

**SECTION 1057 – B-3, GENERAL BUSINESS DISTRICT**

SECTION

- 1057.01: Purpose
- 1057.02: Permitted Uses
- 1057.03: Accessory Uses
- 1057.04: Uses by Administrative Permit
- 1057.05: Conditional Uses
- 1057.06: Interim Uses
- 1057.07: Special Design and Performance Standards
- 1057.08: Lot Area, Height and Setback Requirements

**1057.01: PURPOSE:** The purpose of the B-3, General Business District is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or sub-region.

**1057.02: PERMITTED USES:** Subject to the applicable provisions of this Ordinance the following are permitted uses in a B-3 District:

- Subd. 1.** Bait and tackle shop.
- Subd. 2.** Banks, credit unions, and other financial institutions.
- Subd. 3.** Beer store, subject to license requirements of the City.
- Subd. 4.** Bicycle sales and repair.
- Subd. 5.** Boat and Marine Sales when conducted entirely within a building.
- Subd. 6.** Building material sales, provided it is conducted entirely within a building.
- Subd. 7.** Chiropractic Clinic.
- Subd. 8.** Dry cleaning, Laundromat, laundry service.
- Subd. 9.** Essential services, not including structures, except those requiring administrative permits or conditional use permits pursuant to Section 1024 (Essential Services) of this Ordinance.
- Subd. 10.** Garden Center, provided it is conducted entirely within a building.
- Subd. 11.** Grocery, supermarket.

**Subd. 12.** Health club.

**Subd. 13.** Hobby store, including handicraft classes.

**Subd. 14.** Interior design studio

**Subd. 15.** Jewelry sales and repair.

**Subd. 16.** Library.

**Subd. 17.** Live Entertainment, Indoor.

**Subd. 18.** Meat market, but not including processing for a locker.

**Subd. 19.** Medical and dental clinics, provided that:

1. All structures, except fences, shall be located one hundred (100) feet or more from side and rear lot lines of abutting residential zoned or planned property.
2. The architectural design of the structures shall be compatible to the neighborhood in which it is to be located.

**Subd. 20.** Multiple tenant retail sales and service facilities provided:

1. The physical design may include more than one building provided the project is developed as a commercial PUD. If there is an open space between two (2) buildings, the space shall not be less than one-half (1/2) the sum of the heights of the two (2) buildings.
2. No building shall be located closer than sixty (60) feet to any exterior lot line except when abutting a residential district, where the minimum setback distance shall be increased to one hundred (100) feet.
3. The internal parking lot, drive aisles and circulation system shall conform to the requirements of Section 1030 (Off-Street Parking and Loading) of this Ordinance.

**Subd. 21.** Newspaper Publishing Office.

**Subd. 22.** Office business (general).

**Subd. 23.** Office warehouse. Office warehouse facilities provided that: (Ord. 2004-19, 8/11/04).

1. The facility shall front on and have direct access onto a street of sufficient capacity to accommodate the traffic generated by the use.
2. No such use shall be allowed in an area where noise associated with loading activities will have an adverse impact on adjacent residential areas.
3. Each office-warehouse building shall be architecturally designed and constructed with permanent finished building materials so as to be compatible with adjacent development and exterior materials requirements of this Ordinance. The overall appearance of the building shall be that of an office rather than a warehouse.
4. Whenever an office warehouse abuts a residential district, the interior circulation patterns shall be arranged to route service vehicle traffic away from residential neighborhoods.

**Subd. 24.** Personal services. Subject to any licensing requirements of the City Code, County or State.

**Subd. 25.** Personal wireless service antennas located upon a public structure or existing tower, as regulated by Section 1022 (Antennas) of this Ordinance.

**Subd. 26.** Photographic Studio, Supply and Processing Store.

**Subd. 27.** Pet shop, provided the operation shall not include the boarding of pets on site, the maintaining of pens or cages outside the building, or the creation of an offensive odor or noise.

**Subd. 28.** Printing Establishments.

**Subd. 29.** Recreation, Public.

**Subd. 30.** Restaurant including Delivery, Take-Out (excluding Convenience, Drive-In, Special Event or Catering) (Ord. 2004-19, 8/11/04), (Ord. 2005-15; 06/22/05).

**Subd. 31.** Retail Business.

**Subd. 32.** Service Business.

**Subd. 33.** Sexually Oriented Use-Principal, subject to the requirements of Section 1035 (Sexually Oriented Business) of this Ordinance and license requirements of the City.

