

SECTION 1071

B-2, HIGHWAY BUSINESS DISTRICT

SECTION:

- 1071-1: Purpose
- 1071-2: Permitted Uses
- 1071-3: Permitted Accessory Uses
- 1071-4: Conditional Uses
- 1071-5: Interim Uses
- 1071-6: Uses by Administrative Permit
- 1071-7: Lot Requirements and Setbacks
- 1071-8: Building Height
- 1071-9: Impervious Surface Coverage

1071-1: 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.

1071-2: PERMITTED USES: Subject to applicable provisions of this Ordinance, the following are permitted uses in a B-2 District:

- A. Adult uses as regulated by Chapter 115 of the City Code.
- B. Governmental and public regulated utilities, buildings, and structures necessary for the health, safety and general welfare of the City.
- C. Greenhouses and landscape nurseries.
- D. Hospitality businesses.
- E. Liquor sales – on and off sale.
- F. Office businesses – clinical.
- G. Office businesses – general.
- H. Recreational businesses contained entirely within the principal building.
- I. Restaurant without drive-through facilities, without outdoor dining.
- J. Retail businesses without drive-through service facilities.

- K. Service businesses – off site.
- L. Service businesses – on site without drive-through service facilities.
- M. Specialty schools such as music, dance, gymnastics, or business/trade schools.
- N. Theaters.

1071-3: PERMITTED ACCESSORY USES: Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in a B-2 District:

- A. Accessory buildings and structures provided that such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by Chapter 1020 of this Ordinance.
- C. Keeping of animals as regulated by Chapter 1022 of this Ordinance.
- D. Off-street parking and loading as regulated by Chapter 1019 of this Ordinance, but not including semi-trailer trucks, except in designated loading areas not to exceed four (4) hours.
- E. Secondary or accessory use antennas or satellites as regulated by Chapter 1023 of this Ordinance.
- F. Signs as regulated by Chapter 24 of this Ordinance.

1071-4: CONDITIONAL USES: Subject to applicable provisions of this Ordinance, the following are conditional uses in a B-2 District and require a conditional use permit based upon procedures set forth in and regulated by Chapter 1005 of this Ordinance. Besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in Sections 1005-3 and 1005-4 of this Ordinance.

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

2. The stacking lane and its access shall be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space.
3. No part of the public street or boulevard may be used for stacking of automobiles.
4. The stacking lane, order board telecom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
5. The drive-through window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way.
6. A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with Section 1016-8 of this Ordinance.

B. Automobile repair – minor, provided that:

1. Landscaping and screening not less than five feet (5') in width shall be provided at the boundaries abutting a residential zoning district in compliance with Section 1020-5 of this Ordinance.
2. Parking or automobile storage space shall be screened from view of abutting residential districts in compliance with Section 1020-5 of this Ordinance.
3. 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 that are imposed for other uses of the property.
4. Provisions are made to control and reduce noise.

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

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

2. Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the City Engineer.
3. At the boundaries of a residential district, a strip of not less than five feet (5') shall be landscaped and screened in compliance with Section 1020-4 of this Ordinance.
4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 1020-5 of this Ordinance.
5. The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.
6. The entire area shall have a drainage system which is subject to the approval of the City.
7. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 1016-8 of this Ordinance.
8. 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.
9. Provisions are made to control and reduce noise.

D. Commercial daycare facilities provided that:

1. All requirements of the Minnesota Department of Health and Human Services, as may be amended, are satisfactorily met and the structure and operation is licensed accordingly.
2. Screening is provided along all shared property lines. Such required fencing and screening shall be in compliance with the applicable provisions of Section 1020-5 of this Ordinance.
3. Adequate off-street parking is provided in a location separated from any outdoor play area(s).
4. Adequate off-street loading spaces in compliance with Chapter 1019 of this Ordinance.

E. Contractor shops and offices provided that:

1. All outside storage is prohibited. The storage of contractor equipment and materials must be completely inside.
2. When abutting a residential land use, a buffer area with screening and landscaping in compliance with Section 1020-5 of this Ordinance.

F. Hospitals provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with Section 1020-5 of this Ordinance.
2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.
4. Adequate off-street loading space is provided in compliance with Chapter 1019 of this Ordinance.

G. Motor fuel stations provided that:

1. Motor Fuel Facilities. Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
2. Architectural Standards.
 - a. As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted.
 - b. The architectural appearance, scale, and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.
 - c. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to Section 1017-4 of this Ordinance.

