

SECTION 55. B-1, NEIGHBORHOOD BUSINESS DISTRICT

Subdivision

- 55.01 Purpose
- 55.02 Permitted Uses
- 55.03 Interim Uses
- 55.04 Uses by Administrative Permit
- 55.05 Accessory Uses
- 55.06 Conditional Uses
- 55.07 Lot Area Requirements and Setbacks
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55.01 PURPOSE: The purpose of the B-1, Neighborhood Business District is to provide for the establishment of integrated neighborhood centers for convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The B-1 District is further intended to provide for a transition between residential and commercial development.

55.02 PERMITTED USES: Subject to applicable provisions of this Ordinance, the following are permitted uses in the B-1 District:

- A. Bakery good sales and baking (for sale on-premise).
- B. Barber shops.
- C. Beauty parlors.
- D. Bicycle sales and repair shops.
- E. Books, office supply or stationery stores.
- F. Camera and photographic supply stores.
- G. Candy, ice cream, popcorn, nuts, frozen desserts, and soft drink sales.
- H. Copy services, but not including printing press or newspaper.
- I. Dairy stores.
- J. Dry cleaning pick up and laundry pick up stations including incidental repair and assembly but not including processing.
- K. Essential services.
- L. Funeral homes and mortuaries.
- M. Governmental and public related utility buildings and structures.
- N. Grocery stores, convenience (not supermarket type and without motor fuel facilities).
- O. Hardware stores.
- P. Jewelry stores.
- Q. Laundromat, self-service washing and drying.
- R. Locksmiths.
- S. Offices, commercial and professional.

- T. Personal wireless service antennas located on an existing structure or tower, as regulated by Section 29 of this Ordinance.
- U. Prepared food - delivery and/or take-out only.
- V. Sexually oriented use - accessory.
- W. Shoe repair.
- X. Shoe stores.
- Y. Tailoring services.
- Z. Tanning salons.
- AA. Therapeutic massage.
- BB. Other uses of the same general character as the permitted uses listed above as determined by the City.

55.03 INTERIM USES: Subject to applicable provisions of this Ordinance, the following are interim uses in the B-1 District and are governed by Section 5 of this Ordinance.

- A. Farms, farmsteads, and farming.
- B. Temporary mobile towers as regulated by Section 29 of this Ordinance.

55.04 USES BY ADMINISTRATIVE PERMIT: Subject to applicable provisions of this Section, performance standards established by this Ordinance, and processing requirements of Section 6, the following are uses allowed in the B-1 District by administrative permit as may be issued by the Zoning Administrator.

- A. Open or outdoor sales, rental or display as an accessory use in association with an allowed principal use provided that:
 - 1. The area so occupied shall not exceed ten (10) percent of the principal building.
 - 2. No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
 - 3. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by Section 20 of this Ordinance, except as may be exempted for cause by the Zoning Administrator.
- B. Temporary, outdoor promotional events and sales provided that:
 - 1. Promotional Events:
 - a. Such activity is directed towards the general public and includes

grand openings, carnivals, craft shows, flea markets, mechanical and animal rides and displays of materials that are typically not sold or serviced on the site.

- b. The event shall not exceed the period specified in the administrative permit and in no case shall exceed three (3) consecutive calendar days per event.
- c. There shall be no more than two (2) promotional events per calendar per year per property.

2. Outdoor Sales:

- a. Such activity is directed towards the general public and include warehouse sales, sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, seasonal merchandise sales, and licensed transient merchant and transient product merchant sales.
- b. The following specific standards shall apply to all proposed temporary outdoor sales activities allowed by this paragraph and any applicable business licensing provisions in addition to other applicable building and safety code requirements as determined by the Zoning Administrator.
 - (1) The maximum total time for temporary outdoor sales activities shall be the period specified in the administrative permit and, in no case, shall exceed sixty (60) days per calendar year per property.
 - (2) There shall be no more sales activities than those specified in the administrative permit and, in no case, shall there be more than ten (10) sales activities per year per property.
 - (3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Temporary sales on unpaved landscaped areas is prohibited.
- c. General Standards.
 - (1) The event shall be clearly accessory to or promoting the permitted or conditional use approved for the site. Only merchandise which is normally manufactured, sold, or stocked by the occupant on the subject premises on a regular or

seasonal basis shall be sold and/or promoted.

- (2) Tents, stands, and other similar temporary structures may be utilized, provided they are clearly identified on the submitted plan and provided that it is determined by the Zoning Administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
- (3) The submitted plan shall clearly demonstrate that adequate off-street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the Zoning Administrator who shall consider the nature of the event and the applicable parking requirements of this Ordinance.

Consideration shall be given to the parking needs and requirements of other occupants in the case of multi-tenant buildings. Parking on public right-of-way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the Zoning Administrator, at the petitioner's expense.

- (4) Signage related to the event shall be in compliance with the temporary sign standards of this Ordinance and shall be allowed for the duration of the event. Special signage for purposes of traffic direction and control may be authorized by the Zoning Administrator; the erection and removal of such signage shall be the responsibility of the applicant.
- (5) The approved permit shall be displayed on the premises for the duration of the event.

C. Other uses of the same general character as those listed as permitted use in this district.

55.05 ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the B-1 District:

A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.

- B. Off-street loading as regulated by Section 21 of this Ordinance.
- C. Off-street parking as regulated by Section 20 of this Ordinance, but not including semi-trailer trucks.
- D. Radio and television receiving antennas including single satellite dish TVROs three and one-half (3.5) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 29 of this Ordinance.
- E. Signs as regulated by Section 31 of this Ordinance.

55.06 CONDITIONAL USES: The following are conditional uses in the B-1 District. (Requires a conditional use permit based upon procedures and performance standards set forth in and regulated by Sections 4.02 and 4.04 of this Ordinance).

- A. Convenience Grocery Markets with Prepared Food and/or Motor Fuel Sales. Grocery, food operations, and/or convenience motor fuel (no vehicle service or repair) provided that:
 - 1. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity, use and merchandise shall not exceed fifteen (15) percent of the gross floor area.
 - 2. The storage, preparation and serving of food items are subject to the approval of the Zoning Administrator who shall provide specific written sanitary requirements based upon the applicable State and County regulations.
 - 3. That the proximate area and location of space devoted to non-automotive merchandise sales shall be specified in the application and in the conditional use permit. Exterior sales or storage shall be allowed by administrative permit.
 - 4. The off-street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and shall not cause conflicts with customer vehicles and pedestrian movements.
 - 5. The hours of operation shall be limited to 6:00 AM to 11:00 PM, unless

extended by the City Council as part of the conditional use permit.

6. Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
 7. A protective canopy located over pump islands may be an accessory structure on the property and may be located twenty (20) feet or more from the front lot line, provided adequate visibility both on and off site is maintained.
 8. The operation shall be responsible for litter control within three hundred (300) feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.
- B. Day care nursery facilities as a principal or accessory use provided that the use complies with the provisions of Section 26 of this Ordinance.
- C. Personal wireless antennas not located on an existing structure or tower, as regulated by Section 29 of this Ordinance.

55.07 LOT AREA REQUIREMENTS AND SETBACKS: The following minimum requirements shall be observed in the B-1 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance.

- A. Lot Area: One (1) acre.
- B. Lot Width: One Hundred twenty-five (125) feet
- C. Setbacks:

1. Front yards:

<u>Setbacks From Centerline</u>	<u>Setbacks From Right- of-Way Lines</u>	<u>Street Class</u>
130 feet	65 feet	State/Federal Highway
130 feet	65 feet	County Road
65 feet	35 feet	Local Street

Where a lot is located at the intersection of two (2) or more streets or highways which bound two (2) or more sides of the lot, no building shall project beyond the front yard line of either street.

2. Side Yards: Fifteen (15) feet.
3. Rear Yards: Twenty-five (25) feet.
4. Buffer Yards: The side yard or rear yard setback shall be thirty-five (35) feet if abutting a residential district.

