 West of the 5th Principal Meridian which lies south of the north 643.50 feet of said southwest quarter of the Northeast quarter.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, paragraph 5, that no permit for the construction of any building shall be issued unless said building plans conform to the proposals, plans, drawings and specifications submitted by petitioner and subject to the approval of the site plan, landscape and lighting review by the Planning Department, and subject to the commencement of construction of any proposed building within six (6) months from the effective date of this ordinance and completion of construction within twelve (12) months thereafter.

Adopted by the City Council of the City of Minnetonka this 26th day of February, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

PUBLISHED: April 12, 1973

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ORDINANCE NO. 73-77-25

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-3, Service Business District:

All that part of the following described property, except the northerly 100 feet thereof, which shall be designated R-1, Single Family Residence District:

The east 300 feet of the west 569.59 feet of that part of the southwest quarter of the northeast quarter of Section 3, Township 117 North, Range 22 West of the 5th Principal Meridian which lies south of the north 643.50 feet of said southwest quarter of the Northeast quarter.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, paragraph 5, that no permit for the construction of any building shall be issued unless said building plans conform to the proposals, plans, drawings and specifications submitted by petitioner and subject to the approval of the site plan, landscape and lighting review by the Planning Department, and subject to the commencement of construction of any proposed building within six (6) months from the effective date of this ordinance and completion of construction within twelve (12) months thereafter.

Adopted by the City Council of the City of Minnetonka this 26 day of February 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

PUBLISH: April 12, 1973

ORDINANCE NO. 73-29

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to R-4, Multiple Family Residence District:

Lots 2,3,4,5,6 and 7, Block 1; Lots 8, 9, 10, 11, 12, 13, 14 and 15, Block 2; Lots 1 through 16, Block 3, and Lots 1 through 23, Block 4, all in Minnetonka Countryside, Section 31, Township 117, Range 22, Hennepin County, Minnesota.

This amendment is subject to all the provisions of Section 10, Subd. 8, Community Unit Projects, and subject to site plan approval.

Adopted by the City Council of the City of Minnetonka this 16th day of April, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

Publish: May 3, 1973

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ORDINANCE NO. ~~XX~~- 73-77-29

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to R-4, Multiple Family Residence District:

Lots 2, 3, 4, 5, 6 and 7, Block 1; Lots 8, 9, 10, 11, 12, 13, 14 and 15, Block 2; Lots 1 through 16, Block 3, and Lots 1 through 23, Block 4, all in Minnetonka Countryside, Section 31, Township 117, Range 22, Hennepin County, Minnesota.

This amendment is subject to all the provisions of Section 10, Subd. 8, Community Unit Projects, and subject to site plan approval.

Adopted by the City Council of the City of Minnetonka this 16 day of April 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

PUBLISH: May 3, 1973

ORDINANCE NO. 73-30

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-4, General Business District:

That part of the Southwest Quarter of the Northeast Quarter of Section 1, Township 117, Range 22, lying West of a line drawn parallel with the distant 378 feet West of the East line of said Southwest Quarter of said Northeast Quarter and lying South of the South line of U. S. Highway 12 as said South line was established by a final certificate filed in the office of the Register of Deeds of Hennepin County as Document No. 3765285.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, Paragraph 5, that no permit for the construction of any building shall be issued unless said building plans conform to the proposals, plans, drawings and specifications submitted by petitioner; that no building erected on this site shall exceed a height above the southerly slope elevation of 960 feet. That the final site plan, grading plan, and landscaping plan be reviewed and approved by the Planning Department prior to issuance of any building permits on this site; and that an adequate tree buffer be maintained on the top of the South ridge of the site.

Adopted by the City Council of the City of Minnetonka this 16th day of April, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

Publish: April 19, 1973

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ORDINANCE NO. 73-77-30

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-4, General Business District:

> That part of the Southwest Quarter of the Northeast Quarter of Section 1, Township 117, Range 22, lying West of a line drawn parallel with and distant 378 feet West of the East line of said Southwest Quarter of said Northeast Quarter and lying South of the South line of U. S. Highway 12 as said South line was established by a final certificate filed in the office of the Register of Deeds of Hennepin County as Document No. 3765285.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, Paragraph 5, that no permit for the construction of any building shall be issued unless said building plans conform to the proposals, plans, drawings and specifications submitted by petitioner; that no building erected on this site shall exceed a height above the southerly slope elevation of 960 feet. That the final site plan, grading plan, and landscaping plan be reviewed and approved by the Planning Department prior to issuance of any building permits on this site; and that an adequate tree buffer be maintained on the top of the South ridge of the site.

Adopted by the City Council of the City of Minnetonka this 16 day of April 1973.

Stan Koch

STAN KOCH, MAYOR

ATTEST:

Katherine E. Carlson

KATHERINE E. CARLSON, CITY CLERK

PUBLISH: April 19, 1973

ORDINANCE NO. 73-31

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-4, General Business District:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 35, 36, 37, 38, 39 and 40, J. F. Lyons 3rd Addition, in the North 1/2 of Section 13, Township 117, Range 22.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, Paragraph 5, that no permit for the construction of any building shall be issued unless said building plans conform to the proposals, plans, drawings and specifications submitted by petitioner; that a fence of natural materials be constructed on the west, south and east portions of the property to be rezoned; that final site plan and landscaping plan be approved by the planning department prior to the issuance of any building permit; and that access and egress to this property be situated in such a manner as to not depreciate the safety of the existing intersection of County Roads #5 and #18.

Adopted by the City Council of the City of Minnetonka this 16th day of April, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

Publish: April 19, 1973

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ORDINANCE NO. 73-77-31

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-4, General Business District:

Lots 1, 2, 3, 4, 5, 6, 7,8,9,10, 35, 36, 37, 38, 39 and 40, J. F. Lyons 3rd Addition, in the North ½ of Section 13, Township 117, Range 22.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, Paragraph 5, that no permit for the construction of any building shall be issued unless said building plans conform to the proposals, plans, drawings and specifications submitted by petitioner; that a fence of natural materials be constructed on the west, south and east portions of the property to be rezoned; that final site plan and landscaping plan be approved by the planning department prior to the issuance of any building permit; and that access and egress to this property be situated in such a manner as to not depreciate the safety of the existing intersection of County Roads #5 and #18.

Adopted by the City Council of the City of Minnetonka this 16 day of April 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

PUBLISH: April 19, 1973

ORDINANCE NO. 73-32

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-3, Service Business District:

That portion of Tract A, Registered Land Survey No. 117, lying north of a line starting from a point on the west line of Tract A distant 265 feet south of the northwest corner thereof drawn parallel to the south line of Tract A and terminating at the east line of said Tract A, Registered Land Survey No. 117, all lying in the south half of Section 30, Township 117, Range 22.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, paragraph 5, that no permit for the construction of any building shall be issued unless said building plans conform to the proposals, plans, drawings and specifications submitted by petitioner, that a permit be issued for a "Mr. Steak Restaurant" only, and subject to the commencement of construction of the proposed building within six months following the effective date of this ordinance and completion of construction within twelve months thereafter.

Adopted by the City Council of the City of Minnetonka this 7th day of May, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

PUBLISH: May 17, 1973

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ORDINANCE NO. 73-77-32

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-3, Service Business District:

That portion of Tract A, Registered Land Survey No. 117, lying north of a line starting from a point on the west line of Tract A distant 265 feet south of the northwest corner thereof drawn parallel to the south line of Tract A and terminating at the east line of said Tract A, Registered Land Survey No. 117, all lying in the south half of Section 30, Township 117, Range 22.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, paragraph 5, that no permit for the construction of any building shall be issued unless said building plans conform to the proposals, plans, drawings and specifications submitted by petitioner, that a permit be issued for a "Mr. Steak Restaurant" only, and subject to the commencement of construction of the proposed building within six months following the effective date of this ordinance and completion of construction within twelve months thereafter.

Adopted by the City Council of the City of Minnetonka this 7 day of May 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

PUBLISH: May 17, 1973

ORDINANCE NO. 73-34

AN ORDINANCE AMENDING SECTION 22 OF ORDINANCE NO. 77 TO PROVIDE FOR AN INCREASE IN FEES PAYABLE WITH A PETITION FOR REZONING

THE CITY OF MINNETONKA DOES ORDAIN:

Paragraph 2, Subdivision 1, Section 22 of Ordinance No. 77 is hereby amended to read as follows, to-wit:

2. To defray administrative costs of processing of requests for an amendment to this ordinance for the purpose of rezoning a minimum fee of $250.00 shall be paid by petitioner, plus such additional amount as may be required in order to reimburse the city for costs in excess of $250.00 incurred when, because of the scope of the proposed rezoning or because of the work load pending in the planning department, it is necessary in the opinion of the City Manager to forward a petition for rezoning to a professional planning consultant for review. All such additional fees in excess of the minimum fee shall be paid by petitioner prior to publication of the notice of hearing provided for in paragraph 4 of this subdivision.

Adopted by the City Council of the City of Minnetonka this 21st day of May, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

Publish: June 7, 1973

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ORDINANCE NO. 73-77-34

AN ORDINANCE AMENDING SECTION 22 OF ORDINANCE NO. 77 TO PROVIDE FOR AN INCREASE IN FEES PAYABLE WITH A PETITION FOR REZONING

THE CITY OF MINNETONKA DOES ORDAIN:

Paragraph 2, Subdivision 1, Section 22 of Ordinance No. 77 is hereby amended to read as follows, to-wit:

2. To defray administrative costs of processing of requests for an amendment to this ordinance for the purpose of rezoning a minimum fee of $250.00 shall be paid by petitioner, plus such additional amount as may be required in order to reimburse the city for costs in excess of $250.00 incurred when, because of the scope of the proposed rezoning or because of the work load pending in the planning department, it is necessary in the opinion of the City Manager to forward a petition for rezoning to a professional planning consultant for review. All such additional fees in excess of the minimum fee shall be paid by petitioner prior to publication of the notice of hearing provided for in paragraph 4 of this subdivision.

Adopted by the City Council of the City of Minnetonka this 21 day of May 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

PUBLISH: June 7, 1973

ORDINANCE NO. 73-35

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2, of Ordinance No. 77 is hereby amended to change the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to I-2 (General Industrial District):

That part of the West 1/2 of the Southeast Quarter of Section 34, Township 117 North, Range 22 West, lying between the Southeasterly right-of-way line of the Chicago and Northwestern Railroad and the Northwesterly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad.

Adopted by the City Council this 21st day of May, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

Publish: June 7, 1973

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ORDINANCE NO. 73-77-35

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2, of Ordinance No. 77 is hereby amended to change the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to I-2 (General Industrial District):

That part of the West 1/2 of the Southeast Quarter of Section 34, Township 117 North, Range 22 West, lying between the Southeasterly right of way line of the Chicago and Northwestern Railroad and the Northwesterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad.

Adopted by the City Council this 21 day of May 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

PUBLISH: June 7, 1973

(SEAL)

ORDINANCE NO. 73-36

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2, of Ordinance No. 77 is hereby amended to change the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-4 (Multiple Family District):

That part of the South Half of the North Half of the Northeast Quarter of Section 29, Township 117, Range 22, lying East of a line drawn perpendicular to the South line of said South Half of the North Half of the Northeast Quarter of Section 29, Township 117, Range 22, from a point thereon distant 325 feet East of the Southeasterly corner of Tract A in Registered Land Survey No. 1174, and extending Northerly to the North line of the South Half of the North Half of said Northeast Quarter, excepting the East 1012.1 feet thereof according to the United States Government Survey thereof, subject to any portion of State Highway #7 embraced within said description.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, paragraph 5, and subject to the following provisions:

1. That the proposed parking area be located on the Northerly portion of the site.

2. That access to Highway #7 be obtained from the State Highway Department.

3. That no building exceed 2 1/2 stories in height.

4. That the density be limited to eight (8) units per acre.

5. That access to Highway #7 be obtained by a frontage road that parallels Highway #7, and has access to Highway #7 via Woodland Road.

6. That the final site plan, landscaping plan and grading plan be subject to approval by the Planning Commission.

Adopted by the City Council this 21st day of May, 1973.

/s/ Stan Koch
Mayor

ATTEST:

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ORDINANCE NO. 73-77-36

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2, of Ordinance No. 77 is hereby amended to change the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-4 (Multiple Family District):

That part of the South Half of the North Half of the Northeast Quarter of Section 29, Township 117, Range 22, lying East of a line drawn perpendicular to the South line of said South Half of the North Half of the Northeast Quarter of Section 29, Township 117, Range 22, from a point thereon distant 325 feet East of the Southeasterly corner of Tract A in Registered Land Survey No. 1174, and extending Northerly to the North line of the South Half of the North Half of said Northeast Quarter, excepting the East 1012.1 feet thereof according to the United States Government Survey thereof, subject to any portion of State Highway #7 embraced within said description.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, paragraph 5, and subject to the following provisions:

1. That the proposed parking area be located on the Northerly portion of the site.

2. That access to Highway #7 be obtained from the State Highway Department.

3. That no building exceed 2 1/2 stories in height.

4. That the density be limited to eight (8) units per acre.

5. That access to Highway #7 be obtained by a frontage road that parallels Highway #7, and has access to Highway #7 via Woodland Road.

6. That the final site plan, landscaping plan and grading plan be subject to approval by the Planning Commission

Adopted by the City Council this 21 day of May 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

PUBLISH: June 7, 1973

ORDINANCE NO. 73-37

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-4, General Business District:

That part of the Southwest Quarter of the Northeast Quarter of Section 1, Township 117, Range 22, lying West of a line drawn parallel with and distant 378 feet West of the East line of said Southwest Quarter of said Northeast Quarter and lying South of the South line of U. S. Highway #12 as said South Line was established by final certificate filed in the office of the Register of Deeds of Hennepin County as Document #3765285.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, Paragraph 5, of Ordinance No. 77, asfollows, to-wit:

1) That no use other than that which is designated in the petitioner's proposal be permitted on this site.

2) That no building erected on this site shall exceed a height above the southerly slope elevation of 960 feet.

3) That final site plan, grading plan and landscaping plan be reviewed and approved by the Planning Department prior to issuance of any building permits on this site.

4) That an adequate tree buffer be maintained on the top of the south ridge of the site.

The purpose of this amendment is to correct Ordinance No. 77-30 adopted by the City Council on April 16, 1973, so as to reflect the true intention of the Council.

Adopted by the City Council of the City of Minnetonka this 21st day of May, 1973.

/s/ Stan Koch
Mayor

ATTEST:

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ORDINANCE NO. 73-77-37

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-4, General Business District:

That part of the Southwest Quarter of the Northeast Quarter of Section 1, Township 117, Range 22, lying West of a line drawn parallel with and distant 378 feet West of the East line of said Southwest Quarter of said Northeast Quarter and lying South of the South line of U. S. Highway #12 as said South line was established by final certificate filed in the office of the Register of Deeds of Hennepin County as Document #3765285.

This amendment shall be subject to the provisions of Section 22, Subdivision 1, Paragraph 5, of Ordinance No. 77, as follows, to-wit:

1) That no use other than that which is designated in the petitioner's proposal be permitted on this site.

2) That no building erected on this site shall exceed a height above the southerly slope elevation of 960 feet.

3) That final site plan, grading plan and landscaping plan be reviewed and approved by the Planning Department prior to issuance of any building permits on this site.

4) That an adequate tree buffer be maintained on the top of the south ridge of the site.

The purpose of this amendment is to correct Ordinance No. 77-30 adopted by the City Council on April 16, 1973, so as to reflect the true intention of the Council.

Adopted by the City Council of the City of Minnetonka, this 21 day of May 1973.

Stan Koch

STAN KOCH, MAYOR

ATTEST:

Katherine E. Carlson

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

PUBLISH: May 24, 1973

ORDINANCE NO. 73-38

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-4, General Business District:

That part of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows:

Commencing at a point in the westerly line of Plymouth Road (formerly County Road #72) distant 481.75 feet South measured at right angles from the north line of the Southeast Quarter of the Southeast Quarter west parallel with said north line to a point 704 feet east from west line thereof, thence North 146.75 feet, thence east to said west line of road, thence southerly along said road line to beginning.

That part of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117, Range 22 West of the 5th Principal Meridian described as follows:

The south 125 feet of the North 606.75 feet of that part of the Southeast Quarter of the Southeast Quarter lying East of the West 704 feet thereof and West of road.

This amendment shall be subject to the provisions of Section 22, Paragraph 5, Subdivision 1, and the following provisions:

1. Final site plan, landscaping plan and grading plan review and approval by the building and planning departments shall be obtained prior to the granting of any building permits on this site. An adequate buffer to the west and to the south should be provided.

2. The facility shall be used for banking purposes by June 1, 1974

3. Construction of the facility shall be completed no later than June 1, 1975.

4. If such provisions are not met the Council shall hold appropriate hearings for the purpose of rezoning said premises to R-1, Single Family Residential.

Adopted by the City Council this 18th day of June, 1973.

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/s/ Stan Koch
Mayor

ORDINANCE NO. 73 - 77-38

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-4, General Business District:

That part of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows:

Commencing at a point in the westerly line of Plymouth Road (formerly County Road #72) distant 481.75 feet South measured at right angles from the north line of the Southeast Quarter of the Southeast Quarter west parallel with said north line to a point 704 feet east from west line thereof, thence North 146.75 feet, thence east to said west line of road, thence southerly along said road line to beginning.

That part of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117, Range 22 West of the 5th Principal Meridian described as follows:

The south 125 feet of the North 606.75 feet of that part of the Southeast Quarter of the Southeast Quarter lying East of the West 704 feet thereof and West of road.

This amendment shall be subject to the provisions of Section 22, Paragraph 5, Sudivision 1, and the following provisions:

1. Final site plan, landscaping plan and grading plan review and approval by the building and planning departments shall be obtained prior to the granting of any building permits on this site. An adequate buffer to the west and to the south should be provided.

2. The facility shall be used for banking purposes by June 1, 1974.

3. Construction of the facility shall be completed no later than June 1, 1975.

4. If such provisions are not met the Council shall hold appropriate hearings for the purpose of rezoning said premises to R-1, Single Family Residential.

Adopted by the City Council this 18 day of June 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

PUBLISH: June 28, 1973

ORDINANCE NO. 73-39

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from I-1, Planned Industrial District, to B-2, Shopping Center Business District:

That part of the Southwest Quarter of the Southwest Quarter of Section 12, Township 117 North, Range 22 West of the 5th Principal Meridian lying southerly of County Road #16 and lying northerly of a line described as follows:

Beginning at a point on the east line of said Southwest Quarter of the Southwest Quarter distant 475 feet northerly from the Southeast corner of said Southwest Quarter of the Southwest Quarter; thence westerly parallel with the South line of said Southwest Quarter of the Southwest Quarter to the west line of said Southwest Quarter of the Southwest Quarter and said line there terminating.

Adopted by the City Council of this City of Minnetonka this 2nd day of July, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

Publish: July 12, 1973

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ORDINANCE NO. 73-77-39

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from I-1, Planned Industrial District, to B-2, Shopping Center Business District:

That part of the Southwest Quarter of the Southwest Quarter of Section 12, Township 117 North, Range 22 West of the 5th Principal Meridian lying southerly of County Road #16 and lying northerly of a line described as follows:

Beginning at a point on the east line of said Southwest Quarter of the Southwest Quarter distant 475 feet northerly from the Southeast corner of said Southwest Quarter of the Southwest Quarter; thence westerly parallel with the South line of said Southwest Quarter of the Southwest Quarter to the west line of said Southwest Quarter of the Southwest Quarter and said line there terminating.

Adopted by the City Council of this City of Minnetonka this 2 day of July 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

PUBLISH: July 12, 1973

ORDINANCE NO. 73-43

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-1, Limited Business District:

That part of Lot 2, Dellton, lying West of a line which is parallel with the East line of said Lot 2 and distant therefrom 56.66 feet measured on the South line of said Lot 2, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said Hennepin County. Subject to and together with a 16 foot easement for private driveway purposes, the center line of which driveway is described as follows: Commencing at a point in the Northerly line of Lot 2, distant 56.66 feet westerly measured on a line parallel with the South line of said Lot 2, from the East line of said Lot 2, thence South parallel with said East line of said Lot 2, a distance of 135 feet and there terminating, as shown in deed Doc. 2540496, Files of the Registrar of Titles, all in Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka this 16th day of July, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

Publish: July 19, 1973

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ORDINANCE NO. 73-77-43

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to B-1, Limited Business District:

That part of Lot 2, Dellton, lying West of a line which is parallel with the East line of said Lot 2 and distant therefrom 56.66 feet measured on the South line of said Lot 2, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said Hennepin County. Subject to and together with a 16 foot easement for private driveway purposes, the center line of which driveway is described as follows: Commencing at a point in the Northerly line of Lot 2, distant 56.66 feet westerly measured on a line parallel with the South line of said Lot 2, from the East line of said Lot 2, thence South parallel with said East line of said Lot 2, a distance of 135 feet and there terminating, as shown in deed Doc. 2540496, Files of the Registrar of Titles, all in Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka this 16 day of July 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

PUBLISH: July 19, 1973

ORDINANCE NO. 73-44

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-4, Multiple Residence District, to R-1, Single Family Residence District:

The North 665.00 feet of the West 198.00 feet of the East 825.00 feet of the Northwest Quarter of the Southeast Quarter of Section 31, Township 117 North, Range 22 West of the 5th Principal Meridian, except the North 225.74 feet of the West 30.00 feet of the East 825.00 feet of said Northwest Quarter of the Southeast Quarter, Hennepin County, Minnesota.

Adopted by the City Council this 16th day of July, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

Publish: July 19, 1973

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ORDINANCE NO. 73-77-44

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-4, Multiple Residence District, to R-1, Single Family Residence District:

The North 665.00 feet of the West 198.00 feet of the East 825.00 feet of the Northwest Quarter of the Southeast Quarter of Section 31, Township 117 North, Range 22 West of the 5th Principal Meridian, except the North 225.74 feet of the West 30.00 feet of the East 825.00 feet of said Northwest Quarter of the Southeast Quarter, Hennepin County, Minnesota.

Adopted by the City Council this 16 day of July 1973.

STAN KOCH, MAYOR

ATTEST:

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

PUBLISH: July 19, 1973

ORDINANCE NO. 73-45

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77, is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence:

1) Block 1, Minnetonka Technological Park to R-3, Multiple Family Residence District (Townhouse)

2) Block 2, Minnetonka Technological Park to R-4, Multiple Family Residence District

3) Block 3, Minnetonka Technological Park to B-1, Limited Business District

4) Block 4, Minnetonka Technological Park to I-1, Planned Industrial District

5) Block 5, Minnetonka Technological Park to B-1, Limited Business District

6) Block 6, Minnetonka Technological Park to I-2, General Industrial District

7) Block 7, Minnetonka Technological Park to I-1, Planned Industrial District

Pursuant to the provisions of Section 22, Subd. 5, of Ordinance No. 77, this rezoning is subject to the following conditions:

1) Access be provided to any developable parcels as noted in the Planning Department's review of preliminary Plat No. 749.

2) Final approval of the site plan by the city.

3) Outlot A be dedicated to the city.

The effective date of this ordinance shall be the date of the filing and recording of the plat of Minnetonka Technological Park in the office of the Register of Deeds, or the Registrar of Titles, in and for the County of Hennepin, State of Minnesota.

Adopted by the City Council of the City of Minnetonka this 16th day of July 1973.

/s/ Stan Koch
Mayor

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ORDINANCE NO. 73-77-45

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77, is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence:

1) Block 1, Minnetonka Technological Park to R-3, Multiple Family Residence District (Townhouse)

2) Block 2, Minnetonka Technological Park to R-4, Multiple Family Residence District

3) Block 3, Minnetonka Technological Park to B-1, Limited Business District

4) Block 4, Minnetonka Technological Park to I-1, Planned Industrial District

5) Block 5, Minnetonka Technological Park to B-1, Limited Business District

6) Block 6, Minnetonka Technological Park to I-2, General Industrial District

7) Block 7, Minnetonka Technological Park to I-1, Planned Industrial District

Pursuant to the provisions of Section 22, Subd. 5, of Ordinance No. 77, this rezoning is subject to the following conditions:

1) Access be provided to any developable parcels as noted in the Planning Department's review of preliminary Plat No. 749.

2) Final approval of the site plan by the city.

3) Outlot A be dedicated to the city.

The effective date of this ordinance shall be the date of the filing and recording of the plat of Minnetonka Technological Park in the office of the Register of Deeds, or the Registrar of Titles, in and for the County of Hennepin, State of Minnesota.

Adopted by the City Council of the City of Minnetonka this 16 day of July 1973.

Stan Koch

STAN KOCH, MAYOR

ATTEST:

Katherine E. Carlson

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

PUBLISH: July 19, 1973

ORDINANCE NO. 73-46

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence, to B-1, Limited Business District:

Tract D; and that part of Tract C, Registered Land Survey No. 577, Files of Registrar of Titles, County of Hennepin, lying south of the Extension westerly of the North line of Tract D of said Registered Land Survey.

This amendment is subject to the provisions of Section 22, Subd. 1, paragraph 5, and the following provisions:

1. Curbing requirements as required by the Planning Department.

2. Landscaping as required by the Planning Department.

Adopted by the City Council of the City of Minnetonka this 16th day of July, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Katherine E. Carlson
City Clerk

Publish: July 16, 1973

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ORDINANCE NO. 73-77-46

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence, to B-1, Limited Business District:

Tract D; and that part of Tract C, Registered Land Survey No. 577, Files of Registrar of Titles, County of Hennepin, lying south of the Extension westerly of the North line of Tract D of said Registered Land Survey.

This amendment is subject to the provisions of Section 22, Subd. 1, paragraph 5, and the following provisions:

1. Curbing requirements as required by the Planning Department.

2. Landscaping as required by the Planning Department.

Adopted by the City Council of the City of Minnetonka this 16 day of July 1973.

STAN KOCH, MAYOR

KATHERINE E. CARLSON, CITY CLERK

(SEAL)

PUBLISH: July 16, 1973

ORDINANCE NO. 73-52

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended to change the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to I-2, General Industrial District:

That part of the southeast quarter of the southeast quarter of Section 36, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Beginning at the southeast corner of said Section 36, thence south 89 degrees, 57 minutes and 1 second west on an assumed bearing along the south line of said Section 36, a distance of 666.97 feet to the east line of the west half of said southeast quarter of the southeast quarter, thence North 4 degrees 26 minutes 19 seconds west along said east line a distance of 325.13 feet to the north line of the south quarter of the southeast quarter of the southeast quarter, thence South 89 degrees 31 minutes 5 seconds west along said north line a distance of 178.63 feet, thence north 4 degrees 31 minutes, 17 seconds west a distance of 971.49 feet to the north line of said southeast quarter of the southeast quarter, thence north 88 degrees 13 minutes 17 seconds east a distance of 843.62 feet to the northeast corner of said southeast quarter of the southeast quarter, thence south 4 degrees, 31 minutes 17 seconds east a distance of 1320.84 feet to the point of beginning.

The granting of this rezoning is subject to final site, landscaping and grading plan review and approval by the Planning Commission prior to the granting of any building permits on the site, and subject to the dedication of a 33 foot easement for road purposes from the easterly right-of-way line of the central roadway as shown on the site plan to the westerly property line of the subject property.

Adopted by the City Council of the City of Minnetonka this 17th day of September, 1973.

/s/ Stan Koch
Mayor

ATTEST:

Margaret E. Mullen
City Clerk

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ORDINANCE NO. 73-77-52

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended to change the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to I-2, General Industrial District:

That part of the southeast quarter of the southeast quarter of Section 36, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Beginning at the southeast corner of said Section 36, thence south 89 degrees, 57 minutes and 1 second west on an assumed bearing along the south line of said Section 36, a distance of 666.97 feet to the east line of the west half of said southeast quarter of the southeast quarter, thence North 4 degrees 26 minutes 19 seconds west along said east line a distance of 325.13 feet to the north line of the south quarter of the southeast quarter of the southeast quarter, thence South 89 degrees 31 minutes 5 seconds west along said north line a distance of 178.63 feet, thence north 4 degrees 31 minutes, 17 seconds west a distance of 971.49 feet to the north line of said southeast quarter of the southeast quarter, thence north 88 degrees 13 minutes 17 seconds east a distance of 843.62 feet to the northeast corner of said southeast quarter of the southeast quarter, thence south 4 degrees, 31 minutes 17 seconds east a distance of 1320.84 feet to the point of beginning.

The granting of this rezoning is subject to final site, landscaping and grading plan review and approval by the Planning Commission prior to the granting of any building permits on the site, and subject to the dedication of a 33 foot easement for road purposes from the easterly right of way line of the central roadway as shown on the site plan to the westerly property line of the subject property.

Adopted by the City Council of the City of Minnetonka this 17th day of September 1973.

STAN KOCH, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN CITY CLERK

(SEAL)

PUBLISH 9/27/73

ORDINANCE NO. 73-53

AN ORDINANCE AMENDING SECTION 5, SUBDIVISION 2, OR ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to I-2, General Industrial District:

Beginning at a point in the West Line of the Southeast 1/4 of the Northeast 1/4 of Section 26, Township 117, Range 22, a distance of 159 feet North of the Southwest corner thereof; thence North 23 degrees, 42 minutes East, a distance of 256.65 feet; thence North 57 degrees West, a distance of 169.8 feet to a point on the West line of said Southeast 1/4 of the Northeast 1/4 distant 465 feet North of the Southwest corner thereof; thence South 306 feet to the point of beginning, containing 1/2 acre, more or less. Also Lot 11 in Shady Oak Lake Addition to West Minneapolis.

Also beginning at the Southwest corner of the SE 1/4 of the NE 1/4 of Section 26, Township 117, Range 22, thence East along the South line of said Southeast 1/4 of the Northeast 1/4 to a point in said South line 557.3 feet Westerly from Southeast corner of the Northeast 1/4 of said Section 26, thence North parallel with east line of Northeast 1/4 of said section 26, 300 feet, thence northwesterly 800 feet, more or less, to a point in the West line of the Southeast 1/4 of the Northeast 1/4 544.9 feet North of the Southwest 1/4 corner, thence South along the West line of said Southeast 1/4 of the Northeast 1/4 79.3 feet, thence South 57 degrees East 169.8 feet, thence South 23 degrees, 42 minutes West 256.65 feet to a point in the West line of said Southeast 1/4 of the Northeast 1/4 159 feet North of the Southwest corner thereof, thence South 159 feet to the point of beginning.

This amendment shall be subject to final site, landscaping and grading plan review and approval by the Planning Commission prior to the granting of any building permits on this site.

Adopted by the City Council of the City of Minnetonka this 17th day of September, 1973.

/s/ Stan Koch
Mayor

ATTEST:

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Map 28

ORDINANCE NO. 73-77-53

AN ORDINANCE AMENDING SECTION 5, SUBDIVISION 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to I-2, General Industrial District:

Beginning at a point in the West line of the Southeast 1/4 of the Northeast 1/4 of Section 26, Township 117, Range 22, a distance of 159 feet North of the Southwest corner thereof; thence North 23 degrees, 42 minutes East, a distance of 256.65 feet; thence North 57 degrees West, a distance of 169.8 feet to a point on the West line of said Southeast 1/4 of the Northeast 1/4 distant 465 feet North of the Southwest corner thereof; thence South 306 feet to the point of beginning, containing 1/2 acre, more or less. Also Lot 11 in Shady Oak Lake Addition to West Minneapolis.

Also beginning at the Southwest corner of the SE 1/4 of the NE 1/4 of Section 26, Township 117, Range 22, thence East along the South line of said Southeast 1/4 of the Northeast 1/4 to a point in said South line 557.3 feet Westerly from Southeast corner of the Northeast 1/4 of said Section 26, thence North parallel with east line of Northeast 1/4 of said section 26 300 feet, thence northwesterly 800 feet, more or less, to a point in the West line of the Southeast 1/4 of the Northeast 1/4 544.9 feet North of the Southwest 1/4 corner, thence South along the West line of said Southeast 1/4 of the Northeast 1/4 79.3 feet, thence South 57 degrees East 169.8 feet, thence South 23 degrees, 42 minutes West 256.65 feet to a point in the West line of said Southeast 1/4 of the Northeast 1/4 159 feet North of the Southwest corner thereof, thence South 159 feet to the point of beginning.

This amendment shall be subject to final site, landscaping and grading plan review and approval by the Planning Department prior to the granting of any building permits on this site.

Adopted by the City Council of the City of Minnetonka this day of 1973.

STAN KOCH, MAYOR

Stan Koch

ATTEST:

Margaret E. Muller

CITY CLERK

(SEAL)

10 D
9-10-73

ORDINANCE NO. 73 - 55

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-4 (General Business District), and subject to the provisions of Paragraph 5, Subd. 1, Section 22, that final site plan, grading plan, and landscaping plan be reviewed and approved by the planning commission prior to the granting of any building permits on the premises, that no variances for signs be granted, and that appropriate screening be provided:

That part of the north 597 feet of the southeast quarter of Section 30, Township 117, Range 22, which lies south of the southerly right-of-way line of State Highway No. 7 and is located in that part of said southeast quarter of Section 30, Township 117, Range 22, according to the government survey thereof, lying east of a line parallel with the east line of said Section 30, and 544.42 feet westerly therefrom, and northeasterly of the centerline of the Minneapolis and Excelsior Road; excepting therefrom the tract described as follows:

Commencing at a point on the east line of said Section 30, 48.7 feet south from the quarter section post on the east line; thence running south on said east line 1141.5 feet; thence at right angles west 293.71 feet; thence at right angles north 758 feet; thence at right angles west 50 feet; thence at right angles north 383.5 feet; thence at right angles east 343.71 feet to the point of beginning.

Adopted by the City Council of the City of Minnetonka this 17th day of December 1973.

STAN KOCH, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

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ORDINANCE NO. 73-77-55

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-4 (General Business District), and subject to the provisions of Paragraph 5, Subd. 1, Section 22, that final site plan, grading plan, and landscaping plan be reviewed and approved by the planning commission prior to the granting of any building permits on the premises, that no variances for signs be granted, and that appropriate screening be provided:

That part of the north 597 feet of the southeast quarter of Section 30, Township 117, Range 22, which lies south of the southerly right-of-way line of State Highway No. 7 and is located in that part of said southeast quarter of Section 30, Township 117, Range 22, according to the government survey thereof, lying east of a line parallel with the east line of said Section 30, and 544.42 feet westerly therefrom, and northeasterly of the centerline of the Minneapolis and Excelsior Road; excepting therefrom the tract described as follows:

Commencing at a point on the east line of said Section 30, 48.7 feet south from the quarter section post on the east line; thence running south on said east line 1141.5 feet; thence at right angles west 293.71 feet; thence at right angles north 758 feet; thence at right angles west 50 feet; thence at right angles north 383.5 feet; thence at right angles east 343.71 feet to the point of beginning.

Adopted by the City Council of the City of Minnetonka this 17th day of December 1973.

STAN KOCH, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

Rezoning Petiton No. 76
Publish January 3, 1974

ORDINANCE NO. 73 - 56

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map of the City of Minnetonka from R-1 (Single Family Residence District) to B-1 (Limited Business District), and subject to the provisions of paragraph 5, Subd. 1, Section 22, that no building permit be issued unless the building plans substantially conform to the proposals, plans, drawings and specifications, etc. submitted by petitioner in support of the request for rezoning:

The north 100 feet of that part of the south 10 acres of the northwest quarter of the southeast quarter, Section 22, Township 117, Range 22, lying west of the centerline of the County Road known as Baker Road and easterly of a line described as follows:

Commencing at the northeast corner of the south 10 acres of said northwest quarter of the southeast quarter, thence westerly along the north line of said south 10 acres a distance of 247.08 feet, to the beginning of the line to be described; thence southerly deflecting to the left 83 degrees, 28 minutes, 40 seconds, a distance of 100.65 feet, more or less, to the south line of said north 100.00 feet, and said line there terminating.

Adopted by the City Council of the City of Minnetonka this 17th day of December 1973.

STAN KOCH, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

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ORDINANCE NO. 73-77-56

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map of the City of Minnetonka from R-1 (Single Family Residence District) to B-1 (Limited Business District), and subject to the provisions of paragraph 5, Subd. 1, Section 22, that no building permit be issued unless the building plans substantially conform to the proposals, plans, drawings and specifications, etc. submitted by petitioner in support of the request for rezoning:

The north 100 feet of that part of the south 10 acres of the northwest quarter of the southeast quarter, Section 22, Township 117, Range 22, lying west of the centerline of the County Road known as Baker Road and easterly of a line described as follows:

Commencing at the northeast corner of the south 10 acres of said northwest quarter of the southeast quarter, thence westerly along the north line of said south 10 acres a distance of 247.08 feet, to the beginning of the line to be described; thence southerly deflecting to the left 83 degrees, 28 minutes, 40 seconds, a distance of 100.65 feet, more or less, to the south line of said north 100.00 feet, and said line there terminating.

Adopted by the City Council of the City of Minnetonka this 17th day of December 1973.

STAN KOCH, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

Rezoning Petition No. 70
Publish January 3, 1974

(SEAL)

ORDINANCE NO. 74-77-58

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District):

Those parts of Government Lots 3 and 4, Section 8, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows:

Commencing at the Southeast corner of said Government Lot 3; thence on an assumed bearing of North 1 degree 44 minutes 30 seconds West along the east line of said Government Lot 3 a distance of 792.66 feet to the point of beginning of the land to be described; thence North 55 degrees 00 minutes 00 seconds West a distance of 139.77 feet; thence North 1 degree 44 minutes 30 seconds West a distance of 416.04 feet; thence North 54 degrees 30 minutes 00 seconds East a distance of 134.71 feet, to the east line of said Government Lot 4; thence South 1 degree 44 minutes 30 seconds East along the east line of said Government Lot 4 and along the east line of said Government Lot 3, a distance of 574.51 feet to the point of beginning.

Those parts of the Southwest Quarter of the Southwest Quarter, the Southeast Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 9, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows:

Commencing at the southwest corner of said Southwest Quarter of the Southwest Quarter; thence on an assumed bearing of North 1 degree 44 minutes 30 seconds West along the west line of said Southwest Quarter of the Southwest Quarter a distance of 792.66 feet to the point of beginning of the land to be described; thence South 55 degrees 00 minutes 00 seconds East a distance of 928.02 feet; thence on a bearing of East a distance of 1175.00 feet; thence North 11° 00 minutes 00 seconds East a distance of 1320.00 feet, more or less, to the center line of County Road No. 16; thence northwesterly along said center line to the west line of said Northeast Quarter of the Southwest Quarter; thence southerly along last said west line to the northeast corner of said Southwest Quarter of the Southwest Quarter; thence westerly along the north line of said Southwest

Quarter of the Southwest Quarter to the northwest corner of said Southwest Quarter of the Southwest Quarter; thence southerly along the west line of said Southwest Quarter of the Southwest Quarter to the point of beginning.

That part of the Northwest Quarter of the Southwest Quarter of Section 9, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 9; thence on an assumed bearing of North 1 degree 44 minutes 30 seconds West along the west line of said Southwest Quarter a distance of 1367.17 feet; thence North 54 degrees 30 minutes 00 seconds East a distance of 483.10 feet to the point of beginning of the land to be described; thence South 54 degrees 30 minutes 00 seconds West a distance of 483.10 feet to the west line of said Northwest Quarter of the Southwest Quarter; thence South 1 degree 44 minutes 30 seconds East along last said line, to the southwest corner of said Northwest Quarter of the Southwest Quarter; thence North 89 degrees 50 minutes 26 seconds East, along the south line of said Northwest Quarter of the Southwest Quarter, to the southeast corner of said Northwest Quarter of the Southwest Quarter; thence North 1 degree 37 minutes 08 seconds West, along the east line of said Northwest Quarter of the Southwest Quarter, to a point distant 1093.00 feet southerly from the northeast corner of said Northwest Quarter of the Southwest Quarter; thence South 74 degrees 56 minutes 52 seconds West a distance of 378.26 feet; thence North 19 degrees 44 minutes 08 seconds West a distance of 374.30 feet; thence North 4 degrees 01 minutes 08 seconds West a distance of 145.05 feet; thence northeasterly a distance of 78.79 feet along a tangential curve concave to the east having a radius of 130.04 feet to a point of compound curvature; thence northeasterly a distance of 125.75 feet along a tangential curve concave to the southeast having a radius of 155.76 feet; thence North 76 degrees 57 minutes 10 seconds East, tangent to the last described curve, a distance of 37.60 feet; thence northeasterly a distance of 119.55 feet along a tangential curve concave to the northwest having a radius of 138.96 feet to a point of compound curvature; thence northerly a distance of 135.28 feet along a tangential curve concave to the west having a radius of 135.93 feet; thence North 29 degrees 24 minutes 14 seconds West, tangent to the last described curve, a distance of 52.40 feet; thence northeasterly a distance of 138.55 feet along a tangential curve concave to the east having a radius of 114.24 feet; thence North 40 degrees 05 minutes 03 seconds East to the southwesterly right-of-way line of County Road No. 16; thence northwesterly along said southwesterly right-of-way line to the north line of said Northwest Quarter of the Southwest Quarter; thence westerly along said north line to the intersection with a line which bears North 28 degrees 35 minutes 02 seconds East from the point of beginning; thence South 28 degrees 35 minutes 02 seconds West to the point of beginning.

The above described property contains approximately 75 acres.

Adopted by the City Council of the City of Minnetonka this 21st day of January, 1974.

JOHN C. BAILEY, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

(SEAL)

ORDINANCE NO. 74-77-59

AN ORDINANCE PROVIDING FOR THE MAILING AND POSTING OF NOTICES FOR REZONING

THE CITY OF MINNETONKA DOES ORDAIN:

Paragraph 3, Subdivision 1, Section 22 of Ordinance No. 77, is hereby amended to read as follows, to-wit:

3. All applications for changes in the boundaries of any zoning district which are initiated by the petition of the owner, or owners, of the property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands proposed to be changed and all lands within 400 feet of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in such area as the same appear on the records of the County Auditor of Hennepin County. At least ten (10) days prior to the public hearing required hereinafter notice of the proposed rezoning shall be mailed to the owner of the affected property and to the owners of all property situated wholly or partly within 400 feet of the property proposed to be rezoned. Notice shall also be posted on the property proposed to be rezoned as soon as conveniently may be following the filing of a petition or application for rezoning, but not later than ten (10) days prior to the public hearing held thereon, and such notice shall be posted in a manner so as to advise the passers-by that the land so posted is subject to a petition or application for rezoning. All expenses of such posting shall be borne by the petitioner or applicant in addition to the fee provided for in paragraph 2 herein.

Adopted by the City Council of the City of Minnetonka this 4th day of February 1974.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

ORDINANCE NO. 74-77-61

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District):

Lot 3, Block 3, Oak Knoll 2nd Addition

Adopted by the City Council of the City of Minnetonka this 18th day of February, 1974.

JOHN C. BAILEY, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

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ORDINANCE NO. 74 - 77- 63

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-2 (Shopping Center Business District):

> That part of the southeast 1/4 of the southeast 1/4 of Section 3, Township 117, Range 22, Hennepin County, Minnesota, lying easterly of Plymouth Road, lying south of the south line of Lot 3, Block 1, Ridgedale Center First Addition, and lying north of the north line of Lot 4, said Block 1.

This ordinance is subject to the provisions of Section 22, Subdivision 1, paragraph 5, of Ordinance No. 77 in that all the proposals, plans, drawings, specifications, etc. submitted by petitioner in support of the request for rezoning shall be filed with the building department and no permit for the construction of any building shall be issued unless such building plans conform to the proposals, plans, drawings, specifications, etc. on file and subject to the approval of the site plan by the planning commission.

Adopted by the City Council of the City of Minnetonka this 4th day of March 1974.

JOHN C. BAILEY, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

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ORDINANCE NO. 74 - 77- 65

AN ORDINANCE AMENDING SUBDIVISION 1, SECTION 19, OF ORDINANCE NO. 77 RELATING TO THE MEMBERSHIP OF THE BOARD OF ZONING ADJUSTMENT

THE CITY OF MINNETONKA DOES ORDAIN:

Subdivision 1, Section 19, of Ordinance No. 77 is hereby amended to read as follows, to-wit:

Subdivision 1. Creation and Membership. A Board of Zoning Adjustment is hereby established and the mayor and council may act as such, or the mayor and council may appoint a Board of Zoning Adjustment and vest it with such authority as is herein provided. Such board shall consist of seven (7) members, all registered voters of the City of Minnetonka, and may consist of members of the planning commission. If the Board of Zoning Adjustment consists of appointees not members of the planning commission, then such appointees shall be appointed for terms coinciding with the terms of appointees to the planning commission so far as is practicable. The board may establish its own rules of conduct and shall appoint one of its members as chairman and one of its members as secretary.

Adopted by the City Council of the City of Minnetonka this 4th day of March 1974.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 74 - 77 - 67

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described property on the official zoning map from R-1 (Single Family Residence District) to R-3-PURD (Multiple Family Residence District-Planned Unit Residential Development):

That part of the Southeast Quarter of the Southwest Quarter of Section 31, Township 117, Range 22, lying East of State Highway #101.

In accordance with the provisions of Section 10-b of Ordinance No. 77, the following provisions are considered a part of the final plan as approved:

1) That the final plan show a dedicated 33 foot street right-of-way along the northerly 33 feet of the subject property.

2) Planning commission approval of preliminary and final development plans is required.

3) Dedication of an easement for non-motorized trail purposes at a location determined by the applicant and park planner is required.

4) Preliminary and final development plan shall show a provision for bus stop facilities on State Highway #101 and Town Line Road on the subject property.

5) Approval by the state and county highway departments, the Department of Natural Resources and the Riley-Purgatory Creek Watershed District is required for the preliminary development plan.

6) No alteration of the flood plain shall be permitted unless adequate and proper storage capacity is maintained.

7) A maximum density of 95 dwelling units shall be permitted.

8) Underground parking required.

Adopted by the City Council this 15th day of April 1974.

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

John C. Bailey

JOHN C. BAILEY, MAYOR

I, MARGARET E. MULLEN, the duly appointed and acting Clerk of the City of Minnetonka, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council at a regular meeting thereof held on the 15th day of April 1974.

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 74-77-73

AN ORDINANCE REZONING CERTAIN PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District), to B-2 (Shopping Center Business District), B-3 (Service Business District), and I-1 (Planned Industrial District) all as set forth hereinafter:

Lot 1, Block 2, and Lot 1, Block 8, Opus II First Addition, to B-2 (Shopping Center Business District)

Lot 1, Block 5, and Lot 1, Block 9, Opus II First Addition, to B-3 (Service Business District)

Lots 1, 2, 3, 4, 5 and 6, Block 10, Lot 1, Block 11; Lots 1 and 2, Block 12; Lots 1, 2, 3, 4, and 5, Block 13; Lots 1, 2, 3, 4 and 5, Block 14; and Lot 1, Block 15, all in Opus II First Addition to I-1 (Planned Industrial District)

This ordinance is adopted pursuant to the provisions of paragraph 5, Subd. 1, Section 22, Ordinance No. 77, in that no building permit be issued until final site review of all plans and specifications be submitted to the planning commission and approved by it, and that no residential construction be permitted on any of these parcels.

This ordinance will take effect 30 days following the filing and recording in the appropriate county office of the plat of Opus II First Addition.

Adopted by the City Council of the City of Minnetonka this 3rd day of June, 1974.

JOHN C. BAILEY, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 74 - 77 - 80

AN ORDINANCE ESTABLISHING A WETLANDS DISTRICT AND PROVIDING REGULATIONS THEREFOR

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 1, of Ordinance No. 77 is hereby amended by adding thereto another classification of districts to be designated as follows:

OTHER DISTRICTS
W-L Wetlands District

Ordinance No. 77 is further amended by adding thereto Section 16.2 - W. L. - Wetlands District to read as follows; to-wit:

Section 16.2 Wetlands District.
Subdivision 1. Purpose. The purposes of this ordinance are to recognize the vital environmental resource which the Wetlands of the City of Minnetonka provide; to preserve them in as natural a state as possible to serve as natural retention areas for surface waters; and to regulate the use of areas adjacent to them to protect their natural function as well as to minimize the loss of life or property as the result of flood. For this purpose the following regulations shall apply to an overlying zoning district further regulating the use of land therein.

Subd. 2. Boundaries. The boundaries of the Wetlands District are set forth in the attached map hereby designated as the Official Wetlands map, and all notations, references and data shown thereon are hereby incorporated by reference into this ordinance and shall be as much a part of it as if fully described herein.

The boundaries of the Wetlands District shall be determined by scaling distances on the official wetlands map. Where interpretation is needed as to the exact location of the boundaries of the district, as shown on the official wetlands map, as for exemple, where there appears to be a conflict between a map boundary and actual field conditions, the Board of Adjustment shall make the necessary interpretation. The persons contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Subd. 3. Permitted uses. Within a wetlands district no land shall be used except for one, or more, of the following uses:

Lawns, residential gardens, residential play area, parks, wildlife and nature preserves, hiking and horseback riding trails.

Subd. 4. Uses by Conditional Use Permit. Within a wetlands district the following uses are permitted only upon application to the zoning administrator and the issuance of a conditional use permit in accordance with the procedures set forth in Section 20 herein:

Outdoor plant nurseries, horticulture, viticulture,farming, forestry, wild crop harvesting, private and public recreational uses such as golf course, tennis courts, archery ranges, picnic grounds, boat launching ramps, and swimming areas.

Subd. 5. Height, Yard, Area, Lot Width and Depth, Lot Coverage, and Minimum Floor Area Regulations. The following shall apply to all lands abutting the contour delineating a wetland from the surrounding lands according to the official wetlands map and within 150 feet thereof.

1. Except as hereinafter modified the requirements of the various underlying zoning districts shall apply.

2. Minimum Lot Size: non residential 40,000 square feet.

3. Maximum lot coverage of all structures and paved surfaces shall not be greater than 15 per cent of the lot area.

4. Minimum lot widths other than R-1 zoning: 150 feet at the building line and 150 feet at the wetland.

5. All structures shall be set back at least 35 feet from the wetland.

6. All buildings designed for human habitation adjacent to the wetland shall have a minimum basement floor elevation established by the City Engineer.

Subd. 6. Wetlands Vegetation Alteration. The removal of natural vegetation within or abutting a wetland shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics.

Subd. 7. Development Prohibited. No structures, objects, materials or improvements shall be placed within the wetlands except those associated with public parks, public nature and wildlife preserves, hiking, skiing and horseback riding trails, subject to the approval of the city.

Subd. 8. General Conditions.

1. Alteration of Wetlands.

No filling, grading, dredging, or excavation within the Wetlands District shall be allowed without a

Wetlands Alteration Permit, subject to the recommendation of the Planning Commission and the approval of the Council.

2. Removal of Lands from Wetlands District. The wetland designation on official zoning maps shall not be removed from wetland areas except pursuant to the provisions of Section 22 of this ordinance.

3. Land Suitability.
No land shall be subdivided for building purposes which is held unsuitable for the proposed use by the City Council for reason of flooding, inadequate drainage, soil and rock formation with severe limitations for development, erosion potential, unfavorable topography, inadequate water supply, infringement on the use and enjoyment of the wetland, harm or disturbance to the natural environment, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The City Council in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing.

Section 19, Subd. 2, paragraph 2, of Ordinance No. 77 is hereby amended by adding thereto the following sentence, to-wit:

No Wetlands Alteration Permit shall be granted in the Wetland District that shall allow for a lesser degree of water retention than required in Section 16.2 of this ordinance.

Section 20, Subd. 2, paragraph 1, of Ordinance No. 77 is hereby amended by adding thereto paragraph 1A to read as follows, to-wit:

1A In consideration of an application for the issuance of a conditional use permit for a use of land lying within the wetland district, the Planning Commission shall require that the applicant furnish and supply such information, maps, plans, specifications, etc. as to permit a technical evaluation by the City Engineer. In passing upon such conditional use application the Planning Commission shall consider all relevant factors specified in other sections of this ordinance, and

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

2. The danger that materials may be swept onto other lands to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

5. The importance of the services provided by the proposed facility to the community.

6. The requirements of the facility for a waterfront location.

7. The availability of alternative locations not subject to flooding for the proposed use.

8. The compatibility of the proposed use with existing and anticipated development.

9. The relationship of the proposed use to the comprehensive plan and the wetlands in the surrounding area.

10. The safety of access to the property in times of flood for ordinary and emergency vehicles.

11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

12. Such other factors which are relevant to the purposes of this ordinance.

Section 21, Subdivision 2, of Ordinance No. 77 is hereby amended by adding thereto paragraph 5 to read as follows, to-wit:

5. No permit for construction or no certificate of occupancy shall be issued in respect to any lands lying within the wetland district unless the structure is in full compliance with the provisions of Section 16.2 of this ordinance.

Subd. 9. Violations and Penalties. Any person, firm, or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $300, or by imprisonment for not to exceed 90 days, or both. Each day that a violation continues shall constitute a separate offense.

Adopted by the City Council of the City of Minnetonka this 9th day of September 1974.

JOHN C. BAILEY, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

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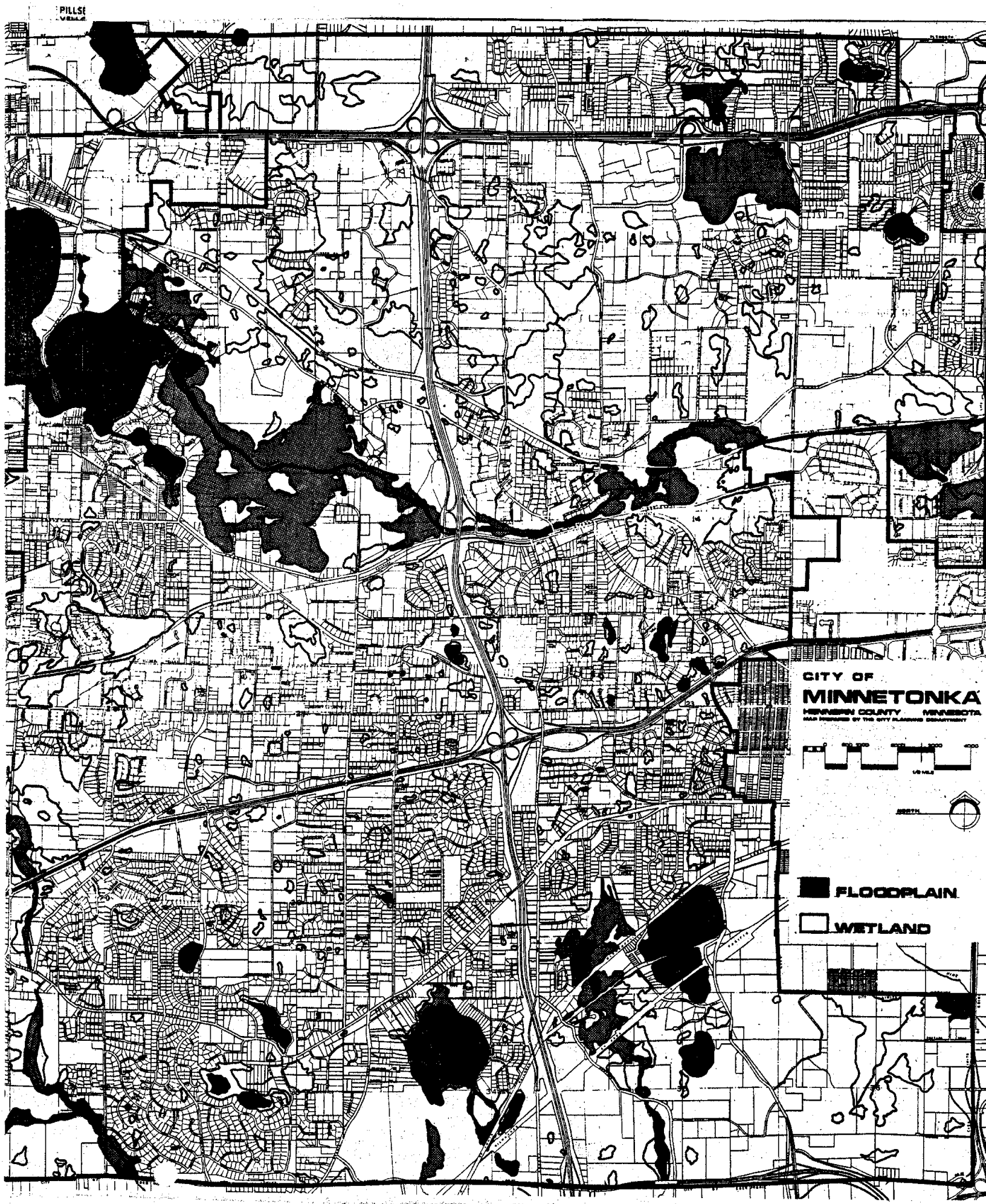

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ORDINANCE NO. 74 - 77 - 81

AN ORDINANCE ESTABLISHING A FLOOD PLAIN DISTRICT AND PROVIDING REGULATIONS THEREFOR

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 1, of Ordinance No. 77 is hereby amended by adding thereto another classification of districts to be designated as follows:

OTHER DISTRICTS
F-P Flood Plain District.

Ordinance No. 77 is further amended by adding thereto Section 16.1 - F-P Flood Plain District to read as follows, to-wit:

Section 16.1 Flood Plain District.
Subdivision 1. Purpose. The purpose of this section is to recognize and preserve the vital environmental and recreational resource which the creeks and natural drainageways of the City of Minnetonka provide, and to regulate the use of areas adjacent to them to protect their environmental function as well as to minimize the loss of life or property as the result of flood. For this purpose the following regulations shall apply to an overlying zoning district further regulating the use of land therein. This section is adopted pursuant to authority of Laws of 1969, Chapter 590.00, Sec. 4.

Subd. 2. Definitions.

1. Flood Plain - Areas shown on the Official Flood Plain map as areas adjoining a water course which has been, or hereafter may be, covered by the regional flood.

2. Regional Flood - A flood which can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

3. Flood Protection Elevation - A point not less than one foot above the water surface profile associated with the regional flood, plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this ordinance are required to be elevated or flood proofed.

Subd. 3. Boundaries of Flood Plain District. The flood hazard areas within the jurisdiction of this ordinance are hereby designated as the Flood Plain District. The boundaries of the district are established by the water surface profile of the regional flood and are set forth in the attached map hereby designated as the Official Flood Plain map and all notations, references and data shown thereon are hereby incorporated by reference into

this ordinance and shall be as much a part thereof as if fully described herein.

The boundaries of the Flood Plain District shall be determined by the use of the water surface profile of the regional flood and by scaling distances on the official Flood Plain map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official Flood Plain map, as for example, where there appears to be a conflict between a map boundary and actual field conditions, the Board of Adjustment shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Subd. 4. Permitted Uses in the Flood Plain District. Within a Flood Plain District no land shall be used except for one, or more, of the following uses:

Lawns, residential gardens, residential play areas, parks, wildlife and nature preserves, hiking and horseback riding trails.

Subd. 5. Uses by Conditional Use Permit. Within a flood plain district the following uses are permitted only upon application to the Zoning Administrator and the issuance of a conditional use permit in accordance with the procedures set forth in Section 20 herein, and in consideration of an application for a conditional use permit, the Planning Commission shall apply the standards set forth in Section NR 88 of the rules and regulations of the Department of Natural Resources as filed with the Secretary of State and the Commissioner of Administration on October 27, 1970. Copies of all notices of application for variances or conditional use permits and copies of decisions granting such permits shall be forwarded to the Commissioner of Natural Resources. The commissioner shall receive at least ten (10) days' notice of any hearing at which a variance or conditional use permit will be considered. Such notice shall specify the time, place and subject matter of the hearing and shall be accompanied by such supporting information as is necessary to indicate the nature and effect of the proposed use. The permitted uses are:

Outdoor plant nurseries, horticulture, viticulture, farming, forestry, wild crop harvesting, private and public recreational uses such as golf course, tennis courts, archery ranges, picnic grounds, boat launching ramps, and swimming areas.

Any applicant applying for a conditional use permit must submit an environmental assessment with each application.

The planning commission may request an environmental impact statement to accompany an application for a conditional use permit. Citizens of Minnetonka may petition for an environmental impact statement of the area considered for a conditional use permit upon submitting five hundred signatures.