**Subd. 34.** Small Appliance Repair.

**Subd. 35.** Shoe Sales and Repair.

**Subd. 36.** Wholesale showroom.

**1057.03: ACCESSORY USES:** Subject to the applicable provisions of this Ordinance the following are permitted accessory uses in a B-3 District:

**Subd. 1.** Accessory antennas. Accessory antennas in conformance with Section 1022 (Antennas) of this Ordinance.

**Subd. 2.** Accessory structures and uses incidental and customary to the uses allowed as permitted, conditional, interim, and administrative permit in this Section.

**Subd. 3.** Animal keeping subject to the provisions of Section 1021 (Animals) of this Ordinance.

**Subd. 4.** Canopies: Canopies associated with automobile service stations and convenience stores with gasoline and located over pump islands or associated with banks shall be allowed as accessory structures in the B-3 zoning district subject to the following provisions:

1. Canopy setbacks shall be a minimum of fifteen (15) feet from the property line. Adequate visibility both on and off site must also be maintained.
2. Canopies shall not be allowed in rear yards not abutting a public street.
3. Maximum canopy height may not exceed twenty (20) feet, and shall provide a minimum clearance of fourteen (14) feet.
4. Canopy facades may not exceed three (3) feet in height.
5. Canopy lighting shall be recessed and reflected glare or spill light may not exceed five-tenths (0.5) foot candles, as measured on the property line when abutting residentially zoned property and one (1) foot candle measured on the property line when abutting other commercial or industrially zoned property.
6. Signage may be allowed on the canopy as permitted by City Code Chapter 1300 (Signs).

**Subd. 5.** Drive-through Lanes. Where allowed, drive through lanes shall comply with the following:

1. The principal building shall be located only on a site having direct access to a minor arterial street, collector or service road.
2. All portions of the business with drive through facilities established after July 20, 2002 (effective date of Ordinance), including but not limited to, the building in which they are located, service windows and stacking spaces, shall be located across an arterial or collector street from residentially zoned or guided property,

or shall be set back at least one hundred fifty (150) feet from residentially zoned or guided property and provide a buffer yard consistent with the provisions of Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.

3. No part of the public street or boulevard may be used for stacking of automobiles.
4. The facility's public address system shall not be audible from any adjacent residentially zoned or guided property and comply with the provisions of Section 1032 (Performance Standards) of this Ordinance.
5. Businesses with one (1) drive through lane shall provide stacking space for at least ten (10) vehicles, and businesses with two (2) or more drive through lanes shall provide stacking space for at least six (6) vehicles per lane, as measured from and including the last pick up station, window, or the like. Stacking spaces shall not interfere with parking spaces or traffic circulation.
6. The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections.
7. Alcoholic beverages shall not be sold or served through drive through lanes.
8. All elements of the drive through service area, including but not limited to menu boards, order stations, teller windows, and vehicle lights from the stacking lanes, shall be screened from adjacent residentially zoned or guided property pursuant to Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.
9. A lighting and photometric plan will be required that illustrates that the drive-through service lane lighting shall comply with Section 1032 (Performance Standards) of this Ordinance.
10. Noise. The stacking lane, order board intercom and window placement shall be designed and located in such a manner as to minimize noises and glare as to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
11. Traffic Control. The stacking lanes and their drive's access must be designed to control traffic in a manner to protect the buildings and green area on the site.
12. Hours of Operation. The hours of operation may be limited as necessary to minimize the nuisance factor such as traffic, noise, or glare.

**Subd. 6.** Fences as regulated by Section 1025 (Fences) of this Ordinance.

**Subd. 7.** Garage, Private. Private garages and parking spaces for licensed and operable passenger cars and trucks not to exceed a gross weight of twelve thousand pounds, as regulated by Section 1030 (Off-Street Parking and Loading) of this Ordinance.

**Subd. 8.** Incidental repair, processing or indoor storage necessary to conduct a permitted principal use so long as it does not occupy more than thirty (30) percent of the gross floor area of the principal use.

**Subd. 9.** Off-street Loading.

**Subd. 10.** Radio and television receiving antennas, including single satellite dish TVRO's three and one-half (3.5) meters or less in diameter, short wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 1022 (Antennas) of this Ordinance.

**Subd. 11.** Reception Hall.

**Subd. 12.** Sexually Oriented Use-Accessory, subject to the requirements of Section 1035 (Sexually Oriented Business) of this Ordinance and license requirements of the City.

**Subd. 13.** Signs as regulated by City Code Chapter 1300 (Signs).

**1057.04: USES BY ADMINISTRATIVE PERMIT:** Subject to the applicable provisions of this Section, performance standards established by this Ordinance, and processing requirements of Section 1003 (Administrative Permits) of this Ordinance, the following are uses allowed in a B-3 District by administrative permit as may be issued by the Zoning Administrator:

**Subd. 1.** Antennas located upon a public structure or existing tower as regulated by Section 1022 (Antennas) of this Ordinance.