- d. Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.
3. Canopy. A protective canopy structure may be located over the pump island(s), as an accessory structure. The canopy shall meet the following performance standards:
 - a. The edge of the canopy shall be thirty feet (30') or more from the front and/or side lot line, provided that adequate visibility both on-site and off-site is maintained.
 - b. The canopy shall not exceed eighteen feet (18') in height and shall provide fourteen feet (14') of clearance to accommodate a semi-trailer truck passing underneath.
 - c. The canopy fascia shall not exceed three feet (3') in vertical height.
 - d. Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source of fixture may extend below the ceiling of the canopy. Total canopy illumination may not exceed one hundred fifteen (115) foot candles below the canopy at ground level.
 - e. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.
 - f. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that the individual canopy sign does not exceed more than twenty percent (20%) of the canopy façade facing a public right-of-way.
 - g. Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.
4. Pump Islands. Pump islands shall comply with the following performance standards:
 - a. Pump islands shall be elevated six inches (6") above the traveled surface of the site.
 - b. All pump islands shall be set at least thirty feet (30') back from any property line. Additionally, the setback between the pump islands curb face shall be at least twenty-four feet (24').
5. Dust Control and Drainage. The entire site other than taken up by a building, structure, or plantings shall be surfaced with asphalt, concrete, cobblestone, or paving brick. Plans for surfacing and drainage shall be

subject to approval of the City Engineer. Drainage from all fueling areas shall be directed to an oil/grit separator. Minimum design standards for the oil/grit separator shall include the following:

- a. A minimum of four hundred (400) cubic feet of permanent pool storage capacity per acre of drainage area.
- b. A minimum pool depth of four feet (4').
- c. A minimum oil containment capacity of eight hundred (800) gallons.
- d. Minimum maintenance/inspection of two (2) times per year and/or after measurable spill events. A measurable spill shall be defined by the Minnesota Pollution Control Agency (MPCA). Any measurable spill event must be reported to the MPCA.

6. Landscaping.

- a. At least thirty-five percent (35%) of the lot, parcel or tract of land used exclusively for the gas sales facility shall remain as a grass plot, including trees, shrubbery, plantings or fencing and shall be landscaped. Required minimum green area should be emphasized in the front and side yards abutting streets or residential property.
- b. At the boundaries of the lot, the following landscape area shall be required:
 - 1) From side and rear property lines, an area of not less than ten feet (10') side shall be landscaped in compliance with Section 1020-4 of this Ordinance.
 - 2) From all road rights-of-way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with Section 1020-4 of this Ordinance.
 - 3) Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in accordance with Section 1020-4 of this Ordinance.
 - 4) The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.

7. Exterior Lighting. The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with Section 1016-8

of this Ordinance. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:

- a. Canopy Lighting. Canopy lighting under the canopy structure shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy may not exceed one hundred fifteen (115) foot candles at ground level.
 - b. Perimeter Lighting. Lighting at the periphery of the site and building shall be directed downward, and individual lights shall not exceed fifteen (15) foot candles at ground level.
 - c. Illumination. Maximum site illumination shall not exceed four-tenths (0.4) foot candle at ground level when measured at any boundary line with an adjoining residential property or any public property.
 - d. Access. Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with Chapter 1019 of this Ordinance.
8. Circulation and Loading. The site design shall accommodate adequate turning radius and vertical clearance for a semi-trailer truck. Designated loading areas shall be exclusive of off-street parking stalls and drive aisles. A site plan shall be provided to illustrate adequate turning radius, using appropriate engineering templates.
9. Parking.
- a. Parking spaces shall be calculated solely based upon the use(s) and the square footage of the principal building(s).
 - b. Parking spaces shall be screened from abutting residential properties in accordance with Section 1020-5 of this Ordinance.
10. Noise. Public address system shall not be audible at any property line. Play of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in Section 1016-12 of this Ordinance.
11. Outside Storage, Sales and Service. No outside storage or sales shall be allowed, except as follows:

- a. Public phones may be located on site as long as they do not interrupt on-site traffic circulation, and are not located in a yard abutting residentially zoned property.
 - b. Propane sales of twenty (20) pound capacity tanks may be located outside provided the propane tanks are secured in a locker and meets all State Uniform Building and Fire Codes.
 - c. A compressed air service area may be located on site as long as it does not interrupt on-site traffic circulation.
 - d. Accessory outdoor services, sales, or rental as regulated by Section 1071-6.B of this Ordinance.
12. Litter Control. The operation shall be responsible for litter control on the subject property, which is to occur on a daily basis. Trash receptacles shall be provided at a convenient location on site to facilitate litter control.
 13. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the 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 or expanding the conditions set forth herein.

H. Outdoor recreation, accessory provided that:

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

I. Outdoor sales lots (not outdoor storage) provided that:

1. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 1020-5 of this Ordinance.
2. Outside services and sales are associated with a principal building of at least one thousand (1,000) square feet of floor area.