Subd. 6. Height, Yard, Area, Lot Width and Depth, Lot Coverage, and Minimum Floor Area Regulations for the Flood Plain and All Lands Within 150 feet thereof.

1. Except as hereinafter modified the requirements of the various underlying zoning districts shall apply.

2. Minimum Lot Size: Non-residential 40,000 square feet.

3. Maximum lot coverage of all structures and paved surfaces shall not be greater than 15 percent of the lot area.

4. Minimum lot widths other than R-1 zoning: 150 feet at the building line and 150 feet at the creek edge.

5. All structures shall be set back at least 35 feet from the flood plain, or 150 feet from the center line of the creek, whichever is greater.

6. All buildings designed for human habitation adjacent to the Flood Plain shall have a minimum basement floor elevation not less than one foot above the flood protection elevation.

Subd. 7. Flood Plain Vegetation Alteration. The removal of natural vegetation within the flood plain district shall be restricted to prevent erosion into public waters, to consume nutrients in the soil and to preserve flood plain aesthetics. Removal shall be restricted within a strip paralleling the creek and extending from the creek to a distance 35 feet beyond the flood plain or 50 feet from the centerline of the creek, whichever is the greater distance.

Subd. 8. Development Prohibited. No alteration, grading, dredging or excavation shall be allowed within the flood plain except by governmental agencies in conformance with the requirements of the city and the affected watershed district.

General Conditions.

Subd. 9. 1. Removal of Lands from Flood Plain District. The flood plain designation on official zoning maps shall not be removed from flood plain areas.

2. Land Suitability. No land shall be subdivided for building purposes which is held unsuitable for the proposed use by the City Council for reason of flooding, inadequate drainage, soil and rock formation with severe limitations for development, erosion potential, unfavorable topography, inadequate water supply, infringement on the use and enjoyment of the creek, harm or disturbance to the natural environment of any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision, or of the community.

   The City Council in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing.

3. Any construction or alteration of lands abutting or draining into the flood plain district shall be required to take the necessary precautions to prevent sedimentation or contamination of the flood plain. These precautions shall include, but not be restricted to preventative measures such as berms, holding areas, or water retention areas.

Section 19, Subd. 2, Paragraph 2, of Ordinance No. 77 is hereby amended by adding thereto the following sentence, to-wit:

No variance shall be granted in the Flood Plain District that shall allow for a lesser degree of flood protection than required in Section 16.1 of this ordinance.

Section 20, Subd. 2, Paragraph 1, of Ordinance No. 77 is hereby amended by adding thereto paragraph 1A to read as follows; to-wit:

1A. In consideration of an application for the issuance of a conditional use permit for a use of land lying within the flood plain district, the planning commission shall require that the applicant furnish and supply an environmental assessment and such information, maps, plans, specifications, etc. as to permit a technical evaluation by the City Engineer in order to determine, among other things, whether the proposed use is located within the flood plain and determine the specific flood hazard at

the site and evaluate the suitability of the proposed use in relation to the flood hazard. In passing upon such conditional use application, the planning commission shall consider all relevant factors specified in other sections of this ordinance, and

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

2. The danger that materials may be swept onto other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent diseases, contamination and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

5. The importance of the services provided by the proposed facility to the community.

6. The requirements of the facility for a waterfront location.

7. The availability of alternative locations not subject to flooding for the proposed use.

8. The compatibility of the proposed use with existing and anticipated development.

9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

10. The safety of access to the property in times of flood for ordinary and emergency vehicles.

11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

12. Such other factors which are relevant to the purposes of this ordinance.

Section 21, Subd. 2, of Ordinance No. 77 is hereby amended by adding thereto paragraph 5 to read as follows, to-wit:

5. No permit for construction and no certificate of occupancy shall be issued in respect to any lands lying within the flood plain district unless the structure is in full compliance with the flood plain provisions of Section 16.1 of this ordinance.

Adopted by the City Council of the City of Minnetonka

this 9th day of September 1974.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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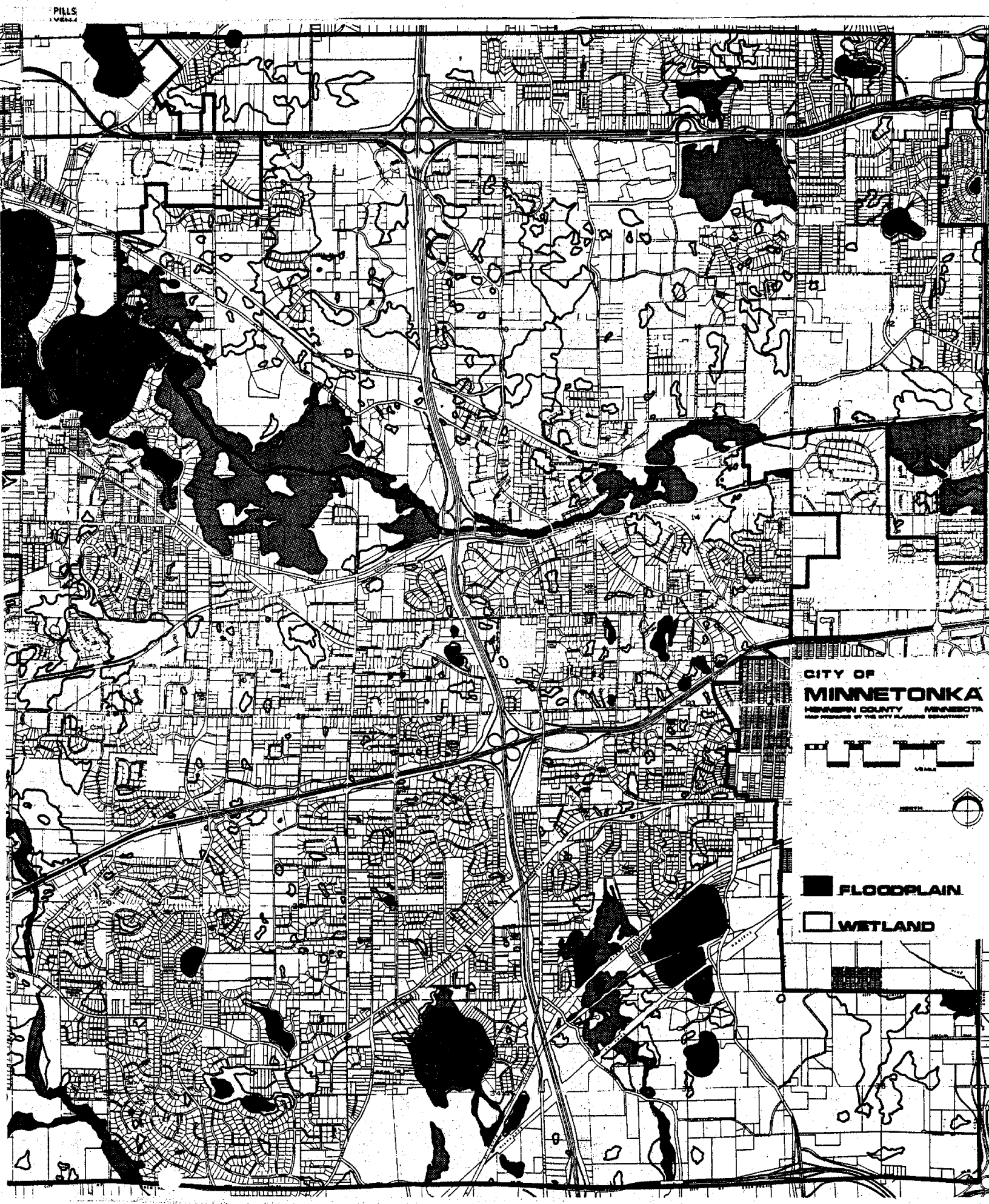

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ORDINANCE NO. 74- 77 - 82

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-3 (Service Business District):

The west 397.12 feet of the south 385.16 feet of the south 1/2 of the northwest 1/4 of the northwest 1/4 of Section 29, Township 117, Range 22.

This ordinance is subject to the provisions of Subd. 5, Section 22, and pursuant to such authority the use of the lands hereby rezoned is limited to the operation of a nursery and garden shop on the premises.

Adopted by the City Council of the City of Minnetonka this 21st day of October, 1974.

JOHN C. BAILEY, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

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ORDINANCE NO. 74 - 77 - 83

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to B-1 (Limited Business District):

Lot 9, Dellton

Adopted by the City Council of the City of Minnetonka this 21st day of October, 1974.

JOHN C. BAILEY, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 74 - 77 - 85

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1, Single Family Residence District, to R-3, Planned Unit Residential District:

Lots 1 to 14 inclusive, except the East 46.00 feet of said lots.

Those parts of Lots 15, 16, 17, 20 and 21 lying westerly of the following described line: Beginning at a point in the North line of said Lot 15 distant 46.00 feet West of the Northeast corner of said Lot 15; thence Southerly of the most Southerly corner of said Lot 21, and said line there terminating.

Lots 30 to 33 inclusive,
Lots 36 to 46 inclusive,
All in Block 9, "J. F. Lyons 3rd Addition."

Lots 1, 2, 3 and 4 and that part of Lot 5 lying North of the South 30 75/100 feet thereof. Block 11,"J. F. Lyons 3rd Addition".

Lots 6, 7, 8, 9 and South 30 75/100 feet of Lot 5, Block 11,"J. F. Lyons 3rd Addition".

Lots 1 to 5 inclusive and that part of Lot 6 lying North of South 32 6/10 feet thereof,
Lots 7 to 10 inclusive and South 32 6/10 feet of Lot 6, Block 13, Lyons 2nd Addition.

Vacated surrounding streets.

This amendment shall be subject to Section 22, Subdivision 1, Par. 5, that the number of dwelling units be limited to 68, that unless construction has commenced within two years from the effective date of this ordinance, said land shall revert to R-1, Single Family Residence District, and that all of the above described area lying below the 910 contour line be dedicated as a public easement for drainage, open space, and trailway purposes.

Adopted by the City Council of the City of Minnetonka this 18th day of November 1974.

JOHN C. BAILEY, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 74 - 77 - 86

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises from R-1, Single Family Residence District, to B-1, Limited Business District:

That part of the Southeast 1/4 of the Northeast 1/4 of Section 1, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows:

Beginning at a point on the West line of said Southeast Quarter of the Northeast Quarter distant 438.00 feet North from the Southwest corner of said Southeast Quarter of the Northeast Quarter; thence easterly parallel with the south line of said Southeast Quarter of the Northeast Quarter, a distance of 155.00 feet; thence northerly parallel with said west line a distance of 70.00 feet; thence easterly parallel with said south line, a distance of 33.00 feet; thence northerly parallel with said West line, a distance of 318.49 feet to centerline of Old Highway No. 12 (formerly Superior Boulevard) as described in Document No. 2257559; thence westerly along said centerline, a distance of 188.23 feet to said west line, thence southerly along said west line a distance of 380.95 feet to the point of beginning.

Adopted by the City Council of the City of Minnetonka this 18th day of November 1974.

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 74 77-87

AN ORDINANCE CHANGING THE NUMBER OF MEMBERS OF THE BOARD OF ZONING ADJUSTMENT

THE CITY OF MINNETONKA DOES ORDAIN:

Subdivision 1, Section 19, of Ordinance No. 77 is hereby amended to read as follows, to-wit:

Subdivision 1. Creation and Membership of the Board of Zoning Adjustment. A Board of Zoning Adjustment is hereby established, and the Mayor and Council may act as such, or the Mayor and Council may appoint a Board of Zoning Adjustment and invest it with such authority as is herein provided. If the Council does not act as the Board of Zoning Adjustment, then the Board shall consist of five (5) members, all registered voters of the City of Minnetonka, and one (1) member shall be a member of the City Council, and one (1) member shall be a member of the Planning Commission. The members of the Board of Zoning Adjustment shall be appointed by the Council at the first official Council meeting in January of each year, and shall serve until their successors are duly appointed and qualified. The Board may establish its own rules of conduct, and shall appoint one (1) of its members as chairman and one (1) of its members as secretary.

Adopted by the City Council of the City of Minnetonka this 2nd day of December 1974.

JOHN C. BAILEY, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 74 - 77-88

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-4, Multiple Family Residence District, to R-1, Single Family Residence District:

Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 1, Sjoberg's 3rd Addition, according to the map or plat thereof on file or of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka this 16th day of December 1974.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 75-77-89

AN ORDINANCE AMENDING ORDINANCE NO. 73-77-56 TO CORRECT THE LEGAL DESCRIPTION

THE CITY OF MINNETONKA DOES ORDAIN:

Ordinance No. 73-77-56 is hereby amended to correct the legal description of the lands described therein to read as follows, to-wit:

That part of the South ten (10) acres of the North thirty (30) acres of the Northwest Quarter of the Southeast Quarter, except road, and except state and interstate highways, Section 22, Township 117, Range 22, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka this 6th day of January 1975.

John C. Bailey

JOHN C. BAILEY

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

Naegele Outdoor Advertising Co. - situated northerly of Fingerhut offices and northerly of City well site on Baker Rd.

ORDINANCE NO. 75-77 - 90

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended to change the zoning of the following described property on the official zoning map from R-1, Single Family Residence District, to B-4, General Business District:

That part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty-three (33), Township One Hundred Seventeen (117) North, Range Twenty-two (22) West of the Fifth Principal Meridian, described as follows: Beginning at a point on the North line of said Section Thirty-three (33) which point is twenty (20) feet due East of the Northwest corner of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4), said section; thence East along North line of said section One Hundred Sixty (160) feet; thence South parallel with West line of said Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said section to Northerly line of Excelsior Road; thence Southwesterly along North line of said Road One Hundred Ninety and 7-100 (190.07) feet to a point Twenty (20) feet due East of said West line of said first above described tract, thence North Three Hundred Seventy-nine (379) feet to place of beginning, except a portion of said tract described as beginning at a point in the East line thereof Fifty-two (52) feet South along said line from the Northeast corner of said tract; thence Southwesterly parallel to said road a distance of Eight (8) feet; thence Southeasterly to a point in said East line Twelve (12) feet South of said point of beginning, thence North Twelve (12) feet to the point of beginning, according to the United States Government Survey thereof.

The granting of this rezoning is subject to the provisions of Section 22, Subd. 5, of Ordinance No. 77, that site plan approval by the Planning Commission be required in case current use of the land is changed.

Adopted by the City Council of the City of Minnetonka this 3rd day of March 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

ORDINANCE NO. 75 - 77 - 91

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map of the City of Minnetonka from B-1, Limited Business District, to B-3, Service Business District:

Lot 5 and that part of Lot 4, lying east of a line distant 103.00 feet west of, measured at a right angle to and parallel with the east line of said Lot 4, all in DELLTON, according to the recorded plat thereof.

This ordinance is subject to the provisions of Par. 5, Subd. 1, Section 22, that the permitted use be limited to the use applied for by petitioner, to be operated as a restaurant under a name of petitioner's choosing. If no such restaurant is established by petitioner on the premises within one (1) year from date, the Council shall initiate appropriate proceedings to rezone the premises to B-1, Limited Business District.

Adopted by the City Council of the City of Minnetonka this 7th day of April 1975.

JOHN C. BAILEY, MAYOR

ATTEST:

MARGARET E. MULLEN, CITY CLERK

(SEAL)

T. Butcherblock

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ORDINANCE NO. 75-77-95

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended to change the zoning of the following described property on the official zoning map from B-3, Service Business District, to B-4, General Business District:

The East 233 feet of the South 750 feet of the Southeast Quarter of the Northwest Quarter of Section 4, Township 117, Range 22.

Adopted by the City Council of the City of Minnetonka this 19th day of May 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

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ORDINANCE NO. 75 - 77 - 96

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended to change the zoning of the following described property on the official zoning map from B-3, Service Business District, to B-1, Limited Business District:

The East 208 feet of the South 100 feet of the Northwest Quarter of the Southeast Quarter of Section 16, Township 117, Range 22, and

The East 208 feet of that part of the Southwest Quarter of the Southeast Quarter in Section 16, Township 117, Range 22, lying North of the Northerly line of the Minneapolis and St. Louis Railway right of way, except the South 80 feet thereof.

The granting of this rezoning is subject to the provisions of Section 22, Subd. 5, of Ordinance No. 77, and is limited to the specific use applied for by the petitioner and conditioned on substantial compliance with the proposals, plans, drawings, specifications, etc. submitted by the petitioner for rezoning, within one (1) year, or such other time as the Council deems appropriate, and the Council shall have specific authority if such substantial compliance has not been obtained within the time specified to rezone such parcel of land to the classification existing at the time of the submission of petitioner's application.

The granting of this rezoning is further conditioned upon compliance with Section 17, Subd. 3, Par (4), of Ordinance No. 77 pertaining to storage of materials.

Adopted by the City Council of the City of Minnetonka this 2nd day of June 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

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Asphalt Driveway

ORDINANCE NO. 75-77-99

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE BOUNDARIES OF A PART OF THE WETLANDS DISTRICT

THE CITY OF MINNETONKA DOES ORDAIN:

Subd. 2 of Section 16.2 of Ordinance No. 77, is hereby amended to change the boundaries of the wetlands district on the official wetlands map as to Lots 12 through 15, part of Lots 16 and 17, and Lots 23 through 25, Block 3, Green Acres. The boundaries of the wetlands district as it affects the above described property shall be as designated on the map attached hereto and made a part hereof.

Adopted by the City Council of the City of Minnetonka this 7th day of July 1975.

Fred Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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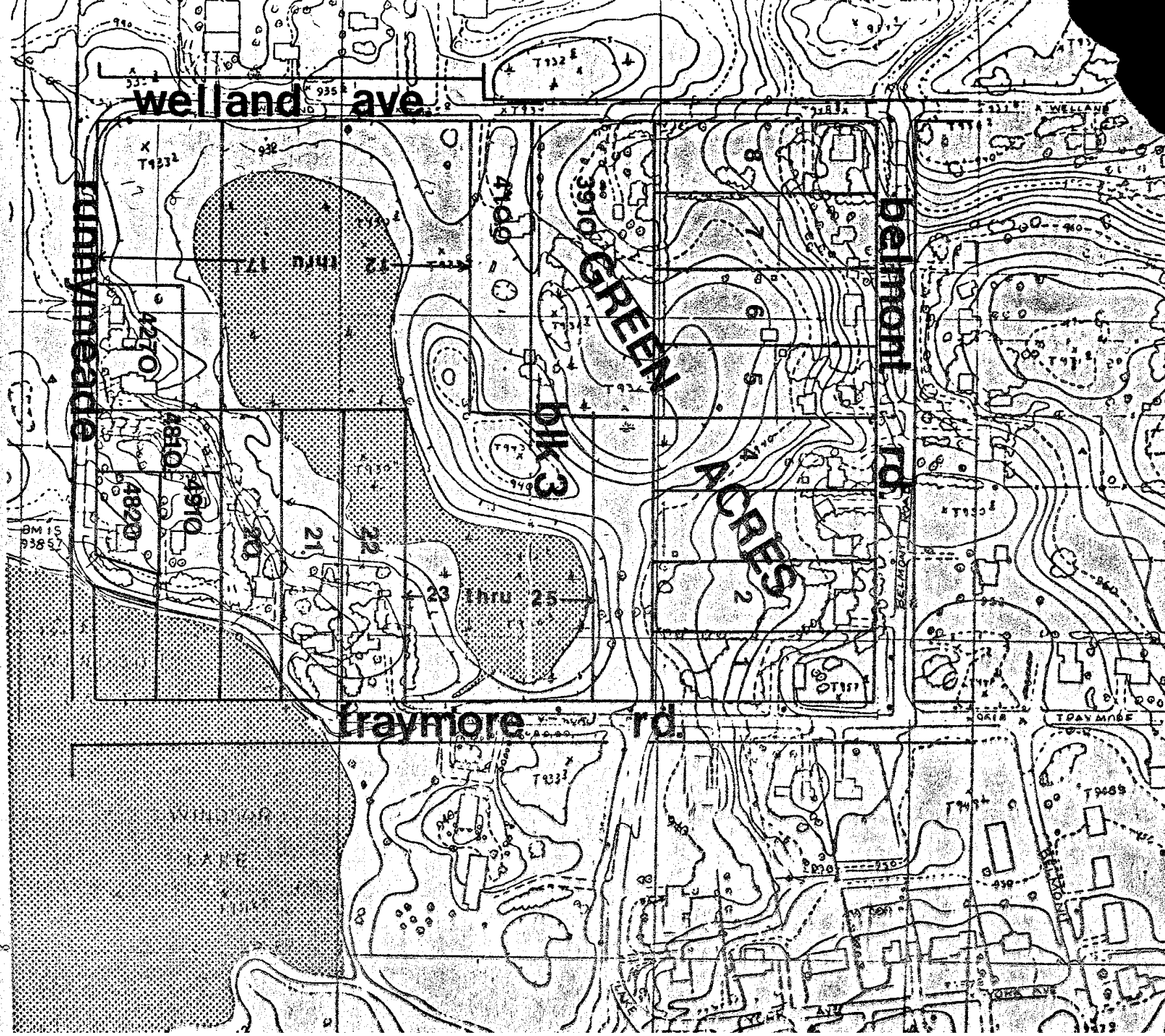

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ORDINANCE NO. 75 - 77 - 105

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises from R-1 (Single Family Residence District) to I-1 (Planned Industrial District):

The South Half of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 36, Township 117, Range 22, Hennepin County, Minnesota, and
Outlot E, Opus II First Addition, according to the recorded plat thereof on file or of record in the office of the Register of Deeds, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka this 18th day of August 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 75-77-109

AN ORDINANCE CORRECTING ERRORS IN THE LEGAL DESCRIPTIONS OF ORDINANCE NO. 73-45

THE CITY OF MINNETONKA DOES ORDAIN:

Ordinance No. 73-45 adopted by the City Council on July 16, 1973, is hereby amended to read as follows, to-wit:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential) to the following described classifications:

Block 1:

Lot 1	-	I-1
Lot 2	-	I-1
Lot 3	-	I-1
Lot 4	-	I-2
Lot 5	-	I-2
Lot 6	-	B-1
Lot 7	-	B-1
Lot 8	-	B-1
Lot 9	-	I-1
Lot 10	-	I-1
Lot 11	-	I-1
Lot 12	-	I-1

Block 2:

Lot 1	-	I-2
Lot 2	-	I-2
Lot 3	-	I-2
Lot 4	-	I-2
Lot 5	-	B-1
Lot 6	-	B-1
Lot 7	-	I-2
Lot 8	-	I-2
Lot 9	-	I-2
Lot 10	-	I-2

Block 3:

Lot 1	-	R-4
Lot 2	-	B-1
Lot 3	-	B-1
Lot 4	-	B-1
Lot 5	-	B-1

Block 4:

Lot 1	-	B-1
Lot 2	-	R-4
Lot 3	-	B-1

Block 5:

Lot 1	-	R-3

Pursuant to the provisions of Section 22, Subd. 5, of Ordinance No. 77, this rezoning is subject to the following conditions:

1) Access be provided to any developable parcels as noted in the Planning Department's review of Preliminary Plat No. 749.

2) Final approval of the site plan by the city.

3) Outlot A be dedicated to the city.

Adopted by the City Council of the City of Minnetonka this 8th day of September 1975.

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

JOHN C. BAILEY, MAYOR

ORDINANCE NO. 75-77-110

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District):

Tract L, Registered Land Survey No. 673, files of the Registrar of Titles, County of Hennepin Minnesota.

Adopted by the City Council of the City of Minnetonka this 15th day of September 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 75 - 77 - 112

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises from R-1 (Single Family Residence District) to B-1 (Limited Business District):

Lot 62 except that portion thereof lying Northerly and Easterly of Kinsel Road;

Lots 63 and 64;

Lot 61 except the West 65 feet of Lot 61 as measured along the south line of Lot 61; and except the East 675 feet of said Lot 61;

Lot 65 except that part of Lot 65 lying Southwesterly of a line drawn parallel with the Southwesterly line of Lot 65 from a point on the Southeasterly line distant 155.66 feet from the most Southerly corner of Lot 65;

All in "Auditor's Subdivision Number 321, Hennepin County, Minnesota," according to the recorded plat thereof.

Adopted by the City Council of the City of Minnetonka this 20th day of October, 1975.

Fred Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 75- 77 - 113

AN ORDINANCE AMENDING SECTION 5, SUBD. 2 OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises from R-1 (Single Family Residence District) to R-1 (Planned Unit Residence District):

Lots 3, 4, 5 and 13

Lot 6 except the South 34 feet thereof and Lot 11 except the South Half of the West Half thereof, Lot 12 except the North 180 feet of the East 135 feet of the West 275 feet of said Lot 12 and except the North 20 feet of the West 140 feet of said Lot 12.

All in "Temple's Garden Lots" Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Register of Deeds in and for said Hennepin County.

Adopted by the City Council of the City of Minnetonka this 3rd day of November, 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 75-77-114

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District):

That part of the following described premises lying West of a line drawn parallel with the East line of said premises and from a point 140 feet West of the East line thereof, said distance being measured along the North line thereof: The North 100 feet of the South 438 feet of that part of the Southeast 1/4 of Northeast 1/4 lying West of a line running from a point in the South line of said Southeast 1/4 of Northeast 1/4, Section 1, Township 117, Range 22, distant 330 feet East from the Southwest corner thereof to a point in the center line of Wayzata Boulevard, distant 328.7 feet Easterly measured along said center line from its intersection with the Westerly line of said Southeast 1/4 of Northeast 1/4, and said line there terminating.

Adopted by the City Council of the City of Minnetonka this 17th day of November, 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 75-77-115

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-1 (Planned Unit Residence District):

Lot 22, Auditor's Subdivision No. 299, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka this 17th day of November, 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 75-77-116

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77, is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-1 (Planned Unit Residential District):

Tract A except that part thereof which lies South of the North 221 feet thereof and Easterly of a line and its Southerly extension bearing North 9 degrees 48 minutes 47 seconds West from a point in the Southerly line of said Tract A distant 175 feet Westerly as measured along said Southerly line from the Southeast corner of said Tract A, Registered Land Survey No. 1109, Files of Registrar of Titles, County of Hennepin. (For purposes of this description the North line of said Tract A is assumed to be a due East and West line).

Adopted by the City Council of the City of Minnetonka this 17th day of November, 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 75-77-117

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District):

> That part of Lot 5 in Block 3 in Tonkawood Farms, according to the map or plat thereof on file and of record in the office of the Registrar of Titles in and for said County, lying northerly of a line extending easterly from a point on the westerly line of Lot 5, 113 feet southerly from the northwest corner thereof to a point on the easterly line of Lot 5, 114 feet southerly from the northeast corner thereof.

Section 5, Subd. 2, of Ordinance No. 77 is further amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District):

> Lot 5 in Block 3 in Tonkawood Farms, according to the map or plat thereof on file and of record in the office of the Registrar of Titles in and for said County except that part lying northerly of a line extending easterly from a point on the westerly line of Lot 5, 113 feet southerly from the northwesterly corner thereof to a point on the easterly line of Lot 5, 114 feet southerly from the northeasterly corner thereof.

Adopted by the City Council of the City of Minnetonka this 17th day of November, 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 75-77-118

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-1 (Planned Unit Residence District):

PARCEL A

That part of the West Half of the Northeast Quarter of the Southeast Quarter of Section 35, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows:

Commencing at the northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 35; thence southerly along the east line of said Northeast Quarter of the Southeast Quarter a Distance of 366.60 feet; thence southwesterly deflecting to the right 51 degrees 2 minutes 35 seconds a distance of 263.00 feet; thence southwesterly a distance of 940.80 feet along a tangential curve concave to the north having a radius of 1432.40 feet and a central angle of 37 degrees 37 minutes 55 seconds; thence southerly deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 33.00 feet, to a point hereinafter referred to as "Point A"; thence westerly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 107.57 feet to the intersection with a line 120.00 feet easterly of, measured at a right angle to and parallel with the west line of said West Half of the Northeast Quarter of the Southeast Quarter, the point of beginning of the Land to be described; thence easterly a distance of 107.57 feet to the above referenced "Point A"; thence easterly, along a tangential curve concave to the north having a radius of 1455.40 feet, to the intersection with the east line of said West Half of the Northeast Quarter ofthe Southeast Quarter; thence southerly along the last described east line to a point 295.00 feet northerly from the southeast corner of said West Half of the Northeast Quarter of the Southeast Quarter; thence westerly, parallel with the south line of said West Half of the Northeast Quarter of the Southeast Quarter, to the center line of Bren Road, as described in Document No. 3624203, recorded in the office of the Register of Deeds, County of Hennepin; thence northwesterly along said center line to the inersection with a line drawn southerly from the point of beginning and parallel with said west line; thence northerly along said parallel line to the point of beginning;
Subject to an easement for public right-of-way purposes in Bren Road as described in Document No. 3624203

PARCEL B

That part of the East Half of the Northeast Quarter of the Southeast Quarter of Section 35, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows;

Commencing at the northeast corner of said East Half of the Northeast Quarter of the Southeast Quarter; thence on an assumed bearing of South 2 degrees 43 minutes 20 seconds West, along the east line of said East Half of the Northeast Quarter of the Southeast Quarter a distance of 366/60 feet; thence south 54 degrees 09 minutes 55 seconds West a distance of 263.00 feet, to a point hereinafter referred to as "Point X"; thence southwesterly a distance of 509.08 feet, along a tangential curve concave to the north having a radius of 1432.40 feet and a central angle of 20 degrees 21 minutes 47 seconds, to the west line of said East Half of the Northeast Quarter of the Southeast Quarter, and the point of beginning of the land to be described; thence northeasterly along the last described curve a distance of 509.08 feet, to said "Point X"; thence North 54 degrees 09 minutes 55 seconds East a distance of 153.32 feet to a point of cusp; thence southwesterly a distance of 110.24 feet along a tangential curve concave to the southeast having a radius of 279.49 feet and a central angle of 22 degrees 36 minutes 00 seconds; thence South 31 degrees 33 minutes 55 seconds West, tangent to the last described curve a distance of 164.68 feet; thence southerly a distance of 217.93 feet along a tangental curve concave to the east having a radius of 731.44 feet and a central angle of 17 degrees 04 minutes 15 seconds; thence South 14 degrees 29 minutes 40 seconds West, tangent to the last described curve a distance of 475.57 feet to the south line of sai East Half of the Northeast Quarter of the Southeast Quarter; thence westerly along said south line a distance of 244.20 feet to the southwest corner of said East Half of the Northeast Quarter of the Woutheast Quarter, a distance of 565.77 feet to the point of beginning.
EXCEPT that part of the above described property which lies northwesterly of line 33.00 feet southeasterly of, measured at a right angle to and parallel with the northwesterly line of the above described property.

Subject to an easement for public right-of-way purposes in Bren Road, as described in Document No. 3624203.

Adopted by the City Council of the City of Minnetonka this 17th day of November, 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

ORDINANCE NO. 75-119

AN ORDINANCE AMENDING SECTION 420 OF THE 1972 CODE OF ORDINANCES TO PROVIDE FOR PLANNED UNIT RESIDENTIAL SUBDIVISIONS.

THE CITY OF MINNETONKA DOES ORDAIN:

Subd. 1 of Section 420.05, is hereby amended to read as followes, to-wit:

Subd. 1. Before dividing any tract of land into three or more lots or parcels the procedure set forth hereinafter shall be followed. If a proposed subdivision is to be for residential purposes, and the tract of land to be subdivided contains five (5) acres, or more, then the Planning Commission shall consider the feasibility of the subdivision being in conformity with the provisions of Section 10B (Planned Unit Residential Development) of Ordinance No. 77. If the Planning Commission determines that such rezoning is feasible then the necessary rezoning procedures shall automatically be instituted in behalf of the City Council and no fee shall be charged to the applicant for rezoning as required by Section 22 of Ordinance No. 77. Any conflict in the provisions of Section 420 and Section 10B of Ordinance No. 77 shall be resolved in favor of the purposes expressed in Subd. 1, Section 10B, Ordinance No. 77.

Adopted by the City Council of the City of Minnetonka this 17th day of November, 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 75- 77 - 121

AN ORDINANCE AMENDING ORDINANCE NO. 74-77-82 TO PERMIT ADVERTISING SIGNS ON THE PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

The third paragraph of Ordinance No. 74-77-82 is hereby amended to read as follows, to-wit:

> This ordinance is subject to the provisions of subdivision 5, Section 22, and pursuant to such authority the use of the lands hereby rezoned is limited to the operation of a nursery and garden shop on the premises, except that advertising signs as regulated by Section 17 of Ordinance No. 77 are permitted.

Adopted by the City Council this 17th day of November, 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 75-77-126

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-1 (PURD - Planned Unit Residential District):

Lot 60, "Tonkawood", Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka this 15th day of December, 1975.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 76-77-127

AN ORDINANCE AMENDING SECTION 5, SUBDIVISION 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-1 PURD (Planned Unit Residential District):

The Southwest ¼ of the Southeast ¼ of the Northwest ¼ in Section 30, Township 117, Range 22, according to the government survey thereof, except the South 180 feet of the West 100 feet thereof.

Adopted by the City Council of the City of Minnetonka this 12th day of January, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 76-77-129

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO INCREASE THE TIME REQUIRED FOR FILING APPLICATIONS FOR REZONING.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 10B, Subd. 5, Para. 1A, Ordinance No. 77 is hereby amended to read as follows, to wit:

a. Application, filing fee and copies in number and scale as determined by the Planning Director of the preliminary plan are to be submitted to the City Planner, also sometimes known as Planning Director, at least thirty (30) days prior to public hearing date.

Adopted by the City Council of the City of Minnetonka this 19th day of January, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

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ORDINANCE NO. 76-77-131

AN ORDINANCE AMENDING SECTION 5, SUBDIVISION 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-1 PURD (Planned Unit Residential District):

> That part of South half (S½) of the Northeast quarter (NE¼) of Section Eleven (11), Township one hundred Seventeen (117) in Range twenty-two (22), Hennepin County, Minnesota described as follows: Commencing at a point 993.81 feet westerly from the Northeast corner of the S½ of NE¼ of said Section 11; thence southerly 659.60 feet; thence Westerly 330.91 feet; thence northerly 658.72 feet; thence East 331.27 feet to the point of beginning, containing five (5) acres more or less, according to the survey thereof.

Adopted by the City Council of the City of Minnetonka this 19th day of January, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 76-77-135

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-1 P.U.R.D. (Planned Unit Residence District):

The South ½ of the South ½ of the Southwest Quarter of the Northwest Quarter of Section 27, Township 117, Range 22, according to the United States Government Survey thereof, the Southeast corner of which land is marked by Judicial Landmark.

Adopted by the City Council of the City of Minnetonka this 5th day of April, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-138

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the Official Zoning Map from R-1 (Single Family Residence District) to I-1 (Planned Industrial District):

Block 4, Lot 1 Opus II 1st Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka this 10th day of May, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-139

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77, is hereby amended by changing the zoning of the following described premises on the Official Zoning Map from R-1 (Single Family Residential District) to B-4 (General Business District); subject to the provision that prior to the construction of any building on the premises, site plan approval be obtained from the Planning Commission:

That part of the following described property:

All that part of the Southeast quarter of Section 30, Township 117, Range 22, according to the Government Survey thereof, described as follows: Commencing at a point on the East line of said Section, 1323.5 feet South of the Northeast corner of said Southeast quarter of said Section 30; thence West at right angles 260 feet; thence South at right angles 275 feet, more or less, to the center line of Minneapolis and Excelsior Road as laid out and used across said Section; thence Southeasterly along said center line to its intersection with the East Line of said Section 30; thence North along said East line to the point of beginning.

Which lies southerly of a Line described as follows:

Commencing at a point on the east line of said Southeast Quarter distant 1323.50 feet southerly from the northeast corner of said Southeast Quarter; thence westerly at a right angle to said east line, a distance of 260.00 feet; thence southerly at a right angle a distance of 103.60 feet, to the beginning of the line to be described; thence easterly to a point on said east line distant 1533.50 feet southerly from said northeast corner and said line there terminating.

Adopted by the City Council of the City of Minnetonka this 17th day of May, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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ORDINANCE NO. 76-77-140

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PROPERTY.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the Official Zoning Map from B-4 (General Business District) to R-1 (Single Family Residence District):

Outlot G, Greendale Park, Hennepin County, Minnesota

Adopted by the City Council of the City of Minnetonka this 17th day of May, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-141

AN ORDINANCE CHANGING THE BOUNDARIES OF THE FLOOD PLAIN DISTRICT

THE CITY OF MINNETONKA DOES ORDAIN:

Subdivision 3, Section 16.1, of Ordinance No. 77, is hereby amended by changing the designated boundary of the Flood Plain District in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 13, Township 117, Range 22, in accordance with the map or plat attached hereto and made a part hereof.

Adopted by the City Council of the City of Minnetonka this 17th day of May, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-143

AN ORDINANCE AMENDING ORDINANCE NO. 77 TO PROVIDE FOR ADDITIONAL AUTHORITY IN ISSUING CONDITIONAL USE PERMITS

THE CITY OF MINNETONKA DOES ORDAIN:

Paragraph 5, Subdivision 1, Section 20 of Ordinance No. 77 is hereby amended to read as follows, to wit:

5. To permit the location of any of the following uses in a District from which they are excluded by the provisions of this Ordinance: airport, library, community center, church, hospital, marina, any institution of an educational, philanthropic or charitable nature, cemetery or mausoleum.

Adopted by the City Council of the City of Minnetonka this 17th day of May, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-144

AN ORDINANCE AMENDING ZONING ORDINANCE PERTAINING TO CONDITIONAL USE PERMITS.

THE CITY OF MINNETONKA DOES ORDAIN:

Ordinance No. 77, Section 20, Subdivision 2, Paragraphs 1 and 3 are amended to read as follows:

1. Application for the issuance of a Conditional Use Permit shall be made to the Planning Commission, except that any proceedings to classify certain uses as conforming uses as provided in this SECTION may be initiated either by such application or by the City Council or by the Planning Commission. The Planning Commission may hold such hearings on the proposal to issue a Conditional Use Permit as it may consider necessary, but at least one public hearing shall be held on any application for a Conditional Use Permit for the establishment of any use listed in Subdivision 1, Paragraph 5, of this SECTION. Following the hearing, the Planning Commission shall make a report upon the proposal to the City Council and shall recommend to the City Council whatever action it deems advisable. No Conditional Use Permit for Paragraph 5, of this SECTION shall be effective until approved by five members of the City Council. The Planning Commission shall not recommend the granting of a permit unless it finds that the establishment, maintenance, or conducting of the use for which a Use Permit is sought will not under the circumstances of the particular case be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to such use, or to the public welfare, or injurious to property or improvements in the area adjacent to such use. The Planning Commission may designate conditions and require guarantees in the granting of Use Permits in the manner provided in SECTION 19, BOARD OF ZONING ADJUSTMENT for the granting of adjustments.

3. Upon receipt of the report of the Planning Commission, the City Council shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant a Conditional Use Permit.

Adopted by the City Council of the City of Minnetonka this 21st day of June, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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ORDINANCE NO. 76-77-145

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-3 (Service Business District) to B-1 (Limited Business District):

Lot 5 and that part of Lot 4, lying east of a line distant 103.00 feet west of measured at a right angle to and parallel with the ease line of said Lot 4. All in Dellton, according to the recorded plat thereof.

Adopted by the City Council of the City of Minnetonka this 21st day of June, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-146

AN ORDINANCE AMENDING ZONING ORDINANCE PROVIDING FOR REMOVAL OF LANDS FROM FLOOD PLAIN DISTRICT

THE CITY OF MINNETONKA DOES ORDAIN:

Ordinance No. 77, Subdivision 9, Paragraph 1 is amended to read as follows:

1. Removal of Lands from Flood Plain District - The flood plain designation on official zoning maps shall not be removed from flood plain areas except pursuant to requirements of Section 22 of this Ordinance.

Adopted by the City Council of the City of Minnetonka this 21st day of June, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-148

AN ORDINANCE AMENDING SECTION 22 OF ORDINANCE NO. 77 TO PROVIDE SPECIFIC AUTHORITY FOR THE APPROVAL OF CONCEPTUAL PLANS

THE CITY OF MINNETONKA DOES ORDAIN:

Paragraph 5, Subd. 1, Section 22, of Ordinance No. 77 is hereby amended by adding thereto the following:

The Council shall also have specific authority to entertain requests for concept approval of proposed plans for development and may by resolution approve such concept plans following public hearings as required in Paragraph 4 of this section. Such concept approval, if granted, will be assurance to a proponent that if a proposal is carried out in conformity with all the requirements of the ordinances of the City of Minnetonka relating to the regulation of the use of land, then the appropriate zoning category will be approved.

Adopted by the City Council of the City of Minnetonka this 21st day of June, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-149

AN ORDINANCE AMENDING ZONING ORDINANCE PERTAINING TO WETLANDS DISTRICT

THE CITY OF MINNETONKA DOES ORDAIN:

Ordinance No. 77, Subdivision 8, Paragraphs 1, 2 and 3 are amended to read as follows:

1. Alteration of Wetlands - No filling, grading, dredging, building or excavation within the Wetlands District shall be allowed prior to removal of the Lands from Wetlands District pursuant to the provisions of Section 22 of this ordinance.

2. The fee for removal of Lands from Wetlands District shall be waived. The fee charged for alteration of Wetlands shall be determined by the Director using Chapter 70 of the Uniform Building Code, Excavation and Grading.

3. Land Suitability - No land shall be subdivided for building purposes which is held unsuitable for the proposed use by the City Council for reason of flooding, inadequate drainage, soil and rock formation with severe limitations for development, erosion potential, unfavorable topography, inadequate water supply, infringement on the use and enjoyment of the wetland, harm or disturbance to the natural environment, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The City Council in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing.

Adopted by the City Council of the City of Minnetonka this 21stday of June , 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-150

AN ORDINANCE AMENDING SECTION 220.10 OF THE 1972 CODE OF ORDINANCES AS TO DEFERMENTS OF SPECIAL ASSESSMENTS

THE CITY OF MINNETONKA DOES ORDAIN:

Section 220.10 of the 1972 Code of Ordinances of the City of Minnetonka is hereby amended to read as follows, to wit:

> Section 220.10. Deferment of Special Assessments. The Council shall have specific authority to grant deferments of special assessments for a period of time not to exceed five (5) years in any of the following instances: (1) When the property to be assessed is the homestead of the owner, and the owner's retired as the result of age, or disability, with an annual income of not to exceed $9000.00 per year, such deferment shall be granted upon a certification by the owner on a form provided by the Clerk which establishes such qualification of the owner to such deferment.
>
> The certification may be made at any time following the adoption of the Assessment Rule by the Council, and such certification shall be renewed by the owner during the term of such deferment, and not later than September 30 of each year. Upon failure to receive renewal certification, or upon the expiration of the five (5) year deferment, the Clerk shall forthwith certify to the County Auditor the amount of the deferred assessment, including interest to be extended on the proper tax rolls of the County and to be collected over the period of time remaining on the original assessment.

Adopted by the City Council of the City of Minnetonka this 12th day of July, 1976.

Fred Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

ORDINANCE NO. 76-151

AN ORDINANCE CHANGING THE NAME OF A CERTAIN STREET

THE CITY OF MINNETONKA DOES ORDAIN:

That certain street lying between Yellow Circle Drive and Blue Circle Drive of Opus II, 1st Addition, lying in the South 1/2 of Section 36, Township 117, Range 22, shall hereafter be known and designated as Yellow Circle Drive.

Adopted by the City Council of the City of Minnetonka this 12th day of July, 1976.

Fred Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

TO BE CODED SECTION 915

ORDINANCE NO. 76-77-152

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District):

> That part of the Northwest Quarter of the Northeast Quarter (NW¼ of NE¼) and of the West Quarter of the Northeast Quarter of the Northeast Quarter (W¼ of NE¼ of NE¼) of Section Twenty-three (23), Township One Hundred Seventeen (117), Range Twenty Two (22) West of the Fifth Principal Meridian, lying Northeast of the Plat of Orchard Knobs; Northwest of the Southeasterly Right-of-Way of State Trunk Highway No. 7, Southwesterly of the right-of-way of the Watertown Division of the Minneapolis & St. Louis Railway; and Southeasterly of the following described line; commencing on the Southwesterly line of said railroad right-of-way, 263.75 feet along said line from the North line of the Northeast Quarter of said Section 23; thence South 44 degrees 24' West 305.1 feet to a point in the Northeasterly line of Cottage Lane as laid out and dedicated in the plat of Orchard Knobs; thence Southeasterly along the said Northeasterly line of Cottage Lane a distance of 240 feet to the point of beginning of the line to be described; thence Northeasterly to a point on the Southwesterly line of the aforesaid Railway right-of-way distant 563.75 feet Southeasterly along said Railway right-of-way from its intersection with the North line of said Northeast Quarter, and there terminating.

Adopted by the City Council of the City of Minnetonka this 19th day of July, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

ORDINANCE NO. 76-77-153

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, of ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to I-1 (Planned Industrial District):

Lots 5, 6, 7, 8 and 9 of Williston Park Acres.

Adopted by the City Council of the City of Minnetonka this 16th day of August, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

ORDINANCE NO. 76-77-155

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO.77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to R-2 (Two Family Residential District):

That part of the Northwest Quarter of the Southwest Quarter of Section 28, Township 117, Range 22 described as follows:

Commencing at the point of intersection of the center line of the Town Road and the South line of said Northwest Quarter of the Southwest Quarter, said point being 97.6 feet distant East from the Southwest corner of said Northwest Quarter of the Southwest Quarter; thence East along said South line to a point thereon 836.33 feet distant West from the Southeast corner of said Northwest Quarter of the Southwest Quarter; thence North on a line parallel with the West line of said Northwest Quarter of the Southwest Quarter a distance of 400 feet; thence West on a line parallel with the South line of said Northwest Quarter of the Southwest Quarter to the center line of the Town Road; thence Southerly along said center line to the point of commencement.

EXCEPT the East 90.00 feet of the above described property.

Adopted by the City Council of the City of Minnetonka this 13th day of September, 1976.

Fred Hanus

FRED HANUS, PRESIDENT-PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-156

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to B-3 (Service Business District):

Par 1: That part of Lot 1 lying North of the center line of State Trunk Highway number 7 except that part thereof described as follows: Beginning at the Northwest corner of said Lot 1, thence South on and along the West line of said Lot 1, 217.1 feet to the Northerly line of State Trunk Highway number 7; thence Easterly on and along the North line of said Highway, 67.35 feet; thence North parallel with the West line of said Lot 1, 193.8 feet to the North line of said Lot 1; thence Westerly on and along the North line of said Lot 1, 65.2 feet to the place of beginning in Block 3 in Tonkawood Farms, according to the map or plat thereof on file and of record in the office of the Registrar of Titles in and for said County.

Par 2: That part of Lot 1 in Block 3 in Tonkawood Farms according to the map or plat thereof on file and of record in the office of the Registrar of Titles in and for said County, described as follows:

Beginning at the Northwest corner of said Lot 1; thence South on and along the West line of said Lot 1, 217.1 feet to the Northerly line of State Trunk Highway number 7; thence Easterly on and along the North line of said Highway, 67.35 feet; thence North, parallel with the West line of said Lot 1, 193.8 feet to the North line of said Lot 1; thence Westerly on and along the North line of said Lot 1, 65.2 feet to place of beginning.

Adopted by the City Council of the City of Minnetonka this

13th day of September, 1976.

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ORDINANCE NO. 76-77-156

AN ORDINANCE AMENDING SECTION 5, SUBD. 2, OF ORDINANCE NO. 77 TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to B-3 (Service Business District):

Par 1: That part of Lot 1 lying North of the center line of State Trunk Highway number 7 except that part thereof described as follows: Beginning at the Northwest corner of said Lot 1, thence South on and along the West line of said Lot 1, 217.1 feet to the Northerly line of State Trunk Highway number 7; thence Easterly on and along the North line of said Highway, 67.35 feet; thence North parallel with the West line of said Lot 1, 193.8 feet to the North line of said Lot 1; thence Westerly on and along the North line of said Lot 1, 65.2 feet to the place of beginning in Block 3 in Tonkawood Farms, according to the map or plat thereof on file and of record in the office of the Registrar of Titles in and for said County.

Par 2: That part of Lot 1 in Block 3 in Tonkawood Farms according to the map or plat thereof on file and of record in the office of the Registrar of Titles in and for said County, described as follows:

Beginning at the Northwest corner of said Lot 1; thence South on and along the West line of said Lot 1, 217.1 feet to the Northerly line of State Trunk Highway number 7; thence Easterly on and along the North line of said Highway, 67.35 feet; thence North, parallel with the West line of said Lot 1, 193.8 feet to the North line of said Lot 1; thence Westerly on and along the North line of said Lot 1, 65.2 feet to place of beginning.

Adopted by the City Council of the City of Minnetonka this

13th day of September, 1976.

Fred Hanus

FRED HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

ORDINANCE NO. 76-77 - 162

AN ORDINANCE CHANGING THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetland to R-1 Single Family Residential:

Lot 5, Block 1, Charlottewood Manor 2nd Addition.

Adopted by the City Council of the City of Minnetonka

this 5th day of October, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

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ORDINANCE NO. 76-77-163

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 Single Family Residential, to wit:

All that part of Lots One (1) and Two (2), Block 2, AFTONGREEN 2ND ADDITION lying above the 944 foot contour on the official City wetlands map.

Adopted by the City Council of the City of Minnetonka this 18th day of October, 1976.

Fred Hanus

FRED HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-166

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from I-1 (Planned Industrial District) to I-2 (Industrial District):

The south half of the southwest quarter of the southeast quarter of the southeast quarter of Section 36, Township 117, Range 22, Hennepin County, Minnesota.

The East 25.00 feet of Lot 1, Block 11 and Outlot E, Opus II First Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

Lots 1 and 2, Block 1, Data 100 First Addition, according to the recorded plat thereof, Hennepin County, Minnesota, except that portion of said Lot 2 deeded to Hennepin County.

Adopted by the City Council of the City of Minnetonka this 18th day of October, 1976.

Fred Hanus

FRED HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77- 168

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 Single Family Residence District to R-2 Two Family Residence District, to wit:

Lots 1 and 2, Block 1, Mayview Terrace;

Lots 1 and 2, Block 2, and that portion of vacated East Crestwood Drive between I-494 and County Road 60; and

The North 310 feet of Lot 19, Auditor's Subdivision 321.

Adopted by the City Council of the City of Minnetonka this 15th day of November, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Pet #147

ORDINANCE NO. 76-77-169

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 Single Family Residential District, to wit:

> All that portion of the platted right-of-way of Dominick Drive South and 11th Street South in the North 1/2 of SECTION 36 which lies below the 982-foot contour line according to the official Wetlands Zoning Map of the City of Minnetonka attached hereto and made a part of this ordinance.

Adopted by the City Council of the City of Minnetonka this 15th day of November, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-170

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77, is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-2 (Shopping Center Business District), all as set forth hereinafter:

The West 630 feet of the Northwest Quarter of the Southeast Quarter; and the East 15 acres of the North Half of the Southwest Quarter, EXCEPT that land lying below the 888-foot contour as shown on the Flood Plain Wetlands Map of the City of Minnetonka, all in Section 36, Township 117, Range 22.

Adopted by the City Council of the City of Minnetonka this 20th day of December, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77-171

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to B-2 (Shopping Center Business District), all as set forth hereinafter:

> That part of the west 630 feet of the northwest 1/4 of the Southeast 1/4 and the east 15 acres of the north 1/2 of the southwest 1/4 all in Section 36, Township 117, Range 22 lying below the 888 contour as shown on the Flood Plain Wetlands Map of the City of Minnetonka.

Adopted by the City Council of the City of Minnetonka this 20th day of December, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 76-77 - 172

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 16.2, Subdivision 8, paragraphs 1, 2 and 3, of Ordinance No. 77 are amended to read as follows:

1. Alteration of Wetlands - No filling, grading, dredging, or excavation within the Wetlands District shall be allowed without a Wetlands Alteration Permit, subject to the recommendation of the Planning Commission after at least one public hearing and the approval of the City Council.

   No building of structures within the Wetlands District shall be allowed prior to removal of the lands from the Wetlands District pursuant to the provisions of Section 22 of this Ordinance.

2. The fee for removal of Lands from Wetlands District shall be waived. The fee charged for alteration of Wetlands shall be determined by the Director using Chapter 70 of the Uniform Building Code, Excavation and Grading.

3. Land Suitability - No land shall be subdivided for building purposes which is held unsuitable for the proposed use by the City Council for reason of flooding, inadequate drainage, soil and rock formation with severe limitations for development, erosion potential, unfavorable topography, inadequate water supply, infringement on the use and enjoyment of the wetland, harm or disturbance to the natural environment, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The City Council in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing.

Adopted by the City Council of the City of Minnetonka this 20th day of December, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

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Rezoning Pet #103
Arnold Palmer

ORDINANCE NO. 76-77-173

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 Single Family Residence District to B-2 Shopping Center Business District, to wit:

Lot 51, The Herzog Deephaven Acres, according to the duly recorded plat thereof.

Adopted by the City Council of the City of Minnetonka this 20th day of December, 1976.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

ORDINANCE NO. 77-77-174

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Floodplain to R-1 (Single Family Residence District), as set forth hereinafter:

Lot 2, Block 1, TONKAHA SHORES, according to the map or plat thereof on file or of record.

Adopted by the City Council of the City of Minnetonka this thirdday of January, 1977.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 77-77-175

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to I-1 (Planned Industrial District), B-3 (Service Business District), B-2 (Shopping Center District), and R-5 (Multiple Family Residence District), all as set forth hereinafter:

1) Lots 1, 2, 3, 4 and 5, Block 1, and Lots 3, 4 and 5, Block 10, and Lot 1, Block 13, OPUS 2, 4th Addition, to I-1 (Planned Industrial District).

2) Lot 2, Block 6, Lots 1 and 2, Block 7, and Lots 1, 2 and 3, Block 9, OPUS 2, 4th Addition, to B-3 (Service Business District).

3) Lot 1, Block 3, OPUS 2, 4th Addition, to B-2 (Shopping Center District).

4) Lot 1, Block 2, Lot 1, Block 4, and Lot 1, Block 6, OPUS 2, 4th Addition, to R-5 (Multiple Family Residence District).

The effective date of this Ordinance shall be 30 days following the filing and recording in the appropriate County office of the Plat of OPUS 2, 4th Addition.

Adopted by the City Council of the City of Minnetonka this 17th day of January, 1977.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

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ORDINANCE NO. 77-77-176

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), all as set forth hereinafter:

> That part of the South 300 feet of the SE 1/4 of the SE 1/4 of Section 3, Township 117, Range 22 lying East of Plymouth Road.

Adopted by the City Council of the City of Minnetonka this 17th day of January, 1977.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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ORDINANCE NO. 77-77-177

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to B-2 Shopping Center Business District, all as set forth hereinafter:

The east 290 feet of Lot 4, Block 1 and Outlot A as shown on Preliminary Plat No. 952, lying above the proposed 941 contour line in the Southeast 1/4 of the Northwest 1/4 of Section 4, Township 117, Range 22, according to the United States Government Survey thereof except the East 233 feet of the South 750 feet pursuant to the map attached hereto.

Adopted by the City Council of the City of Minnetonka, Minnesota this 7th day of February, 1977.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

ORDINANCE NO. 77-77-178

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-4 (General Business District), all as set forth hereinafter:

That part of Lot 1 in Block 2, lying West of a line parallel with and distant 472 feet west of the east line of said Lot 1, Tonkawood Farms in the southeast quarter of Section 21, Township 117, Range 22.

Adopted by the City Council of the City of Minnetonka this 28th day of February, 1977.

John C. Bailey

JOHN C. BAILEY, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

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Rezoning Pet. No.16
Twelve Oaks Center

ORDINANCE NO. 77-77-181

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-3 (Service Business District) and Wetlands District to B-2 (Shopping Center District), as set forth hereinafter:

Lots 1, 2, 3 and Outlot B, Block 1 and
Lots 1, 2 and Outlot C, Block 2, of
TWELVE OAKS CENTER.

The effective date of this Ordinance shall be thirty (30) days following the filing and recording in the appropriate County Office of the plat of TWELVE OAKS CENTER.

Adopted by the City Council of the City of Minnetonka on this 2nd day of May, 1977.

I. Sam Higuchi

I. SAM HIGUCHI, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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SJOBERG'S 3RD ADDITION
Tamarack Swamp
Rezoning Petition 144

ORDINANCE NO. 77-77-182

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-4 Multiple Family Residence District to R-2 Two Family Residence District, to wit:

Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10, SJOBERG'S 3RD ADDITION, according to the map or plat thereof on file or of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka this 2nd day of May, 1977.

I. Sam Higuchi

I. SAM HIGUCHI, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Lots 1 and 2
DAHL'S MANOR
Rez. Pet. 167

ORDINANCE NO. 77-77- 184

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 Single Family Residence District to R-2 Two-Family Residence District, to wit:

Lots 1 and 2, DAHL'S MANOR.

Adopted by the City Council of the City of Minnetonka this 6th day of June, 1977.

I. SAM HIGUCHI, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 77-77-185

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 Single Family Residence District to R-2 Two-Family Planned Unit Residence District (P.U.R.D.), to wit:

All of Lot 41, except that part lying north of the following described line:

Commencing at a point on the west line of said Lot 41, 156 feet north of the southwest corner; thence easterly 310 feet, more or less, to a point on the east line 140 feet north of the southeast corner of said Lot 41, The Herzog Deephaven Acres and Lot 42, except the South 125 feet of the West 176 feet thereof, The Herzog Deephaven Acres.

Adopted by the City Council of the City of Minnetonka on this 6th day of June, 1977.

I. Sam Higuchi

I. SAM HIGUCHI, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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ORDINANCE NO. 77-77-186

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 Single Family Residence District to R-1 Planned Unit Residence District (P.U.R.D.), to wit:

That part of the South three-fourths of the Southwest Quarter of the Northeast Quarter Section of Section 9, Township 117, Range 22 described as beginning at a point on the North line thereof 225.16 feet West from the Northeast corner of the South three-fourths of the Southwest Quarter of the Northeast Quarter of Section 9, thence South parallel to the East line thereof 417.32 feet; thence East parallel to the North line thereof 225.16 feet to the East line of the Southwest Quarter of the Northeast Quarter of Section 9; thence South to the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 9; thence West to the southwest corner of the Southwest Quarter of the Northeast Quarter of Section 9; thence North to the Northwest corner of the South three-fourths of the Southwest Quarter of the Northeast Quarter of Section 9; thence East to the point of beginning; EXCEPT that part thereof embraced within Registered Land Survey No. 1109 and that part known as Charlestone Ridge.

ALSO:

That part of the north one-half of the Southeast Quarter of Section 9, Township 117, Range 22 lying north of the northerly line of the Great Northern Railway right-of-way.

ALSO:

That part of the West one-half of the Northwest Quarter of Section 10, Township 117, Range 22 lying west of the westerly right-of-way line of Interstate Highway No. 494; except that part thereof embraced within Registered Land Survey No.'s 644 and 1040.

ALSO:

That part of the West one-half of the Southwest Quarter of Section 10 lying west of the westerly right-of-way line of Interstate Highway No. 494 and north of the ~~northerly line~~ of the Great Northern Railway right-of-

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ALSO:

Commencing at a point on East line of Southeast Quarter of Section 4, Township 117 North, Range 22 West of the 5th Principal Meridian, distant 1746.95 feet South from Northeast corner thereof; thence South 76 degrees 43 minutes West a distance of 47.2 feet; thence South 30 degrees 05 minutes West a distance of 273.95 feet; thence North 81 degrees 34 minutes West a distance of 349.5 feet; thence South parallel with East line of Southeast Quarter to South line thereof; thence East to the Southeast corner of Southeast Quarter; thence North to beginning.

Adopted by the City Council of the City of Minnetonka on this 6th day of June, 1977.

I. Sam Higuchi

I. SAM HIGUCHI, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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EDWARD MCINTEE
ORDINANCE NO. 77-77-188

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Floodplain to R-1 (Single Family Residence District), as set forth hereinafter:

Lot 1, Block 1, TONKAHA SHORES, according to the map or plat thereof on file or of record.

Adopted by the City Council of the City of Minnetonka this 20th day of June, 1977.