**Subd. 2.** Essential services requiring a permit from the City Engineer as provided by Section 1024 (Essential Services) of this Ordinance.

**Subd. 3.** Land filling and land excavation/grading operations (50 to 250 cubic yards of material), except mining, as regulated by Section 1026 (Grading, Filling and Excavating) of this Ordinance.

**Subd. 4.** Outdoor dining, accessory. Outdoor dining as an accessory use for restaurants, brewpubs, taprooms, drive-in, and convenience food establishments, subject to the following conditions:

1. The applicant is required to 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 is provided only via the principal building if the dining area is a full service restaurant, including table waiting service.

3. The size of the dining area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
4. The dining area is screened from view from adjacent residential uses by a buffer yard and fence in accordance with Section 1027 (Landscape, Screening and Tree Preservation) and 1025 (Fences) of this Ordinance.
5. All lighting be hooded and directed away from adjacent residential uses in accordance with Section 1032 (Performance Standards) 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 Zoning Administrator.
  - b. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet 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 eight (8) feet above the 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 (36) inches shall be provided within aisles of the outdoor dining area.
9. Storage of furniture shall not be permitted on the sidewalk between November 1 and March 31. Sidewalk 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 Section 1030 (Off-Street Parking and Loading) of this Ordinance, based upon 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 must be designed to prevent spillage and blowing litter.

**Subd. 5.** Sale of propane or LP gas accessory to motor fuel facility. The sale of propane or LP gas in motor fuel facilities, if the sale of such item is clearly subordinate to and accessory to the principal use of the site as an motor fuel facility (automobile service station), provided as conditions precedent to the issuance of an administrative permit, the following provisions shall be required:

1. Tank Location. Storage tanks shall not be located within the required front yard. Tanks shall be located not less than twenty-five (25) feet from any other property line.
2. Open Area. Storage tanks shall be surrounded by twenty-five (25) feet of open area. Storage of any kind is prohibited in said open area, except equipment incidental to the storage tank. Approved parking areas must be setback ten (10) feet from any storage tank.
3. Setback from Building. Storage tanks shall be setback from existing structures, as outlined in the Uniform Fire Code, based on tank size.
4. Circulation. Storage tanks shall not interfere with the site circulation including, but not limited to, parking, driveways, curb cuts and loading areas.
5. Screening. Storage tanks shall be screened from view from public rights-of-way and adjacent properties. Screening must be constructed in such a way as to permit access by emergency vehicles and avoid interference with firefighting on the site.
6. Valves. All filling valves of the storage tanks shall be enclosed and have locking devices and be locked when not in use.
7. Tank Access. Storage sites shall be accessible by service, customer, and emergency vehicles. Access shall accommodate vehicles with a thirty (30) foot wheelbase.
8. Warning Signage. A warning sign shall be required for every tank and shall be placed in a conspicuous location directly on the tank indicating a supplier's name, address, phone number, that highly dangerous and flammable material is stored therein and that no smoking requirements must be observed or a sufficient warning to that effect. Said signage may not exceed four (4) square feet nor may it be used for advertising purposes.
9. Tank Size. Storage tanks shall not exceed one thousand (1,000) gallon water capacity.

**Subd. 6.** Signs as regulated by City Code Chapter 1300 (Signs).

**Subd. 7.** Temporary uses.

1. Temporary Seasonal Sales subject to permit requirements of Section 1012 (Temporary Uses) of this Ordinance.
3. Temporary mobile towers for personal wireless service antennas.
4. Temporary structures and uses as regulated by Section 1012 (Temporary Uses) of this Ordinance.
5. Temporary classroom type structure for use by public or private institutions.
6. Temporary outdoor promotional events and sales including food vendors (hot dog, popcorn, ice cream, soda pop stands etc.), associated with a public, civic or promotion event.

**1057:05: CONDITIONAL USES:** Subject to the applicable provisions of this Ordinance, the following are conditional uses in a B-3 District. (Requires a conditional use permit based upon the procedures set forth in and regulated by Section 1007 (Conditional Use Permits) and Section 1032 (Performance Standards) of this Ordinance.

**Subd. 1.** Adult day care. A state licensed facility as defined in Section 1001 (Rules and Definitions) of this Ordinance provided that:

1. Rear Yard Requirements. Only the rear yard shall be used for recreational areas. Said area shall be fenced and controlled and screened in compliance with Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.
2. Off-Street Loading. Loading and unloading of adult day care participants shall take place in an area designated solely for that purpose.
3. Street Access. The site and related parking and service are served by a street of sufficient capacity to accommodate the traffic which will be generated.
4. Permits and State Laws. All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.

