

BUSINESS DISTRICTS

§ 1007.110 NB, NEIGHBORHOOD BUSINESS DISTRICT.

(1) *Purpose.* The purpose of the NB, Neighborhood Business District is to provide for the establishment of local businesses for convenience, limited office, retail or service outlets which deal directly with the daily requirements of the immediate neighborhood and which are located along a collector or arterial roadway. These businesses are not intended to draw customers from the entire community. No new land shall be zoned NB, Neighborhood Business unless the site or area lies within the City's MUSA and sanitary sewer and municipal water are available.

(2) *Lot and Yard Requirements.*

(a) *Minimum Lot Size.*

1. *Sewered Lot.* Eleven thousand two hundred fifty (11,250) square feet.
2. *Unsewered Lot.* Ten (10) acres, in accordance with applicable provisions of §1007.041 of this Ordinance.

(b) *Minimum Lot Width.*

1. *Sewered Lot-Interior.* Seventy-five (75) feet.
2. *Sewered Lot-Corner.* One hundred (100) feet.
3. *Unsewered Lot.* One hundred fifty (150) feet.

(c) *Setbacks.* (The greater of the following:)

1. *From Streets.*
 - a. *Principal Building - Local Street.* Thirty (30) feet.
 - b. *Principal Building - Collector or Arterial Street.* Forty (40) feet.
 - c. *Parking Lot.* Fifteen (15) feet.
2. *Rear Yard.*
 - a. *Principal Building.* Thirty (30) feet.
 - b. *Accessory Building.* Ten (10) feet.
 - c. *Parking Lot/Driveway.* Ten (10) feet.

3. *Side Yard.*

- a. *Principal Building.* Thirty (30) feet.
- b. *Accessory Building.* Ten (10) feet.
- c. *Parking Lot Driveway:* Ten (10) feet.

4. *From Residential District.* Thirty-five (35) feet.

5. *Between Principal Buildings.* Not less than one-half (1/2) the sum of the building heights of the two (2) buildings.

(3) *Height Regulations.* No building in the NB District shall be erected or structurally altered to exceed thirty-five (35) feet in height.

(4) *Impervious Surface Coverage.* In no event shall off-street parking space, structures of any type, buildings, or other features cover more than sixty-five (65) percent of the lot area resulting in less than thirty-five (35) percent pervious landscaped area.

(5) *Building Requirements.* All newly constructed commercial buildings shall meet the exterior building standards of §1007.043 (2)(d) of this Ordinance.

(6) *Permitted Uses.* In the NB District, unless otherwise provided in this Ordinance, no building or land shall hereafter be erected, or structurally altered except for one or more of the following uses.

- (a) Adult use – accessory.
- (b) Governmental or public regulated utilities, buildings, or structures necessary for the health, safety, and general welfare of the City.
- (c) Office business – clinic.
- (d) Office business – general.
- (e) Personal services (subject to any licensing requirements of City Code, County or State).
- (f) Restaurant without drive-through service facilities and without outdoor dining or seating.
- (g) Retail business without drive-through service facilities.

(h) Service business – on-site without drive-through service facilities.

(i) Liquor sales: on-sale wine and malt liquor (beer) only, off-sale 3.2 percent malt liquor (beer) only.

(j) Community Gardens operated by the city.

(7) *Accessory Uses.* Subject to applicable provisions of this Ordinance, the following are accessory uses in the NB District:

(a) Accessory buildings and structures as regulated by §1007.043 (4)(i) of this Ordinance.

(b) Fences, as regulated by §1007.043 (18) of this Ordinance.

(c) Off-street loading as regulated by §1007.045 of this Ordinance.

(d) Off-street parking as regulated by §1007.044 of this Ordinance.

(e) Outside services, sales, and equipment rental accessory to the principal use and limited in area to twenty-five (25) percent of the gross floor area of the principal building.

(f) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by §1007.053 of this Ordinance.

(g) Signs, as regulated by the city sign ordinance, Ord. No. 12-97, as amended, of the City Code.

(h) Home Occupation Level A as regulated by §1007.047 of this Ordinance.

(8) *Conditional Uses.* Subject to applicable provisions of this Ordinance, the following are conditional uses in the NB District: These uses require a conditional use permit based on the criteria and procedures outlined in §1007.016 of this Ordinance.

(a) Commercial day care facilities provided that:

1. All requirements of the Minnesota Department of Health and Human Services, as may be amended, are satisfactorily met and the structure and operation is licensed accordingly.

2. Screening is provided along all shared property lines. Such required fencing and screening shall be in compliance with the applicable provisions of §1007.043 (17) of this Ordinance.

