

CHAPTER 74. ZONING

ARTICLE V. District Regulations.

DIVISION 3. Business Districts.

Section 74-236. B-1 Highway Business District.

- (a) *Purpose of district.* The purpose of the B-1 highway business district is to provide for the establishment of service and limited retail businesses primarily oriented toward motorists and requiring high volumes of traffic and visibility from major roads in order that highway service types of land uses can be provided in a manner compatible with the needs for traffic movement and adjacent residential uses.
- (1) Retail store, showroom or service uses, including drive-through establishments.
 - (2) Restaurant or deli, including drive-through establishments or similar uses that provide goods and services to patrons in automobiles.
 - (3) Drying cleaning establishment, provided the cleaning process does not occur on-site.
 - (4) Medical and dental offices or clinics.
 - (5) Hotel or Motel.
 - (6) Mortuaries or funeral homes.
 - (7) Professional offices.
 - (8) Brewpubs.
 - (9) Veterinary clinic, animal hospital, kennel with no outdoor runs.
 - (10) Health, athletic or fitness clubs.
 - (11) Banks, savings and loan, insurance offices.
 - (12) Daycare centers.
 - (13) Grocery store.
 - (14) Liquor store.
 - (15) Parks.
 - (16) Essential services, including electrical, gas, water, sewer distribution and collection lines, pumping facilities for water and sewer systems, right-of-ways for transportation modes, and telephone switching facilities.
- (c) *Conditional Uses.*

- (1) Automobile sales, trailer sales, and/or any other establishment engaged in the business of selling, leasing, displaying for sale, or renting motorized or licensed vehicles, subject to the conditions as required by this Code or reasonably imposed by the City Council.
 - (2) Automobile repair shops.
 - (3) Automobile service stations, for the sale of gasoline, oil and accessories.
 - (4) Car wash.
 - (5) Churches, religious use, places of worship.
 - (6) Multiple family uses permitted in the R-4 Residential District.
 - (7) Libraries.
 - (8) Public schools or private schools having a course of instruction approved by the Minnesota Board of Education for students enrolled in grades K-12, or any portion thereof, provided they do not include boarding or residential facilities.
 - (9) Sports arenas, indoor skating rinks, stadiums, dance halls, pool and billiard rooms, bowling alleys and gymnasiums; provided that buildings are located not less than one hundred and fifty feet from any residential district boundary line.
 - (10) Trade schools, vocational schools.
 - (11) Universities.
 - (12) Service business with showroom or workshop, including office-warehouse (contractor, painter, HVAC).
 - (13) Boat and marine sales and service.
 - (14) Other highway business uses which in the opinion of the City Planning Commission and City Council are similar and which are established for the convenience of the community, but only after a conditional use permit has been secured from the lawful governing body.
- (d) *Interim Uses.*
- (1) Overnight parking of more than three (3) mid-sized vehicles.
 - (2) Outdoor display of materials such as tires, lumber, building supplies, landscape materials offered for sale at retail.
- (e) *Accessory Uses.*
- (1) Uses customarily incidental to the permitted and conditional uses in the B-1 Highway Business District.
 - (2) Outdoor seating.

- (3) Outdoor merchandise display (permanent) of seasonal or convenience items (e.g. windshield washer fluid, softener salt) associated with an allowed principal use.
- (4) Accessory Car Wash/Vacuums.
 - a. No more than one car wash bay shall be allowed.
 - b. The car wash shall be designed to be an integral part of the principal building and may not be a separate freestanding structure.
 - c. The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of car wash and the amount of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking spaces or traffic circulation.
 - d. The exit from the car wash shall have a drainage system which is subject to the approval of the City and gives special consideration to the prevention of ice build-up during winter months.
 - e. Neither the car wash nor an accessory vacuum shall be located within 300 feet of any residentially zoned or guided property or residential land use, unless completely screened by an intervening building or located across an arterial or major collector roadway from residentially zoned or guided property or residential use.
 - f. Both the car wash and accessory vacuum shall conform to the noise ordinance.
- (f) *Prohibited Uses.*
 - (1) Trucking or package distribution centers.
 - (2) Implement sales and showrooms.
 - (3) Yards for storage, sale and distribution of building materials.
 - (4) Manufacturing/warehousing facilities.
 - (5) Tree care service businesses.
 - (6) Transportation services (ambulance, limousine, package delivery, taxi cab, etc.)
 - (7) Self-storage facility.
 - (8) Any use not specifically listed as permitted, conditionally permitted, permitted with an interim use permit, or as allowed elsewhere in the City Code, shall be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this Chapter.

(g) *Height and Setback Regulations.*

B-1 District Commercial	B-1 District Multiple Family Residential
<i>Setbacks</i>	<i>Setbacks</i>
Front: 20 feet	Front: 20 feet
Rear: 20 feet	Rear: 30 feet
Side: 10 feet	Side: 10 feet
<i>Adjacent to Residential</i>	<i>Adjacent to Residential</i>
Front: 25 feet	Front: 25 feet
Rear: 2x the width of the side yard of that which is required in the residential district it borders	Rear: 30 feet
Side: 2x the width of the side yard of that which is required in the residential district it borders	Side: 15 feet
<i>Parking Setbacks</i>	
Front: 10 feet; 20 feet adjacent to residential	
Rear: 10 feet adjacent to single family and two family residential; 5 feet adjacent to multiple family, commercial or industrial	
Side: 10 feet adjacent to single family and two family residential; 5 feet adjacent to multiple family, commercial or industrial	
<i>Height: 3 stories or 40 feet</i>	

(1) *Lot coverage regulations.* No more than 50 percent of a lot or plat area shall be occupied by buildings and no more than 75% of the lot may be covered by impervious surface. No impervious surface may be closer than 50 feet from the ordinary high water level of the river and must be screen by a natural material.

(h) *Specific Conditional Use Permit Standards.* The standards in this sub-section apply to the uses that are listed as conditional uses within the B-1 district and shall apply in additional to the general criteria for granting conditional use permits.

(1) Drive-through service windows (drive-up facilities). The conditions are as follows:

- a. Curb-cut entrances for queuing driveways and exit driveways shall be consolidated with any other driveway entrances or exits on the site.
- b. A minimum of one hundred feet (100') leading to the drive-up window for one lane and sixty feet (60') per lane when more than one lane shall be provided for queuing.
- c. The queuing area shall not contain any pedestrian crosswalks or sidewalks. Driveway lanes shall be designed to that queuing vehicles do not interfere with other vehicle and pedestrian circulation on the site.
- d. Driveways shall not be located between a principal building and the street, or if a corner site, all adjacent roadways.

- e. All queuing lanes shall be clearly identified using striping, landscaping, and/or signs. Drive-up windows shall be located to the rear or side of a building.
- (2) Automobile sales, trailer sales, and/or any other establishment engaged in the business of selling, leasing, displaying for sale, or renting motorized or licensed vehicles. In addition to the requirements of subsection 74-112(b), the site plan shall show:
- a. Setbacks as follows:
 - 1. Complying with all requirements of the B-1 Highway Business District unless specifically covered by subsection (1) a. 2 of this use.
 - 2. Setbacks shall be physically maintained to prevent vehicle overhang through landscaping, concrete curbing, tire bumper blocks, a fence, or some other approved means.
 - b. A plan for the display of vehicles along with the required traffic circulation and parking plan, designating all vehicle storage and display areas with painted striping on a paved surface, providing widths of 12 feet for one-way traffic and 18 feet for two-way traffic, and which will permit any displayed or stored vehicle to be moved off premises without moving any other vehicle.
 - c. Adequate employee parking, a minimum of three customer parking spaces, plus one additional parking space for 25 displayed or stored vehicles for the site. All customer parking stalls shall be adequately signed. All parking areas shall be paved.
 - d. Site plan shall show a permanent building on footings, with restroom facilities, and connections with sewer and water, all in conformance with the building code, with a minimum of 400 square feet. The exterior building construction shall be consistent with the architectural standards of this section.
 - e. A used car lot shall have a total lot area of not less than 1.5 acres.
 - f. Positive drainage, including storm sewer basins if necessary to adequately handle runoff, with concrete curbing around the perimeter of the paved display storage area on all sites which have not previously been licensed for used car sales and those sites which cannot otherwise adequately control drainage.
 - g. No more than 70 percent of the available parking stalls can be used for displaying vehicles not owned by the licensed car dealer.
 - h. Operation of the business shall conform to the approved site plan.
 - i. Owner-to-owner sales are not allowed unless specifically provided for in a conditional use permit or amended conditional use permit.

- (3) Automobile Repair Shops.
 - a. All vehicles parked or stored on site shall display a current license plate with a current license tab.
 - b. Outside storage of any kind is prohibited.
 - c. Junk vehicles may not be located outside at any time.
 - d. All vehicles, other than junk vehicles, waiting for repair or pick-up shall be stored on the site within an enclosed building or in parking spaces in compliance with Section 74-266.
 - e. As a condition of approval, the Planning Commission and City Council may limit the amount of vehicles that may be stored overnight.
 - f. All repairs shall be performed within a completely enclosed building.
- (4) Car wash.
 - a. The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of car wash and the amount of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking spaces or traffic circulation.
 - b. The exit from the car wash shall have a drainage system which is subject to the approval of the City and gives special consideration to the prevention of ice build-up during winter months.
 - c. The car wash and accessory equipment (i.e. vacuum) shall conform to the noise ordinance.
- (5) Any multiple family use permitted in the R-4 Residential District subject to the conditions in Section 74-216 and any others required by this Code or reasonably imposed by the City Council.
 - (i) Exterior Site Requirements.
 - (1) *Outdoor storage and display.* Outdoor storage of product or merchandise offered at wholesale, material stored for salvage or disposal, or items used in the operation of the business, is prohibited except when specifically permitted elsewhere in this section. Outdoor display of materials such as tires, lumber, building supplies, landscape materials offered for sale at retail is prohibited unless an interim use permit is first obtained and it is demonstrated that such display is not a hazard to the public health, safety, convenience or welfare.
 - (2) *Refuse.* Dumpsters, recycling containers, compactors, and solid waste handling areas are permitted in any setback and shall be screened from adjacent property and from public view with a six foot high solid and

finished masonry wall with closeable gates. In no instance shall a chain link fence, wood, vinyl or barbed wire fence be permitted.