55.08 MAXIMUM BUILDING HEIGHT:

- A. Principal building: Thirty-five (35) feet
- B. Accessory building: Per Section 15.04 of this Ordinance.

SECTION 56. B-2, HIGHWAY BUSINESS DISTRICT

Subdivision

- 56.01 Purpose
- 56.02 Permitted Uses
- 56.03 Interim Uses
- 56.04 Uses by Administrative Permit
- 56.05 Accessory Uses
- 56.06 Conditional Uses
- 56.07 Lot Area Requirements and Setbacks
- 56.08 Maximum Building Height

56.01 PURPOSE: The purpose of the B-2, Highway Business District is to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities.

56.02 PERMITTED USES: Subject to applicable provisions of this Ordinance, the following are permitted uses in the B-2 District:

- A. Animal hospitals and kennels.
- B. Auto accessory stores (not including service).
- C. Bakery good sales and baking (for sale on-premise).
- D. Banks, savings and loans, credit unions, and other financial institutions including drive-up tellers.
- E. Barber shops.
- F. Beauty parlors.
- G. Bicycle sales and repair shops.
- H. Books, office supply or stationery stores.
- I. Camera and photographic supply stores.
- J. Candy, ice cream, popcorn, nuts, frozen desserts, and soft drink sales.
- K. Copy services, but not including printing press or newspaper.
- L. Dairy stores.
- M. Dry cleaning pick up and laundry pick up stations including incidental repair and assembly but not including processing.
- N. Essential services.
- O. Funeral homes and mortuaries.
- P. Governmental and public related utility buildings and structures.
- Q. Grocery stores, convenience (not supermarket type and without motor fuel facilities).
- R. Hardware stores.
- S. Jewelry stores.
- T. Laundromat, self-service washing and drying.

- U. Liquor, on and off-sale.
- V. Locksmiths.
- W. Motels, motor hotels and hotels.
- X. Offices, commercial and professional.
- Y. Personal wireless antennas located on an existing structure or tower, as regulated by Section 29 of this Ordinance.
- Z. Prepared food - delivery and/or take-out only.
- AA. Private clubs or lodges serving food and beverages.
- BB. Reception halls.
- CC. Recreation, indoor commercial (i.e., sport and health clubs, bowling alleys, roller rinks, etc.)
- DD. Restaurants (not of the drive-in, convenience or drive-through type), cafes, on and off-sale liquor.
- EE. Sexually oriented use - principal and accessory.
- FF. Shoe repair.
- GG. Shoe stores.
- HH. Tailoring services.
- II. Tanning salons.
- JJ. Therapeutic massage.
- KK. Other uses of the same general character as the permitted uses listed above as determined by the City.

56.03 INTERIM USES: Subject to applicable provisions of this Ordinance, the following are interim uses in the B-2 District and are governed by Section 5 of this Ordinance.

- A. Farms, farmsteads, and farming.
- B. Temporary mobile towers as regulated by Section 29 of this Ordinance.

56.04 USES BY ADMINISTRATIVE PERMIT: Subject to applicable provisions of this Section, performance standards established by this Ordinance, and processing requirements of Section 6, the following are uses allowed in the B-2 District by administrative permit as may be issued by the Zoning Administrator.

- A. Open or outdoor sales, rental or display as an accessory use in association with an allowed principal use subject to the same provisions as required in Section 55.04.A of this Ordinance.
- B. Temporary, outdoor promotional events and sales subject to the same provisions as required in Section 55.04.B of this Ordinance.
- C. Other uses of the same general character as those listed as a permitted use in this district.

56.05 ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the B-2 District:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.
- B. Off-street loading as regulated by Section 21 of this Ordinance.
- C. Off-street parking as regulated by Section 20 of this Ordinance, but not including semi-trailer trucks.
- D. Radio and television receiving antennas including single satellite dish TVROs three and one-half (3.5) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 29 of this Ordinance.
- E. Signs as regulated by Section 31 of this Ordinance.

56.06 CONDITIONAL USES: The following are conditional uses in the B-2 District. (Requires a conditional use permit based upon procedures and performance standards set forth in and regulated by Sections 4.02 and 4.04 of this Ordinance).

- A. Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:
 - 1. Such use is allowed as a permitted use in a Business District.
 - 2. Such use does not constitute more than thirty (30) percent of the lot area and not more than fifty (50) percent of the gross floor area of the principal use.
- B. Automobile washes (drive-through, mechanical and self-service), provided that:
 - 1. Magazining or stacking space is constructed to accommodate an appropriate number of vehicles and shall be subject to the approval of the City Council.
 - 2. Each light standard island and all islands in the parking lot landscaped or covered.
 - 3. The entire area other than occupied by the building or planting shall be surfaced with blacktop or concrete which will control dust and drainage which

is subject to the approval of the City Engineer.

4. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
- C. Convenience Store with Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:
1. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity, use and merchandise shall not exceed fifteen (15) percent of the gross floor area.
 2. That any sale of food items is subject to the approval of the Zoning Administrator who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.
 3. That the approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application and in the conditional use permit. No exterior sales or storage shall be permitted.
 4. The hours of operation shall be limited to 6:00 AM to 12:00 PM, unless extended by the City Council.
 5. Motor fuel activities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks shall be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
 6. A protective canopy located over pump island may be an accessory structure on the property and may be located twenty (20) feet or more from the front lot line, provided adequate visibility both on and off site is maintained.
 7. The entire site other than that taken up by a building, structure or plantings shall be surfaced with blacktop or concrete to control dust and drainage which is subject to the approval of the City Engineer.
 8. Each light standard base shall be landscaped.
 9. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.

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

D. Drive-in and convenience food establishments, provided that:

1. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 16 of this Ordinance.
2. Each light standard island and all islands in the parking lot are landscaped or covered.
3. Parking areas and driveways shall be curbed with continuous curbs not less than six (6) inches high above the parking lot or driveway grade.
4. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with Section 20 of this Ordinance and shall be subject to the approval of the City Engineer.
5. The entire area other than occupied by buildings or structures or plantings shall be surfaced with blacktop or concrete which is subject to the approval of the City Engineer.

E. Motor vehicle fuel sales, truck stop, auto repair - minor and tire and battery stores and services, provided that:

1. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
2. The entire site other than that taken up by a building, structure or plantings shall be surfaced with blacktop or concrete to control dust and drainage which is subject to the approval of the City Engineer.
3. Wherever fuel pumps are to be installed, pump islands shall be installed.
4. Each light standard island and all islands in the parking lot are landscaped or covered.
5. Vehicular access points shall create a minimum of conflict with through traffic

movement, shall comply with Section 20 of this Ordinance and shall be subject to the approval of the City Engineer.

6. No outside storage, sales, service, or rental shall be permitted.
 7. Sale of products other than those specifically mentioned in this sub-section shall be subject to approval of a conditional use permit.
 8. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.
- F. Open and outdoor storage as a principal or accessory use provided that:
1. The area is fenced and screened from view of the neighboring residential uses or if abutting a residential district in compliance with Section 15.07 of this Ordinance.
 2. Storage is screened from view from the public right-of-way in compliance with Section 15.07 of this Ordinance.
 3. Storage area is grassed or surfaced to control dust.
 4. Does not take up parking spaces as required to conform to this Ordinance.
- G. Open or outdoor service, sale and rental as a principal or accessory use, provided that:
1. Outside services, sales and equipment rental connected with the principal use is limited to thirty (30) percent of the gross floor area of the principal use.
 2. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 15.07 of this Ordinance.
 3. Sales area is grassed or surfaced to control dust.
 4. The use does not take up parking space as required to conform to this Ordinance.
- H. Personal wireless antennas not located on an existing structure or tower, as regulated by Section 29 of this Ordinance.

56.07 LOT AREA REQUIREMENTS AND SETBACKS: The following minimum requirements shall be observed in the B-2 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance.