3. Adequate off-street parking is provided in a location separated from any outdoor play area(s).

(b) Planned unit development – commercial including shopping centers as regulated by §1007.024 of this Ordinance.

(c) Specialty schools such as music, dance or business schools provided that:

1. Provisions are made to buffer and screen any adjoining residential uses.

2. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

(d) Veterinary Hospitals provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.

2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.

3. An indoor animal kennel is permitted as a use accessory to the veterinary hospital provided that:

a. The number of animals boarded shall not exceed twenty (20).

b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.

c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between 60 and 75 degrees Fahrenheit.

d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.

e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.

f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

4. The appropriate license is obtained from the City and the conditions of Chapter 503 relating to the keeping of animals are satisfactorily met.

5. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

(Ord. No. 08-15, passed on 10-12-2015)

(9) *Uses by Administrative Permit.* Subject to applicable provisions of this Ordinance, the following uses are allowed by administrative permit, as may be approved by the Zoning Administrator:

(a) Personal wireless service antennas as secondary uses as regulated by §1007.053 of this Ordinance.

(b) Home Occupation Level B as regulated by §1007.047 of this Ordinance.

(c) Accessory outdoor dining or seating facilities intended for consumption of food or beverages purchased on site, provided that requirements of §1007.054 are met. This administrative permit may be incorporated into another approval such as but not limited to a site plan, planned unit development, or building permit.

(d) Transient Merchants.

(10) *Interim Uses.* Subject to applicable provisions of this Ordinance, the following are interim uses in the NB District and are governed by §1007.017 of this Ordinance:

(a) None.

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§ 1007.111 LB, LIMITED BUSINESS DISTRICT.

(1) *Purpose.* There may be some areas which are suitable only for commercial uses of a limited (less intense) nature. This may be due to the close proximity of residential uses. This may include high quality commercial areas such as an “office park” development. Also, the LB District can be used as a transitional district or buffer between non-compatible uses such as intense commercial (GB) and residential uses. No new land shall be zoned LB, Limited Business unless the site or area lies within the City’s MUSA and sanitary sewer and municipal water is available.

(2) *Lot and Yard Requirements.*

(a) *Minimum Lot Size.*

1. *Sewered Lots.* Fifteen thousand (15,000) square feet.
2. *Unsewered Lots.* Ten (10) acres in accordance with applicable provisions of §1007.041 of this Ordinance.

(b) *Minimum Lot Width.*

1. *Sewered Lots.* One hundred (100) feet.
2. *Unsewered Lots.* One hundred fifty (150) feet.

(c) *Setbacks.* (The greater of the following:)

1. *From Streets.*
 - a. *Principal Building - Local Street.* Thirty (30) feet.
 - b. *Principal Building - Collector or Arterial Street.* Forty (40) feet.
 - c. *Parking Lot.* Fifteen (15) feet.
2. *Rear Yard.*
 - a. *Principal Building.* Thirty (30) feet.
 - b. *Accessory Building.* Ten (10) feet.
 - c. *Parking Lot.* Ten (10) feet.
3. *Side Yard.*
 - a. *Principal Building.* Ten (10) feet.

b. *Accessory Building.* Ten (10) feet.

c. *Parking Lot/Driveway.* Ten (10) feet.

4. *From Residential District.* Thirty-five (35) feet.

5. *Between Principal Buildings.* Not less than one-half (1/2) the sum of the building heights of the two (2) buildings.

(3) *Height Regulations.* No building in the LB District shall exceed a height of three (3) stories or thirty-six (36) feet, whichever is higher.

(4) *Impervious Surface Coverage.* In no event shall off-street parking space, structures of any type, buildings, or other features cover more than sixty-five (65) percent of the lot area resulting in less than thirty-five (35) percent pervious landscaped area.

(5) *Building Requirements.* All newly constructed buildings shall meet the exterior building standards of §1007.043 (2)(d) of this Ordinance.

(6) *Permitted Uses.* In the LB District, no building or land shall be used, and no building shall be erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses.

(a) Adult use – accessory.

(b) Governmental or public regulated utilities, buildings, or structures necessary for the health, safety, and general welfare of the City.

(c) Liquor sales – on and off sale.

(d) Office business – clinic.

(e) Office business – general.

(f) Personal services (subject to any licensing requirements of City Code, County or State).

(g) Residential extended care facilities such as nursing homes.

(h) Restaurants and Brew Pubs without drive-through service facilities and without outdoor dining or seating.

(i) Retail business.

(j) Service business – off-site.

(k) Service business – on-site, without drive-through facilities.