- (3) *Mechanical Screening.* All mechanical equipment on the ground or roof, such as heating and air conditional units and transformers, shall be screened on all sides or placed so as not to be visible from public streets. Such screening shall be compatible with the building. Camouflaging heating and air conditional units is an acceptable method of screening and the intent of the screening is to distract the review of these areas, not to provide total screening.
- (4) *Outdoor Patio Seating.*
 - a. The front yard setback may be used as a plaza provided it is constructed according to the requirements in this section.
 - b. A barricade such as fence, landscaping hedge, decorative bollards or similar as approved by the City shall be used to separate the plaza from a public sidewalk to define the space.
 - c. The use must be separated from any adjacent residential use by a building wall or six foot fence. This provision will not apply if the residential use is located on an upper story above the principal use.
 - d. No speakers or other electronic device which emit sounds are permitted if the use is located within 500 feet of a residential use.
 - e. The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if the use is located within 500 feet of a residential use.
 - f. Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or ten percent of the gross floor area of the principal use, whichever is less. Parking will be required at the same rate as the principal use for that portion of outdoor seating area in excess of 500 square feet or ten percent of the gross floor area.
 - g. An outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- (5) *Exterior Lighting.*
 - a. Exterior lighting shall be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties and shall comply with the following standards:
 1. Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
 2. Security lighting shall be adequate for visibility.

3. Metal halide lighting shall be used with a concealed light source of the “cut off” variety to prevent glare and “light trespass” onto adjacent buildings and sites.
4. Poles within landscaped areas and plazas shall have a maximum height of twenty feet (20’), measured from grade.
5. Poles in parking lots shall have a maximum height of twenty four feet (24’) measured from finished grade.

b. Light Intensity.

1. A photometric lighting plan is required for all proposed developments to ensure that adequate and appropriate light levels are provided for each site condition.
2. Lighting shall not exceed .1 foot candle at residential property lines or .5 foot candle on non-residential property lines measured on a vertical plane.
3. Site lighting should provide consistent levels of illumination, avoiding pockets of very high or low levels of illumination.

(6) *Screening.*

- a. All service entrances, utility structures associated with a building, and loading docks and/or spaces shall be screened from the abutting property and from public view from a public street.
- b. Any fences or walls used for screening or other purposes shall be constructed in a durable fashion of brick, stone and other masonry materials specifically designed as fencing materials. The finished side of the fence shall face the abutting property. Chain link, wood, vinyl or barbed wire fences are not permitted.
- c. The composition of the screening material and the placement on the lot shall be left up to the discretion of the property owners as long as the intent of this Section is met. A wall cannot be substituted for a planting strip along any public street unless supplemented by landscaping.
- d. Landscaping used for screening shall be evergreen and at least four feet (4’) tall with a minimum spread of two feet (2’) when planted and no further apart than five feet (5’). Shrubs shall be adequately maintained so that an average height of five to six feet can be expected as normal growth within four years of planting. The average expected height may be reduced to four feet (4’) for screening along public streets.
- e. The maximum height for walls and fences shall be six feet (6’; or whatever is sufficient to visually screen the use but not less than four feet (4’).

(7) *Landscaping.*

- a. All landscaped areas where sod is present shall be irrigated with an underground sprinkler system. Areas considered natural may be exempt from irrigation requirements as determined by City staff.
- b. Landscaped islands shall be provided in parking lots to break up and soften large areas of paving. At least one tree shall be provided in each island. If possible, portions of stormwater created from parking lots should be collected in the landscaped islands as a source of irrigation.
- c. All areas not covered by impervious surface or landscaping or left natural shall be planted with cultured sod.
- d. All landscaping shall be maintained as to be compliant with the approved landscape plan submitted as part of the site plan approval.

(j) *Architectural Standards.*

- (1) In the B-1 District the primary exterior opaque materials on each elevation of a non-residential building must be brick, stone, decorative masonry, or similar materials or a combination thereof.
- (2) No more than twenty-five percent (25%) of the building exterior opaque materials on each elevation, except for the service side of the building, shall be comprised of the following accent materials:
 - a. Cast stone.
 - b. Wood shingles (cedar shingles with 6-inch maximum exposure.
 - c. Lap siding, cedar or redwood (6 inch width, no diagonal siding)
 - d. Tongue and groove paneling, cedar or redwood (6 inch width, no diagonal siding).
 - e. Copper (untreated).
 - f. Stucco and EFIS.
 - g. Cement board.
 - h. Glass (does not include windows).
 - i. Dark anodized aluminum or metal as accent.
 - j. Materials that are similar in character to those listed above.
- (3) The following materials are not allowed as exterior opaque materials on new buildings.
 - a. Smooth surfaced concrete block.
 - b. Prefabricated steel panels.
 - c. Aluminum, vinyl or fiberglass siding or roofing materials.
 - d. Precast concrete panels, unless specifically approved by the City Council for a new commercial building.
 - e. Painting of previously unpainted brick.
 - f. Wooden exteriors, except for those listed as allowed above.

- (4) Gas station and convenience stores. The gas canopy shall have similar colors and materials to the building fascia.
- (5) Franchises or national chains with standardized architecture and signage shall comply with the standards contained in this section. Aggressive or bright signage must be altered and scaled down to meet the intentions of these standards.
- (6) Facades.
 - a. Visual Breaks. The exterior of new buildings shall be designed with visual breaks through the use of decorative tile work, masonry (but not flat concrete block), belt courses of a different texture and color, projection cornices, medallions, opaque or translucent glass, artwork, vertical articulation, lighting fixtures, or architectural elements not listed herein as approved by the City Council.
 - b. Width. A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of the following techniques:
 1. Division or breaks in materials.
 2. Window bays.
 3. Special treatment at entrances.
 4. Subtle variations in rooflines and parapet detailing.
 5. Building setbacks.
 6. Awnings.
 7. Repetitive elements.
- (7) LEED (Leadership in Energy and Environmental Design) Standards. The City encourages the use of sustainable building materials and construction techniques through programs such as the U.S. Green Building's Council's LEED Program.
- (8) Alternative Designs or Materials. To encourage creativity, imagination, innovation, and variety in architectural design, the Planning Commission may recommend modifications of the requirements of this Section and the City Council may approve such modifications upon determining that the proposed architectural design or exterior façade material(s) meets all of the following conditions:
 - a. The proposed design or material is consistent with the purposes of this section.
 - b. The proposed design or material would enhance the architectural appearance of the building and would be equal or superior to designs or materials permitted by this section.
 - c. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.

- (9) Multiple-family residential. In addition to the regulations in this subsection, architectural control and appearance shall be regulated as follows:
- a. Facades.
 1. Visual Breaks. The exterior of new building shall be designed with visual breaks through the use of decorative tile work, masonry (but not flat concrete block), belt courses of a different texture and color, projecting cornices, medallions, opaque or translucent glass, artwork, vertical articulation, lighting fixtures, or architectural elements not listed herein as approved by the City Council.
 2. Width. A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combination of the following techniques:
 - aa. Division of breaks in materials.
 - bb. Window bays.
 - cc. Special treatment at entrances.
 - dd. Subtle variations in rooflines and parapet detailing.
 - ee. Building setbacks, façade recesses and projections.
 - ff. Awnings.
 - gg. Repetitive elements.
 - b. Exterior Materials and Detailing.
 1. New buildings and structures, additions, and revocations must be constructed of durable materials.
 2. In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of a combination of the following:
 - aa. An intermediate cornice line.
 - bb. A difference in building materials or detailing.
 - cc. An offset in the façade.
 - dd. An awning, loggia, or arcade.
 - ee. Special window lintels.
 - ff. Brick/stone corbels.
 3. The exterior opaque materials on each respective elevation of a multiple family residential building must be brick, stone, decorative masonry or similar materials or a combination thereof according to the following: Public Façade: 50%; Side Façade: 33%; Interior Façade: 25%. The brick, stone, or decorative masonry shall be focused on prominent architectural features, particularly the office components of the building, elevations that include primary building entrance or multiple tenant

entrances, corners of buildings, and the prominent building elevations front on public streets.

4. The remaining percentage of the building exterior opaque materials shall be comprised of the following materials:
 - aa. Cast stone.
 - bb. Wood shingles (cedar shingles with 6-inch maximum exposure).
 - cc. Lap siding, cedar or redwood (6 inch width, no diagonal siding)
 - dd. Tongue and groove paneling, cedar or redwood (6 inch width, no diagonal siding)
 - ee. Copper (untreated).
 - ff. Stucco and EFIS.
 - gg. Cement board.
 - hh. Glass (does not include windows).
 - ii. Dark anodized aluminum or metal as accent.
 - jj. Materials that are similar in character to those listed above.

5. The following materials are not allowed as exterior materials:

- aa. Smooth surfaced concrete block.
- bb. Pre-fabricated steel panels.
- cc. Aluminum, vinyl or fiberglass siding or roofing materials.
- dd. Pre-cast concrete panels, unless specifically approved by the City Council for a new commercial building.
- ee. Painting of previously unpainted brick or concrete block.
- ff. Wooden exteriors, except for those listed as allowed above.

(10) Accessory building and garages. Exterior wall finishes of accessory buildings and garages shall have the same exterior finish as the main structure or other compatible finish approved during site plan review. No detached garages or accessory building shall be closer to the front lot line than the principal structure. Such structure shall be set back behind the principal building regardless of the existing front yard setback of the principal building.

(k) Parking Requirements.

(1) General regulations. Parking shall be as required under Chapter 74, Article IX, Division 2.

- a. In instances where parking areas abut the street, the parking lot edge must be delineated with landscaping, architectural fencing or other decorative features.