I. Sam Higuchi

I. SAM HIGUCHI, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

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ORDINANCE NO. 77 - 77 - 189

AN ORDINANCE AMENDING SECTION 19 OF ORDINANCE NO. 77 TO DELETE THE REQUIREMENT OF A COUNCIL MEMBER AND PLANNING COMMISSION MEMBER SERVING ON THE BOARD OF ZONING ADJUSTMENT.

THE CITY OF MINNETONKA DOES ORDAIN:

Subd. 1, Section 19, of Ordinance No. 77 is hereby amended to read as follows:

A Board of Zoning Adjustment is hereby established, and the Mayor and Council may act as such, or the Mayor and Council may appoint a Board of Zoning Adjustment and invest it with such authority as is herein provided. If the Council does not act as the Board of Zoning Adjustment, then the Board shall consist of five (5) members, all registered voters of the City of Minnetonka, ~~and one (1) member shall be a member of the City Council, and one (1) member shall be a member of the Planning Commission~~. The members of the Board of Zoning Adjustment shall be appointed by the Council at the first official Council meeting in January of each year, and shall serve until their successors are duly appointed and qualified. The Board may establish its own rules of conduct, and shall appoint one (1) of its members as chairman and one (1) of its members as secretary.

Adopted by the City Council of the City of Minnetonka, Minnesota, on this 1st day of August, 1977.

I. Sam Higuchi

I. SAM HIGUCHI, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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JIHM Addition
Harold Hansen
Rez. Pet. No. 173

ORDINANCE NO. 77 - 77 - 192

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 Single Family Residence District to R-2 Two-Family Residence District, to-wit:

All of Lots 1 and 2, JIHM Addition.

The effective date of this ordinance shall be 30 days following the filing and recording in the appropriate County Office of the plat of JIHM Addition.

Adopted by the City Council of the City of Minnetonka on this 12th day of September, 1977.

Fred Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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(SEAL)

ORDINANCE NO. 77 - 77 - 193

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 Single Family Residence District to R-2 Two-Family Residence District, to-wit:

TRACT C, REGISTERED LAND SURVEY NO. 737

Adopted by the City Council of the City of Minnetonka on this 12th day of September, 1977.

Fred Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #170
Lots 1 & 2,
Block 1. OPUS 2
DRAG SPECIALTIES

ORDINANCE NO. 77 - 77 - 195

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Floodplain to I-1 (Planned Industrial District), all as set forth hereinafter:

All that portion of Lot 1, Block 1, OPUS 2 THIRD ADDITION, which lies below the 878 foot flood plain contour (mean sea level datum) and which lies westerly of a line and its southerly extension, said line being 580 feet westerly as measured at right angles to and parallel with the most easterly line of said Lot 1; and all that portion of Lot 2, Block 1, which lies westerly and northerly of the following described line:

Beginning at a point on the north line of said Lot 2, distant 580 feet west of the northeast corner thereof; thence southerly, parallel with the east line of said Lot 2, a distance of 120 feet; thence northwesterly, deflecting to the right 108 degrees, a distance of 90 feet more or less to the west line of said Lot 2 and there terminating.

Adopted by the City Council of the City of Minnetonka on this third day of October, 1977.

Fred Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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Rezoning Petition 174
11907 Cedar Lake Road
A. Bernardi

ORDINANCE NO. 77 - 77 - 197

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subd. 2, of Ordinance No. 77, is hereby amended by changing the zoning of the following described premises on the official zoning map from R-4 (Multiple Family) and Floodplain to R-1 (Single Family Residence District) and Floodplain, all as set forth hereinafter:

That part of the West 20 acres of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows: Beginning at the northwest corner of said Northwest 1/4 of the Northeast 1/4; thence on an assumed bearing of East along the said north line a distance of 130.15 feet to the point of beginning of the land to be described; thence South 10 degrees 35 minutes 27 seconds West a distance of 393.73 feet; thence South 78 degrees 44 minutes 27 seconds East a distance of 602.30 feet to the east line of the West 20 acres of said Northwest 1/4 of the Northeast 1/4; thence northerly along said east line to the north line of said Northwest 1/4 of the Northeast 1/4; thence west to the point of beginning. EXCEPT that part thereof described as follows: Beginning at a point in the north line of Section 14 distant 468.66 feet East of the northwest corner of the Northeast 1/4 of said Section 14; thence South 72 degrees West 138.6 feet; thence South 81 degrees 07 minutes West 117.8 feet; thence southwesterly on a tangential curve to the left with a radius of 48.48 feet, a distance of 53.5 feet; thence South 17 degrees 53 minutes West and tangent to the last described curve a distance of 39.11 feet to the centerline of Minnehaha Creek; thence South 80 degrees 02 minutes East along the centerline of said creek 90.26 feet; thence South 83 degrees 24 minutes East along the centerline of said creek 91.71 feet; thence North 83 degrees, 06 minutes East along the centerline of said creek to a point in the east line of the west 20 acres of the Northwest 1/4 of the Northeast 1/4 of said Section 14; thence north along said east line to the northeast corner of said west 20 acres of the Northwest 1/4 of the Northeast 1/4; thence west along the north line of said Section to the point of beginning.

Adopted by the City Council of the City of Minnetonka on this 17th day of October, 1977.

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen, City Clerk

(SEAL)

Kirk Investments
Westmark Estates
Rez.Pet.No. 178

ORDINANCE NO. 77 - 77 - 201

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 Single Family Residence District to R-2 Two-Family Residence District, to-wit:

That part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows:

Beginning at a point in the South line of said Section 16 distant 317 feet West of the Southeast corner of said Section; thence West along the South line of Section 16, a distance of 317 feet; thence North parallel with the East line of Section 16 to the North line of the South Half of the Southeast Quarter of the Southeast Quarter of said Section; thence East along said North line 317 feet, thence South parallel with the East line of said Section to the point of beginning. ALSO

That part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows:

Commencing at the Southeast corner of said Section 16; thence North along the East line of said Section to a point distant 197.5 feet North of the Southeast corner of the North Half of the Southeast Quarter of the Southeast Quarter of said Section 16; thence West parallel with South line of the North Half of the Southeast Quarter of the Southeast Quarter of said Section a distance of 357 feet to the point of beginning; thence continue West on said parallel line 277 feet; thence South parallel with the East line of said Section 16 a distance of 197.5 feet to the South line of said North Half of the Southeast Quarter of the Southeast Quarter; thence East along said South line 297 feet; thence northwesterly to the point of beginning. ALSO

Lots 1, 2, 3, 4 and 5, Block 1 and Lots 1 and 2, Block 2, and Outlot 1 all in Westmar Heights. ALSO

That part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows:

Beginning at a point in the South line of said Section 16 distant 634 feet West of the Southeast corner of said Section; thence West along the South line of Section 16 to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 16; thence North along the West line of said Southeast Quarter of the Southeast Quarter to a point 110 feet South of the Northwest corner of the South Half of the Southeast Quarter of the Southeast Quarter of said Section 16; thence East parallel with the North line of said South Half of the Southeast Quarter of the Southeast Quarter of said Section to a point distant 971 feet West of the East line of said Section 16; thence North parallel with said East line to the Southerly line of Minnetonka Drive; thence Northeasterly along the Southerly line of said Minnetonka Drive to its intersection with a line drawn Northerly from the point of beginning and parallel with the East line of said Section 16; thence South parallel with said East line to the point of beginning.

EXCEPT that part embraced within Westmar Heights. ALSO

EXCEPT that part lying Southerly of the centerline of Orchard Road.

Adopted by the City Council of the City of Minnetonka on this 7th day of November, 1977.

Fred Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Opus 2 Fourth
Data Card Co.
Rez. Pet. 182

ORDINANCE NO. 77 - 77 - 202

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-2 (Shopping Center District) to I-1 (Planned Industrial District), to-wit:

Lot 1, Block 3, OPUS 2 FOURTH ADDITION.

Adopted by the City Council of the City of Minnetonka on this 7th day of November, 1977.

Fred Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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5109 Highland Road
Rezoning Pet. 177

ORDINANCE NO. 77 - 77 - 203

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 Single Family Residence District, to-wit:

That part of the designated Wetlands area in that part of the South 215.00 feet (as measured along the East and West lines) of Lot 5, Auditor's Subdivision No. 364 Hennepin County, Minnesota lying East of the West 220.00 feet (as measured along the North and South lines) of said South 215.00 feet lying within the Southerly 20 feet of the above described tract.

Adopted by the City Council of the City of Minnetonka on this 7th day of November, 1977.

Fred Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 77 - 77 - 204

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE 1972 ORDINANCE CODE OF THE CITY OF MINNETONKA.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 455 (Appendix II), Subd. 1 of Section 24, is amended to read as follows:

Subdivision 1. Violations and Penalties.

Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $500 or by imprisonment for not to exceed 90 days. Each day that a violation continues shall constitute a separate offense.

Adopted by the City Council of the City of Minnetonka on this 7th day of November, 1977.

Fred E. Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Tract A, R.L.S. 1306
P. & E. Sullivan
Rezoning Pet. 183

ORDINANCE NO. 78 - 77 - 4

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two-Family Residence District, to-wit:

Tract A, Registered Land Survey No. 1306, files of Registrar of Titles, County of Hennepin.

Adopted by the City Council of the City of Minnetonka on this 3rd day of January, 1978.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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Lot 5, Block 3
Tonkawood Farms
John V. Titsworth
Rez. Pet. 117A

ORDINANCE NO. 78 - 77 - 6

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-1 (Limited Business District) to R-2 (Two Family Residence District), to-wit:

The West 125 feet of Lot 5, Block 3, Tonkawood Farms, according to the recorded plat thereof, lying northeasterly of the following described line: Beginning at a point in the west line of said Lot 5 distant 200.00 feet south of the northwest corner thereof; thence run southeasterly to a point in the east line of said Lot 5, distant 210.00 feet south of the northeast corner thereof, and said line there terminating.

Adopted by the City Council of the City of Minnetonka on this 21st day of February, 1978.

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

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Frank Owens
1300 S. Ford Road
Rezoning Pet. 184

ORDINANCE NO. 78 - 77 - 7

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), to-wit:

The South 165 feet of the East 264 feet of the Southwest 1/4 of the Northeast 1/4 of Section 1, Township 117 north, Range 22 West of the Fifth Principal Meridian.

Adopted by the City Council of the City of Minnetonka on this 21st day of February, 1978.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

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Lot 1, Block 1
Tower Hill
Thomas Wartman
Rez. Pet. 142

ORDINANCE NO. 78 - 77 - 8

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), to-wit:

Lot 1, Block 1, TOWER HILL, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 27th day of February, 1978.

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

(SEAL)

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Lot 2, Block 1
Tower Hill
Thomas Wartman
Rez. Pet. 142

ORDINANCE NO. 78 - 77 - 9

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-4 (General Business District), to-wit:

Lot 2, Block 1, TOWER HILL, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 27th day of February, 1978.

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

(SEAL)

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Lots 4, 5, Block 2,
Tonkawood Farms
Tonto's Taco Shoppe
Rez. Pet. No. 188

ORDINANCE NO. 78 - 77 - 10

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-4 (General Business District), to-wit:

The West 44 feet of that part of Lot 4 which lies north of the centerline of State Highway No. 7 and that part of Lot 5 which lies north of the centerline of State Highway No. 7 and Easterly of a line drawn at a right angle to said centerline from a point therein distant 27.34 feet Westerly, measured along said centerline, from the East line of said Lot 5, in Block 2, all in Tonkawood Farms, according to the map or plat thereof on file and of record in the Office of the Registrar of Titles in and for Hennepin County. Subject to restrictions, reservations and easements of record.

Adopted by the City Council of the City of Minnetonka on this 27th day of February, 1978.

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

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Lot 1, Block 2,
Wyndemere Estates
Second Addition
Alexander and Sons, Inc.
Rez. Pet. No. 198

ORDINANCE NO. 78 - 77 - 12

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residence District), to-wit:

That area within Section 28, Township 117, Range 22, lying between Area "A" and Area "B".

Area "A" is described as follows:

Commencing at the most southerly corner of Lot 1, Block 2, Wyndemere Estates Second Addition; thence north along the westerly line of said Lot 1 a distance of 120 feet; thence deflecting to the right 90 degrees a distance of 57 feet; thence deflecting to the right 37 degrees a distance of 90 feet; thence deflecting to the right 54 degrees a distance of 135 feet; thence deflecting to the right 114 degrees a distance of 142 feet; thence northerly to the point of beginning.

Area "B" is described as follows:

Commencing at the most southerly corner of Lot 1, Block 2, Wyndemere Estates Second Addition; thence north along the westerly line of said Lot 1 a distance of 180 feet; thence deflecting to the right 90 degrees a distance of 100 feet; thence deflecting to the right 58 degrees a distance of 185 feet; thence deflecting to the right 35 degrees a distance of 67 feet; thence deflecting to the right 20 degrees a distance of 160 feet; thence deflecting to the right 110 degrees a distance of 200 feet; thence northerly to the actual point of beginning.

Adopted by the City Council of the City of Minnetonka on this 13th day of March 1978.

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Blocks 1,2,3,4,5
Cedar Hills
Rez.Pet.No.190

ORDINANCE NO. 78 - 77 - 13

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) and B-4 (General Business District) to R-2 P.U.R.D. (Planned Unit Residential Development), to-wit:

Blocks 1, 2, 3, 4 and 5, CEDAR HILLS

The effective date of this Ordinance shall be thirty (30) days following the filing and recording in the appropriate County Office of the plat of CEDAR HILLS.

Adopted by the City Council of the City of Minnetonka on this 27th day of March, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Section 26
Beachside
Fazendin Constr.
Rez. Pet. 181

ORDINANCE NO. 78 - 77 - 14

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-3 (Multiple Family Residence District), to-wit:

That part of Government Lot 6, Section 26, Township 117, Range 22 lying South of the North Five-Sixteenths of said Government Lot 6, as measured along the East line of said Government Lot 6 (the South line of the North 5/16 of said Government Lot 6 being parallel with the North line of said Government Lot 6), which lies Easterly of a line drawn parallel with and 40 feet Easterly from the following described line: Commencing at the Southeast corner of said Section 26; thence West along the South line of said Section 26 a distance of 1677.92 feet; thence Southeasterly, deflecting to the left 116 degrees 19 minutes, a distance of 255.47 feet to the actual point of beginning of the line to be described; thence Northwesterly along the last described course a distance of 100 feet; thence Northwesterly and Northerly along a 4 degree curve to the right, having a central angle of 34 degrees 48 minutes 30 seconds, a distance of 870.21 feet; thence Northerly, tangent to said curve, a distance of 300 feet and said line there terminating; EXCEPT that part of the above described land lying within the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; EXCEPT that part of Government Lot 6 described as follows: Commencing at the Southeast corner of said Lot 6; thence North along the East line of said Lot 6 a distance of 495 feet; thence West parallel with the South line of said Lot 6; a distance of 964.2 feet; thence South parallel with the East line of said Lot 6 a distance of 495 feet to the South line of said Lot 6; thence East along said South line 964.2 feet to the point of beginning.

Subject to the right of City of Minnetonka acquired by condemnation in a 50 foot perpetual easement for sanitary sewer purposes pursuant to the certified copy of the Final Certificate recorded in the office of the Hennepin County Recorder as Document No. 4294461, over a part of the above described premises, the center line of which easement is described as follows: Commencing at the Southeast corner of the Southeast Quarter of said

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West a distance of 532.75 feet; thence North 25 degrees 30 minutes 00 seconds, West a distance of 230 feet; thence North 10 degrees 53 minutes 05 seconds West a distance of 344.14 feet and center line there terminating.

Subject to a highway easement in favor of the County of Hennepin recorded in Book 2573 of Deeds; Page 119, Doc. No. 3637712 over that portion of the above described land which lies within a distance of 12.5 feet on each side of the following described line; Beginning at the Southeast corner of aforesaid Section 26; thence West along the South line thereof a distance of 1677.92 feet; thence Northwesterly deflecting to the right with an angle of 63 degrees 41 minutes a distance of 267.19 feet; thence Northeasterly deflecting to the right with an angle of 32 degrees 52 minutes 48 seconds a distance of 422.66 feet to the actual point of beginning of the line to be described; thence Easterly deflecting to the right with an angle of 90 degrees a distance of 200 feet and there terminating.

Subject to a snow fence easement as contained in instrument recorded in Book 2573 of Deeds, page 119, Doc. No. 3637712.

Subject to a highway easement in favor of the County of Hennepin recorded in Book 2573 of Deeds, page 123, Doc. No. 3637714 over that part of the above described land which lies within a distance of 12.5 feet on each side of the following described line; Beginning at the Southeast corner of the aforesaid Section 26; thence West along the South line thereof a distance of 1677.92 feet; thence Northwesterly deflecting to the right with an angle of 63 degrees 41 minutes a distance of 186.83 feet; thence Northerly deflecting to the right with an angle of 26 degrees 52 minutes 48 seconds a distance of 342.30 feet to the actual point of beginning of the line to be described; thence Easterly deflecting to the right with an angle of 90 degrees a distance of 110 feet and there terminating.

Subject to a snow fence easement as contained in instrument recorded in Book 2573 of Deeds, page 123, Doc. No. 3637714.

Together with that part of Outlot D, Napco Industrial Park, Hennepin County, Minnesota, lying Westerly of the following described line:

Commencing at the Southeast corner of the above mentioned Outlot D; thence S 87° 44 minutes 33 seconds W along the South line of said Outlot D, a distance of 847.0 feet to the point of beginning of the line herein to be described; thence N 19° 18' 17" W for a distance of 258.17 feet; thence N 38° 16' 42" W to a point on the Northwest line of said Outlot D and there terminating.

Together with all that part of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company right-of-way in Government Lots 5 and 6, Section 26, Township 117 North,

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easterly of the center line of Hennepin County Road No. 61, except road, and westerly of the line described as follows: Commencing at a point on the Northwesterly line of Outlot D, Napco Industrial Park, Hennepin County, Minnesota, said point being 50.0 feet northeasterly of the most westerly corner of said Outlot D; thence at right angles for a distance of 170.0 feet and there terminating.

Together with that part of the North 5/16 of Government Lot 6, as measured along the East line thereof; lying East of the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, in Section 26, Township 117, Range 22, (the South line of said tract being parallel to the North line of said Government Lot 6.) according to the Government Survey thereof, which lies West of the East 1056 feet of the aforesaid subdivision.

Together with that part of the following described property lying Westerly of Shady Oak Road.

Commencing on the shore of Shady Oak Lake, so called at a point 495 feet at right angles from the South line of Lot 6; thence East from a point 1056 feet west of the East line of Lot 6; thence North 412.5 feet; thence West to the shore of said lake; thence Southerly along the shore of lake, to the beginning; except railroad land and except road.

Adopted by the City Council of the City of Minnetonka, Minnesota, on this third day of April , 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Lot 4, Block 1
Wildernest Two
Robert Taylor
Rez. Pet. 195

ORDINANCE NO. 78 - 77 - 15

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District) to-wit:

Lot 4, Block 1, WILDERNEST TWO

Adopted by the City Council of the City of Minnetonka on this 3rd day of April, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Lot 1, Block 1
Ridgedale State Bank
First Addition
Rez. Pet. 191

ORDINANCE NO. 78 - 77 - 16

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-2 (Shopping Center Business District), to-wit:

Lot 1, Block 1, RIDGEDALE STATE BANK FIRST ADDITION.

The effective date of this ordinance shall be thirty (30) days following the filing and recording in the appropriate County Office of the plat of RIDGEDALE STATE BANK FIRST ADDITION.

Adopted by the City Council of the City of Minnetonka, Minnesota, on this third day of April, 1978.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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South of Oakland Rd.,
West of Oakways in
SE 1/4 of Section 4
Robert Taylor's
Oakway Addition
Rez. Pet. #194

ORDINANCE NO. 78 - 77 - 17

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to-wit:

That part of the East Half of the Southeast Quarter of Section 4, Township 117, Range 22 described as follows: Commencing at the Northwest corner of said East Half of the Southeast Quarter; thence South 0 degrees 03 minutes 21 seconds West along the West line of said East Half of the Southeast Quarter a distance of 510.22 feet to a point hereinafter referred to as point "X"; thence continuing South 0 degrees 03 minutes 21 seconds West along said West line to a point 775.95 feet South of the Northwest corner of said East Half of the Southeast Quarter; thence North 84 degrees 31 minutes East a distance of 440.70 feet to the Westerly line of Tract D, Registered Land Survey No. 1320, according to the recorded survey thereof; thence North 9 degrees 10 minutes West, along said Westerly line of Tract D, a distance of 87.46 feet; thence Northerly and Northeasterly along said Westerly line of Tract D, a distance of 126.98 feet on a tangential curve concase to the East having a radius of 125.11 feet and a central angle of 58 degrees 09 minutes; thence South 48 degrees 59 minutes West, a distance of 44.01 feet; thence North 25 degrees 37 minutes West, a distance of 223.83 feet to the point of beginning of the land to be described; thence North 25 degrees 37 minutes West to the South line of State Highway No. 12; thence Westerly, along said South line to its intersection with said West line of the East Half of the Southeast Quarter; thence South 0 degrees 03 minutes 21 seconds West along said West line of the East Half of the Southeast Quarter to point "X", thence Northeasterly to the point of beginning.

Adopted by the City Council of the City of Minnetonka on this first day of May , 1978.

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Kenneth E. Yager

KENNETH E. YAGER, MAYOR

Lot 1, Block 2
Tonkawood Farms
Coffey Power Equipment Company
Rez. Pet. #193

ORDINANCE NO. 78 - 77 - 18

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-4 (General Business District), to-wit:

WESTERLY PARCEL: The West 168 feet of Lot 1, Block 2, "Tonkawood Farms", Hennepin County, Minnesota, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for Hennepin County, Minnesota. Subject to highway easement for State Highway No. 7.

EASTERLY PARCEL: That part of Lot 1, Block 2, "Tonkawood Farms", Hennepin County, Minnesota, lying West of the East 365 feet thereof and East of the West 168 feet thereof, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for Hennepin County, Minnesota. Subject to highway easement for State Highway No. 7.

Adopted by the City Council of the City of Minnetonka on this first day of May, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Lot 2, Block 1
Edith Nelson Add't
Rez. Pet. #199

ORDINANCE NO. 78 - 77 - 20

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to-wit:

LOT 2, BLOCK 1, EDITH NELSON ADDITION

Adopted by the City Council of the City of Minnetonka on this 22nd day of May, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #148
Adelyn Luther

ORDINANCE NO. 78 - 77 - 21

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-1 P.U.R.D. (Planned Unit Residential Development consisting of Single Family Residences on Tracts "B" and "C" and Two Family Residences on Tracts "A" and "E" as illustrated on the attached plan), to wit:

Tracts A, B, C, and E, Registered Land Survey Number 1069

Adopted by the City Council of the City of Minnetonka on this 19th day of June, 1978.

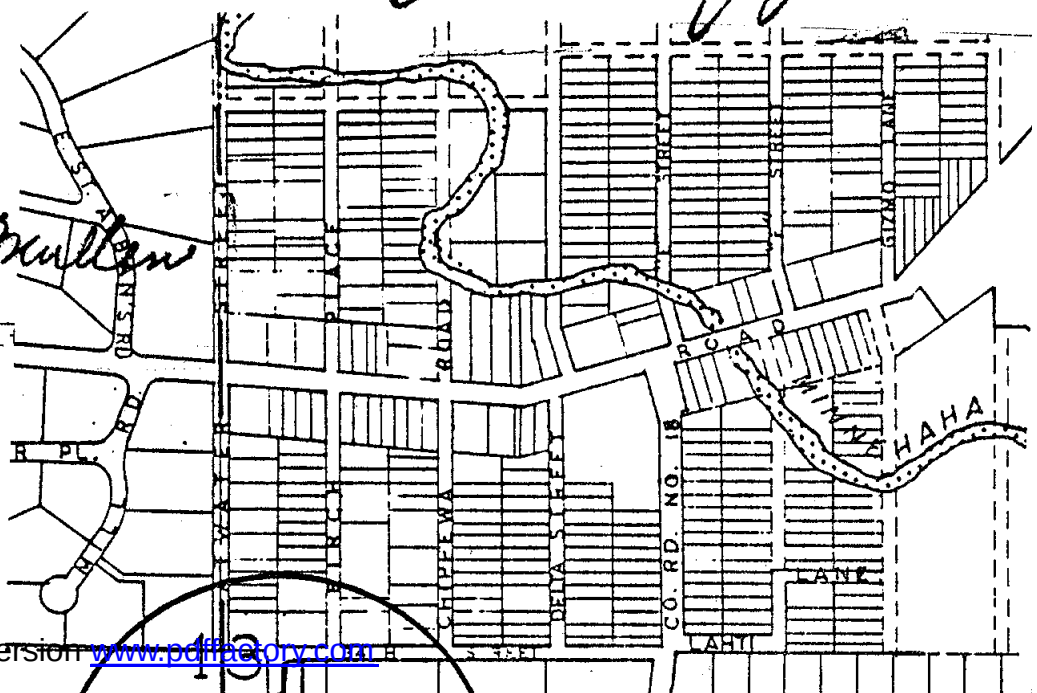
Kenneth E. Yager

ATTEST:

Margaret E. Mullen
CITY CLERK

Margaret E. Mullen, Ci

(SEAL)



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SE 1/4 of Section 18
Sunrise Homes
Rez. Pet. #186

ORDINANCE NO. 78 - 77-22

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to-wit:

The South 185.00 feet of the East Quarter of the North Half of the South Half of the Northeast Quarter of the Southeast Quarter of Section 18, Township 117, Range 22, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 19th day of June, 1978.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
CITY CLERK
Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #209
Richard Heimerl
East of Arbor Lane,
North of Robin Lane

ORDINANCE NO. 78 - 77 - 27

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residence District) for roadway purposes, to wit:

The north part of Lot 6, Block 1, Arbordale Addition, lying below the 936 contour elevation as shown on the City's official Wetland Map for road purposes for a residential subdivision.

Adopted by the City Council of the City of Minnetonka on this 17th day of July, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #206
R.L. Johnson
So. of Smetana Road,
W. of County Road #18,
No. of Bren Road W.

ORDINANCE NO. 78 - 77 - 26

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-2 (Shopping Center District); and I-1 (Planned Industrial District) to B-2 (Shopping Center District), to wit:

From R-1 (Single Family Residence District) to B-2 (Shopping Center District):

The West 338.05 feet of the East 1,003.05 feet of the North 690.01 feet of the Southeast 1/4 of the Northeast 1/4 Section 36, Township 117, Range 22, Hennepin County, Minnesota. Subject to public road easements along the North and East lines thereof.

From I-1 (Planned Industrial District) to B-2 (Shopping Center District):

That part of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 36, Township 117, Range 22, Hennepin County, Minnesota lying South of the North 690.10 feet and that part of the North 690.10 feet of the Southeast 1/4 of the Northeast 1/4 of said Section 36 lying West of the East 1003.05 feet of said Southeast 1/4 of the Northeast 1/4 except the North 344.00 feet thereof. Excepting from said above described property that portion lying within that part taken for highway purposes according to deed document #4077813, also subject to easements.

Adopted by the City Council of the City of Minnetonka on this 26th day of June, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

CITY CLERK

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Margaret E. Mullen, City Clerk

Rez. Pet. #206
R.L. Johnson
So. of Smetana Road,
W. of County Road #18,
No. of Bren Road W.

ORDINANCE NO. 78 - 77 - 26

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-2 (Shopping Center District); and I-1 (Planned Industrial District) to B-2 (Shopping Center District), to wit:

From R-1 (Single Family Residence District) to B-2 (Shopping Center District):

The West 338.05 feet of the East 1,003.05 feet of the North 690.01 feet of the Southeast 1/4 of the Northeast 1/4 Section 36, Township 117, Range 22, Hennepin County, Minnesota. Subject to public road easements along the North and East lines thereof.

From I-1 (Planned Industrial District) to B-2 (Shopping Center District):

That part of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 36, Township 117, Range 22, Hennepin County, Minnesota lying South of the North 690.10 feet and that part of the North 690.10 feet of the Southeast 1/4 of the Northeast 1/4 of said Section 36 lying West of the East 1003.05 feet of said Southeast 1/4 of the Northeast 1/4 except the North 344.00 feet thereof. Excepting from said above described property that portion lying within that part taken for highway purposes according to deed document #4077813, also subject to easements.

Adopted by the City Council of the City of Minnetonka on this 26th day of June, 1978.

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

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Rez. Pet. #209
Richard Heimerl
East of Arbor Lane,
North of Robin Lane

ORDINANCE NO. 78 - 77 - 27

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residence District) for roadway purposes, to wit:

The north part of Lot 6, Block 1, Arbordale Addition, lying below the 936 contour elevation as shown on the City's official Wetland Map for road purposes for a residential subdivision.

Adopted by the City Council of the City of Minnetonka on this 17th day of July, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

Rez. Pet. 213
Rauenhorst
Oak Hill Bus. Center

ORDINANCE NO. 78 - 77 - 38

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to I-1 (Planned Industrial District), to wit:

The South Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 36, Township 117, Range 22, Hennepin County, Minnesota. Except the West 110 feet thereof.

Adopted by the City Council of the City of Minnetonka on this 17th day of July, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #214
Al Fazendin
3822 Cty Rd #73

ORDINANCE NO. 78 - 77 - 47

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), to wit:

That part of Tract C. RLS No. 577, files of the Registrar of Titles, Hennepin County, Minnesota, lying north of the extension westerly of the north line of Tract D, said RLS No. 577.

Adopted by the City Council of the City of Minnetonka on this 7th day of August, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #211
Dewey Paulson
Williston Rd/
Minnetonka Dr.

ORDINANCE NO. 78 - 77 - 48

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to wit:

That part of the West 1/2 of the Southwest 1/4 of Section 15, Township 117, Range 22, lying South of the railroad right-of-way and North of Minnetonka Drive right-of-way.

Adopted by the City Council of the City of Minnetonka on this 7th day of August, 1978.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 78 - 77 - 51

AN ORDINANCE TO AMEND SECTION 21, SUBDIVISION 1 OF THE ZONING CODE OF THE ORDINANCE CODE PERTAINING TO CERTIFICATES OF OCCUPANCY

THE CITY OF MINNETONKA DOES ORDAIN:

The 1977 Ordinance Code of the City of Minnetonka is amended by adding the following language (in italics):

Subdivision 1. Application.

1. A certificate of occupancy shall be obtained before:

   a. Any building *is* hereafter erected or structurally altered, occupied or used.

   b. The use of any such building is altered.

2. *A certificate of occupancy obtained pursuant to paragraph 1 above shall be delivered by any seller of such building to the buyer of such building prior to the time the buyer occupies the building.*

Adopted by the City Council of the City of Minnetonka on this 28th day of August, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #215
Jeff Follese
5220 Baker Road

ORDINANCE NO. 78 - 77 - 52

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to wit:

The north 85 feet of the east 300 feet of Lot 13, Auditors Subdivision No. 321, Hennepin County, Minnesota and the west 34 feet of the east 108 feet of the south 10 feet of the north 95 feet of said Lot 13, which lies easterly of a line running parallel with and distant 100 feet easterly of the centerline of the northbound lane of Interstate 494 City of Minnetonka, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 28th day of August, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #207
Patrick Sullivan

ORDINANCE NO. 78 - 77 - 53

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to wit:

Tracts A and B, Registered Land Survey No. 1183, generally located on Shady Oak Road, South of Highway 7.

Adopted by the City Council of the City of Minnetonka on this 25th day of September , 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #170
Jack Clapp

ORDINANCE NO. 78 - 77 - 54

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to wit:

That part of the Northeast Quarter of the Northwest Quarter, Section 26, Township 117, Range 22, Hennepin County, Minnesota described as follows:

Beginning at a point on the Southerly right-of-way line of County Road No. 3, distant 97.90 feet Easterly from its intersection with the West line of said Northeast Quarter of the Northwest Quarter; thence on an assumed bearing of North 76 degrees, 48 minutes, 37 seconds East along said Southerly right-of-way line a distance of 551.52 feet to its intersection with the Northerly right-of-way line of Pioneer Road; thence Southwesterly along said Northerly right-of-way line to a point a distance of 162.7 feet Easterly from its intersection with the West line of said Northeast Quarter of the Northwest Quarter; thence Northerly on a bearing North 18 degrees, 42 minutes, 31 seconds West to point of beginning.

Adopted by the City Council of the City of Minnetonka on this 25th day of September , 1978.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

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(SEAL)

Rez. Pet. #189
Pepperwood Dev.

ORDINANCE NO. 78 - 77 - 56

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 P.U.R.D. (Planned Unit Residential Development), to-wit:

Lots 1, 2, 3, 4, 5 and 6, Block 1, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, Block 2 Delroy Addition, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County. ALSO

Vacated Delroy Drive. ALSO

The North 66 feet of the Southwest Quarter of the Southwest Quarter of the Northeast Quarter lying South of the abandoned right of way of Chicago, Milwaukee and St. Paul Railway Co. and West of the center line of County Road No. 60 in Section 22, Township 117, Range 22, according to the Government Survey. ALSO

The North Half of the Southwest Quarter of the Northeast Quarter lying South of the abandoned right of way of Chicago, Milwaukee and St. Paul Railway Co. and West of the center line of County Road No. 60 in Section 22, Township 117, Range 22, according to the Government Survey. ALSO

That part of the East Half of the South Half of the Southwest Quarter of the Northeast Quarter of Section 22, Township 117, Range 22, lying West of County Road 60.

Excepting from the above described tracts that part lying within Interstate Highway I-494.

This area is generally located North of Lake Street Extension, West of Baker Road.

Adopted by the City Council of the City of Minnetonka on this 25th day of September , 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

Rez. Pet. #142
Gardeneer Nursery

ORDINANCE NO. 78 - 77 - 57

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-3 (Service Business District), to wit:

Lot 4, Block 1, TOWER HILL, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 16th day of October , 1978.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #221
Carl Scheibe

ORDINANCE NO. 78 - 77 - 58

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Family Residence District), to wit:

Lot 1, Glen Oak Addition, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 16th day of October, 1978.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. 234
T. Wrights
3310 Hwy. 101

ORDINANCE NO. 78 - 77 - 65

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-4 (General Business District), to wit:

The East 1/2 of Lot 53, of the Herzog Deephaven Acres.

Adopted by the City Council of the City of Minnetonka on this 13th day of November , 1978.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

Rez. Pet. 230
Andrews Engineering
Opus II

ORDINANCE NO. 78 - 77 - 66

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-3 (Service Business District) to I-1 (Planned Industrial District), to wit:

Lot 2, Block 7, Opus 2 Fourth Addition

Adopted by the City Council of the City of Minnetonka on this 13th day of November , 1978.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #220
Gary Rappaport
4921 Shady Oak Rd.

ORDINANCE NO. 78 - 77 - 67

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to I-2 (General Industrial District), to wit:

That part of the Southeast 1/4 of the Northeast 1/4 of Section 26, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows:

Commencing at a point on the West line thereof distant 544.9 feet North of the Southwest corner thereof; thence Southeasterly a distance of 800 feet to a point distant 300 feet North and distant 557.3 feet West of the Southeast corner thereof; thence North parallel with the East line thereof a distance of 294 feet; thence East parallel with the South line thereof a distance of 293.3 feet; thence North parallel with the East line thereof a distance of 429 feet; thence Southwesterly a distance of 1091 feet more or less to a point in the West line thereof distant 721.1 feet North of the Southwest corner thereof; thence South along said West line to the point of commencement; except the North 20 feet, measured at right angles to and parallel with the Northwesterly line of the above described tract of land and except that part of the above described tract of land lying East of a line distant 961.3 feet West of measured at right angles to and parallel with the East line of said Southeast 1/4 of the Northeast 1/4; and except that part, if any, lying within the plat of Napco Industrial Park.

Adopted by the City Council of the City of Minnetonka on this 13th day of November , 1978.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

Rez. Pet. #225
City of Minnetonka
South of Hwy. #7,
East of Hwy. #101,
North of Exc. Blvd.

ORDINANCE NO. 78 - 77 - 68

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-4 (General Business District), to wit:

That part of the South Half (1/2) of the North Half (1/2) of the Southwest Quarter (1/4) of Section 29, Township 117 North, Range 22 West, excepting the Westerly 33.00 feet thereof, lying Westerly of County Road No. 75 (Clear Springs Road) bounded by the following described line:

Commencing at the Northwest corner of the above described property; thence South 88° 37' 18" East, assumed bearing, 57.37 feet to the point of beginning; thence continuing on last described course a distance of 92.69 feet; thence South 00° 12' 30" East 103.25 feet to a point of tangent curve; thence 61.26 feet along said tangent curve to the right (Δ = 90° 0' 0", R = 39.00 feet); thence South 89° 47' 30" West tangent to said curve a distance of 4.99 feet to a point of tangent curve; thence 62.71 feet along said tangent curve to the right (Δ = 86° 11' 9", R = 41.69 teet); thence North 4° 1' 21" West tangent to said curve 106.14 feet to the point of beginning.

Subject to easements, restrictions and reservations, if any.

Adopted by the City Council of the City of Minnetonka on this 13th day of November, 1978.

KENNETH E. YAGER, MAYOR

ATTEST:

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Rez. Pet. #231
Enterprise Properties
"Cedar Hills"
NE Quadrant of County
Roads 16 & 73

ORDINANCE NO. 78 - 77 - 69

AN ORDINANCE AMENDING ORDINANCE NUMBER 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-4 (General Business District) to R-4 (Planned Unit Residential Development), to wit:

Lot 1 and Lot 2 of Block 1 Cedar Hills Second Addition.

The effective date of this ordinance shall be thirty (30) days following the filing and recording in the appropriate County Office of the plat of CEDAR HILLS SECOND ADDITION.

Adopted by the City Council of the City of Minnetonka on this 13th day of November, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #232
Dr. Swihart's South
Lake Professional Bldg.
South of 7/101 Triangle
Rd. - West of Hwy. 101
North of Exc. Blvd.

ORDINANCE NO. 78 - 77 - 70

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), to wit:

The West 250.71 feet of the East 544.42 feet of the Southeast Quarter of Section 30, Township 117, Range 22, Hennepin County, Minnesota, which lies Northerly of a line drawn East of a right angle from the West line of said East 544.42 feet of said Southeast Quarter from a point on said West line distant 300 feet North from the intersection of said West line and the Northeasterly right-of-way line of Excelsior Boulevard (County Road No. 3) and which also lies Southerly of a line 20.00 feet Southerly of the following described line:

Commencing at the Northeast corner of the Southeast Quarter (1/4) of Section 30, Township 117 North, Range 22 West; thence South 00° 12' 30" East, assumed bearing, 850.32 feet along the East line of said Southeast Quarter (1/4) to the point of beginning; thence South 89° 47' 30" West 293.71 feet to a point of curve; thence 183.63 feet along said tangent curve to the right (Δ = 21° 31' 05", R = 488.96 feet); thence North 68° 41' 25" West 52.63 feet to a point of curve; thence 224.38 feet along said tangent curve to the left (Δ = 21° 15' 05", R = 604.95 feet); thence North 89° 56' 30" West 343.33 feet and there terminating.

Also to be described as:

Tract D of Plat 1177 of a Registered Land Survey.

The effective date of this ordinance shall be thirty (30) days following the filing and recording in the appropriate County Office of the final plat #1177 as a Registered Land Survey.

Adopted by the City Council of the City of Minnetonka on this 13th day of November, 1978.

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Rez. Pet. 235
Streeter Andrus
17824 Old Exc. Blvd.

ORDINANCE NO. 78 - 77 - 72

AN ORDINANCE AMENDING ORDINANCE NUMBER 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) and R-4 (Multiple Family Residence District) to B-1 (Limited Business District), to wit:

Tract C, R.L.S. No. 117 and Lot 6 Dellton

Adopted by the City Council of the City of Minnetonka on this 20th day of November, 1978.

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #239
Rauenhorst
Opus 2
(Restaurant Complex)

ORDINANCE NO. 78 - 77 - 73

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from I-1 (Planned Industrial District) to B-3 (Service Business District), to wit:

That part of the East Half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 117, Range 22, Hennepin County, Minnesota, lying South of the Northerly 690.10 feet of said Southeast Quarter of the Northeast Quarter, excepting all that part of the above described property taken for highway purposes according to Deed Document No. 4077813.

Adopted by the City Council of the City of Minnetonka on this 18th day of December, 1978.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Saddlewood
Rez. Pet. #125A

ORDINANCE NO. 79 - 77 - 75

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 Planned Unit Residence District (P.U.R.D.), to wit:

Blocks 1, 2, 3, 4, 5, and 6 Saddlewood Addition.

In accordance with the provisions of Section 10.6 of Ordinance No. 77 the following provisions are considered a part of the final plan as approved:

1. That the minimum front yard and side yard setbacks be established at 35 feet and 15 feet respectively for Lots 1-3, Block 1; Lot 1, Block 2; and Lots 1-7, Block 3.

2. That the minimum front yard and side yard setbacks be established at 30 feet and 10 feet respectively for Lots 40-71, Block 3; Lots 21-28, Block 5; Lots 1-18, Block 6.

3. That a minimum front yard setback of 25 feet and a variable side yard setback of 0' and 15' be established for the R-2 units on Lots 8-39, Block 3; Lots 1-14, Block 4; and Lots 1-20, Block 5.

Adopted by the City Council of the City of Minnetonka on this 2nd day of January, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #241
Greg Hugh
15208 Minnetonka Blvd.

ORDINANCE NO. 79-77-76

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District) to wit:

All that part of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 and the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 16, Township 117, Range 22 lying north of Minnetonka Blvd. also known as County Road 5, described as follows:

Commencing at a point in the center line of Minnetonka Blvd. at the intersection of said center line of road with the East line of said Southwest 1/4 of said Section; thence Westerly along said center line a distance of 110'; thence North parallel with the East line of said Southwest 1/4 a distance of 200'; thence Southeasterly on a line to a point on the East line of said Southwest 1/4 distant 200 feet north of the point of beginning; thence South on the East line of said Southwest 1/4 to the point of beginning, Hennepin County, Minnesota, according to the U.S. Government Survey thereof.

Adopted by the City Council of the City of Minnetonka on the 2nd day of January, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. No. 240
Clear Springs Townhouses
So. of Hwy. 7, west of
Temple Rd. & No. of Temple
Drive

ORDINANCE NO. 79-77-77

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance Number 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-4 (Multiple Family District) to R-3 (Townhouse District), to wit:

> That part of the south half of the north half of the northeast quarter of Section 29, Township 117, Range 22, lying east of a line drawn perpendicular to the south line of said south half of the north half of the northeast quarter of Section 29, Township 117, Range 22, from a point thereon distant 325 feet east of the southeasterly corner of Tract A in Registered Land Survey No. 1174, and extending northerly to the north line of the south half of the north half of said northeast quarter, excepting the east 1012.1 feet thereof according to the United States Government Survey thereof, subject to any portion of State Hwy. 7 embraced within said description.

Adopted by the City Council of the City of Minnetonka on this 2nd day of January, 1979.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 79 - 77 - 83

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 77, SECTION 17, SUBDIVISION 3, PARAGRAPH 2 PERTAINING TO YARD REGULATIONS

THE CITY OF MINNETONKA DOES ORDAIN:

Section 17, Subdivision 3, Paragraph 2, of Ordinance No. 77 is amended by adding the following language (in italics):

2. Yard Regulations:

Measurements shall be taken from the nearest point of the ~~wall of a~~ building to the lot line in question, subject to the following qualifications:

(a) Cornices, canopies, ~~or~~ *fireplaces, or other similar architectural features* may extend into the required front yard, *side yard and rear yard* a distance not exceeding four (4) feet, six (6) inches. *In no instance shall the rear yard or the side yard be less than seven (7) feet as measured from the nearest point of any of the above structures to the lot line.*

(b) Fire escapes, *landing places, uncovered porches, decks, open terraces and outside stairways and sidewalks* may extend into the required front yard, *side yard and rear yard* a distance not exceeding four (4) feet, six (6) inches. *In no instance shall the rear or side yard be less than seven (7) feet as measured from the nearest point of any of the above structures to the lot line.*

~~(c) A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet six (6) inches may be placed around such place.~~

~~(d) The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace, or outside stairway shall project into the required side yard distance.~~

(c) ~~(e)~~ A wall, fence or hedge may occupy part of the required front, side or rear yard.

(d) ~~(f)~~ On double frontage lots, the required front yard shall be provided on both streets.

~~(g) The required front yard of a corner lot shall not contain any wall, fence, or other structure, tree, shrub or other growth which may cause danger to traffic on a street or public road by obscuring the view.~~

~~(h) The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triagular area, two sides of which are the lines running along the side street lines between the street intersection and a point twenty (20) feet from the intersection and the third side of which is the line between the latter two points.~~

(e) The required front yard of a corner lot shall not contain any wall, fence, or other structure, tree shrub or other growth which may cause danger to traffic on a street or public road by obscuring the view and shall be unobstructed above a height of three (3) feet in a triangular area, two sides of which are the lines running along the side street lines between the street intersection and a point twenty (20) feet from the intersection and the third side of which is the line between the latter two points.

(f) The rear yard or the side yard shall not be less than seven (7) feet as measured from the lot line to the nearest point of any of the above allowable encroachments.

~~(i) In determining the depth of rear yard for any building where the rear yard opens into an alley, one half (1/2) the width of the alley, but not exceeding ten (10) feet, may be considered as a portion of the rear yard subject to the following qualifications.~~

~~(j) The depth of any rear yard shall not be reduced to less than ten (10) feet by the application of this exception.~~

~~(k) If the door of any building or improvement except a fence opens toward an alley, it shall not be erected or established closer to the center line of an alley than a distance of fifteen (15) feet.~~

Adopted by the City Council of the City of Minnetonka on this 15th day of January, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 79 - 77 - 84

AN ORDINANCE AMENDING ORDINANCE NO. 77, SECTION 20, SUBDIVISION 2 ~~OF THE 1977 CITY OF MINNETONKA CODE OF ORDINANCES~~ PERTAINING TO CONDITIONAL USE PERMITS FOR THE CITY OF MINNETONKA

THE CITY OF MINNETONKA DOES ORDAIN:

Section 20, Subdivision 2, Ordinance No. 77, of the City of Minnetonka ~~1977 Code of Ordinances~~ is amended by adding the following language (in italics):

Subdivision 2. Procedure.

1. Application for the issuance of a Conditional Use Permit shall be made to the Planning Commission, except that any proceedings to classify certain uses as conforming uses as provided in this SECTION may be initiated either by such application or by the City Council or by the Planning Commission. The Planning Commission may hold such hearings on the proposal to issue a Conditional Use Permit as it may consider necessary, but at least one public hearing shall be held on any application for a Conditional Use Permit for the establishment of any use listed in Subdivision 1, Paragraph 5, of this SECTION. Following the hearing, the Planning Commission shall make a report upon the proposal to the City Council and shall recommend to the City Council whatever action it deems advisable. No Conditional Use Permit for Paragraph 5 of this SECTION shall be effective until approved by five members of the City Council. The Planning Commission shall not recommend the granting of a permit unless it finds that the establishment, maintenance or conducting of the use for which a Use Permit is sought will not under the circumstances of the particular case be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to such use, or to the public welfare, or injurious to property or improvements in the area adjacent to such use. The Planning Commission may designate conditions and require guarantees in the granting of Use Permits in the manner provided in SECTION 19, BOARD OF ZONING ADJUSTMENT for the granting of adjustments.

~~1A~~ *2.*In consideration of an application for the issuance of a conditional use permit for a use of land lying within the wetland district, the Planning Commission shall require that the applicant furnish and supply such information, maps, plans, specifications, etc. as to permit a technical evaluation by the City Engineer. In consideration of an application for the issuance of a conditional use permit for a use of land lying within the floodplain district, the Planning Commission may require that the applicant furnish and supply an environmental assessment and such information, maps, plans, specifications, etc. as to permit a technical evaluation by the City Engineer in order to determine, among other things, whether the proposed use is located within the flood plain and determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard. In passing upon such conditional use application the Planning Commission shall consider all relevant factors specified in other sections of this ordinance, and

~~1.~~ *a.* The danger to life and property due to increased flood heights or velocities caused by encroachments.
~~2.~~ *b.* The danger that materials may be swept onto other lands or downstream to the injury of others.
~~3.~~ c. The proposed water supply and sanitation systems and the ability of these sytems to prevent diseases, contamination and unsanitary conditions.
~~4.~~ *d.* The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
~~5.~~ *e.* The importance of the services provided by the proposed facility to the community.
~~6.~~ *f.* The requirements of the facility for a waterfront location.
~~7.~~ *g.* The availability of alternative locations not subject to flooding for the proposed use.
~~8.~~ *h.* The compatibility of the proposed use with existing and anticipated development.
~~9.~~ *i.* The relationship of the proposed use to the comprehensive plan and the wetlands and flood plain management program for the surrounding area.
~~10.~~ *j.* The safety of access to the property in times of flood for ordinary and emergency vehicles.
~~11.~~ *k.* The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
~~12.~~ *l.* Such other factors which are relevant to the purposes of this ordinance.

~~2.~~ 3. To defray administrative costs of processing requests for Conditional Use Permits, ~~a fee of $10.00 shall be paid by the applicant along with the application~~ *the applicant for a permit for the uses described in the following ordinance sections shall pay the following fees as indicated:*

a.	*Paragraph 1, subdivision 1, section 20*	*$40.00*
b.	*Paragraph 2, subdivision 1, section 20*	*$25.00*
c.	*Paragraph 3, subdivision 1, section 20*	*Those fees set forth in "table 70B. Grading Permit Fees" in Chapter 70 of the Uniform Building Code*
d.	*Paragraph 4, subdivision 1, section 20*	*$25.00*
e.	*Paragraph 5, subdivision 1, section 20*	*$350.00*
f.	*Paragraph 6, subdivision 1, section 20*	*$50.00*
g.	*Paragraph 7, subdivision 1, section 20*	*$10.00*
h.	*Renewal of any Conditional Use Permit:*	
	1. Two years or one year with variances	*$20.00*
	2. Five years	*$50.00*

Such fees shall be paid by the applicant along with and at the time of the submission of the application. All Conditional Use Permits which have variances shall be renewed annually.

~~3.~~ *4.* Upon receipt of the report of the Planning Commission, the City Council shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant a Conditional Use Permit.

~~4.~~ 5. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such Permit and of any conditions designated in connection therewith.

Adopted by the City Council of the City of Minnetonka on this 28th day of February, 1979.

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 79 - 77 - 85

AN ORDINANCE AMENDING SECTION 13, SUBDIVISION 2 OF THE CITY OF MINNETONKA ZONING ORDINANCE PERTAINING TO PERMITTED USES IN B-3 DISTRICTS

THE CITY OF MINNETONKA DOES ORDAIN:

Section 13, Subdivision 2 of Ordinance No. 77, Minnetonka Zoning Ordinance, is amended by adding the following language (in italics):

Subdivision 2. Permitted Uses.

Within a B-3 SERVICE BUISNESS DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Automobile sales and used car lots.
2. Automobile service stations, as defined by Section 800 of the Village Code of Ordinances.
3. Billiard or pool hall.
4. Bowling alleys.
5. Drive-in retail stores or service uses.
6. Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles.
7. Nursery, garden, fruit and vegetable stores.
8. Marine and boat sales.
9. Miniature golf course, or archery or golf driving range.
10. Motel, motor hotel, or tourist camp.
11. Professional, *administrative, executive and business* offices.
12. Restaurant, tea room, or cafe.
13. Auto laundries or Car wash. (Added 12/2/68, Ord. 77-56)

Adopted by the City Council of the City of Minnetonka on this 26th day of March, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 79 - 77 - 86

AN ORDINANCE AMENDING SECTION 15, SUBDIVISION 2 OF THE CITY OF MINNETONKA ZONING ORDINANCE PERTAINING TO PERMITTED USES IN I-1 DISTRICTS

THE CITY OF MINNETONKA DOES ORDAIN:

Section 15, Subdivision 2 of Ordinance No. 77, Minnetonka Zoning Ordinance, is amended by adding the following language (in italics):

Subdivision 2. Permitted Uses.

Within an I-1 PLANNED INDUSTRIAL DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Wholesale business and office establishments.
2. Storage or warehouse.
3. Research, experimental, or testing stations.
4. Camera and photographic supplies manufacture.
5. Cartography and bookbinding.
6. Electrical and electronic products manufacture.
7. Electrical service shops.
8. Engraving, printing and publishing.
9. Jewelry manufacture.
10. Medical, dental and optical laboratories.
11. Musical instruments manufacture.
12. Railroad rights of way.
13. *Professional, administrative, executive and business offices.*

Adopted by the City Council of the City of Minnetonka on this 26th day of March, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. No. 229

ORDINANCE NO. 79 - 77 - 87

AN ORDINANCE AMENDING ORDINANCE NUMBER 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to wit:

Lots 1, 2, 3, 4, 5, and 6, Block 1, Covington Heights Subdivision

Lots 1, 2, and 3, Block 3, Covington Heights Subdivision

Lots 1, 2, 3, and 4, Block 4, Covington Heights Subdivision

The effective date of this ordinance shall be thirty (30) days following the filing and recording in the appropriate County Office of the plat of COVINGTON HEIGHTS SUBDIVISION, Plat Number 1165.

Adopted by the City Council of the City of Minnetonka on this 2nd day of April, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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ORDINANCE NO. 79 - 77 - 88

AN ORDINANCE AMENDING ORDINANCE NUMBER 74-77-67 PERTAINING TO CREEK VIEW HILLS

THE CITY OF MINNETONKA DOES ORDAIN:

Ordinance number 74-77-67 is hereby amended by adding the following language (in italics):

Section 5, Subdivision 2, of Ordinance No. 77 is hereby amended by changing the zoning of the following described property on the official zoning map from R-1 (Single Family Residence Distrct) to R-3-PURD (Multiple Family Residence District-Planned Unit Residential Development):

That part of the Southeast Quarter of the Southwest Quarter of Section 31, Township 117, Range 22, lying East of State Highway #101.

In accordance with the provisions of Section 10-b of Ordinance No. 77, the following provisions are considered a part of the final plan as approved:

1) That the final ~~plan-show~~ *plat indicate* a dedicated 33 foot street right-of-way along the northerly 33 feet of the subject property.

2) ~~Planning-commission-approval-of-preliminary-and-final development-plans-is-required.~~

Final site plan review by the Planning Commission including but not limited to architectural review, grading, drainage, utilities, landscaping, access, and setbacks.

~~3)--Dedication-of-an-easement-for-non-motorized-trail purposes-at-a-location-determined-by-the-applicant-and park-planner-is-required.~~

~~4)--Preliminary-and-final-development-plan-shall-show-a provision-for-bus-stop-facilities-on-State-Highway-#101 and-Town-Line-Road-on-the-subject-property.~~

3) ~~5)~~ Approval by the state and county highway departments, ~~the-Department-of-Natural-Resources~~ *the Environmental Quality Board* and the Riley-Purgatory Creek Watershed District is required for the ~~preliminary~~ development plan.

~~6)--No-alteration-of-the-flood-plain-shall-be-permitted unless-adequate-and-proper-storage-capacity-is-maintained.~~

~~7) A-maximum-density-of-95-dwelling-units-shall-be-permitted.~~

~~8) Underground-parking-required.~~

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4) *Dwelling units permitted shall not exceed 70 units subject to final review by the Planning Commission and the City Council.*

Adopted by the City Council of the City of Minnetonka on this 23rd day of April, 1979.

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. 245
Mtka. Countryside

ORDINANCE NO. 79 - 77 - 89

AN ORDINANCE AMENDING ORDINANCE NO. 77, SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-4 (Community Unit Project) to R-1 (Single Family Residence District), to wit:

Block 1, Lots 2 through 7, Minnetonka Countryside Addition

Block 2, Lots 8 through 15, Minnetonka Countryside Addition

Block 3, Lots 5 through 16, Minnetonka Countryside Addition

Block 4, Lots 1 through 23, Minnetonka Countryside Addition

Adopted by the City Council of the City of Minnetonka on this 23rd day of April, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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REZ. PET. #251
Covington Heights
101/Covington Rd.

ORDINANCE NO. 79 - 77 - 89A

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-2 (Two Family Residence District), to wit:

That part of the East 38 rods of the Northwest Quarter of the Southeast Quarter of Section 31, Township 117, Range 22, Hennepin County, Minnesota described as follows:

Beginning at a point which is located 493 feet north of the south line of said Northwest Quarter of the Southeast Quarter, measured at a right angle to said south line, and 255 feet east of the west line of said East 38 rods of the Northwest Quarter of the Southeast Quarter, measured at a right angle to said west line; thence westerly, parallel with said south line, a distance of 140 feet; thence northerly, parallel with said west line, a distance of 158 feet; thence southeasterly to said point of beginning.

Adopted by the City Council of the City of Minnetonka on this 23rd day of May, 1979.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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REZ. PET. #250
Boisclair Corp.
Beacon Hill Road

ORDINANCE NO. 79 - 77 - 89B

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-5 (Multiple Family Residence District), to wit:

The East 383.49 feet of the West 640.8 feet of the North 259.64 feet of the Northeast 1/4 of the Northeast 1/4 of Section 33, Township 117, Range 22.

Adopted by the City Council of the City of Minnetonka on this 23rd day of May, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #248
Eugene Rosenthal
15118 Mtka. Blvd.

ORDINANCE NO. 79 - 77 - 89C

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Floodplain to B-1 (Limited Business District), to wit:

A part of the floodplain lying with the following described property:

That part of the SW 1/4 of the SE 1/4 lying north of the Minneapolis and St. Louis Railroad right of way and north of Minnetonka Blvd. in Section 16, Township 117, Range 22, described as follows: Commencing at the NW corner of said southwest 1/4 of the SE 1/4; thence East along the north boundary line thereof a distance of 325 feet; thence southwesterly to a point on the north line of Minnetonka Blvd. which point is distant 260 feet southeasterly from the intersection of said north boundary line of said Minnetonka Blvd. with the west boundary line of said southwest 1/4 of the southeast 1/4; thence northwesterly along said northerly boundary of said Minnetonka Blvd. to its intersection with the West line of said southwest 1/4 of the southeast 1/4, Section 16, Township 117, Range 22; thence north along said westerly boundary line of said southwest 1/4 of the southeast 1/4 to point of beginning, which lies northerly of a line parallel with and distant 40 feet northerly of the following described line: Commencing at the east quarter corner of said Section 16; thence south along the east line of said section 704.7 feet; thence southwesterly deflecting to the right at an angle of 57 degrees 57 minutes a distance of 1379.76 feet; thence deflecting to the right at an angle of 20 degrees 01 minutes a distance of 843.81 feet; thence deflecting to the right along a 3 degree 30 minutes curve (delta angle 25 degrees 58 minutes tangent distance 377.49 feet a distance of 741.9 feet and there terminating, according to the United State Government Survey thereof, and situate in Hennepin County, Minnesota.

The west 368 feet of the south 100 feet of the northwest quarter of the southeast quarter. That part of the southwest quarter of the southeast quarter described as beginning at a point on the north line thereof 325 east along said north line from the northwest corner of the southwest quarter of the southeast quarter; thence southwesterly to a point on the northerly line of Minnetonka Blvd. distant 260

feet southeasterly along said northerly line from the west line of the southwest quarter of the southeast quarter; thence southeasterly along said northerly line of Minnetonka Blvd. to the northerly right of way line of the Minneapolis & St. Louis Railway Co.; thence northeasterly along the northerly right of way line of said railway to the east line of the southwest quarter of the southeast quarter; thence north to the northeast corner of the southwest quarter of the southeast quarter; thence west along the north line thereof to the point of beginning, except that part thereof lying east of a line drawn parallel to and 368 feet east of the west line of the southwest quarter of the southeast quarter, and except that part thereof which lies southerly of a line parallel with and distant 40 feet northerly of the following described line: Commencing at the east quarter corner of Section 16; thence south along the east line of said section 704.7 feet; thence southwesterly deflecting to the right at an angle of 57 degrees 57 minutes a distance of 1379.72 feet; thence westerly deflecting to the right at an angle of 20 degrees 01 minutes a distance of 843.77 feet; thence westerly along a 3 degree 30 minute curve to the right (delta angle of 25 degrees 58 minutes) a distance of 741.9 feet and there terminating. All in Section 16, Township 117, Range 22, according to the Government Survey thereof, and situate in Hennepin County, Minnesota. All subject to utility easements described in Doc. No. 1236936, files of Registrar of Titles, Hennepin County, Minnesota.