- A. Lot Area: One (1) acre.
- B. Lot Width: Two hundred (200) feet
- C. Setbacks:

- 1. Front yards:

<u>Setbacks From Centerline</u>	<u>Setbacks From Right- of-Way Lines</u>	<u>Street Class</u>
130 feet	65 feet	State/Federal Highway
130 feet	65 feet	County Road
65 feet	35 feet	Local Street

Where a lot is located at the intersection of two (2) or more streets or highways which bound two (2) or more sides of the lot, no building shall project beyond the front yard line of either street.

- 2. Side Yards: Twenty (20) feet.
- 3. Rear Yards: Twenty (20) feet.
- 4. Buffer Yards: The side yard or rear yard setback shall be thirty-five (35) feet if abutting a residential district.

56.08 MAXIMUM BUILDING HEIGHT:

- A. Principal building: Thirty-five (35) feet
- B. Accessory building: Per Section 15.04 of this Ordinance.

SECTION 57. B-3, GENERAL BUSINESS DISTRICT

Subdivision

- 57.01 Purpose
- 57.02 Permitted Uses
- 57.03 Interim Uses
- 57.04 Uses by Administrative Permit
- 57.05 Accessory Uses
- 57.06 Conditional Uses
- 57.07 Lot Area Requirements and Setbacks
- 57.08 Maximum Building Height

57.01 PURPOSE: The purpose of the B-3 District is to provide specifically for the regulation of high intensity commercial uses located within the Central Business District of the community and other intense commercial areas of the City.

57.02 PERMITTED USES: Subject to applicable provisions of this Ordinance, the following are permitted uses in the B-3 District:

- A. Amusement centers.
- B. Animal clinics (with no overnight care).
- C. Animal hospitals and kennels
- D. Antique or gift shop.
- E. Appliance and electronic stores including incidental repair and assembly but not fabricating or manufacturing.
- F. Auto accessory stores (not including service).
- G. Bakery good sales and baking (for sale on premise).
- H. Banks, savings and loans, credit unions, and other financial institutions including drive-up tellers.
- I. Barber shops.
- J. Beauty parlors.
- K. Bicycle sales and repair shops.
- L. Books, office supply or stationary stores.
- M. Building supply sales within the principal structure.
- N. Cabinet and carpentry shops.
- O. Camera and photographic supply stores.
- P. Candy, ice cream, popcorn, nuts, frozen desserts, and soft drink sales.
- Q. Carpet, rug and tile stores.
- R. Coin and philatelic stores.
- S. Copy services, but not including printing press or newspaper.
- T. Costume, clothes rental.
- U. Dairy stores.

- V. Department and discount and warehouse stores.
- W. Dry cleaning including plant accessory heretofore, pressing and repairing.
- X. Dry good stores.
- Y. Employment agencies.
- Z. Essential services.
- AA. Fabric and notion sales stores.
- BB. Finance companies.
- CC. Funeral homes and mortuaries.
- DD. Furniture stores.
- EE. Furriers when conducted only for retail trade on premises.
- FF. Garden supply stores.
- GG. Governmental and public related utility buildings and structures.
- HH. Grocery stores, convenience (not supermarket type and without motor fuel facilities).
- II. Grocery stores, supermarket.
- JJ. Hardware stores.
- KK. Jewelry stores and luggage stores.
- LL. Laundromat, self-service washing and drying.
- MM. Leather goods and luggage stores.
- NN. Liquor, on and off-sale.
- OO. Locksmiths.
- PP. Motels, motor hotels and hotels.
- QQ. Music shops and sales (instruments, equipment, tapes, compact discs, etc.).
- RR. Newspaper, printing or publishing shops.
- SS. Offices, commercial and professional.
- TT. Personal wireless antennas located on an existing structure or tower, as regulated by Section 29 of this Ordinance.
- UU. Pet shops.
- VV. Prepared food - delivery and/or take-out only.
- WW. Private clubs or lodges serving food and beverages.
- XX. Reception halls.
- YY. Recreation, indoor commercial (i.e., sport and health clubs, bowling alleys, roller rinks, etc.)
- ZZ. Restaurants (not of the drive-in, convenience or drive-through type), cafes, on and off-sale liquor.
- AAA. Sewing machine sales and service.
- BBB. Sexually oriented use - principal and accessory.
- CCC. Shoe repair.
- DDD. Shoe stores.
- EEE. Tailoring services.
- FFF. Tanning salons.
- GGG. Theaters, not of the outdoor drive-in type.
- HHH. Therapeutic massage.
- III. Toy stores.
- JJJ. Travel bureaus, transportation ticket offices.

KKK. Upholstery shops.

LLL. Variety stores and stores of similar nature.

MMM. Other uses of the same general character as the permitted uses listed above as determined by the City.

57.03 INTERIM USES: Subject to applicable provisions of this Ordinance, the following are interim uses in the B-3 District and are governed by Section 5 of this Ordinance.

A. Farms, farmsteads, and farming.

B. Temporary mobile towers as regulated by Section 29 of this Ordinance.

57.04 USES BY ADMINISTRATIVE PERMIT: Subject to applicable provisions of this Section, performance standards established by this Ordinance, and processing requirements of Section 6, the following are uses allowed in the B-3 District by administrative permit as may be issued by the Zoning Administrator.

A. Open or outdoor sales, rental or display as an accessory use in association with an allowed principal use subject to the same provisions as required in Section 55.04.A of this Ordinance.

B. Temporary, outdoor promotional events and sales subject to the same provisions as required in Section 55.04.B of this Ordinance.

C. Other uses of the same general character as those listed as a permitted use in this district.

57.05 ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in a B-3 District:

A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.

B. Off-street loading as regulated by Section 21 of this Ordinance.

C. Off-street parking as regulated by Section 20 of this Ordinance, but not including semi-trailer trucks.

D. Radio and television receiving antennas including single satellite dish TVROs three and one-half (3.5) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as

regulated by Section 29 of this Ordinance.

E. Signs as regulated by Section 31 of this Ordinance.

57.06 CONDITIONAL USES: The following are conditional uses in the B-3 District. (Requires a conditional use permit based upon procedures and performance standards set forth in and regulated by Sections 4.02 and 4.04 of this Ordinance).

A. Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:

1. Such use is allowed as a permitted use in a Business District.
2. Such use does not constitute more than thirty (30) percent of the lot area and not more than fifty (50) percent of the gross floor area of the principal use.

B. Automobile car washes (drive-through, mechanical and self-service), provided that:

1. Magazining or stacking space is constructed to accommodate an appropriate number of vehicles and shall be subject to the approval of the City Council.
2. Each light standard island and all islands in the parking lot are landscaped or covered.
3. The entire area other than occupied by the building or planting shall be surfaced with blacktop or concrete which will control dust and drainage which is subject to the approval of the City Engineer.
4. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.

C. Convenience Store with Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:

1. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity, use and merchandise shall not exceed fifteen (15) percent of the gross floor area.
2. That any sale of food items is subject to applicable State and/or County regulations. Written documentation of compliance with such County and/or State regulations shall be provided to the Zoning Administrator.

3. That the approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application and in the conditional use permit. No exterior sales or storage shall be permitted.
4. The hours of operation shall be limited to 6:00 AM to 12:00 PM, unless extended by the City Council.
5. Motor fuel activities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks shall be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
6. A protective canopy located over pump island may be an accessory structure on the property and may be located twenty (20) feet or more from the front lot line, provided adequate visibility both on and off site is maintained.
7. The entire site other than that taken up by a building, structure or plantings shall be surfaced with blacktop or concrete to control dust and drainage which is subject to the approval of the City Engineer.
8. Each light standard base shall be landscaped.
9. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.
10. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.

D. Drive-in and convenience food establishments, provided that:

1. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 16 of this Ordinance.
2. Each light standard island and all islands in the parking lot are landscaped or covered.
3. Parking areas and driveways shall be curbed with continuous curbs not less

than six (6) inches high above the parking lot or driveway grade.

4. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with Section 20 of this Ordinance and shall be subject to the approval of the City Engineer.
 5. The entire area other than occupied by buildings or structures or plantings shall be surfaced with blacktop or concrete which is subject to the approval of the City Engineer.
- E. Motor vehicle fuel sales, truck stop, auto repair - minor and tire and battery stores and services, provided that:
1. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
 2. The entire site other than that taken up by a building, structure or plantings shall be surfaced with blacktop or concrete to control dust and drainage which is subject to the approval of the City Engineer.
 3. Wherever fuel pumps are to be installed, pump islands shall be installed.
 4. Each light standard island and all islands in the parking lot are landscaped or covered.
 5. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Section 22 of this Ordinance and shall be subject to the approval of the City Engineer.
 6. No outside storage, sales, service, or rental shall be permitted.
 7. Sale of products other than those specifically mentioned in this sub-section shall be subject to approval of a conditional use permit.
 8. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.
- F. Personal wireless antennas not located on an existing structure or tower, as regulated by Section 29 of this Ordinance.

57.07 LOT AREA REQUIREMENTS AND SETBACKS: The following minimum requirements shall be observed in the B-3 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance.

- A. Lot Area: One (1) acre.
- B. Lot Width: Two hundred (200) feet
- C. Setbacks:

1. Front yards:

Setbacks From Right- of-Way Lines	<u>Street Class</u>
35 feet	State/Federal Highway
35 feet	County Road
35 feet	Local Street

Where a lot is located at the intersection of two (2) or more streets or highways which bound two (2) or more sides of the lot, no building shall project beyond the front yard line of either street.

- 2. Side Yards: Ten (10) feet.
- 3. Rear Yards: Twenty (20) feet.
- 4. Buffer Yards: The side yard or rear yard setback shall be thirty-five (35) feet if abutting a residential district.

57.08 MAXIMUM BUILDING HEIGHT:

- A. Principal building: Thirty-five (35) feet
- B. Accessory building: Per Section 15.04 of this Ordinance.

SECTION 58. B-W, BUSINESS/WAREHOUSE DISTRICT

Subdivision

- 58.01 Purpose
- 58.02 Permitted Uses
- 58.03 Interim Uses
- 58.04 Uses by Administrative Permit
- 58.05 Accessory Uses
- 58.06 Conditional Uses
- 58.07 Lot Requirements and Setbacks
- 58.08 Maximum Building Height

58.01 PURPOSE: The purpose of the B-W, Business/Warehouse District is to provide for the establishment of wholesale and retail trade of large volume or bulk commercial items, storage and warehousing. The overall character of the B-W District is intended to be transitional in nature, thus industrial uses allowed within this District shall be limited to those which can compatibly exist adjacent to commercial and lower intensity activities. The B-W District is intended to be implemented for those areas designated for business-warehouse land uses by the Comprehensive Plan.

58.02 PERMITTED USES: Subject to applicable provisions of this Ordinance, the following are permitted uses in a B-W District:

- A. Automobile repair - major
- B. Commercial printing establishments.
- C. Commercial/professional offices.
- D. Conference centers.
- E. Contractor operations.
- F. Essential services.
- G. Governmental and public utility buildings and structures.
- H. Indoor commercial recreation.
- I. Laboratories.
- J. Lumber yards, building material sales, and similar bulk type retail sales establishments.
- K. Motor vehicle, farm implement, and recreation equipment sales, services and repair and structures accessory thereto.
- L. Personal wireless service antennas located on a public structure, as regulated by Section 29 of this Chapter.
- M. Restaurants (not of the drive-in, convenience food or drive-through type), on and off-sale liquor.

- N. Sexually oriented business - principal and accessory.
- O. Truck terminals.
- P. Wholesale showrooms/warehousing.
- Q. Other uses of the same general character as the permitted uses listed above as determined by the City.

58.03 INTERIM USES: Subject to applicable provisions of this Ordinance, the following are interim uses in the B-W District and are governed by Section 5 of this Ordinance.

- A. Farms, farmsteads, and farming.
- B. Temporary mobile towers as regulated by Section 29 of this Ordinance.

58.04 USES ALLOWED BY ADMINISTRATIVE PERMIT: Subject to applicable provisions of this Section, performance standards established by this Ordinance, and processing requirements of Section 6, the following are uses allowed in a B-W District by administrative permit as may be issued by the Zoning Administrator.

- A. Temporary outdoor promotional events and sales subject to the same provisions as required in section 55.04.B of this Ordinance.
- B. Other uses of the same general character as those listed as a permitted use in this district.

58.05 ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted uses in a B-W District:

- A. Accessory uses customarily incidental to the uses allowed in Sections 58.02 and 58.06 of this Ordinance, but not including outside storage/sales, etc.
- B. Off-street parking as regulated by Section 20 of this Ordinance, including semi-trailer trucks.
- C. Off-street loading as regulated by Section 21 of this Ordinance.
- D. Radio and television receiving antennas including single satellite dish TVROs three and one-half (3.5) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 29 of this Ordinance.
- E. Signs as regulated by Section 31 of this Ordinance.

58.06 CONDITIONAL USES: The following are conditional uses in a B-W District. (Requires a conditional use permit based upon procedures set forth in and regulated by Sections 4.02 and 4.04 of this Ordinance).

- A. Open and outdoor storage as a principal or accessory use provided:
 - 1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting Residential Districts.
 - 2. Storage is landscaped and screened from view from the public right-of-way.
 - 3. Storage area is blacktopped or concrete surfaced.
 - 4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
 - 5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

- B. Open or outdoor service, sale and rental as a principal or accessory use provided that:
 - 1. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting residential district.
 - 2. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
 - 3. Areas are asphalt or concrete surfaced.
 - 4. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
 - 5. Additional parking, pursuant to Section 20 of this Ordinance is provided for said space.

- C. Manufacturing, compounding, assembly, packaging, treatment or storage of products and materials provided that:
 - 1. The proposed use complies with the performance standards outlined in Section 15 and all other applicable provisions of this Ordinance.

- D. Personal wireless service towers and antennas not located on a public structure, as regulated by Section 29 of this Ordinance.

58.07 LOT AREA REQUIREMENTS AND SETBACKS: The following minimum requirements shall be observed in a B-W District, subject to additional requirements, exceptions and modifications set forth in this Ordinance.

- A. Lot Area: One (1) acre.
- B. Lot Width: Two hundred (200) feet
- C. Setbacks:

- 1. Front yards:

Setbacks
From Right-
of-Way Lines Road Class

35 feet	State/Federal Highway
35 feet	County Road
35 feet	Local Street

Where a lot is located at the intersection of two (2) or more streets that bound two (2) or more sides of the lot, no building shall project beyond the front yard line of either street.

- 2. Side Yards: Ten (10) feet.
- 3. Rear Yards: Twenty (20) feet.
- 4. Buffer Yards: The side yard or rear yard setback shall be thirty-five (35) feet if abutting a residential district.

58.08 MAXIMUM BUILDING HEIGHT:

- A. Principal building: Thirty-five (35) feet
- B. Accessory building: Per Section 15.04 of this Ordinance.

SECTION 59 - RESERVED

SECTION 60. I-1, LIMITED INDUSTRIAL DISTRICT

Subdivision

- 60.01 Purpose
- 60.02 Permitted Uses
- 60.03 Interim Uses
- 60.04 Uses by Administrative Permit
- 60.05 Accessory Uses
- 60.06 Conditional Uses
- 60.07 Lot Area Requirements and Setbacks
- 60.08 Maximum Site Coverage
- 60.09 Maximum Building Height

60.01 PURPOSE: It is the intent of the I-1 Limited Industrial District to provide for the establishment of industrial development which can compatibly exist adjacent to both lower intensity businesses and high intensity manufacturing uses. The location of such industrial uses shall be consistent with the general locations shown in the Comprehensive Plan.