(2) Off-street parking of large vehicles. The following standards shall apply:

- a. Oversized vehicles are prohibited from overnight parking if visible from a public street.
 - b. No more than three (3) mid-sized vehicles that are visible from a public street may be parked overnight on any one property used for commercial purposes provided that sufficient off-street parking is available. Such mid-sized vehicles must be used primarily for business related purposes of a business located on the same property.
 - c. Vehicles on residential property are regulated by Section 74-487 of this Chapter.
 - d. This section shall not prohibit vehicles or trailers from short-term parking or when loading, unloading, or rendering a service.
 - e. This section shall not regulate the size of vehicles for sale, lease or rent provided such vehicles are located upon a property that has obtained a conditional use permit for such use.
- (l) General standards applying to all properties adjacent to residential.
- (1) Screening. Commercial uses adjacent to residential uses shall be screened by walls of buildings, screening fence and/or landscaping compatible with the principal building and surrounding land uses as approved by the City. A minimum 6 foot high fence and/or landscaping shall be maintained along the property lines adjacent to residential to provide screening of the site.
 - (2) Noise. No impact noise shall be audible from any residential property, consistent with the noise ordinance.
 - (3) Vehicle storage. Outside vehicle storage shall be screened any abutting residential uses.
 - (4) Outdoor activities. Any outdoor activities included but not limited to patio seating shall be limited to the hours of 7:00am – 10:00pm. This does not include outdoor areas for smoking purposes.
 - (5) Access. Primary access from local residential streets shall be prohibited.
 - (6) Specific land uses.
 - a. Gas station or convenience store. The conditions are as follows:
 1. The fuel sales are incidental to a retail store.
 2. Wherever fuel pumps are to be installed, pump islands shall be installed.
 3. Provisions are made to control and reduce noise.
 4. All signing and information or visual communication devices shall be minimized toward residential uses and in compliance with the sign ordinance.

- b. Animal handling. The conditions are as follows:
 - 1. No animals or pens shall be kept outside the building or cause offensive odor or noise discernible at the property line of the lot on which the activity is being conducted.
 - 2. Where animals are boarded, the facility shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- c. Drive through service windows (drive-up facilities). The conditions are as follows:
 - 1. If the drive-up facility is adjacent to residential, such facility shall establish sound barriers and be screened from vehicle lights in stacking areas.
 - 2. The hours of operation are limited to 7:00am to 10:00pm unless extended by the City Council as part of a conditional use permit.
- (7) The City may impose further conditions for uses to protect the health, safety, and general welfare of the public.
- (m) Application of Standards. The B-1 Highway Business standards apply to the following:
 - (1) All newly constructed buildings, structures or additions.
 - a. New additions may use exterior materials that are similar to the existing structure materials.
 - (2) All exterior improvements or renovations.
 - (3) All new or reconstructed parking areas with five (5) or more spaces.
- (n) Exemptions. The following are exempt from this Section:
 - (1) Projects involving only work, maintenance or repairs to the interior of a building or structure.
 - (2) Projects involving only ordinary maintenance or the replacement of similar or identical materials of an existing building.
- (o) Pre-existing structures. Any building, structure, parking area or sign that lawfully exists on the effective date of this Ordinance, which is otherwise not permitted under this Ordinance, may be continued in the same manner as existed before the effective date of this Ordinance. Buildings that are destroyed by an act of nature may be reconstructed with similar materials as existed prior to

being destroyed. All redevelopment of properties shall be subject to the requirements of this Section.

- (p) Compliance. No conditional use permit, interim use permit, site plan approval, building permit, or sign permit shall be issued until the requirements of this Section have been met. It is the applicant's responsibility to provide the necessary information to City staff to determine compliance with this Section.
- (q) Approval Process.
 - (1) Site Plan Procedures. All development proposals under this section shall be reviewed under the site plan approval process as set forth in this chapter.
- (r) Enforceability.
 - (1) Violation. Unless expressly provided otherwise, it shall be a misdemeanor for any person or entity to violate any provision of the City Code, including this Section, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Section. The term "misdemeanor" is defined in Minnesota Statutes Section 609.02, subd. 3, as amended. In addition to prosecuting a violation as a misdemeanor, the City may separately, or in conjunction with the misdemeanor prosecution, bring an action for specific performance to enforce any provisions of the City Code, including this Section, any rule or regulation adopted in pursuance of such provision, or any order lawfully enforcing the City Code, including this Section.

Section 74-237.

B-2 Shopping Center Business District.

- (a) *Purpose of district.* 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.
- (b) *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 Highway Business District; except that no dwellings shall be permitted.
 - (2) Antique or gift shop.
 - (3) Appliance store.
 - (4) Art and school supply.
 - (5) Auto accessory store.
 - (6) Artist's studio.
 - (7) Bakery or pastry shop selling retail only.
 - (8) Bowling Alley.

- (9) Bank and savings institutions.
- (10) Barber or beauty shop.
- (11) Bicycle sales and repair shop.
- (12) Book or stationary store.
- (13) Bus station.
- (14) Business, commercial or trade schools.
- (15) Department store.
- (16) Discount store.
- (17) Candy, ice cream, soft drinks or confectionery stores, excluding drive-in type of service.
- (18) Camera or photographic supply store.
- (19) Carpet and rug store.
- (20) Churches.
- (21) Classrooms.
- (22) Clinics, for people only.
- (23) Clothing stores.
- (24) Community Centers.
- (25) Dancing, gymnastics, or martial arts school.
- (26) Delicatessen.
- (27) Drug store.
- (28) Dry cleaning or laundry collection stations.
- (29) Electrical appliance or equipment store.
- (30) Essential services, including electrical, gas, water, sewer distribution and collection lines, pumping facilities for water and sewer, rights-of way for transportation modes, and telephone switching facilities.
- (31) Fitness and health clubs, gyms.
- (32) Florists or gift shops.
- (33) Furniture store, including upholstery when conducted as a secondary use.
- (34) Glass, china or pottery store.

- (35) Grocery, fruit or vegetable store.
- (36) Hardware store.
- (37) Hobby store.
- (38) Interior decorating studio.
- (39) Jewelry store and watch repair.
- (40) Leather goods and luggage shop.
- (41) Library.
- (42) Loan and finance companies.
- (43) Meat market but not including the processing of meat products other than those sold on the premises.
- (44) Music shops.
- (45) Music studios and musical instrument store.
- (46) Newsstand.
- (47) Offices, business or professional, including ticket sales.
- (48) Paint, wallpaper stores.
- (49) Pet shop.
- (50) Photographers studio.
- (51) Plumbing, television or radio repair when operated as an accessory use to a retail sales establishment.
- (52) Postal substation.
- (53) Restaurant, tearoom, café, tavern and package liquor stores excluding drive-in type of service.
- (54) Sewing machine sales and service shop.
- (55) Shoe store or shoe repair shop.
- (56) Sporting goods store.
- (57) Tailor shop.
- (58) Telephone booth (outside).
- (59) Theater, excluding drive-in type of service.
- (60) Tobacco shop.

- (61) Toy store.
 - (62) Taxi stand.
 - (63) Service stations for gasoline and oil, excluding motor, body or fender repair, provided, that they are designed as an integral part of the district.
 - (64) Video store.
 - (65) Brewpubs.
- (c) *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 section 36-51; provided, that any incidental repair or processing necessary to conduct a permitted use shall not occupy more than 30 percent of the floor space.
 - (2) Off-street parking and loading as regulated by this Chapter.
 - (3) Signs as regulated by this Chapter.
- (d) *Interim Uses.*
- (1) Other uses that in the opinion of the City Council are similar to the permitted uses in the B-2 Shopping Center Business District and that are established for the convenience of the community.
- (e) *Prohibited Uses.*
- (1) Any use not specifically listed as permitted, conditionally permitted, permitted with an interim use permit, or as allowed in the City Code, shall be considered prohibited. A prohibited use may be changed to a permitted use, conditionally permitted or interim use upon amendment of this Chapter.
- (f) *Height, yard, area and lot coverage regulations.* Height, yard, area and lot coverage regulations for the B-2 shopping center business district shall be as follows:
- (1) *Height regulations.* No building shall hereafter be erected or structurally altered in a B-2 district to exceed three stories or 40 feet in height.
 - (2) *Front yard regulations.* There shall be a front yard having a depth of not less than 50 feet; except that on every lot in a B-2 shopping center business district located across the street from any one of the classes of residence districts there shall be a front yard of not less than 75 feet.
 - (3) *Side yard regulations.* There shall be a side yard on each side of a building, having a width of not less than 30 feet; except, that no building shall be located within 50 feet of any side lot line abutting a lot in any of the classes of residence districts.

- (4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 30 feet; except, that no building shall be located within 50 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 Shopping Center Business District shall be at least 2½ acres.
 - (6) *Lot coverage.* Not more than 40 percent of the lot or plot area shall be occupied by buildings.
 - (7) *Outdoor storage and display.* Open storage of products or merchandise offered at wholesale, material stored for salvage or disposal, or items used in the operation of the business, is prohibited. Open display of materials such as tires, lumber, building supplies, or landscape materials offered for sale at retail is prohibited unless a conditional use permit is first obtained. Open display of other products or merchandise offered for sale at retail is allowed, provided that the City Council may require a conditional use permit for any exterior display if it is demonstrated that such display is a hazard to the public health, safety, convenience, or welfare.
 - (8) *Refuse.* All waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes and housed in a refuse enclosure or within a building. Refuse enclosures shall screen garbage containers on three sides and shall have a concrete floor.
- (g) *General regulations.* General regulations for the B-2 shopping center business district shall be as follows:
- (1) All business shall be conducted within an enclosed yard or building.
 - (2) Additional regulations in the B-2 shopping center business district are set forth in various sections of this Chapter.
- (h) *Administrative procedure.*
- (1) The proponents of a B-2 shopping center business district shall submit a general development plan, along with the application for rezoning, to the City Planning Commission for their review and recommendation to the City Council. The general development plan shall be drawn to scale and the plan shall show:
 - a. The proposed site and existing developments on adjacent properties.
 - b. Proposed size, location and arrangement of buildings.
 - c. Parking areas and stall arrangement.
 - d. Entrance and exit drives.
 - e. Landscaping.
 - f. Dimensions.

- (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 in the plan will require a resubmission to and approval by the City Planning Commission and City Council.
- (3) If the zoning change is approved, the first phase of construction must begin within two years 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) Owner or developer must agree to comply with all the requirements of the City regarding lighting, noise abatement, traffic control and regulation, maintaining order and keeping the premises free from debris.

Section 74-238.

B-3 General Business District.