(l) Community Gardens operated by the city.

(7) *Accessory Uses.* Subject to applicable provisions of this Ordinance, the following are accessory uses in the LB District:

(a) Accessory buildings and structures as regulated by §1007.043(4)(i) of this Ordinance.

(b) Fences, as regulated by §1007.043 (18) of this Ordinance.

(c) Off-street loading as regulated by §1007.045 of this Ordinance.

(d) Off-street parking as regulated by §1007.044 of this Ordinance.

(e) Outside services, sales, and equipment rental accessory to the principal use and limited in area to twenty-five (25) percent of the gross floor area of the principal building.

(f) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by §1007.053 of this Ordinance.

(g) Signs, as regulated by the city sign ordinance, Ord. No. 12-97, as amended, of the City Code.

(h) Home Occupation Level A as regulated by §1007.047 of this Ordinance.

(8) *Conditional Uses.* Subject to applicable provisions of this Ordinance, the following are conditional uses in the LB District: These uses require a conditional use permit based on the criteria and procedures outlined in §1007.016 of this Ordinance.

(a) Accessory drive-through facilities provided that:

1. Not less than one hundred twenty (120) feet of segregated automobile stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to sixty (60) feet per lane.

2. The stacking lane and its access must be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space.

3. No part of the public street or boulevard may be used for stacking of automobiles.

4. The stacking lane, order board intercom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.

5. The drive-through window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way.

6. A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with §1007.043 (6) of this Ordinance.

(b) Commercial day care facilities provided that:

1. All requirements of the Minnesota Department of Health and Human Services, as may be amended, are satisfactorily met and the structure and operation is licensed accordingly.

2. Screening is provided along all shared property lines. Such required fencing and screening shall be in compliance with the applicable provisions of §1007.043 (17) of this Ordinance.

3. Adequate off-street parking is provided in a location separated from any outdoor play area(s).

4. Adequate off-street loading spaces in compliance with §1007.045 of this Ordinance.

(c) Motor fuel stations provided that:

1. *Motor Fuel Facilities.* Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

2. *Architectural Standards.*

a. As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted.

b. The architectural appearance, scale, and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.

c. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to §1007.043 (2) of this Ordinance.

d. Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.

e. Earth tone colors of exterior materials including the canopy columns shall be required. "Earth tone colors" shall be defined as any various soft colors like those found in nature in soil, vegetation, etc., such colors are limited to brown, black, gray, tan, beige, brick red, soft green, soft blue, or white.

f. Ten (10) percent of the building facade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones. The canopy may have contrasting color bands or accent lines not to exceed an accumulative width of four (4) inches. The color bands shall not be illuminated.

3. *Canopy.* A protective canopy structure may be located over the pump island(s), as an accessory structure. The canopy shall meet the following performance standards:

a. The edge of the canopy shall be thirty (30) feet or more from the front and/or side lot line, provided that adequate visibility both on-site and off-site is maintained.

b. The canopy shall not exceed eighteen (18) feet in height and must provide fourteen (14) feet of clearance to accommodate a semi-trailer truck passing underneath.

c. The canopy fascia shall not exceed three (3) feet in vertical height.

d. Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source of fixture may extend below the ceiling of the canopy. Total canopy illumination may not exceed one hundred fifteen (115) foot candles below the canopy at ground level.

e. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.

f. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:

i. The individual canopy sign does not exceed more than twenty (20) percent of the canopy facade facing a public right-of-way.

g. Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.

4. *Pump Islands.* Pump islands shall comply with the following performance standards:

a. Pump islands shall be elevated six (6) inches above the traveled surface of the site.

b. All pump islands shall be set at least thirty (30) feet back from any property line. Additionally, the setback between the pump islands curb face must be at least twenty-four (24) feet.

5. *Dust Control and Drainage.* The entire site other than taken up by a building, structure, or plantings shall be surfaced with asphalt, concrete, cobblestone, or paving brick. Plans for surfacing and drainage shall be subject to approval of the City Engineer. Drainage from all fueling areas shall be directed to an oil/grit separator. Minimum design standards for the oil/grit separator shall include the following:

a. A minimum of four hundred (400) cubic feet of permanent pool storage capacity per acre of drainage area.

b. A minimum pool depth of four (4) feet.

c. A minimum oil containment capacity of eight hundred (800) gallons.

d. Minimum maintenance/inspection of two (2) times per year and/or after measurable spill events. A measurable spill shall be defined by the Minnesota Pollution Control Agency (MPCA). Any measurable spill event must be reported to the MPCA.