**Subd. 2.** Animal hospital, clinic or commercial kennel (indoor).

**Subd. 3.** Antennas not located on a public structure or existing tower, as regulated by Section 1022 (Antennas) of this Ordinance.

**Subd. 4.** Arcade, Electronic Game Room provided said facility is not located within one hundred (100) feet of any “R” residential zoning district.

**Subd. 5.** Auction facility.

**Subd. 6.** Breweries. Breweries up to 80 percent of the square footage of the building or leased space.

**Subd. 7.** Brewpubs.

**Subd. 8.** Car wash. Car washes (drive through, mechanical and self-service) provided that:

1. Compatibility. 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 in property values or constitute a blighting influence within a reasonable distance of the lot.
2. Stacking. Magazine or stacking space is constructed, with screening, 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.
3. Surfacing/Drainage. The entire area other than occupied by the building or plantings shall be surfaced with bituminous surfacing and surrounded by continuous perimeter concrete curbing. Site surfacing and drainage is subject to the approval of the City.
4. Access. 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.
5. Noise. Provisions are made to control and reduce noise in accordance with the Noise Control provisions of this Ordinance.

**Subd. 9.** Commercial Recreation Indoor provided:

1. Principal structures shall be located one hundred (100) feet or more from any lot line abutting a residential district.

**Subd. 10.** Commercial accessory uses. The following commercial uses shall be allowed as conditional accessory uses to Senior and Physical Disability Housing and Long Term Care Facility. It is the intent of this Section that said uses primarily serve and benefit the residents of said facilities.

1. Financial Institutions.

2. Personal Services.
3. Limited Retail Sales.
4. Newsstand.
5. Pharmacy.
6. Clinics.
  - a. Performance Standards. All conditional accessory uses listed herein shall conform to the following provisions:
    - (1) Location. All uses shall be located completely within the principal structure of the residential facility.
    - (2) Access. No separate exterior entrance or exit shall be allowed for any accessory use(s).
    - (3) Signage. No exterior signage of any type shall be allowed for any accessory use(s).
    - (4) Size. All combined commercial accessory uses within a single building shall not exceed three thousand (3,000) square feet gross floor area.
    - (5) Hours. No accessory use shall be open for operation between the hours of 9:00 p.m. and 8:00 a.m.
    - (6) Parking. Sufficient parking for the commercial use(s) shall be provided in accordance with Section 1030 (Off-Street Parking and Loading) of this Ordinance.

**Subd. 11.** Conference Center.

**Subd. 12.** Convenience store with gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair) provided that:

1. Permitted Uses. The retail sales involve uses or activities which are allowed in the B-3 District.
2. Sanitation. That any sale of food items is subject to the approval of the County who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.

3. Accessory food service such as convenience/deli food and seating area may be allowed provided that the area does not exceed fifteen (15) percent of the gross floor area of the principal building.
4. 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.
5. The hours of operation may be limited as necessary to minimize the nuisance factor such as traffic, noise, or glare.
6. Motor fuel facilities associated with a convenience store shall be subject to all the specifications of an auto repair, as outlined in Subd. 26 of this Section.
7. Litter Control. 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.

**Subd. 13.** Daycare facility. A state licensed facility, either as a primary, stand alone or accessory use provided that:

1. Overnight Facilities. No overnight facilities are provided for persons served except in extreme cases of inclement weather.
2. Front Yard Setback. The front yard setback is a minimum of thirty (30) feet. In districts where the minimum required setback is less than 30 feet, all efforts shall be made to allow for the deepest setback possible.
3. Outdoor Play Area.
  - a. Outdoor play areas and parking areas are landscaped and screened from abutting residential properties and arterial and collector roadways in compliance with Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.
  - b. Outdoor play areas are fenced and enclosed.
  - c. Outdoor play areas are not allowed within the required front yard setbacks.
4. Street Access. The site and related parking and service are served by a street of sufficient capacity to accommodate the traffic which will be generated.
5. Parking. Adequate off-street parking is provided in a location separated from any outdoor play area(s). Adequate short-term parking or drop off area is provided within close-proximity to the main entrance
6. State Regulations. The conditions of all applicable Minnesota rules and regulations are satisfactorily met. No facility shall begin operation without a

State license. Proof of approved applicable State licenses shall be provided to the Zoning Administrator.