- (a) *Purpose of district.* The B-3 general business district is designed to accommodate the central retail and office activities, which are of citywide and of regional significance with a wide variety of retail shopping opportunities. The retail and office uses, which are allowed in this district are those which are basically retail in nature in order that a convenient, compact regional shopping area can be provided. the B-3 District also accommodates residential uses that compliment the central business district activities and that can benefit from existing commercial and public services and facilities.
- (b) *Use regulations.*
 - (1) *Permitted Uses.* The following uses shall be considered permitted uses in the B-3 General Business District:
 - a. Any use permitted in the B-1 Highway Business District, unless specifically listed as a conditional or prohibited use in this Section.
 - b. Hotel or motel.
 - c. Retail store.
 - d. Restaurant or Deli.
 - e. Office, agency or studio.
 - f. Bank, savings and loan association, insurance.
 - g. Personal Service and repair establishments such as barber and beauty shops, shoe repair, etc.
 - h. Clinic medical, dental, veterinary.
 - i. Employment agency.
 - j. Personal service and craftsman shop.
 - k. Municipal and public buildings and utility structures.

- l. Grocery store.
- m. Parking-garage or lot.
- n. Newspaper publishing; job printing establishment.
- o. Theatre.
- p. Club, lodge.
- q. Confectionery shop that is primarily retail.
- r. Incidental repair or processing necessary to conduct a permitted use; provided, that such use shall not occupy more than thirty percent of the floor space.
- s. Essential services, including electrical, gas, water, sewer distribution and collection lines, pumping facilities for water and sewer systems, rights-of-way for transportation modes, and telephone switching facilities.
- t. Brewpubs.
- u. Microbrewery with taproom, subject to the following standards:
 - 1. The establishment must include a taproom that is open a minimum of 2 days or 8 hours per week.
 - 2. The malt liquor sold for consumption at the business must be produced by the brewer on the licensed premises.
 - 3. The malt liquor may be sold to other bars, restaurants or wholesalers for distribution on a limited scale according to Federal and State regulations.
 - 4. The bottling process shall be manual or semi automated, not fully automated.
 - 5. The establishment shall obtain all applicable Federal, State, and City licenses.
 - 6. A microbrewery located at street level shall provide at least 50% of the total floor space at the front one-half of the building to be used for sales, tasting, or restaurant purposes.
- v. Microdistillery with tasting room/cocktail room, subject to the following standards:
 - 1. The establishment must include a tasting room/cocktail room that is open a minimum of 2 days or 8 hours per week.

2. The distilled spirits sold for consumption at the business must be produced by the brewer on the licensed premises.
 3. The distilled spirits may be sold to other bars, restaurants or wholesalers for distribution on a limited scale according to Federal and State regulations.
 4. The bottling process shall be manual or semi-automated, not fully automated.
 5. The establishment shall obtain all applicable Federal, State, and City licenses.
 6. A microdistillery located at street level shall provide at least 50% of the total floor space at the front one-half of the building to be used for sales, tasting, or restaurant purposes.
- (2) *Accessory Uses.* The following shall be considered Accessory Uses:
- a. Uses customarily incidental to the permitted and conditional uses in the B-3 General Business District.
- (3) *Conditional Uses.* The following shall be considered Conditional Uses in the B-3 General Business District:
- a. Place of amusement, recreation, or assembly other than a theatre, when conducted indoors.
 - b. Libraries.
 - c. Churches.
 - d. Hospitals.
 - e. Any multiple family use permitted in the R-3 residential district subject to the following conditions in addition to any others required by this Code or reasonably imposed by the Council:
 1. Setbacks:
 - aa. *Front yard regulations.* In the B-3 general business district no front yard shall be required except as follows: On every lot in the district of which the front is directly opposite of any classes of residential districts (across the street) there shall be a front yard of not less than 25 feet. Off-street parking may be allowed in the required front yard provided a 10-foot setback is required and when across from a residential district provided a 20-foot setback is required from any street right-of-way.

- bb. *Side yard regulations.* In the B-3 central business district there shall be no side yard required except as follows: Along the side of every lot in the district that abuts or adjoins any classes of residential districts there shall be a side yard of not less than 15 feet. Such side yard may be used for off-street parking and loading provided a 10-foot setback is provided when abutting a single or two family residential district and 5 feet when abutting a multiple family, commercial or industrial district.
 - cc. *Rear yard regulations.* In the B-3 Central Business District no rear yards shall be required. Rear yards may be used for off-street parking and loading provided a 10-foot setback is provided when abutting a single or two family residential district and 5 feet when abutting a multiple family, commercial or industrial district.
- 2. *Lot Coverage.* No more than 30% of the total area of a riparian lot shall be covered with an impervious surface unless adequate measures are taken to control the rate and enhance the quality of runoff.
 - 3. *Height.* No building shall hereafter be erected or structurally altered in the B-3 district to exceed 3 stories or 40 feet.
 - 4. *Parking.* Off-street parking shall be determined as necessary by the Planning Commission and City Council.
 - 5. *Lot area requirements.* For newly constructed buildings, lot area requirements shall follow the requirements for multiple family structures as required in Article V, Division 2, Section 74-215 of this chapter. Existing buildings do not need to meet lot area requirements.
 - 6. *Floor area requirements.* Floor area requirements shall follow the requirements for multiple family dwellings as required in Article V, Division 2, Section 74-211 of this chapter.
- f. Schools, public and private.
 - g. Any use of the same general character as any of the B-3 permitted or conditional uses.
- (4) *Prohibited Uses.* The following are Prohibited Uses:
- a. Automobile service stations, gasoline and oil stations.

- b. Cabinet and carpenter shops.
 - c. Carting or hauling stations.
 - d. Distribution stations for milk or other beverages.
 - e. Fabrication and light manufacturing.
 - f. Implement sales and showrooms.
 - g. Yard for storage, sale and distribution of building materials.
 - h. Any use not specifically listed as permitted, conditionally permitted, permitted with an interim use permit, or as allowed elsewhere in the City Code, shall be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this Chapter.
- (c) *Heights, yard and design regulations.* Heights, yard and design regulations for the B-3 general business district shall be as follows:
- (1) *Height regulations.* No building shall hereafter be erected or structurally altered in a B-3 district to exceed a height equal to the width of the street upon which it fronts. Towers or spires may exceed the height allowed upon securing of a conditional use permit from the lawful governing body.
 - (2) *Area and design regulations.* Area and design regulations shall be as follows:
 - a. A complete plot plan showing the building or buildings and surrounding land areas of the entire project must be submitted for approval.
 - b. A complete set of building plans and specifications certified by a registered architect and engineer, sewerage disposal, and water supply plans must accompany the plot plan.
 - c. Additional area and design requirements may be imposed so as to establish a B-3 general business district which will best serve the general welfare and benefit of the entire City.
 - d. Off-street parking and loading spaces shall be provided as required in Article IX, Division 2 of this Chapter.
 - (3) *Front yard regulations.* In the B-3 general business district no front yard shall be required except as follows: On every lot in the district the front of which is directly opposite any of the classes of residential districts (across the street) there shall be a front yard of not less than 25 feet which may not be used to provide off-street parking or loading spaces.
 - (4) *Side yard regulations.* In the B-3 general business district no side yard shall be required except as follows:

- a. Along that side of every lot in the district that abuts or adjoins any of the classes of residential districts there shall be a side yard of a width not less than the width of a side yard required in the residential district.
 - b. As required to conform with article IX, division 2 of this Chapter.
- (5) *Rear yard regulations.* In the B-3 general business district, no rear yards shall be required, except provision shall be made for off-street loading and unloading of merchandise and supplies.
 - (6) *Amount of impervious surface.* No more than 30 percent of the total lot area of a riparian lot shall be covered with an impervious surface unless adequate measures are taken to control the rate and enhance the quality of runoff.
 - (7) *Distance of impervious surface from river.* No impervious surface for the purpose of roads or parking areas may be closer than 50 feet from the ordinary high water level of the river and must be screened by natural material.
 - (8) *Buildings near river.* No building may be closer than 75 feet from the ordinary high water level of the river and must be screened from the river by mature trees. Buildings within the Rum River Overlay District may not exceed 35 feet in height unless fully screened from the river by mature trees. Such buildings in excess of 35 feet in height shall not exceed the height of mature trees nor be clearly visible from the river at the ordinary high water level on the opposite bank.
 - (9) *Width of riparian residential lots.* All riparian residential lots shall have a width of not less than 75 feet.
 - (10) *Outdoor storage and display.* Open storage of products or merchandise offered at wholesale, material stored for salvage or disposal, or items used in the operation of the business, is prohibited. Open display of materials such as tires, lumber, building supplies, or landscape materials offered for sale at retail is prohibited unless a conditional use permit is first obtained. Open display of other products or merchandise offered for sale at retail is allowed, provided that the City Council may require a conditional use permit for any exterior display if it is demonstrated that such display is a hazard to the public health, safety, convenience, or welfare.
 - (11) *Refuse.* All waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes and housed in a refuse enclosure or within a building. Refuse enclosures shall screen garbage containers on three sides and shall have a concrete floor.

Section 74-239.

B-4 Limited Business District.

- (a) *Purpose of district.* The B-4 limited business district is intended to provide a district for a limited range of office or professional service needs at the periphery of residential neighborhoods or integrated with residential uses. The district is established to provide locations for businesses that typically serve nearby neighborhoods. Because of compatibility factors adjacent to residential uses, other

non-retail uses may be permitted only with a conditional use permit. The district is typically located near the intersection of collectors and thoroughfares in areas that are otherwise developed with residences.

