

CHAPTER 70

B-1, GENERAL BUSINESS DISTRICT

SECTION:

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01-70-1: PURPOSE: The purpose of the B-1, General Commercial District is to provide for the establishment of commercial and service activities in areas guided for commercial land use outside of the downtown area that draw from and serve customers from the entire community or region.

01-70-2: PERMITTED USES: In addition to other permitted uses in this District identified elsewhere in this Article, the following are permitted uses in a B-1 District:

- A. Antique or gift shop.
- B. Auto accessory store.
- C. Bagel, candy, coffee, ice cream, popcorn, nuts, frozen desserts, pastries, sandwich, soup, and soft drink sales.
- D. Bakery goods and baking of goods for retail sales on the premises.
- E. Bank, savings and loan, savings credit unions and other financial institutions.
- F. Barber shops.
- G. Beauty parlors.
- H. Bicycle sales and repair.
- I. Body piercing establishments.
- J. Books, office supplies or stationery stores.
- K. Camera and photography sales and service.

- L. Carpet, rugs and tile.
- M. Clothing stores, retail and rental.
- N. Coin and philatelic stores.
- O. Commercial recreation, indoor.
- P. Copy and printing services.
- Q. Delicatessen.
- R. Drug store.
- S. Dry goods store.
- T. Electrical appliance stores including incidental repair and assembly but not fabricating or manufacturing.
- U. Florist shop.
- V. Frozen food store, but not including a locker plant.
- W. Funeral homes and mortuaries.
- X. Furniture stores.
- Y. Garden supply stores.
- Z. Gift or novelty stores.
- AA. Governmental and public utility buildings and structures.
- BB. Grocery stores.
- CC. Hardware.
- DD. Hobby stores.
- EE. Jewelry stores.
- FF. Laundromats, self-service washing and drying.
- GG. Locksmiths.

- HH. Meat market, but not including processing for a locker plant.
- II. Motels, motor hotels and hotels provided that the lot area contains not less than five hundred (500) square feet of lot area per unit.
- JJ. Motor vehicle and recreation equipment sales and structures accessory thereto (excluding those involving outdoor display).
- KK. Off-site service businesses.
- LL. Offices, general and clinical.
- MM. On-site service businesses.
- NN. Paint and wallpaper sales.
- OO. Pawnshops.
- PP. Plumbing, television, radio, electrical sales and including accessory repair.
- QQ. Prepared food, delivery and/or take out only.
- RR. Private clubs or lodges serving food and beverages, on and off sale liquor.
- SS. Public garages and parking lots.
- TT. Public utility collection offices.
- UU. Restaurants, cafes, on and off sale liquor.
- VV. Retail stores.
- WW. Sexually oriented uses, principal.
- XX. Tattoo parlors.
- YY. Theaters, not of the outdoor drive-in type.
- ZZ. Travel bureaus, transportation ticket offices.
- AAA. Video rental.

01-70-3: PERMITTED ACCESSORY USES: In addition to other permitted accessory uses in this District identified elsewhere in this Article, the following are permitted accessory uses in a 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 percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by Chapter 20 of this Article.
- C. Keeping of animals as regulated by Chapter 22 of this Article.
- D. Off-street parking and loading as regulated by Chapter 19 of this Article, 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 23 of this Article.
- F. Signs as regulated by Chapter 24 of this Article.

01-70-4: CONDITIONAL USES: In addition to other conditional uses in this District identified elsewhere in this Article, the following are conditional uses in a B-1 District and require a conditional use permit based upon procedures set forth in and regulated by Chapter 5 of this Article. Additionally, 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 01-05-3 and 01-05-4 of this Article.

- A. Auto repair (minor) and tire and battery stores and service, provided that:
 - 1. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City Engineer.
 - 2. A minimum lot area of twenty thousand (20,000) square feet and minimum lot width of one hundred fifty feet (150').
 - 3. A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas.
 - 4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 01-20-5 of this Article.
 - 5. No outside storage except as allowed in compliance with subsection I of this Section.

6. Sale of products other than those specifically mentioned in this Section shall be subject to a conditional use permit.
 7. 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.
- B. Bottled gas sales outside of activities included with motor fuel sales in Chapter 20 of this Article, provided that:
1. Retail sales activities connected with the principal use must constitute at least fifty percent (50%) of the gross floor area of the principal use.
 2. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code. In addition, the conditional use permit shall be reviewed and subject to conditions set forth by the city fire marshal.
 3. All outside storage is prohibited. The storage of all accessory equipment related to the storage and sale of flammable fuels must be completely inside a principal or accessory building.
- C. Commercial car washes (automatic mechanical drive-through only) as accessory use associated with convenience store/motor fuel sales, provided:
1. The accessory car wash must be attached to the convenience store/motor fuel sales facility.
 2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the City Engineer.
 3. Magazine or stacking space must not interfere with on-site circulation patterns or required on-site parking or loading areas.
 4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 01-20-5 of this Article.
 5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines. The car/truck wash doors must remain closed during the entire operation cycle of the car/truck wash and dryer.