7. Building and Fire Codes. That all applicable provisions of the Minnesota State Building Code and Fire Code have been met. The City Building Official and Fire Chief shall inspect the property prior to the issuance of the occupancy permit to determine if this Subsection has been complied with.

**Subd. 14.** Essential service structures. Essential services requiring a conditional use permit pursuant to Section 1024 (Essential Services) of this Ordinance and including, but not limited to: buildings such as telephone exchange stations, publicly regulated communications, electrical power substations and other structures utilized to provide essential services, provided that:

1. No building shall be located within fifty (50) feet from any lot line of an abutting lot in a residential zoning district.
2. The architectural design of the service structure shall be compatible to the neighborhood in which it is to be located.

**Subd. 15.** Food Service as an accessory use (including cafeteria or delicatessen for employees).

**Subd. 16.** Funeral homes and mortuaries.

**Subd. 17.** Garage, public.

**Subd. 18.** Group care facility. A state licensed facility serving seven (7) or more persons provided:

1. The facility is licensed by the State of Minnesota and the operator of the facility provides documentation of compliance with all applicable federal, state and county regulations.
2. The facility is not located within one thousand three hundred twenty (1,320) feet of any similar type use or care facility.
3. The entrance of the facility is located within five hundred (500) feet of a public transit route and stop, and pedestrian access is available, or the operators provide a transportation/access plan which is found acceptable to the City Council.
4. The operation is subject to annual review and continual monitoring by the City and is found to be in compliance with all applicable construction and operation regulations and standards.

**Subd. 19.** Heliport.

**Subd. 20.** Hospitals.

1. All structures, except fences, shall be located one hundred (100) feet or more from side and rear lot lines of abutting residential zoned or planned property.

**Subd. 21.** Jewelry Manufacturing.

**Subd. 22.** Liquor on-sale when accessory to a restaurant or tavern.

**Subd. 23.** Liquor store.

**Subd. 24.** Long term care facility. Long term care facility or similar institutions provided that:

1. Side yard setbacks shall be double the minimum requirements established for the zoning district.
2. Only the rear yard shall be used for recreational areas. Said areas shall be fenced and controlled and screened as required by this Ordinance.
3. If the facility exceeds a density of 10 units per acre or is greater than 24 units total, the site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which is generated.
4. All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.

**Subd. 25.** Manufacturing, compounding, assembly, packaging, treatment or indoor storage of products and materials provided no outside storage is associated with the use and all performance standards of this Ordinance are met.

**Subd. 26.** Medical Campus.

**Subd. 27.** Motels and hotels.

**Subd. 28.** Motor fuel station, auto repair-minor, auto repair-major and tire and battery store 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 Section 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. Motor fuel facilities are installed in accordance with State and local 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 do not conflict with circulation, access and other activities on the site.
3. Fuel pumps shall be installed on pump islands. Pump islands and their related parking and maneuvering aisle shall be located no closer to the street or adjacent property line than thirty (30) feet. Fuel pump islands shall not encroach upon street right-of-way, pedestrian areas, or adjacent property.
4. Area. Minor auto repair sites shall have a minimum lot area of twenty-two thousand five hundred (22,500) square feet. Major auto repair site shall have a minimum lot area of thirty thousand (30,000) square feet and minimum lot width of one hundred thirty (130) feet.
5. Motor fuel facilities shall be accompanied by a commercial building having a minimum floor area of one thousand six hundred (1,600) square feet. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
6. Surfacing/Drainage. The entire site other than that taken up by a building, structure or plantings shall be surfaced with either concrete or bituminous to control dust and drainage. Site surfacing and drainage is subject to the approval of the City.
7. Curbing. A curb not less than six (6) inches above grade shall separate the public sidewalk from motor vehicle service areas.
8. Green Strip. At the boundaries of a residential district, a strip of not less than ten (10) feet shall be landscaped and screened in accordance with Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.
9. Stacking. Magazine or stacking space is constructed with screening subject to approval of the City.
10. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provision made to protect such areas from encroachments by parked cars or moving vehicles.
11. Noise. Noise control shall be as required in Section 1032 (Performance Standards) of this Ordinance.
12. Outside Storage. No outdoor storage except as allowed in compliance with this Ordinance, may occur on site.

13. There shall be no outdoor service operation of lubrication equipment, hydraulic lifts of service pits, tire changing, drive systems repair and tuning, or similar operations.
14. Sale of products other than those specifically mentioned in this sub-section shall be limited to those allowed in this district and shall be subject to approval as part of the conditional use permit.
15. Open storage of motor vehicles shall not be permitted for a period of more than forty-eight (48) hours and said open storage areas shall be screened in accordance with Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.
16. No sales or leasing of motor vehicles, trailers or campers shall be permitted. An Interim Use Permit shall be required for rental of motor vehicles.