Said floodplain described as follows: Commencing on a point on the north line of said tract distance 33' west of the NE corner thereof, thence east along the north line of said tract distance 33 feet to the northeast corner thereof, thence south along the east line of said tract a distance of 33 feet on an assumed bearing of south, thence S 38'-00'W 33 feet, thence S 53°-00'W a distance of 138 feet, thence S 81°-00W a distance of 45 feet, thence S 67°-00'W a distance of 77 feet, thence S 03°-00'E a distance of 36 feet, thence S65°-00' W a distance 38 feet, thence N 65°-00' W a distance of 85 feet, thence N 09°-00'W a distance of 70 feet, thence S 63°-00"E a distance of 23 feet, thence N 79°-00' E a distance of 60 feet, thence S 88°-00' E a distance of 36 feet, thence S 71°-00' E a distance of 45 feet, thence N 33°-00' E a distance of 97 feet, thence N 15°-00' E a distance of 100 feet, thence NE to the point of beginning.

Adopted by the City Council of the City of Minnetonka this 23rd day of May, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST: Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

Rez. Pet. #247
Janet Carter
17724 Exc. Blvd.

ORDINANCE NO. 79 - 77 - 93

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), to wit:

That part of the Southeast quarter of Section 30 in Township 117 North, Range 22 West, described as follows: Beginning at the intersection of the West line of the East 544.42 feet of the SE 1/4 of said Section 30, and the Northeasterly line of Excelsior Boulevard, now known as County Road #3; thence North along said West line of East 544.42 feet a distance of 300.00 feet; thence East at right angles a distance of 145.0 feet; thence South on a line 145.0 feet East of, measured at right angles to and parallel with said West line to the Northeasterly line of said County Road No. 3; thence Northwesterly along the Northeasterly line of said County Road to place of beginning.

Adopted by the City Council of the City of Minnetonka on this 18th day of June, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #252
Ralph Rutledge
12801 Stanton Dr.

ORDINANCE NO. 79 - 77 - 94

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residence District), to wit:

That part of Lot 1, Block 1, Rutledge Ridge which lies easterly of a line described as follows:

Beginning at the northwest corner of said Lot 1; thence southerly, to the most southerly corner of said Lot 1 and said line there terminating.

Adopted by the City Council of the City of Minnetonka on this 18th day of June, 1979.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #227
Ridgehaven Mall
12/Plymouth Road

ORDINANCE NO. 79 - 77 - 96

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) and B-4 (General Business District) and I-2 (General Industrial District) to B-2 (Shopping Center District), to wit:

The East Half of the Northeast 1/4 of the Southeast 1/4 and, all the part of the Northeast 1/4 of the Southeast 1/4 of Section 3, Township 117 North, Range 22, West, lying westerly of the center line of County Road No. 72, and South of the southerly line of U.S. Highway 12, as widened, except, a tract described as follows: Commencing at a point on the northline of said Southeast 1/4 342 feet (measured along said north line) east from the northwest corner of said Northeast 1/4 of Southeast 1/4, thence east along said north line a distance of 132 feet, thence south on a line parallel to the east line of said southeast 1/4 a distance of 20 rods, thence west on a line parallel to said north line a distance of 132 feet, thence north to the point of beginning.

This rezoning is limited to the specific use applied for by the petitioner and conditioned on substantial compliance with all proposed plans, drawings, specifications, etc. submitted by the petitioner for rezoning including but not limited to the granting of easements or platting of right-of-way within one year of publication of this ordinance sufficient to build a service road connecting Essex Road with Ridgedale Drive. Said rezoning shall lapse one year from its publication if such right-of-way is not provided to the City and there is not substantial compliance with plans, drawings, specifications, etc. submitted.

Adopted by the City Council of the City of Minnetonka, Minnesota on this 18th day of June, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

REZ. PET. #243
Rauenhorst's Shady Oak
Industrial Neighborhood

ORDINANCE NO. 79 - 77 - 98

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District), R-4 (Multiple Residence District), B-1 (Limited Business District), and Wetlands to I-1 (Planned Industrial District), to wit:

Outlots C, D, F, G, and H, The Townhouses of Shady Oak, Outlot B, Opus 2 Fourth Addition, parts of Red Circle Drive and Bren Road.

This amendment shall not be published until Opus 2, Eighth Addition, has received final approval and the City notified of its filing with Hennepin County.

Adopted by the City Council of the City of Minnetonka on this 25th day of June, 1979.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #249
Andrew Lang
5635 Glen Avenue

ORDINANCE NO. 79 - 77 - 100

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to wit:

PARCEL A

That part of Lot 21, "Glen Oak Addition" lying between the Northeasterly and Southwesterly lines of Lot 3, Block 1, Glen Crest Addition, extended Northwesterly. Also

That part of the abandoned right-of-way of the Minneapolis and St. Paul Suburban Railroad lying adjacent to and Northerly of Lot 3, Block 1, Glen Crest Addition, Hennepin County, Minnesota, being more particularly described as follows: Beginning at a point in the Northerly right-of-way line of said railroad at its intersection with the Easterly line of said Lot 3 produced, thence Southeasterly, along said lot line produced a distance of 100 feet to the Northeasterly corner of said Lot 3; thence along the North line of Lot 3 in a Southwesterly direction, said line being the South line of the right-of-way, a distance of 175 feet to the Westerly line of Lot 3, thence Northwesterly along said Westerly line produced a distance of 100 feet to the Northerly line of said right-of-way; thence in a Northeasterly direction along said right-of-way line to point of beginning;

All in Section 33, Township 117 North, Range 22 West of the Fifth Principal meridian.

That part of Lot 3 in Block 1 of Glen Crest, described as follows: Beginning at the Northeast corner of said Lot; thence Southerly Two Hundred Sixty-two and 5/10ths feet to a point on the South line of said Lot, Sixty-seven (67) feet Westerly of the Southeast corner of said Lot, thence along the Southerly line One Hundred Eleven and 22/100ths (111.22) feet to the Southwest corner of Lot; thence Northerly along the West line Two Hundred Forty and 5/10ths (240.5) feet to the Northwest corner; thence Easterly One Hundred Seventy-five (175) feet

to the Northeast corner of said Lot, the point of beginning, according to the plat thereof on file or of record in the office of the Register of Deeds in and for said Hennepin County.

Which lies north of a line drawn easterly from a point in the west line of said Lot 3 distant 20 feet south of the northwest corner of said Lot 3 to a point in the east line of said Lot 3 distant 20 feet south of the northeast corner of said Lot 3.

Adopted by the City Council of the City of Minnetonka on this 2nd day of July, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #254
Donald Sears
13500 Wayzata Boulevard

ORDINANCE NO. 79 - 77 - 101

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-3 (Service Business District), to wit:

Northerly 100 feet of east 300 feet of west 569.59 feet of that part of the southwest quarter of the northeast quarter of Section 3, Township 117 North, Range 22 West of the 5th Principal Meridian which lies south of the north 643.50 feet of said southwest quarter of northeast quarter.

Adopted by the City Council of the City of Minnetonka on this 2nd day of July, 1979.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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REZ. PET. #224A
Ridge Square Dev.
South of Hwy. 12/
East of Plymouth Rd.

ORDINANCE NO. 79 - 77 - 102

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1/Wetlands to B-2 (Shopping Center District) and Wetlands, to wit:

Lots 1 and 2, Block 1, Ridge Square Subdivision also known as Preliminary Plat No. 1219.

The effective date of this ordinance shall be 30 days following the filing and recording in the appropriate County Office of Plat No. 1219.

Adopted by the City Council of the City of Minnetonka on this 2nd day of July, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #255
Streeter Andrus
17717 Highway #7

ORDINANCE NO. 79 - 77 - 106

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-1 (Limited Business District) to B-4 (General Business District), to wit:

Tract B, RLS #117

Adopted by the City Council of the City of Minnetonka on this 23rd day of July, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #244
Eugene Rosenthal
15118 Minnetonka Blvd.

ORDINANCE NO. 79 - 77 - 107

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) and B-4 (General Business District) to B-1 (Limited Business District), to wit:

That part of the SW 1/4 of the SE 1/4 lying north of the Minneapolis and St. Louis Railroad right of way and north of Minnetonka Blvd. in Section 16, Township 117, Range 22, described as follows: Commencing at the NW corner of said SW 1/4 of the SE 1/4; thence East along the north boundary line thereof a distance of 325 feet; thence southwesterly to point on the north line of Mtka. Blvd., which point is distant 260 feet southeasterly from the intersection of said north boundary line of said Mtka. Blvd. with the west boundary line of said southwest 1/4 of the southeast 1/4, thence northwesterly along said northerly boundary of said Mtka. Blvd. to its intersection with the west line of said southwest 1/4 of the southeast 1/4, Section 16, Township 117, Range 22; thence north along said westerly boundary line of said SW 1/4 of the SE 1/4 to point beginning, which lies northerly of a line parallel with and distant 40 feet northerly of the following described line: Commencing at the east quarter corner of said Section 16; thence south along the east line of said section 704.7 feet; thence southwesterly deflecting to the right at an angle of 57 degrees 57 minutes a distance of 1379.76 feet; thence deflecting to the right at an angle of 20 degrees 01 minutes a distance of 843.81 feet; thence deflecting to the right along a 3 degree 30 minute curve (delta angle 25 degrees 58 minutes tangent distance 377.49 feet) a distance of 741.9 feet and there terminating, according to the United States Government Survey thereof, and situate in Hennepin County, Minnesota.

The West 368 feet of the south 100 feet of the northwest quarter of the southeast quarter. That part of the Southwest quarter of the southeast quarter described as beginning at a point on the north line thereof 325 feet east along said north line from the northwest corner of the southwest quarter of the southeast quarter; thence southwesterly to a point on the northerly line of Mtka. Blvd. distant 260 feet southeasterly along said northerly line from the west line of

Rez. Pet. #258
GREEN WILLOW PONDS

ORDINANCE NO. 79 - 77 - 109

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residence District), to wit:

Legally described as commencing at the intersection of the centerline of James Road and the north line of Green Willow Pond thence S 17° 13' 47" E a distance of 88 feet thence S 27° 13' 47" E a distance of 60 feet thence S 07° 13' 47" E a distance of 55 feet, thence S 67° 13' 47" E to the easterly right of way line of James Road thence northerly along said line to the north line of Green Willow Pond, thence west to the point of beginning. Located south of James Rd. and north of Sunrise Lane.

Adopted by the City Council of the City of Minnetonka on this 6th day of August, 1979.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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REZ. PET. NO. 253
R.T. Schmidt development
South of Covington Road
East of Highway 101 and
Archer Heights

ORDINANCE NO. 79 - 77 - 111

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Multiple Family Residence District), to wit:

The North 665.00 feet of the West 198.00 feet of the East 825.00 feet of the Northwest Quarter ofthe Southeast Quarter of Section 31, Township 117 North, Range 22 West of the 5th Principal Meridian, except the North 225.74 feet of the West 30.00 feet of the East 825.00 feet of said Northwest Quarter of the Southeast Quarter.

Adopted by the City Council of the City of Minnetonka on this 20th day of August, 1979.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. No. 257
Fazendin's Beachside

ORDINANCE NO. 79 - 77 - 112

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning from R-1 (Single Family Residence District) to R-3 PURD (Multiple Family Residence District), to wit:

All that part of Lot 1 lying north and east of Road, Section 35, Township 117, Range 22, EXCEPT the following described property:

That part of Lot 1, lying north and east of road, Section 35, Township 117, Range 22, according to the United States Government Survey thereof, which lies westerly of a line drawn parallel with and distant 40 feet easterly of the following described line:

Beginning at a point on the north line of said Section 35, distant 1677.92 feet westerly of the northeast corner of said Section 35; thence deflect southeasterly at an angle of 116° 19' as measured from west to south for a distance of 591.17 feet; thence deflect to the right at an angle of 17° 45' for a distance of 323.67 feet; thence deflect to the right at angle of 180° for a distance of 100 feet to the actual point of beginning of the line to be described, thence deflect to the left along a tangential curve having a radius of 1432.39 feet (delta angle 17° 45') for a distance 443.75 feet; thence tangent to said curve for a distance of 212.41 feet; thence deflect to the right along a tangential curve having a radius of 1432.39 feet (delta angle 34° 48' 30") for a distance of 870.21 feet and there terminating; AND that part of the NW 1/4 of the NE 1/4 lying northeasterly of County Road 61 and south of the north 450 feet thereof as measured along the east line of said NW 1/4 of the NE 1/4 all in Section 35, Township 117, Range 22.

The west 350 feet of the north 450 feet of the northeast 1/4 of the northeast 1/4 of Section 35, Township 117, Range 22.

That part of the Southeast 1/4 of the Northeast 1/4, Section 35, Township 117, Range 22 described as beginning at the Southeast corner of said Southeast 1/4 of the Northeast 1/4; thence North along the East line thereof to the Northeast corner of said Southeast 1/4 of the Northeast 1/4; thence West along the North line of said Southeast 1/4 of the Northeast 1/4 a distance of 994.5 feet; thence South parallel with the East line of said Southeast 1/4 of the Northeast 1/4 to the Northeasterly line of County Road No. 61; thence Southeasterly along the Northeasterly line of County Road No. 61 to the South line of said Southeast 1/4 of the Northeast 1/4; thence East along said South line to the point of beginning, except

that part which lies Westerly of a line drawn parallel with and distant 40 feet Easterly of the following described line:

Beginning at a point on the North line of the South 1/2 of Section 35, Township 117, Range 22 distant 242.42 feet Westerly of the East quarter corner of said Section 35; thence deflect Southeasterly at an angle of 126° 31' with said North line a distance of 100 feet to the actual point of beginning of the line to be described; thence deflect to the right 180° a distance of 1308.51 feet; thence deflect to the right along a tangential curve having a radius of 1909.86 feet (delta angle 28° 49') a distance of 960.56 feet and there terminating.

Subject to a permanent easement for drainage purposes over that part of the above land which lies within 15 feet on each side of a line 70 feet in length, drawn Northeasterly at right angles to the above described line from a point thereon distant 201.98 feet Northwesterly of the actual point of beginning of said line as shown in deed Doc. No. 954575, Files of Registrar of Titles.

The Northeast 1/4 of the Northeast 1/4 of Section 35, Township 117, Range 22, Except the South 361.41 feet thereof and except the West 350.0 feet of the North 450.0 feet thereof, Hennepin County, Minnesota.

That part of the Northeast 1/4 of the Northeast 1/4 of Section 35, Township 117 North, Range 22, West of the 5th Principal Meridian described as follows:

Commencing at the center of the Northeast 1/4 of Section 35, Township 117, Range 22, being the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 35, Township 117, Range 22; thence North 361.41. feet; thence East 361.41 feet; thence South 361.41 feet; thence West 351.41 feet to the place of beginning being a tract three acres square in the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 35, Township 117, Range 22, Hennepin County,Minnesota, according the a Government Survey thereof.

That part of the South 361.41 feet of the Northeast 1/4 of the Northeast 1/4 of Section 35, Township 117, Range 22, lying East of the West 361.41 feet thereof.

All that part of the following described tract:

All that part of the South 1/2 of the Northeast Quarter, Section 35, Township 117, Range 22 described as follows:

Beginning at the Northeast corner of the West 10 acres of the Southeast 1/4 of the Northeast 1/4 running thence 45 rods due West; thence 15

due South; thence 5 rods due East to the road used as a cartway by said first parties; thence Northeasterly along said cartway 10 rods; thence due East 16 rods; thence due North 7 rods to the Northwest corner of said described 10 acres; thence Southeasterly 28 rods along County road to the East line of said 10acres; thence due North 21 rods to the place of beginning.

which lies East of a line drawn parallel with and distant 40 feet East of the following described centerline: Beginning at the Northeast corner of Section 35, Township 117, Range 22; thence West along the North line thereof a distance of 1677.92 feet; thence Southeasterly deflecting to the left with an angle 116° 19 minutes a distance of 591.17 feet; thence deflect right at an angle 17° 45' a distance of 260.58 feet to the actual point of beginning of the line to be described, thence deflect left along a tangential curve having a radius of 1909.86 feet, delta angle 28° 49' a distance of 960.56 feet; thence tangent to said curve a distance of 100 feet and there terminating.

That part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) lying Northeasterly of County Road No. 61 and South of the North four hundred fifty (450) feet thereof as measured along the East line of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4), all in Section 35, Township 117, Range 22.

This area is generally located east of Shady Oak Road and North of Bren Road.

Adopted by the City Council of the City of Minnetonka on this 4th day of September , 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 79 - 77 - 113

AN ORDINANCE AMENDING SECTION 17 OF THE ZONING ORDINANCE OF THE CITY OF MINNETONKA REGARDING SITE PLAN REVIEW

THE CITY OF MINNETONKA DOES ORDAIN:

Section 17, Subdivision 4 of the Zoning Ordinance of the City of Minnetonka is hereby amended to read as follows:

SUBDIVISION 4. SITE AND BUILDING PLAN REVIEW.

1. Purpose.

(a) The Council of the City of Minnetonka finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the city hinder the harmonious development of the city, impair the desirability of residence, investment or occupation in the city, limit the opportunity to attain the optimum use and value of land and improvements, adversely affect the stability and value of property, produce degeneration of conditions affecting the peace, health and welfare of the city, and destroy a proper relationship between the taxable value of property and the cost of municipal services therefor.

(b) The Council of the City of Minnetonka further finds that some harmful effects of one land use upon another can be prevented through zoning, subdivision controls, and housing and building codes. Other aspects of development are more subtle and less amenable to exacting rules of thumb promulgated without regard to specific development proposals. Among these are the general form of the land before and after development, the spatial relationships of the structures and open spaces to proximate land uses, and the appearance of buildings and open spaces as they contribute to an area as it is being developed. Such matters require timely exercise of judgment in the public interest to evaluate the design of new development.

2. Application.

(a) None of the following actions shall occur and no building permit or occupancy permit shall be issued therefore unless such action shall be in complete accord with site and building plans that have been approved as provided in this section. Actions which shall require approval of building and site plans pursuant to this section shall be:

1. Erection of a building or buildings;

2. Moving of a buildng or buildings to a location or locations within the City of Minnetonka;

3. Changing the use of a building or parcel of land from one land use to another land use.

4. Modification of or additions or enlargements to a building, or buildings, accessory

site improvements, and/or land features of a parcel of land .

(b) The following shall be excepted from the foregoing requirements:

1. Detached single family residential structures, or uses or structures accessory thereto.

2. Modifications, additions or enlargements which do not increase the gross floor area of the building by more than ten percent (10%) and which do not involve a variance from the provisions of this Zoning Ordinance may, at the discretion of the Director of Planning be exempted from some, or all, of the procedures for building and site plan approval.

3. Changes in the use of leasable space in multi-tenant buildings where the change of tenant does not intensify the use of such space nor require additional parking.

3. General Requirements.

(a) Buildings, fences, drives, parking areas, landscaping, and other facilities or features shall be designed, located, constructed, maintained and used as shown on the approved plans and/or as required by any conditions of plan approval.

1. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in a condition presenting a healthy, neat, and orderly appearance free from refuse and debris. On a continuing basis, all dead and/or missing plants must be replaced.

2. Dead plants and ground cover which are required by an approved site or landscape plan shall be replaced within three (3) months of notification by the City, however, the time for compliance may be extended to nine (9) months by the Director of Planning in order to allow for varying temperatures and weather conditions.

(b) Construction of the structure or facility shall be commenced within twelve (12) months of the date the approval is granted and shall be diligently pursued thereafter. Failure to comply with this requirement shall result in the approval automatically becoming null and void, unless an extension of time is requested prior to expiration of the twelve month period and is granted by the Planning Commission.

(c) The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, fountains, decorative walks, or other similar site design features or materials in a quantity having a minimum value in conformance with the following table:

Project Value (Including building construction, site preparation, and site improvements)	Percentage of Total Project Value to be allocated to landscaping
Below $1,000,000	2%
$1,000,001-$2,000,000	1-3/4%
$2,000,001-$3,000,000	1-1/2%
$3,000,001-$4,000,000	1-1/4%
Over $4,000,000	1%

(d) In instances where healthy plant material of acceptable species exists on a site prior to its development, the application of the above mentioned standard (c) may be adjusted to allow credit for such material, provided that such adjustment is in keeping with and will preserve the intent of this ordinance.

(e) In order to provide for adequate maintenance of landscaped areas, an underground sprinkling system shall be provided as a part of each development; excepting natural areas to be preserved and landscaped areas not contiguous to principle landscaped areas.

(f) Landscaped areas shall be distributed throughout the off-street parking area in such a manner as to subdivide the expanse of paving.

(g) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three months after planting.

(h) In any case where screening, landscaping or other similar improvements to property are required herein an indemnity bond shall be supplied by the owner in an amount not to exceed one and one-half (1-1/2) times the amount of the value of such screening, landscaping, or other improvements as determined by the Director of Licenses and Inspections. The bond, with surety satisfactory to the City, shall be conditioned upon the completion of all expenses incurred by the City for engineering, legal fees, or other expense in connection with the making of such improvements.

In the event said construction is not completed within the time allotted, as established by the City, the City shall have authority to complete the work required at the expense of the owner and the surety.

The City shall have the right to accept a cash escrow in lieu of a bond in an amount and under such conditions as the City shall determine appropriate.

4. Standards.

(a) In making recommendations and decisions upon site and building plan review applications, the staff, Planning Commission and City Council shall consider the degree of compliance of such plans with the following standards:

1. Consistency with the various elements and objectives of the City's long range plans;

2. Consistency with the purposes of this subdivision;

3. Preservation of the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and by designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas;

4. Creation of a harmonious relationship of buildings and open spaces with the terrain and with existing and future buildings having a visual relationship to the proposed development;

5. Creation of a functional and harmonious design for structures and site features including:
   a. Creation of an internal sense of order for the various functions and buildings on the site and provision of a desirable environment for occupants, visitors, and the general community.

   b. Appropriateness of the amount and arrangement of open space and landscaping to the design and function of the development.

   c. Appropriateness of the materials, textures, colors, and details of construction as an expression of the design concept of the project and the compatibility of the same with the adjacent and neighboring structures and functions;

   d. Adequacy of vehicular, cycling and pedestrian circulation, including walkways, interior drives and parking, in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian, cycling and vehicular traffic and arrangement and amount of parking so as to be safe, convenient and, insofar as practicable, compatible with the design of proposed buildings, structures and neighboring properties.

6. Creation of an energy-conserving design through design, location, orientation and elevation of structures, the use and location of glass in structures, and the use of landscape materials and site grading.

7. Protection of adjacent and neighboring properties through reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.

(b) Failure of the proposal to take reasonable account of the items discussed in paragraph (4a) above shall justify a recommendation or action to deny the application. Such recommendation or action shall be accompanied by a statement of the reasons therefor.

(c) The Director of Planning, the Planning Commission and/or the City Council may condition any recommendation of approval or approval action on changes in the site and/or building plans in order to more effectively carry out the intent of the ordinance. Such conditions may include, but not be limited to, requiring increased amounts and/or sizes

of landscaping, increased amount of off-street parking, revisions to architectural features or signage aspects of the proposed development concept.

5. Procedures.

(a) Applicants for building and site plan review shall submit to the City a completed application form, shall provide to the City complete building and site plans as hereinafter described in such quantity as the Director of Planning shall determine necessary, and shall pay to the City the required application fee as set forth below.

(b) The following shall be the fees for processing of applications for building and site plan review:

1. Property zoned for commercial, office or industrial use: $50.00

2. Property zoned for multiple-residence structures: $30.00

3. Property zoned for duplexes: $15.00

4. Site plans submitted in connection with an application for rezoning shall be excepted from the above fees and shall not be required to pay a fee for site and building plan review.

(c) Building and site plans submitted for review shall include such information as the Director of Planning shall consider necessary. Building plans shall be signed by a registered architect, civil engineer, or design professional as required by Minnesota Statutes.

(d) Process

1. Site and building plan review applications which are accompanied by applications for a conditional use permit or rezoning shall be processed concurrently with and according to the same procedure as the conditional use permit or rezoning.

2. Site and building plan review applications which involve variances but do not involve conditional use permit or rezoning applications, shall be referred to the Planning Commission for hearing and approval, approval with conditions or denial.

   a. The Planning Department shall mail notice of the hearing before the Planning Commission to all property owners whose names appear on the list of property owners submitted with the application. Such notice shall be sent at least ten (10) days prior to the Planning Commission meeting.

   b. A motion to approve, approve with conditions, or deny a site plan shall require an affirmative vote by a majority of the Planning Commission members present in order to be adopted.

   c. Any person aggrieved by the decision of the Planning Commission may appeal in writing to the City Clerk within seven (7) days of the Commission's approval or disapproval of the site plan.

1. Upon receiving such a written appeal, the City Clerk shall place the matter on the agenda of a regularly scheduled meeting of the City Council to be held no more than 30 days after submission of the appeal.

2. Any property owner who was notified of the Planning Commission meeting shall be notified by the Planning Department of the Council meeting at which the site plan will be considered by the Council.

d. The City Council may reverse a decision of the Planning Commission by an affirmative vote of at least four-fifths (4/5) of the Council members present. If the Planning Commission is reversed, the reasons therefore shall be stated in the record of the City Council.

3. Site and building plan review applications which are not accompanied by an application for any other type of approval shall be reviewed by the Director of Planning or his designated representative, unless the Director of Planning shall find that the application raises issues requiring review and decision by the Planning Commission, in which case he may refer said application to the Planning Commission for its decision. Within 30 days of the date of receipt of the complete application he shall produce written findings of fact regarding the application and a written decision to approve, approve with conditions, or deny the application. The decision of the Director of Planning may be appealed by any aggrieved party. Written notice of appeal shall be received by the Minnetonka Planning Department within seven (7) days of the Planning Director's decision. The appeal shall be referred to the Planning Commission and thereafter to the City Council for review and resolution according to the same procedure and voting requirements used for applications involving both variance and site plan approval.

Adopted by the City Council of the City of Minnetonka on this 4th day of September, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

Rez. Pet. #264
Rauenhorst , Opus 2
Fourth Addition

ORDINANCE NO. 79 - 77 -114

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 and Section 16.2, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-5 (Multiple Residence District)/ B-3 (Service Business District) and I-1 (Planned Industrial District), to wit:

See maps.

The purpose of this ordinance is to correct the wetlands designation within Opus 2 Fourth Addition in the North 1/2 of Section 36.

Adopted by the City Council of the City of Minnetonka on this 4th day of September , 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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REZ. PET. #256
Purgatory Creek

see vault copy for maps

ORDINANCE NO. 79 - 77 - 115

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2; Section 16.1, Subdivision 3; and Section 16.2, Subdivision 2 of Ordinance No. 77 are hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands/Floodplain to Floodplain/Wetlands, to wit:

See maps.

This area is located east of Highway 101, north of Highway 7, south of Saddlewood Lane, and west of Saddlewood Drive.

This wetlands/floodplain area will be regulated by a water management level of 886.0 feet above mean sea level allowing a minimum water retention area of 71 acre feet. The water management plan will be regulated as follows:

1. Future development of properties containing designated wetlands must provide for the retention of 51% of their existing storage capacity in an area contiguous to official floodplain or wetlands.

2. Future development of the above mentioned affected properties will follow both normal City rezoning procedures and appropriate Watershed District and DNR procedures, including but not limited to the submission of the following data:

   a. Existing topographical maps of the site at two-foot contours.
   b. Proposed grading/drainage plans.
   c. Proposed site plans.
   d. Existing vegetation map of the site.
   e. As-built topographical maps of the site upon completion of the project.

Adopted by the City Council of the City of Minnetonka on this 17th day of September, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

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Rez. Pet. 259
LaBore Construction

Ordinance No. 79 - 77 -119

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-3 (Multiple Family Residence District), to wit:

Lot 9, 10, and 11, Gideon Park:

That part of the abandoned railroad right-of way of the Chicago Milwaukee and St. Paul Railway, now Chicago, Milwaukee, St. Paul and Pacific Railroad Company appearing upon the plat of Gideon Park lying between the Southeasterly line of Lot 12 and the northwesterly lines of Lots 9, 10 and 11 of said plat and between the Southwesterly line of County Road Number 60 and the Easterly line of the right-of-way of the Minneapolis and St. Louis Railway Company, according to the plat thereof on file or of record in the office of the Register of Deeds in and for said County

Adopted by the City Council of the City of Minnetonka on this 15th day of October, 1979.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #243
Opus 2, Eighth Addition
Townhouses of Shady Oak

ORDINANCE NO. 79 - 77 - 120

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District), R-4 (Multiple Family Residence District), B-1 (Limited Business District), and Wetlands to I-1 (Planned Industrial District), to wit:

Block 1, Lots 1-8, Opus 2, Eighth Addition

Adopted by the City Council of the City of Minnetonka on this 15th day of October, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #266
Duraps, Inc.

ORDINANCE NO. 79 - 77 - 121

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-1 P.U.R.D., to wit:

Tracts B, C, and D, Registered Land Survey No. 1194, Files of the Registrar of Titles, Hennepin County, Minnesota. ALSO

That part of Tract F, Registered Land Survey No. 1194, files of the Registrar of Titles, Hennepin County, Minnesota and the Southeast Quarter of the Northwest Quarter, Section 12, Township 117, Range 22, lying easterly of a line 30.00 feet easterly of the following described line:

Commencing at the intersection of the southwesterly line of Tract D, Registered Land Survey No. 1194, with a line 33.00 feet Northwesterly of, measured at right angles to, and parallel with the southeasterly line of said Tract D; thence on an assumed bearing of North 41 degrees 56 minutes 08 seconds East, along said parallel line, a distance of 30.00 feet to the beginning of said line; thence North 40 degrees 03 minutes 52 seconds West a distance of 23.43 feet; thence northwesterly and northerly a distance of790.24 feet along a tangential curve to the right having a radius of 716.2 feet and a central angle of 63 degrees, 13 minutes 11 seconds; thence North 23 degrees 09 minutes 19 seconds East, tangent to said curve a distance of 286.30 feet, and there terminating; also described as Lots 1-10, Block 1, Outlot A and B, Birchview Addition.

Adopted by the City Council of the City of Minnetonka on this 22nd day of October, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL

Rez. Pet. #124
Johnson/Webster

ORDINANCE NO. 79 - 77 - 126

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-4 (General Business District), to wit:

That part of the South 212.03 feet of the North 809.03 feet of the Southeast Quarter of Section 30, Township 117, Range 22 lying East of a line parallel with the East line of said Section 30 and 544.42 feet Westerly therefrom, excepting therefrom the tract described as follows: Commencing at a point on the East line of said Section 30, 48.7 feet South from the quarter section post on the East line; thence running South on said East line 1141-1/2 feet; thence at right angles West 293.71 feet; thence at right angles North 758 feet; thence at right angles West 50 feet; thence at right angles North 383-1/2 feet; thence at right angles East 343.71 feet to the point of beginning.

Adopted by the City Council of the City of Minnetonka on this 17th day of December, 1979.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Mary F. Schmidt
Margaret E. Mullen, City Clerk
by her deputy MARY F. SCHMIDT

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Rez. Pet. #228
Mtka. Holding

ORDINANCE NO. 79 - 77 -127

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residence District), to wit:

Lot 1, Block 4, Holdridge Road East

Adopted by the City Council of the City of Minnetonka on this 17th day of December, 1979.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Mary F. Schmidt

Margaret E. Mullen, City Clerk
by her deputy MARY F. SCHMIDT

(SEAL)

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Rez. Pet. #192
Elmo Ginkel

ORDINANCE NO. 80 - 77 - 128

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to wit:

Lots 1, 2, 3, 4, and 5, Block 1, Rolling Ridge Subdivision also known as Preliminary Plat No. 1086.

The effective date of this ordinance shall be 30 days following the filing and recording in the appropriate County Office of Plat Number 1086.

Adopted by the City Council of the City of Minnetonka on this 7th day of January, 1980.

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #267
Eugene Rosenthal
15016 Mtka. Blvd.

ORDINANCE NO. 80 - 77 - 131

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), to wit:

Parcel 1: The East 110 feet of the West 478 feet of the South 100 feet of the Northwest Quarter of the Southeast Quarter.

Parcel 2: The East 110 feet of the following described tract of land: That part of the Southwest Quarter of the Southeast Quarter described as beginning at a point on the North line thereof 325 feet East along said North line from the Northwest corner of the Southwest Quarter of the Southeast Quarter; thence Southwesterly to a point on the Northerly line of Minnetonka Boulevard distant 260 feet Southeasterly along said Northerly line from the West line of the Southwest Quarter of the Southeast Quarter; thence Southeasterly along said Northerly line of Minnetonka Boulevard to the Northerly right-of-way line of the Minneapolis & St. Louis Railway Company; thence Northeasterly along the Northerly right-of-way line of said railway to the East line of the Southwest Quarter of the Southeast Quarter; thence North to the Northeast corner of the Southwest Quarter of the Southeast Quarter; thence West along the North line thereof to the point of beginning, except that part thereof lying East of a line drawn parallel to and 478 feet East of the West line of the Southwest Quarter of the Southeast Quarter, and except that part thereof which lies Southerly of a line parallel with and distant 40 feet Northerly of the following described line:

Commencing at the East Quarter corner of Section 16; thence South along the East line of said section 704.7 feet; thence Southwesterly deflecting to the right at an angle of 57 degrees 57 minutes a distance of 1379.72 feet; thence Westerly deflecting to the right at an angle of 20 degrees 01 minutes a distance of 843.77 feet; thence Westerly along a 3 degree 30 minute curve to the right (delta angle of 25 degrees 58 minutes) a distance of 741.9 feet and there terminating,

all in Section 16, Township 117, Range 22 according to the Government Survey thereof.

Adopted by the City Council of the City of Minnetonka on this 21st day of January, 1980.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #276
City of Minnetonka
5500 Opportunity Court

ORDINANCE NO. 80 - 77 - 132

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Floodplain and I-1 (Planned Industrial District) to R-1 (Single Family Residence District), to wit:

All that part of Lot 2, Block 1, Opus 2 Third Addition, lying above the 878 foot contour.

Adopted by the City Council of the City of Minnetonka on this 21st day of January, 1980.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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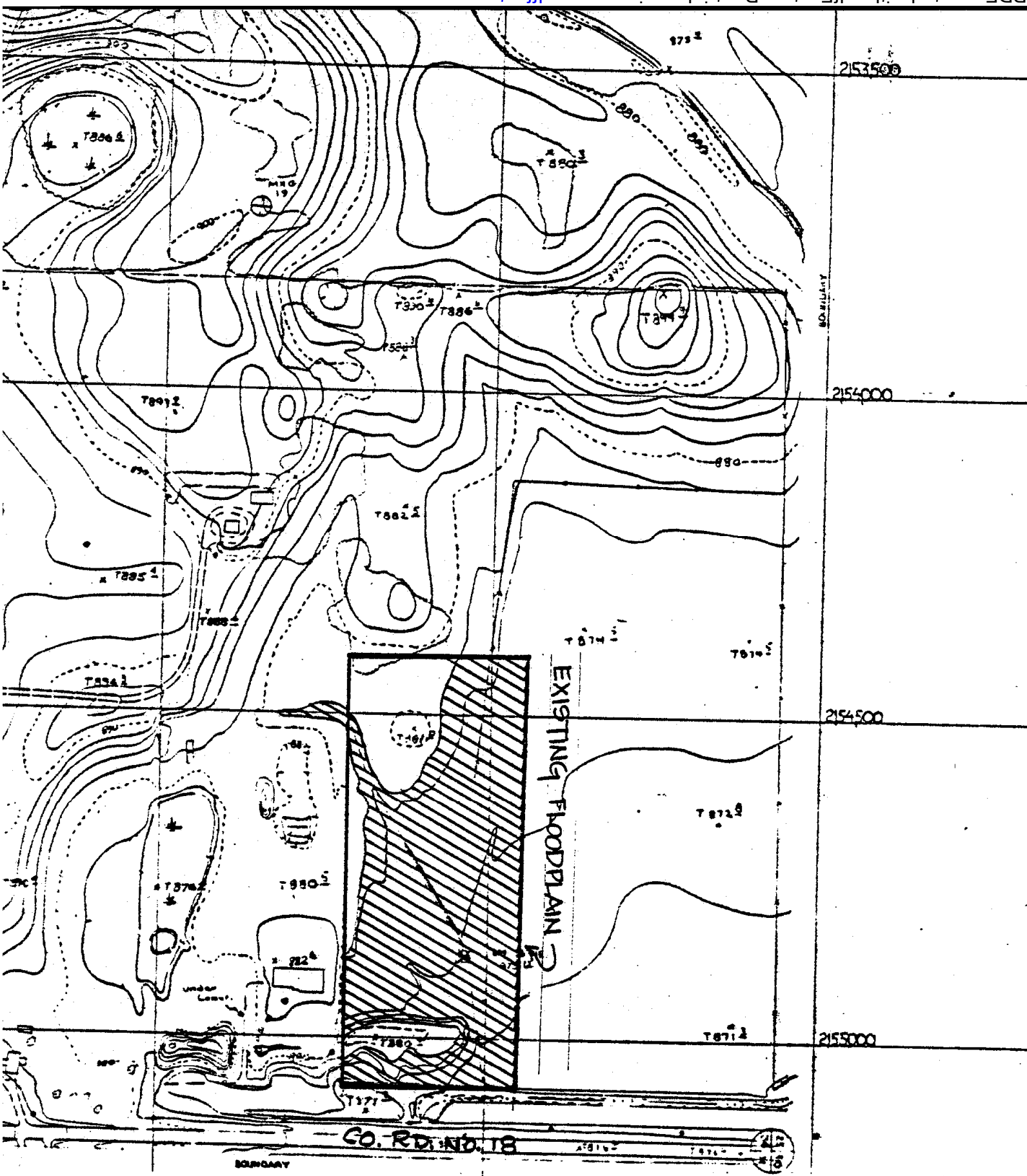

TOPOGRAPHIC MAP

N½ OF NE¼ SECTION 36

T117N R 22W

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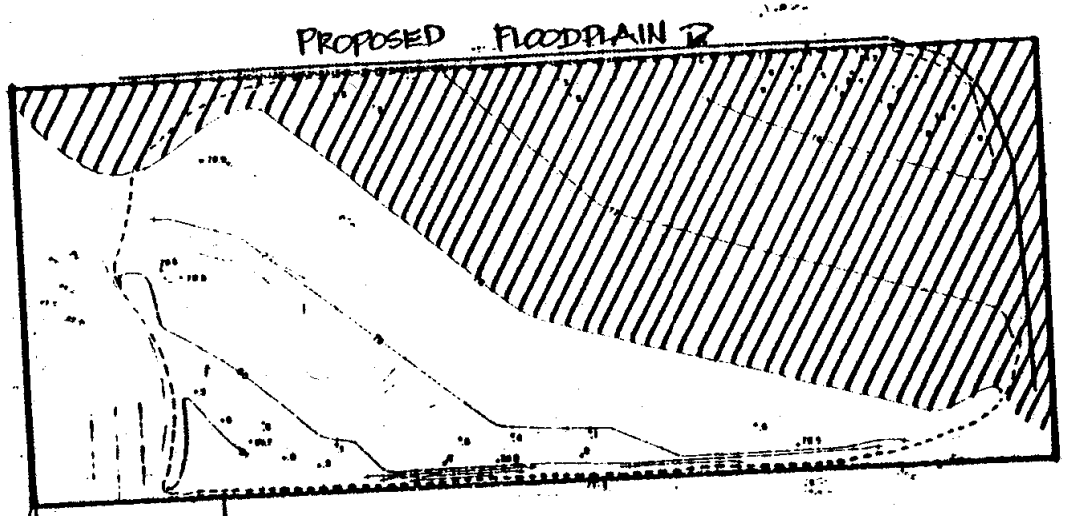

Grading Plan

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Rez. Pet. #269
Huntington Oaks

ORDINANCE NO. 80 - 77 - 133

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to wit:

Tract B, Registered Land Survey No. 1478, Files of Titles and Tract F Registered Land Survey No. 1462 Files of Registrar of Titles County of Hennepin.

Adopted by the City Council of the City of Minnetonka on this 21st day of January, 1980.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #273
Crandall/Renneke

ORDINANCE NO. 80 - 77 - 137

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-4 (Multiple Residence District), to wit:

Plat 80620 Parcels 600 and 810, Glen Lake Park

Above zoning is conditional upon all requirements of Ordinance 77 and compliance with the final site plan, as approved, within one year.

Adopted by the City Council of the City of Minnetonka on this 3rd day of March, 1980.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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Rezoning Petition #277
City of Minnetonka

ORDINANCE NO. 80 - 77 - 139

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-4 (General Business District) to R-1 (Single Family Residence District), to wit:

That part of Knollway Addition lying south of the following described line commencing at a point on the southwest line of Lot 20, Block 1 Knollway Addition Distance 65 feet northwest of the most southerly corner thereof, thence east to a point on the northeast line of Lot 4, Block 3 Knollway distance 140' northwesterly of the southeasterly corner thereof, thence southeasterly along said northeast line a distance of 140' and there terminating.

Adopted by the City Council of the City of Minnetonka on this 7th day of April, 1980.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rezoning Petition #200
Kolstad Addition

ORDINANCE NO. 80 - 77 - 140

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to wit:

Lot 1, Block 1, Kolstad's Addition.

Adopted by the City Council of the City of Minnetonka on this 7th day of April, 1980.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rezoning Petition #282
12-Hi Properties

ORDINANCE NO. 80 - 77 - 144

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to B-4 (General Business District), to wit;

Those parts of Lot 1, except 50 feet thereof; Lots 2, 3, 4, 5, 6, and 7, Block 2 "Oak Knoll Addition" shown as wetlands on the official wetland map attached hereto.

Adopted by the City Council of the City of Minnetonka on this 28th day of April, 1980.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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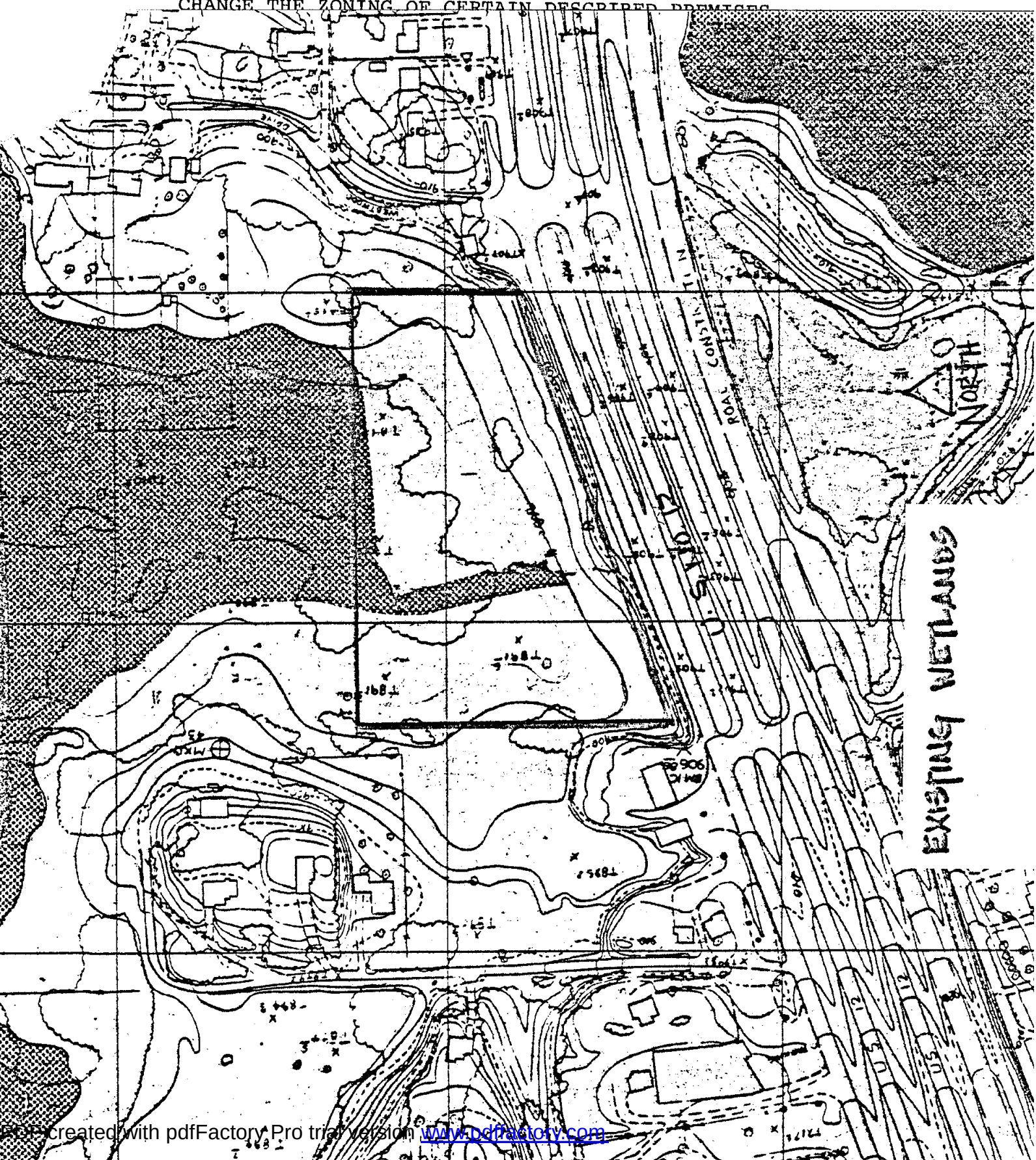
ORDINANCE NO. 80 - 77 - 149

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES



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Rez. Pet #283

ORDINANCE NO. 80 - 77 - 149

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-4 (General Business District) to B-1 (Limited Business District), to wit;

That part of the Southwest 1/4 of the Northeast 1/4 of Section 1, Township 117, Range 22, lying South of the South line of U.S. Highway #12 subject to all B-1 zoning requirements with the following exceptions to the B-1 sign standards:

1) That individual building signage exceed no more than 10% of the wall area,

2) That no pylon signs be permitted for any of the buildings,

3) Individually mounted letters be utilized for all signs on the office buildings.

Adopted by the City Council of the City of Minnetonka on this 5th day of May, 1980

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

REZ. PET. #286
ELMO GINKEL

ORDINANCE NO. 80 - 77 - 151

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-4 (General Business District) to B-1 (Limited Business District), to wit:

EASTERLY PORTION OF OUTLOT B TO BE REZONED FROM WETLANDS TO B-1:

That part of the Wetlands as delineated on the City of Minnetonka Wetlands Map and embraced within the following described property:

That part of the South Half of the North Half of the Southwest Quarter of Section 29, Township 117 North, Range 22 West of the 5th Principal Meridian, lying westerly of the following described line:

Beginning at a point on the north line of said South Half of the North Half of the Southwest Quarter distant 263.10 feet easterly from the northwest corner thereof; thence southerly, parallel with the west line of said Southwest Quarter, a distance of 47.00 feet; thence easterly, parallel with said north line, a distance of 78.00 feet; thence southerly, parallel with the west line of said Southwest Quarter, to the south line of the South Half of the North Half of the Southwest Quarter of said Section 29 and said line there terminating.

WESTERLY PORTION OF OUTLOT B AND OTHER LAND TO BE REZONED FROM R-1 TO B-1:

That part of the South Half of the North Half of the Southwest Quarter of Section 29, Township 117 North, Range 22 West of the 5th Principal Meridian, lying westerly of the following described line:

Beginning at a point on the north line of said South Half of the North Half of the Southwest Quarter distant 263.10 feet easterly from the northwest corner thereof; thence southerly, parallel with the west line of said Southwest Quarter, a distance of 47.00 feet; thence easterly, parallel with said north line, a distance of 78.00 feet; thence southerly, parallel with the west line of said Southwest Quarter, to the south line of the South Half of the North Half of the Southwest Quarter of said Section 29 and said line there terminating. EXCEPTING therefrom the two following described parcels:

EXCEPTION NO. 1

Commencing at the intersection of the north line

of the above described property and the east line of the West 33.00 feet of the above described property; thence on an assumed bearing of South 89 degrees 32 minutes 57 seconds East, along said north line, a distance of 57.37 feet to the point of beginning of the land to be described; thence continuing South 89 degrees 32 minutes 57 seconds East, along said north line, a distance of 92.69 feet; thence South 1 degree 02 minutes 04 seconds East a distance of 103.25 feet; thence southerly, southwesterly and westerly a distance of 61.26 feet along a tangential curve concave to the northwest having a radius of 39.00 feet and a central angle of 90 degrees 00 minutes 00 seconds; thence South 88 degrees 57 minutes 56 seconds West, tangent to said curve, a distance of 4.99 feet; thence westerly, northwesterly and northerly a distance of 62.71 feet along a tangential curve concave to the northeast having a radius of 41.69 feet and a central angle of 86 degrees 11 minutes 09 seconds; thence North 4 degrees 50 minutes 55 seconds West, tangent to the last described curve, a distance of 106.14 feet to the point of beginning.

EXCEPTION NO. 2

That part of the first above described property delineated as Wetlands on the City of Minnetonka Wetlands Map.

Adopted by the City Council of the City of Minnetonka on this second day of June, 1980.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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REZ. PET. #287
Jon Nelson
Minnetonka Office Center

ORDINANCE NO. 80-77-154

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), to wit:

Lots 10-13, Block 3, Boulevard Gardens. The N 1/2 of Section 2, Township 117, Range 22. Generally located adjacent to the north frontage road of Highway 12, west of Merrivale Avenue and east of Ridgedale Drive interchange.

Adopted by the City Council of the City of Minnetonka on this 7th day of July, 1980.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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REZ. PET. #281
OSMONICS/CROSSTOWN SAND
& GRAVEL

ORDINANCE NO. 80 - 77 - 157

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District)/I-1 (Planned Industrial District)/B-1 (Limited Business District) R-4 (Multiple Residence District) and Wetlands to B-1 (Limited Business District)/B-2 (Shopping Center District) and I-1 (Planned Industrial District), to wit:

Minnetonka Technological Park, Second Addition;
Block 1, Lots 1, 2 (B-1), 3, 4, 5 (B-2),
Block 2, Lots 1, 2 (I-1),
Block 3, Lots 1, 2 (I-1).

Adopted by the City Council of the City of Minnetonka on this 21st day of July, 1980.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

(SEAL)

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Rez. Pet. #289
T. Wrights

ORDINANCE NO. 80 - 77 - 158

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-2 (Shopping Center District) to B-4 (General Business District), to wit:

Lot 51, Deephaven Acres, according to the recorded plat thereof on file and of record in the office of the register of deeds in and for said Hennepin County, Minnesota (generally located at 3310 State Highway 101 North).

Adopted by the City Council of the City of Minnetonka on this 21st day of July, 1980.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

by
RONALD S. RANKIN, ASSISTANT TO THE CITY MANAGER

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REZ. PET. #291
TOROS OF ASPEN

ORDINANCE NO. 80 - 77 - 162

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from I-1 (Planned Industrial District) to B-2 (Shopping Center District) to wit:

That part of Lot 1, Block 12, OPUS 2 FOURTH ADDITION, according to the recorded plat thereof, which lies westerly of the following described line and its southerly extension:

Beginning at a point on the northerly line of said Lot 1, distant 232.93 feet easterly from the northwest corner of said Lot 1; thence southerly, perpendicular to the northerly line of said Lot 1, a distance of 374.43 feet, to the southerly line of said Lot 1 and said Lot 1 and said line there terminating.

Subject to drainage and utility easements as dedicated on said plat.

Adopted by the City Council of the City of Minnetonka on this 18th day of August, 1980.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #293
Tower Hill Company

ORDINANCE NO. 80 - 77 - 163

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District) and B-4 (General Business District), to wit:

REZONE FROM R-1 TO B-4

The West 45.00 feet of Lot 3, Block 1, Tower Hill according to the recorded plat thereof.

REZONE FROM R-1 TO B-1

The East 382.00 feet of the West 427.00 feet of Lot 3, Block 1, Tower Hill, according to the recorded plat thereof.

Adopted by the City Council of the City of Minnetonka on this 18th day of August, 1980.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 80 - 77 - 164

AN ORDINANCE AMENDING SECTION 18, SUBDIVISION 2 OF THE ZONING ORDINANCE OF THE CITY OF MINNETONKA TO PROVIDE FOR PLANNING COMMISSION REVIEW AND CITY COUNCIL APPROVAL WHEN A NON-CONFORMING USE IS CHANGED

THE CITY OF MINNETONKA DOES ORDAIN:

Section 18, Subdivision 2 of the Zoning Ordinance of the City of Minnetonka is hereby amended by adding the following language (in italics):

Subdivision 2. Alterations.

The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification *provided that all non-conforming uses that change must receive prior review by the Planning Commission and approval by the City Council.* The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conformed use, such use shall not thereafter be changed to a less restricted use.

Adopted by the City Council of the City of Minnetonka on this 25th day of August, 1980.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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Rez. Pet. #285
Ridge Square Second
Addition

ORDINANCE NO. 80 - 77 - 165

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-2 (Shopping Center District), to wit:

Lots 1 and 2, Block 1, Ridge Square Second Addition.

Adopted by the City Council of the City of Minnetonka on this 15th day of September, 1980.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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REZ. PET. 242
Northwestern Nat'l Bank

ORDINANCE NO. 80 - 77 - 169

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-2 (Shopping Center District), to wit:

Lot 3, Block 1, Ridgedale Center Fifth Addition.

Adopted by the City Council of the City of Minnetonka on this 3rd day of November, 1980.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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REZ. PET. #297
Hamilton/Avnet

ORDINANCE NO. 80-77-173

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-2 (Shopping Center District) to I-1 (Planned Industrial District), to wit:

Lot 2 and 3, Block 14, Opus 2 Fourth Addition

Adopted by the City Council of the City of Minnetonka on this 17th day of November, 1980.

Robert DeGhetto

ROBERT DEGHETTO, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

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Rez. Pet. #299
Toro/Rauenhorst Headquarters

ORDINANCE NO. 80-77-176

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to B-3 (Service Business District), to wit:

Block 9, Opus 2, Fourth Addition (generally located West of County Road 18, East of Bren Road East in the Southeast 1/4 of Section 36). (See attached map)

Adopted by the City Council of the City of Minnetonka on this 22nd day of December, 1980.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 80 - 77 - 177

AN ORDINANCE AMENDING SECTION 6, SUBDIVISION 3 OF ORDINANCE NUMBER 77, ZONING AS IT PERTAINS TO USES BY CONDITIONAL USE PERMIT IN A R-1A RESIDENCE DISTRICT

THE CITY OF MINNETONKA DOES ORDAIN:

Section 6, Subdivision 3 of Ordinance Number 77 of the City of Minnetonka is hereby amended by adding the following language (in italics):

Subdivision 3. Uses by Conditional Use Permit.

Within an R-1A Residence District, no building or land shall be used for one or more of the following uses except by Conditional Use Permit:

1. Municipal administration buildings, police and fire stations, community center buildings, churches, public libraries, museums, art galleries, post office and other municipal service buildings, except those customarily considered industrial in use and provided that no buildings shall be located within fifty (50) feet of any lot line of an abutting lot in any of the Classes of Residence District.
2. Water supply buildings, reservoirs, wells, elevated tanks, and similar essential service structures.
3. Golf club house, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within fifty (50) feet of any lot line of an abutting lot in any of the Classes of Residence Districts.
4. Offices of professional persons and home occupations when such use does not exceed one-third (1/3) of the main floor space of a dwelling, is conducted not in any dwelling, and does not employ persons not residing on the premises.
5. Railroad right of ways, but not including railroad yards.
6. Amateur transmitting and receiving stations.
7. Cemetery, memorial garden.
8. *The construction of or addition to any accessory building which contains or will contain more than 1,000 square feet and/or more than 10,000 cubic feet and/or a height in excess of 12 feet.*

Adopted by the City Council of the City of Minnetonka on this 22nd day of December, 1980.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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(SEAL)

see vault copy for map

EMERGENCY ORDINANCE NO. 81-77-2

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 77, SECTION 16.1, ADOPTING A REVISED FLOOD PLAIN MAP FOR THE CITY OF MINNETONKA

THE CITY OF MINNETONKA DOES ORDAIN:

THAT the official flood plain map for the City of Minnetonka is revised herewith as shown on the attached map to comply with requirements of participation in the regular phase of the National Flood Insurance Program.

Adopted by the City Council of the City of Minnetonka on this 4th day of May, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

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REZ. PET. #274
Boisclair Corporation
"The Glen"

ORDINANCE NO. 81 - 77 - 182

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (PURD) to R-4 (PURD), to wit:

The Northeast quarter of the southeast quarter of the southeast quarter of Section 28, Township 117 North, Range 22 West, Hennepin County, Mn. except the north 25 feet thereof.

This amendment is subject to all of the conditions listed below as well as provisions of Ordinance 77, Section 10, Subd. 8, and Section 10b, Planned Unit Residential Development districts, site plan approval and all other zoning ordinances.

Conditioned upon:

1. Development will consist of no more than 90 condominium units and three single family homes, one of which currently exists and shall remain on site;

2. Buildings will be no more than 3 stories in height;

3. At least 135 underground parking stalls shall be provided;

4. Construction will conform to the Site/Grading and Landscaping Plans (attached) except as such shall be modified by final site/landscape plan and plat approvals;

5. Developer shall dedicate right-of-way necessary for construction of new street through site and for construction of cul-de-sac on Beacon Hill Road.

6. No building permits shall be issued for the condominium buildings or the single family homes until after final site plan review and approval by the City Council.

Adopted by the City Council of the City of Minnetonka on this 12th day of January, 1981.

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

(SEAL)

Rez. Pet. #300
City of Minnetonka

ORDINANCE NO. 81-77-183

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residence District), to wit:

Area 1: Rezoning a portion of the wetlands shown as areas one and two on the attached map from Wetlands to R-1 (Single Family Residence District).

Adopted by the City Council of the City of Minnetonka on this 19th day of January, 1981.

Fred Hanus
FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 81 - 184

AN ORDINANCE AMENDING SECTION 857.05 OF THE 1977 CODE OF ORDINANCES OF THE CITY OF MINNETONKA (GARBAGE COLLECTION AND BURNING) AS IT PERTAINS TO THE EXPIRATION DATE OF LICENSES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 857.05 of the 1977 Code of Ordinances of the City of Minnetonka (Garbage Collection and Burning Licensing) is hereby amended by adding the following language which is in italics and deleting the language so indicated as follows:

857.05. Licensing of Refuse and Garbage Collectors.

1. No person shall engage in the business of garbage or refuse collection in the City of Minnetonka unless he shall first secure a license to do so and pay the license fee herein prescribed.

2. An applicant for such license shall make application to the Director on a form prepared by the Director. The application shall accurately state:

a. The name of the owner or licensee;

b. The proposed charges for hauling;

c. A description of the kind of services to be rendered;

d. A description of each motor vehicle to be used for hauling, including the license number thereof;

e. The manner and kind of service proposed to be given the customers and schedule of pickups; and

f. The routes or area to be served.

3. No such license shall be issued until the applicant files with the Director a certificate of insurance issued by an insurance company licensed to do business in the State of Minnesota currently covering all vehicles to be used by the applicant in his business. The minimum limits of coverage for such insurance shall be:

a. Each person injured, at least $100,000;

b. Each accident, at least $300,000;

c. Property damage, at least $25,0000.

Such insurance shall be kept in force during the term of the license and shall provide for notification to the City prior to termination or cancellation. Any license issued hereunder shall automatically be revoked upon notice of termination or cancellation of such insurance and shall remain revoked until and unless other insurance is provided as required herein.

4. Before a license is granted the applicant shall furnish to the City and deposit with the Director a surety bond in the sum of $1,000 conditioned upon the faithful performance by the licensee and conditioned upon the compliance with all of the provisions and requirements of this ordinance and other

applicable ordinances.

5. The annual license fee is as duly set by the Council from time to time. Such license shall expire ~~January 31~~ *July 31* of each year. An alternate vehicle may be used in the event of an emergency period of not exceeding three (3) days without first applying for and securing such license.