60.02 PERMITTED USES: Subject to applicable provisions of this Ordinance, the following are permitted uses in the I-1 District:

- A. Automobile repair - major.
- B. Contractor operations.
- C. Dog kennels.
- D. Essential services.
- E. Governmental and public related utility buildings and structures.
- F. Laboratories.
- G. Machine shops.
- H. Manufacturing or assembly of a wide variety of products that produces no exterior noise, glare, fumes, obnoxious products, by-products or wastes, or creates other objectionable impact on the environment, including the generation of large volumes of traffic. Examples of such uses are:
 - 1. Fabrication or assembly of small products such as optical, electronic, pharmaceutical, medical supplies and equipment.

- 2. Printing and publishing.
 - I. Mini-storage.
 - J. Offices related to other allowed uses (limited to fifty (50) percent of the principal structure).
 - K. Personal wireless service towers and antennas as regulated by Section 29 of this Ordinance.
 - L. Radio and television stations.
 - M. Sexually oriented businesses, principal and accessory.
 - N. Trade schools.
 - O. Warehousing and indoor storage excluding explosives and hazardous waste.
 - P. Wholesale showrooms.

60.03 INTERIM USES: Subject to applicable provisions of this Ordinance, the following are interim uses in the I-1 District and are governed by Section 5 of this Ordinance.

- A. Farms, farmsteads, and farming.

60.04 USES ALLOWED BY ADMINISTRATIVE PERMIT: Subject to applicable provisions of this Section, performance standards established by this Ordinance, and processing requirements of Section 6, the following are uses allowed in the I-1 District by administrative permit as may be issued by the Zoning Administrator.

- A. Other uses of the same general character as those listed as a permitted use in this district.
- B. Temporary outdoor promotional events and sales subject to the same provisions as required in Section 55.04.B of this Ordinance.

60.05 ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the I-1 District:

- A. Commercial or business buildings and structures for a use accessory to the

principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use and shall be of the same material and design as the principal use.

- B. Radio and television receiving antennas including single satellite dish TVROs three and one-half (3.5) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 29 of this Ordinance.
- C. Signs as regulated by Section 31 of this Ordinance.

60.06 CONDITIONAL USES: The following are conditional uses in the I-1 District. (Requires a conditional use permit based upon procedures and performance standards set forth in and regulated by Sections 4.02 and 4.02 of this Ordinance).

- A. Accessory, enclosed retail, rental, or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:
 - 1. Such use is allowed as a permitted use in a Business District.
 - 2. Such use does not constitute more than fifty (50) percent of the gross floor area of the principal building.
- B. Commercial and professional offices within the principal structure in excess of that which is allowed in this district or as a freestanding principal use.
- C. Commercial and public radio and television transmitting antennas, and public utility microwave antennas, as regulated by Section 29 of this Ordinance.
- D. Commercial, private and public satellite dish transmitting or receiving antennas in excess of three and one-half (3.5) meters in diameter, as regulated by Section 29 of this Ordinance.
- E. Open or outdoor service, sale and rental as a principal or accessory use, provided that:
 - 1. Outside service areas are fenced and screened from view of the public right-of-way, neighboring residential uses, or an abutting Residential District in compliance with Section 15.07 of this Ordinance.
 - 2. The use does not take up parking space as required for conformity to this Ordinance.

3. Sales area is hard surfaced to control dust.
- F. Open and outdoor storage as a principal or accessory use provided that:
1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting residential zoning and public rights-of-way.
 2. The storage area is blacktopped or concrete surfaced unless specifically approved by the City Council.
 3. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

60.07 LOT AREA REQUIREMENTS AND SETBACKS: The following minimum requirements shall be observed in a I-1 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance.

- A. Lot Area: One (1) acre.
- B. Lot Width: Two hundred (200) feet
- C. Setbacks:
 1. Front yards:

Setbacks From Right- of-Way Lines	<u>Street Class</u>
35 feet	State/Federal Highway
35 feet	County Road
35 feet	Local Street

Where a lot is located at the intersection of two (2) or more streets or highways which bound two (2) or more sides of the lot, no building shall project beyond the front yard line of either street.

2. Side Yard: Ten (10) feet.
3. Rear Yard: Twenty (20) feet

4. Buffer Yard: The side yard or rear yard setback shall be fifty (50) feet in abutting a residential district.

60.08 MAXIMUM SITE COVERAGE:

- A. Building and Structure: Thirty (30) percent
- B. Hard surface including buildings and parking/driveway areas: Eighty-five (85) percent.

60.09 MAXIMUM BUILDING HEIGHT: Thirty-five (35) feet.

SECTION 61. I-2, GENERAL INDUSTRIAL DISTRICT

Subdivision

- 61.01 Purpose
- 61.02 Application of Performance Requirements
- 61.03 Permitted Uses
- 61.04 Interim Uses
- 61.05 Uses by Administrative Permit
- 61.06 Accessory Uses
- 61.07 Conditional Uses
- 61.08 Lot Area Requirements and Setbacks
- 61.09 Maximum Site Coverage by Building
- 61.10 Maximum Building Height

61.01 PURPOSE: It is the intent of the I-2 General Industrial District to provide areas suitable for the location of general industrial activities which have adequate and convenient access to major streets and provide effective controls for “nuisance” and pollution characteristics. It is further the intent of this District to encourage industrial development in a compact and orderly manner consistent with the general locations shown in the Comprehensive Plan providing a compatible relationship with other land uses where a full complement of urban services are provided.

61.02 APPLICATION OF PERFORMANCE REQUIREMENTS: All uses provided for under the I-2 District shall show proof of ability to comply with the performance requirements of this Ordinance prior to issuance of any construction permit.

61.03 PERMITTED USES: Subject to applicable provisions of this Ordinance, the following are permitted uses in the I-2 District:

- A. Appliance assembly and warehousing, machine shops, freight terminals and classification yards, concrete products plants, building materials production and clothing or apparel manufacturing and similar uses.
- B. Automobile repair - major.
- C. Bakeries, wholesale.
- D. Contractor operations.
- E. Distribution centers.

- F. Essential services.
- G. Food processing facilities.
- H. Governmental and public related utility buildings and structures.
- I. Laboratories.
- J. Machine shops.
- K. Manufacturing or assembly of a wide variety of products that produces no exterior noise, glare, fumes, obnoxious products, by-products or wastes, or creates other objectionable impact on the environment, including the generation of large volumes of traffic. Examples of such uses are:
 - 1. Fabrication or assembly of small products such as optical, electronic, pharmaceutical, medical supplies and equipment.
 - 2. Printing and publishing.
- L. Mini-storage.
- M. Offices related to other allowed uses (limited to fifty (50) percent of the principal structure).
- N. Personal wireless service towers and antennas, including necessary equipment buildings, as regulated by Section 29 of this Ordinance.
- O. Radio and television stations.
- P. Trade schools.
- Q. Truck terminals.
- R. Warehousing and indoor storage excluding explosives and hazardous waste.
- S. Wholesale showrooms.

61.04 INTERIM USES: Subject to applicable provisions of this Ordinance, the following are interim uses in the I-2 District and are governed by Section 5 of this Ordinance.

- A. Farms, farmsteads, and farming.

61.05 USES ALLOWED BY ADMINISTRATIVE PERMIT: Subject to applicable provisions of this Ordinance, performance standards established by this Ordinance, and processing requirements of Section 6, the following are uses allowed in the I-2 District by administrative permit as may be issued by the Zoning Administrator.

- A. Other uses of the same general character as those listed as a permitted use in this district.
- B. Temporary outdoor promotional events and sales subject to the same provisions as required in section 55.04.B of this Ordinance.

61.06 ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the I-2 District:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.
- B. Off-street loading as regulated by Section 21 of this Ordinance.
- C. Off-street parking as regulated by Section 20 of this Ordinance including semi-trailer trucks.
- D. Radio and television receiving antennas including single satellite dish TVROs three and one-half (3.5) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 29 of this Ordinance.
- E. Signs as regulated by Section 31 of this Ordinance.