**Subd. 29.** Motor vehicle sales, service, leasing/rental and repair. Motor vehicle sales/leasing/rental, service and repair is allowed as a conditional use permit provided that:

1. Required Uses. The uses of motor vehicle sales/leasing/rental, service and repair must all be provided on the subject property.
2. The minimum building size for any auto sales use shall comply with the following standards.

Parcel Size	Lot Coverage Percent*	Minimum Building Size*
Up to 2 acres	5%	2,500 square feet
More than 2 acres to 4 acres	10%	10,000 square feet
More than 4 acres	15%	40,000 square feet

3. Same Site. All customer-oriented uses associated with the business shall be on the lot of principal activity or business and shall not be separated by a public street, alley or other land use.
4. Location. The subject site must be accessible from a major arterial or collector street as defined by the Big Lake Comprehensive Plan.
5. Compatibility. 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 in property values or constitute a blighting influence within a reasonable distance of the lot. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious finish treatment.

6. Required Plans. A detailed site plan conforming to the requirements of Section 1013 (Site Plans) of this Ordinance shall be submitted. Said site plan shall also illustrate the location of outdoor sales and storage areas.
7. Lot standards. The minimum lot area shall be one (1) acre. The minimum lot width shall be one hundred (100) feet.
8. Sales Area. The outdoor automobile sales/leasing/rental area shall not be greater than one and one-half times the gross floor area of the principal building. A minimum of 280 square feet of sales/leasing/rental area per vehicle shall be provided.
9. Setbacks. All parking areas, driveways, outdoor storage areas shall be at least ten (10) feet from all side and rear property lines. The area shall be screened and landscaped as provided for in Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.
10. Front Yard/Display Area. Outdoor motor vehicle sales/leasing/rental display area may be permitted within the required front yard provided the following criteria are met:
  - a. The outdoor sales/leasing/rental area does not exceed forty (40) percent of the required front yard.
  - b. The outdoor sales/leasing/rental area shall not be less than ten (10) feet from the front lot line.
  - c. The required display area setback shall be curbed and landscaped to prevent vehicle encroachment into the front yard and side yard setback areas.
  - d. Front yard display area shall comply with the sales/leasing/rental area per vehicle of subsection 7 above.
  - e. The front yard display area shall not be used for customer or employee parking.
11. Outdoor Storage. The outdoor storage of waste material, debris, refuse, damaged vehicles, and junk vehicles parts and the like shall be contained within a specifically defined area of the site no greater than ten (10) percent of the total site area. Said area must be located in the rear yard and encompassed by a minimum six (6) foot high screened and secured, privacy fence. Said fence must be accompanied by landscape plantings along all sides which face adjoining properties. No outdoor storage of any kind is allowed on the rooftop of any building on the site. Areas intended for the storage of damaged vehicles that may result in the loss of motor vehicle fluids (i.e. gasoline, oil, antifreeze, transmission

fluid, battery acid, etc.) shall be designed to prevent the infiltration or drainage of these fluids into area soils or storm water runoff and prevent the deterioration of parking and storage area surface.

12. Outdoor Repair. The outdoor repair of motor vehicles or motor vehicle parts anywhere on the property is prohibited.
13. Parking. In addition to the required parking for the principal use or activity, one (1) off-street parking stall for every one thousand (1,000) square feet of outdoor motor vehicle sales area shall be required. Areas used for outdoor sales shall be separated from the required off-street parking stalls. The required off-street parking shall not be used for outdoor sales or storage and shall be specifically marked for customer or employee use.
14. Accessory Buildings. In addition to the requirements of Section 1020 (Accessory Buildings, Structures and Uses) of this Ordinance, the principal use may have one (1) accessory building or structure, no larger than thirty (30) percent of the floor area of the principal building. Accessory buildings must be constructed of the same type of materials as the principal building. Similar architectural treatment will be required on all sides of the building.

**Subd. 30.** Municipal government buildings and uses. Municipal government utility stations, facilities, equipment, water towers, lift stations, booster or pressure regulating stations, wells and pumping stations, municipal utility buildings and structures necessary for the health, safety and general welfare of the community including the storage of fire fighting apparatus provided that:

1. Compatibility and Setbacks. Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
2. Equipment Enclosed. Equipment is completely enclosed in a permanent structure or screened.
3. Open storage of maintenance equipment and trucks over one and one-half (1 ½) tons, stockpiling of aggregate or other materials and open storage of shall not be permitted.