(b) *Use regulations.*

(1) *Permitted Uses.* A building or premises in a B-4 District shall be used only for the following purposes:

- a. Clinics, medical offices.
- b. Convalescent and nursing homes.
- c. Financial institutions.
- d. Laboratories – medical, dental.
- e. Mortuaries, funeral homes, monument sales.
- f. Motel, hotel, or apartment hotel.
- g. Offices: administrative, executive, professional, governmental, medical, research, without merchandising services.
- h. Personal service and repair establishments such as barber and beauty shops, shoe repair, etc.
- i. Coffee shop/delicatessen.
- j. Professional portrait studio and film shop.
- k. Retail services such as eyeglass fitting, quick printing, tailor shops, photo pick-up stations, etc.
- l. Single Family dwellings.
- m. A State licensed residential facility or a housing with services establishment registered under Minnesota Statutes Chapter 144 D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357 Subd. (7), as amended.
- n. A State licensed day care facility serving twelve or fewer persons as allowed under Minnesota Statutes 462.357 Subd. 7, as amended.
- o. A group family day care facility licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minnesota Statutes 462.357 Subd. 7, as amended. A conditional use permit obtained pursuant to Section 74-112 of the Code is required for the operation of such schools or facilities on non-residential premises within this zone. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses or

have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

- (2) *Accessory Uses.* Uses that are customarily incidental to permitted and conditional uses in the B-4 Highway Business District.
 - (3) *Conditional Uses.* The following are permitted conditional uses:
 - a. Any permitted business use if the lot is adjacent to any Residential District.
 - b. Convention hall, armory, exhibition hall.
 - c. Offices with merchandising services.
 - d. Planned Business Development which has a principal use any permitted or conditional use allowed in this section, and may have any other permitted or conditional use as a secondary use(s).
 - e. Churches.
 - f. Residential living units as secondary use to principal business use.
 - g. Accessory structures, other than garages.
 - h. State licensed daycare facilities.
 - i. Hospitals.
 - j. Libraries.
 - k. Public schools or private schools having a course of instruction approved by the Minnesota Board of Education for students enrolled in grades K-12, or any portion thereof, provided they do not include boarding or residential facilities.
 - l. Other commercial uses determined by the City Council to be of the same general character of the permitted and conditional uses above and found not to be detrimental to the general public health and welfare.
 - (4) *Prohibited Use.* Any use not specifically listed as permitted or, conditionally permitted, permitted with an interim use permit, or as allowed elsewhere in the City Code, shall be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this Chapter.)
- (c) *Minimum lot size.* In the B-4 limited business district the lot area shall be large enough to meet the requirements of this section and all other applicable sections contained in this chapter.

- (d) *Minimum setbacks.* Minimum setbacks in the B-4 limited business district shall be as follows:
 - (1) Building setbacks are established as follows: from another building 25 feet; from street or street right-of-way 25 feet; adjacent residential district 20 feet; adjacent to commercial or other district, side yard ten feet, rear yard ten feet; parking and drives ten feet.
 - (2) Parking and drives shall be setback from: street right-of-way--ten feet; adjacent residential district--20 feet (the planning commission may reduce to five feet when the use on the abutting property is a nonresidential use); other adjacent property--five feet.
- (e) *Maximum lot coverage.* In the B-4 limited business district no more than 40 percent of a lot shall be covered by buildings.
- (f) *Maximum building height.* Building heights in the B-4 limited business district shall not exceed three stories or 40 feet.
- (g) *Landscaping.* In the B-4 limited business district at least 15 percent of the lot area shall be landscaped. A buffer yard or green space with a minimum depth of 20 feet shall be provided in the B-4 limited business district adjacent to an abutting residential district. The planning commission may waive this requirement when the use on the abutting property is a nonresidential use.

Section 74-240.

B-5 Regional Business District.

- (a) *Purpose of district.* The purpose of the B-5 Regional Business District (B-5 District) is to provide an area intended to promote commercial development, including retail, office, entertainment, service and other complimentary uses serving a trade area beyond the City boundaries. Development should be designed in an integrated and unified manner according to an overall plan emphasizing minimal impacts to adjacent land use, encouraging pedestrian activity, and have attractive and high quality buildings, decorative lighting, landscaping, signage, sidewalks and trails.
- (b) *Definitions:* For purposes of this Section, the following words and phrases shall have the meanings ascribed to them by this Section or Section 74-2 of the City Code. Words not defined shall have the plain meaning generally ascribed to them.
 - (1) *Restaurant, sit down.* An establishment engaged in the preparation and retail sale of food and beverages, which is characterized by table service to customers and that is not a convenience or fast food restaurant.
 - (2) *Restaurant, convenience.* An establishment which sells ready-to-eat foods, in bulk or individual servings, primarily for consumption off the premises, and is not a fast food restaurant.
 - (3) *Restaurant, fast food.* An establishment whose design or principal method of operation includes three (3) or more of the following characteristics.
 - a. A permanent menu board is provided from which to select and order food.
 - b. Customers pay for food before consuming it.

- c. A self-service condiment bar is provided.
 - d. Trash receptacles are provided for self-service bussing.
 - e. Most main course food items are substantially prepared or cooked on premises and packaged in individual, non-reusable containers.
- (c) *District Boundaries.* The B-5 District is as shown on the official zoning map and is further divided into two sub districts:
- (1) North – Generally located north of the road connection from 7th Avenue to the western boundary of the district.
 - (2) South – Generally located south of the road connection from 7th Avenue to the western boundary of the district.
- (d) *Permitted Uses.*
- (1) B-5 District- North.
 - a. Corporate office campus and retreats
 - b. Professional offices
 - c. Laboratories – Medical, dental
 - d. Medical/Dental/veterinary clinic/hospital
 - e. Personal service uses (barber, nails, tanning) but not including tattooing, branding, body piercing or similar establishments.
 - f. Sit down Restaurant
 - g. Brewpub
 - h. Convenience and fast food restaurant when not located in their own freestanding building.
 - i. Retail, when not in an individual space greater than 15,000 sf.
 - j. Hotel
 - k. Bank/Financial Institution
 - l. Drug Store/Pharmacy
 - m. Dance Studio
 - n. Coffee shops
 - o. Ice cream shop
 - p. Toy store
 - q. Photographer’s studio
 - r. Pet shop
 - s. Jewelry store
 - t. Florist or gift shop
 - u. Professional portrait studio and film shop
 - v. Essential services, including electrical, gas, water, sewer distribution and collection lines, pumping facilities for water and sewer systems, rights-of-way for transportation modes, telephone switching facilities, and fiber optic.
 - (2) B-5 District– South
 - a. Personal service uses (barber, nails, tanning) but not including tattooing, branding, body piercing or similar establishments.
 - b. Sit-Down Restaurant
 - c. Brewpub
 - d. Retail
 - e. Hotel

- f. Medical/Dental/veterinary clinic/hospital
- g. Bank/Financial Institution
- h. Drug Store/Pharmacy
- i. Dance Studio
- j. Grocery store
- k. Movie Theatre
- l. Health, athletic or fitness clubs
- m. Coffee shop
- n. Convenience and fast food restaurant when not located in their own freestanding building.
- o. Ice Cream shop
- p. Toy store
- q. Sporting goods store
- r. Photographer's studio
- s. Pet shop
- t. Jewelry store
- u. Florist or gift shop
- v. Hardware store
- w. Professional portrait studio and film shop
- x. Essential services, including electrical, gas, water, sewer distribution and collection lines, pumping facilities for water and sewer systems, rights-of-way for transportation modes, telephone switching facilities, and fiber optic.

(e) *Conditional uses.* The following are conditional uses in the B-5 District:

- (1) Drive-thru/up window or teller service as accessory to the permitted use.
- (2) Building heights exceeding the lesser of three stories or 40 feet in height.
- (3) Other business uses which in the opinion of the City Planning Commission and City Council are similar and which are established for the convenience of the community, but only after a conditional use permit has been secured from the City Council.

(f) *Interim Uses.*

- (1) Outdoor Display and Sales associated with the business.

(g) *Accessory Uses.*

- (1) Uses customarily incidental to the permitted and conditional uses in the B-5 District.

(h) *Prohibited Uses.*

- (1) Auto oriented uses including but not limited to repair, gas/service station, car wash and sales.
- (2) Pawn Shops
- (3) Residential uses
- (4) Fast-food restaurants located in a freestanding building

- (5) Any use not specifically listed as permitted, conditionally permitted, permitted with an interim use permit, or as allowed elsewhere in the City Code, shall be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this Chapter.
- (i) *Height and setback regulations.* Height and setback regulations for the B-5 District shall be as follows:
- (1) *Height regulations.* No building shall hereafter be erected or structurally altered in a B-5 district to exceed three stories or 40 feet in height, whichever is less. Greater heights may be allowed upon issuance of a conditional use permit.
- (2) *Building Setbacks to Public Right-Of-Way.* Setbacks from 7th Avenue and Bunker Lake Boulevard shall be a minimum of 25 feet and a maximum of 40 feet. A minimum setback of 10 feet shall be provided from all other right-of-way.
- (3) *Building Setbacks to Adjacent Property.* A minimum setback of 10 feet shall be provided to adjacent property except as noted otherwise in this Section. This setback requirement does not apply to buildings with common walls and a zero lot line development.
- (4) *Parking and Drives.* A minimum setback of 25 feet shall be provided from 7th Avenue and Bunker Lake Boulevard except that parking may not be located in front of the building setback line. A minimum setback of 10 feet shall be provided from all other right-of-way. A minimum setback of 5 feet shall be provided from all other adjacent property except as noted otherwise in this Section.
- (5) *Setbacks to City Limits and Anoka Nature Preserve.* A minimum setback of 25' for a building and 50' for a parking lot/drive shall be provided from adjacent city limits and the Anoka Nature Preserve.
- (6) *Lot coverage regulations.* Not more than 50 percent of a lot shall be covered by buildings and no more than 75% of a lot may be covered by impervious surface.
- (j) *Exterior Site Requirements.*
- (1) *Outside Storage.* Outdoor storage is prohibited except for shopping cart corrals and maintenance equipment storage as shown on an approved site plan. The cart corrals shall be used for the temporary storage of carts. Area for the storage of materials and equipment directly related to site maintenance and safety shall be completely screened in an enclosure constructed of materials similar to and compatible with the principal structure.
- (2) *Service Areas.* Areas for loading, truck parking, trash compaction and collection, and other service functions shall be designed with the same exterior materials and to complement the overall design of the buildings being served by them. Such areas shall be screened from view of adjacent lots, public streets, and building entries. Trash enclosures shall be

screened with a six-foot masonry wall enclosure and gate or located in the service area.

