

CHAPTER 71

B-2, DOWNTOWN AREA BUSINESS DISTRICT

SECTION:

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01-71-1: PURPOSE: The purpose of the B-2, Downtown Area Business District is to provide specifically for the regulations of high intensity commercial uses located within the downtown area defined by the Comprehensive Plan.

01-71-2: PERMITTED USES: In addition to other permitted uses in this District identified elsewhere in this Article, the following are permitted uses in a B-2 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.
- II. Off-site service businesses.
- JJ. Offices, general and clinical.
- KK. On-site service businesses.
- LL. Paint and wallpaper sales.
- MM. Plumbing, television, radio, electrical sales and including accessory repair.
- NN. Prepared food, delivery and/or take out only.
- OO. Private clubs or lodges serving food and beverages, on and off sale liquor.
- PP. Public garages and parking lots.
- QQ. Public utility collection offices.
- RR. Restaurants, cafes, on and off sale liquor.
- SS. Retail stores.
- TT. Tattoo parlors.
- UU. Theaters, not of the outdoor drive-in type.
- VV. Travel bureaus, transportation ticket offices.
- WW. Video rental.

01-71-3: 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-2 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.

01-71-4: CONDITIONAL USES: In addition to other conditional uses in this District identified elsewhere in this Article, the following are conditional uses in a B-2 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. 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 Section 01-20-5 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.

- B. Daycare facilities as a principal or accessory use provided that the use complies with the provisions of Chapter 25 of this Article.
- C. 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.
- D. Fitness centers, dance studios provided that:
 - 1. Adequate off street parking and off street loading shall be provided in compliance with Chapter 19 of this Article.
 - 2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
- 3. Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M.
- E. Mixed Uses: Buildings combining residential and non-residential uses allowed in this District, provided that:
 - 1. The residential and non-residential uses shall not conflict in any manner.
 - 2. The residential building standards as outlined in the R-4 District are met.
- F. Personal wireless service antennas not located on an existing structure or tower, as regulated by Chapter 23 of this Article.
- G. 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.
- H. 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.
- I. 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.

01-71-5: 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-2 district and are governed by Chapter 6 of this Article:

- A. Agriculture feed and supply, grain elevator, and related facilities.
- B. WECS as regulated by Chapter 29 of this Article.

01-71-6: 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-2 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 35kV 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 17 of this Article.
 5. Only one business in a shopping center may obtain an administrative permit for accessory seating.
- F. Temporary, outdoor promotional and sales 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) 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.

01-71-7: 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 Article:

A. Lot Area: None.

B. Lot Width: Thirty feet (30').

C. Setbacks:

1. Front Yard: None.

2. Rear Yard: None, except when abutting a residential district, then twenty-five feet (25').

3. Side Yard: None, except when abutting a residential district, then twenty-five feet (25').