Adopted by the City Council of the City of Minnetonka on this 26th day of January, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

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ORDINANCE NO. 81 - 185

AN ORDINANCE AMENDING THE 1977 CODE OF ORDINANCES OF THE CITY OF MINNETONKA TO ADD SECTION 418 REGULATING FIRE EXTINGUISHING AND FIRE DETECTION INSTALLATIONS

THE CITY OF MINNETONKA DOES ORDAIN:

The 1977 Code of Ordinances of the City of Minnetonka is hereby amended by adding Section 418 (Fire Extinguishing and Detection Regulations), as follows:

SECTION 418 - FIRE EXTINGUISHING REGULATIONS

418.00. License Required.

1. The term "automatic fire extinguisher installer" shall mean any person or company engaged in the business of installing, altering, repairing, testing, or extending any fire extinguishing system.

2. The term "fire detection installer" shall mean any person or company engaged in the business of installing, altering, repairing, testing, or extending any fire detection system.

3. No person, firm or corporation shall engage in the business of automatic fire extinguishing installations or fire detection installations within this City without first obtaining a license to carry on such occupation from the Director of Inspections and Licenses or his authorized agent and procuring and posting with the Director of Inspections and Licenses or his authorized agent a bond in the amount of $2,000.00 in favor of this City and all persons suffering damages by reason of the breach of the conditions of this bond. Said bond shall be in the form prescribed by this City and shall be conditioned upon the faithful performance of contracts and compliance with this ordinance.

4. No person, firm or corporation shall be licensed to engage in the business of an automatic fire extinguisher installer or fire detection installer within the City unless the applicant files with the Director a certificate of insurance issued by an insurance company licensed to do business in the State of Minnesota currently covering the applicant in this business. The minimum limits of coverage for such insurance shall be:

a. Each claim, at least $100,000.00;
b. Each occurrence, at least $300,000.00;
c. Property damage, at least $50,000.00.

Such insurance shall be kept in force during the term of the license and shall provide for notification to the City prior to termination or cancellation. Any license issued hereunder shall automatically be revoked upon notice of termination or cancellation of such insurance and shall remain revoked until and unless other insurance is provided as required herein.

5. No person, firm or corporation that has obtained any such license shall allow any other person, firm or corporation to use such license for doing any work covered by the provisions of this ordinance.

6. Such license shall be renewable annually on or before January 1 of every year and may be revoked or refused renewal by the Council for cause. Any work done in violation of the provisions of this ordinance or refusal on the part of a licensee to correct any defective work performed by such licensee shall be cause for revocation of or refusal to renew a license.

7. Any revocation of, suspension of or refusal to renew a license granted under this section shall be conducted pursuant to the provisions of Section 800.20 of the Ordinance Code.

8. The annual license fee shall be $30.00 or as duly set by the Council from time to time. Application for such license shall be made annually on a form furnished by this City.

418.05. Permit Required.

1. Before any person shall do or cause to be done any work, he shall first obtain a permit from the City to do so.

2. The applicant shall state the precise nature of the work for which the permit is sought and the location where such work is to be done. If a permit is issued, it shall only be valid for the work and location specified by the applicant.

3. Should any person, firm or corporation begin work of any kind such as set forth in Section 418.05(1) above for which a permit from the City is required by ordinance without having secured the necessary permit therefore from the City either previous to or during the day of commencement of any such work, or on the next succeeding business day where such work is commenced on Saturday, Sunday, or a holiday, he shall, when subsequently securing such permit, be required to pay double the fee specified in Section 1410.05 for such permit, and shall be subject to all the penalty provisions of this ordinance.

4. Every permit issued under the provisions of this ordinance shall expire by limitation and become null and void if the work authorized by such permit is not completed within one year from the date of such permit. Provided, however, that such permit may be renewed for an additional period of one year upon the payment of a fee which shall be fifty percent (50%) of the original fee for that applicable part of the project yet to be completed, provided no changes have been made or will be made in the original plans and specifications for such work.

418.10. Inspection. Any person,firm or corporation who does or causes to be done any of the work specified in Section 418.05 shall, immediately upon completion of such work, notify the Director or his authorized agent that the work for which a permit was issued is ready for inspection and test. The Director or his authorized agent shall also be notified before any portion of the work is connected within a building, and shall be given reasonable time and opportunity to inspect the same before the building operations progress to a point where such work can no longer be examined and inspected. No work shall be covered until it has been inspected and accepted by the inspector. No new premises shall be occupied until the inspector has had an opportunity to make a final inspection of the premises and has approved the installation and a certificate of occupancy has been issued.

418.15. Enforcement. It shall be the duty of the Director of Inspections and Licenses and his authorized agents to enforce the provisions of this ordinance.

418.20. Penalty. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not to exceed $500.00 or imprisonment in a public jail for not to exceed ninety (90) days or both. Each day that any violation is continued shall constitute a separate offense.

Adopted by the City Council of the City of Minnetonka on this 26th day of January, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

Rez. Pet. #302
Levering/Tomlinson

ORDINANCE NO. 81 - 77 - 186

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District/B-4 (General Business District) to R-5 (Multiple Family Residence District), to wit:

Lots 3, 4, 5, 6, 7, 8, 15, 16, 17, 18, 19, and 20, of Block Five, Sunset Hills Addition.

Adopted by the City Council of the City of Minnetonka on this 17th day of February , 1981.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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REZ. PET. # 304
HENNEPIN FEDERAL

ORDINANCE NO. 81 - 77 - 188

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential) to B-2 (Shopping Center District), to wit:

Parcel A

That part of the Northeast Quarter of the Southeast Quarter of Section 30, Township 117, Range 22, Hennepin County, Minnesota described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter; thence South 0 degrees 12 minutes 30 seconds East, assumed bearing, along the east line of said Northeast Quarter of the Southeast Quarter a distance of 597.01 feet to the point of beginning of the land to be described; thence South 89 degrees 47 minutes 30 seconds West a distance of 293.71 feet; thence South 0 degrees 12 minutes 30 seconds East a distance of 273.31 feet; thence North 89 degrees 47 minutes 30 seconds East to said east line a distance of 293.71 feet; thence North 0 degrees 12 minutes 30 seconds West along said east line a distance of 273.31 feet to the point of beginning. Said land shall be hereinafter known as Parcel A.

Subject to a permanent easement for highway purposes over, under and across the following described property:

The easterly 37.00 feet of said Parcel A.
The southerly 40.00 feet of said Parcel A.
That part of said Parcel A which lies southeasterly of the following described line:

Commencing at the southeast corner of said Parcel A; thence South 89 degrees 47 minutes, 30 seconds West along the south line of said Parcel A a distance of 87.00 feet to the point of beginning of the line to be described; thence North 44 degrees 47 minutes 30 seconds East to the east line of said Parcel A and said line there terminating.

Also subject to a permanent easement for utility and drainage purposes over, under and across the northerly 10.00 feet of the southerly 50.00 feet; and the westerly 14.00 feet of the easterly 47.00 feet of said Parcel A.

Parcel B

That part of the Northeast Quarter of the Southeast Quarter of Section 30, Township 117, Range 22, Hennepin County, Minnesota described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter; thence South 0 degrees 12 minutes 30 seconds East, assumed bearing, along the east line of said Northeast Quarter of the Southeast Quarter a distance of 448.70 feet to the point of beginning of the land to be described; thence South 89 degrees 47 minutes 30 seconds West a distance of 293.71 feet; thence South 0 degrees 12 minutes 30 seconds East a distance of 148.31 feet; thence North 89 degrees 47 minutes 30 seconds East to said east line of the Northeast Quarter of the Southeast Quarter a distance of 293.71 feet; thence North 0 degrees 12 minutes 30 seconds West along said east line a distance of 148.31 feet to the point of beginning. Said land shall be hereinafter known as Parcel B.

Subject to a permanent easement for highway purposes over, under and across the following described property:

The westerly 4.00 feet of the easterly 37 feet of said Parcel B.

Subject to reservations, restrictions and easements of record.

Adopted by the City Council of the City of Minnetonka on this 23rd day of February, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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Rez. Pet. #287
Jon Nelson
Minnetonka Office Center

ORDINANCE NO. 81 - 77 - 191

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

WHEREAS, on May 15, 1980 the Minnetonka Planning Commission recommended approval of a rezoning petition for Minnetonka Office Center including Lots 9 - 13, Block 3, Boulevard Gardens, Minnetonka, Minnesota; and

WHEREAS, the Minnetonka City Council accepted the recommendation of the Planning Commission and directed that an amendment to the zoning ordinance be prepared to change the zoning of that property; and

WHEREAS, the ordinance prepared and adopted incorrectly described the property to be rezoned by omitting Lot 9 of said subdivision; and

WHEREAS, it is the intent of the Council to correct said error to reflect approval of Lot 9, Block 3, Boulevard Gardens in addition to those lots given approval in ordinance number 80-77-154.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), to wit:

Lot 9, Block 3, Boulevard Gardens. The N 1/2 of Section 2, Township 117, Range 22. Generally located adjacent to the north frontage road of Highway 12, west of Merrivale Avenue and east of Ridgedale Drive interchange.

Adopted by the City Council of the City of Minnetonka on this 23rd day of March, 1981.

Kenneth E. Yager
KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

(SEAL)

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REZ. PET. NO. 305
Hilloway Corp./James Fennin

ORDINANCE NO. 81-77-193

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 1. Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning from R-1 (Single Family Residential District) to R-3 PURD (Multiple Planned Unit Residential District) to wit:

The North 418 feet of the Easterly one-half (Ely ½) of the Southwest quarter (SW ¼) of the Northwest quarter (NW ¼) of the Northwest quarter (NW ¼) of Section Eleven (11), Township One Hundred Seventeen (117), Range Twenty-Two (22), according to the U.S. Government Survey.

Section 2. Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning from R-1 (Single Family Residential District) to R-1 PURD (Single Family Planned Unit Residential District)

The Easterly one-half (Ely ½) of the Southwest quarter (SW ¼) of the Northwest quarter (NW ¼) of the Northwest quarter (NW ¼) of Section Eleven (11), Township One Hundred Seventeen (117), Range Twenty-Two (22), according to the U.S. Government Survey, except the North 418 feet.

and

The East one-half (E ½) of the Northwest quarter (NW ¼) of the Southwest quarter (SW ¼) of the Northwest Quarter (NW ¼) lying North of Roadway, as described in Doc. No. 222294, Files of Registrar of Titles, of Section Eleven (11) in Township One Hundred and Seventeen (117)North, Range Twenty-Two (22), according to the U.S. Government Survey.

Adopted by the City Council of the City of Minnetonka on this 20th day of April, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

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REZ. PET. NO. 265
Creek View Hills 2nd

ORDINANCE NO. 81-77-196

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning from R-1 (Single Family Residential District) to R-3 PURD (Multiple Family Residence District) to wit:

All of the southwest 1/4 of the southeast 1/4 of Section 31, Township 117, Range 22, except that part lying southwesterly of a line drawn from a point on the south line of said southwest 1/4 of the southeast 1/4 distant 800.0 feet east of the southwest corner thereof, to a point on the west line of said southwest 1/4 of the southeast 1/4 distant 475.0 feet north of said southwest corner; also except that part of the southeast 1/4 of southwest 1/4 of the southeast 1/4 of said section 31 lying east of the west 40.0 feet thereof; also except that part of the south 40.0 feet of the northeast 1/4 of the southwest 1/4 of the southeast 1/4 of said section 31 lying east of the west 40.0 feet thereof. Also: the south 33 feet of the northeast 1/4 of the southwest 1/4 lying east of State Hwy. 101, and the south 33 feet of the west 165 feet of the northwest 1/4 of the southeast 1/4, Section 31, Township 117, Range 22.

This area is generally located east of State Highway 101 and north of Townline Road.

Adopted by the City Council of the City of Minnetonka on this 27th day of April, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

see vault copy for map or emergency ord. 81-77-2

ORDINANCE NO. 81-77-199

AN ORDINANCE AMENDING ORDINANCE NO. 77, SECTION 16.1, ADOPTING A REVISED FLOOD PLAIN MAP FOR THE CITY OF MINNETONKA

THE CITY OF MINNETONKA DOES ORDAIN:

That the official flood plain map for the City of Minnetonka is revised herewith as shown on the attached map to comply with requirements of participation in the regular phase of the National Flood Insurance Program.

Adopted by the City Council of the City of Minnetonka, Minnesota on this 18th day of May, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

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REZ. PET. NO. 309
Enterprise Building

ORDINANCE NO. 81-77-201

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), to wit:

That part of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 34, Township 117 North, Range 22, West of the 5th Principal Meridian, lying Westerly of the Westerly right-of-way line of Interstate Highway Number 494, as further described in Final Certificate filed as Document No. 3688429, according to the United States Government Survey thereof and situated in Hennepin County, Minnesota.

Subject to an easement for public right-of-way purposes over and across the westerly 33.00 feet in Baker Road.

Subject to temporary construction easement for sanitary sewer and water main purposes over the East 10 feet of the West 43 feet of premises granted to the City of Minnetonka by Deed Document No. 4583976. Said temporary easement shall expire July 31, 1981.

Subject to temporary construction easement for sanitary sewer and water main purposes over the East 40 feet of the West 73 feet of the South 40 feet of the North 330 feet of premises granted to the City of Minnetonka by Deed Document No. 4583976. Said temporary easement shall expire July 31, 1981.

Adopted by the City Council of the City of Minnetonka on this 18th day of May, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

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Margaret E. Mullen, City Clerk

REZ. PET. NO. 310
Woodsmen, Inc.

ORDINANCE NO. 81-77-203

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to I-1 (Planned Industrial District), to wit:

P.I.D. # 34-117-22-44-0001

Unplatted and legally described as the North 15 acres of the Southeast Quarter of the Southeast Quarter except roads. Division pending, lying westerly of the westerly right of way line of trunk Highway 494.

Section 34, Township 117, Range 22 - 44 - 0001.

Adopted by the City Council of the City of Minnetonka on this 15th day of June, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 313
Cash Properties Investments/
Rick Leibold

ORDINANCE NO. 81-77-204

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-4 (General Business District) to R-1 (Single Family Residence District) to wit:

Parcel G R.L.S. No. 451

Adopted by the City Council of the City of Minnetonka on this 22nd day of June, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 312
T. B. Swanson Company/
Ken Westphal

ORDINANCE NO. 81 - 77 - 205

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to I-1 (Planned Industrial District), to wit:

> That part of the West ½ of the Southeast ¼ of Section 34, Township 117, Range 22, lying Southeasterly of Chicago Milwaukee St. Paul and Pacific Railroad and Northerly of the following described line: Commencing at the Southeast corner of said West ½ of the Southeast ¼; Thence Northerly along the East line of said West ½ of the Southeast ¼ a distance of 1585.00 feet to the point of beginning of the line to be described; Thence Westerly deflecting to the left 84 degrees and 40 minutes to the Southeasterly line of said Railroad and said line there terminating.

Adopted by the City Council of the City of Minnetonka on this 22nd day of June, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 290
Ladsu

ORDINANCE NO. 81 - 77- 206

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) and Wetlands to B-1 (Limited Business District) / B-2(Shopping Center District) and R-4 (Multiple Residence District) to wit:

Willow Wood:

Block 1, Lots 1 and 2	(B-1)
Block 2, Lot 1	(B-2)
Block 3, Lot 1	(R-4)

Adopted by the City Council of the City of Minnetonka on this 6th day of July, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 301
Dennis Brekke

ORDINANCE NO. 81-77-207

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family District) to B-1 (Limited Business District), to wit:

Lots 1, 2 and 9 through 13, Block 1
Chatham Fields

Adopted by the City Council of the City of Minnetonka on this 20th day of July, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 314
City of Minnetonka

ORDINANCE NO. 81-77-209

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-2 (Shopping Center District) to R-1 (Single Family Residence District), to wit:

Lots 4, 5, and 6, Ridgehaven Mall

Adopted by the City Council of the City of Minnetonka on this 20th day of July, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 320
Donald Christy
Christy Realty

ORDINANCE NO. 81-77-211

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to B-1 (Limited Business District), to wit:

Lot 3, Dellton, except that part thereof lying East of a line which is parallel with the East line of said Lot 3 and distant therefrom 93.33 feet measured on the South line of said Lot 3 and that part of Lot Dellton lying East of a line which is parallel with the East line of said Lot 2 and distant therefrom 56.66 feet measured on the South line of said Lot 2, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County. Certificate of Title No. 534552.

Containing 19,007 sq.ft.
Containing 14,538 sq.ft. excluding right of way.

Subject to and together with a 16 foot eastment for private driveway purposes of the owners and occupants of Lot 2, Dellton the center line of which driveway is described as follows: Commencing at a point in the Northerly line of said Lot 2, distant 56 66/100 feet Westerly, measured on a line parallel with the South line of said Lot 2, from the East line of said Lot 2, thence South parallel with said East line of said Lot 2 a distance of 135 feet and there terminating, as shown in deed Doc. No. 241076, Files of Registrar of Titles

Subject to any reservations, restrictions or easements of record.

Adopted by the City Council of the City of Minnetonka on this 17th day of August,1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

REZ. PET. NO. 317
Creeks Bend Condos
Paul Donnay

ORDINANCE NO. 81-77-212

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-3 PURD (Multiple Residence Planned Unit Residential District) to R-4 PURD (Multiple Residence Planned Unit Residential District), to wit:

Outlot B, Creek View Hills Addition

Adopted by the City Council of the City of Minnetonka on this 17th day of August, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 316
City of Minnetonka

ORDINANCE NO. 81-77-214

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-4 (General Business District) to R-1 (Single Family Residence District), to wit:

Lot 8 and 9, Block 2 - Trummer's Addition

Parcel J Registered Land Survey No. 451

Hennepin County, Minnesota

Adopted by the City Council of the City of Minnetonka on this 17th day of August, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 323
Steve Freeman

ORDINANCE NO. 81-77-217

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two-Family Residence District), to wit:

Lot 004, Block 001, West 1/2 of said Lot, Tonkawood Farms.

and

The East 220 feet of the following described parcel: That part of Lot 5, Block 1, lying Westerly of the following described straight line: Commencing at a point on the Southerly line of said Lot, 425 feet East of the Southwest corner thereof, and extending to a point on the Northerly line of said lot, 425 feet East of the Northwest corner thereof, Tonkawood Farms, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.

Adopted by the City Council of the City of Minnetonka on this 8th day of September, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 323
Steve Freeman

ORDINANCE NO. 81-77-217-A

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District), to wit:

Lot 004, Block 001, West 1/2 of said Lot, Tonkawood Farms.

and

The East 220 feet of the following described parcel: That part of Lot 5, Block 1, lying Westerly of the following described straight line: Commencing at a point on the Southerly line of said Lot, 425 feet East of the Southwest corner thereof, and extending to a point on the Northerly line of said lot, 425 feet East of the Northwest corner thereof, Tonkawood Farms, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.

and

ALSO, That part of the North 60.00 feet of Lot 5, Block 1, Tonkawood Farms, according to the recorded plat thereof, Hennepin County, Minnesota, lying East of the following described line: Beginning at a point on the South line of Lot 5 distant 425.00 feet East of the Southwest corner thereof; thence Northerly to a point on the North line of said Lot 5 distant 425.00 feet East of the Northwest corner thereof.

Adopted by the City Council of the City of Minnetonka on this 5th day of October, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

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CORRECTED ORDINANCE

ORDINANCE NO. 81 - 77 - 220

AN ORDINANCE AMENDING SECTION 18, SUBDIVISION 2, OF THE ZONING ORDINANCE OF THE CITY OF MINNETONKA TO PROVIDE FOR PLANNING COMMISSION REVIEW AND CITY COUNCIL APPROVAL WHEN A NON-CONFORMING USE IS CHANGED

THE CITY OF MINNETONKA DOES ORDAIN:

Section 18, Subdivision 2, of the Zoning Ordinance of the City of Minnetonka is hereby amended by adding the following language (in italics):

Subdivision 2. Alterations.

The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification provided that all non-conforming uses that change must receive prior review by the Planning Commission and approval by the City Council.

The Planning Commission shall hold a public hearing on any proposed change to a non-conforming use, notice of which shall be published in the official newspaper at least ten (10) days before the hearing. In addition, notice of said hearing shall be mailed to the applicant and to the owners or occupants of all properties situated wholly, or partially, within two hundred (200) feet of the property for which the change is requested. Such notice shall be mailed at least ten (10) days before the hearing. Following such hearing or any continuance thereof, the Planning Commission shall forward a recommendation concerning the change in non-conformity to the City Council. The City Council shall, within a period not to exceed sixty (60) days, after official review of the requested change, make its order deciding the matter and shall serve a copy of such order by mail upon the applicant. If approval of the change is granted, the Council may place upon the applicant whatever conditions are necessary to protect the public interest.

The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conformed use, such use shall not thereafter be changed to a less restricted use.

Adopted by the City Council of the City of Minnetonka on this 21st day of September, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mueller

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REZ. PET. 324
City of Minnetonka

ORDINANCE NO. 81-77-229

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Floodplain to R-1 (Single Family Residential), to wit:

> That portion of the following described property located above the 875' elevation contour:
>
> Commencing at the Southwest corner of the Southwest 1/4 of the Southeast 1/4 of Section 31, Township 117, Range 22, thence North 475 feet along the West line thereof, thence Southeasterly to a point in the South line thereof distant 800 feet East from beginning thence west to beginning.

Adopted by the City Council of the City of Minnetonka on this 5th day of October, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 325
Lanvesco Corporation

ORDINANCE NO. 81-77-230

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to R-4 P.U.R.D. (Multiple Family Planned Unit Residential District), to wit:

> The North 10 acres of the Northwest Quarter of the Southwest Quarter of Section 13, Township 117, Range 22 and Lots 1, 2, 3, 4, 5 and 6 of Suba's Subdivision vacated, except the North 350 feet of the East 250 feet thereof, and except the East 900 feet of the South half, front and rear, of said Lot 3 and except the East 900 feet of said Lots 4, 5 and 6, all in Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 5th day of October, 1981.

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 311
ARROWHEAD
D. PAULSEN

ORDINANCE NO. 81 - 77 - 233

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-1 PURD (Single Family Planned Unit Residential District), to wit:

Lots 1 - 5, Block 1

Lots 1 - 7, Block 2

Meadowview Terrace

Adopted by the City Council of the City of Minnetonka on this 7th day of December, 1981.

Kenneth E. Yager

KENNETH E. YAGER, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

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REZ. PET. NO. 329
Jon Nelson
Marsh Run II

ORDINANCE NO. 82-77-235

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), to wit:

Lots 16, 17 and 18, Block 2, Boulevard Gardens, except that part taken for State Highway No. 12 right-of-way as described in Document No. 933433 and 139851. Lot 8, Block 3, Boulevard Gardens, except that part taken for State Highway No. 12 right-of-way as described in Document No. 139851.

Adopted by the City Council of the City of Minnetonka on this 4th day of January, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

ACTION ON ABOVE ORDINANCE:

Motion for adoption: Gordon
Seconded by: Radermacher
Voted in favor: Gordon, Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on the 4th day of January, 1982.

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

REZ. PET. NO. 330
Plymouth Development Company
D C A Building

ORDINANCE NO. 82-77-236

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District)/B-4 (General Business District) to B-1 (Limited Business District), to wit:

Based on Lot and Block numbers of Preliminary Plat No. 1346

Adopted by the City Council of the City of Minnetonka on this 4th day of January, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

ACTION ON ABOVE ORDINANCE:

Motion for adoption: Gordon
Seconded by: Hanus
Voted in favor: Gordon, Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on the 4th day of January, 1982.

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

REZ. PET. NO. 318
Fazendin Homes
Vista

ORDINANCE NO. 82-77-237

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-3 PURD (Multiple Planned Unit Residential District) to wit:

Lots 1 - 6, Block 1

Lots 1 - 4, Block 2

Lots 1 - 16, Block 3

of Preliminary Plat known as Vista.

Adopted by the City Council of the City of Minnetonka on this 4th day of January, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

ACTION ON ABOVE ORDINANCE:

Motion for adoption: Radermacher
Seconded by: Gordon
Voted in favor: Gordon, Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

I hereby certify that the foreging is a true and correct copy of an ordinance adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on the 4th day of January, 1982.

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

REZ. PET. NO. 328
S. M. Ackerberg

ORDINANCE NO. 82-77-238

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Floodplain/R-1 (Single Family Residential) to R-3 (Multiple Residence District), to wit:

That part of the South One-Half (S½) of the Northwest Quarter (NW¼), Section Twenty Nine (29), Township One Hundred Seventeen (117), Range Twenty-Two (22), described as follows: Commencing at a point on the South line of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) distant Seven Hundred Forty Three (743) feet East of the Southwest corner of said Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of said Section Twenty Nine (29); thence North Six (6) degrees Twelve (12) minutes West, three hundred ninety six (396) feet to the Southerly line of State Highway No. 7; thence North Sixty Two (62) degrees Thirty One (31) minutes East along the Southerly line of State Highway 7, a distance of Four Hundred Forty (440) feet; thence South Thirty Five (35) degrees Forty Eight (48) minutes East, Seven Hundred Thirty Six (736) feet to the South line of said Northwest Quarter (NW¼); thence West along the South line of Northwest Quarter (NW¼); thence West along the South line of said Northwest Quarter (NW¼) a distance of Seven Hundred Seventy Nine (779) feet to point of beginning, and, Tract B, Registered Land Survey No. 164, Files of Registrar of Titles, County of Hennepin, and, Tract C, Registered Land Survey No. 164, Files of Registrar of Titles, County of Hennepin, all according to the Government survey thereof and situate in Hennepin County, Minnesota, consisting of approximately 13 acres.

Adopted by the City Council of the City of Minnetonka on this 4th day of January, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

ACTION ON ABOVE ORDINANCE:

Motion for adoption: Hise
Seconded by: Hanus
Voted for: Gordon, Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Against:
Absent:
Abstained:
Ordinance adopted.

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on the 4th day of January, 1982.

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

REZ. PET. NO. 331
Minnetonka 18 Associates

ORDINANCE NO. 82-77-239

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-3 PURD (Mulitple Planned Unit Residential District) to B-1 (Limited Business District), to wit:

Lot 1, Lot 2 Minnetonka 18 Addition

Adopted by the City Council of the City of Minnetonka on this 18th day of January, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Mary F. Schmidt

Margaret E. Mullen, City Clerk
by Mary F. Schmidt, Deputy City Clerk

ACTION ON ABOVE ORDINANCE:

Motion made by Hanus, seconded by Hise
Voted in favor: Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Absent: Gordon
Ordinance adopted.

Date of publication: 1/27/82
(Effective date of ordinance is thirty days after publication date.)

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REZ. PET. NO. 334

ORDINANCE NO. 82-77-244

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to B-1 (Limited Business District), to wit:

> That part of the southwest 1/4 of the southeast 1/4 lying north of the right of way of the Minneapolis and Saint Louis Railroad, and lying south of the centerline of County Road number 5, in Section 16, Township 117, Range 22, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 1st day of February, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Mary F Schmidt

Mary Schmidt, Deputy City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: January 25, 1982

Date of second reading: February 1, 1982

Motion for adoption: Hanus

Seconded: Hise

Voted in favor of: Cotton, Radermacher, DeGhetto, Gordon, Hanus, Hise, Donlin

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication: 2/10/82

(Effective date of ordinance is thirty days after publication date.)

REZ. PET. NO. 333
Minnetonka Business Associates

ORDINANCE NO. 82-77-245

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBES PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to I-1 (Planned Industrial District), to wit:

> Those portions of Lots 1 and 2, Block 2, Minnetonka Business Park not previously zoned I-1 (Planned Industrial District) by Ordinance No. 76-77-153.

Adopted by the City Council of the City of Minnetonka on this 16th day of February, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

/s/ Mary Schmidt

Mary Schmidt, Deputy City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: January 25, 1982

Date of second reading: February 16, 1982

Motion for adoption: DeGhetto

Seconded: Gordon

Voted in favor of: Radermacher, Gordon, DeGhetto, Hanus, Cotton, Donlin

Voted against: ~~Hise~~

Abstained:

Absent:

Ordinance adopted.

Date of publication: 1/19/83
(Effective date of ordinance is thirty days after publication date.)

REZ. PET. NO. 335
City of Minnetonka

ORDINANCE NO. 82-77-246

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Floodplain to B-1 (Limited Business District), to wit:

See attached map.

Adopted by the City Council of the City of Minnetonka on this 22nd day of March, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

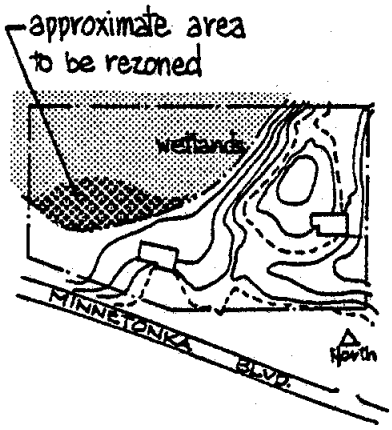
Margaret E. Mullen, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: March 15, 1982
Date of second reading: March 22, 1982
Motion for adoption: Hanus
Seconded: Radermacher
Voted in favor of: Hise, Cotton, DeGhetto, Radermacher, Hanus, Donlin
Voted against:
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication: 4/7/82
(Effective date of ordinance is thirty days after publication date.)

ORDINANCE NO. 82-77-246



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ORDINANCE NO. 82 - 77 - 247

AN ORDINANCE AMENDING SECTION 22, AMENDMENTS, OF THE ZONING ORDINANCE OF THE CITY OF MINNETONKA TO AMEND THE REQUIRED VOTES FOR A ZONING AMENDMENT

THE CITY OF MINNETONKA DOES ORDAIN:

Section 22, Amendments, of the Zoning Ordinance of the City of Minnetonka is hereby amended by adding the following language (in italics):

SECTION 22 AMENDMENT

Subdivision 1. Procedure.

This Ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by following the procedures specified as follows:

1. Proceedings for amendment of this Ordinance shall be initiated by (1) a petition of the owner or owners of the actual property, the zoning of which is proposed to be changed; (2) a recommendation of the Planning Commission; or (3) by action of the Village Council.

2. To defray administrative costs of processing of requests for an amendment to this Ordinance for the purpose of rezoning a minimum fee of $250.00 shall be paid by petitioner, plus such additional amount as may be required in order to reimburse the City for costs in excess of $250.00 incurred when, because of the scope of the proposed rezoning or because of the work load pending in the Planning Department, it is necessary in the opinion of the City Manager to forward a petition for rezoning to a professional planning consultant for review. All such additional fees in excess of the minimum fee shall be paid by petitioner prior to publication of the notice of hearing provided for in paragraph 4 of this subdivision.

3. All applications for changes in the boundaries of any zoning district which are initiated by the petition of the owner, or owners, of the property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands proposed to be changed and all lands within 400 feet of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in such area as the same appear on the records of the County Auditor of Hennepin County. At least ten (10) days prior to the public hearing required hereinafter notice of the proposed rezoning shall be mailed to the owner of the affected property and to the owners of all property situated wholly or partly within 400 feet of the property proposed to be rezoned. Notice shall also be posted on the property proposed to be rezoned as soon as conveniently may be following the filing of a petition or application for rezoning, but not later than ten (10) days prior to the public hearing held thereon, and such notice shall be posted in a manner so as to advise the passers by that the land so posted is subject to a petition or application for rezoning. All expenses of such posting shall be borne by the petitioner or applicant in addition to the fee provided for in paragraph 2 herein.

4. Before any amendment is adopted, the Planning Commission shall hold at least one public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten (10) days before the hearing. Following the hearing the Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Village Clerk within sixty (60) days after the hearing. If no recommendation is transmitted by the Planning Commission within sixty (60) days after the hearing, the Village Council may take action without awaiting such recommendation.

5. Upon the filing of such report, or upon the Council's taking action without recommendation as provided in Paragraph 4, the City Council shall hold such public hearings upon the proposed amendment as it deems advisable. At the conclusion of such hearings, if any, the City Council may adopt the amendment or any part thereof in such form as it deems advisable. The City Council shall have the specific authority to adopt an amendment approving the rezoning of any parcel of land to any classification described in Section 5 herein and limited to the specific use applied for by the petitioner and conditioned on substantial compliance with all proposals, plans, drawings, specifications, etc. submitted by the petitioner for rezoning within one (1) year, or such other time as the Council deems appropriate, and the Council shall have specific authority that if such substantial compliance has not been obtained within the time specified the Council shall have the authority to rezone such parcel of land to the classification existing at the time of the submission of the petitioner's application.

If the Council approves adoption of such amendment, all the proposals, plans, drawings, specifications, etc. submitted by petitioner in support of the request for rezoning shall be filed with the building department and no permit for construction of any building shall be issued unless such building plans conform to the proposals, plans, drawings specifications, etc. on file.

No amendment shall be effective until approved by ~~four fifths of all members of the Council~~ *an affirmative vote of two thirds (2/3) of all members of the City Council.*

The Council shall also have specific authority to entertain requests for concept approval of proposed plans for development and may by resolution approve such concept plans following public hearings as required in Paragraph 4 of this section. Such concept approval, if granted, will be assurance to a proponent that if a proposal is carried out in conformity with all the requirements of the ordinances of the City of Minnetonka relating to the regulation of the use of land, then the appropriate zoning category will be approved.

6. A petition for rezoning that relates to a portion of a larger parcel of land shall be accompanied by a preliminary plat prepared pursuant to Section 420 of the 1962 Code of Ordinances.

Adopted by the City Council of the City of Minnetonka on this 22nd day of March , 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk
(SEAL)

ACTION ON ABOVE ORDINANCE: 82-77-247

Date of first reading: March 15, 1982
Date of second reading: March 22, 1982
Motion for adoption: Hise
Seconded by: Cotton
Voted in favor: Hise, Cotton, DeGhetto, Radermacher, Hanus, Donlin
Voted against:
Absent: Gordon
Abstained:
Ordinance adopted.

Date of publication 4/7/82
(Effective date of ordinance is thirty days after publication date.)

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(b) The following shall be excepted from the foregoing requirements:

1. Detached single family residential structures, or uses or structures accessory thereto.

2. Modifications, additions, or enlargements which do not increase the gross floor area of the building by more than ten (10%) percent and which do not involve a variance from the provisions of this Zoning Ordinance may, at the discretion of the Director of Planning be exempted from some, or all, of the procedures for building and site plan approval.

3. Changes in the use of leasable space in multi-tenant buildings where the change of tenant does not intensify the use of such space nor require additional parking.

3. General Requirements.

(a) Buildings, fences, drives, parking areas, landscaping, and other facilities or features shall be designed, located, constructed, maintained and used as shown on the approved plans and/or as required by any conditions of plan approval.

1. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in a condition presenting a healthy, neat, and orderly appearance free from refuse and debris. On a continuing basis, all dead and/or missing plants must be replaced.

2. Dead plants and ground cover which are required by by an approved site or landscape plan shall be replaced within three (3) months of notification by the City; however, the time for compliance may be extended to nine (9) months by the Director of Planning in order to allow for varying temperatures and weather conditions.

(b) Construction of the structure or facility shall be commenced within twelve (12) months of the date the approval is granted and shall be diligently pursued thereafter. Failure to comply with this requirement shall result in the approval automatically becoming null and void, unless an extension of time is requested prior to expiration of the twelve month period and is granted by the Planning Commission.

(c) The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, fountains, decorative walks, or other similar site design features or materials in a guantity having a minimum value in conformance with the following table:

Project Value (Including building construction, site preparations, and site improvements)	Percentage of Total Project Value to be allocated to landscaping
Below $1,000,000	2%
$1,000,001-$2,000,000	1-3/4%
$2,000,001-$3,000,000	1-1/2%
$3,000,001-$4,000,000	1-1/4%
$over $4,000,000	1%

(d) In instances where healthy plant material of acceptable species exists on a site prior to its development, the application of the above-mentioned standard (c) may be adjusted to allow credit for such material,

provided that such adjustment is in keeping with and will preserve the intent of this ordinance.

(e) In order to provide for adequate maintenance of landscaped areas, an underground sprinkling system shall be provided as a part of each development; excepting natural areas to be preserved and landscaped areas not contiguous to principle landscaped areas.

(f) Landscaped areas shall be distributed throughout the off-street parking area in such a manner as to subdivide the expanse of paving.

(g) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three months after planting.

(h) In any case where screening, landscaping or other similar improvements to property are required herein an indemnity bond shall be supplied by the owner in an amount not to exceed one and one-half (1-1/2) times the amount of the value of such screening, landscaping, or other improvements as determined by the Director of Licenses and Inspections. The bond, with surety satisfactory to the City, shall be conditioned upon the completion of all expenses incurred by the City for engineering, legal fees, or other expense in connection with the making of such improvements.

In the event said construction is not completed within the time allotted, as established by the City, the City shall have authority to complete the work required at the expense of the owner and the surety.

The City shall have the right to accept a cash escrow in lieu of a bond in an amount and under such conditions as the City shall determine appropriate.

4. Standards.

(a) In making recommendations and decisions upon site and building plan review applications, the staff, Planning Commission and City Council shall consider the degree of compliance of such plans with the following standards:

1. Consistency with the various elements and objectives of the City's long range plans;

2. Consistency with the purposes of this subdivision;

3. Preservation of the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas;

4. Creation of harmonious relationship of buildings and open spaces with the terrain and with existing and future buildings having a visual relationship to the proposed development;

5. Creation of a functional and harmonious design for structures and site features including;

a. Creation of an internal sense of order for the various functions and buildings on the site and provision of a desirable environment for occupants, visitors, and the general community.

b. Appropriateness of the amount and arrangement of open space and landscaping to the design and function of the development.

c. Appropriateness of the materials, textures, colors, and details of construction as an expression of the design concept of the project and the compatibility of the same with the adjacent and neighboring structures and function;

d. Adequacy of vehicular, cycling and pedestrian circulation, including walkways, interior drives and parking, in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian, cycling and vehicular traffic and arrangement and amount of parking so as to be safe, convenient and, insofar as practicable, compatible with the design of proposed buildings, structures and neighboring properties.

6. Creation of an energy-conserving design through design, location, orientation and elevation of structures, the use and location of glass in structures, and the use of landscape materials and site grading.

7. Protection of adjacent and neighboring properties through reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.

(b) Failure of the proposal to take reasonable account of the items discussed in paragraph (4a) above shall justify a recommendation or action to deny the application. Such recommendation or action shall be accompanied by a statement of the reasons therefor.

(c) The Director of Planning, the Planning Commission and/or the City Council may condition any recommendation of approval or approval action on changes in the site and/or building plans in order to more effectively carry out the intent of the ordinance. Such conditions may include, but not be limited to, requiring increased amounts and/or sizes of landscaping, increased amount of off-street parking, revisions to architectural features or signage aspects of the proposed development concept.

5. Procedures.

(a) Applicants for building and site plan review shall submit to the City a completed application form, shall provide to the City complete building and site plans as hereinafter described in such quantity as the Director of Planning shall determine necessary, and shall pay to the City the required application fee as set forth below.

(b) The following shall be the fees for processing of applications for building and site plan review:

1. Property zoned for commercial, office or industrial use: $50.00

2. Property zoned for multiple-residence structures: $30.00

3. Property zoned for duplexes: $15.00

4. Site plans submitted in connection with an application for rezoning shall be excepted for the above fees and shall not be required to pay a fee for site and building plan review.

(c) Building and site plans submitted for review shall include such information as the Director of Planning shall consider necessary. Building plans shall be signed by a registered architect, civil engineer, or design professional as required by Minnesota Statutes.

(d) Process

1. Site and building plan review applicationswhich are accompanied by applications for a conditional use permit or rezoning shall be processed concurrently with and according to the same procedure as the conditional use permit or rezoning.

2. Site and building plan review applications which involve variances but do not involve conditional use permit or rezoning applications, shall be referred to the Planning Commission for hearing and approval, approval with conditions or denial.

a. The Planning Department shall mail notice of the hearing before the Planning Commission to all property owners whose names appear on the list of property owners submitted with the application. Such notice shall be sent at least ten (10) days prior to the Planning Commission meeting.

b. A motion to approve, approve with conditions, or deny a site plan shall require an affirmative vote by a majority of the Planning Commission members present in order to be adopted.

c. Any person aggrieved by the decision of the Planning Commission may appeal in writing to the City Clerk within seven (7) days of the Commission's approval or disapproval of the site plan.

1. Upon receiving such a written appeal, the City Clerk shall place the matter on the agenda of a regularly scheduled meeting of the City Council to be held no more than 30 days after submission of the appeal.

2. Any property owner who was notified of the Planning Commission meeting shall be notified by the Planning Department of the Council meeting at which the site plan will be considered by the Council.

d. The City Council may reverse a decision of the Planning Commission by an affirmative vote of ~~at least four fifths (4/5) of the Council members present.~~ *two-thirds (2/3) of the full Council.* If the Planning Commission is reversed, the reasons therefore shall be stated in the record of the City Council.

3. Site and building plan review applications which are not accompanied by an application for any other type of approval shall be reviewed by the Director of Planning or his designated representative, unless the Director of Planning shall find that the application raises issues requiring review and decision by the Planning Commission, in which case he may refer said application to the Planning Commission for its decision. Within 30 days of the date of receipt of the complete application he shall produce written findings of fact regarding the application and a

written decision to approve, approve with conditions, or deny the application. The decision of the Director of Planning may be appealed by any aggrieved party. Written notice of appeal shall be received by the Minnetonka Planning Department within seven (7) days of the Planning Director's decision. The appeal shall be referred to the Planning Commission and thereafter to the City Council for review and resolution according to the same procedure and voting requirements used for applications involving both variance and site plan approval.

Adopted by the City Council of the City of Minnetonka on this 22nd day of March , 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

ACTION ON ABOVE ORDINANCE:

Date of first reading: March 15, 1982
Date of second reading: March 22, 1982
Motion for adoption: Hise
Seconded by: Cotton
Voted in favor: Hise, Cotton, DeGhetto, Radermacher, Hanus, Donlin
Voted against:
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication 4/7/82
(Effective date of ordinance is thirty days after publication date.)

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REZ. PET. NO. 336
Red Sky Development
D. M. Erickson
Section 12

ORDINANCE NO. 82-77-253

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family District)/ R-3 (Multiple Residence District) to R-2 PURD (Two Family Planned Unit Residential District), to wit:

The south 145.5 feet of Lot 10 except the west 278 feet thereof, Temple's Garden Lots, together with adjacent one half of Lancaster Street situated between the north and south lines of the described tract extended easterly.

The east 227 feet of Lot 10 except the south 145.5 feet thereof, Temple's Garden Lots, together with the adjacent one half of Lancaster Street situated between the north and south lines of the described tract extended easterly.

The south 34 feet of Lot 6, Temple's Garden Lots, also the west 274.7 feet of Lot 7, and that part of Lot 7 lying north of the south 223 feet thereof and east of the west 274.7 feet thereof and lying westerly of a line paralled with the distant 40 feet westerly of the following described line: Beginning at the east 1/4 corner of Section 12, Township 117 north, Range 22 west; thence north along the east line thereof 78.34 feet; thence deflect to the left at an angle of 90 degrees 130 feet; thence deflect to the right at an angle of 90 degrees 192.89 feet to the actual point of beginning of line to be described; thence deflect to the right at an angle of 11 degrees 19 minutes 147.07 feet; thence deflect to the left along a 10 degree curve (delta angle 11 degrees 19 minutes, tangent distance 56.77 feet) a distance of 113.17 feet; thence along tangent to last curve 200 feet and there terminating; all in Temple's Garden Lots, also the adjacent one half of Lancaster Street situated between the north and south lines of the above described property extended west.

Adopted by the City Council of the City of Minnetonka on the 12th day of April, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

Attest:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: April 5, 1982
Date of second reading: April 12, 1982
Motion for adoption: Gordon
Seconded: Cotton
Voted in favor of: Radermacher, Gordon, Hanus, Hise, Cotton, Donlin
Voted against:
Abstained:
Absent: DeGhetto
Ordinance adopted.

Date of publication: 4/21/82
(Effective date of ordinance is thirty days after publication date.)

REZ. PET. NO. 332-A
Sherwood Gardens
Charlton Consolidated

ORDINANCE NO. 82 - 77 - 254

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family District) to R-4 PURD (Mulitple Planned Unit Residential District), to wit:

Lots 1, 2, 3, and 4

Outlot A

Sherwood Gardens 1st Addition

Adopted by the City Council of the City of Minnetonka on this 26th day of April, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: March 15, 1982
Date of second reading: April 26, 1982
Motion for adoption: Gordon
Seconded: Cotton
Voted in favor of: Radermacher, Gordon, Hise, DeGhetto, Cotton, Donlin
Voted against: Hanus
Abstained:
Absent:
Ordinance adopted.

Date of publication: 5/12/82
(Effective date of ordinance is thirty days after publication date.)

REZ. PET. NO. 337
Tom Wartman/Estebans
Section 29

ORDINANCE NO. 82 - 77 - 255

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-3(Service Business District)/Wetlands to B-2 (Shopping Center District), to wit:

The South 385 feet of the west 447 feet of the NW Quarter of the NW Quarter of Section 29, Township 117 North, Range 22 West of the 5th Principal Merician, except the West 127 feet thereof. (The excepted property is now being used for highways and public right-ofway purposes.)

Adopted by the City Council of the City of Minnetonka on this 26th day of April, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

Attest:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: April 12, 1982
Date of second reading: April 26, 1982
Motion for adoption: Hanus
Seconded: DeGhetto
Voted in favor of: Radermacher, Gordon, Hanus, Hise, DeGhetto, Donlin
Voted against: Cotton
Abstained:
Absent:
Ordinance adopted.

Date of publication: 5/12/82
(Effective day of ordinance is thirty days after publication date.)

ORDINANCE NO. 82 - 77 - 256

AN ORDINANCE AMENDING SECTION 17, SUBDIVISION 4 RELATING TO THE GENERAL REGULATIONS OF THE ZONING ORDINANCE OF THE CITY OF MINNETONKA TO AMEND THE REQUIRED VOTES FOR A VARIANCE.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 17, Subdivision 4 relating to the general regulations of the Zoning Ordinance of the City of Minnetonka is hereby amended by adding the following language (in italics):

Subdivision 4. Site and Building Plan Review.

1. Purpose.

(a) The Council of the City of Minnetonka finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinder the harmonious development of the City, impair the desirability of residence, investment or occupation in the City, limit the opportunity to attain the optimum use and value of land and improvements, adversely affect the stability and value of property, produce degeneration of conditions affecting the peace, health and welfare of the City, and destroy a proper relationship between the taxable value of property and the cost of municipal services therefor.

(b) The Council of the City of Minnetonka further finds that some harmful effects of one land use upon another can be prevented through zoning, subdivision controls, and housing and building codes. Other aspects of development are more subtle and less amenable to exacting rules of thumb promulgated without regard to specific development proposals. Among these are the general form of the land before and after development, the spatial relationships of the structures and open spaces to proximate land uses, and the appearance of buildings and open spaces as they contribute to an area as it is being developed. Such matters require timely exercise of judgment in the public interest to evaluate the design of new development.

2. Application.

(a) None of the following actions shall occur and no building permit or occupancy permit shall be issued therefore unless such action shall be in complete accord with site and building plans that have been approved as provided in this section. Actions which shall require approval of building and site plans pursuant to this section shall be:

1. Erection of a building or buildings;

2. Moving of a building or buildings to a location or locations within the City of Minnetonka;

3. Changing the use of a building or parcel of land from one land use to another land use.

4. Modification of or additions or enlargements to a building, or buildings, accessory site improvements, and/or land features of a parcel of land.

(b) The following shall be excepted from the foregoing requirements:

1. Detached single family residential structures, or uses or structures accessory thereto.

2. Modifications, additions, or enlargements which do not increase the gross floor area of the building by more than ten (10%) percent and which do not involve a variance from the provisions of this Zoning Ordinance may, at the discretion of the Director of Planning be exempted from some, or all, of the procedures for building and site plan approval.

3. Changes in the use of leasable space in multi-tenant buildings where the change of tenant does not intensify the use of such space nor require additional parking.

3. General Requirements.

(a) Buildings, fences, drives, parking areas, landscaping, and other facilities or features shall be designed, located, constructed, maintained and used as shown on the approved plans and/or as required by any conditions of plan approval.

1. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in a condition presenting a healthy, neat, and orderly appearance free from refuse and debris. On a continuing basis, all dead and/or missing plants must be replaced.

2. Dead plants and ground cover which are required ~~by~~ by an approved site or landscape plan shall be replaced within three (3) months of notification by the City; however, the time for compliance may be extended to nine (9) months by the Director of Planning in order to allow for varying temperatures and weather conditions.

(b) Construction of the structure or facility shall be commenced within twelve (12) months of the date the approval is granted and shall be diligently pursued thereafter. Failure to comply with this requirement shall result in the approval automatically becoming null and void, unless an extension of time is requested prior to expiration of the twelve month period and is granted by the Planning Commission.

(c) The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, fountains, decorative walks, or other similar site design features or materials in a quantity having a minimum value in conformance with the following table:

Project Value (Including building construction, site preparations, and site improvements)	Percentage of Total Project Value to be allocated to landscaping
Below $1,000,000	2%
$1,000,001-$2,000,000	1-3/4%
$2,000,001-$3,000,000	1-1/2%
$3,000,001-$4,000,000	1-1/4%
$over $4,000,000	1%

(d) In instances where healthy plant material of acceptable species exists on a site prior to its development, the application of the above-mentioned standard (c) may be adjusted to allow credit for such material,

provided that such adjustment is in keeping with and will preserve the intent of this ordinance.

(e) In order to provide for adequate maintenance of landscaped areas, an underground sprinkling system shall be provided as a part of each development; excepting natural areas to be preserved and landscaped areas not contiguous to principle landscaped areas.

(f) Landscaped areas shall be distributed throughout the off-street parking area in such a manner as to subdivide the expanse of paving.

(g) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three months after planting.

(h) In any case where screening, landscaping or other similar improvements to property are required herein an indemnity bond shall be supplied by the owner in an amount not to exceed one and one-half (1-1/2) times the amount of the value of such screening, landscaping, or other improvements as determined by the Director of Licenses and Inspections. The bond, with surety satisfactory to the City, shall be conditioned upon the completion of all expenses incurred by the City for engineering, legal fees, or other expense in connection with the making of such improvements.

In the event said construction is not completed within the time allotted, as established by the City, the City shall have authority to complete the work required at the expense of the owner and the surety.

The City shall have the right to accept a cash escrow in lieu of a bond in an amount and under such conditions as the City shall determine appropriate.

4. Standards.

(a) In making recommendations and decisions upon site and building plan review applications, the staff, Planning Commission and City Council shall consider the degree of compliance of such plans with the following standards:

1. Consistency with the various elements and objectives of the City's long range plans;

2. Consistency with the purposes of this subdivision;

3. Preservation of the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas;

4. Creation of harmonious relationship of buildings and open spaces with the terrain and with existing and future buildings having a visual relationship to the proposed development;

5. Creation of a functional and harmonious design for structures and site features including;

a. Creation of an internal sense of order for the various functions and buildings on the site and provision of a desirable environment for occupants, visitors, and the general community.

b. Appropriateness of the amount and arrangement of open space and landscaping to the design and function of the development.

c. Appropriateness of the materials, textures, colors, and details of construction as an expression of the design concept of the project and the compatibility of the same with the adjacent and neighboring structures and function;

d. Adequacy of vehicular, cycling and pedestrian circulation, including walkways, interior drives and parking, in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian, cycling and vehicular traffic and arrangement and amount of parking so as to be safe, convenient and, insofar as practicable, compatible with the design of proposed buildings, structures and neighboring properties.

6. Creation of an energy-conserving design through design, location, orientation and elevation of structures, the use and location of glass in structures, and the use of landscape materials and site grading.

7. Protection of adjacent and neighboring properties through reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.

(b) Failure of the proposal to take reasonable account of the items discussed in paragraph (4a) above shall justify a recommendation or action to deny the application. Such recommendation or action shall be accompanied by a statement of the reasons therefor.

(c) The Director of Planning, the Planning Commission and/or the City Council may condition any recommendation of approval or approval action on changes in the site and/or building plans in order to more effectively carry out the intent of the ordinance. Such conditions may include, but not be limited to, requiring increased amounts and/or sizes of landscaping, increased amount of off-street parking, revisions to architectural features or signage aspects of the proposed development concept.

5. Procedures.

(a) Applicants for building and site plan review shall submit to the City a completed application form, shall provide to the City complete building and site plans as hereinafter described in such quantity as the Director of Planning shall determine necessary, and shall pay to the City the required application fee as set forth below.

(b) The following shall be the fees for processing of applications for building and site plan review:

1. Property zoned for commercial, office or industrial use: $50.00

2. Property zoned for multiple-residence structures: $30.00

3. Property zoned for duplexes: $15.00

4. Site plans submitted in connection with an application for rezoning shall be excepted for the above fees and shall not be required to pay a fee for site and building plan review.

(c) Building and site plans submitted for review shall include such information as the Director of Planning shall consider necessary. Building plans shall be signed by a registered architect, civil engineer, or design professional as required by Minnesota Statutes.

(d) Process

1. Site and building plan review applicationswhich are accompanied by applications for a conditional use permit or rezoning shall be processed concurrently with and according to the same procedure as the conditional use permit or rezoning.

2. Site and building plan review applications which involve variances but do not involve conditional use permit or rezoning applications, shall be referred to the Planning Commission for hearing and approval, approval with conditions or denial.

a. The Planning Department shall mail notice of the hearing before the Planning Commission to all property owners whose names appear on the list of property owners submitted with the application. Such notice shall be sent at least ten (10) days prior to the Planning Commission meeting.

b. A motion to approve, approve with conditions, or deny a site plan shall require an affirmative vote by ~~a majority of the Planning Commission members present~~ *two-thirds (2/3) of the full Planning Commission* in order to be adopted.

c. Any person aggrieved by the decision of the Planning Commission may appeal in writing to the City Clerk within seven (7) days of the Commission's approval or disapproval of the site plan.

1. Upon receiving such a written appeal, the City Clerk shall place the matter on the agenda of a regularly scheduled meeting of the City Council to be held no more than 30 days after submission of the appeal.

2. Any property owner who was notified of the Planning Commission meeting shall be notified by the Planning Department of the Council meeting at which the site plan will be considered by the Council.

d. The City Council may reverse a decision of the Planning Commission by an affirmative vote of two-thirds (2/3) of the full Council. If the Planning Commission is reversed, the reasons therefore shall be stated in the record of the City Council.

3. Site and building plan review applications which are not accompanied by an application for any other type of approval shall be reviewed by the Director of Planning or his designated representative, unless the Director of Planning shall find that the application raises issues requiring review and decision by the Planning Commission, in which case he may refer said application to the Planning Commission for its decision. Within 30 days of the date of receipt of the complete application he shall produce written findings of fact regarding the application and a

written decision to approve, approve with conditions, or deny the application. The decision of the Director of Planning may be appealed by any aggrieved party. Written notice of appeal shall be received by the Minnetonka Planning Department within seven (7) days of the Planning Director's decision. The appeal shall be referred to the Planning Commission and thereafter to the City Council for review and resolution according to the same procedure and voting requirements used for applications involving both variance and site plan approval.

Adopted by the City Council of the City of Minnetonka on this 26th day of April, , 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

ACTION ON ABOVE ORDINANCE:

Date of first reading: April 5, 1982
Date of second reading: April 26, 1982
Motion for adoption: Cotton
Seconded by: Hanus
Voted in favor: Radermacher, Gordon, Hise, DeGhetto, Cotton, Hanus, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication; 5/12/82
(Effective date of ordinance is thirty days after publication date.)

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ORDINANCE NO. 82 - 77 - 257

AN ORDINANCE AMENDING SECTION 19 RELATING TO THE BOARD OF ZONING ADJUSTMENT

THE CITY OF MINNETONKA DOES ORDAIN:

Section 19, Subdivisions 1, 2, 3, and 4 relating to the Board of Zoning Adjustment is hereby amended by changing and adding the following language:

Subdivision 1. Creation and Membership

~~A Board of Zoning Adjustment is hereby established, and the Mayor and Council may act as such, or the Mayor and Council may appoint a Board of Zoning Adjustment and invest it with such authority as is herein provided. If the Council does not act as the Board of Zoning Adjustment, then the Board shall consist of five (5) members, all registered voters of the City of Minnetonka. The members of the Board of Zoning Adjustment shall be appointed by the Council at the first official Council meeting in January of each year, and shall serve until their successors are duly appointed and qualified. The Board may establish its own rules of conduct, and shall appoint one (1) of its members as chairman and one (1) of its members as secretary.~~

The Board of Zoning Adjustment is hereby established pursuant to M.S.A. §462.354, Subd. 2. The Board shall consist of seven (7) members, appointed by the Mayor with the approval of the City Council, from among the registered voters of the City. Three members of the Board shall be appointed to a term to expire January 31, 1983, and four members shall be appointed to a term to expire January 31, 1984. Thereafter, all terms shall be for two years and shall expire on January 31 of the appropriate year. The Board may establish its own rules of conduct, and shall appoint one of its members as presiding officer, and one of its members as secretary.

Subdivision 2. Powers

The Board shall have the following powers:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer *of the City* in the enforcement of the zoning ordinance~~.~~, *or any ordinance regulating the use of land.*

2. To hear requests for variances from the literal provisions of the ~~ordinance~~ *land use regulations of the City* in the instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of ~~the~~ *that* ordinance. The Board of Zoning Adjustment may not permit as a variance any use that is not permitted under ~~the~~ *this* ordinance for property in the zone where the affected persons' land is located. The Board of Zoning Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

3. *No variance shall be granted in the Flood Plain District that shall allow for a lesser degree of flood protection than required in Section 16.1 of this ordinance.*

4. *No Wetlands Alteration Permit shall be granted in the Wetland District that shall allow for a lesser degree of water retention than required in Section 16.2 of this ordinance.*

~~3.- The Board of Zoning Adjustment and/or the Council may require merger of two or more adjacent sub-standard lots or remnants in common ownership, or in the alternative, require proponent to acquire an appraisal of vacant land adjacent to substandard lots sought to be developed.~~

~~The Board of Zoning Adjustment and/or the Council may further require proponent to offer to purchase adjacent vacant land for its appraised value to increase the size of substandard lots.~~

~~4.--The Board of Zoning Adjustment and/or the City Council shall only grant variances to allow building on substandard lots upon the following conditions:~~

~~A.--Proponent has exhausted reasonable possibilities of expanding a substandard lot by merger or purchase of adjacent vacant land.~~

~~B.--The variance is in keeping with the general character of the neighborhood with respect to the following conditions:~~

~~(1)--Protection of peace, quiet and privacy.~~

~~(2)--Protection against a large amount of traffic on local and residential streets.-~~

~~(3)--Preservation of open space for recreational and other outdoor activities.~~

~~(4)--Protection of light and air.~~

~~(5)--Protection of the aesthetic quality of the neighborhood.~~

~~(6)--Construction of like or better quality than the neighborhood.~~

~~(7)--Preservation of specific historic sites and buildings.~~

~~(8)--Preservation of unique terrain.~~

~~(9)--Compatibility with soil conditions.~~

~~(10)--Minimal impact on public facilities and municipal services.-~~

~~(11)--Lot width, depth and setback variances are no greater than the average width, depth and setbacks of lots within 400 feet of the substandard lot to be built upon.~~

~~(12)--Proponent will suffer significant economic injury by strict application of the Ordinance.~~

~~(13)--The general health, safety, morals and welfare including property values in the community will be preserved if the variance is granted.~~

5. *The Board shall grant variances to allow building on a substandard lot only upon finding that the applicant has exhausted reasonable possibilities of expanding the substandard lot by merger or purchase of adjacent vacant land and that the variance is in keeping with the general character of the neighborhood in which the lot is located.*

Subdivision 3. Procedure

~~Application for any adjustment permissible under the provisions of this section shall be made to the Secretary of the Board of Zoning Adjustment, in the form of a written application for a building permit, or for a permit to use the property or premises as set forth in the application.~~

~~An application for an adjustment shall be accompanied by payment of a fee of $25.00 in addition to the regular building permit fee, if any. Upon receipt of such application, such officer shall set a time and place for a public hearing before the Board of Zoning Adjustment on such application. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper, and a copy thereof mailed to the applicant and to all properties situated wholly, or partly, within 200 feet of the property for which the variance is requested. Following such hearing or any continuance thereof, the Board shall, within a period not to exceed sixty (60) days, make its order deciding the matter and shall serve a copy of such order by mail upon the applicant.~~

1. *Application for an appeal or a variance shall be made to the Board through the Zoning Administrator or such other staff member as shall be designated by the City Manager. Such application shall be in a form and accompanied by such information and documents as shall be deemed necessary or convenient by the Zoning Administrator. The application shall be accompanied by the fee required by §1405.00 of the 1977 Code of City Ordinances.*

2. *Upon receipt of an application, the Zoning Administrator shall set a time and place for a hearing before the Board. All matters before the Board shall require a public hearing at which interested parties shall be given an opportunity to speak. Such public hearing shall be held only after a notice of the application has been mailed to the owners of all properties situated wholly or partially within 300' of the subject property. Following the hearing, or any continuance thereof, the Board shall make its order deciding the matter within 60 days and shall cause a copy of such order to be mailed to the applicant.*

3. *The Board shall grant a variance only upon an affirmative vote of at least 2/3 of the full membership of the Board. Motions regarding appeals may be adopted by a simple majority of those present. Decisions of the Board shall be final, subject to review by the City Council.*

4. *Any variance granted by the Board shall run with the land and shall be valid for a period of one year after the date upon which the Board announced its decision. Following such period, the variance shall be considered null and void unless the Board grants an extension of time or unless a building permit has been issued and substantial work begun on the project which was the subject of the variance application.*

5. *The Board may grant an extension of time for any variance providing that the one-year period has not expired as of the date of the Board's action. The Board's decision to extend the one-year time limitation shall be taken only after such consideration of the matter as is deemed appropriate by the Board but shall include, as a minimum, a finding that the interests of adjacent property owners will not be adversely affected by such extension.*

6. *The Board shall have exclusive primary jurisdiction regarding all variance applications which are not closely related to another request which requires action by the Planning Commission or the City Council. If a variance application is closely related to another request requiring Planning Commission or City Council action, the Planning Commission or City Council may also consider the variance application at the same time.*

Subdivision 4. Appeals

Any person aggrieved by a decision of the Board of Zoning Adjustment may have such decision reviewed by the City Council if, within ten (10) days ~~following receipt of the copy of the order of the Board of Zoning Adjustment,~~ *of the Board's decision,* a petition for such review ~~by the City Council is submitted to the City Clerk.~~ *is submitted to the Zoning Administrator.* Such petition shall be in writing and shall set forth in detail the alleged errors or omissions of the Board of Zoning Adjustment. *The City Council may reverse any decision of the Board by a vote of at least 2/3 of the full membership of the City Council.*

Adopted by the City Council of the City of Minnetonka on this 26th day of April, , 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

ACTION ON ABOVE ORDINANCE:

Date of first reading: April 5, 1982
Date of second reading: April 26, 1982
Motion for adoption: Cotton
Seconded by: Radermacher
Voted in favor: Radermacher, Gordon, Hanus, Hise, Cotton, DeGhetto, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication: 5/12/82
(Effective day of ordinance is thirty days after publication date.)