3. The entire sales lot and off-street parking area is paved.
 4. For motor vehicle sales activities, a minimum of three hundred eighty (380) square feet of sales area per vehicle is provided.
 5. A perimeter curb is provided around the sales/parking lot.
 6. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 1016-8 of this Ordinance.
 7. Materials for sale shall be displayed in an orderly manner and shall not constitute junk as defined by this Ordinance.
- J. Personal wireless service antennas not located on an existing structure or tower, as regulated by Chapter 1023 of this Ordinance.
- K. Planned unit development as regulated by Chapter 1010 of this Ordinance.
- L. Private lodges and clubs provided that:
1. Adequate screening from abutting and adjoining residential uses and landscaping is provided.
 2. Adequate off-street parking and access is provided and that such parking is adequately screened and landscaped from adjoining and residential uses.
 3. Adequate off-street loading and service entrances are provided and regulated where applicable by Chapter 1019 of this Ordinance.
- M. Restaurants with accessory outdoor dining facilities provided that:
1. The applicant submit a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
 2. Access to the dining area be provided only via the principal building if the dining area is full service restaurant, including table waiting service.
 3. The size of the dining area is restricted to thirty percent (30%) of the total customer floor area within the principal structure.
 4. The dining area is screened from view from adjacent residential uses in accordance with Section 1020-5 of this Ordinance.

5. All lighting be hooded and directed away from adjacent residential uses in accordance with Section 1016-8 of this Ordinance.
 6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:
 - a. Outdoor dining area shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, or other methods, and shall be subject to review and approval by the City Council.
 - b. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five feet (5') without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
 - c. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven feet (7') above sidewalk.
 7. The dining area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
 8. A minimum width of thirty-six inches (36") shall be provided within aisles of the outdoor dining area.
 9. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture must be approved as part of the administrative permit application.
 10. Additional off-street parking shall be required pursuant to the requirements set forth in Chapter 1019 of this Ordinance based on the additional seating area provided by the outdoor dining area.
 11. Refuse containers are provided for self-service outdoor dining areas. Such containers shall be placed in a manner which does not disrupt pedestrian circulation, and shall be designed to prevent spillage and blowing litter.
- N. Veterinary clinics (with kennels) provided that:
1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.

2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:
 - a. The number of animals boarded shall not exceed twenty (20).
 - b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
 - c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty degrees and seventy five (75) degrees Fahrenheit.
 - d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
 - e. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
 - f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
4. The appropriate license is obtained from the City Clerk and the conditions of the City Code relating to the keeping of animals are satisfactorily met.
5. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

1071-5: INTERIM USES: Subject to applicable provisions of this Ordinance, the following are interim uses in a B-2 District and require an interim use permit based upon procedures set forth in and regulated by Chapter 1006 of this Ordinance:

- A. Wind energy conversion systems (WECS) as regulated by Chapter 1029 of this Ordinance.

1071-6: USES BY ADMINISTRATIVE PERMIT: Subject to applicable provisions of this Ordinance, the following uses are allowed by administrative permit in a B-2 District based upon procedures set forth in and regulated by Chapter 1008 of this Ordinance:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by Chapter 1026 of this Ordinance.
- B. 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 percent (10%) 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 Chapter 1019 of this Ordinance, except as may be exempted for cause by the Zoning Administrator.
- C. Other uses of the same general character as those listed as a permitted use in this district.
- D. Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by Chapter 1030 of this Ordinance.
- E. Temporary, outdoor promotional events and sales provided that:
 - 1. The event shall not exceed the period specified in the administrative permit. In no case shall the event exceed thirty (30) consecutive calendar days per event.
 - 2. There shall be no more than two (2) promotional events per calendar year per property.
 - 3. Signage related to the event shall be in compliance with the temporary sign standards of Chapter 1024 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.

F. Temporary structures as regulated by Chapter 1017 of this Ordinance.

1071-7: LOT REQUIREMENTS AND SETBACKS: The following minimum requirements shall be observed in a B-2 District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

- A. Lot Area: Twenty thousand (20,000) square feet.
- B. Lot Width: Eighty feet (80').
- C. Setbacks:
 - 1. Front Yard: Thirty feet (30').
 - 2. Rear Yard: Twenty feet (20') or thirty feet (30') if abutting a residential zoned property.
 - 3. Side Yard: Ten feet (10') on any one side, or twenty feet (20') on the side yard abutting a street or residential zoned property.

1071-8: BUILDING HEIGHT: All buildings shall be limited to three (3) stories or thirty-five feet (35') in height.

1071-9: IMPERVIOUS SURFACE COVERAGE: In no event shall off-street parking space, structures of any type, buildings, or other features cover more than seventy-five percent (75%) of the lot area resulting in less than twenty-five percent (25%) pervious landscaped area.