61.07 CONDITIONAL USES: The following are conditional uses in the I-2 District. (Requires a conditional use permit based upon procedures and performance standards set forth in and regulated by Sections 4.02 and 4.04 of this Ordinance).

- A. Accessory, enclosed retail, rental, service, or processing, manufacturing activity other than that allowed as a permitted use or conditional use within this Section, provided that:

1. Such use is allowed as a permitted use in a Business District.
 2. Such use does not constitute more than fifty (50) percent of the gross floor area of the principal building.
- B. Commercial and professional offices within the principal structure in excess of that which is allowed in this district or as a freestanding principal use.
- C. Commercial and public radio and television transmitting antennas, and public utility microwave antennas, as regulated by Section 29 of this Ordinance.
- D. Commercial, private and public satellite dish transmitting or receiving antennas in excess of three and one-half (3.5) meters in diameter, as regulated by Section 29 of this Ordinance.
- E. Open or outdoor service, sale and rental as a principal or accessory use, provided that:
1. Outside services, sales and equipment rental connected with the principal use is limited to fifty (50) percent of the gross floor area of the principal use.
 2. Outside sales areas are fenced and screened from view of neighboring residential uses or an abutting residential zoning district in compliance with Section 15.07 of this Ordinance.
 3. The use does not take up parking space as required for conformity to this Ordinance.
 4. Sales area is hard surfaced to control dust.
- F. Open and outdoor storage as a principal or accessory use provided that:
1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting residential zoning districts and public rights-of-way.
 2. Storage area is blacktopped or concrete surfaced.
 3. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
- G. Storage, utilization or manufacture of materials or products which could decompose by demolition; refuse and garbage disposal; crude oil; bulk fuel, gasoline or other liquid storage provided that:

1. At the boundaries of a residential district, a strip of not less than twenty-five (25) feet shall be landscaped and screened in compliance with Section 16 of this Ordinance.
2. Each light standard base shall be landscaped.
3. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Section 20 of this Ordinance and shall be subject to the approval of the City Engineer.
4. No outside storage except as allowed in compliance with Section 61.07.E of this Ordinance.
5. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

H. Waste facilities provided that:

1. All applicable federal, state and/or county permits are obtained including, but not limited to:
 - a. The Federal Environmental Protection Agency (EPA).
 - b. The Minnesota Pollution Control Agency (MPCA).
 - c. The Minnesota Department of Natural Resources (DNR).
2. Any applicable environmental review requirements outlined in Section 9 of this Ordinance are satisfactorily met.
3. A financial guarantee in a form deemed appropriate by the City Attorney is provided to ensure the following minimum activities:
 - a. Completion of site improvements.
 - b. Emergency clean up and correction.
 - c. Closure and post closure activities.
4. The facility is subject to periodic monitoring as determined by the City.
5. The facility is provided a minimum of two (2) independent emergency access escape routes, neither of which may traverse residentially zoned areas.

6. The facility is set back a minimum one thousand (1,000) feet from all storm water holding areas, natural drainage facilities and wetlands.
7. All storm water runoff is held on site prior to release into natural drainage ways and the City's storm drainage system.
8. The outside storage of materials, containers or disposal facilities involving hazardous waste is prohibited.
9. The outside storage of materials, containers or disposal facilities involving non-hazardous materials is enclosed and screened as outlined in Section 15.07 of this Ordinance.
10. The loading and/or unloading of waste materials is conducted within buildings and upon an impermeable floor surface.
11. All development, operation, maintenance and closure/conversion plans are subject to City approval.
12. A sign indicating the facility's inventory of waste materials by type and location is posted at the main entrance of the site.
13. All hazardous waste materials stored on the site are clearly designated.
14. All facility employees are subject to emergency training programs, the procedures and techniques of which are subject to City approval.
15. Emergency preparedness plans which:
 - a. Establish procedures for handling ruptures, spills and the like.
 - b. Alert applicable agencies and area property owners.
 - c. Establish provisions for emergency evacuation that are provided to and approved by the City.
16. All containers used for the outside storage of waste materials are properly cleaned prior to storage and maintained in a clean manner so as not to attract vectors or cause objectionable odors.

61.08 LOT AREA REQUIREMENTS AND SETBACKS: The following minimum requirements shall be observed in the I-2 District, subject to additional requirements,

exceptions and modifications set forth in this Ordinance.

- A. Lot Area: Two (2) acres.
- B. Lot Width: Two hundred (200) feet
- C. Setbacks:

- 1. Front yards:

<u>Setbacks From Centerline</u>	<u>Setbacks From Right- of-Way Lines</u>	<u>Street Class</u>
130 feet	65 feet	State/Federal Highway
130 feet	65 feet	County Road
65 feet	35 feet	Local Street

Where a lot is located at the intersection of two (2) or more streets or highways which bound two (2) or more sides of the lot, no building shall project beyond the front yard line of either street.

- 2. Side yard: Twenty (20) feet.
- 3. Rear Yard: Twenty-five (25) feet.
- 4. Buffer Yard: The side yard or rear yard setback shall be fifty (50) feet in abutting a residential district.

61.09 MAXIMUM SITE COVERAGE BY BUILDINGS: Fifty (50) percent of the total lot area.

61.10 MAXIMUM BUILDING HEIGHT: Thirty-five (35) feet.

SECTION 62. INS, INSTITUTIONAL DISTRICT

Subdivision

- 62.01 Purpose
- 62.02 Permitted Uses
- 62.03 Interim Uses
- 62.04 Uses by Administrative Permit
- 62.05 Accessory Uses
- 62.06 Conditional Uses
- 62.07 Lot Requirements and Setbacks
- 62.08 Height Requirements

62.01 PURPOSE: The INS District is intended to provide a specific zoning district for facilities devoted to serving the public. It is unique in that the primary objective of uses within this district is the provision of services, frequently on a non-profit basis, rather than the sale of goods or services. It is intended that uses within such a district will be compatible with adjoining development, and they normally will be located on an arterial street or thoroughfare.

62.02 PERMITTED USES: Subject to applicable provisions of this Ordinance, the following are permitted uses in the INS District:

- A. Day care nurseries.
- B. Essential services.
- C. Nursing homes, residential care facilities, and similar group housing but not including hospitals, sanitariums, or similar institutions.
- D. Parks, and recreational fields and structures.
- E. Personal wireless service towers and antennas located on a public structure as regulated by Section 29 of this Ordinance.
- F. Pre-school, elementary, junior or senior high schools having a regular course of study accredited to the State of Minnesota.
- G. Publicly owned civic or cultural buildings, such as libraries, City offices, auditoriums, public administration buildings and historical developments.
- H. Religious institutions, such as churches, chapels, temples, mosques, and synagogues.

62.03 INTERIM USES: Subject to applicable provisions of this Ordinance, the following are interim uses in the INS District and are governed by Section 5 of this Ordinance:

- A. Farms, farmsteads, and farming.

62.04 USES ALLOWED BY ADMINISTRATIVE PERMIT: Subject to applicable provisions of this Section, performance standards established by this Ordinance and processing requirements of Section 6, the following uses may be allowed in an INS District by administrative permit as may be issued by the Zoning Administrator:

- A. Temporary outdoor promotional events and sales subject to the same provisions as required in Section 55.04.B of this Ordinance.
- B. Other uses of the same general character as those listed as a permitted use in this district.

62.05 ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the INS District:

- A. Accessory uses customarily incidental to the uses permitted in Sections 62.02, 62.03, and 62.05 of this Ordinance.
- B. Off-street loading as regulated by Section 21 of this Ordinance.
- C. Off-street parking as regulated by Section 20 of this Ordinance.
- D. Parks, playgrounds or athletic fields.
- E. Radio and television receiving antennas including single satellite dish TVROs three and one-half (3.5) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 29 of this Ordinance.
- F. Signs as regulated by Section 31 of this Ordinance.