REZ. PET. NO. 340
Michael Schroeder
Section 1

ORDINANCE NO. 82 - 77 - 265

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residential), to wit:

A portion of Lot 6, Block 1, Oak Knoll Addition, as defined by the attached survey.

Adopted by the City Council of the City of Minnetonka on this 21st day of June, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: June 7, 1982
Date of second reading: June 21, 1982
Motion for adoption: Gordon
Seconded: Radermacher
Voted in favor of: DeGhetto, Radermacher, Gordon, Hanus, Hise, Cotton, Donlin
Voted against:
Abstained:
Absent:
Passed this 21st day of June, 1982.

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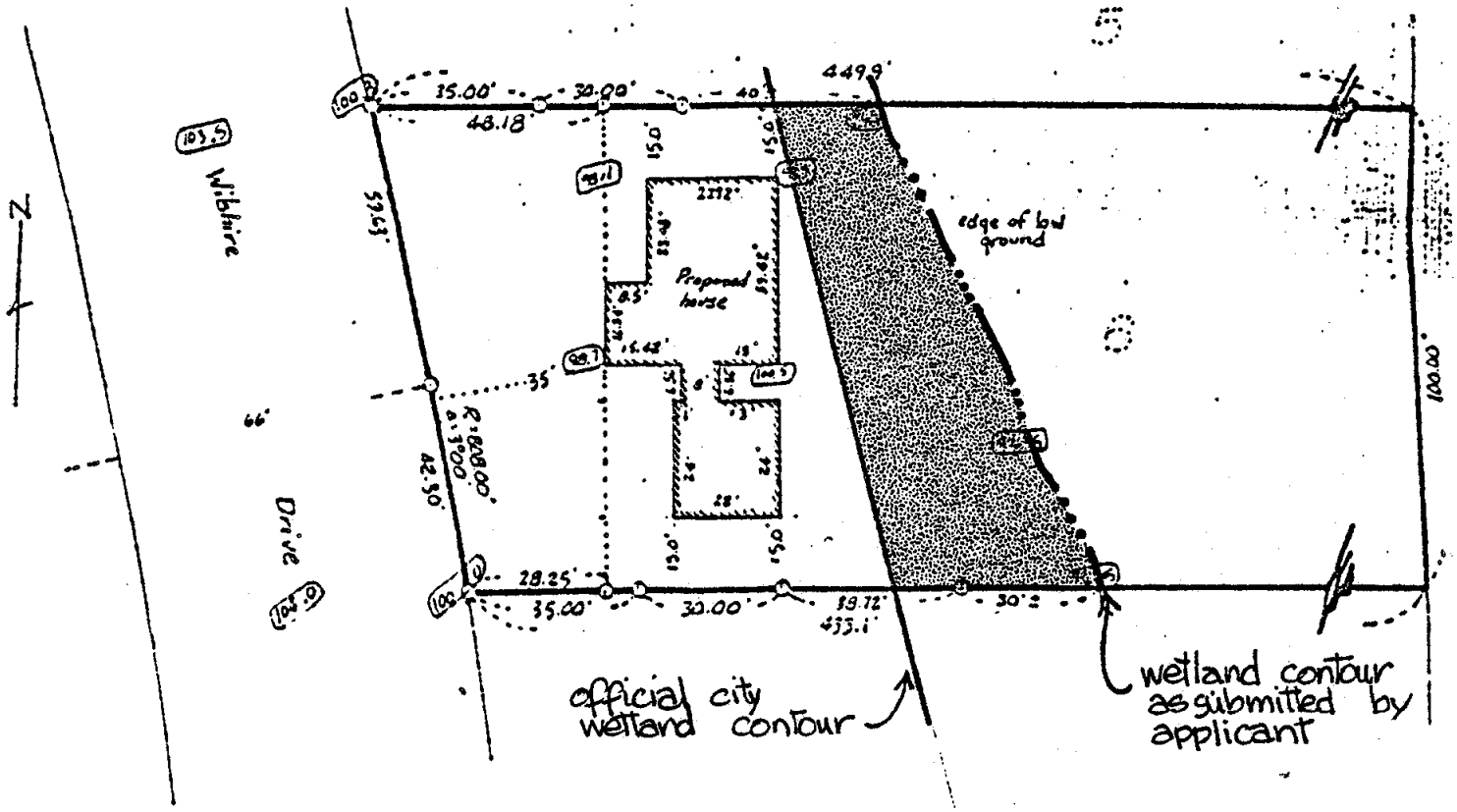
Certificate of Survey
for Mark Petner
of Lot 6, Block 1, Oak Knoll
Hennepin County, Minnesota



I hereby certify that this is a true and correct representation of a survey of the boundaries of Lot 6, Block 1, Oak Knoll, the location of all existing buildings, if any, thereon, and the proposed location of a proposed building. It does not purport to show other improvements or encroachments.

Gordon R. Coffin

Gordon R. Coffin Reg. No. 6064
Land Surveyor and Planner
Long Lake, Minnesota

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ORDINANCE NO. 82 - 267

AN ORDINANCE AMENDING SECTION 1000.15 OF THE 1977 CODE OF ORDINANCES OF THE CITY OF MINNETONKA PERTAINING TO THE MUNICIPAL SEWER AND WATER SYSTEMS

THE CITY COUNCIL OF THE CITY OF MINNETONKA DOES ORDAIN:

Section 1000.15 of the 1977 Code of Ordinances of the City of Minnetonka is hereby amended by adding the language indicated in italics and deleting the language so indicated, to wit:

1000.15. Application for Service.

1. Any property owner desiring to connect a dwelling, building, or other structure to the municipal water or sanitary sewer systems shall apply therefor on a form provided by the City. Said form shall call for such information as the Council may from time to time require.

~~2.--Applications-for-water-service-and-hookups-to-the-municipal water-system-shall-be-made-not-later-than-two-(2)-years-following the-date-that-such-service-is-available-to-the-premises.--Any property-owner-who-feels-and-can-justify-that-hookup-to-the-municipal-water-system-will-cause-undue-hardship-because-of-unique circumstances-to-the-individual-or-property-under-consideration, may,-in-writing-setting-forth-reasons-for-the-hardship-which-must be-other-than-financial-need-by-itself,-ask-the-Council-to-consider-waiving-the-requirement-to-hookup-to-the-municipal-water system-so-long-as-no-health,-safety-or-welfare-hazard-exists-or would-result-if-a-variance-was-granted.--Prior-to-the-actual-exemption-and-periodically-thereafter-as-determined-by-the-City,-the current-water-system-and-supply-shall-be-tested-at-the-property owner's-expense-to-insure-that-a-potential-health-hazard-does-not exist-and-is-not-likely-to-occur.--The-fee-for-each-such-testing shall-be-Ten-(10)-dollars.--Failure-to-pay-such-fee-shall-be-grounds for-the-revocation-of-any-variance-granted-pursuant-to-this-section.~~

2. The owner of any property which is not hooked up to the municipal water system shall hook up said property prior to its sale or other legal transfer of ownership. All structures constructed after August 1, 1982, must be hooked up to the municipal water system.

3. The owner of all dwellings, buildings, other structures or properties where cesspools or septic tanks have been in existence prior to construction of a sanitary sewer shall connect with the public sanitary sewer when such cesspools and septic tanks are in need of repair, reconstruction or pumping, or within two (2) years of the date that municipal sanitary sewer service is available to the premises, whichever is first to occur. Any property owner who can demonstrate that hookup to municipal sewer is not feasible due to distance of topography or pending land use change, may apply, in writing, for a variance setting forth those circumstances

which make hookup unfeasible and requesting the Council to wiave hookup within two (2) years of availability so long as no health, safety or welfare hazard exists or would result if a variance was granted. Prior to the actual exemption and periodically thereafter as determined by the City, the current cesspool or septic tank system shall be tested at the property owner's expense to insure that a potential health hazard does not exist and is not likely to occur. The fee for each such testing shall be Ten (10) dollars. Failure to pay such fee shall be grounds for the revocation of any variance granted pursuant to this section.

4. Each applicant by such application shall subscribe to and be obligated to be bound by all provisions of this ordinance, amendments thereto and all rules and regulations established by the City.

5. Premises failing to be hooked up to the municipal water system and public sanitary sewer within two (2) years of availability ~~whether or not the two (2) year hookup period have been waived by the Council~~ will be billed a minimum charge for sewer and water service commencing with the 25th month of availability. Said minimum billing shall in no way restrict or prevent other civil and criminal sanctions applicable for failure to comply with ordinance provisions.

Adopted by the City Council of the City of Minnetonka on this 6th day of July, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: May 24, 1982
Date of second reading: July 6, 1982
Motion for adoption: Hise
Seconded: Gordon
Voted in favor of: Gordon, Hanus, Hise, DeGhetto, Donlin
Voted against: Cotton, Radermacher
Abstained:
Absent:
Ordinance adopted.
Date of publication: 7/21/82 (Effective date of ordinance is thirty days after publication.)

REZ. PET. NO. 201-A)
Donald & Diane Woolf
Section 28

ORDINANCE NO. 82-77-268

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential) to R-2 (Two Family Residential), to wit:

Parcel B: That part of Lot 3, Lake Rose Park Addition, Hennepin County, Minnesota, lying southeasterly of a line, and its extensions, drawn from a point on the westerly line of said Lot 3, distant 254.00 feet southerly from the most northerly corner of said Lot 3, to a point on the northwesterly line of said Lot 3, distant 220.00 feet southeasterly from the most northerly corner of said Lot 3, and which lies northwesterly of a line drawn from a point on the westerly line of said Lot 3, distant 80.00 feet northerly from the southwest corner of said Lot 3, to a point on the easterly line of said Lot 3, distant 132.84 feet northerly from the southeast corner of said Lot 3.

Reserving an easement for utility and drainage purposes over, under and across the Westerly 7 feet, the Northwesterly 7 feet and the Southeasterly 7 feet of said above described property.

Parcel C: That part of Lot 3, Lake Rose Park Addition, Hennepin County, Minnesota, lying southeasterly of a line, and its extensions, drawn from a point on the westerly line of said Lot 3, distant 80.00 feet northerly from the southwest corner of said Lot 3, to a point on the easterly line of said Lot 3, distant 132.84 feet northerly from the southeast corner of said Lot 3.

Reserving an easement for utility and drainage purposes over, under and across the Westerly 7 feet, the Northerly 7 feet and the Southerly 7 feet of said above described property.

Adopted by the City Council of the City of Minnetonka on this 19th day of July, 1982.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen
Margaret E. Mullen, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 6, 1982
Date of second reading: July 19, 1982
Motion for adoption: Hise
Seconded: Radermacher
Voted in favor of: Hanus, Hise, DeGhetto, Radermacher, Donlin
Voted against:
Abstained: Cotton
Absent: Gordon
Ordinance adopted.

Date of publication: 8/4/82
(Effective date of ordinance is thirty days after publication date.)

ORDINANCE NO. 82 - 269

AN ORDINANCE DELETING SECTION 1435 OF THE 1977 CODE OF ORDINANCES OF THE CITY OF MINNETONKA PERTAINING TO DOG LICENSE FEES

THE CITY COUNCIL OF THE CITY OF MINNETONKA DOES ORDAIN:

Section 1435.05 of the 1977 Code of Ordinances of the City of Minnetonka is hereby deleted as follows:

~~1435.05.--Dog Licenses.~~

~~Para. No.~~	~~Code Section~~	~~Type~~	~~Conditions~~	~~Amount~~
~~1.~~	~~605.24~~	~~Any dog~~	~~Per year~~	~~$8.00~~
~~2.~~	~~605.21~~	~~Late payment charge~~		~~1.00~~
~~3.~~	~~605.30~~	~~Duplicate Tag~~	~~Each~~	~~1.00~~
~~4.~~	~~605.45~~	~~Impounding Fee~~	~~First time~~	~~10.00~~
			~~Second time (in one year)~~	~~20.00~~
			~~Each subsequent impounding fee~~	~~40.00~~
~~5.~~	~~605.51~~	~~Commercial Kennel~~	~~Per Year or portion thereof~~	~~25.00~~
~~6.~~	~~605.66~~	~~Veterinary Hospital~~		~~25.00~~

Adopted by the City Council of the City of Minnetonka on this 26th day of July, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

Margaret E. Mullen, City Clerk

(SEAL)

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 19, 1982
Date of second reading: July 26, 1982
Motion for adoption: Cotton
Seconded: DeGhetto
Voted in favor of: Hise, Cotton, DeGhetto, Radermacher, Gordon, Hanus, Donlin
Voted against:
Abstained:
Ordinance adopted.

Date of publication: 8/4/82 (Effective date of ordinances is thirty (30) days after publication date.)

REZ. PET. NO. 338
Derrick Land Co.
"Manchester Place"
Section 16

ORDINANCE NO. 82 - 77 - 272

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential) to R-4 PURD (Multiple Planned Unit Residential Development), to wit:

That part of the following described property lying Westerly of a line which is drawn parallel with the Easterly line of said property and distant 100 feet therefrom, measured at right angles thereto; Commencing at a point in center line of Minnetonka Blvd., 329.28 feet Northwesterly of its intersection with the North line of the SE 1/4 of SW 1/4 of Section 16, Township 117, Range 22; thence South to Northeasterly line of right of way of Minneapolis and St. Paul Suburban Railway; thence Northwesterly along same to North line of SW 1/4 of SW 1/4; thence East to Northeast corner thereof; thence North to center line of Minnetonka Blvd.; thence Southeasterly to beginning.

That part of the Southwest 1/4, Section 16, Township 117, Range 22, described as follows: Commencing at the most Easterly corner of Tract C, Registered Land Survey No. 856, Files of the Registrar of Titles in and for Hennepin County, Minnesota; thence on an assumed bearing of North 52 degrees 01 minutes 58 seconds West along the Northerly line of said Tract C, 8.8 feet to the point of beginning of the land to be described; thence North 1 degree 30 minutes 49 seconds East a distance of 190.19 feet; thence North 89 degrees 41 minutes 35 seconds West a distance of 95.97 feet; thence North 0 degrees 55 minutes 07 seconds East a distance of 450.66 feet to the centerline of County Road No. 5; thence North 74 degrees 24 minutes 44 seconds West a distance of 668.31 feet along said centerline to its intersection with a line drawn from a point on the North line of the Northwest 1/4 of the said Southwest 1/4, distant 954.80 feet East along said North line from the Northwest corner of said Northwest 1/4 of the Southwest 1/4, to a point on the South line of said Northwest 1/4 of the Southwest 1/4 distant 937.40 feet East along said South line from the Southwest corner of the said Northwest 1/4 of the Southwest 1/4; thence South 0 degrees 26 minutes 34 seconds West along said line a distance of 251.64 feet to the Northerly line of said Registered Land Survey No. 856; thence South 52 degrees 01 minutes 58 seconds East along said Northerly line a distance of 925.20 feet to the point of beginning.

Also Tract C, R.L.S. No. 856

Adopted by the City Council of the City of Minnetonka on this 26th day of July, 1982.

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 6, 1982
Date of second reading: July 26, 1982
Motion for adoption: Hise
Seconded: Hanus
Voted in favor of: Hise, Radermacher, Gordon, Hanus, Donlin
Voted against: Cotton, DeGhetto
Abstained:
Absent:
Ordinance adopted.
Date of publication: 8/4/82
(Effective date of ordinance is thirty days after publication)

REZ. PET. NO. 344
Harold Porte
Section 17

ORDINANCE NO. 82-77-274

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential to B-1 (Limited Business District), to wit:

Tract C R. L. S. No. 584

Adopted by the City Council of the City of Minnetonka on this 16th day of August, 1982.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen
MARGARET E. MULLEN, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: August 2, 1982
Date of second reading: August 16, 1982
Motion for adoption: Gordon
Seconded: DeGhetto
Voted in favor of:
DeGhetto, Gordon, Hanus, Hise, Donlin
Voted against: Radermacher, Cotton
Abstained:
Absent:
Ordinance adopted.

Date of publication: 8/25/82
(Effective date of ordinance is thirty days after publication.)

REZ. PET. NO. 346
Ted Schultze
Section 33

ORDINANCE NO. 82-77-275

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residence District), to wit;

A portion of Lot 1, Block 5, Black Oaks 4th Addition as indicated on the attached map.

Adopted by the City Council of the City of Minnetonka on this 16th day of August, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Margaret E. Mullen

MARGARET E. MULLEN, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 26, 1982
Date of second reading: August 16, 1982
Motion for adoption: DeGhetto
Seconded: Gordon
Voted in favor of: DeGhetto, Radermacher, Gordon, Hanus, Donlin
Voted against: Hise, Cotton
Abstained:
Absent:
Ordinance adopted.

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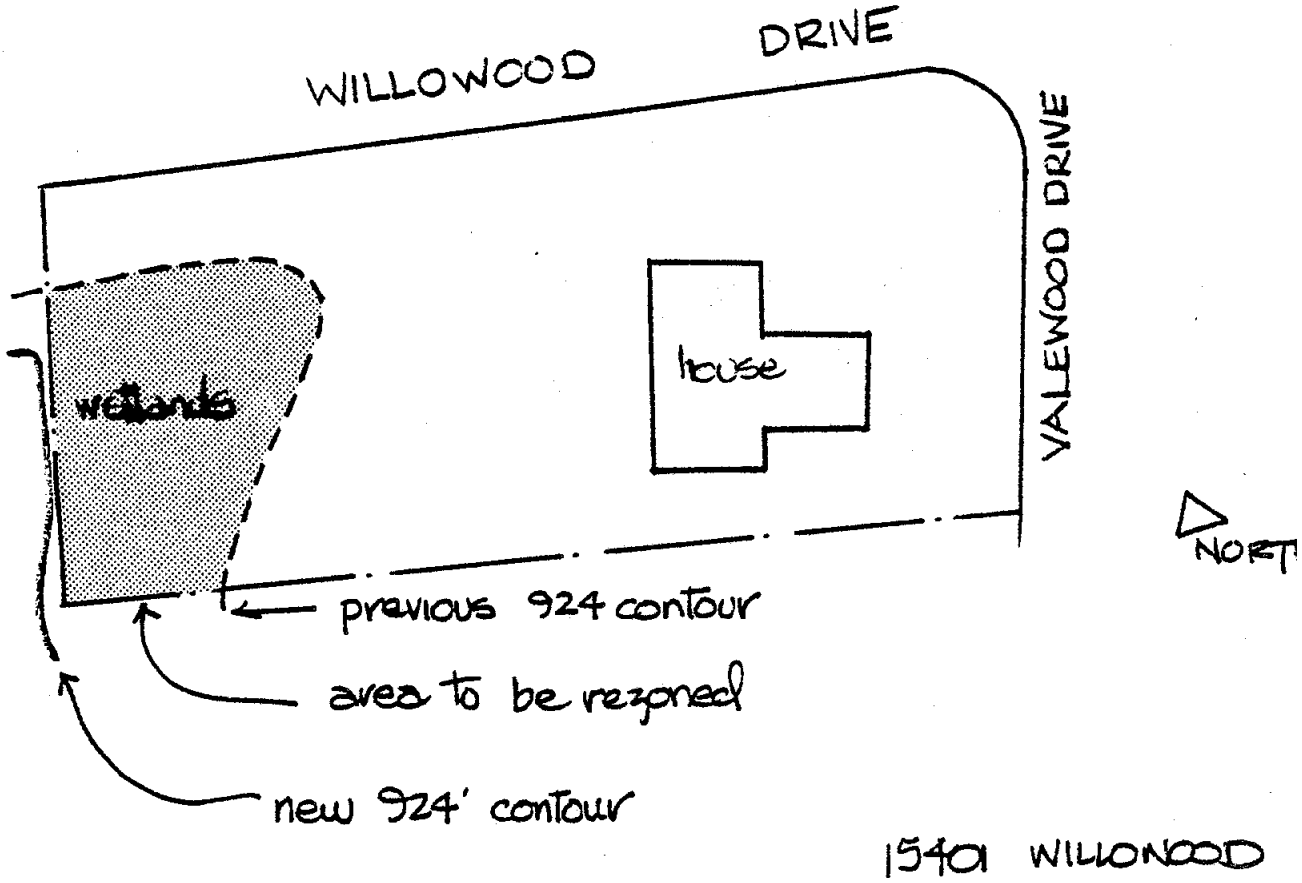
Date of publication: 9/8/82



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REZ. PET. 284
Richard Leekley
Mtka. Baptist Church
Section 17

ORDINANCE NO. 82-77-276

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential) to B-1 (Limited Business District), to wit:

That part of the Northeast 1/4 of the Southwest 1/4 of Section 17, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows: Beginning at the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section; thence running East along the North line of said 40 acre tract 16 rods; thence at right angles South 10 rods thence at right angles West 16 rods; thence at right angles North 10 rods to the place of beginning.

Subject to street and utility easement in Document No. 459881, dated September 9, 1980, filed October 27, 1980 in the Hennepin County Recorders Office.

Lot 1, Block 24, Staring's Tonka Wood-Croft, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.

Lot 2, Block 24, Staring's Tonka Wood-Croft, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.

Subject to drainage easement and restrictive covenant in Document No. 1402078, dated September 9, 1980, filed November 6, 1980 in the Hennepin County Registrar of Titles Office.

Reserve Block "C", Staring's Tonka Wood-Croft, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.

Subject to drainage easement in Document No. 691683; sanitary sewer easement in Final Cert. Doc. No. 1120928; vacated Groveland Avenue Resolution Doc. No. 937823; drainage easement and restrictive covenant in Doc. No. 1402078, dated September 9, 1980, filed November 6, 1980, in the Hennepin County Registrar of Titles Office.

Subject to the following stipulations:

1. That final site plan be approved by the Planning Commission and City Council, such plans shall include grading, drainage, access, parking, landscaping, architectural treatment, signage, lighting, and dedication of a roadway easement for Minnetonka Boulevard.

2. That the structure height and footprint remain as currently exists and occupied by the Minnetonka Baptist Church.

3. That a sump easement over the official wetlands located on the eastern portion of the site below an elevation of 928 be dedicated to the City of Minnetonka.

4. That restrictive covenants be included in the sale of the property protecting said wetlands from any filling, draining or development activity in perpetuity; such restrictive covenants shall run in favor of all properties within the following blocks: Block 1, 2 and 3 of W.A. Ackerman's Groveland Manor; Block 1, Rebers and Tuthill Third Addition; Blocks 21, 22, 23 and 24 of Staring's Tonkawood Croft.

5. That the existing single family parsonage be utilized solely for residential purposes under a temporary Conditional Use Permit and the application for such use be processed via normal City procedures.

6. That the four single family lots along Larchwood Drive (Lots 2, 3, 4 and 5 Block 23 Staring's Tonkawood Croft) currently owned by the Minnetonka Baptist Church be combined and redivided into two single family lots.

Adopted by the City Council of the City of Minnetonka on this 20th day of September, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Dale L Eggenberger

Dale Eggenberger, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: September 7, 1982
Date of second reading: September 20, 1982
Motion for adoption: Hise
Seconded: Hanus
Voted in favor of:
Hanus, Hise, Cotton, DeGhetto, Gordon, Donlin
Voted against:
Abstained:
Absent: Radermacher
Ordinance adopted.

Date of publication: 9/29/82
(Effective date of ordinance is thirty days after publication date.)

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ORDINANCE NO. 82 - 77 - 277

AN ORDINANCE AMENDING SECTION 12, SUBDIVISION 3 OF ORDINANCE NUMBER 77 PERTAINING TO ALLOWABLE USES BY CONDITIONAL USE PERMIT IN A B-2 SHOPPING CENTER BUSINESS DISTRICT

THE CITY OF MINNETONKA DOES ORDAIN:

Section 12, Subdivision 3 of Ordinance Number 77 of the City of Minnetonka is hereby amended by adding the following language (in italics):

Subdivision 3. Uses by Conditional Use Permit

Within a B-2 SHOPPING CENTER BUSINESS DISTRICT, no building or land shall be used for one or more of the following uses except by Conditional Use Permit:

1. Service stations for gasoline and oil and tire, battery, and accessory stores, excluding body repair and major motor repair and provided they are included as an integral part of the Shopping Center General Development Plan design.
2. Outdoor displays.
3. *Hotels.*
4. ~~3.~~ Other business activities of the same general character as listed in Subdivision 2 of this SECTION.

Adopted by the City Council of the City of Minnetonka on this 27th day of September, 1982.

Fred Hanus

FRED E. HANUS, PRESIDENT PRO TEM

ATTEST:

Dale L. Eggenberger

Dale L. Eggenberger, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: September 20, 1982
Date of second reading: September 27, 1982
Motion for adoption: Hise
Seconded: Cotton
Voted in favor of: Hise, Cotton, DeGhetto, Radermacher, Hanus
Voted against:
Abstained:
Absent: Donlin, Gordon
Ordinance adopted.

Date of publication: 10/13/82
(Effective date of ordinance is thirty days after publication.)

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REZ. PET. NO. 347
Ridgedale Towne Estates
Section 11

ORDINANCE NO. 82 - 77 - 278

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-3 PURD (Multiple Planned Unit Residential District) to R-4 (Multiple Planned Unit Residential District), to wit:

Lot 1, Block 1, Hilloway Downs

Adopted by the City Council of the City of Minnetonka on this 4th day of October, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Dale L. Eggenberger

DALE L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: September 7, 1982
Date of second reading: October 4, 1982
Motion for adoption: Gordon
Seconded: DeGhetto
Voted in favor of: DeGhetto, Radermacher, Gordon, Hanus, Hise, Donlin
Voted against: Cotton
Abstained:
Absent:
Ordinance adopted.

Date of publication: 10/13/82
(Effective date of ordinance is thirty days after publication date.)

ORDINANCE NO. 82 - 77 - 279

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO ESTABLISH A PLANNED UNIT DEVELOPMENT ZONING DISTRICT

THE CITY OF MINNETONKA DOES ORDAIN:

1. Section 5, Subdivision 1 of Ordinance No. 77 is hereby amended to read as follows:

Subdivision 1. Districts.

For the purpose of this Ordinance, the City of Minnetonka is hereby divided into classes of districts which shall be designated as follows:

RESIDENCE DISTRICTS
R-1A ONE FAMILY RESIDENCE DISTRICT
R-1 ONE FAMILY RESIDENCE DISTRICT
R-2 TWO FAMILY RESIDENCE DISTRICT
R-3 MULTIPLE FAMILY RESIDENCE DISTRICT (Townhouse)
R-4 MULTIPLE FAMILY RESIDENCE DISTRICT
R-5 MULTIPLE FAMILY RESIDENCE DISTRICT
BUSINESS DISTRICTS
B-1 LIMITED BUSINESS DISTRICT
B-2 SHOPPING CENTER BUSINESS DISTRICT
B-3 SERVICE BUSINESS DISTRICT
B-4 GENERAL BUSINESS DISTRICT
INDUSTRIAL DISTRICTS
I-1 PLANNED INDUSTRIAL DISTRICT
I-2 GENERAL INDUSTRIAL DISTRICT
OTHER DISTRICTS
W-L WETLANDS DISTRICT
F-P FLOOD PLAIN DISTRICT
PUD PLANNED UNIT DEVELOPMENT DISTRICT

2. Section 10b of Ordinance No. 77 is hereby amended to read as follows:

Section 10b P.U.D. Planned Unit Development District

1. Purpose

The PUD Planned Unit Development District is intended to provide a zoning district which will encourage:

a. Flexibility in land development and redevelopment in order to better make use of new techniques of building design and construction and land development;

b. The provision of housing affordable to all income groups;

c. Energy conservation through the use of more efficient building designs and through the clustering of buildings and land uses;

d. Preservation of desirable site characteristics and open space and protection of sensitive environmental features such as steep slopes, poor soils, and trees;

e. More efficient and effective use of land, open space and public facilities through mixing of land uses and assembly and development of land in larger parcels;

f. A high quality of design and design compatible with surrounding land uses, both existing and planned;

g. Development consistent with the various policies, programs and proposals of the Comprehensive Guide Plan.

References in other sections of this ordinance or in other ordinances of the City of Minnetonka to the P.U.R.D. district shall be read to mean this P.U.D. district and shall apply unless they are in conflict with the provisions of this section.

2. Permitted Uses

a. All uses shall be allowed in a P.U.D. However the following uses shall require a Conditional Use Permit:

1) Educational institutions and associated facilities.

2) Religious institutions and associated facilities, including cemeteries and memorial gardens.

3) Public uses and structures and associated facilities excluding park equipment.

4) Transit facilities excluding minor facilities allowed as a permitted use.

5) Amateur radio transmission towers exceeding 60' in height.

6) Commercial or public communications transmission towers.

7) Day care facilities and residential facilities as defined in Minnesota Statutes Annotated ¶ 245.782, Subd. 6.

8) Public utility uses.

9) Nursing, retirement or convalescent home.

10) Hospitals.

11) Outside storage, display, sales or servicing.

12) Motor vehicle, boat, or snowmobile sales, services rentals, car washes.

13) Fuel sales.

14) "Drive-in" or "walk-up" commercial facilities where a customer need not enter the building in order to secure the product or service offered.

15) Home occupations.

b. Accessory uses allowed in other zoning districts shall also be permitted uses.

3. Development Regulations

a. A P.U.D. shall have a minimum area, excluding wetlands and floodplains designated on the official maps of the City of Minnetonka and excluding existing right of way, of at least 5 acres unless the applicant can show that at least one of the following conditions exist:

1) Unusual physical features of the property itself or of the surrounding neighborhood such that development as a P.U.D. will conserve a physical or terrain feature of importance to the neighborhood or community.

2) The property is adjacent to or across the street or highway from property which has been developed under the provisions of a previously approved P.U.D. or P.U.R.D. and will be perceived as and

will function as an extension of that previously approved P.U.D. or P.U.R.D.

b. A P.U.D. shall only be used for the use or uses for which the site is designated in the Comprehensive Plan except that the City Council may permit up to 25% of the gross floor area of all buildings in a P.U.D. to be used for land uses for which the site is not designated in the Comprehensive Plan when the Council finds that such permission is in the best interests of the City and would be consistent with the requirements of paragraph 4.e.1)-4) of this section.

c. Where the site of a proposed P.U.D. is designated for more than one land use in the Comprehensive Plan, the City Council may require that such P.U.D. include all the land uses so designated or such combination of the designated uses as the Council shall deem appropriate to achieve the purposes of this ordinance.

d. Residential P.U.D.'s or the residential portion of mixed use P.U.D.'s shall have density within the range specified in the Comprehensive Plan for the P.U.D. site. Where such site is not designated in the Comprehensive Plan for residential use the appropriate density shall be determined by the City Council based upon the Council's finding that such density is consistent with the purposes of this ordinance and standards 1 through 4 of paragraph 4.e. of this section.

e. A P.U.D. which meets one of the following criteria shall be allowed to develop with the maximum number of dwelling units per acre allowed by the Comprehensive Plan for the site provided that the proposed Master Development Plan is found acceptable in terms of the standards of subdivision 4. e. of this P.U.D. Ordinance. For P.U.D.'s in areas designated for high density residential development in the Comprehensive Guide Plan the maximum number of dwelling units per acre shall be understood to mean at least 20 units per acre, although a higher density may be allowed by the City Council.

1) At least 10 percent of the residential units will have a rental rate for the first 10 years of the project's existence that does not exceed the Fair Market Rent Limits established for the Section 8 Existing Housing Program by the U.S. Department of Housing and Urban Development for the Minneapolis-St. Paul Metropolitan Area.

2) At least 25 percent of the residential units will have an initial selling price which qualifies as Modest Cost as defined by the Metropolitan Council.

3) At least 35% of the housing units within the proposed P.U.D. either have an initial selling price at or below 75% of the mean for the area in which they are located as computed by the latest annual figures of the Minneapolis Area Board of Realtors, or have an initial rental price not exceeding 110% of the Fair Market Rent limits as established for the Section 8 Existing Housing Program by the U.S. Department of Housing and Urban Development for the Minneapolis-St. Paul Metropolitan Area. For purposes of compliance with this sub-paragraph the Fair Market Rent Limits shall not be adjusted for utility allowances if all utilities are not included within the rental price.

4) The residential units of the P.U.D. contain a mixture of units meeting the requirements of any or all of sub-paragraphs 1), 2), and 3) above which mixture has, in the judgement of the City Council, a combination of numbers of units in the various price categories which will be substantially equal in effect to that of the individual sub-paragraphs.

The City Council may require the applicant to enter into appropriate agreements to ensure compliance with the terms of this paragraph.

f. For the entire P.U.D. there shall be a maximum lot coverage of .35 and a maximum floor area ratio (FAR) of .5. Individual lots within the P.U.D. may exceed these standards.

g. Where a P.U.D. is bordered by a public road or roads the minimum setback of all structures from a collector or arterial road as defined in the Comprehensive Plan shall be 50 feet and from a local street shall be 35 feet except that in no case shall the setback be less than the height of the structure.

h. The building setback from exterior lot lines of the P.U.D. shall be a minimum of 25 feet or the height of the building whichever is greater. Where industrial uses abut developed or platted single family lots outside the P.U.D., greater exterior building and parking setbacks may be required in order to provide effective buffering and screening. The City Council will base its determination on buffering techniques proposed by the applicant to include: natural topography or earth berming, existing and proposed plantings and other features which may provide separation of uses such as roadways and wetlands.

i. Parking lots and driving lanes shall be set back at least 20 feet from all exterior lot lines of the P.U.D.

j. More than one building may be placed on one platted or recorded lot in any P.U.D.

k. A P.U.D. which only involves one land use type, such as offices, or one housing type, such as all detached or all attached units, shall be permitted provided that it is otherwise consistent with the stated purposes and objectives of this section.

l. Each residential P.U.D. or residential area of a mixed use P.U.D. shall provide adequate useable open space.

m. The uniqueness of each proposal for a P.U.D. requires that specifications and standards for streets, utilities, other public facilities and approval of subdivisions in general may be subject to modifications from the City ordinances governing them. The City Council may therefore approve streets, utilities, public facilities and land subdivisions which do not meet normal specifications or ordinance requirements where it is found that they are not required in the interests of the residents or of the entire City.

n. This ordinance shall not apply to any P.U.R.D. which has received preliminary or final approval by the City Council prior to the effective date of this ordinance unless requested by the property owner and approved by the City Council.

o. The requirements of Section 17, Subdivision 1, Paragraphs 1 through 7, of this ordinance in regard to sign regulations shall not apply to signs within P.U.D.'s.

Signs within P.U.D.'s shall be permitted only in accordance with a sign plan approved as part of a Final Site Plan.

p. Areas within P.U.D.'s which are designated in the approved Master Development Plan or Final Site Plan for residential use shall be considered residence districts for purposes of determining building and parking setback requirements on adjacent commercial and industrial property outside the P.U.D.

q. All property to be included within a P.U.D. shall be under unified ownership or control or subject to such legal restrictions or covenants as may be necessary to ensure compliance with the approved Master Development Plan and Final Site Plans.

4. Application, Review and Administrative Procedures

a. In order to receive guidance in the design of a P.U.D. prior to submission of a formal application an applicant may at his own discretion submit a concept plan for review and comment by the members of the Planning Commission and City Council. Submission of such a concept plan is optional but is highly recommended for large P.U.D.'s.

1) In order for the review to be of most help to the applicant the concept plan should contain such specific information as is suggested by the Planning Director. It is intended that in general terms this information include approximate building and road locations, height, bulk and square footage of buildings, type and square footage of specific land uses, number of dwellings, generalized grading showing areas to be cut, filled and preserved, staging and timing of development.

2) The comments of the Planning Commission and Council should address the apparent consistency of the concept plan with the purposes of the P.U.D. ordinance and the relevant standards of paragraph e. below.

b. The procedure for application, review and action on a P.U.D. shall include the following steps:

1) Approval of a rezoning to P.U.D. and approval of a Master Development Plan by a 2/3 majority of the full City Council after review by the Planning Commission.

a) The Master Development Plan shall contain information as required by the Director of Planning but is generally intended to include the following in addition to that required for a Concept Plan: detailed street and utility locations and sizes, drainage plan including location and size of pipes and water storage areas, grading plan, generalized landscape framework plan, generalized plan for uniform signage and lighting, plan for timing and phasing of the development, covenants or other restrictions proposed for the regulation of the development and except for detached single family homes and non-residential P.U.D.'s exceeding a net area of 10 acres, renderings or elevations of the entrance side of buildings to be constructed in the first phase of development.

b) Approval of the Master Development Plan shall indicate approval of the previously listed items and shall occur in conjunction with rezoning of the property to P.U.D. After rezoning of the property to P.U.D. nothing shall be constructed on the P.U.D. site except in conformance with the approved plans and these P.U.D. regulations.

2) Approval of a Final Site Plan for the entire P.U.D. or for specific parts of the P.U.D. by a simple majority of the full Planning Commission.

a) The Final Site Plan shall contain information as required by the Director of Planning pursuant to Section 17, Subdivision 4, but is generally intended to include detailed utility, street, grading and drainage plans, detailed building elevations and floor plans, detailed landscaping, signage and lighting plans.

b) The Final Site Plan shall be in substantial compliance with the approved Master Development Plan. Substantial compliance shall mean:

1) Buildings, parking areas and roads are in substantially the same location as previously approved.

2) The number of residential living units has not been increased or decreased by more than 5% over that approved in the Master Development Plan.

3) The floor area of non-residential uses has not been increased by more than 5% over that approved in the Master Development Plan.

4) No building has been increased in its number of stories.

5) Open space has not been decreased or altered to change its original intended design or use.

6) The lot coverage of any individual building has not been increased by more than 10%.

7) All special conditions prescribed on the Master Development Plan by the applicant or any of the reviewing bodies have been incorporated into the Final Site Plan.

c) Approval of a Final Site Plan shall signify approval of all plans necessary prior to issuance of a building permit subject to conformance with any conditions on the approval and subject to necessary approvals by other City departments.

c. Applicants may, if they so choose, combine the Final Site Plan stage with the Master Development Plan stage by submitting all information required for both stages.

d. The procedure for public notification of and public hearing on the Master Development Plan shall be the same as for an Amendment as described in Section 22 and in no case shall a rezoning to P.U.D. occur without the procedures of Section 22 having been followed. The

procedure for consideration of a Final Site Plan shall be the same as for a Site Plan Review as described in Section 17, Subdivision 4., Paragraph 5.

e. The Planning Commission and City Council shall base their recommendations and actions on a consideration of the following as well as such other factors as they shall deem relevant:

1) Compatibility of the proposed plan with the stated purposes, provisions and intent of this Planned Unit Development ordinance and the goals, policies and proposals of the City's Comprehensive Guide Plan.

2) Effects of the proposed plan on the neighborhood in which it is proposed to be located.

3) Internal organization and adequacy of various uses or densities, circulation and parking facilities, public facilities, recreation areas, open spaces, buffering and landscaping.

4) Consistency with the standards of Section 17, Subdivision 4, Paragraph 4. pertaining to Site and Building Plan Review.

f. The Planning Commission and City Council may attach such conditions to their actions as they shall determine necessary or convenient to better accomplish the purposes of this ordinance.

g. If application has not been made for a Final Site Plan approval pursuant to the approved Master Development Plan for all or a part of the property within a P.U.D. within one year of the date on which the P.U.D. zoning became effective and if within that one year period no extension of time has been requested by the applicant, or if such extension is not granted by the Planning Commission or City Council, then at any time after the expiration of that one year period and prior to the receipt of a legally sufficient application for Final Site Plan approval the City Council may rezone the property to the original zoning classification at the time of the P.U.D. application or to a zoning classification consistent with the Comprehensive Guide Plan land use designation for the property. In the absense of a rezoning the approved Master Development Plan shall remain the legal control governing development of the property included within the P.U.D.

h. If building construction on the property included within an approved Final Site Plan has not started within one year of the date on which such Final Site Plan was approved or if building construction in a phase of a P.U.D. approved to be built in phases has not started within one year of the approved starting date of that phase and if within that one year period no extension of the time has been requested by the applicant, or if such extension is not granted by the Planning Commission or City Council, then at any time after the expiration of that one year period and prior to the receipt of a legally sufficient application for a building permit pursuant to an approved Final Site Plan the City Council may rezone the property to the original zoning classification at the time of the P.U.D. application or to a zoning classification consistent with the Comprehensive Guide Plan land use designation for the property. In the absence of rezoning the approved Master Development Plan and Final Site Plan shall remain the legal control governing development of the property included within the P.U.D.

i. Amendments

1) A Major Amendment to an approved Master Development Plan may be approved by the City Council after review by the Planning Commission. The notification and public hearing procedure shall be the same as for approval of the original P.U.D. zoning. A Major Amendment is any amendment which:

a) Substantially alters the location of buildings, parking areas and roads, or

b) Increases or decreases the number of residential dwelling units by more than 5%, or

c) Increases the gross floor area of non-residential buildings by more than 5% or increases the lot coverage of any individual building by more than 10%, or

d) Increases the number of stories of any building, or

e) Decreases the amount of open space by more than 5% or alters it in such as way as to change its original intended use, or

f) Creates non-compliance with any special condition(s) attached to the approval of the Master Development Plan

2) Any other amendment shall be made through review and approval of the proposed revision by a simple majority vote of the Planning Commission.

j. No building or other permit shall be issued for any work on property included within an approved P.U.D. nor shall any work occur unless such work is in compliance with the proposed or approved P.U.D.

Adopted by the City Council of the City of Minnetonka on this 4th day of October, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Dale L. Eggenberger

Dale L. Eggenberger, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: August 23, 1982
Date of second reading: October 4, 1982
Motion for adoption: Hise
Seconded: Gordon
Voted in favor of: Cotton, DeGhetto, Radermacher, Gordon, Hise, Donlin
Voted against: Hanus
Abstained:
Absent:
Ordinance adopted.

Date of publication: 10/20/82
(Effective date of ordinance is thirty days after publication date.)

REZ. TEL. NO. 545
Stanley Thomas
Section 21

ORDINANCE NO. 82-77-280

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential to B-3 (Service Business District) to wit:

That part of Lot 5, Block 2, Tonkawood Farms, described as follows: Beginning at a point in the northerly line of State Highway No. 7, distant 55.45 feet westerly, measured along said Highway line, from its intersection with the east line of said lot; thence northwesterly at right angles to said highway line, to the northwesterly line of said lot, thence westerly along the northwesterly line of said lot to the northwest corner thereof; thence southerly along the west line of said lot to the northerly line of said highway; thence easterly along said highway line to the point of beginning, together with an easement appurtenant to that property now owned by Lessor in Lot 5 for the purpose of ingress and egress over that property lying 42 feet easterly of the easterly line of the first described property and lying southerly of the northerly line of lot 5, and northerly of the traveled portion of highway # 7 as now laid out; this easement shall run with the land and be binding on said leesors, their heirs, executors, grantees and assigns and unure to the benefit of lessee, its successors and assigns for the terms of this lease or any extension thereof.

Adopted by the City Council of the City of Minnetonka on this 15th day of November, 1982.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

Dale L Eggenberger

DALE L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: August 2, 1982
Date of second reading: November 15, 1982
Motion for adoption: Gordon
Seconded: Radermacher
Voted in favor of:
Hise, Cotton, DeGhetto, Radermacher, Gordon, Donlin
Voted against: Hanus
Abstained:
Absent:
Ordinance adopted.

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Date of publication: 11/24/82

REZ. PET. 341
Neal Perlich
Robert Saville

ORDINANCE NO. 82-77-281

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential) to I-1 (Planned Industrial District) to wit:

> That part of the North 264.16 feet of the South 334.16 feet of the Southeast Quarter of the Southeast Quarter of Section 34, Township 117, Range 22, lying westerly and northerly of the westerly right of way of Interstate Highway No. 494 as described in Book 2613 of Deeds, Page 567, Document No. 3688429 and Document No. 930501, Files of the Registrar of Titles.

Adopted by the City Council of the City of Minnetonka on this 15th day of November, 1982.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:
Dale L. Eggenberger
DALE L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: October 25, 1982
Date of second reading: November 15, 1982
Motion for adoption: Gordon
Seconded: Hanus
Voted in favor of:
Hanus, Hise, DeGhetto, Radermacher, Gordon, Donlin
Abstained: Cotton voted no
Absent:
Ordinance adopted.

Date of publication: 11/24/82
(Effective date of ordinance is thirty days after publication.)

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REZ. PET. 326
Dennis Arne
Section 3

ORDINANCE NO. 82-77-283

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands/R-1 (Single Family Residential) to B-1 (Limited Business District) to wit:

In the County of Hennepin, State of Minnesota and being the south 250 feet of all that part of the Southeast 1/4 of the Southeast 1/4 of Section 3, Township 117 North, Range 22, West of the 5th Principal Meridian, lying westerly of the center line of County Road No. 61.

Adopted by the City Council of the City of Minnetonka on this 20th day of December, 1982.

LARRY A. DONLIN, MAYOR

ATTEST:

Dale L. Eggenberger, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: December 6, 1982
Date of second reading: December 20, 1982
Motion for adoption: Hanus
Seconded: Gordon
Voted in favor of:
DeGhetto, Radermacher, Gordon, Hanus, Hise, Cotton, Donlin
Abstained:
Absent:
Ordinance adopted.

Date of publication: 12/29/82
(Effective date of ordinance is thirty days after publication.)

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REZ. PET. 345
Feltl Addition
Section 36

ORDINANCE NO. 82-77-284

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential)/R-5 (Multiple Family residential to P.U.D. (Planned Unit Development to wit:

The Northwest Quarter of the Northwest Quarter of Section 36, Township 117 North, Range 22 West of the 5th Principal Meridian.

Lot 1, Block 2, Opus 2 Fourth Addition.

Adopted by the City Council of the City of Minnetonka on this 20th day of December, 1982.

LARRY A. DONLIN, MAYOR

ATTEST:

Dale L. Eggenberger, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: November 22, 1982
Date of second reading: December 20, 1982
Motion for adoption: Hise
Seconded: Radermacher
Voted in favor of:
DeGhetto, Radermacher, Gordon, Hanus, Hise, Cotton, Donlin
Abstained:
Absent:
Ordinance adopted.

Date of publication: 12/29/82
(Effective date of ordinance is thirty days after publication.)

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REZ. PET. 351
Midway Motor Hotel
Section 2

ORDINANCE NO. 83-77-287

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands/R-1 (Single Family Residential) to P.U.D. (Planned Unit Development), to wit:

Lot 1, Block 1, Ridgedale YMCA Addition

Adopted by the City Council of the City of Minnetonka on this 3rd day of January, 1983.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: December 20, 1982
Date of second reading: January 3, 1983
Motion for adoption: Gordon
Seconded: Radermacher
Voted in favor of:
Radermacher, DeGhetto, Gordon, Hanus, Donlin
Abstained: Hise Cotton voted no
Absent:
Ordinance adopted.

Date of publication: 1/19/83
(Effective date of ordinance is thirty days after publication.)

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REZ. PET. 355
City of Minnetonka
Section 11

ORDINANCE NO. 83-77-288

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residential), to wit:

A 60 foot wide strip of land centered about a line described as follows:

Commencing at a point of intersection of the northerly extension of the East line of Lot 1, Block 1, IVY PARK, with a line 25 feet north of as measured at a right angle to and parallel with the North line of Lots 1, 2 and 3, Block 1, said Addition; thence west along said parallel line to its intersection with the northerly extension of the West line of Lot 3, Block 1, IVY PARK, said point being the actual point of beginning of the centerline being described herein; thence 98.73 feet northwesterly along a tangential curve concave to the northeast having a radius of 253.27 feet and a central angle of 22 degrees 20 minutes 03 seconds; thence 18.28 feet continuing northwesterly along the tangent to said curve; thence northwesterly and westerly 98.70 feet along a tangential curve concave to the southwest having a radius of 250.52 feet and a central angel of 22 degrees 34 minutes 28 seconds to the West line of Lot 3, Block 4, "Golden Acres, Hennepin County, Minnesota", according to the duly recorded plat thereof, and said line there terminating.

Adopted by the City Council of the City of Minnetonka on this 3rd day of January, 1983.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: December 27, 1982
Date of second reading: January 3, 1983
Motion for adoption: Cotton
Seconded: Gordon
Voted in favor of: Radermacher, DeGhetto, Gordon, Cotton, Donlin
Abstained: Hanus and Hise voted no
Absent:
Ordinance adopted.

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ORDINANCE NO. 83-77-289

AN ORDINANCE AMENDING SECTION 7 OF ORDINANCE NO. 77 IN REGARD TO MANUFACTURED HOMES

THE CITY OF MINNETONKA DOES ORDAIN:

Section 1. Section 7, Subdivision 2, of Ordinance No. 77 is hereby amended by adding thereto paragraph 2. which shall read as follows:

2. Manufactured homes built in conformance with M.S.A. 327.31 to 327.35.

Section 2. Section 7, Subdivision 5, of Ordinance No. 77 is hereby amended by adding thereto paragraphs 7. and 8. which shall read as follows:

7. Dwelling Dimensions:

All single family detached dwellings, including manufactured homes, shall have a depth of at least 20 feet for at least 50% of their width. All single family detached dwellings, including manufactured mobile homes, shall have a width of at least 20 feet for at least 50% of their depth.

8. Foundation:

All single family dwellings shall have a permanent foundation in conformance with the Minnesota Building Code around the entire perimeter of the structure.

Adopted by the City Council of the City of Minnetonka on this 3rd day of January, 1983.

LARRY A. DONLIN, MAYOR

ATTEST:

Dale Eggenberger, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: November 15, 1982
Date of second reading: January 3, 1983
Motion for adoption: Gordon
Seconded: Radermacher
Voted in favor of:
Radermacher, DeGhetto, Gordon, Cotton, Hanus, Hise, Donlin
Voted against:
Abstained:
Absent:

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REZ. PET. 358
Angie Koenig
Section 18

ORDINANCE NO. 83 - 77 - 292

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential) to B-4 (General Business District), to wit:

The south 82' of the E 1/2 of the NE 1/4 of the NE 1/4 of the SE 1/4 of Section 18, Township 117, Range 22, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 7th day of February, 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: January 24, 1983
Date of second reading: February 7, 1983
Motion for adoption: Cotton
Seconded by: Radermacher
Voted in favor: Hise, Cotton, DeGhetto, Radermacher, Hanus, Donlin
Voted against:
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication: 2/16/83
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. 339
R. Leekley/Southridge
Section 19

ORDINANCE NO. 83-77-293

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential), to P.U.D. (Planned Unit Development) to wit:

The Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 19, Township 117 North, Range 22 West of the Fifth Principal Meridian.

Adopted by the City Council of the City of Minnetonka on this 21st day of March 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberber
D. L. EGGENBERBER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: December 20, 1982
Date of second reading: March 21, 1983
Motion for adoption: Hise
Seconded by: Hanus
Voted in favor: Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Voted against:
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication: 3/30/83
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. 350
Saddlewood Park
Section 29

ORDINANCE NO. 83-77-296

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-2 PURD (Two Family Planned Unit Residential District)/R-4 (Multiple Family District) to P.U.D. (Planned Unit Developoment) to wit:

Lot 1, Block 3, Willow Wood, Hennepin County, Minnesota; also
Lots 7 through 18, inclusive, Block 6, Saddlewood, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 25th day of April 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: April 4, 1983
Date of second reading: April 25, 1983
Motion for adoption: Hanus
Seconded: Cotton
Voted in favor of:
Radermacher, Gordon, Hanus, Hise, Cotton, Donlin
Abstained:
Absent: DeGhetto
Ordinance adopted.

Date of publication: 5/11/83
(Effective date of ordinance is thirty days after publication.)

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REZ. PET. 362
City of Minnetonka
Section 2

ORDINANCE NO. 83-77-297

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-2 (Shopping Center District) to R-1 (Single Family Residential) to wit:

> That part of Lot 3, Block 1, Ridgedale Center Fifth Addition, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for Hennepin County, Minnesota lying southerly of the following described line and its westerly extension:
>
> Commencing at the southeast corner of said Lot 3; thence North 00 degrees 12 minutes 43 seconds West, assumed basis for bearings, 250.00 feet along the east line of said Lot 3 to the point of beginning of the line to be described; thence South 89 degrees 32 minutes 30 seconds West 158.08 feet to the westerly line of said Lot 3 and there terminating.

Adopted by the City Council of the City of Minnetonka on this 25th day of April 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERBER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: April 4, 1983
Date of second reading: April 25, 1983
Motion for adoption: Gordon
Seconded by: Hanus
Voted in favor: Radermacher, Gordon, Hanus, Hise, Cotton, Donlin
Voted against:
Abstained:
Absent: DeGhetto
Ordinance adopted.

Date of publication: 5/11/83
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO.'s 356 & 357
12 Hi Properties
Section 1

ORDINANCE NO. 83-77-298

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential) and B-4 (General Business District) to P.U.D. (Planned Unit Development) to wit:

Lot 1, Block 3, Oak Knoll 2nd Addition

and

The east 50' of Lot 1, north 132' of west 50' of Lot 1, the west 250' of a platted roadway known as Wayzata Terrace, and Lots 2, 3, 4, 5, 6 and 7, Block 2, Oak Knoll, 2nd Addition.

Adopted by the City Council of the City of Minnetonka on this 25th day of April 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberber
D. L. EGGENBERBER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: February 22, 1983
Date of second reading: April 25, 1983
Motion for adoption: Gordon
Seconded by: Radermacher
Voted in favor:
Radermacher, Gordon, Hanus, Hise, Cotton, Donlin
Voted against:
Abstained:
Absent: DeGhetto
Ordinance adopted.

Date of publication: 5/11/83
(Effective date of ordinance is thirty (30) days after publication.)

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ORDINANCE NO. 83 - 77 - 302

AN ORDINANCE AMENDING SECTION 16.1, SUBDIVISION 3 OF ORDINANCE NO. 77 REGARDING FLOOD PLAIN DISTRICT

THE CITY OF MINNETONKA DOES ORDAIN:

Section 16.1, Subdivision 3, Ordinance No. 77 is hereby amended by deleting the portion shown and substituting the paragraph in quotations.

Subdivision 3. Boundaries of the Flood Plain District.

The flood hazard areas within the jurisdiction of this ordinance are hereby designated as the Flood Plain District. The boundaries of the district are established by the water surface profile of the regional flood and are set forth in the attached map hereby designated as the Official Flood Plain map and all notations, references and data shown thereon are hereby incorporated by reference into this ordinance and shall be as much a part thereof as if fully described herein.

~~The boundaries of the Flood Plain District shall be determined by the use of the water surface profile of the regional flood and by scaling distances on the official Flood Plain map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official Flood Plain map, as for example where there appears to be a conflict between a map boundary and actual field conditions, the Board of Adjustment shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.~~

"The boundaries of the Flood Plain District shall be determined by the use of the water surface profile of the regional flood and by scaling distances on the official Flood Plain map. Where interpretation is needed as to the exact location of the boundary of the district as shown on the official Flood Plain map or where there appears to be a conflict between the location of the boundary shown on the official map and actual field conditions, the City Engineer may make the necessary interpretation. The City Engineer may require the submission of a registered survey of the property and such other information as he or she deems necessary or convenient to reach a determination. No map change may be authorized on the basis of fill which was placed on the site after the effective date of this section. Persons residing wholly or partially within 300' of the subject property shall be notified by mail of the pendency of the matter and shall be given ten (10) business days to comment. Persons aggrieved by a decision of the City Engineer may appeal such decision to the Board of Zoning Adjustment in accordance with the provisions of Section 19 of this Ordinance. The City Engineer shall post notice of said action in the same manner that the City Clerk posts notices of Special Meetings."

Adopted by the City Council of the City of Minnetonka on this 23rd day of May, 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. Eggenberger
Dale Eggenberger, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: May 16, 1983
Date of second reading: May 23, 1983
Motion for adoption: Hise
Seconded: Gordon
Voted in favor of: Hise, Cotton, Radermacher, Gordon, DeGhetto
Voted against:
Abstained:
Absent: Hanus, Donlin
Ordinance adopted.
Date of publication:

ORDINANCE NO. 83 - 77- 303

AN ORDINANCE AMENDING SECTION 16.2, SUBDIVISION 2 OF ORDINANCE NO. 77 REGARDING WETLANDS DISTRICT

THE CITY OF MINNETONKA DOES ORDAIN:

Section 16.2, Subdivision 2, Ordinance No. 77 is hereby amended by deleting the portion shown and substituting the paragraph in quotations.

Subdivision 3. Boundaries of the Wetlands District.

The boundaries of the Wetlands District are set forth in the attached map hereby designated as the Official Wetlands map, and all notations, references and data shown thereon are hereby incorporated by reference into this ordinance and shall be as much a part of it as if fully described herein.

~~The boundaries of the Wetlands District shall be determined by scaling distances on the official wetlands map. Where interpretation is needed as to the exact location of the boundaries of the district, as shown on the official wetlands map, as for example, where there appears to be a conflict between a map boundary and actual field conditions, the Board of Adjustment shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.~~

"The boundaries of the Wetlands District shall be determined by scaling distances on the official wetlands map. Where interpretation is needed as to the exact location of the boundary of the district as shown on the official wetlands map or where there appears to be a conflict between the location of the boundary shown on the official map and actual field conditions, the City Engineer may make the necessary interpretation. The City Engineer may require the submission of a registered survey of the property and such other information as he or she deems necessary or convenient to reach a determination. No map change may be authorized on the basis of fill which was placed on the site after the effective date of this section. Persons residing wholly or partially within 300' of the subject property shall be notified by mail of the pendency of the matter and shall be given ten (10) business days to comment. Persons aggrieved by a decision of the City Engineer may appeal such decision to the Board of Zoning Adjustment in accordance with the provisions of Section 19 of this Ordinance. The City Engineer shall post notice of said action in the same manner that the City Clerk posts notices of Special Meetings."