6. The location and operation of vacuum machines must not interfere with magazines or stacking areas on-site circulation or on-site parking and loading areas, and may not be located in a yard abutting residentially zoned property.
7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the City Engineer and Building Official, and subject to applicable requirements of Metropolitan Council Environmental Services and MPCA.

D. Community preschool, latch-key and adult education facilities provided that:

1. Licensing: The employees and facility are licensed by the State Department of Human Services and comply with the minimum requirements of the Department of Welfare.
2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.
3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.
4. Attendance: The attendance of children in the latch-key and preschool program is on a long-term scheduled enrollment program instead of on a temporary, sporadic basis.
5. Lot Requirements And Setbacks: The proposed site for a community preschool, latch-key and adult education facility must have a minimum lot area as determined by the Minnesota Department of Welfare. The City Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latch-key and adult education facility must meet the minimum setback requirements of the respective zoning district.
6. Sewer And Water: All community preschool, latch-key and adult education facilities shall have access to Municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.
7. Screening: Where the community preschool, latch-key and adult education facility is in or abuts any residential use or zoned property, the community preschool, latch-key and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing

and screening shall comply with the fencing and screening requirements in Chapter 20 of this Article.

8. Parking:

- a. When a community preschool, latch-key and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off-street parking spaces required.
- b. There shall be adequate short-term parking or drop off area provided within close proximity to the main entrance. Short-term or drop off parking shall accommodate three (3) car spaces and shall be designated as temporary in nature. The short-term parking or drop off area shall not conflict with off-street parking access and shall not conflict with pedestrian movement.
- c. Parking and loading areas shall be separate from any outdoor play area.

9. Community Preschool, Latch-Key And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latch-key and adult education facility shall be submitted to the City for review by the Building Official to ensure the structure is in compliance with the State Fire and Building Codes. The facility shall meet the following conditions:

- a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment of property values or constitute a blighting influence within a reasonable distance of the lot.
- b. When the community preschool, latch-key and adult education facility is a use within a multi-tenant building, it shall be located in a portion of the building separated from the other uses located within the structure.
- c. The community preschool, latch-key and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latch-key and adult education operation and would affect the health, safety and welfare of the community preschool, latch-key and adult education participants.

E. Daycare facilities as a principal or accessory use provided that the use complies with the provisions of Chapter 25 of this Article.

- F. Drive-in and convenience food establishments provided that:
1. Hours: The hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M., unless extended by the City Council as part of the conditional use permit.
 2. Architectural Standards:
 - a. As a part of the conditional use permit application, a color illustration of all building elevations must be submitted.
 - b. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, so as not to constitute a blighting influence.
 - c. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to Section 01-17-4 of this Article.
 - d. Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.
 - e. Earth tone colors of exterior materials including the canopy columns shall be required. "Earth tone colors" shall be defined as any various soft colors like those found in nature in soil, vegetation, etc., such colors are limited to brown, black, gray, tan, beige, soft green, soft blue, or white.
 - f. Ten percent (10%) of the building facade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones. The canopy may have contrasting color bands or accent lines not to exceed an accumulative width of four inches (4"). The color bands shall not be illuminated.
 3. Landscaping:
 - a. At least twenty five percent (25%) of the lot, parcel or tract of land 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 five feet (5') wide shall be landscaped in compliance with Section 01-20-5 of this Article.
 - (2) From all road rights of way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with Section 01-20-4 of this Article.
 - (3) Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in compliance with Section 01-20-4 of this Article.
 - (4) The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.
4. Dust Control And Drainage: The entire area other than occupied by buildings, structures or plantings shall be surfaced with asphalt, concrete, cobblestone, or paving brick to control dust and drainage, which is subject to review and approval of the City Engineer.
5. 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 01-16-8 of this Article. 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. 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.
 - b. Maximum site illumination shall not exceed one foot-candle at ground level when measured at any boundary line with an adjoining residential property or any public property.
 - c. Except for permitted wall signage the building fascia shall not be illuminated.
6. Access: Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with Chapter 19 of this Article and shall be subject to the approval of the City Engineer.
7. Drive-Through Windows: Service windows shall be allowed if the following additional criteria are satisfied:

- a. Stacking: Not less than one hundred eighty feet (180') of segregated automobile stacking lane must be provided for the service window.
 - b. Traffic Control: The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
 - c. Use Of Street: No part of the public street or boulevard may be used for stacking of automobiles.
- 8. Circulation And Loading: The site design must accommodate adequate turning radius and vertical clearance for a semi-trailer truck. Designated loading areas must be exclusive of off-street parking stalls and drive aisles and shall not cause conflicts with customer vehicles and pedestrian movement. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.
- 9. Pedestrian Traffic:
 - a. 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. In front of the principal structure, the pedestrian sidewalk must be a minimum of five feet (5') wide and clear of any obstacle or impediment.
 - b. A continuous and permanent concrete curb not less than six inches (6") above grade shall separate internal sidewalks for pedestrian traffic from motor vehicle areas, pursuant to the provisions of Chapter 19 of this Article.
- 10. Noise: The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Noise control shall be required as regulated in Section 01-16-12 of this Article.
- 11. Signs: A comprehensive sign plan must be submitted as part of a conditional use permit application. The freestanding sign allowed shall be a monument sign constructed as follows:
 - a. The sign shall be self-supported vertically by a solid base extending horizontally for a minimum of the entire width of the sign face. Total height of the monument sign including the base shall not exceed fifteen feet (15').