62.06 CONDITIONAL USES: Subject to applicable provision of this Ordinance, the following are conditional uses in an INS District: (Requires a conditional use permit based upon procedures set forth in and regulated by Section 4.02 and 4.04 of this Ordinance.)

- A. Automobile parking lots as a principal use provided that the use and design is in conformance with Section 20 of this Ordinance.
- B. Cemeteries or memorial gardens provided that:
 - 1. The site is landscaped in accordance with Section 15.07.
 - 2. The use is available to the “public”.
 - 3. The land area of the property containing such use or activity meets the minimum established for the district.
 - 4. The use meets the minimum setback requirements for principal structures.
 - 5. The site accesses on a collector or arterial street.
- C. Colleges, seminaries, and other institutions of higher education.
- D. Commercial and public radio and television transmitting antennas, and public utility microwave antennas, as regulated by Section 29 of this Ordinance.
- E. Community centers.
- F. Correctional facilities and shelters provided that:
 - 1. Facilities shall comply with all applicable codes and regulations and shall have, current and in effect, the appropriate state licenses.
 - 2. On-site services and treatment shall be for residents and inmates of the facility only, and shall not be for non-residents or persons outside the facility.
 - 3. All new buildings or additions to existing buildings shall be consistent with the scale and character of the buildings in the neighborhood. Exterior building materials shall also be harmonious with other buildings in the neighborhood.
 - 4. No correctional facility shall be closer than one thousand three hundred twenty (1,320) feet from another licensed correctional facility or from any property designated on the Land Use Plan as residential and/or designated on the official zoning map as residential.
 - 5. The conditional use permit is only valid as long as a valid state license is held

by the operator of the facility where such license is required.

6. Appropriate transition to neighboring property shall be provided by landscaping and site design consistent with the City ordinances and policies.
- G. Day care, social services or other non-directly related worship type activities as an accessory use within a religious institutional building(s).
- H. Hospitals, sanitariums, or similar institutions provided that:
1. Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled and screened in compliance with Section 15.06 of this Ordinance.
 2. All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.
- I. Living quarters which are provided as an accessory use to a principal use in Section 62.02 or to a conditional use in this section provided that:
1. The living quarters shall not be used as rental property.
 2. A maximum of one (1) such dwelling shall be allowed.
 3. There shall be a demonstrated and documented need for such a facility (i.e., caretaker, security, etc.).
- J. Medical, dental and chiropractic offices and clinics, commercial and professional offices, funeral homes and mortuaries.
- K. Other uses of the same general character as those listed in Sections 62.02, 62.04, and 62.06 of this Ordinance.
- L. Outdoor recreational areas including golf courses, country clubs, swimming pools, and similar facilities.
- M. Reduction in lot area requirements.
- N. Retail commercial activities and personal services, provided that:
1. Merchandise is sold at retail.
 2. Personal services are limited to those uses and activities which are allowed as a permitted or permitted accessory use within a B-1 Zoning District.
 3. The retail activity and personal services are located within a structure whose

principal use is not commercial sales.

4. The retail activity and personal services shall not occupy more than fifteen (15) percent of the gross floor area of the building.
 5. The retail activity and personal services are not located within a structure whose principle use is residential.
 6. No directly or indirectly illuminated sign or sign in excess of ten (10) square feet identifying the name of the business shall be visible from the outside of the building.
 7. No signs or posters of any type advertising products for sale or services shall be visible from the outside of the building.
- O. Personal wireless service towers and antennas not located on a public structure as regulated by Section 29 of this Ordinance.

62.07 LOT AREA AND SETBACK REQUIREMENTS: The following minimum requirements shall be observed in an INS District subject to additional requirements, exceptions, modifications set forth in this Ordinance:

A. Lot Area - Minimum Site Area.

1. Five (5) acres unless otherwise specified or reduced by conditional use permit.
2. Religious institutions - three (3) acres.
3. Elementary schools - fifteen (15) acres.
4. Junior high schools - thirty (30) acres.
5. Senior high schools - fifty (50) acres.
6. Hospitals - ten (10) acres.
7. Community centers - three (3) acres.

B. Setbacks.

1. Schools, Hospitals, and Public Works Facilities.
 - a. Front Yard.

<u>Setbacks From Right- of-Way Lines</u>	<u>Street Class</u>
65 feet	State/Federal Highway
65 feet	County Road
50 feet	Local Street

Where a lot is located at the intersection of two (2) or more streets or highways which bound two (2) or more sides of the lot, no building shall project beyond the front yard line of either street.

- b. Side yard: One hundred (100) feet
 - c. Rear Yard: One hundred (100) feet
2. All Other Institutional Uses:
- a. Front Yard: Same as for schools, hospitals, and public works facilities.
 - b. Side Yard: Fifty (50) feet.
 - c. Rear Yard: Fifty (50) feet.

62.08 HEIGHT REQUIREMENTS: The following height requirements shall be observed in the INS District:

- A. All principal structures and their accessory buildings shall be limited to a maximum height of thirty-five (35) feet.

SECTION 63. PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Subdivision

- 63.01 Purpose
- 63.02 Uses
- 63.03 Requirements, Conditions and Standards for Approving a PUD
- 63.04 Development Standards
- 63.05 Sketch Plan
- 63.06 General Plan
- 63.07 Final Plan
- 63.08 PUD Evaluation

63.09 Plan Modification/Amendment of a PUD

63.10 General Requirements

63.01 PURPOSE: The purpose of the PUD, Planned Unit Development District is to provide comprehensive procedures and standards intended to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications and/or a mixture of uses. The PUD process is intended to encourage:

- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
- B. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects and engineers.
- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as natural topography, wetlands, woodlands, and geologic features and the prevention of soil erosion which are over and above minimum standards and expectations.
- E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
- F. An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering development costs, long term maintenance expenses, and public investments.
- G. A development pattern in harmony with the objectives of the St. Augusta Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. A more desirable and creative environment than might be possible through the strict application of zoning and subdivision regulations of the City.

63.02 USES: All permitted, permitted accessory, conditional uses, interim uses, and uses by administrative permit contained in Sections 45 through 61 of this Ordinance which are consistent with the Comprehensive Plan shall be treated as potentially allowable uses within a PUD District.

63.03 REQUIREMENTS, CONDITIONS AND STANDARDS FOR APPROVING A PUD:

A. General Standards:

1. **Comprehensive Plan Consistency:** The proposed PUD shall be consistent with the City Comprehensive Plan.
2. **Common Open Space:** Common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents/occupants of the PUD may be provided within the area of the PUD development.
3. **Operating and Maintenance Requirements for PUD Common Open Space Facilities:** Whenever common private or public open space or service facilities are provided within the PUD, the PUD shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the City Council:
 - a. Dedicated to the public, where a community-wide use is anticipated and the City Council agrees to accept the dedication.
 - b. Landlord control, where only use by tenants is anticipated.
 - c. Property owners association, provided all of the following conditions are met:
 - 1) Prior to the use, occupancy, sale or the execution of contracts for sale of individual buildings, units, lots, parcels, tracts or common areas, a declaration of covenants, conditions and restrictions or an equivalent document or a document such as specified by Minnesota Statutes 515, Article 2 and a set of floor plans such as specified by Minnesota Statutes 515, Article 2-110 shall be filed with St. Augusta. Said filing with the City is to be made prior to the filings of said declaration or document or floor plans with the recording officers of Stearns County.
 - 2) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or

documents of conveyance affecting buildings, units, lots, parcels, or tracts shall subject said properties to the terms of said declaration.

- 3) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing adequate private control.
 - 4) The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of St. Augusta or fails to pay taxes or assessments on properties as they become due and in the event St. Augusta City incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its prorata share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.
 - 5) Membership must be mandatory for each owner, and any successive buyer.
 - 6) The open space restrictions must be permanent and not for a limited period of years, unless specifically approved by the City.
4. Staging of Public and Common Open Space: When a PUD provides for common private or public open space, and is planned for a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
 5. Density: The maximum allowable density in a PUD Zoning District shall be determined by standards negotiated and agreed upon between the applicant

and the City. In all cases, the negotiated standards shall be consistent with the development policies as contained in the St. Augusta Comprehensive Plan.