6. *Landscaping.*

a. At least thirty-five (35) percent of the lot, parcel or tract of land used exclusively for the gas sales facility shall remain as a grass plot, including trees, shrubbery, plantings or fencing and shall be landscaped. Required minimum green area should be emphasized in the front and side yards abutting streets or residential property.

b. At the boundaries of the lot, the following landscape area shall be required:

i. From side and rear property lines, an area of not less than ten (10) feet wide shall be landscaped in compliance with §1007.043 (17) of this Ordinance.

ii. From all road rights-of-way, an area of not less than fifteen (15) feet wide shall be landscaped in compliance with §1007.043 (17) of this Ordinance.

iii. Where lots abut residentially zoned property, a buffer yard of not less than twenty (20) feet wide shall be landscaped and screened in accordance with §1007.043 (17) of this Ordinance.

iv. The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.

7. *Exterior Lighting.* The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with §1007.043 (6) of this Ordinance. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:

a. *Canopy Lighting.* Canopy lighting under the canopy structure shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy may not exceed one hundred fifteen (115) foot candles at ground level.

b. *Perimeter Lighting.* Lighting at the periphery of the site and building shall be directed downward, and individual lights shall not exceed fifteen (15) foot candles at ground level.

c. *Illumination.* Maximum site illumination shall not exceed four-tenths (0.4) foot candle at ground level when measured at any boundary line with an adjoining residential property or any public property.

d. *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with §1007.044 of this Ordinance.

8. *Circulation and Loading.* The site design must accommodate adequate turning radius and vertical clearance for a semi-trailer truck. Designated loading areas must be exclusive of off-street parking stalls and drive aisles. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.

9. *Parking.*

a. Parking spaces shall be calculated solely based upon the use(s) and the square footage of the principal building(s).

b. Parking spaces shall be screened from abutting residential properties in compliance with §1007.043 (19) of this Ordinance.

10. *Noise.* Public address system shall not be audible at any property line. Play of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in §1007.043 (10) of this Ordinance.

11. *Outside Storage, Sales and Service.* No outside storage or sales shall be allowed, except as follows:

a. Public phones may be located on site as long as they do not interrupt on-site traffic circulation, and are not located in a yard abutting residentially zoned property.

b. Propane sales of twenty (20) pound capacity tanks may be located outside provided the propane tanks are secured in a locker and meets all State Uniform Building and Fire Codes.

c. Large, bulk sale propane tanks must meet all applicable building and fire code requirements.

d. A compressed air service area may be located on site as long as it does not interrupt on-site traffic circulation.

e. Accessory outdoor services, sales, or rental as regulated by §1007.111 (7)(e) of this Ordinance.

12. *Litter Control.* The operation shall be responsible for litter control on the subject property, which is to occur on a daily basis. Trash receptacles shall be provided at a convenient location on site to facilitate litter control.

13. *Additional Stipulations.* All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

(d) Planned unit development – commercial including shopping centers as regulated by §1007.024 of this Ordinance.

(e) Private lodges and clubs provided that:

1. Screening from residential uses and landscaping is provided in compliance with requirements for business or industrial uses in §1007.043 (17) of this Ordinance

2. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with §1007.044 of this Ordinance

3. Parking is screened and landscaped in compliance with requirements for business or industrial uses in §1007.043 (17) of this Ordinance.

4. Adequate off-street loading and service entrances are provided and regulated where applicable by §1007.045 of this Ordinance.

(f) Public, Educational, and Religious Buildings. Public or semi-public recreational buildings and neighborhood or community centers; limited to nursery, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples, mosque, and synagogues provided that:

1. Screening from residential uses and landscaping is provided in compliance with requirements for business or industrial uses in §1007.043 (17) of this Ordinance.

2. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with §1007.044 of this Ordinance

3. Parking is screened and landscaped in compliance with requirements for business or industrial uses in §1007.043 (17) of this Ordinance.

4. Adequate off-street loading and service entrances are provided and regulated where applicable by §1007.045 of this Ordinance.

(g) Specialty schools such as music, dance or business schools provided that:

1. Provisions are made to buffer and screen any adjoining residential uses.

2. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

(h) Residential apartments accessory to permitted or conditional uses in the LB District provided that:

1. The apartment is located in the same building as the principal use.

2. Residential and non-residential use are not contained on the same floor.

3. The residential and non-residential uses do not conflict in any manner.

(i) Veterinary Hospitals provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.

2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.

3. An indoor animal kennel is permitted as a use accessory to the veterinary hospital provided that:

a. The number of animals boarded shall not exceed twenty (20).

b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.

c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between 60 and 75 degrees Fahrenheit.

d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.

e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.

f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

4. The appropriate license is obtained from the City and the conditions of Chapter 503 relating to the keeping of animals are satisfactorily met.

5. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

(Ord. No. 08-15, passed on 10-12-2015)

(9) *Uses by Administrative Permit.* Subject to applicable provisions of this Ordinance, the following uses are allowed by administrative permit, as may be approved by the Zoning Administrator:

(a) Personal wireless service antennas as secondary uses as regulated by §1007.053 of this Ordinance.

(b) Home Occupation Level B as regulated by §1007.047 of this Ordinance.

(c) Accessory outdoor dining or seating facilities intended for consumption of food or beverages purchased on site, provided that requirements of §1007.054 are met. This administrative permit may be incorporated into another approval such as but not limited to a site plan, planned unit development, or building permit.

(d) Transient Merchants.

(10) *Interim Uses.* Subject to applicable provisions of this Ordinance, the following are interim uses in the LB District and are governed by §1007.017 of this Ordinance:

(a) None.

§ 1007.112 GB, GENERAL BUSINESS DISTRICT.

(1) *Purpose.* There are areas containing a wide variety of business uses including retail, service, and semi-industrial uses. As such, they may contain businesses which tend to serve other business and industry as well as those catering to shoppers' needs. No new land shall be zoned GB, General Business unless the site or area lies within the City's MUSA and sanitary sewer and municipal water is available.

(2) *Lot and Yard Requirements.*

(a) *Minimum Lot Size.*

1. *Sewered Lot.* Twenty thousand (20,000) square feet.
2. *Unsewered Lot.* Ten (10) acres in accordance with applicable provisions of §1007.041 of this Ordinance.

(b) *Minimum Lot Width.* One hundred (100) feet.

(c) *Setbacks.* (The greater of the following:)

1. *From Streets.*

- a. *Principal Building - Local Street.* Thirty (30) feet.
- b. *Principal Building - Collector or Arterial Street.* Forty (40) feet.
- c. *Parking Lot/Driveway.* Fifteen (15) feet.

2. *Rear Yard.*

- a. *Principal Building.* Thirty (30) feet.
- b. *Accessory Building.* Five (5) feet.
- c. *Parking Lot.* Ten (10) feet.

3. *Side Yard.*

- a. *Principal Building.* Ten (10) feet.
- b. *Accessory Building.* Ten (10) feet.
- c. *Parking Lot.* Ten (10) feet.

4. *From Residential District.* Thirty-five (35) feet.

5. *Between Principal Buildings.* Not less than one-half (1/2) the sum of the building heights of the two (2) buildings.

(3) *Height Regulations.* No building in the GB District shall be erected or structurally altered to exceed forty-five (45) feet in height.

(4) *Impervious Surface Coverage.* In no event shall off-street parking space, structures of any type, buildings, or other features cover more than seventy-five (75) percent of the lot area resulting in less than twenty-five (25) percent pervious landscaped area.

(5) *Building Requirements.* All newly constructed buildings shall meet the exterior building standards of §1007.043 (2)(d) of this Ordinance.

(6) *Permitted Uses.* In the GB District, no building or land shall be used, and no building shall be erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses.

(a) Adult use – principal and accessory.

(b) Governmental and public regulated utilities, buildings, and structures necessary for the health, safety, and general welfare of the City.

(c) Commercial greenhouses and nurseries.

(d) Hospitality business.

(e) Liquor sales, on and off sale.

(f) Office business – clinical.

(g) Office business – general.

(h) Personal Services.

(Ord. No. 21-03, passed on 10-13-2003)

(i) 9 Recreational business contained entirely within the principal building.

(j) Restaurants and Brew Pubs with or without drive-through facilities, without outdoor dining or seating.

(k) Retail business.

(l) Service business – off-site.

- (m) Service business – on-site.
- (n) Specialty schools such as music, dance, gymnastics, or business/trade schools.
- (o) Theaters.
- (p) Community Gardens operated by the city.

(7) *Accessory Uses.* Subject to applicable provisions of this Ordinance, the following are accessory uses in the GB District:

(a) Accessory buildings and structures as regulated by §1007.043 (4)(i) of this Ordinance.

(b) Drive-through service facilities:

1. Not less than one hundred twenty (120) feet of segregated automobile stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to sixty (60) feet per lane.

2. The stacking lane and its access must be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space.

3. No part of the public street or boulevard may be used for stacking of automobiles.

4. The stacking lane, order board intercom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.

5. The drive-through window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way.

6. A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with §1007.043 (6) of this Ordinance.

(c) Fences, as regulated by §1007.043 (18) of this Ordinance.