Adopted by the City Council of the City of Minnetonka on this 23rd day of May, 1983.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

Dale Eggenberger, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: May 16, 1983
Date of second reading: May 23, 1983
Motion for adoption: Hise
Seconded: Gordon
Voted in favor of: Hise, Cotton, Radermacher, Gordon, DeGhetto
Voted against:
Abstained:
Absent: Hanus, Donlin
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty days after publication date).

REZ. PET. NO. 364
Tom Thumb Food Store
Section 27

ORDINANCE NO. 83 - 77 - 304

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District)/B-4 (General Business District) to R-1 (Single Family Residential District)/B-4 (General Business District) to wit:

To B-4: Tom Thumb 1st Addition, Lot 1, Block 1

To R-1: Tom Thumb 1st Addition, Lot 2, Block 1

Adopted by the City Council of the City of Minnetonka on this 6th day of June, 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: May 23, 1983
Date of second reading: June 6, 1983
Motion for adoption: Gordon
Seconded by: DeGhetto
Voted in favor: Hise, Cotton, DeGhetto, Gordon, Donlin
Voted against:
Abstained:
Absent: Radermacher, Hanus
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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ORDINANCE NO. - 83 - 77 - 305

AN ORDINANCE AMENDING SECTION 17, SUBDIVISION 4, PARAGRAPH 3 (b) RELATING TO TIME LIMITES FOR APPROVED SITE PLANS

THE CITY OF MINNETONKA DOES ORDAIN:

Section 17, subdivision 4, paragraph 3(b) is hereby amended by replacing with the following paragraph:

~~(b) Construction of the structure or facility shall be commenced within twelve (12) months of the date the approval is granted and shall be diligently pursued thereafter. Failure to comply with this requirement shall result in the approval automatically becoming null and void unless an extension of time is requested prior to expiration of the twelve month period and is granted by the Planning Commission.~~

(b) Construction of the structure or facility shall be commenced on or before December 31 of the year following the date upon which final approval is granted and shall be diligently pursued thereafter. If construction has not begun by the day following the above date, the site plan will be considered to have expired. Prior to the date of expiration, an extension of the site plan may be approved by the Planning Commission and City Council. Such extension shall require an application and payment of a fee from the applicant. The applicant shall state the reason(s) why the project was not started within the allowable time limits and a revised construction timetable should be provided. ~~The Planning Commission or City Council shall extend the approval of the site plan for such period of time as it deems reasonable unless it determines that one or more material facts have changed which make the site plan no longer appropriate. If it is determined that the site plan is no longer appropriate, the Planning Commission or City Council shall state reasons to support its conclusion.~~ Extensions of site plans may be granted only after repetition of the legal notification requirements applicable for the original approval. The provisions of this paragraph shall apply to all site plans approved after the effective date of this amendment as well as to all site plans previously approved which have not lapsed as of the effective date.

Approved by the City Council of the City of Minnetonka on this 27th day of June, 1983.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

Dale Eggenberger, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: April 4, 1983
Date of second reading: June 27, 1983
Motion for adoption: Hise
Seconded: Hanus
Voted in favor of: DeGhetto, Radermacher, Gordon, Hanus, Hise, Cotton, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty days after publication date.)

REZ. PET. 352
Carlson Center
Sections 3 & 4

ORDINANCE NO. 83 - 77 - 306

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential)/Wetlands to P.U.D. (Planned Unit Developoment) to wit:

The Northeast Quarter of Section 4, Township 117, Range 22, except that part lying Southerly and Southeasterly of the right of way line of Interstate Highway 494 as described in Final Certificate Docoment No. 3730193 and except the North 185.00 feet of the West 235.46 feet of the Northwest Quarter of the Northeast Quarter of said Section 4 as measured along the North and West lines of said Quarter-Quarter.

That part of the North Half of the Northwest Quarter lying west of the East 645.65 feet as measured at right angles to the East line of said North Half of Northwest Quarter of Section 3, Township 117, Range 22, except the right of way for Interstate Highway No. 494 as per Document No. 918831 and except that part which lies Easterly of said Interstate Highway No. 494 and westerly of a line run parallel with and distant 600 feet Easterly of the West line of said Section 3 and Southerly of the following described line:

From a point on the North line of said Section 3, distant 358.45 feet East of the northwest corner thereof run Southerly at an angle of 87 degrees 43 minutes 30 seconds with said North section line (measured from West to South) for 1088.8 feet to the point of beginning of the line to be described, thence deflect to the left at an angle of 90 degrees for 300 feet and there terminating.

Adopted by the City Council of the City of Minnetonka on this 28th day of June, 1982.

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: November 22, 1982
Date of second reading: June 28, 1983
Motion for adoption: Hanus
Seconded: Hise
Voted in favor of:
Radermacher, Hanus, Hise, Cotton, DeGhetto, Donlin
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty days after publication.)

ORDINANCE NO. 83 - 307

AN ORDINANCE AMENDING SECTION 700.25, SUBDIVISION 4 OF THE 1977 CODE OF ORDINANCES OF THE CITY OF MINNETONKA PERTAINING TO TRUCK ROUTES

THE CITY COUNCIL OF THE CITY OF MINNETONKA ORDAINS:

Section 700.25, Subdivision 4 of the 1977 Code of Ordinances of the City of Minnetonka pertaining to Truck Routes, is hereby amended by adding the underlined language and deleting the stricken language, to wit:

4. The provisions of this ordinance shall not apply to the following vehicles:

   a. School buses when engaged in the act of transporting pupils to or from school.

   b. Emergency vehicles.

   c. Trucks belonging to the City of Minnetonka

   d. Trucks belonging to utility companies when actually engaged in the construction or repair of utility company facilities.

   e. Trucks delivering retail merchandise to homes on regular routes.

   f. Trucks securing a special permit to travel upon City streets from the Director of ~~Inspections and Licenses~~ Operations and Maintenance as provided hereafter.

Adopted by the City Council of the City of Minnetonka on this 18th day of July, 1983.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D.L. Eggenberger

D.L. Eggenberger, City Clerk

Action on the above ordinance:

Date of First Reading: July 5, 1983

Date of Second Reading: July 18, 1983
Motion for adoption: Radermacher
Seconded by: Cotton
Voted for: Gordon, Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Voted against: _____
Abstained: _____
Absent: _____
Ordinance adopted.

(Effective date of ordinance is thirty days after publication.
Publication date: _____)

REZ. PET. NO. 363
Cub Food Store
Section 29

ORDINANCE NO. 83-77-308

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands/B-4 General Business District) to B-2 (Shopping Center Business District) to wit:

Tract A, Registered Land Survey No. 89, Hennepin County, MN

Adopted by the City Council of the City of Minnetonka on this 18th day of July, 1983.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 5, 1983
Date of second reading: July 18, 1983
Motion for adoption: Hanus
Seconded by: Gordon
Voted in favor:
Gordon, Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 365
Minnetonka Corporate Center
Sections 34 & 35

ORDINANCE NO. 83-77-309

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-1 (Limited Business District)/B-2 (Shopping Center Business District)/I-1 (Planned Industrial District)/I-2 (General Industrial District) to P.U.D. (Planned Unit Development) to wit:

Lots 1, 2, 4, 5, 6, 7 and 8, Block 1;

Lots 1, 2, 3, 4, 7, 8, 9 and 10, Block 1;

Lots 1 and 3, Block 4;

All that part of Outlot D Southwest of the centerline of Rowland Road as shown on Final Certificate No. 1287744 (subject to change upon receipt of survey).

All in the recorded plat of Minnetonka Technological Park;

and

Lots 1, 2, 3, 4 and 5, Block 1;

Lots 1 and 2, Block 2; and

That part of Outlot E lying within Section 34, Township 117 North, Range 22 West of the 5th Principal Meridian;

All in the recorded plat of Minnetonka Technological Park 2nd Addition.

Adopted by the City Council of the City of Minnetonka on this 18th day of July, 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERBER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: May 23, 1983
Date of second reading: July 18, 1983
Motion for adoption: Radermacher
Seconded by: Hanus
Voted in favor:
Gordon, Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

REZ. PET. NO. 369
Charles Robinson/Mtka.
Transportation, Inc.
Section 4

ORDINANCE NO. 83-77-312

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to R-2 (Two Family Residential District) to wit:

Commencing at intersection of Southerly line of (old) Minnetonka Boulevard (now known as Minnetonka Drive) and a line running parallel with a distance 971 feet west from East line of Southeast Quarter of Southeast Quarter; thence south along said parallel line 175 1/10 feet; thence at an angle to the right of 87 degrees 13 minutes a distance of 179 55/10 feet; thence Northwesterly to a point in Southwesterly line of (old) Minnetonka Boulevard (now known as Minnetonka Drive) distant 230 feet southwesterly from beginning; thence Northeasterly to beginning. ALSO

Commencing at point of intersection of Southerly line of (old) Minnetonka Boulevard (know known as Minnetonka Drive) and west line of East 971 feet of Southeast Quarter of Southeast Quarter; thence south on said west line 175 9/10 feet to actual point of beginning; thence continue south 175 9/10 feet; thence west parallel with south line of Southeast Quarter of Southeast Quarter distant 121 feet; thence at an angle to the right of 73 degrees 07 minutes a distance of 180 8/10 feet thence Easterly to beginning. ALSO

Commencing at point of intersection of Southerly line of railroad and west line of Southeast Quarter of Southeast Quarter; thence South to 110 feet south from northwest corner of South Half of Southeast Quarter of Southeast Quarter; thence east to a point 971 feet west from east line of Southeast Quarter of Southeast Quarter; thence North to a point 351 8/10 feet south from south line of (old) Minnetonka Boulevard (now known as Minnetonka Drive); thence west parallel with south line of Southeast quarter of Southeast Quarter a distance of 121 feet; thence at an anble to the right of 73 degrees 07 minutes to the southerly line of (old) Minnetonka Boulevard (now known as Minnetonka Drive); thence northeasterly along said southerly line 230 feet to a point in west line of east 971 feet of Southeast Quarter of Southeast Quarter; thence north to southerly line of railroad right-of-way; thence westerly to beginning.

EXCEPT that part lying northerly of the southerly line of Minnetonka Drive and its westerly extension.

Adopted by the City Council of the City of Minnetonka on this first day of August, 1983.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

D. L. EGGENBERBER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 25, 1983
Date of second reading: August 1, 1983
Motion for adoption: Radermacher
Seconded by: Hanus
Voted in favor:
Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Voted against:
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 366
R. L. Johnson
Section 36

ORDINANCE NO. 83-77-313

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to B-2 (Shopping Center Business District) to wit:

The North 690.10 feet of the East 665.00 feet of the Southeast Quarter of the Northeast Quarter of Section 36, Township 117 North, Range 22 West of the 5th Principal Meridian.

Subject to an easement for public right of way purposes in County Road No. 18.

Also subject to an easement for public right of way purposes over, under and across the north 33.00 feet and over, under and across the west 33.00 feet.

Adopted by the City Council of the City of Minnetonka on this first day of August, 1983.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

D. L. EGGENBERBER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 25, 1983
Date of second reading: August 1, 1983
Motion for adoption: Radermacher
Seconded by: Hanus
Voted in favor: Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Voted against:
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 373
City of Minnetonka
Section 2

ORDINANCE NO. 83-77-314

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Floodplain to P.U.D. (Planned Unit Development) to wit:

As indicated in the map below:

Adopted by the City Council of the City of Minnetonka on this 6th day of September, 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: August 22, 1983
Date of second reading: September 6, 1983
Motion for adoption: Hanus
Seconded by: Gordon
Voted in favor:
Gordon, Hanus, Hise, Cotton, DeGhetto, Radermacher, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

REZ. PET. NO. 359
Manchester Place
Section 16

ORDINANCE NO. 83-77-315

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential)/R-4 PURD (Multiple Planned Unit Residential District) to P.U.D. (Planned Unit Development) to wit:

Subdivision known as Manchester Place

Adopted by the City Council of the City of Minnetonka on this 6th day of September, 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERBER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: August 22, 1983
Date of second reading: September 6, 1983
Motion for adoption: Hanus
Seconded by: DeGhetto
Voted in favor:
Gordon, Hanus, Hise, DeGhetto, Radermacher, Donlin
Voted against: Cotton
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 372
Baker Technology Plaza
Section 34

ORDINANCE NO. 83-77-317

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family District)/B-1 (Limited Business District to I-1 (Planned Industrial District) to wit:

Property Description of the South Site

That part of the Southeast Quarter of the Southeast Quarter of Section 34, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows: Commencing at the intersection of the west line of said Southeast Quarter of the Southeast Quarter with a line 334.16 feet North of measured at a right angle to an parallel with the south line of said Southeast Quarter of the Southeast Quarter; thence easterly along said parallel line a distance of 293.10 feet to the point of beginning of the land to be described; thence northerly parallel with said West line to the intersection with a line 501.72 feet north of measured at a right angle to and parallel with said south line; thence westerly parallel with said south line to the west line of said Southeast Quarter of the Southeast Quarter; thence northerly along said west line to a point distant 660.00 feet northerly from the southwest corner of said Southeast Quarter of the Southeast Quarter; thence easterly along a line which intersects the east line of said Southeast Quarter of the Southeast Quarter at a point distant 669.92 feet northerly from the Southeast corner of said Southeast Quarter of the Southeast Quarter to the westerly right-of-way line of Federal Aid Interstate Highway No. 494 as described in Book 2613 of Deeds, page 567, Document No. 3688429; thence southwesterly and southerly along said westerly right-of-way line to the intersection with a line 334.16 feet north of measured at a right angle to and parallel with the south line of said Southeast Quarter of the Southeast Quarter; thence westerly along said parallel line to the point of beginning, according to the Government Survey thereof.

Subject to an electric transmission line easement and other rights incidental thereto in favor of Northern States Power Company over a portion of above land as more particularly set forth in that certain instrument dated November 11, 1974 and recorded in Book 74 of Hennepin County Records at page 4114701;

Together with that part of the North 167.56 feet of the South 501.72 feet of the Southeast Quarter of the Southeast Quarter of Section 34, Township 117, Range 22 which lies Westerly of a line drawn parallel with the West line of said Southeast Quarter of the Southeast Quarter from a point on the South line of said Southeast Quarter of the Southeast Quarter distant 293.1 feet Easterly from the Southwest corner of said Southeast Quarter of the Southeast Quarter, according to the Government Survey thereof.

Together with that part of the North 264.16 feet of the South 334.16 feet of the Southeast Quarter of the Southeast Quarter of Section 34, Township 117, Range 22, lying easterly of the West 213.00 feet thereof and westerly and northerly of the westerly right-of-way line of Interstate Highway No. 494 as described in Book 2613 of Deeds, page 567, Document No. 3688429 and Document No. 9030501;

Together with the South 3 feet of the North 507.38 feet of the West 355 feet of the Southeast Quarter of the Southeast Quarter, Section 34, Township 117, Range 22, Hennepin County, Minnesota, according to the United States Government Survey thereof;

Together with that part of the Southeast Quarter of the Southeast Quarter of Section 34, Township 117, Range 22, Hennepin County, Minnesota, lying South of the North 507.38 feet of said Southeast Quarter of the Southeast Quarter and West of the Westerly right-of-way line of Interstate Highway No. 494 as described in Deed Document No. 3688429, and North of a line drawn from a point on the West line of said Southeast Quarter of the Southeast Quarter distant 660 feet Northerly from the Southeast corner of said Southeast Quarter of the Southeast Quarter to a point on the East line of said Southeast Quarter distant 669.92 feet Northerly from the Southeast corner of said Southeast Quarter of the Southeast Quarter, according to the United States Government Survey thereof.

Property Description of North Site

That part of the South One-Half of the Northeast Quarter of the Southeast Quarter of Section 34, Township 117, Range 22, Hennepin County, Minnesota, lying westerly of the westerly right-of-way line of Interstate Highway No. 494.

Together with the South 470 feet of the North One-half of the Northeast Quarter of the Southeast Quarter of Section 34, Township 117, Range 22, Hennepin County, Minnesota, lying westerly of the westerly right-of-line of Interstate Highway No. 494 and easterly of the west 40 feet of said North One-half of the Northeast Quarter of the Southeast Quarter of said Section 34.

Adopted by the City Council of the City of Minnetonka on this 19th day of September, 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: September 6, 1983
Date of second reading: September 19, 1983
Motion for adoption: Hise
Seconded by: Gordon
Voted in favor:
Gordon, Hanus, Hise, Cotton, DeGhetto, Donlin
Voted against:
Abstained:
Absent: Radermacher
Ordinance adopted.

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REZ. PET. NO. 371
Dave Colehour/U-Wash-It
Section 30

ORDINANCE NO. 83-77-318

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to B-3 (Service Business District) to wit:

Lot 7 and 8, Delton Addition

Adopted by the City Council of the City of Minnetonka on this third day of October, 1983.

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: August 22, 1983
Date of second reading: October 3, 1983
Motion for adoption: Hise
Seconded by: Hanus
Voted in favor: DeGhetto, Hanus, Hise, Radermacher, Donlin
Voted against: Cotton, Gordon
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 345-A
Rell Property (Feltl Addition)
Section 36

ORDINANCE NO. 83-77-320

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from I-1 (Planned Industrial District) to P.U.D. (Planned Unit Development) to wit:

P.I.D. No. 36-117-22-23-0001

Adopted by the City Council of the City of Minnetonka on this 17th day of October, 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: October 3, 1983
Date of second reading: October 17, 1983
Motion for adoption: Cotton
Seconded by: Gordon
Voted in favor: Gordon, Hise, Cotton, DeGhetto, Donlin
Voted against:
Abstained:
Absent: Hanus, Radermacher
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 377
Mainline Travel
Section 30

ORDINANCE NO. 83-77-323

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to B-1 (Limited Business District) to wit:

That part of the Northeast Quarter of the Southeast Quarter of Section 30, Township 117, Range 22, Hennepin County, Minnesota described as follows:

Commencing at the Northeast corner of said Northeast Quarter of the Southeast Quarter; thence south 0 degrees 12 minutes 30 seconds East, assumed bearing, along the East line of said Northeast Quarter of the Southeast Quarter a distance of 870.32 feet to the point of beginning of the land to be described; thence South 89 degrees 47 minutes 30 seconds West a distance of 293.71 feet; thence South 0 degrees 12 minutes 30 seconds East a distance of 319.88 feet; thence North 89 degrees 47 minutes 30 seconds Eats to said East line a distance of 293.71 feet; thence North 0 degrees 12 minutes 30 seconds West along said East line a distance of 319.88 feet to the point of beginning.

Subject to a permanent easement for highway purposes over, under and across the following described property:

The Westerly 4.00 feet of the Easterly 37.00 feet of the above described parcel of land.

Commencing at the Northeast corner of said property, thence South 89 degrees 47 minutes 30 seconds West along the North line of said property a distance of 47.00 feet to the point of beginning; thence South 45 degrees 12 minutes 30 seconds East to the East line of said property and there terminating.

Also subject to a permanent easement for utility and drainage purposes over, under and across the Northerly 10.00 feet and the Westerly 14.00 feet of the Easterly 47.00 feet of said above described land.

Adopted by the City Council of the City of Minnetonka on this 7th day of November, 1983.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

D. L. EGGENBERGER, CITY CLERK

Ordinance No. 83-77-323

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: October 24, 1983
Date of second reading: November 7, 1983
Motion for adoption: Hise
Seconded by: Gordon
Voted in favor:
Hanus, Hise, Cotton, DeGhetto, Radermacher, Gordon, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 376
Outlot A, Opus 2 4th Addition
Section 36

ORDINANCE NO. 83-77-324

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to P.U.D. (Planned Unit Development) to wit:

That part of Outlot A, OPUS 2 FOURTH ADDITION, according to the recorded plat thereof which lies within 25.00 feet on each side of the following described center line:

Commencing at the northwest corner of said Outlot A; thence on an assumed bearing of South 87 degrees 02 minutes 18 seconds East, along the north line of said Outlot A, a distance of 676.00 feet; thence North 5 degrees 30 minutes 00 seconds East a distance of 20.00 feet, to the point of beginning of the center line to be described; thence South 5 degrees 30 minutes 00 seconds West a distance of 253.00 feet; thence southerly, a distance of 58.47 feet, along a tangential curve concave to the west having a radius of 100.00 feet and a central angle of 33 degrees 30 minutes 00 seconds; thence South 39 degrees 00 minutes 00 seconds West, tangent to said curve, a distance of 303.00 feet; thence southwesterly, a distance of 119.38 feet, along a tangential curve concave to the northwest having a radius of 120.00 feet and a central angle of 57 degrees 00 minutes 00 seconds and said center line there terminating.

Adopted by the City Council of the City of Minnetonka on this 7th day of November, 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: October 24, 1983
Date of second reading: November 7, 1983
Motion for adoption: Hise
Seconded by: Gordon
Voted in favor: Hanus, Hise, Cotton, DeGhetto, Radermacher, Gordon, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

REZ. PET. NO. 377-A
Mainline Travel
Section 30

ORDINANCE NO. 83-77-325

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to B-1 (Limited Business District) to wit:

South 133.3 feet of the North 1,323.5 feet of East 260 feet of SE 1/4 of Section 30, Township 117, Range 22.

Adopted by the City Council of the City of Minnetonka on this 5th day of December, 1983.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: November 21, 1983
Date of second reading: December 5, 1983
Motion for adoption: Hise
Seconded by: Hanus
Voted in favor: DeGhetto, Radermacher, Hanus, Hise, Cotton, Donlin
Voted against:
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 378
Glen Lake Townhomes
Section 33

ORDINANCE NO. 84 - 77 - 328

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residential District) to P.U.D. (Planned Unit Development) to wit:

Lot 6, "Glen Lake Park" according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 3rd day of January, 1984.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: December 19, 1983
Date of second reading: January 3, 1984
Motion for adoption: DeGhetto
Seconded by: Gordon
Voted in favor:
Gordon, Cotton, DeGhetto, Renneke, Donlin
Voted against:
Abstained:
Absent: Hanus, Hise
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

REZ. PET. NO. 380
Kraayenbrink
Section 22

ORDINANCE NO. 84-77-330

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family District) to R-2 (Two Family District) to wit:

Tract A:

That part of the north 260.27 feet of the Northwest Quarter of the Southeast Quarter of Section 22, Township 117, Range 22 West of the 5th Principal Meridian lying 84.00 feet west and 26.00 feet east of a line which is perpendicular to the north line of said Northwest Quarter of the Southeast Quarter and which intersects said north line a distance of 356.23 feet west from the northeast corner thereof. Subject to a public road easement over the north 33.00 feet thereof.

Tract B:

That part of the Northwest Quarter of the Southeast Quarter of Section 22, Township 117, Range 22 West of the 5th Principal Meridian lying 84.00 feet west and 46.00 feet east of a line which is perpendicular to the north line of said Northwest Quarter of the Southeast Quarter and which intersects said north line a distance of 356.23 feet west from the northeast corner thereof. Except the north 260.27 feet of the west 110.00 feet thereof. And except that part lying southerly of the northerly right-of-way line of State Highway No. 7 and that part lying southwesterly of the northeasterly right-of-way line of Interstate Highway No. 494. Subject to a public road easement over the north 33.00 feet thereof.

Adopted by the City Council of the City of Minnetonka on this 21st day of February, 1984.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: February 6, 1984
Date of second reading: February 21, 1984
Motion for adoption: Cotton
Seconded by: Hanus
Voted in favor: DeGhetto, Gordon, Hanus, Hise, Cotton, Donlin
Voted against:
Abstained:
Absent: Renneke
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

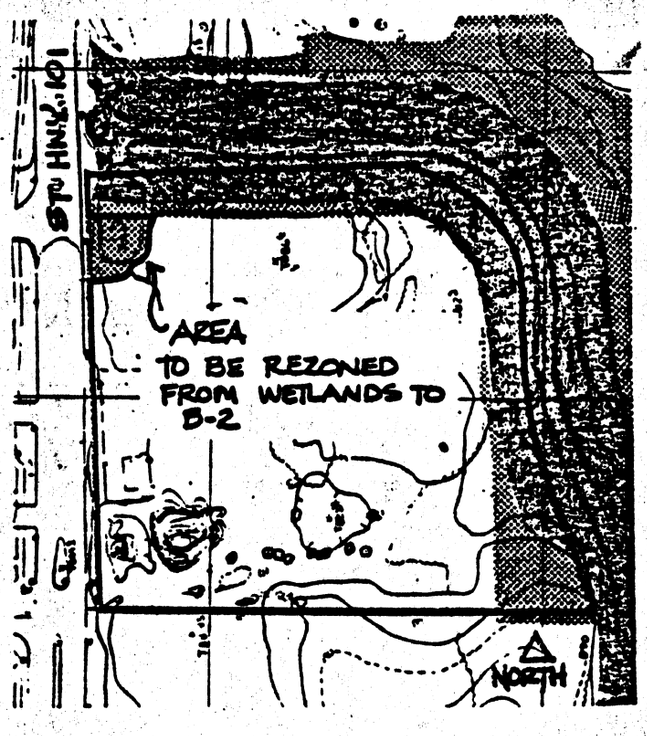
REZ. PET. NO. 379
Westwood Plaza
Section 29

ORDINANCE NO. 84-77-331

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to B-2 (Shopping Center District) to wit:



Adopted by the City Council of the City of Minnetonka on this 21st day of February, 1984.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: December 19, 1983
Date of second reading: February 21, 1984
Motion for adoption: Hanus
Seconded by: Gordon
Voted in favor:
DeGhetto, Gordon, Hanus, Cotton, Donlin
Voted against:
Abstained:
Absent: Hise, Renneke
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

REZ. PET. NO. 381
-- The Cliffs
Section 2

ORDINANCE NO. 84-77-337

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family District)/ B-4 (General Business District) to P.U.D. (Planned Unit Development) to wit:

Block 6, Sunset Hill

Lot 1,
Lot 2 to conform with PID # 02-117-22-23-0021
Part of Lot 2, to conform with PID # 02-117-22-23-0020
Lots 3, 4 to conform with PID # 02-117-22-23-0022
Lots 4, 5 to conform with PID # 02-117-22-23-0023
Part of Lot 5 to conform with PID # 02-117-22-23-0024
Lot 13, Lot 14, Lot 15, Lot 16, Lot 17
Lot 18 to conform with PID # 02-117-22-23-0038
Lot 19 to conform with PID # 02-117-22-23-0041
Lot 19 to conform with PID # 02-117-22-23-0040
Part of Lot 20 to conform with PID # 02-117-22-22-0033
Lot 20 to conform with PID # 02-117-22-22-0034

Block 7, Sunset Hill

Lot 1, Lot 2, Lot 3, Lot 4, Lot 5
Lot 6 and 7 to conform with PID # 02-117-22-24-0006 and 02-117-22-24-0007
Lot 8

Adopted by the City Council of the City of Minnetonka on this 21st day of May, 1984.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: May 7, 1984
Date of second reading: May 21, 1984
Motion for adoption: Hanus
Seconded by: Gordon
Voted in favor:
Hanus, Hise, Cotton, DeGhetto, Renneke, Gordon, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

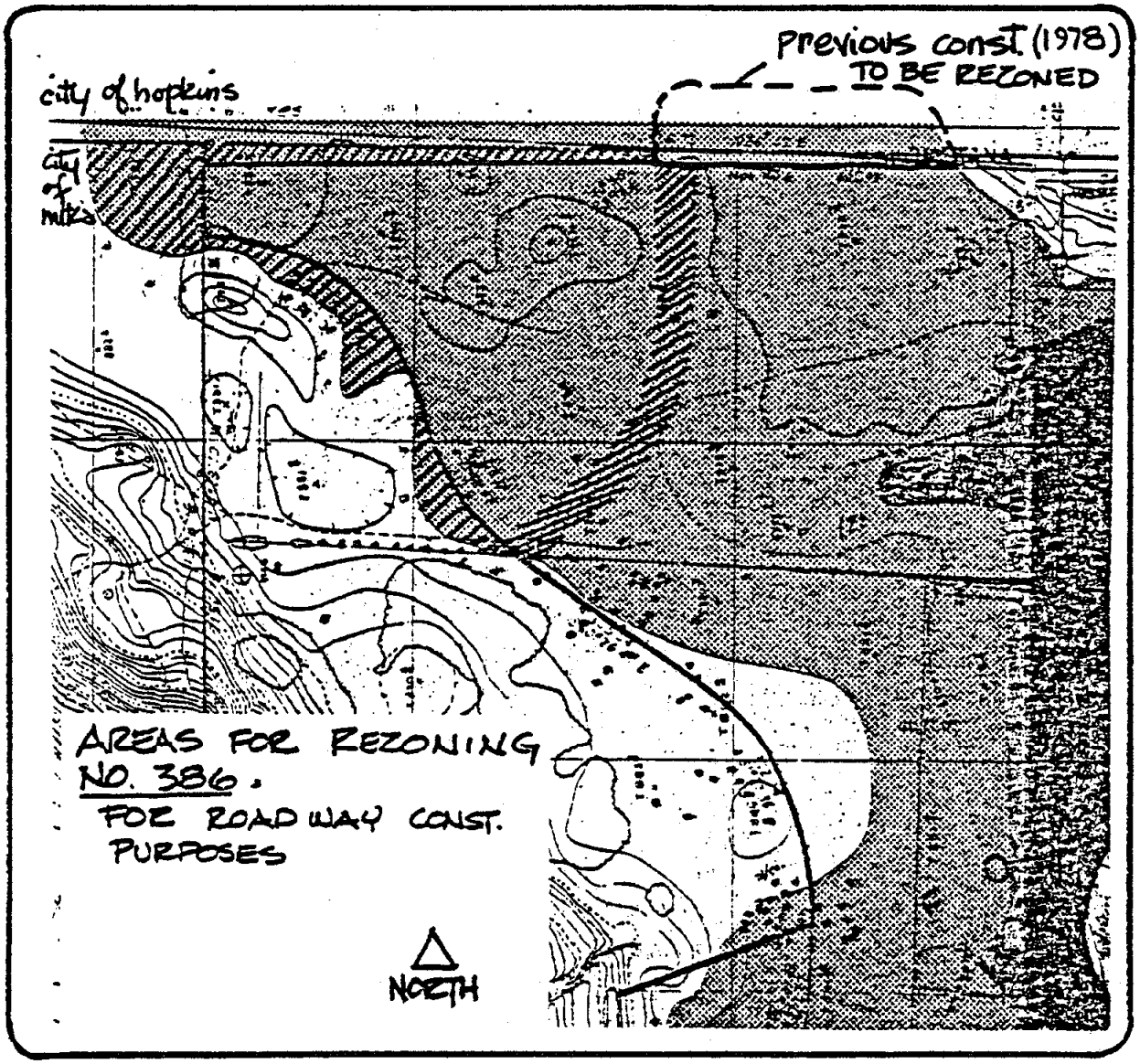
REZ. PET. NO. 386
Healey-Ramme &
The City of Minnetonka
Section 36

ORDINANCE NO. 84-77-338

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to P.U.D. (Planned Unit Development) to wit:



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Ordinance No. 84-77-338

Adopted by the City Council of the City of Minnetonka on this 29th day of May, 1984.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: May 21, 1984
Date of second reading: May 29, 1984
Motion for adoption: Hise
Seconded by: Cotton
Voted in favor: Hise, Cotton, DeGhetto, Renneke, Gordon, Hanus, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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file

REZ. PET. NO. 385
Concord Hill
Section 31

ORDINANCE NO. 84-77-339

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-4 (Multiple Family Residence District) to P.U.D. (Planned Unit Development) to wit:

Par. 1: That part of the Northeast Quarter of the Southwest Quarter of Section 31, Township 117 North, Range 22 West of the 5th Principal Meridian, lying westerly of the centerline of State Highway No. 101, except the four following described parcels of land.

Parcel 1

The North 233.00 feet of the West 160.00 feet of the Northeast Quarter of the Southwest Quarter of said Section 31.

Parcel 2

The North 177.00 feet of the East 153.00 feet of the West 313.00 feet of the Northeast Quarter of the Southwest Quarter of said Section 31.

Parcel 3

The West Half of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter of said Section 31.

Parcel 4

That part of the Northeast Quarter of the Southwest Quarter of said Section 31 described as follows:

Beginning at the northeast corner of said Northeast Quarter of the Southwest Quarter; thence westerly, along the north line of said Northeast Quarter of the Southwest Quarter, a distance of 200.00 feet; thence southerly, deflecting to the left 90 degrees 00 minutes 00 seconds, a distance of 108.00 feet; thence southwesterly, deflecting

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to the right 26 degrees 16 minutes 10 seconds, a distance of 160.00 feet; thence southeasterly, deflecting to the left 90 degrees 00 minutes 00 seconds, a distance of 186.97 feet, more or less, to the centerline of State Highway No. 101; thence northeasterly, along said centerline, to its intersection with the east line Northeast Quarter of the Southwest Quarter; thence northerly, along said line, to the point of beginning.

Subject to an easement for public right-of-way purposes over and across the most northerly 33.00 feet of the above described property. Said property is also suject to an easement for public right-of-way purposes in State Highway No. 101.

Par. 2. That part of the Southeast Quarter of the Southwest Quarter of Section 31, Township 117 North, Range 22 West of the 5th Principal Meridian, lying westerly and northerly of the centerline of State Highway No. 101, except the three following described parcels of land.

Parcel 1

That part of the Southeat Quarter of the Southwest Quarter of said Section 31 described as follows:

Beginning at the northwest corner of said Southeast Quarter of the Southwest Quarter; thence easterly, along the north line of said Southeast Quarter of the Southwest Quarter, to the westerly right-of-way line of State Highway No. 101; thence southwesterly, along said westerly right-of-way line, a distance of 155.50 feet; thence westerly, parallel with said north line, to the west line of said Southeast Quarter of the Southwest Quarter; thence northerly, along said west line, to the point of beginning.

Parcel 2

Beginning at a point on the westerly right-of-way line of State Highway No. 101, distant 155.50 feet southwesterly, measured along said westerly right-of-way line, from the intersection of said right-of-way line with the north line of said Southeast Quarter of the Southwest Quarter; thence southwesterly, along said westerly right-of-way line a distance of 379.50 feet; thence westerly parallel with the north line of said Southeast Quarter of the Southwest Quarter a distance of 231.00 feet; thence northeasterly, parallel with the westerly line of said highway, a distance of 379.50 feet; thence easterly, parallel with the north line of said Southeast Quarter of the

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Southwest Quarter, a distance of 231.00 feet to the point of beinning.

Parcel 3

That part of the Southeast Quarter of the Southwest Quarter of said Section 31 described as follows:

Commencing at the intersection of the westerly right-of-way line of State Trunk Highway No. 101 with the north line of said Southeast Quarter of the Southwest Quarter; thence southerly along said westerly right-of-way line a distance of 535.0 feet; thence westerly parallel with the north line of said Southeast Quarter of the Southwest Quarter a distance of 231.00 feet to the point of beginning of the land to be described; thence easterly along said parallel line a distance of 231.00 feet to the westerly right-of-way line of said highway; thence southerly along said westerly right-of-way line a distance of 290.0 feet; thence northwesterly at right angles to said westerly right-of-way line a distance of 130.0 feet; thence northerly to the point of beginning/

Subject to an easement for public right-of-way purposes in State Highway No. 101.

Adopted by the City Council of the City of Minnetonka on this 4th day of June, 1984.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: May 21, 1984
Date of second reading: June 4, 1984
Motion for adoption: Hise
Seconded by: Cotton
Voted in favor:
Cotton, Renneke, Gordon, Hanus, Hise, Donlin
Voted against:
Abstained:
Absent: DeGhetto
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 372-A
Baker Technology Plaza
Section 36

ORDINANCE NO. 84-77-341

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District)/B-1 (Limited Business District) to I-1 (Planned Industrial District) to wit:

Lot 1, Block 1 and Outlot A:

That part of the south half of the northeast quarter of the southeast quarter of Section 34, Township 117, Range 22 West, of the fifth principal meridian, lying westerly of the westerly right-of-way of Interstate Highway No. 494.

2.3 Acre Parcel:

That part of the north half of the northeast quarter of the southeast quarter of Section 34, Township 117, Range 22, Hennepin County, Minnesota, lying westerly of the westerly right-of-way line of Interstate Highway No. 494 and lying southerly of the Chicago, Milwaukee, Saint Paul and Pacific Railroad.

Adopted by the City Council of the City of Minnetonka on this 18th day of June, 1984.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: May 21, 1984
Date of second reading: June 18, 1984
Motion for adoption: Gordon
Seconded by: Renneke
Voted in favor: DeGhetto, Renneke, Gordon, Hanus, Hise, Cotton, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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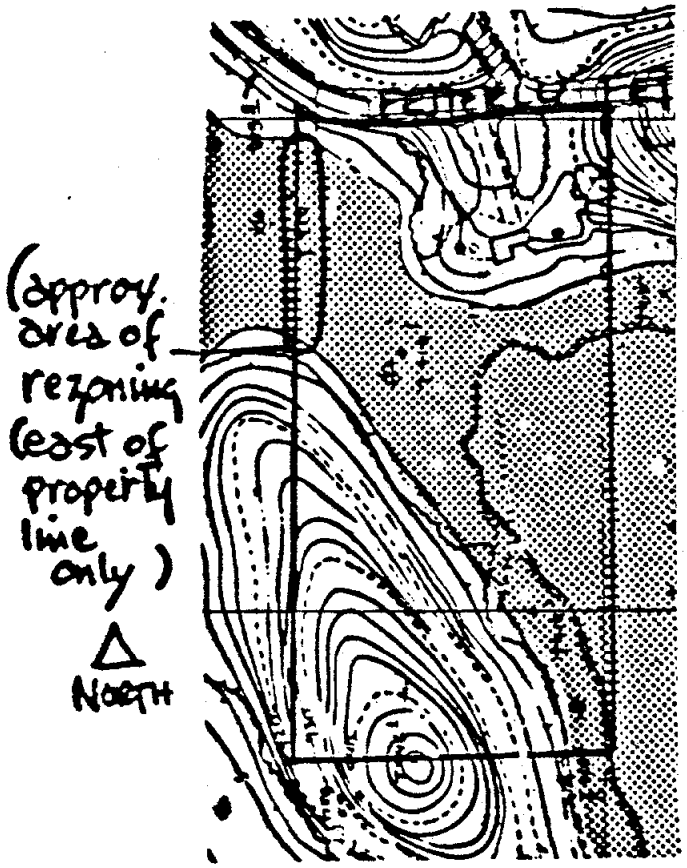
REZ. PET. NO. 387
Harry Bongard
Section 11

ORDINANCE NO. 84-77-342

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residence District)/B-1 (Limited Business District) to wit:



Adopted by the City Council of the City of Minnetonka on this 25th day of June, 1984.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger
D. L. EGGENBERGER, CITY CLERK

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Ordinance No. 84-77-342

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: June 18, 1984
Date of second reading: June 25, 1984
Motion for adoption: Gordon
Seconded by: Cotton
Voted in favor:
Renneke, Gordon, Hanus, Hise, Cotton, DeGhetto, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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ORDINANCE NO. 84-77-346

AN ORDINANCE AMENDING SECTION 16, SUBDIVISION 2 OF ORDINANCE NO. 77 TO ALLOW WIND ENERGY CONVERSION SYSTEMS WITHIN THE I-2, GENERAL INDUSTRIAL DISTRICT

THE CITY OF MINNETONKA DOES ORDAIN:

Section 16, Subdivision 2 of Ordinance No. 77 is hereby amended by adding the underlined language:

Subdivision 2. Permitted Uses.

Within an I-2 GENERAL INDUSTRIAL DISTRICT, no building or land shall be used except for one or more of the following uses:

1. Any use permitted in the I-1 INDUSTRIAL DISTRICT.
2. Bottling establishment.
3. Building materials sales and storage.
4. Cartage and express facilities.
5. Contractors' offices, shops, and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry, electrical and refrigeration.
6. Drycleaning establishments, laundries.
7. Electric light and power generating station.
8. Freight terminal.
9. Fuel and ice sales and storage.
10. Garages for storage, repair, and servicing of motor vehicles.
11. Highway maintenance shops and yards.
12. Monument works.
13. Printing.
14. Public service structures including power substations, gas regulator stations, sewage disposal plant, telephone exchange, police or fire station, elevated tanks, and water works.
15. Manufacturing, processing, storage, servicing, and testing, provided such use or uses shall comply with the performance standards in I-2 INDUSTRIAL DISTRICTS.
16. Wind energy conversion systems, providing that they are certified by a professional engineer as being of a design adequate for the atmospheric conditions of the Twin Cities, and are equipped with overspeed or similar controls designed to prevent disintegration of the rotor in high winds. Wind energy conversion systems shall also be subject to building and electrical code requirements, the noise regulations of the Minnesota Pollution Control Agency, and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration. In the event that a wind energy conversion system has not been operated for one year (365 days) or does not continue to meet the conditions stated above, the City Council may order that the wind energy conversion system be dismantled and the site restored to its original condition. If the property owner or person responsible

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for the wind energy conversion system does not comply with the City Council's order, the City or its agents may enter onto the property and undertake the work necessary to achieve compliance. The cost of such work and any administrative processing shall then be a lien against the property on which the system was located and may be levied and collected in the manner of a special assessment. The City may sell the salvage and valuable materials at public auction upon ten days' published notice.

Adopted by the City Council of the City of Minnetonka on this 6th day of August, 1984.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
Dale L. Eggenberger, City Clerk

ACTION OF THE ABOVE ORDINANCE:

Date of first reading: July 16, 1984
Date of second reading: August 6, 1984
Motion for adoption: Hise
Seconded: Renneke
Voted in favor of:
Cotton, DeGhetto, Renneke, Gordon, Hanus, Hise, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty days after publication.)

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ORDINANCE NO. 84-77-347

AN ORDINANCE AMENDING SECTION 6, SUBDIVISION 3 OF ORDINANCE NO. 77 TO ALLOW WIND ENERGY CONVERSION SYSTEMS BY CONDITIONAL USE PERMIT WITHIN THE R-1A, RESIDENCE DISTRICT

THE CITY OF MINNETONKA DOES ORDAIN:

Section 6, Subdivision 3 of Ordinance No. 77 is hereby amended by adding the following underlined language:

Subdivision 3. Uses by Conditional Use Permit.

Within an R-1A Residence District, no building or land shall be used for one or more of the following uses except by Conditional Use Permit:

1. Municipal administration buildings, police and fire stations, community center buildings, churches, public libraries, museums, art galleries, post office and other municipal service buildings, except those customarily considered industrial in use and provided that no buildings shall be located within fifty (50) feet of any lot line of an abutting lot in any of the Classes of Residence Districts.
2. Water supply buildings, reservoirs, wells, elevated tanks, and similar essential service structures.
3. Golf club house, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within fifty (50) feet of any lot line of an abutting lot in any of the Classes of Residence Districts.
4. Office of professional persons and home occupations when such use does not exceed one-third (1/3) of the main floor space of a dwelling, is conducted not in any other building on the premises except the principal dwelling, and does not employ persons not residing on the premises.
5. Railroad right of way, but not including railroad yards.
6. Amateur transmitting and receiving stations.
7. Cemetery, memorial garden.
   (Subd. 3 amended 9/8/69, Ord. 77-70)
8. The construction of or addition to any accessory building which contains or will contain more than 1,000 square feet and/or more than 10,000 cubic feet and/or a height in excess of 12 feet. (added 12/22/80)
9. Wind energy conversion systems, providing that they are located a distance from the closest property line equal to the height of the tower plus one-half of the diameter of the rotor, are certified by a professional engineer as being of a design adequate for the atmospheric conditions of the Twin Cities, and are equipped with overspeed or similar controls designed to prevent disintegration of the rotor in high winds. Wind energy

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conversion systems shall also be subject to building and electrical code requirements, the noise regulations of the Minnesota Pollution Control Agency, and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration. In the event that a wind energy conversion system has not been operated for one year (365 days) or does not continue to meet the conditions stated above, the City Council may order that the wind energy conversion system be dismantled and the site restored to its original condition. If the property owner or person responsible for the wind energy conversion system does not comply with the City Council's order, the City or its agents may enter onto the property and undertake the work necessary to achieve compliance. The cost of such work and any administrative processing shall then be a lien against the property on which the system was located and may be levied and collected in the manner of a special assessment. The City may sell the salvage and valuable materials at public auction upon ten days' published notice.

Adopted by the City Council of the City of Minnetonka on this 6th day of August, 1984.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
Dale L. Eggenberger, City Clerk

ACTION OF THE ABOVE ORDINANCE:

Date of first reading: July 16, 1984
Date of second reading: August 6, 1984
Motion for adoption: Hise
Seconded: Renneke
Voted in favor of:
Cotton, DeGhetto, Renneke, Gordon, Hanus, Hise, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty days after publication.)

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REZ. PET. NO. 365-A
Minnetonka Corporate Center
Section 35

ORDINANCE NO. 84 - 77 - 348

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-4 (Multiple Family Residence District to P.U.D. (Planned Unit Development) to wit:

Lot 1, Block 3, Minnetonka Technological Park
Lot 2, Block 4, Minnetonka Technological Park

Adopted by the City Council of the City of Minnetonka on this 6th day of August, 1984.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 16, 1984
Date of second reading: August 6, 1984
Motion for adoption: Hise
Seconded by: Hanus
Voted in favor:
Cotton, DeGhetto, Renneke, Gordon, Hanus, Hise, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 388
Maurice Waggener/Morrie's Mazda
Section 3

ORDINANCE NO. 84 - 77 - 350

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-4 (General Business District) to B-3 (Service Business District) to wit:

The South 478 feet of the East 50 feet of the Southeast 1/4 of the Northwest 1/4 of Section 3, Township 117, Range 22, Hennepin County, Minnesota, which lies northerly of the northerly right-of-way line of Highway 12 as described in Document No. 3763766.

Subject to a permanent easement for sanitary sewer purposes described in Book 70 of Hennepin County records, page 3846288.

Also that part of the South 1/2 of the Northwest 1/4, Section 3, Township 117, Range 22, Hennepin County, Minnesota, described as follows: Beginning at a point in the east line of said South 1/2 of the Northwest 1/4 which is 478 feet north of the southeast corner; thence west parallel with the south line of said South 1/2 of the Northwest 1/4 a distance of 50 feet to the point of beginning of the land to be described; thence at an angle to the left 0 degrees 04 minutes 20 seconds a distance of 268 feet; thence at an angle left 79 degrees 04 minutes to the north line of U.S. Highway No. 12; thence east 345 feet on the north line of U.S. Highway No. 12 to a point which is 50 feet west of the east line of said South 1/2 of the Northwest 1/4; thence north parallel with said east line 428 feet to the point of beginning, which lies northerly of the northerly right-of-way line of Highway 12 as described in Document No. 3763766. Subject to permanent easement for sanitary sewer purposes as described in Book 76 of Hennepin County records, page 4211248. Subject to restrictions, reservations and easements of record, if any.

Adopted by the City Council of the City of Minnetonka on this day of 1984.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

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Ordinance No. 84-77-350

Page Two

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 16, 1984
Date of second reading: September 17, 1984
Motion for adoption: Renneke
Seconded by: Hise
Voted in favor: Hanus, Hise, DeGhetto, Renneke, Gordon, Donlin
Voted against: Cotton
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 390
Fingerhut Corporate Headquarters
Section 22

ORDINANCE NO. 84-77-353

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D.-(Planned Unit Development) to wit:

That part of the South 310 feet of the Southwest 1/4 of the Southeast 1/4 of Section 22, Township 117, Range 22, lying East of Interstate Highway 494 and West of County Road 60, consisting of Lots 1 through 8 inclusive, Fingerhut Addition, Hennepin County, Minnesota, and all of Fingerhut Lane, all as shown on plat.

Subject to utility and drainage easements as shown on plat.

Adopted by the City Council of the City of Minnetonka on this 1st day of October, 1984.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST: D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: September 24, 1984
Date of second reading: October 1, 1984
Motion for adoption: Hanus
Seconded by: Gordon
Voted in favor: Cotton, DeGhetto, Renneke, Gordon, Hanus, Donlin
Voted against: Hise
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 392
City of Minnetonka/
Carlson Properties
Section 4

ORDINANCE NO. 84 - 77 - 356

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-4 (General Business District) to B-1 (Limited Business District) to wit:

That part of the south 250.00 feet of the east 233.00 feet of the Southeast Quarter of the Northwest Quarter of Section 4, Township 117 North, Range 22 West. Hennepin County, Minnesota lying north, northwesterly and westerly of the following described line:

Commencing at the southwest corner of Outlot B Twelve Oaks Center, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for Hennepin County, Minnesota; thence North 89 degrees 42 minutes 37 seconds East, assumed bearing, a distance of 125.56 feet along the south line of said Outlot B to the point of beginning of the line to be described; thence North 88 degrees 16 minutes 08 seconds East a distance of 341.50 feet; thence northeasterly a distance of 247.32 feet along a tangential curve concave to the northwest and having a radius of 390.00 feet and a central angle of 36 degrees 20 minutes 02 seconds; thence northeasterly and northerly a distance of 65.86 feet along a compound curve concave to the northwest and having a radius of 139.91 feet and a central angle of 26 degrees 58 minutes 15 seconds to the intersection with a line 33.00 feet westerly of, as measured at a right angle, and parallel with the east line of said Southeast Quarter of the Northwest Quarter; thence North 0 degrees 04 minutes 08 seconds East along said parallel line to the north line of said south 250.00 feet of the Southeast Quarter of the Northwest Quarter and said line there terminating.

Subject to a perpetual easement for drainage and for utility purposes over, under and across the North 7 feet and the West 7 feet of the above described property.

Adopted by the City Council of the City of Minnetonka on this 19th day of November, 1984.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

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ATTEST: D L Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: November 5, 1984
Date of second reading: November 19, 1984
Motion for adoption: Hanus
Seconded by: Gordon
Voted in favor:
Hanus, Hise, Cotton, DeGhetto, Renneke, Gordon, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 388-A
Maurice Wagener
Section 3

ORDINANCE NO. 84-77-357

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-3 (Service Business District) to P.U.D. (Planned Unit Development) to wit:

The South 478 feet of the East 50 feet of the Southeast 1/4 of the Northwest 1/4 of Section 3, Township 117, Range 22, Hennepin County, Minnesota, which lies northerly of the northerly right-of-way line of Highway 12 as described in Document No. 3763766.

Subject to a permanent easement for sanitary sewer purposes described in Book 70 of Hennepin County records, page 3846288.

Also that part of the South 1/2 of the Northwest 1/4, Section 3, Township 117, Range 22, Hennepin County, Minnesota, described as follows: Beginning at a point in the east line of said South 1/2 of the Northwest 1/4 which is 478 feet north of the southeast corner; thence west parallel with the south line of said South 1/2 of the Northwest 1/4 a distance of 50 feet to the point of beginning of the land to be described; thence at an angle to the left 0 degrees 04 minutes 20 seconds a distance of 268 feet; thence at an angle left 79 degrees 04 minutes to the north line of U.S. Highway No. 12; thence east 345 feet on the north line of U.S. Highway No. 12 to a point which is 50 feet west of the east line of said South 1/2 of the Northwest 1/4; thence north parallel with said east line 428 feet to the point of beginning, which lies northerly of the northerly right-of-way line of Highway 12 as described in Document No. 3762766. Subject to permanent easement for sanitary sewer purposes as described in Book 76 of Hennepin County records, page 4211248. Subject to restrictions, reservations and easements of record, if any.

Adopted by the City Council of the City of Minnetonka on this 17th day of December, 1984.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

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ACTION ON THE ABOVE ORDINANCE:

Date of first reading: November 19, 1984
Date of second reading: December 17, 1984
Motion for adoption: DeGhetto
Seconded by: Hise
Voted in favor:
DeGhetto, Renneke, Hanus, Hise, Donlin
Voted against: Cotton
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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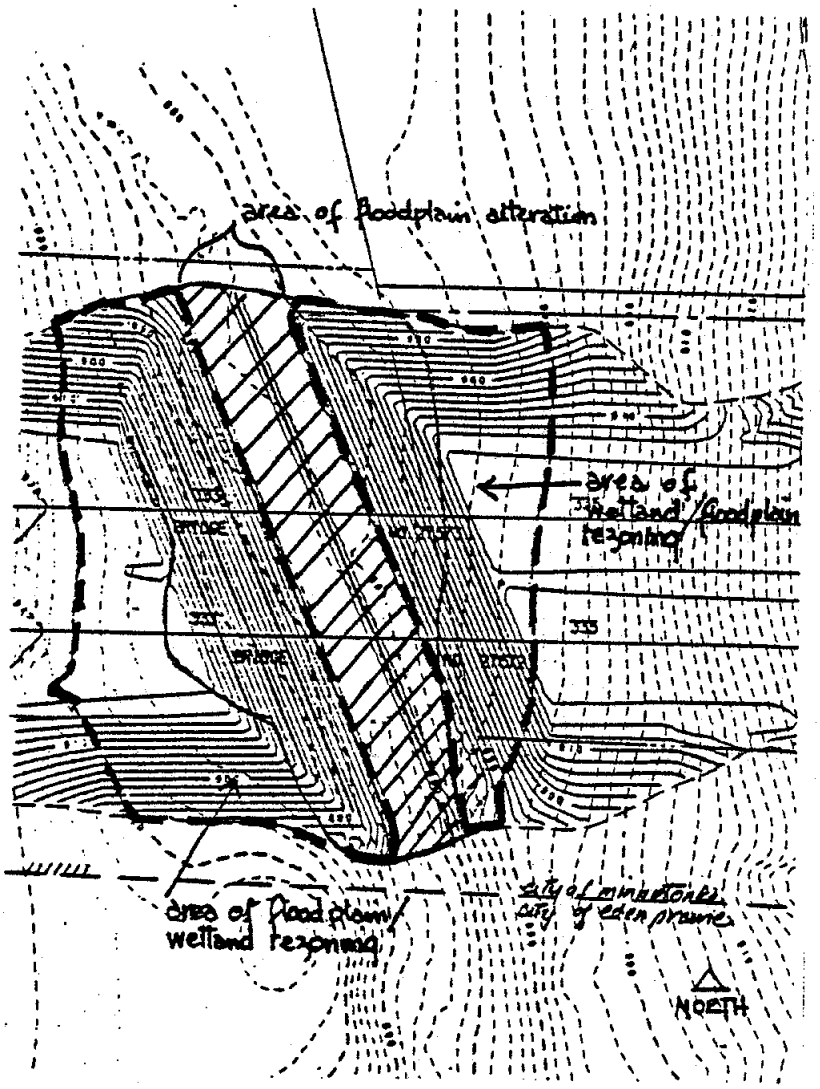
REZ. PET. NO. 395
City of Minnetonka/Hennepin County
Section 35

ORDINANCE NO. 85 - 77 - 360

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Floodplain/Wetlands to R-1 (Single Family Residence District) to wit:



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Ordinance No. 85-77-360

Adopted by the City Council of the City of Minnetonka on this 21st day of January, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: January 7, 1985
Date of second reading: January 21, 1985
Motion for adoption: DeGhetto
Seconded by: Gordon
Voted in favor: Gordon, Cotton, DeGhetto, Renneke, Donlin
Voted against:
Abstained: Hanus
Absent: Hise
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 391
Ridgedale Independent Living Center
Section 2

ORDINANCE NO. 85 - 77 - 361

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-5 (Multiple Family Residential District) Floodplain/Wetlands to P.U.D. (Planned Unit Development) to wit:

Lots 3, 4, 5, 6, 7 and 8, Block 5, Sunset Hill Addition, Hennepin County, Minnetonka, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 21st day of January, 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: January 7, 1985
Date of second reading: January 21, 1985
Motion for adoption: Gordon
Seconded by: DeGhetto
Voted in favor: Gordon, Cotton, DeGhetto, Renneke, Donlin
Voted against:
Abstained: Hanus
Absent: Hise
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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ORDINANCE NO. 85 - 77 - 365

AN ORDINANCE AMENDING SECTION 17, SUBDIVISION 1, PARAGRAPH 7 (t.) AND 7 (u.) OF ORDINANCE NUMBER 77 AS IT PERTAINS TO GENERAL PROVISIONS IN THE SIGN ORDINANCE

THE CITY OF MINNETONKA DOES ORDAIN:

Section 17, Subdivision 1, Paragraph 7 (t.) and 7 (u.) of Ordinance Number 77 of the City of Minnetonka is hereby amended by deleting language as shown and replacing with language in bold:

Paragraph 7. General provisions

~~(t.) Banners and stringers may be used, for grand openings and holidays only, and they shall be limited to a period of not to exceed thirty (30) days for such occasions.~~

~~(u.) Temporary signs in any required setback area may be used for grand openings and holidays only and they shall be limited to a period of not to exceed thirty (30) days for such occasions. There shall be no more than three (3) such signs on any parcel, and the total sign area shall not exceed thirty (30) square feet.~~

(t.) Banners, pennants, or flags may be used for the grand opening of a business and their use shall be limited to a period not to exceed thirty (30) days for such an occasion. In addition, banners, pennants, or flags may be used on other occasions during one calendar year by any business to advertise the sale of goods or services offered on the premises. The total time period of the other occasions may not exceed sixty (60) days for banners, pennants, flags or a combination of the foregoing. Use of banners, pennants, or flags for grand openings or other occasions shall require a temporary sign permit.

(u.) Temporary signs may be used for the grand opening of a business and their use shall be limited to a period not to exceed thirty (30) days for such an occasion. In addition, temporary signs may also be used on other occasions during any calendar year by any business to advertise the sale of goods or services offered on the premises. The total time period of the other occasions may not exceed sixty (60) days. There shall be no more that three (3) such signs on any parcel, and the total sign area shall not exceed thirty (30) square feet. Use of such signs for grand openings or other occasions shall require a temporary sign permit.

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Adopted by the City Council of the City of Minnetonka on this 28th day of January, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

Dale L. Eggenberger, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: January 21, 1985
Date of second reading: January 28, 1985
Motion for adoption: Hise
Seconded: Cotton
Voted in favor of:
Hanus, Hise, Cotton, DeGhetto, Renneke, Donlin
Voted against:
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty days after publication.)

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REZ. PET. NO. 396
Bren Road Condominiums
Quality Homes
Section 35

ORDINANCE NO. 85-77-369

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following desribed premises on the official zoning map from R-1 (Single Family Residence District) to R-4 (Multiple Family Residence District) to wit:

That part of the North one-half (N 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 35, Township 117, Range 22, lying East of the center line of County Road No. 60; and, also

That part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 35, Township 117, Range 22, described as follows: Commencing at the Southeast corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said Section; thence North along the East line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said Section 537.2 feet, more or less, to the center line of township road as opened by the Town Board March 21, 1932; thence to the left at an angle of 82 degrees 13 minutes along the center line of said road 179.2 feet to a point; thence continuing left along the center line of said road and at an angle of 15 degrees 32 minutes 180 feet, more or less, to the center line of County Road No. 60; thence continuing South along the center line of said County Road No. 60 to the intersection by said line with the South line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said section; thence East along the South line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said Section 345.5 feet, more or less, to the point of beginning, all of said property being in the County of Hennepin, State of Minnesota. Subject to Document 3624203 and 4370075 for right-of-way for Bren Road.

Adopted by the City Council of the City of Minnetonka on this 25th day of February, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

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Ordinance No. 85-77-369

ATTEST: D L Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: February 19, 1985
Date of second reading: February 25, 1985
Motion for adoption: Hise
Seconded by: Cotton
Voted in favor:
DeGhetto, Gordon, Hanus, Hise, Cotton, Donlin
Voted against:
Abstained:
Absent: Renneke
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 329-A
Marsh Run II Phase Two
Section 2

ORDINANCE NO. 85-77-370

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District)/B-4 (General Business District) to B-1 (Limited Business District) to wit:

The East 250 feet of Lot 19, Block 2, Boulevard Gardens.

Lot 13, Block 2, Boulevard Gardens.

Lot 14, Block 2, Boulevard Gardens.

Lot 15, Block 2, Boulevard Gardens.