6. Principal Buildings: No More than one (1) principal building may be constructed on each platted lot within a PUD.
7. Land Use/Housing Type: A PUD which involves only one (1) land use or housing type may be allowed, provided that it is otherwise consistent with the stated purposes and objectives of this section and the Comprehensive Plan.
8. Ordinance Modifications: The uniqueness of each PUD requires that specifications and standards for streets, utilities, public facilities and the approval of land subdivisions may be subject to modifications from the City ordinances generally governing them. The City Council may therefore approve streets, utilities, public facilities and land subdivisions which are not in strict compliance with usual specifications or ordinance requirements where it is found that such are not required in the interests of the City.
9. Utilities: In any PUD, all utility installations and connections including telephone, electricity, gas, telecable, public sewer and water, private septic systems and wells shall conform to the applicable provisions of the St. Augusta Subdivision Ordinance, unless otherwise approved by the City Council.
10. Streets: All streets shall conform to the design standards contained in the St. Augusta Subdivision Ordinance unless otherwise approved by the City Council.
11. Fencing/Screening/Landscaping: In any PUD, fencing, screening, and landscaping shall conform to the applicable provisions of Section 15.07 of this Ordinance.
12. Setbacks:
 - a. The front, rear and side yard restrictions on the periphery of the property to which the PUD is applied shall at a minimum be the same as the setbacks which are common to the area and generally consistent with this Ordinance.
 - b. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern.
 - c. No building within the project shall be nearer to another building, than

one-half (1/2) the sum of the building heights of the two (2) buildings.

13. Height: The maximum building height to be considered within a PUD Zoning District shall comply with the height standards specified within this Ordinance in general.

B. Benefit: The proposed PUD shall accomplish one or more of the objectives stated in Section 63.01 and shall not simply be for the enhanced economic gain of the applicant. It shall be the applicant's responsibility to demonstrate compliance with this requirement.

63.04 DEVELOPMENT STANDARDS:

A. Purpose: The purpose of this section is to establish standards for residential, non-residential, and mixed use residential and non-residential PUD Zoning Districts, in addition to those standards contained elsewhere in this Ordinance for all PUD projects. All PUD projects shall be developed in accordance with the following residential area standards:

1. There shall be no minimum lot or area requirement for a tract of land for which a PUD Zoning District is proposed.
2. There shall be no minimum frontage on a public street required for a tract of land for which a PUD is proposed.
3. The tract of land for which a PUD is proposed shall have municipal water and sewer available to it or shall provide approved well locations and comply with City and/or County septic system requirements.
4. For PUD Zoning District projects, the performance standards, area requirements and construction limitations of generally comparable conventional zoning districts shall apply to the project, excepting those standards to be modified, as determined by the City Council and as provided above in Section 63.03, Subd. A.1 and A.3.
5. Off-street parking and loading facilities for a residential PUD shall be provided in accordance with Sections 20 and 21 of this Ordinance.
6. In addition to the above standards, the City Council may impose such other requirements for individual PUD Districts as are reasonable and as the Board deems necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

63.05 SKETCH PLAN:

- A. Application Procedures and Information Requirements: Prior to the filing of a formal application, the applicant shall be required to submit a sketch plan of the project to the Zoning Administrator. Such plan shall be processed according to the information requirements, standards and procedures for preliminary site plans as established by Section 10.03.B of this Ordinance.
- B. Exemptions: At the request of the applicant and upon the approval of the Zoning Administrator, minor PUD projects or projects of a non-controversial nature may be exempt from the sketch plan process and may proceed to the general plan, as regulated by Section 63.06 of this Section.

63.06 GENERAL PLAN:

- A. Application Procedure: PUD zoning applications shall be processed according to the evaluation criteria and procedures outlined in Section 10.03.C of this Ordinance.
- B. Information Requirement:
 - 1. The information required for all PUD general plan applications shall be as specified in Section 10.06 of this Ordinance.
 - 2. The Zoning Administrator, Planning Commission, and/or City Council may excuse an applicant from submitting any specific item of information or document required by this section which it finds to be unnecessary to the consideration of the specific PUD being considered.
- C. Zoning Enactment: The formal establishment of the PUD District shall take place in conjunction with City Council approval of the general plan.

63.07 FINAL PLAN: After approval of a sketch plan for the PUD and approval of a general plan for all or a portion of the proposed PUD, the applicant shall submit the following material for review by the Zoning Administrator prior to issuance of a building permit(s).

- A. Proof of recording any easements and restrictive covenants prior to sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
- B. All certificates, seals and signatures required for the dedication of land and

recording of documents.

- C. Final architectural working drawings of all structures.
- D. Any other plans, agreements or specifications necessary for the Zoning Administrator to review the proposed construction. All work must be in conformance with the Minnesota State Building Code.

63.08 PUD EVALUATION: If periodic review of a PUD is included as a condition to the approval of a PUD, such a project shall be reviewed by the City Council. At such times, the City Council, at its discretion, may take additional testimony on the PUD.

63.09 PLAN MODIFICATION/AMENDMENT OF A PUD:

- A. Minor Modifications/Amendment: Plan modifications/amendments qualifying as minor as defined by Section 10.07.A of this Ordinance may be processed and approved pursuant to that section.
- B. Major Modification/Amendment: The same review procedure shall be followed for a major/modification/amendment of a PUD as was followed with respect to the applicant's general plan, outlined in Section 63.06 and pursuant to Section 10.07.B of this Ordinance.

63.10 GENERAL REQUIREMENTS:

- A. Records: The Zoning Administrator shall maintain a record of all PUD zones approved by the City, including information on a project's allowed uses, all pertinent project plans, any conditions imposed on a project by the City Council, and such other information as the Zoning Administrator may deem appropriate.
- B. Withdrawal of an Application: Any application under this section may be withdrawn by an applicant without prejudice at any time prior to final City Council action thereon.
- C. Platting of a PUD: In the event that a PUD is to be subdivided into lots or parcels for the purpose of separate ownership, such PUD shall be platted under the platting procedures and according to standards contained in the St. Augusta Subdivision Ordinance and the related requirements of Stearns County. The preliminary plat shall be processed in conjunction with the general plan as outlined in Section 63.06. A separate action on the final plat shall be processed before the City Council prior to the final stage of the PUD.
- D. Conveyance of Property Within a PUD: In the event that any real property within an

approved PUD is conveyed in total or in part, the buyer(s) thereof shall be bound by all provisions of the PUD and the general plan for that project. However, nothing in this Ordinance shall be construed as to make such conveyed property non-conforming with regard to normal zoning standards as long as the conveyed property conforms with the approved PUD and the general plan for a project.

- E. Development Agreement: Prior to the approval of the general plan, the applicant shall enter into a development agreement as may be required for site improvements by the Subdivision Ordinance or this Ordinance for the project in question. Once approved, the development agreement shall be recorded with Stearns County and documentation of such action shall be provided to the Zoning Administrator.
- F. Issuance of Building Permits: Following approval by the City Council of a PUD general plan and recording of the PUD development contract with Stearns County, the Building Official may issue a building permit for such structures in compliance with this Ordinance.

SECTION 67. SCENIC RIVERS DISTRICT

Subdivision

67.01 Adoption of Stearns County Regulations

67.02 Administration and Enforcement

67.01 ADOPTION OF STEARNS COUNTY REGULATIONS: The Stearns County Mississippi River Scenic River Ordinance, Number 37, regulating the use of bluff lands and shorelands of the Mississippi River in Stearns County, is hereby adopted by referenced and attached to this Ordinance as Appendix D.

67.02 ADMINISTRATION AND ENFORCEMENT: The provisions of this subdivision shall be administered and enforced by the Stearns County Zoning Administrator.