(d) Off-street loading as regulated by §1007.045 of this Ordinance.

(e) Off-street parking as regulated by §1007.044 of this Ordinance.

(f) Outside services, sales, and equipment rental accessory to the principal use and limited in area to twenty-five (25) percent of the gross floor area of the principal building.

(g) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by §1007.053 of this Ordinance.

(h) Signs, as regulated by the city sign ordinance, Ord. No. 12-97, as amended, of the City Code.

(i) Home Occupation Level A as regulated by §1007.047 of this Ordinance.

(8) *Conditional Uses.* Subject to applicable provisions of the Ordinance, the following are conditional uses in the GB District: These uses require a conditional use permit based upon the criteria and procedures outlined in §1007.016 of this Ordinance.

(a) Automobile and truck repair (including body shops) provided that:

1. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.

2. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a storm water drainage system and is subject to the approval of the City Engineer.

3. All buildings shall provide an interior location for trash handling or an enclosed trash receptacle area in conformance with the following:

a. Exterior wall treatment shall be similar and/or complement the principal building.

b. The enclosed trash receptacle area shall be located in the rear or in a side yard which is not abutting a street.

c. The trash enclosure must be in an accessible location for pick up hauling vehicles.

d. The trash enclosure must be fully screened from view of adjacent properties.

4. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulated matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.

5. The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota regulations APC, as amended.

6. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.

7. All outside storage shall be prohibited except the storage of customer vehicles waiting for repair.

8. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served by modifying the conditions.

(b) Bus garage provided that:

1. When abutting a residential use or residential district, the property shall be screened and landscaped in accordance with §1007.043 (17) of this Ordinance.

2. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.

3. The entire area other than occupied by the building or planting shall be surfaced with blacktop or concrete which will control dust and drainage which is subject to the approval of the City Engineer.

4. The entire area shall have a drainage system which is subject to the approval of the City Engineer.

5. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.

6. Provisions are made to control and reduce noise.

7. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.

8. Motor fuel activities associated with the bus service shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

(c) Commercial car washes (drive-through, mechanical and self-service) provided that:

1. The site is serviced by municipal sanitary sewer.

2. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.

3. Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the City Engineer.

4. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with §1007.043 (17) of this Ordinance.

5. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with §1007.043 (17) of this Ordinance.

6. The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.

7. The entire area shall have a drainage system which is subject to the approval of the City.

8. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with §1007.043 (6) of this Ordinance.

9. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.

10. Provisions are made to control and reduce noise.

(d) Commercial day care facilities provided that:

1. All requirements of the Minnesota Department of Health and Human Services, as may be amended, are satisfactorily met and the structure and operation is licensed accordingly.

2. Screening is provided along all shared property lines. Such required fencing and screening shall be in compliance with the applicable provisions of §1007.043 (19) of this Ordinance.

3. Adequate off-street parking is provided in a location separated from any outdoor play area(s).

4. Adequate off-street loading spaces in compliance with §1007.045 of this Ordinance.

(e) Contractor shops and offices provided that:

1. All outside storage is prohibited. The storage of contractor equipment and materials must be completely inside.

2. When abutting a residential land use, a buffer area with screening and landscaping in compliance with §1007.043 (17) of this Ordinance is provided.

(f) Hospitals provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with §1007.043 (17) of this Ordinance.

2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.

4. Adequate off-street loading space is provided in compliance with §1007.045 of this Ordinance.

(g) Motor fuel stations provided that:

1. *Motor Fuel Facilities.* Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

2. *Architectural Standards.*

a. As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted.

b. The architectural appearance, scale, and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.

c. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to §1007.043 (2) of this Ordinance.

d. Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.

e. Earth tone colors of exterior materials including the canopy columns shall be required. "Earth tone colors" shall be defined as any various soft colors like those found in nature in soil, vegetation, etc., such colors are limited to brown, black, gray, tan, beige, brick red, soft green, soft blue, or white.

f. Ten (10) percent of the building facade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones. The canopy may have contrasting color bands or accent lines not to exceed an accumulative width of four (4) inches. The color bands shall not be illuminated.

3. *Canopy.* A protective canopy structure may be located over the pump island(s), as an accessory structure. The canopy shall meet the following performance standards:

a. The edge of the canopy shall be thirty (30) feet or more from the front and/or side lot line, provided that adequate visibility both on-site and off-site is maintained.

b. The canopy shall not exceed eighteen (18) feet in height and must provide fourteen (14) feet of clearance to accommodate a semi-trailer truck passing underneath.

c. The canopy fascia shall not exceed three (3) feet in vertical height.

d. Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination may not exceed one hundred fifteen (115) foot candles below the canopy at ground level.

e. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.

f. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:

i. The individual canopy sign does not exceed more than twenty (20) percent of the canopy facade facing a public right-of-way.

g. Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.

