

ORDINANCE NO. 2009-13

AN ORDINANCE AMENDING CITY CODE §§300.10, SUBD. 3, 300.11, SUBD. 3, 300.12, SUBD. 3, AND 300.13, SUBD. 3 REGARDING RETAIL SALES IN RESIDENTIAL DISTRICTS

The City of Minnetonka Ordains:

Section 1. City code section 300.10, Subd. 3(n) is amended as follows:

3. Accessory Uses.

Within the R-1 district only the following uses shall be permitted as accessory uses, provided they are subordinate to, associated with and located on the same lot as a permitted use:

* * * * *

n) garage sales, estate sales, yard sales, rummage sales, and other sales of personal property that have similar traffic and parking patterns, if :

1) the sales occur during no more than two periods of a maximum of three consecutive days each in any 12-month period,

2) the items offered for sale consist only of items owned by a person who occupies the property as his/her residence or by friends of the resident ~~or by participants in an organization that occupies a conditionally permitted use on the property, and~~

3) none of the items offered for sale have been purchased for resale or received on consignment for purposes of resale; and

4) paragraphs 1, 2 and 3 do not apply to conditionally permitted educational, religious, and public institutions; and

* * * * *

Section 2. City code section 300.11, Subd. 3(k) is amended as follows:

3. Accessory Uses.

Within the R-2 district only the following uses shall be permitted as accessory uses, provided they are subordinate to, associated with and located on the same lot as a permitted use:

The ~~stricken~~ language is deleted; the underlined language is inserted.

* * * * *

k) garage sales, estate sales, yard sales, rummage sales, and other sales of personal property that have similar traffic and parking patterns, if :

1) the sales occur during no more than two periods of a maximum of three consecutive days each in any 12-month period,

2) the items offered for sale consist only of items owned by a person who occupies the property as his/her residence or by friends of the resident ~~or by participants in an organization that occupies a conditionally permitted use on the property, and~~

3) none of the items offered for sale have been purchased for resale or received on consignment for purposes of resale; ~~and~~

4) paragraphs 1, 2 and 3 do not apply to conditionally permitted educational, religious, and public institutions; and

* * * * *

Section 3. City code section 300.12, Subd. 3(l) is amended as follows:

3. Accessory Uses.

Within the R-3 district only the following uses shall be permitted as accessory uses, provided they are subordinate to, associated with and located on the same lot as a permitted use:

* * * * *

l) garage sales, estate sales, yard sales, rummage sales, and other sales of personal property that have similar traffic and parking patterns, if :

1) the sales occur during no more than two periods of a maximum of three consecutive days each in any 12-month period,

2) the items offered for sale consist only of items owned by a person who occupies the property as his/her residence or by friends of the resident ~~or by participants in an organization that occupies a conditionally permitted use on the property, and~~

3) none of the items offered for sale have been purchased for resale or received on consignment for purposes of resale; and

4) paragraphs 1, 2 and 3 do not apply to conditionally permitted educational, religious, and public institutions; and

* * * * *

Section 4. City code section 300.13, Subd. 3(k) is amended as follows:

3. Accessory Uses.

Within the R-4 district only the following uses shall be permitted as accessory uses, provided they are subordinate to, associated with and located on the same lot as a permitted use:

* * * * *

k) garage sales, estate sales, yard sales, rummage sales, and other sales of personal property that have similar traffic and parking patterns, if :

1) the sales occur during no more than two periods of a maximum of three consecutive days each in any 12-month period,

2) the items offered for sale consist only of items owned by a person who occupies the property as his/her residence or by friends of the resident ~~or by participants in an organization that occupies a conditionally permitted use on the property, and~~

3) none of the items offered for sale have been purchased for resale or received on consignment for purposes of resale; and

4) paragraphs 1, 2 and 3 do not apply to conditionally permitted educational, religious, and public institutions; and

* * * * *

Section 5. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 6. This ordinance is effective upon adoption.

Adopted by the city council of the City of Minnetonka, Minnesota, on September 14, 2009.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: August 3, 2009

Date of adoption: September 14, 2009

Motion for adoption: Wagner

Seconded by: Wiersum

Voted in favor of: Allendorf, Ellingson, Greves, Hiller, Schneider, Wagner, Wiersum

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

CERTIFIED COPY:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on September 14, 2009.

David E. Maeda, City Clerk

The ~~stricken~~ language is deleted; the underlined language is inserted.