- b. The sign base and supporting material shall be equal to at least forty percent (40%) of the total allowable sign square footage, and shall not be counted toward the sign area. The base shall be attached to the ground for its entire horizontal width of the sign. The base shall be decay-resistant wood, stone, brick, or decorative masonry and shall not contain any sign copy.
 - c. All other signing and informational or visual communication devices shall be minimized and shall be in compliance with Chapter 24 of this Article.
- 12. Additional Stipulations: All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.
- G. Essential services involving transmission pipelines and transmission or substation lines in excess of 35kV and up to 100kV, as regulated by Chapter 26 of this Article.
- H. Motor vehicle fuel sales with or without convenience grocery and/or prepared food as regulated by Chapter 30 of this Article.
- I. Motor vehicle sales, including new and used automobiles, trucks, motorcycles, recreational vehicles and equipment, boats and marine sales, that involve open and outdoor sales and display areas larger than thirty percent (30%) of the area of the principal building provided that:
 - 1. The outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 01-20-5 of this Article.
 - 2. The architectural appearance, scale, building materials and functional plan of the site and building shall not be dissimilar to existing uses and buildings so as to cause a blighting influence.
 - 3. The sales area is surfaced with bituminous material or concrete.
 - 4. The sales area does not take up parking space as required for conformity to this Article.
 - 5. Hours of operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. unless otherwise allowed by the City Council.
 - 6. Accessory automobile repair shall require the processing of a separate conditional use permit(s), subject to the conditions of Section 01-81-4.B of

this Article, except the use shall not be subject to Sections 01-81-4.B.2 and 01-81-4.B.4 of this Article.

J. Personal wireless service antennas not located on an existing structure or tower, as regulated by Chapter 23 of this Article.

K. Pet shops which may include pet grooming, pet supplies, and/or pet accessories, provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties or tenants in the case of multiple occupancy buildings.
2. Animal wastes are disposed at least once each day via an existing sanitary sewer system or enclosed in a container of sufficient construction at least once a day to minimize odors.
3. The floors and walls of pet grooming areas are made of nonporous materials or sealed concrete to make them nonporous.
4. All applicable requirements of this code regarding the keeping and care of animals are satisfactorily met.
5. No commercial boarding or kenneling of animals shall be allowed.
6. The breeding of cats and dogs is prohibited unless expressly allowed by the conditional use permit.
7. **All applicable provisions of Minnesota statutes sections 346.35 through 346.58 regarding the commercial keeping and care of animals are satisfactorily met.**
8. All animals to be sold are acquired from a licensed animal broker.

L. Properties with more than one principal structure provided that:

1. A property owners' association is established for operation and maintenance of the buildings and property. Said agreement shall be subject to the review and acceptability of the City Attorney.

M. Veterinary clinics 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.
 - g. The appropriate license is obtained from the City Clerk and the conditions of Chapter 22 of this Article are met.
 - h. All state health department and Minnesota pollution control agency requirements for such facilities are met.

01-70-5: INTERIM USES: In addition to other interim uses within this District identified elsewhere in this Article, and subject to applicable provisions of this Article, the following are interim uses in the B-1 District and are governed by Chapter 6 of this Article:

- A. WECS as regulated by Chapter 29 of this Article.

01-70-6: USES BY ADMINISTRATIVE PERMIT: In addition to other uses specifically identified elsewhere in this Article, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of Chapter 8 of this Article, the following are uses allowed in a B-1 District by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by Chapter 26 of this Article.
- 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 19 of this Article, 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 30 of this Article.
- E. Seating accessory to bakery, bagel, candy, coffee, ice cream, popcorn, nuts, frozen desserts, pastries, sandwich, soup, and soft drink sales provided that:
 - 1. No accessory drive through facilities shall be permitted.
 - 2. No sale or consumption of on/off sale liquor shall be permitted.
 - 3. The area dedicated to seating shall be limited to three hundred (300) square feet of floor area.
 - 4. Adequate off street parking and off street loading shall be provided in compliance with Chapter 19 of this Article.
 - 5. Only one business in a shopping center may obtain an administrative permit for accessory seating.

- F. 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 24 of this Article 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.
- G. Temporary structures as regulated by Chapter 17 of this Article.

01-70-7: LOT REQUIREMENTS AND SETBACKS: The following minimum requirements shall be observed in a B-1 District subject to additional requirements, exceptions and modifications set forth in this Article:

A. Lot Area: Twenty thousand (20,000) square feet.

B. Lot Width: Eighty feet (80').

C. Setbacks:

1. Front Yard: Twenty-five feet (25').
2. Rear Yard: Twenty feet (20') or thirty feet (30') if abutting a residential zoned property.
3. Side Yard: Fifteen feet (15') on any one side, or thirty feet (30') on the side yard abutting a street or residential zoned property.