4. *Pump Islands.* Pump islands shall comply with the following performance standards:

a. Pump islands shall be elevated six (6) inches above the traveled surface of the site.

b. All pump islands shall be set at least thirty (30) feet back from any property line. Additionally, the setback between the pump islands curb face must be at least twenty-four (24) feet.

5. *Dust Control and Drainage.* The entire site other than taken up by a building, structure, or plantings shall be surfaced with asphalt, concrete, cobblestone, or paving brick. Plans for surfacing and drainage shall be subject to approval of the City Engineer. Drainage from all fueling areas shall be directed to an oil/grit separator. Minimum design standards for the oil/grit separator shall include the following:

a. A minimum of four hundred (400) cubic feet of permanent pool storage capacity per acre of drainage area.

b. A minimum pool depth of four (4) feet.

c. A minimum oil containment capacity of eight hundred (800) gallons.

d. Minimum maintenance/inspection of two (2) times per year and/or after measurable spill events. A measurable spill shall be defined by the Minnesota Pollution Control Agency (MPCA). Any measurable spill event must be reported to the MPCA.

6. *Landscaping.*

a. At least twenty-five (25) percent of the lot, parcel or tract of land used exclusively for the gas sales facility shall remain as a grass plot, including trees, shrubbery, plantings or fencing and shall be landscaped. Required minimum green area should be emphasized in the front and side yards abutting streets or residential property.

b. At the boundaries of the lot, the following landscape area shall be required:

i. From side and rear property lines, an area of not less than ten (10) feet wide shall be landscaped in compliance with §1007.043 (17) of this Ordinance.

ii. From all road rights-of-way, an area of not less than fifteen (15) feet wide shall be landscaped in compliance with §1007.043 (17) of this Ordinance.

iii. Where lots abut residentially zoned property, a buffer yard of not less than twenty (20) feet wide shall be landscaped and screened in accordance with §1007.043 (17) of this Ordinance.

iv. The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.

7. *Exterior Lighting.* The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with §1007.043 (6) of this Ordinance. A comprehensive lighting

plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:

a. *Canopy Lighting.* Canopy lighting shall only be permitted under the canopy structure, and shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy may not exceed one hundred fifteen (115) foot candles at ground level.

b. *Perimeter Lighting.* Lighting at the periphery of the site and building shall be directed downward, and individual lights shall not exceed fifteen (15) foot candles at ground level.

c. *Illumination.* Maximum site illumination shall not exceed four-tenths (.4) foot candle at ground level when measured at any boundary line with an adjoining residential property or any public property.

d. *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with §1007.044 of this Ordinance.

8. *Circulation and Loading.* The site design must accommodate adequate turning radius and vertical clearance for a semi-trailer truck. Designated loading areas must be exclusive of off-street parking stalls and drive aisles. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.

9. *Parking.*

a. Parking spaces shall be calculated solely based upon the use(s) and the square footage of the principal building(s).

b. Parking spaces shall be screened from abutting residential properties in compliance with §1007.043 (17) of this Ordinance.

10. *Noise.* Public address system shall not be audible at any property line. Play of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in §1007.043 (10) of this Ordinance.

11. *Outside Storage, Sales and Service.* No outside storage or sales shall be allowed, except as follows:

a. Public phones may be located on site as long as they do not interrupt on-site traffic circulation, and are not located in a yard abutting residentially zoned property.

b. Propane sales of twenty (20) pound capacity tanks may be located outside provided the propane tanks are secured in a locker and meets all State Uniform Building and Fire Codes.

Large, bulk sale propane tanks must meet all applicable building and fire code requirements.

c. A compressed air service area may be located on site as long as it does not interrupt on-site traffic circulation.

d. Accessory outdoor services, sales, or rental as regulated by §1007.112 (7)(f) of this Ordinance.

12. *Litter Control.* The operation shall be responsible for litter control on the subject property, which is to occur on a daily basis. Trash receptacles shall be provided at a convenient location on site to facilitate litter control.

13. *Additional Stipulations.* All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

(h) Outdoor recreation facilities provided that:

1. The facilities are an accessory use to a principal use allowed within the GB District.
2. The facilities meet the principal building setbacks.
3. The facilities shall maintain a fifty (50) foot setback from residential districts.
4. The facilities shall be screened from adjoining properties or public rights-of-way.
5. The City may set limits on the hours of operation to avoid nuisance issues.