**Subd. 31.** Optical manufacturing.

**Subd. 32.** Outdoor sales and services, accessory (for uses other than motorized vehicles). Open or outdoor service, sale and rental is an accessory use under a conditional use permit provided that:

1. Area Limit. 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. Screened from Residential. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting “r” District in compliance with Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance.
3. Lighting Shielded. 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 and be in compliance with Section 1032 (Performance Standards) of this Ordinance.
4. Surfacing. Sales area is surfaced with asphalt or concrete to control dust, mud and to provide clean, and usable surface.
5. Parking. Does not take up parking space required for conformity to this Ordinance.

**Subd. 33.** Parking ramp.

**Subd. 34.** Personal wireless service antennas not located upon a public structure or existing tower as regulated by Section 1022 (Antennas) of this Ordinance.

**Subd. 35.** Public buildings.

**Subd. 36.** Public, Educational and Religious Buildings. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues provided that:

1. Setbacks. No building shall be located within fifty (50) feet of any lot line abutting residential districts. (Ord. 2008-12; 12/10/08)

**Subd. 37.** PUD, Commercial. Commercial planned unit developments as regulated by Section 1011 (Planned Unit Developments) of this Ordinance.

**Subd. 38.** Radio and television studios.

**Subd. 39.** Recreation, Commercial provided that:

1. The use is accessory to a permitted or conditional principal use.
2. The use shall be setback a minimum of 100 feet from residential guided, zoned or developed property.
3. The use is screened from adjacent public right-of-way and residential guided, zoned or developed property.

4. The hours of operation may be limited to address impacts to adjacent residential guided, zoned or developed property.
5. Provisions are made for litter control.
6. The use shall be subject to principal building setback requirements of the underlying zoning district.
7. The use shall conform to all performance standards of this Chapter. (Ord. 2004-32, 10/27/04).

**Subd. 40.** Recreation field structures or buildings.

**Subd. 41.** Restaurant (convenience (fast food), drive-in, special event and catering) provided that:

1. **Street Access.** The establishment must have access to a street sufficient to accommodate traffic generated by the use.
2. A proposed restaurant shall be specifically identified as fast food or general restaurant.
3. Where possible, all outside parking spaces shall be located to the side and/or rear of the restaurant.

**Subd. 42.** Shopping Center

**Subd. 43.** Signs as regulated by City Code Chapter 1300 (Signs).

**Subd. 44.** Structures exceeding thirty-five (35) feet in height or three (3) stories or more in height.

**Subd. 45.** Taprooms.

**Subd. 46.** Theaters, galleries, art institutions, museums.

**Subd. 47.** Trade School, private.

**Subd. 48.** Transit stations.

**Subd. 49.** Traveling Shows subject to license requirements of the City.

**1057.06: INTERIM USES:** Subject to the applicable provisions of this Ordinance, the following are interim uses in the B-3 District and are further governed by Section 1010 (Interim Uses) of this Ordinance.

**Subd. 1.** Land filling and land excavation/grading operations (250 plus cubic yards of material), including mining as regulated by Section 1026 (Grading, Filling and Excavating) of this Ordinance.

**Subd. 2.** Metal buildings (existing).

**Subd. 3.** Vehicle rental as an accessory use, subject to the following conditions:

1. Properties one (1) acre or larger can instead apply for a Conditional Use Permit, subject to the provisions of Section 1057.05: Conditional Uses, Subdivision 29.
2. The principal use must feature a building with a minimum size of 2,500 square feet.
3. The Interim Use Permit is non-transferable and terminates automatically upon the sale or closure of the business that has obtained the Interim Use Permit.
4. Location. The subject site must be accessible from a major arterial or collector street as defined by the Big Lake Comprehensive Plan.
5. Required Plans. A detailed site plan conforming to the requirements of Section 1013 (Site Plans) of this Ordinance shall be submitted. Said site plan shall illustrate the location of outdoor storage areas including the size of the vehicles that are proposed to be parked in each location.
6. Outdoor storage of rental vehicles shall not be permitted to take up any required parking spaces.
7. Lot standards. The minimum lot width shall be one hundred (100) feet.
8. Front Yard/Display Area. Outdoor motor vehicle rental display area may be permitted within the required front yard provided the following criteria are met:
  - a. The outdoor rental area does not exceed forty (40) percent of the required front yard.
  - b. The outdoor rental area shall not be less than ten (10) feet from the front lot line.
  - c. Outdoor storage of rental vehicles shall not be permitted to obstruct the view of the building's façade from the street. For buildings with multiple facades, this rule shall apply to each façade.
9. Outdoor Repair. The outdoor repair of motor vehicles or motor vehicle parts anywhere on the property is prohibited.