- (3) *Mechanical Screening.* All mechanical equipment on the ground or roof, such as heating and air conditioning units and transformers, shall be screened on all sides or placed so as not to be visible from public streets. Such screening shall be compatible with the building. Camouflaging heating and air conditioning units is an acceptable method of screening and the intent of the screening is to distract the view of these areas, not to provide total screening.
- (4) *Exterior Lighting.*
 - a. Exterior lighting shall be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties and shall comply with the following standards:
 1. Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
 2. Security lighting shall be adequate for visibility.
 3. Metal halide lighting shall be used with a concealed light source of the “cut-off” variety to prevent glare and “light trespass” onto adjacent buildings and sites.
 4. Poles within landscaped areas and plazas shall have a maximum height of twenty feet (20’), measured from grade.
 5. Poles in parking lots shall have a maximum height of 24 feet measured from finished grade.
 - b. Light intensity.
 1. A photometric lighting plan is required for all proposed commercial developments to ensure that adequate and appropriate light levels are provided for each site condition.
 2. Lighting shall not exceed .1 foot candle at residential property lines or .5 foot candle on non-residential property lines measured on a vertical plane.
 3. Site lighting should provide consistent levels of illumination, avoiding pockets of very high or low levels of illumination.
- (5) *Landscaping.*
 - a. All landscaped areas where sod is present shall be irrigated with an underground sprinkler system. Areas considered natural may

be exempt from irrigation requirements as determined by city staff.

- b. Landscaped islands shall be provided in parking lots to break up and soften large areas of paving. At least one tree shall be provided in each island. If possible, portions of stormwater created from parking lots should be collected in the landscaped islands as a source of irrigation.
- c. All areas not covered by impervious surface or landscaping or left natural shall be planted with cultured sod.
- d. All landscaping shall be maintained as to be compliant with the approved landscape plan submitted as part of the site plan approval.

(6) *Parking area screening from 7th Avenue, Bunker Lake Boulevard, and City Limits.* All parking lots abutting any of the above mentioned shall be screened by one of the following:

- a. *Planting screen.* A planting screen consisting of a row of alternating evergreen shrubs and deciduous trees. The deciduous trees shall be a minimum of two to 2½ inches caliper and shall be spaced not more than 15 feet apart. Shrubs shall be a minimum of two to three feet in height at time of planting, with a mature height of four to six feet, and shall be spaced between the trees in such proximity as will form a screen. Planting screens shall be maintained in a neat and healthy condition. As an alternative, a planting screen may consist of a continuous row of evergreen trees, no less than four feet in height at time of planting and ten feet apart.
- b. *Berm.* A berm no less than six feet in height with a side slope of no greater than 1½ to two. The berm shall be sodded or seeded, mulched, and maintained until sod develops. Slopes greater than 1½ to two may be used if the slopes are stepped, using retaining walls. Plant materials resistant to erosion may be substituted for sod or seed with the prior approval of the City Council.
- c. *Others.* Topography, existing vegetation, permanent buildings, or other barriers may be substituted for the provisions of this subsection, if in the determination of the Planning Commission and City Council they provide equivalent screening.

(k) *Parking Requirements.*

- (1) Required number of off-street parking spaces based on use shall be determined by regulations set forth in Section 74-522 of the city zoning code.

(l) *Architectural Standards.*

- (1) In the B-5 District the primary exterior opaque materials on each elevation of a building must be brick, stone, decorative masonry, rock faced concrete block or similar materials or a combination thereof.

- (2) In the B-5 District no more than twenty-five percent (25%) of the building exterior opaque materials on each elevation shall be comprised of the following accent materials:
- a. Cast stone
 - b. Copper
 - c. Stucco and EFIS.
 - d. Cement board
 - e. Glass (does not include windows)
 - f. Aluminum
 - g. Materials that are similar in character to those listed above.

- (m) *Signs.* Signage shall be designed to be integral with the architectural character of the building to which they belong. Specifically, the scale, proportion and color shall be appropriate to the building to which the sign is attached. Elements to be considered include architectural appearance, sign size, type of illumination, sign motion, sign setback, surface colors, and items of information. The architectural appearance of the sign shall not be so dissimilar to the existing signage on surrounding buildings as to cause impairment in property value or constitute a blighting influence.

The following sections shall also apply to signs within the B-5 District: Section 74.446 General Regulations; Section 74.447 Temporary Signs; and Section 74.445 Exempt Signs. If provisions of this section are in conflict with other standards in this chapter, the most restrictive shall apply.

- (1) The total surface area of business signs for a business shall not exceed four (4) square feet per linear foot of building frontage.
- (2) No single business sign surface shall exceed 200 square feet in area, nor shall two or more smaller signs be so arranged and integrated as to create a surface area in excess of 200 square feet.
- (3) Pylon signs are prohibited.
- (4) Monument signs are permitted for individual businesses on the property the businesses are located on. No monument sign or any part thereof may project higher than ten feet (10') above average grade at the building line. All portions of the sign must be set back a minimum of five feet (5') from the property line. Monument signs may not exceed forty (40) square feet and shall be included in the total calculation for site signage.
- (5) One entrance monument sign for the development is permitted at each of the primary entrances from 7th Avenue and Bunker Lake Boulevard. No monument sign or any part thereof may project higher than ten feet (10') above average grade. All portions of the sign must be set back a minimum of five feet (5') from the property line. Monument signs may not exceed 300 square feet. The intent of the entrance monument is to identify businesses within the development.
- (6) No rooftop signs shall be permitted.
- (7) Integral roof signs are permitted.

- (8) Consistently changing, flashing, moving, rotating, traveling, or scrolling electronic variable signs are prohibited.
- (9) LED signs shall be prohibited.
- (n) *Site Plan Approval Process.*
 - (1) *Procedures.* All development approvals shall be required pursuant to Section 74-38 of the Anoka City Code as amended.
- (o) *Enforceability.*
 - (1) *Violation.* Unless expressly provided otherwise, it shall be a misdemeanor for any person or entity to violate any provision of the City Code, including this Article, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Article. The term “misdemeanor” is defined in Minnesota Statutes Section 609.02, subd. 3, as amended. In addition to the prosecuting of a violation as a misdemeanor, the City may separately, or in conjunction with the misdemeanor prosecution, bring an action for specific performance or abatement to enforce any provisions of the City Code, including this Article, any rule or regulation adopted in pursuance of such provision, or any order lawfully enforcing the City Code, including this Article.

Section 74-241.

B-6 Neighborhood Commercial Business District

- (a) *Purpose and Intent of District.* The purpose of the B-6 Neighborhood Business Commercial District (B-6 District) is to provide appropriately located areas for low intensity retail stores, offices, and personal service establishments patronized by residents of the neighborhood area. The uses allowed in this district are to provide goods and services on a limited community market scale and located in areas which are well served by collector or arterial street facilities at the edge of residential districts. It is intended that the standards will achieve the following specific purposes:
 - (1) Maintain the visual environment of the City, protect the general welfare, and ensure that the City’s property values, buildings, designs, appearance, character, and economic well-being are preserved and respected through minimum design and appearance standards;
 - (2) Reinforce and support a healthy development pattern in which new buildings and building modifications maintain the City’s unique character and heritage through complementary and appropriate use of building materials, massing and architectural details;
 - (3) Encourage a diversity of uses and activities that promote pedestrian activity;
 - (4) Promote the use of quality construction;
 - (5) Enhance the visual and aesthetic appeal of the corridor;
 - (6) Group compatible business uses that will draw trade that is naturally compatible and promotes the business prosperity and public convenience;

- (7) Protect the private investors who commit to redevelopment;
 - (8) Encourage creativity, imagination, innovation, and variety in architectural design and building composition through design principles that promote harmony in the physical relationships between residential and commercial structures and compatible land uses.
- (b) *Application of Standards.* The B-6 District standards apply to the following:
- (1) All newly constructed buildings, structures or additions.
 - a. New additions may use exterior materials that are similar to the existing structure materials.
 - (2) All exterior improvements or renovations.
 - (3) Changes in exterior color to any building within district.
- (c) *Exemptions.* The following are exempt from this Section:
- (1) Projects involving only work, maintenance or repairs to the interior of a building or structure.
 - (2) Projects involving only ordinary maintenance or the replacement of similar or identical materials of an existing building.
- (d) *Pre-existing structures.* Any building, structure, parking area or sign that lawfully exists on the effective date of this Ordinance, which is otherwise not permitted under this Ordinance, may be continued in the same manner as existed before the effective date of this Ordinance. Buildings that are destroyed by an act of nature may be reconstructed with similar materials as existed prior to being destroyed. All redevelopment of properties shall be subject to the requirements of this Section.
- (e) *Compliance.* No conditional use permit, interim use permit, site plan approval, building permit, or sign permit shall be issued until the requirements of this Section have been met. It is the applicant's responsibility to provide the necessary information to City staff to determine compliance with this Section.
- (f) *Permitted, Conditional, Interim, Accessory and Prohibited Uses.*
- (1) Permitted Uses.
 - a. Retail stores
 - b. Retail services such as eyeglass fitting, quick printing, tailor shops, photo pick-up stations, etc.
 - c. Dine in restaurants
 - d. Fast-food restaurants without drive-through
 - e. Offices, such as administrative, executive, professional, governmental, medical, research, without merchandising services
 - f. Medical and dental clinics and offices

- g. Bakeries
- h. Dry-cleaning pick-up
- i. Assisted living facilities
- j. Police and fire stations
- k. Banks, savings and loan, insurance offices
- l. Personal service and repair establishments such as barber, beauty shops, shoe repair, etc.
- m. Hardware and craftsman shops
- n. Grocery stores/Specialty food markets
- o. Coffee shops
- p. Brew pubs
- q. Liquor stores
- r. Tobacco shops
- s. Professional portrait studios and film shops
- t. Pet grooming
- u. Sign making
- v. Dance and music studios, martial arts, judo, boxing
- w. Laundromats
- x. Clubs, lodges
- y. Health/Wellness centers or clubs
- z. Parks
- aa. Mortuaries, funeral homes and chapels
- bb. Veterinary clinics, animal hospital; no outdoor runs
- cc. Photocopying, printing, publishing
- dd. Flower shop
- ee. Mail order business
- ff. Essential facilities and services, including electrical, gas, water, sewer distribution and collection lines, pumping facilities for

water and sewer systems, rights-of-way for transportation modes, and telephone switching lines

(2) Conditional Uses.