(i) Motor Vehicle Sales Lot provided that:

1. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with §1007.043 (17) of this Ordinance.
2. Outside services and sales are associated with a principal building of at least one thousand (1,000) square feet of floor area.
3. The entire sales lot and off-street parking area is paved.
4. Parking for customers and employees must be provided in compliance with §1007.044 (6)(x).
5. For automobile sales activities, a minimum of three hundred eighty (380) square feet of sales area per vehicle is provided exclusive of required parking areas. Minimum sales

area for all other motor vehicles will be determined by the City Council during the review of the conditional use permit.

6. A perimeter curb is provided around the sales/parking lot.

7. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with §1007.043 (6) of this Ordinance.

8. Vehicles for sale shall be displayed in an orderly manner.

(j) Planned unit development – commercial including shopping centers regulated by §1007.024 of this Ordinance.

(k) Private lodges and clubs provided that:

1. Screening from residential uses and landscaping is provided in compliance with requirements for business or industrial uses in §1007.043 (17) of this Ordinance

2. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with §1007.044 of this Ordinance

3. Parking is screened and landscaped in compliance with requirements for business or industrial uses in §1007.043 (17) of this Ordinance.

4. Adequate off-street loading and service entrances are provided and regulated where applicable by §1007.045 of this Ordinance.

(l) Public, Educational, and Religious Buildings. Public or semi-public recreational buildings and neighborhood or community centers; limited to nursery, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples, mosque, and synagogues provided that:

1. Screening from residential uses and landscaping is provided in compliance with requirements for business or industrial uses in §1007.043 (17) of this Ordinance.

2. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with §1007.044 of this Ordinance

3. Parking is screened and landscaped in compliance with requirements for business or industrial uses in §1007.043 (17) of this Ordinance.

4. Adequate off-street loading and service entrances are provided and regulated where applicable by §1007.045 of this Ordinance.

(m) Small engine and boat repair provided that:

1. The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with §1007.043 (6) of this Ordinance.
2. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with §1007.043 (17) of this Ordinance.
3. Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with §1007.044 of this Ordinance and shall be subject to the approval of the City Engineer.
4. Provisions are made to control and reduce noise.
5. No outside storage, repair or sales except in compliance with §1007.112 (7)(f) or §1007.112 (8)(i) of this Ordinance shall be allowed.
6. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

(n) Veterinary Hospitals provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
3. An indoor animal kennel is permitted as a use accessory to the veterinary hospital provided that:
 - a. The number of animals boarded shall not exceed twenty (20).
 - b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
 - c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between 60 and 75 degrees Fahrenheit.

d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.

e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.

f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

4. The appropriate license is obtained from the City and the conditions of Chapter 503 relating to the keeping of animals are satisfactorily met.

5. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met

(o) Two (2) or more buildings on same lot provided such buildings relate to a permitted or conditional use that is operated as a single business or enterprise.

(Ord No. 05-19, passed 04-08-2019)

(9) *Uses by Administrative Permit.* Subject to applicable provisions of this Ordinance, the following uses are allowed by administrative permit, as may be approved by the Zoning Administrator:

(a) Personal wireless service antennas as secondary uses as regulated by §1007.053 of this Ordinance.

(b) Home Occupation Level B as regulated by §1007.047 of this Ordinance.

(c) Accessory outdoor dining or seating facilities intended for consumption of food or beverages purchased on site, provided that requirements of §1007.055 are met. This administrative permit may be incorporated into another approval such as but not limited to a site plan, planned unit development, or building permit.

(d) Open Air Markets.

(e) Transient Merchants.

(10) *Interim Uses.* Subject to applicable provisions of this Ordinance, the following are interim uses in the GB District and are governed by §1007.017 of this Ordinance:

(a) None.

§ 1007.113 CB, CENTRAL BUSINESS DISTRICT AND SC, SHOPPING CENTER DISTRICT

(1) Land formerly within a CB, Central Business District or SC, Shopping Center District is hereby zoned GB, General Business District.

(Ord. No. 04-05, passed on 07-11-2005)

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§ 1007.114 SC, SHOPPING CENTER DISTRICT/PDO, PLANNED DEVELOPMENT OVERLAY

(1) Land formerly within a SC, Shopping Center District that has been rezoned to PDO, Planned Development Overlay prior to adoption of this ordinance shall be subject to the provisions of the PDO ordinance. Where provisions are not specified within the PDO ordinance the property shall be governed by the requirements of the GB, General Business District.

(Ord. No. 04-05, passed on 07-11-2005)

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