Adopted by the City Council of the City of Minnetonka on this 25th day of February, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: December 17, 1984
Date of second reading: February 25, 1985
Motion for adoption: DeGhetto
Seconded by: Renneke
Voted in favor: Renneke, DeGhetto, Hanus, Hise, Donlin
Voted against: Cotton
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 397
Burger King Corporation
Section 21

ORDINANCE NO. 85-77-371

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-4 (General Business District) to wit:

All that part of Lot 4 which lies North of the centerline of State Highway No. 7 except the West 44 feet thereof in Block 2, Tonkawood Farms, according to the map or plat thereof on file and of record in the office of the Registrar of Titles in and for Hennepin County, Minnesota.

Subject to State Highway No. 7 right-of-way per Document Number 122500 dated July 9, 1935.

And subject to a street right-of-way easement to the City of Minnetonka per Document Number 919217 dated may 7, 1968.

Adopted by the City Council of the City of Minnetonka on this 18th day of March, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: March 5, 1985
Date of second reading: March 18, 1985
Motion for adoption: Cotton
Seconded by: Renneke
Voted in favor: Hanus, Hise, Cotton, DeGhetto, Renneke, Donlin
Voted against:
Abstained:
Absent: Gordon
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 374-A
Benjamin Leung
Section 33

ORDINANCE NO. 85-77-374

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-2 (Two Family Residence District) to wit:

Lot 2, Block 1, GLEN CREST 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 1st day of April, 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: March 18, 1985
Date of second reading: April 1, 1985
Motion for adoption: Renneke
Seconded by: Hise
Voted in favor:
Hise, Cotton, DeGhetto, Renneke, Gordon, Hanus, Donlin.
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 399
"12/18 Minnetonka Partnership"
Section 1

ORDINANCE NO. 85-77-375

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-1 (Limited Business District) to P.U.D. (Planned Unit Development) and the Master Development Plan, to wit:

That part of the SW Quarter of the NE Quarter of Section 1, Township 117, Range 22, lying South of US Highway 12 and East of a line drawn parallel to and 378 feet West of the East line of said SW Quarter of the NE Quarter of said section; except the South 10 rods of the East 16 rods*

*thereof; also, except land heretofore deeded to the State described in instrument dated 4/21/64, in Book 2442 of Deeds, Page 329; and of the location of all buildings, if any thereon, and all visible encroachments, if any, from or on said Land.

Adopted by the City Council of the City of Minnetonka on this 15th day of April, 1985.

Larry G. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: April 1, 1985
Date of second reading: April 15, 1985
Motion for adoption: Gordon
Seconded by: Renneke
Voted in favor:
Cotton, DeGhetto, Renneke, Gordon, Hanus, Hise, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 393
"Breconwood Plaza"
Section 18

ORDINANCE NO. 85-77-376

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D. (Planned Unit Development) and the Master Development Plan, to wit:

Lot 52 and 62, Deephaven Acres

Adopted by the City Council of the City of Minnetonka on this 6th day of May, 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger
D. L. EGGENBERGER, ~~CITY~~ CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: April 15, 1985
Date of second reading: May 6, 1985
Motion for adoption: Hanus
Seconded by: Gordon
Voted in favor:
Renneke, Gordon, Hanus, Hise, Cotton, DeGhetto, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 398
"Fairfield Development"
Sheehan/Winter/Mastny
Section 3

ORDINANCE NO. 85-77-377

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-4 (General Business District) to P.U.D. (Planned Unit Development) and the Master Development Plan, to wit:

Lot 26, except the North 10 feet taken for highway, "Fairfield Acres", according to the plat thereof on file or of record in the office of the Register of Deeds in and for said County.

Adopted by the City Council of the City of Minnetonka on this 6th day of May, 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggemberger
D. L. EGGEMBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: April 22, 1985
Date of second reading: May 6, 1985
Motion for adoption: Gordon
Seconded by: Hise
Voted in favor: Renneke, Gordon, Hise, Cotton, DeGhetto, Donlin
Voted against:
Abstained:
Absent: Hanus
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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ORDINANCE NO. 85-77-380

AN ORDINANCE AMENDING ORDINANCE NO. 77, SECTION 17, OF THE 1982 CODE OF ORDINANCE OF THE CITY OF MINNETONKA BY ADDING A NEW SUBDIVISION 5 PERTAINING TO SITE AND BUILDING PLAN REVIEW FOR GRADING, FILLING AND EXCAVATION OPERATIONS:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 17, Subdivision 4 of Ordinance No. 77 is hereby amended by adding a new Subdivision 5 as follows:

SUBDIVISION 5 GRADING, FILLING AND EXCAVATION

1. PURPOSE

Grading, filling and land excavation are considered to be legitimate aspects of the community development process. As such, these activities are expected to occasionally occur in each zoning district. However, these activities are often accompanied by a variety of related impacts which can contribute to short and long term disruptions to the natural and man-made environment. Consequently, it is determined to be in the public interest to require that these activities receive an appropriate permit from the City prior to being initiated. The permit procedure will be used to review the proposed action, require modifications and bonding as necessary to mitigate impacts and to deny those requests which are deemed to be inappropriate for reasons which are defined herein.

2. PERMIT REQUIRED

A. No person shall undertake, authorize, or permit any of the following actions without first having obtained a grading permit from the City:

1. Any excavating, grading, filling or other change in the earth's topography resulting in the movement of more than 50 yards of material except in any designated wetland, floodplain, or shoreland as defined and determined by this ordinance.

2. Any excavating, grading, filling or other change in the earth's topography in any designated wetland, floodplain, or shoreland as defined and determined by this ordinance.

3. Any mining operations for gravel or other materials.

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B. No grading permit shall be required for the following activities, except as required by the Uniform Building Code:

1. Earthwork undertaken in accordance with grading plans approved in conjunction with a Site Plan Review or Subdivision.

2. Earthwork that will result in moving under 50 cubic yards of material as long as the work does not take place in any designated wetland, floodplain or shoreland as defined and determined by this ordinance.

C. No person shall undertake, authorize or permit any excavating, grading, filling or other change in the earth's topography which violates or is not in compliance with a grading permit issued by the City, including the approved plans and all terms and conditions of the permit.

3. PROCEDURES

A. Applicants for grading permits shall submit a completed application on forms provided by the City, shall pay the required application fee and shall provide such information as the City deems to be necessary.

B. Grading plans which result in the moving of between 50 and 1,000 cubic yards of material per acre of site area may be approved by the Director of Planning. The Director may impose such modifications and conditions as are necessary to protect the public interest. Bonding may be required in an amount sufficient to ensure site restoration should the applicant default on his or her responsibilities. The applicant may appeal the Director's determination in accordance with the procedure outlined in paragraph C below.

C. All grading permits which will result in the moving of more than 1,000 cubic yards of material per acre of site area and appeals to staff action on permits involving less than 1,000 cubic yards, shall be reviewed as a Conditional Use Permit, under procedures outlined in Section 20 of this ordinance.

D. The Planning Department shall mail notice of the meeting before the Planning Commission to all property owners within 400' whose names appear on the list of names and addresses from Hennepin County submitted with the application. This notice shall be sent out a minimun of 10 days prior to the Planning Commission meeting.

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4. SUBMITTAL REQUIREMENTS

The City may request the following information and plans as is necessary to review the grading permit application:

A. Existing and proposed final grades utilizing 2 foot contour intervals.

B. Survey showing location and elevation of all roads, utilities and structures that may be impacted by the proposal.

C. Tree survey showing all material 6 inches or more in diameter and a tree preservation plan.

D. Landscaping/site restoration plan.

E. Development concept plan indicating how the recontoured parcel may be developed in a manner consistent with the zoning ordinance and comprehensive plan.

F. Drainage plan including any engineering for stormwater retention that may be necessary. An erosion control plan indicating the type and location of erosion control measures shall also be provided.

G. Traffic analysis showing how the material will be removed from or delivered to the site.

5. PERFORMANCE STANDARDS

Grading permits shall be issued only for grading plans which comply with the following Standards:

A. The plan must maximize the preservation of trees on the property and utilize the trees to the maximum extent possible to screen the grading from adjacent property.

B. The plan must utilize landscaping to restore site aesthetics, minimize the visual impact of the work, screen the grading from adjacent property, and enhance the property's development potential. All areas altered because of grading activity must at a minimum be restored with seed and disced mulch or sod, within two weeks after the completion of the activity. The City may approve an extension to this deadline if appropriate, however, in no case shall site restoration be delayed beyond October 1.

C. The plan shall not result in sites which are unsatisfactory for development of permitted uses. The development potential of a site may be adversely impacted by such matters as unsuitable finished grades, poor soil stability, unsatisfactory drainage and/or exposure to deleterious influences such as highway

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frontages for residential property.

D. The plan must provide for the removal of any significant amounts of organic material and/or construction debris from the site.

E. In instances where an existing natural or created buffer will be impacted by grading or filling operations, site restoration must be completed in a manner which resembles, to the extent possible, the original vegetative and topographic state of the property when deemed appropriate by the City.

F. The plan must protect designated wetlands, public waters, floodplains, and other natural features to the maximum extent possible.

G. The plan must provide for adequate drainage, stormwater retention, and erosion control measures.

H. The plan must provide for traffic movements to and from the site which do not have significant adverse affects on roads, intersections, or development in the area. Streets surrounding the site shall be swept as needed to remove any debris which may accumulate due to these activities.

I. The plan must propose a schedule of activities which limits the duration of off-site disruptions and impacts.

J. The plan must also be approved, where required, by appropriate watershed districs, Army Corps of Engineers, the Minnesota Department of Natural Resources, and any other governmental agency which has jurisdiction.

K. The plan must be accompanied by a bond sufficient to insure compliance with the approved permit and adequate site restoration. The amount of the bond shall be based upon the size of the site, sensitivity of its surroundings, extent of grading, amount of material moved, necessary site restoration, and potential impacts upon public facilities including damage to public roadways and property.

L. The plan must comply with the Uniform Building Code and all other applicable laws.

Adopted by the City Council of the City of Minnetonka on this 15th day of July, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

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Ordinance No. 85-77-380

ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 1, 1985
Date of second reading: July 15, 1985
Motion for adoption: Hise
Seconded by: Gordon
Voted in favor:
Gordon, Hanus, Hise, Cotton, DeGhetto, Renneke, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 381-A
The Cliffs at Ridgedale
Section 2

ORDINANCE NO. 85-77-381

AN ORDINANCE AMENDMENT ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D. (Planned Unit Development) and the Master Development Plan, to wit:

Lot 18, Block 6, Sunset Hill

Adopted by the City Council of the City of Minnetonka on this 22nd day of July, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 15, 1985
Date of second reading: July 22, 1985
Motion for adoption: Gordon
Seconded by: Cotton
Voted in favor: Hanus, Hise, Cotton, DeGhetto, Renneke, Gordon, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 403
Ridgebrook
Section 3

ORDINANCE NO. 85-77-382

AN ORDINANCE AMENDMENT ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-4/R-1 (General Business District/Single Family Residence District) to P.U.D. (Planned Unit Development) and the Master Development Plan, to wit:

The West 269.59 feet of that part of the Southwest Quarter of the Northeast Quarter of Section 3, Township 117 North, Range 22 West of the 5th Principal Meridian which lies South of the North 643.50 feet of said Southwest Quarter of the Northeast Quarter, except that part taken for highway, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota. Abstract property.

Adopted by the City Council of the City of Minnetonka on this 5th day of August, 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: July 15, 1985
Date of second reading: August 5, 1985
Motion for adoption: Gordon
Seconded by: Hanus
Voted in favor: DeGhetto, Renneke, Gordon, Hanus, Donlin
Voted against: Hise, Cotton
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 394
Housing Alliance/"Homestead Development"
Section 23

ORDINANCE NO. 85-77-383

AN ORDINANCE AMENDMENT ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D. (Planned Unit Development) and the Master Development Plan, to wit:

> That part of the Northeast quarter of the Northeast quarter of Section 23, Township 117, Range 22, lying East of the westerly 10 acres and Southwesterly of the Southwesterly line of the Minneapolis, and St. Louis Railway Company's right-of-way.

Adopted by the City Council of the City of Minnetonka on this 5th day of August, 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: June 17, 1985
Date of second reading: August 5, 1985
Motion for adoption: Hanus
Seconded by: Renneke
Voted in favor: Hise, Cotton, DeGhetto, Renneke, Hanus, Donlin
Voted against: Gordon
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 406
"Savillex Corporation"
Section 34

ORDINANCE NO. 85-77-385

AN ORDINANCE AMENDMENT ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to I-1 (Planned Industrial District) to wit:

That part of the Southeast Quarter of the Southeast Quarter, Section 34, Township 117, Range 22, and that part of the Northeast Quarter of the Northeast Quarter, Section 3, Township 117, Range 22, Hennepin County, Minnesota, all described as follows:

Beginning at the northeast corner of the south 70.00 feet of the west 213.00 feet of the Southeast Quarter of the Southeast Quarter of said Section 34; thence on an assumed bearing of North 88 degrees 23 minutes 12 seconds West along the north line of the south 70.00 feet of said Southeast Quarter of the Southeast Quarter a distance of 160.86 feet; thence southeasterly 100.37 feet along a nontangential curve, concave to the northeast, having a radius of 97.20 feet, a central angle of 59 degrees 09 minutes 58 seconds and a chord bearing of South 50 degrees 11 minutes 53 seconds East; thence South 79 degrees 46 minutes 53 seconds East, tangent to said curve, 79.77 feet; thence easterly 12.61 feet along a tangential curve, concave to the north, having a radius of 1861.06 feet and a central angle of 0 degrees 23 minutes 18 seconds, to its intersection with the southerly extension of the east line of the west 213.00 feet of said Southeast Quarter of the Southeast Quarter; thence North 3 degrees 01 minutes 14 seconds West along said extension and east line 73.36 feet to the point of beginning.

Adopted by the City Council of the City of Minnetonka on this third day of September, 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

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Ordinance No. 85-77-385

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: August 26, 1985
Date of second reading: September 3, 1985
Motion for adoption: Gordon
Seconded by: Cotton
Voted in favor:
Renneke, Gordon, Hanus, Cotton, DeGhetto, Donlin
Voted against:
Abstained:
Absent: Hise
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 404
Trio Development/"Huntington Woods 2nd Addition"
Section 34

ORDINANCE NO. 85-77-386

AN ORDINANCE AMENDMENT ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to R-3 (Multiple Family Residence District) to wit:

NORTHERLY PARCEL: (Area is 1,602 square feet)

That part of Vacated Rowland Road as platted in Gideon Park which lies Northeasterly of HUNTINGTON WOODS, and Northwesterly of Jorissen Road, and Southwesterly of the center line of said vacated Rowland Road.

SOUTHERLY PARCEL: (Area is 1,376 square feet)

That part of the westerly half of Vacated Rowland Road as platted in Gideon Park which lies Southerly of a line described as beginning at the most southerly corner of Outlot B, HUNTINGTON WOODS; thence Northeasterly parallel with the northwesterly line of said Outlot B to the center line of said vacated Rowland Road and there terminating.

CENTER PARCEL: (Area is 24,949 square feet)

That part of Lots 6 and 7, Gideon Park and of the Easterly half of vacated Rowland Road as platted in Gideon Park described as commencing at the most Southerly corner of Outlot B, HUNTINGTON WOODS; thence on an assumed bearing of North 59 degrees 28 minutes 22 seconds East, along a line parallel with the northwesterly line of said Outlot B, a distance of 34.46 feet to the center line of said vacated Rowland Road and actual point of beginning of the land to be described; thence continuing North 59 degrees 28 minutes 22 seconds East a distance of 160.54 feet; thence North 35 degrees 11 minutes 13 seconds West a distance of 223.21 feet to the Northeasterly extension of the northwesterly line of said Outlot B; thence South 59 degrees 28 minutes 22 seconds West, along the Northeasterly extension of the northwesterly line of said Outlot B, a distance of 97.90 feet to the center line of said vacated Rowland Road; thence Southeasterly and Southwesterly, along the center line of said vacated Rowland Road, to the actual point of beginning

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Ordinance No. 85-77-386

OUTLOT B, HUNTINGTON WOODS

That part of Lots 6 and 7, Gideon Park and of Vacated Rowland Road as platted in Gideon Park described as beginning at the most Southerly corner of Outlot B, HUNTINGTON WOODS; thence on an assumed bearing of North 59 degrees 28 minutes 22 seconds East, along a line parallel with the northwesterly line of said Outlot B, a distance of 195.00 feet; thence North 35 degrees 11 minutes 13 seconds West a distance of 223.21 feet to the Northeasterly extension of the northwesterly line of said Outlot B; thence South 59 degrees 28 minutes 22 seconds West, along the Northeasterly extension of the northwesterly line of said Outlot B, a distance of 135.61 feet to the most northerly corner of said Outlot B; thence Southeasterly and Southwesterly along the Easterly lines of said Outlot B to the point of beginning.

Adopted by the City Council of the City of Minnetonka on this third day of September, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: August 26, 1985
Date of second reading: September 3, 1985
Motion for adoption: Gordon
Seconded by: Cotton
Voted in favor:
Renneke, Gordon, Hanus, Cotton, DeGhetto, Donlin
Voted against:
Abstained:
Absent: Hise
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 407
"Environments, Inc."
Section 34

ORDINANCE NO. 85-77-387

AN ORDINANCE AMENDMENT ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to I-1 (Planned Industrial District) to wit:

All that part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 34, Township 117, Range 22, Hennepin County, Minnesota lying Easterly of the Chicago and Northwestern (formerly the Minneapolis and St. Louis) Railroad and Westerly of County Road No. 60, according to the United States Goverment Survey thereof.

Contain 4.91 acres (more or less).

Adopted by the City Council of the City of Minnetonka on this third day of September, 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: August 26, 1985
Date of second reading: September 3, 1985
Motion for adoption: Gordon
Seconded by: Cotton
Voted in favor:
Renneke, Gordon, Hanus, Cotton, DeGhetto, Donlin
Voted against:
Abstained:
Absent: Hise
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 405
Ridgehill Plaza/"Wendy's"
Section 3

ORDINANCE NO. 85-77-388

AN ORDINANCE AMENDMENT ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-4 (General Business District) to P.U.D. (Planned Unit Development) and the Master Development Plan, to wit:

The North 264 feet of the South 494 feet of the West 1/2 of East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 117, Range 22 Hennepin County, Minnesota, according to the United States Government Survey thereof.

Adopted by the City Council of the City of Minnetonka on this 17th day of September, 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: August 26, 1985
Date of second reading: September 17, 1985
Motion for adoption: Gordon
Seconded by: Cotton
Voted in favor: Gordon, Cotton, DeGhetto, Renneke, Donlin
Voted against:
Abstained:
Absent: Hanus, Hise
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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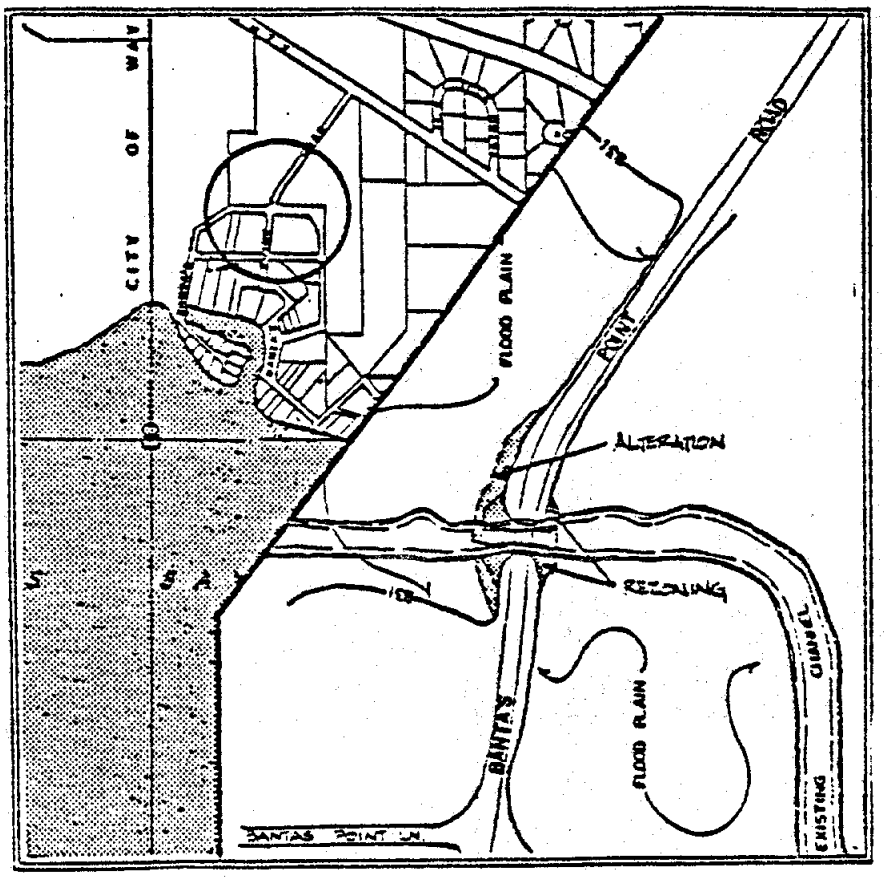
REZ. PET. NO. 411
Bantas Point Bridge
Section 8

ORDINANCE NO. 85-77-390

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Floodplain to R-1 (Single Family Residence District), to wit:



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Ordinance No. 85-77-390

Adopted by the City Council of the City of Minnetonka on this 21st day of October, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: October 7, 1985
Date of second reading: October 21, 1985
Motion for adoption: Hanus
Seconded by: Gordon
Voted in favor:
Cotton, DeGhetto, Renneke, Gordon, Hanus, Hise, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 401-A
CSM Apartments
Section 12

ORDINANCE NO. 85-77-391

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 or Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from (R-4 Multiple Family Residence District) to P.U.D. (Planned Unit Development), to wit:

Northern Tract:

The South 148.00 feet of the north 598.00 feet of the east 875.00 feet of the South Half of the Southeast Quarter of Section 12, Township 117, Range 22, Hennepin County, Minnesota, except that part taken for County Road 18.

Southern Tract:

The east 875.00 feet of the South Half of the Southeast Quarter of Section 12, Township 117, Range 22, Hennepin County, Minnesota except the north 598.00 feet thereof, except that part taken for County Road No. 18 and except that part taken for the Burlington Northern Railway.

Legal Description

All that part of the South 1/2 of the Southeast 1/4 of Section 12, Township 117, Range 22, described as follows: Commencing at a point on the East line of said South 1/2 of the Southeast 1/4, 20 feet South of the Northeast corner thereof; thence West parallel to the North line thereof, 75 feet to a judicial landmark; thence continuing West parallel with the North line thereof 300 feet to a judicial landmark; thence North parallel with the East line thereof 20 feet to the North line of said South 1/2 of the Southeast 1/4 said point being marked by a judicial landmark; thence West along the said North line, the same being the South line of Cedar Crown Second Addition, to a point 875 feet West of the Northeast corner of said South 1/2 of the Southeast 1/4, said point being marked by a judicial landmark; thence South parallel to the East line thereof, 450 feet to a judicial landmark; thence East parallel to the North line thereof, 610 feet to a judicial landmark; thence North parallel with the East line thereof, 170 feet to a judicial landmark; thence East parallel to the North line thereof 190 feet to a

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judicial landmark; thence continuing East parallel to the North line thereof 75 feet to the East line thereof; thence North to the point of beginning, being registered land as evidenced by Certificate of Title No. 252823, except road over the East 75 feet thereof.

Lying Westerly of a line parallel with and distant 25 feet Westerly of the following described line:

Commencing at the Southeast corner of said Section 12; thence North along the East line thereof 784.96 feet; thence deflect to the left at an angle of 90 degrees, a distance of 60 feet; thence deflect to the right at an angle of 90 degrees, a distance of 136.28 feet to the actual point of beginning of the line to be described; thence deflect to the left along a 26 degree 16 minute, 46 second curve (delta angle 49 degrees 16 minutes 15 seconds, tangent distance 99.98 feet) a distance of 187.49 feet; thence along a reverse curve to the right being a 15 degree curve (delta angle 53 degrees, 11 minutes, 46 seconds, tangent distance 191.26 feet) a distance of 350 feet and there terminating.

That part of the East 875.00 feet of the Southeast Quarter of the Southeast Quarter of Section 12, Township 117, Range 22, Hennepin County, Minnesota which lies north of the northerly right-of-way of Burlington Northern Railroad and south of the following described line:

Commencing at a point on the north line of said Southeast Quarter of the Southeast Quarter a distance of 875.00 feet west of the northeast corner of said Southeast Quarter of the Southeast Quarter, said point being marked by a judicial landmark; thence south parallel to the east line of said Southeast Quarter of the Southeast Quarter a distance of 450.00 feet to a judicial landmark, the point of beginning of the line to be described; thence east parallel to the north line of said Southeast Quarter of the Southeast Quarter a distance of 610.00 feet to a judicial landmark; thence south parallel to the east line of said Southeast Quarter of the Southeast Quarter a distance of 0.03 feet to the south line of the North 450.00 feet of said Southeast Quarter of the Southeast Quarter; thence east along the south line of said North 450.00 feet a distance of 265.27 feet to the east line of said Southeast Quarter of the Southeast Quarter and said line there terminating.

EXCEPT that part of said Southeast Quarter of the Southeast Quarter which lies East of the following described line:

Commencing at the southeast corner of said Southeast Quarter of the Southeast Quarter; thence west at right angles to the east line of said Southeast Quarter of the Southeast Quarter a distance of 75.00 feet to the point of beginning of the line to be described; thence on an assumed bearing of North 0 degrees 52 minutes 27 seconds West, parallel to the east

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line of said Southeast Quarter of the Southeast Quarter a distance of 689.96 feet; thence South 89 degrees 07 minutes 33 seconds West a distance of 50.00 feet; thence North 0 degrees 52 minutes 27 seconds West a distance of 95.00 feet; thence North 89 degrees 07 minutes 33 seconds East a distance of 40.00 feet; thence North 0 degrees 52 minutes 27 seconds West a distance of 71.94 feet to the south line of the North 450.00 feet of said Southeast Quarter of the Southeast Quarter and said line there terminating.

Adopted by the City Council of the City of Minnetonka on this 28th day of October, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: October 7, 1985
Date of second reading: October 28, 1985
Motion for adoption: Hanus
Seconded by: Cotton
Voted in favor of: Hanus, Hise, DeGhetto, Gordon, Cotton, Donlin
Voted against: Renneke
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 391-A
"Ridgepoint Independent Living Center"
Section 2

ORDINANCE NO. 85-77-394

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D. (Planned Unit Development), to wit:

Lot 21, Block 5, Sunset Hill;
Lots 1, 2, 3 and 4, Block 1, H. Douglas Meyer Addition

Adopted by the City Council of the City of Minnetonka on this 2nd day of December 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: November 18, 1985
Date of second reading: December 2, 1985
Motion for adoption: Gordon
Seconded by: Hanus
Voted in favor: Hise, Cotton, DeGhetto, Renneke, Gordon, Hanus, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 410
"Windmill Ridge Townhomes"
Section 14

ORDINANCE NO. 85-77-395

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D. (Planned Unit Development), to wit:

That part of the Southwest Quarter of the Northeast Quarter lying southerly of Minnetonka Boulevard also known as County Road Number 5, Section 14, Township 117 North, Range 22 West of the Fifth Principal Meridian, except that part thereof described as follows: Commencing at a point on a linedrawn parallel with and distant 480 feet East from the West line of said Southwest Quarter of the Northeast Quarter and distant 270 feet North from the South line of said Southwest Quarter of the Northeast Quarter, measured along said parallel line, thence North parallel with the west liyne of said Southwest Quarter of the Northeast Quarter a distance of 75 feet, thence East parallel with the South line of said Southwest Quarter of the Northeast Quarter a distance of 150 feet, thence North parallel with the west line of said Southwest Quarter of the Northeast Quarter a distance of 218.4 feet more or less, to the center line of County Road Number 5, thence Southwest along the center line of said County Road Number 5, a distance of 349.4 feet, more or less, to its intersection with a line drawn parallel with and 300 feet East of the West line of said Southwest Quarter of the Northeast Quarter, thence South parallel with the West line of said Southwest Quarter of the Northeast Quarter a distance of 34 feet to the Southeasterly line of said County Road Number 5, thence Southeasterly a distance of 205.7 feet, more or less, to a point on a line drawn parallel with and distant 270 feet North from the South line of said Southwest Quarter of the Northeast Quarter and distant 446.6 feet East from the West line of said Southwest Quarter of the Northeast Quarter, measured along said parallel line, thence East parallel with the South line of said Southwest Quarter of the Northeast Quarter a distance of 33.4 feet to the point of beginning, except that part thereof described as follows: the West 300 feet of that part of the Southwest Quarter of the Northeast Quarter, Section 14, Township 117, Range 22, Hennepin County, Minnesota, lying South of County Highway Number 5 and North of the South 190 feet thereof, and except that part lying East of a line drawn parallel with the West line of said Southwest Quarter of the Northeast Quarter from a point on the South line of said Southwest Quarter of the Northeast Quarter,

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895 feet East of the Southwest corner thereof, except that part thereof embraced in Registered Land Survey No. 683, Files of Registrar of Titles, County of Hennepin, and except that part of the above described as follows: Commencing at a point lying 270 feet north of the South line of the Southwest Quarter of the Northeast Quarter and 480 feet east of the West line of said Southwest Quarter of the Northeast Quarter, thence West a distance of 33.4 feet on a line parallel with the South line to the point of beginning; thence West parallel with the South line of the Southwest Quarter of the Northeast Quarter a distance of 85.6 feet, thence Northwest to a point lying 350 feet east of the West line of the Southwest Quarter of the Northeast Quarter and 65.0 feet South of the Southeasterly line of County Road Number 5, thence Southeasterly to the point of beginning.
and
That part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 117 North, Range 22 West of the Fifth Principal Meridian lying southerly of Minnetonka Boulevard also known as County Road Number 5 described as follows: The West 150 feet lying North of the South 190 feet thereof.
and
That part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 117 North, Range 22 West of the Fifth Principal Meridian described as follows: Commencing at a point on a line drawn parallel with and distance 480 feet east from the West line of said Southwest Quarter of the Northeast Quarter and distance 270 feet North from the South line of said Southwest Quarter of the Northeast Quarter, measured along said parallel line, thence North parallel with the West line of said Southwest Quarter of the Northeast Quarter to the center line of said County Road Number 5, thence Southwesterly along the center line of said County Road Number 5 to its intersection with a line drawn parallel with and 350 feet East of the West line of said Southwest Quarter of the Northeast Quarter, thence South parallel with the West line a distance of 34 feet to the southeasterly line of said County Road 5 to the point of beginning, thence South parallel with the West line a distance of 64.99 feet, thence Northwest to a point on the Southeasterly line of County Road 5 lying 300 feet east of the West line, thence Northeasterly along the Southeast line of County Road 5 to the point of beginning.

Adopted by the City Council of the City of Minnetonka on this 2nd day of December, 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger
D. L. EGGENBERGER, CITY CLERK

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Ordinance No. 85-77-395

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: October 28, 1985
Date of second reading: December 2, 1985
Motion for adoption: Gordon
Seconded by: Cotton
Voted in favor:
Hise, Cotton, DeGhetto, Renneke, Gordon, Hanus, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 408
Orrin Thompson/U.S. Homes
Section 2

ORDINANCE NO. 85-77-397

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to B-1 (Limited Business District), to wit:

Lot 17, Auditor's Subdivision No. 337, Hennepin County, Minnesota.

Adopted by the City Council of the City of Minnetonka on this 16th day of December, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: October 28, 1985
Date of second reading: December 16, 1985
Motion for adoption: Cotton
Seconded by: Gordon
Voted in favor:
Cotton, DeGhetto, Gordon, Renneke, Hanus, Hise, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO.319-A
"Stratford Wood III"
Section 30

ORDINANCE NO. 85-77-398

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D. (Planned Unit Development) and the Master Development Plan, to wit:

Lots 1 and 2, Block 2, Stratford Wood

Adopted by the City Council of the City of Minnetonka on this 16th day of December, 1985.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: December 2, 1985
Date of second reading: December 16, 1985
Motion for adoption: Hise
Seconded by: Hanus
Voted in favor of:
Cotton, DeGhetto, Renneke, Gordon, Hanus, Hise, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 413
"Westpark Corporate Center"
Section 3

ORDINANCE NO. 85-77-399

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D. (Planned Unit Development) and the Master Development Plan, to wit:

TRACT A:

Parcel I: Lots 3 and 4, Block 2, Trummer's Addition, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

Abstract Property.

Parcel II: Lots 5, 6 and 7, Block 1, Woodcrest, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

Abstract property.

Parcel III: That part of Lot 1, Block 2, Plymouth Development Addition embraced within Block 2 Woodcrest and also embraced within the following described tract: That part of the Southeast Quarter of the Northeast Quarter, Section 3, Township 117, Range 22, described as follows: Commencing at the Northwest corner of said Southeast Quarter of the Northeast Quarter; thence South along the West line of said Southeast Quarter of the Northeast Quarter a distance of 573.70 feet to the actual point of beginning; thence Easterly, deflecting to the left 91 degrees 20 minutes 52 seconds, a distance of 173.15 feet; thence Northerly, deflecting to the left 78 degrees 19 minutes 38 seconds, a distance of 42.84 feet; thence Easterly, deflecting to the right 83 degrees 00 minutes 00 seconds, a distance of 122.80; thence Southerly, deflecting to the right 101 degrees 07 minutes 00 seconds, to the center line of Plymouth Road as said center line was located prior to September, 1979; thence Northwesterly along said center line to the West line of said Southeast Quarter of the Northeast Quarter; thence North along said West line to the actual point of beginning, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

Abstract property.

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TRACT B:

Lot 1, Block 2, Plymouth Development Addition, except that part embraced within Block 2 Woodcrest and except that part thereof embraced within the following described tract: That part of the Southeast Quarter of the Northeast Quarter, Section 3, Township 117, Range 22, described as follows: Commencing at the Northwest corner of said Southeast Quarter of the Northeast Quarter; thence South along the West line of said Southeast Quarter of the Northeast Quarter a distance of 573.70 feet to the actual point of beginning; thence Easterly, deflecting to the left 91 degrees 20 minutes 52 seconds, a distance of 173.15 feet; thence Northerly, deflecting to the left 78 degrees 19 minutes 38 seconds, a distance of 42.84 feet; thence Easterly, deflecting to the right 83 degrees 00 minutes 00 seconds, a distance of 122.80 feet; thence Southerly, deflecting to the right 101 degrees 07 minutes 00 seconds, to the center line of Plymouth Road as said center line was located prior to September, 1979; thence Northwesterly along said center line to the West line of said Southeast Quarter of the Northeast Quarter; thence North along said West line to the actual point of beginning, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

The above Tract B being registered land as is evidenced by Certificate of Title No. 625680.

And the land described on Demars-Gabriel survey dated June 6, 1985 as:

WOODCREST LANE as originally dedicated in the plat of WOODCREST ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota.

and of the location of all buildings, if any, from or on said land.

Adopted by the City Council of the City of Minnetonka on this 16th day of December, 1985.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger

D. L. EGGENBERGER, CITY CLERK

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ACTION ON THE ABOVE ORDINANCE:

Date of first reading: December 2, 1985
Date of second reading: December 16, 1985
Motion for adoption: Hise
Seconded by: Hanus
Voted in favor of:
DeGhetto, Renneke, Gordon, Hanus, Hise, Donlin
Voted against: Cotton
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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REZ. PET. NO. 415
Maurice Wagener
"Morrie's Imports"
Section 2

ORDINANCE NO. 86-77-403

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from B-3/B-4 (Service Business District/General Business District) to P.U.D. (Planned Unit Development), to wit:

Sunset Hill Addition: Lot 9, Block 5, East Half Lot 10, Block 5, Lot 11, Block 6, Lot 12, Block 6.

Adopted by the City Council of the City of Minnetonka on this 21st day of January, 1986.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: January 6, 1986
Date of second reading: January 21, 1986
Motion for adoption: Gordon
Seconded by: Bergstedt
Voted in favor: Anderson, DeGhetto, Renneke, Gordon, Bergstedt, Donlin
Voted against:
Absent: Hanus
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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86006.1 Rezoning
City of Minnetonka/
Trammell Crow
Section 34

ORDINANCE NO. 86-77-407

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following desribed premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D. (Planned Unit Development) to wit:

Tract A.

That part of the East Half of the Southeast Quarter of Section 34, Township 117 North, Range 22 West, Hennepin County, Minnesota, described as follows: From a point on Line 1 described below distant 911.7 feet southeasterly of its point of termination, run northeasterly at right angles to said Line 1 to an intersection with Line 2 described below, which is the point of beginning of Tract A to be described; thence run northeasterly to a point distant 325 feet northeasterly (measured at right angles) of a point on said Line 1, distant 810 feet southeasterly of its point of termination; thence run northwesterly parallel with said Line 1 to a point distant 325 feet northeasterly (measured at right angles) of a point on said Line 1, distant 70 feet southeasterly of its point of termination; thence run westerly to a point distant 100 feet northeasterly (measured at right angles) of the point of termination of said Line 1; thence run southeasterly parallel with said Line 1 to a point distant 100 feet easterly (measured at right angles) of a point on said Line 1, distant 690 feet southeasterly of its point of termination; thence run southeasterly to the point of beginning;

Line 1.

Beginning at a point on the south line of said Section 34, distant 370.1 feet west of the southeast corner thereof; thence run northwesterly at an angle of 80 degrees 55 minutes 30 seconds from said south section line (measured from west to north) for 853.6 feet; thence deflect to the left on a 1 degree 00 minute 00 second curve (delta angle 9 degrees 07 minutes 00 seconds) for 911.7 feet and there terminating;

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Line 2.

From a point on Line 1 described above, distant 575.3 feet northwesterly of its point of beginning, run northeasterly at right angles to said Line 1 for 205 feet to the point of beginning of Line 2 to be described; thence run northwesterly to a point distant 100 feet northeasterly (measured at right angles) of a point on said Line 1, distant 690 feet southeasterly of its point of termination and there terminating;

containing 4.58 acres, more or less;

Subject to restrictions and reservations.

Adopted by the City Council of the City of Minnetonka on this 3rd day of March, 1986.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading : February 24, 1986
Date of second reading: March 3, 1986
Motion for adoption: Renneke
Seconded by: Gordon
Voted in favor:
DeGhetto, Renneke, Gordon, Hanus, Bergstedt, Anderson, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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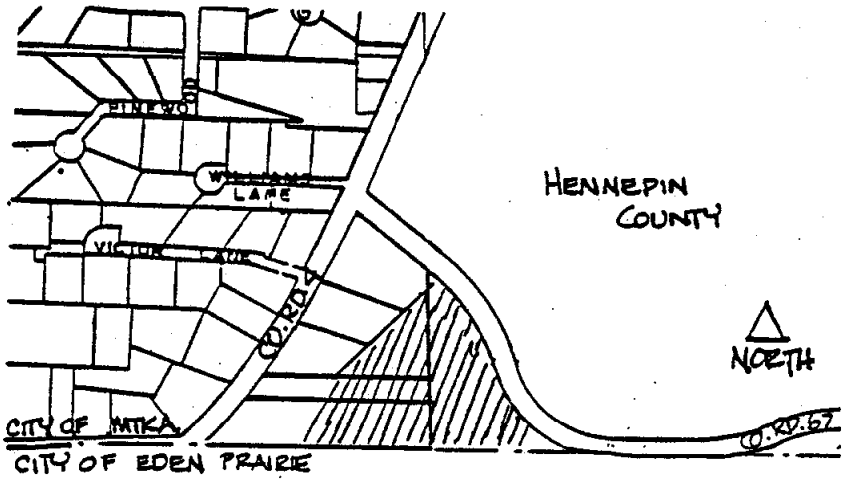
86010.1 Rezoning
Hennepin Co. Dept. of Transp.
Crosstown Highway
Section 33

ORDINANCE NO. 86-77-409

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, Subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following described premises on the official zoning map from Wetlands to R-1 (Single Family Residence District), to wit:



Adopted by the City Council of the City of Minnetonka on this 17th day of March, 1986.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading: March 3, 1986
Date of second reading: March 17, 1986
Motion for adoption: DeGhetto
Seconded by: Anderson
Voted in favor: Renneke, Hanus, Bergstedt, Anderson, DeGhetto, Donlin
Voted against:
Absent: Gordon
Ordinance adopted.

Date of publication: _____
(Effective date of ordinance is thirty (30) days after publication.)

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ORDINANCE NO. 86-77-412

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following desribed premises on the official zoning map from R-1/B-1 (Single Family Residence District/Limited Business District) to P.U.D. (Planned Unit Development) to wit:

PARCEL A

That part of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 117, Range 22, described as follows: Beginning on the East line of said tract at its intersection with the Northerly line of Minnetonka Boulevard as located prior to 1964 and also known as County Road No. 5; thence Westerly along said Northerly line 66 feet; thence North parallel with the East line of said West 1/2 of the Northeast 1/4 of the Southwest 1/4 150 feet; thence Easterly parallel with the Northerly line of Minnetonka Boulevard 66 feet to the East line of said West 1/2; thence South 150 feet to point of beginning, all according to the United States Government Survey thereof; and situated in Hennepin County, Minnesota, and

That part of the East half of the East half of the Southwest quarter of Section 16, Township 117 North, Range 22 West of the 5th Principal Meridian, lying Northerly of the centerline of Minnetonka Boulevard, as located prior to 1964 and also known as County Road No. 5, which lies South of a line hereinafter referred to as "Line A", said "Line A" being described as follows:

Commencing at the Northeast corner of said Southwest quarter; thence South along the East line of said Southwest quarter a distance of 1100 feet to the point of beginning of said "Line A"; thence deflecting right 100 degrees to the West line of said East half of the East half of the Southwest quarter, and said "Line A" there ending,

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And lying westerly of a line described as follows:

Beginning at a point on the above described "Line A" distant 482.57 feet westerly from its point of beginning; thence southerly, deflecting to the left 97 degrees 53 minutes 37 seconds, when measured from west to south, a distance of 380.57 feet, to the center line of old County Road No. 5 and said line there terminating.

PARCEL B

That part of the East half of the East half of the Southwest quarter of Section 16, Township 117 North, Range 22 West of the 5th Principal Meridian, lying Northerly of the centerline of Minnetonka Boulevard, as located prior to 1964 and also known as County Road No. 5, which lies South of a line hereinafter referred to as "Line A", said "Line A" being described as follows:

Commencing at the Northeast corner of said Southwest quarter; thence South along the East line of said Southwest quarter a distance of 1100 feet to the point of beginning of said "Line A"; thence deflecting right 100 degrees to the West line of said East half of the East half of the Southwest quarter, and said "Line A" there ending.

Any lying easterly of a line described as follows:

Beginning at a point on the above described "Line A" distant 482.57 feet westerly from its point of beginning; thence southerly, deflecting to the left 97 degrees 53 minutes 37 seconds, when measured from west to south, a distance of 380.57 feet, to the center line of old County Road No. 5 and said line there terminating.

EXCEPT that part thereof described as follows: Beginning as a point in the centerline of said Minnetonka Boulevard, also known as County Road No. 5, at the intersection of said road with the East line of said Southwest quarter of said Section 16; thence Westerly along said centerline 110 feet, thence North parallel with the East line of said Southwest quarter a distance of 200 feet; thence Southeasterly on a line to a point of the East line of said Southwest quarter a distant 200 feet North of the point of beginning; thence South on the East line of said Southwest quarter to the point of beginning.

Adopted by the City Council of the City of Minnetonka on this 21st day of April, 1986.

Larry A. Donlin

LARRY A. DONLIN, MAYOR

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ATTEST:

D. L. Eggenberger

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading : April 7, 1986
Date of second reading: April 21, 1986
Motion for adoption: Hanus
Seconded by: Bergstedt
Voted in favor:
Bergstedt, Anderson, DeGhetto, Renneke, Gordon, Hanus, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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Rezoning 410-A
Windmill Ridge
Section 14

ORDINANCE NO. 86-77-414

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, subdivision 2 of Ordinance No. 77 is hereby changed by a Major Amendment to the approved Planned Unit Development Master Development Plan for the following described premises:

That part of the Southwest Quarter of the Northeast Quarter lying southerly of Minnetonka Boulevard also known as County Road Number 5, Section 14, Township 117 North, Range 22 West of the Fifth Principal Meridian, except that part thereof described as follows: Commencing at a point on a line drawn parallel with and distant 480 feet East from the West line of said Southwest Quarter of the Northeast Quarter and distant 270 feet North from the South line of said Southwest Quarter of the Northeast Quarter, measured along said parallel line, thence North parallel with the west line of said Southwest Quarter of the Northeast Quarter a distance of 75 feet, thence East parallel with the South line of said Southwest Quarter of the Northeast Quarter a distance of 150 feet, thence North parallel with the west line of said Southwest Quarter of the Northeast Quarter a distance of 218.4 feet more or less, to the center line of County Road Number 5, thence Southwest along the center line of said County Road Number 5, a distance of 349.4 feet, more or less, to its intersection with a line drawn parallel with and 300 feet East of the West line of said Southwest Quarter of the Northeast Quarter, thence South parallel with the West line of said Southwest Quarter of the Northeast Quarter a distance of 34 feet to the Southeasterly line of said County Road Number 5, thence Southeasterly a distance of 205.7 feet, more or less to a point on a line drawn parallel with and distant 270 feet North from the South line of said Southwest Quarter of the Northeast Quarter and distant 446.6 feet East from the West line of said Southwest Quarter of the Northeast Quarter, measured along said parallel line, thence East parallel with the South line of said Southwest Quarter of the Northeast Quarter a distance of 33.4 feet to the point of beginning, except that part thereof described as follows: the West 300 feet

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of that part of the Southwest Quarter of the Northeast Quarter, Section 14, Township 117, Range 22, Hennepin County, Minnesota, lying South of County Highway Number 5 and North of the South 190 feet thereof, and except that part lying East of a line drawn parallel with the West Line of said Southwest Quarter of the Northeast Quarter from a point on the South line of said Southwest Quarter of the Northeast Quarter, 895 feet East of the Southwest corner thereof, except that part thereof embraced in Registered Land Survey No. 683, Files of Registrar of Titles, County of Hennepin, and except that part of the above described as follows: Commencing at a point lying 270 feet north of the South line of the Southwest Quarter of the Northeast Quarter and 480 feet east of the West line of said Southwest Quarter of the Northeast Quarter, thence West a distance of 33.4 feet on a line parallel with the South line to the point of beginning; thence West parallel with the South line of the Southwest Quarter of the Northeast Quarter a distance of 85.6 feet, thence Northwest to a point lying 350 feet east of the West line of the Southwest Quarter of the Northeast Quarter and 65.0 feet South of the Southeasterly line of County Road Number 5, thence Southeasterly to the point of beginning.

and

That part of othe Southwest Quarter of the Northeast Quarter of Section 14, Township 117 North, Range 22 West of the Fifth Principal Meridian lying southerly of Minnetonka Boulevard also known as County Road Number 5 described as follows: The West 150 feet lying North of the South 190 feet thereof.

and

That part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 117 North, Range 22 West of the Fifth Principal Meridian described as follows: Commencing at a point on a line drawn parallel with and distance 480 feet east from the West line of said Southwest Quarter of the Northeast Quarter and distance 270 feet North from the South line of said Southwest Quarter of the Northeast Quarter, measured along said parallel line, thence North parallel with the West line of said Southwest Quarter of the Northeast Quarter to the centerline of said County Road Number 5, thence Southwesterly along the centerline of said County Road Number 5 to its intersection with a

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line drawn parallel with and 350 feet East of the West line of said Southwest Quarter of the Northeast Quarter, thence South parallel with the West line a distance of 34 feet to the southeasterly line of said County Road 5 to the point of beginning, thence South parallel with the West line a distance of 64.99 feet, thence Northwest to a point on the Southeasterly line of County Road 5 lying 300 feet East of the West line, thence Northeasterly along the Southeast line of County Road 5 to the point of beginning.

Adopted by the City Council of the City of Minnetonka on this 28th day of April, 1986.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading : April 7, 1986
Date of second reading: April 28, 1986
Motion for adoption: Gordon
Seconded by: Anderson
Voted in favor: Anderson, DeGhetto, Renneke, Gordon, Hanus, Bergstedt, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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ORDINANCE NO. 86-77-415

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following desribed premises on the official zoning map from R-1/B-1 (Single Family Residence District/Limited Business District)/ to P.U.D. (Planned Unit Development) to wit:

LEGAL DESCRIPTION - PARCEL 1

Lots 1 and 2 of Block 1 of WOODBRIDGE BUSINESS CENTER, Hennepin County, Minnesota.

AND

That part of the Southeast Quarter of the Northwest Quarter of Section 1, Township 117, Range 22, Hennepin County, Minnesota, described as follows: Commencing at the southeast corner of said Northwest Quarter, said point also being the southwest corner of Lot 1, Block 1, WOODBRIDGE BUSINESS CENTER, Hennepin County, Minnesota; thence North 00°17'59" East, assumed bearing, 91.03 feet along the east line of said Northwest Quarter, said line also being the west line of said Lot 1, to the point of beginning of the tract to be described; thence North 89°42'01" West 60.00 feet; thence North 00°17'59" East 357.10 feet to a point on the south line of U.S. Highway No. 12; thence North 87°31'59" East 60.07 feet along said south line to the east line of said Northwest Quarter; thence South 00°17'59" West 360.00 feet along said east line to the point of beginning.

Said tract contains 3.22 acres, more or less.

LEGAL DESCRIPTION - PARCEL 2

All that part of the East 1/2 of the Northwest Quarter of Section 1, Township 117, Range 22 described as follows, to-wit: Beginning at the Southeast corner of said Northwest Quarter thence North along the East line of said Northwest Quarter, 734 feet more or less to the center line of Superior Boulevard; thence westerly

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along the center line of said Superior Boulevard 456.12 feet, thence southwesterly along center line of said Superior Boulevard to the West line of the East 1/2 of the Northwest Quarter of said Section 1, thence South along said West line of said East 1/2 of the Northwest Quarter of Section 1 to the South line of said quarter section, thence East along the South line of the section to the place of beginning, except Superior Boulevard right-of-way and Highway number 10 described in deeds Doc. Nos. 36852 and 36853, Files of Registrar of Titles, except that part thereof lying West of a line drawn perpendicular to the South line of said East 1/2 of the Northwest Quarter from a point on said South line distant 900 feet Easterly, (Measured along said South line) from the Southwest corner thereof.

LESS AND EXCEPT

That part of the Southeast Quarter of the Northwest Quarter of Section 1, Township 117, Range 22, Hennepin County, Minnesota, described as follows: Commencing at the southeast corner of said Northwest Quarter, said point also being the southwest corner of Lot 1, Block 1, WOODBRIDGE BUSINESS CENTER, Hennepin County, Minnesota; thence North 00°17'59" East, assumed bearing, 91.03 feet along the east line of said Northwest Quarter, said line also being the west line of said Lot 1, to the point of beginning of the tract to be described; thence North 89°42'01" West 60.00 feet; thence North 00°17'59" East 357.10 feet to a point on the south line of U. S. Highway No. 12; thence North 87°31'59" East 60.07 feet along said south line to the east line of said Northwest Quarter; thence South 00°17'59" West 360.00 feet along said east line to the point of beginning.

Said tract contains 3.64 acres, more or less.

Adopted by the City Council of the City of Minnetonka on this 5th day of May, 1986.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D. L. Eggenberger
D. L. EGGENBERGER, CITY CLERK

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ACTION ON THE ABOVE ORDINANCE:

Date of first reading : April 28, 1986
Date of second reading: May 5, 1986
Motion for adoption: Gordon
Seconded by: Anderson
Voted in favor:
DeGhetto, Renneke, Gordon, Hanus, Bergstedt, Anderson, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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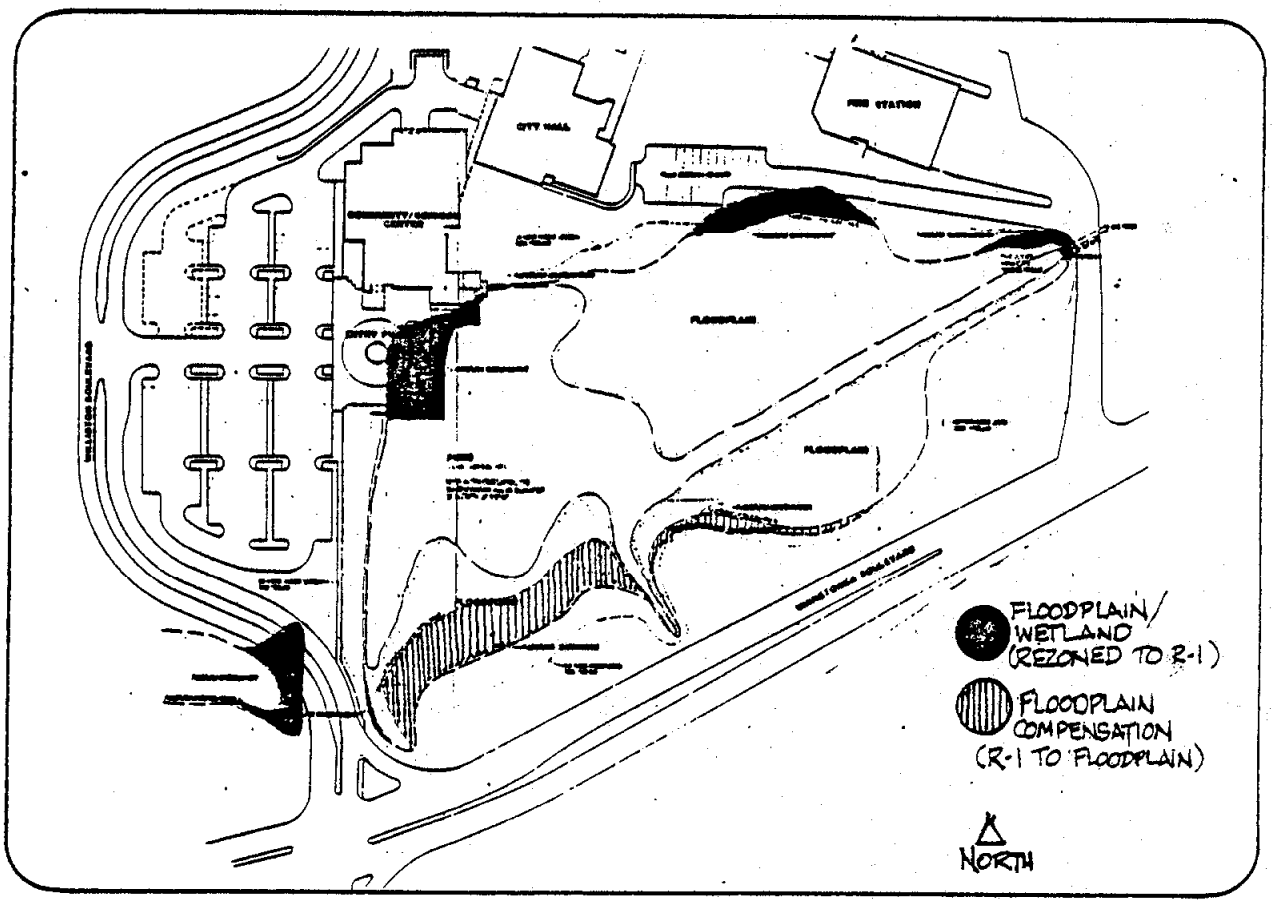
86047.1 Rezoning
Minnetonka Civic Center
Section 16

ORDINANCE NO. 86-77-416

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following desribed premises on the official zoning map from R-1 (Single Family Residence District)/Wetlands/Floodplain to Floodplain/R-1 (Single Family Residence District) to wit:



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Ordinance No. 86-77-416
Page Two

Adopted by the City Council of the City of Minnetonka on this 19thday of May, 1986.

LARRY A. DONLIN, MAYOR

ATTEST:

D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading : May 5, 1986
Date of second reading: May 19, 1986
Motion for adoption: Hanus
Seconded by: Bergstedt
Voted in favor: Renneke, Gordon, Hanus, Bergstedt, Anderson, DeGhetto, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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ORDINANCE NO. 86-418

AN ORDINANCE REPEALING ORDINANCE NO. 77 OF THE CITY OF MINNETONKA AND ADDING NEW SECTIONS 300.01 THROUGH 300.30 TO THE 1982 CODE OF ORDINANCES REGARDING ZONING.

THE CITY OF MINNETONKA DOES ORDAIN:

Section 1. Ordinance No. 77, as amended, of the City of Minnetonka is hereby repealed in its entirety.

Section 2. A new zoning ordinance is hereby adopted as Sections 300.01 through 300.30 of the 1982 Code of Ordinances to read as stated in attached Exhibit A, made a part hereof.

Section 3. Any violation of this ordinance shall be subject to the provisions of Chapter XIII of the 1982 Code of Ordinances.

Section 4. This ordinance shall be effective thirty (30) days after publication.

Adopted by the City Council of the City of Minnetonka this 2nd day of June, 1986.

Larry A. Donlin

LARRY A. DONLIN

ATTEST:

D L Eggenberger

D. L. EGGENBERGER, City Clerk

ACTION ON THE ABOVE ORDINANCE:

Date of First Reading: May 5, 1986
Date of Second Reading: June 2, 1986
Motion for Adoption: Anderson
Seconded by: Bergstedt
Voted for: Hanus, Bergstedt, Anderson, DeGhetto, Renneke, Gordon, Donlin
Voted Against:
Abstained:
Absent:
Ordinance adopted.

Publication date: _____ (Effective date of ordinance is 30 days after publication.)

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86018.1 Rezoning
Voyager Outward Bound
Section 12

ORDINANCE NO. 86-419

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following desribed premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D. (Planned Unit Development) to wit:

North 295.16 feet of the East 295.16 feet of that part of the NW quarter of the SW quarter lying south of the north 245 feet thereof in Section 12, Township 117, Range 22 together with a 32 ft. easement for driveway purposes as described in Deed Document # 904574.

Adopted by the City Council of the City of Minnetonka on this 2nd day of June , 1986.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading : May 19, 1986
Date of second reading: June 2, 1986
Motion for adoption: Gordon
Seconded by: Hanus
Voted in favor:
Hanus, Bergstedt, Anderson, DeGhetto, Renneke, Gordon, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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86049.1 Rezoning
Penn Cycle/duplexes
Section 12

ORDINANCE NO. 86-420

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following desribed premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D. (Planned Unit Development) to wit:

PARCEL A: The South 137.25 feet of the North 597.25 feet of that part of the West 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 12, Township 117, Range 22, lying West of the East 165 feet thereof.

PARCEL B: That part of the West 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 12, Township 117, Range 22, lying West of the East 165 feet and South of the North 597.25 feet thereof.

Adopted by the City Council of the City of Minnetonka on this 2nd day of June, 1986.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading : May 19, 1986
Date of second reading: June 2, 1986
Motion for adoption: Gordon
Seconded by: Hanus
Voted in favor: Bergstedt, Hanus, Anderson, DeGhetto, Renneke, Gordon, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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86051.1 Rezoning
Lake Forest in Minnetonka
Sections 26, 27, 34, 35

ORDINANCE NO. 86-421

AN ORDINANCE AMENDING ORDINANCE NO. 77 SO AS TO CHANGE THE ZONING OF CERTAIN DESCRIBED PREMISES:

THE CITY OF MINNETONKA DOES ORDAIN:

Section 5, subdivision 2 of Ordinance No. 77 is hereby amended by changing the zoning of the following desribed premises on the official zoning map from R-1 (Single Family Residence District) to P.U.D. (Planned Unit Development) to wit:

OUTLOTS C, D, E, F, G, & I OF MEADOW LAKES ADDITION IN HENNEPIN COUNTY.

Adopted by the City Council of the City of Minnetonka on this 2nd day of June , 1986.

Larry A. Donlin
LARRY A. DONLIN, MAYOR

ATTEST:

D L Eggenberger
D. L. EGGENBERGER, CITY CLERK

ACTION ON THE ABOVE ORDINANCE:

Date of first reading : May 19, 1986
Date of second reading: June 2, 1986
Motion for adoption: Gordon
Seconded by: Hanus
Voted in favor:
Hanus, Bergstedt, Anderson, DeGhetto, Renneke, Gordon, Donlin
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
(Effective date of ordinance is thirty (30) days after publication.)

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