- a. Fast food restaurants with drive through
- b. Drive-up windows or teller service as accessory use to permitted use
- c. Churches, religious use, place of worship
- d. Libraries
- e. Public or private schools provided they do not include boarding or residential facilities
- f. Trade schools, vocational schools, colleges, universities, institutions of higher learning
- g. Outdoor activities other than patio seating when property is located adjacent to residential
- h. State licensed facilities serving from 7 through 16 persons
- i. State licensed day care facilities serving from 13 through 16 persons
- j. Two family dwellings
- k. Two to Six family dwellings
- l. Townhouses, rowhouses (not to exceed eight units per building or six in a linear configuration) and each dwelling unit shall have separate and individual front and rear entrances and solid walls of at least five feet in height and 12 feet in length extending to the rear of each dwelling unit so as to substantially enclose on at least three sides a semiprivate outdoor space
- m. Multiple dwellings, apartments
- n. Automobile service stations, gasoline and oil stations.
 1. Pump, pump islands, and canopies may be located in the front yard, except where located directly across from a residential, and provided they are not less than fifteen (15') from the property line.
 2. Temporary promotional signs affixed to freestanding signs, pumps, pump islands, canopies, or any structure other than the main structure shall be prohibited.
- o. Automobile repair shops.

1. All vehicles waiting for repair or pick-up shall be stored on the site within an enclosed building or in parking spaces in compliance with off-street parking regulations.
 2. All repairs shall be performed within a completely enclosed building.
 3. All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outside storage of automotive parts or storage of junk vehicles shall be prohibited except within an approved enclosed storage area.
 4. The sales of vehicles shall be prohibited.
 5. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet (10') above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to preclude the escape of gas vapors from the fill pipes.
- p. Car wash.
1. The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of car wash and the amount of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking spaces or traffic circulation.
 2. The exit from the car wash shall have a drainage system which is subject to the approval of the City and gives special consideration to the prevention of ice build-up during winter months.
 3. The car wash and accessory equipment (ie. vacuum) shall conform to the noise ordinance.
- q. Any other uses found to be of the same general character of the permitted uses.
- (3) Interim Uses.
- a. Overnight parking of more than three (3) mid-sized vehicles
- (4) Accessory Uses.
- a. Transit facilities
 - b. Information kiosks
 - c. Farmer's markets

- d. Outdoor patio seating
 - e. Outdoor merchandise display (permanent) of seasonal or convenience items (e.g. windshield washer fluid, softener salt) as an accessory use in association with an allowed principal use provided that:
 - 1. The area so occupied shall not exceed 10 percent of the gross floor area of the principal building or 100 square feet, whichever is less.
 - 2. No display of merchandise shall occur within the required front, rear, or side yards.
 - 3. Such outdoor display of merchandise shall be limited to the area of customer entrance areas or within pump islands. No outdoor business display shall be located where it obstructs the line of sight of passing motorists.
 - 4. Such outdoor display of merchandise shall not exceed five feet in height.
 - 5. Such outdoor display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as regulated by the City Code, except as may be exempted for cause by the Zoning Administrator.
 - f. Accessory Car Wash/Vacuums.
 - 1. No more than one car wash bay shall be allowed.
 - 2. The car wash shall be designed to be an integral part of the principal building, and may not be a separate freestanding structure.
 - 3. The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of car wash and the amount of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking spaces or traffic circulation.
 - 4. The exit from the car wash shall have a drainage system which is subject to the approval of the City and gives special consideration to the prevention of ice build-up during winter months.
 - 5. The car wash and accessory equipment (ie. vacuum) shall conform to the noise ordinance.
- (5) Prohibited Uses.
- a. Transportation services (ambulance, limousine, package delivery, taxi cab, etc.)

- b. Self-storage facility
- c. Manufacturing/warehousing facilities
- d. Yards for storage, sale and distribution of building materials
- e. Multi-screen movie theatres with more than five screens
- f. Hospitals
- g. Tree care services
- h. Any uses not specifically listed as permitted, conditionally permitted, permitted with an interim use permit, or as allowed elsewhere in the City Code, shall be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this Chapter.

(g) *Bulk and Dimensional Standards.*

(1) The following table establishes bulk and dimensional standards:

Properties not adjacent or abutting residential

	Minimum	Maximum
Building Height	---	40 feet
Building Coverage	---	50%
Impervious surface	---	85%
 Multiple Family Residential Setbacks		
Front	20 feet	45 feet
Side	10 feet	---
Rear	30 feet	---
 Commercial/Mixed Use		
Front	10 feet	20 feet
Side	10 feet	---
Rear	20 feet	---
 Parking setback		
Front	10 feet	---
Side	5 feet	---
Rear	5 feet	---

(2) For particular property lines adjacent to residential, the following table shall be used. For the purpose of this subsection, properties with residential across right of way shall not be considered as adjacent to or abutting residential.

Properties adjacent or abutting residential

	Minimum	Maximum
Building Height	---	40 feet
Building Coverage	---	50%

Impervious surface	---	85%
Multiple Family Residential Setbacks		
Front	20 feet	45 feet
Side	15 feet; 20 feet for 3 stories	---
Rear	30 feet	---
Commercial/Mixed Use		
Front	10 feet	20 feet
Side	Twice the width of the side yard of that which is required in the residential district it borders	---
Rear	Twice the width of the side yard of that which is required in the residential district it borders	---
Parking Setbacks	5 feet adjacent to multiple family; 10 feet adjacent to single family and two family residential	---

(3) Density standards for residential uses. The density for residential uses shall be no less than 4 units, but not more than 20 units per acre.

(4) Garages and Accessory Buildings:

- a. Where the principal use is a single-family dwelling, garages shall contain at least four hundred forty (440) square feet and not more than one thousand fifty-six (1,056) square feet.
- b. For two-family units, garages shall not contain less than four hundred (400) square feet and not more than one thousand fifty-six (1,056) square feet of floor area.
- c. An accessory building shall be attached to and made structurally part of the principal building if it is less than five (5) feet from the principal building.
- d. For single-family and two-family residential uses, the total area of all accessory building on a lot, including attached garage space, shall not exceed one thousand two hundred (1,200) square feet.
- e. For single-family and two-family residential uses, a lot shall contain no more than three (3) accessory buildings, including attached.
- f. Exterior wall finishes of accessory building shall have the same exterior finish as the main structure or other compatible finish approved during site plan review. No detached garages or

accessory building shall be closer to the front lot line than the principal structure. Such structure shall be set back behind the principal building, regardless of the existing front yard setback of the principal building.

(h) *Architectural Standards.*

(1) *Facades.*

- a. **Visual breaks.** The exterior of new buildings shall be designed with visual breaks through the use of decorative tile work, masonry (but not flat concrete block), belt courses of a different texture and color, projecting cornices, medallions, opaque or translucent glass, artwork, vertical articulation, lighting fixtures, or architectural elements not listed above as approved by the City Council.
- b. **Width.** A building more than 45 feet in width will be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of the following techniques:
 1. Division or breaks in materials
 2. Window bays
 3. Special treatment at entrances
 4. Subtle variation in roof lines and parapet detailing
 5. Building setbacks
 6. Awnings
 7. Repetitive increments
- c. **Color Schemes.** All exterior finish colors shall be consistent with the acceptable color palettes currently on file with the city planning department charged with such oversight.

(2) *Exterior Materials and Detailing.*

- a. New buildings and structures, additions and renovations must be constructed of durable materials.
- b. Where the original façade has been removed and replaced with an unsympathetic alteration, the reinstatement of earlier styles in keeping with the character of the building is encouraged.
- c. In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of a combination of the following:
 1. An intermediate cornice line
 2. A difference in building materials or detailing
 3. An offset in the façade
 4. An awning, trellis, loggia or arcade
 5. Special window lintels
 6. Brick/stone corbels

- d. The primary exterior opaque materials on each elevation of a building, except for the service side, must be brick, stone, decorative masonry, or similar materials or a combination thereof.
- e. No more than twenty-five percent (25%) of the building exterior opaque materials on each elevation, except for the service side of the building, shall be comprised of the following accent materials:
 - 1. Cast stone
 - 2. Wood shingles (cedar shingles with 6-inch maximum exposure)
 - 3. Lap siding, cedar or redwood (6 inch width, no diagonal siding)
 - 4. Tongue and groove paneling, cedar or redwood (6 inch width, no diagonal siding)
 - 5. Copper (untreated)
 - 6. Stucco and EFIS
 - 7. Cement board
 - 8. Glass (does not include windows)
 - 9. Dark anodized aluminum or metal as accent
 - 10. Materials that are similar in character to those listed above.
- f. The following materials are not allowed as exterior opaque materials on new buildings:
 - 1. Smooth concrete block
 - 2. Pre-fabricated steel panels
 - 3. Aluminum, vinyl or fiberglass siding or roofing materials
 - 4. Pre-cast concrete panels, unless specifically approved by the City Council for a new commercial building
 - 5. Painting of previously unpainted brick
 - 6. Wooden exteriors, except for those listed as allowed above.
- g. LEED (Leadership in Energy and Environmental Design) Standards. The City encourages the use of sustainable building materials and construction techniques in through programs such as the US Green Building's Council's LEED program.
- h. Alternative Designs or Materials. To encourage creativity, imagination, innovation, and variety in architectural design, the Planning Commission may recommend modifications of the requirements of this Section and the City Council may approve such modifications upon determining that the proposed architectural design or exterior facade material(s) meets all of the following conditions:
 - 1. The proposed design or material is consistent with the purposes of this section.

2. The proposed design or material would enhance the architectural appearance of the building, and would be equal or superior to designs or materials permitted by this section.
 3. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.
 - i. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
- (3) Franchise or National Chain Architecture.
- a. Franchises or national chains with standardized architecture and signage shall comply with the standards contained in this Section. Aggressive and bright signage must be altered and scaled down to meet the intentions of these standards.
- (4) Exterior Lighting.
- a. Exterior lighting shall be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on nonadjacent properties and shall comply with the following standards:
 1. Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
 2. Security lighting shall be adequate for visibility, but not overly bright.
 3. Metal halide lighting shall be used with a concealed light source of the “cut-off” variety to prevent glare and “light trespass” onto adjacent buildings and sites.
 4. Poles within landscaped areas and plazas shall have a maximum height of twenty feet (20’), measured from grade, and shall be coordinated with city standards.
 5. Poles in parking lots shall have a maximum height of 24 feet (24’) measured from finished grade.
 6. Lighting fixtures mounted directly on structures shall be permitted when utilized to enhance specific architectural elements or to help establish scale or provide visual interest.
 7. “Wall paks” shall be permitted only in loading and service areas and shall be down-lit and shielded from view.

8. Shielded illumination or fixtures shall be permitted to light building mounted signage, building facades, or pedestrian arcades if they are integrated into a building's architectural design.
9. Lighting should highlight entrances, art, terraces, and special landscape features.
10. Separate pedestrian scale lighting or other low level fixtures, such as bollards, shall be incorporated for all pedestrian ways through parking lots and drop-off areas at entrances to buildings.
11. All primary walkways, steps or ramps along pedestrian routes shall be illuminated.

b. Light intensity.

1. A photometric lighting plan is required for all proposed commercial developments to ensure that adequate and appropriate light levels are provided for each site condition.
2. Lighting shall not exceed 0.1 foot candle at residential property lines or 0.5 foot candle on non-residential property lines measured on a vertical plane.
3. The following minimum levels of illuminations must be maintained for each of the specific locations.*

Building entrances	5.0 foot candles
Sidewalks	2.0 foot candles
Bikeways	1.0 foot candles
Courts/Plazas/Terraces	1.5 foot candles
Ramps	5.0 foot candles
Stairways	5.0 foot candles
Underpasses	5.0 foot candles
Waiting Areas	1.0 foot candles
Parking lots	1.0 foot candles
Roadways	1.5 foot candles

* Values given are in minimum average maintained horizontal foot candles which are measured at the average point of illumination between brightest and darkest areas, 4' – 5' above the ground surface. (Source: IES Lighting Handbook – 4th Edition)

4. Site lighting should provide consistent levels of illumination, avoiding pockets of very high or low levels of illumination.

(5) Outdoor Seating, Plazas and Patios.

- a. The front yard setback abutting a street may be used as a plaza provided it is constructed according to the requirements listed in this subsection.
 - b. A barricade such as fence, landscaping hedge, decorative bollards or similar as approved by the City shall be used to separate the plaza from a public sidewalk to define the space.
 - c. The use must be separated from any adjacent residential use by a building wall or six foot fence. This provision will not apply if the residential use is located on an upper story above the principal use.
 - d. No speakers or other electronic device which emit sound are permitted if the use is located within 500 feet of a residential use.
 - e. The hours of operation shall be limited to 7:00am to 10:00pm if the use is located within 500 feet of a residential use.
 - f. Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or ten percent of the gross floor area of the principal use, whichever is less. Parking will be required at the same rate as the principal use for that portion of outdoor seating area in excess of 500 square feet or ten percent of the gross building area, whichever is less.
 - g. An outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- (i) *Utility Areas, Mechanical Equipment and Screening.*
- (1) **Mechanical Screening.** All mechanical equipment on the ground or roof, such as heating and air conditioning units and transformers, shall be screened on all sides or placed so as not to be visible from public streets. Such screening shall be compatible with the building. Camouflaging heating and air conditioning units is an acceptable method of screening and the intent of the screening is to distract the view of these areas, not to provide total screening.
 - (2) **Service Areas and Refuse.** Areas for loading, truck parking, trash compaction and collection, and other service functions shall be designed with the same exterior materials and to complement the overall design of the buildings being served by them. Such areas shall be screened from view of adjacent lots, public streets, and building entries. Trash enclosures shall be screened with a six-foot masonry wall enclosure and gate or located in the service area.
 - (3) **Outdoor Storage.** Outdoor storage shall be prohibited except when specifically permitted elsewhere in this section.
- (j) *General standards applying to all properties adjacent to residential.*
- (1) **Screening.** Commercial uses adjacent to residential uses shall be screened by walls of buildings, screening fence and/or landscaping compatible with

the principal building and surrounding land uses as approved by the City. A minimum 6 foot high fence and/or landscaping shall be maintained along the property lines adjacent to residential to provide screening of the site.

- (2) Noise. No impact noise shall be audible from any residential property, consistent with the noise ordinance.
- (3) Vehicle storage. Outside vehicle storage shall be screened from any abutting residential uses.
- (4) Outdoor activities. Any outdoor activities included but not limited to patio seating shall be limited to the hours of 7:00am – 10:00pm. This does not include outdoor areas for smoking purposes.
- (5) Access. Primary access from local residential streets shall be prohibited.
- (6) Specific land uses.
 - a. Gas station or convenience store.
 1. The fuel sales are incidental to a retail store.
 2. Wherever fuel pumps are to be installed, pump islands shall be installed.
 3. Provisions are made to control and reduce noise.
 4. All signing and information or visual communication devices shall be minimized toward residential uses and in compliance with the sign ordinance.
 - b. Animal handling. The conditions are as follows:
 1. No animals or pens shall be kept outside the building or cause offensive odor or noise discernible at the property line of the lot on which the activity is being conducted.
 2. Where animals are boarded, the facility shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
 - c. Drive through service windows (drive-up facilities). The conditions are as follows:
 1. If the drive-up facility is adjacent to residential, such facility shall establish sound barriers and be screened from vehicle lights in stacking areas.
 2. The hours of operation are limited to 7:00am to 10:00pm unless extended by the City Council as part of a conditional use permit.

- (7) The City may impose further conditions for uses to protect the health, safety, and general welfare of the public.
- (k) *Landscaping.* The use of window boxes, hanging flower baskets, vines and/or other seasonal landscaping is encouraged. Window boxes, hanging baskets and planters should be used around entries. Vines may be used to cover blank walls.
- (l) *Parking Requirements.*
 - (1) General regulations. Off-street parking and loading spaces shall be provided as required in Article IX, Division 2 of this chapter.
 - (2) Off-street parking of large vehicles. The following standards shall apply:
 - a. Oversized vehicles are prohibited from overnight parking if visible from a public street.
 - b. Storage of mid-size vehicles associated with the company are permitted only in screened areas approved by the City.
 - c. No more than three (3) mid-sized vehicles that are visible from a public street may be parked overnight on any one property used for commercial purposes provided that sufficient off-street parking is available. Such mid-sized vehicles must be used primarily for business related purposes of a business located on the same property.
 - d. Vehicles on residential property are regulated by Section 74-487 of this Chapter.
 - e. Overnight parking of semi tractors and/or trailers, dump trucks, fire trucks, buses, recreational vehicles, boats, farm trucks or tractors, tank trucks, stored vehicles and special mobile equipment are prohibited regardless of length, height, or gross vehicle weight.
 - f. This section shall not prohibit vehicles or trailers from short-term parking or when loading, unloading, or rendering a service.
 - g. This section shall not regulate the size of vehicles for sale, lease or rent provided such vehicles are located upon a property that has obtained a conditional use permit for such use.
 - (3) Parking lots. In instances where parking areas abut the street, the sidewalk edge must be delineated with landscaping, architectural fencing or other decorative features.
 - (4) Vehicular circulation and parking. Parking and vehicular circulation shall comply with the following standards:
 - a. Parking drives and drive through service windows (drive-up facilities) should be located away from building entrances, be designed to minimize pedestrian conflicts, and shall not be located between the main building entrance and the street.

- b. Access for all commercial uses shall be from a roadway identified in the comprehensive plan as a collector or arterial or otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (m) *Signs.* Signage shall be designed to be integral with the architectural character of the building to which they belong. Specifically, the scale, proportion and color shall be appropriate to the building to which the sign is attached. Elements to be considered include architectural appearance, sign size, type of illumination, sign motion, sign setback, surface colors, and message. The architectural appearance of the sign shall not be so dissimilar to the existing signage on surrounding buildings as to cause impairment in property value or constitute a blighting influence. Signage shall be consistent with Section 74-449. The following sections shall also apply to signs within the B-6 district: Section 74-446 General Regulations; Section 74-447 Temporary Signs; and Section 74-445 Exempt Signs. Residential signs shall be regulated by the provisions in Chapter 74, Article VIII related to residential signs.
- (1) Business signs, and nameplate signs are permitted, subject to the following regulations:
 - a. One identification sign, not to exceed 32 square feet in area, for private educational institutions, community centers, rest homes, nursing homes, and dental offices. It may be illuminated, but non-flashing. A second sign may be permitted if located at a primary entrance on a major thoroughfare.
 - b. For business and professional office buildings, a business sign not exceeding 40 square feet in surface area or four percent of 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 but may be combined to have one sign not to exceed 60 square feet.
 - c. Notwithstanding the provisions in subsection (1) b of this section, business signs for multi-tenant centers shall be regulated as follows:
 - 1. A multi-tenant center will be allowed a freestanding nameplate sign not exceeding 60 square feet in surface area.
 - 2. The City may recognize separate sign plans for multi-tenant buildings which will supersede the ordinance. The sign plans which have been approved by the City Council will have the effect of a sign ordinance for specific property. The procedure for approval of sign plans that exceeds the limits of this Code shall be that of a variance described in this chapter.
 - d. Notwithstanding the provisions in subsection (1) (a) of this section, business signs for single-tenant conditional or permitted uses shall be limited to 200 square feet in area, including all

signs, with not more than 150 square feet of signage attached to the building and not more than 60 square feet of ground sign. Businesses which have frontage on two (2) arterial streets may have two (2) pylon signs, but may not exceed 200 square feet of total signage.

- (2) In the B-6 highway business district, no sign shall project higher than 25 feet above average grade at the building line or the height of the building, whichever is greater. Integral roof signs are permitted in the B-6 district.
 - (3) All signs and signposts must be placed at a minimum of five feet setback from the property line in the B-6 neighborhood commercial business district.
- (n) *Approval Process.*
- (1) Site Plan Procedures. All development proposals under this section shall be reviewed under the site plan approval process as set forth in this chapter.
- (o) *Enforceability.*
- (1) Violation. Unless expressly provided otherwise, it shall be a misdemeanor for any person or entity to violate any provision of the City Code, including this Section, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Section. The term “misdemeanor” is defined in Minnesota Statutes Section 609.02, subd. 3, as amended. In addition to prosecuting a violation as a misdemeanor, the City may separately, or in conjunction with the misdemeanor prosecution, bring an action for specific performance to enforce any provisions of the City Code, including this Section, any rule or regulation adopted in pursuance of such provision, or any order lawfully enforcing the City Code, including this Section.

Sections 74-242--74-255.

Reserved.