10. Parking. In addition to the required parking for the principal use or activity, one (1) off-street parking stall for every one thousand (1,000) square feet of outdoor motor vehicle rental area shall be required. The rental areas shall be clearly marked to differentiate them from customer parking areas.

**1057.07: SPECIAL DESIGN AND PERFORMANCE STANDARDS.** The following special design and performance standards shall be observed in the B-3 District subject to the additional standard requirements, exceptions and modifications set forth in this Ordinance:

**Subd. 1.** Parking.

1. A reduction of up to ten (10) percent in the number of required off-street parking spaces may be approved by the Zoning Administrator in the case of shared parking areas between abutting uses.
2. No parking spaces shall be located on corner lots at the point of street intersections.

**Subd. 2.** Loading.

1. Loading areas and docks, as required by Section 1030 (Off-Street Parking and Loading) of this Ordinance, shall be limited to the rear or side of the principal building.
2. Special landscape screening or building design measures shall be required to minimize and limit the visual impact of loading docks and areas.

**Subd. 3.** Pedestrian Circulation.

1. Each property shall be responsible for the installation and maintenance of a sidewalk pursuant to City standards from the parking areas to the main entrance of the principal structure.
2. Each property shall provide sidewalk access at property edges and to adjacent lots and said access shall be coordinated with existing development to provide circulation patterns between developments. Buildings, landscaping, fences and other improvements shall be located so as not to preclude eventual site-to-site connections.

**Subd. 4.** Shoreland Management Provisions. The following standards apply to commercial uses within Shoreland Overlay Districts:

1. Commercial uses without water-oriented needs must be located on parcels or lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must be landscaped to obscure view of

structures or buildings from the water by vegetation or topography, assuming summer, leaf-on conditions.

- a. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided.
- b. Accessory structures and facilities shall meet the required principal structure setback and shall be centralized.
- c. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.

**1057.08: LOT AREA, HEIGHT AND SETBACK REQUIREMENTS:** The following minimum requirements shall be observed in the B-3 District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

**Subd. 1.** Special Setback Limitations.

- 1. Buildings containing a bowling alley, electronic game room containing six (6) or more electronic games, billiard room, pool room, skating rink, tavern, or fraternal organization shall not be located within one hundred (100) feet of any R District.

**Subd. 2.** Lot and Setback Provisions:

Description	Standard
Minimum Lot Area:	20,000 square feet
Minimum Lot Width:	100 feet
Accessory Structure Maximum Height:	17 feet

Setback Description	Principal Structure	Accessory Structure	Parking	Parking Adjacent to “R” District
Front Yard:	30 feet	N/A w/o CUP	10 feet	30 feet
Side Yard:	10 feet	10 feet 20 feet if adjacent to “R” property	10 feet	20 feet
Rear Yard:	30 feet	10 feet 20 feet if adjacent to “R” property	10 feet	20 feet

Principal Arterial Road:	30 feet			20 feet
Minor Arterial Road:	30 feet			
Collector Road:	30 feet			
Rail Road Right-of-Way	10 feet			
General Development Lake	50 feet			
Recreational Development Lake	75 feet			
Natural Environment Lake	150 feet			
Top of Bluff	30 feet			
River – Agricultural River (Elk River)		50 feet for structures w/ public sewer and water		
River – Forested River (St. Francis & Snake Rivers)		150 feet		
Wetland Setback & Buffer		30 feet (from delineated boundary)		

1. When located on a lot with lake or river frontage, a non-water orientated use or structure setback must be double the distance indicated above (see section 1065.04, subd. 2. General Zoning Provisions).

**Subd. 3.** Building Height. No principal structure shall exceed 35 feet, however building heights in excess of the prescribed standard may be permitted through a conditional use permit provided that:

1. The site is capable of accommodating any increased intensity of use.
2. Any increased intensity of use is not reasonably expected to cause an increase in traffic volume beyond the capacity of surrounding streets.
3. Public utilities and services are adequate.
4. If located within a Shoreland Management District, the use shall be screened from view from the lake by vegetation, topography and color, assuming summer leaf-on conditions.

**Subd. 4.** Impervious Surface Coverage. All lots within the B-3 District, located within Shoreland Management Overlay Districts, shall comply with the following standards:

1. An existing site which is being altered, remodeled, or expanded without expanding the existing impervious surface may be allowed through the site plan review process established in Section 1003 (Administrative Permits) of this Ordinance.
2. New construction on conforming lots or an existing site being altered, remodeled, or expanded which expands the existing impervious surface coverage may be allowed through the site plan review process established in Section 1003 (Administrative Permits) of this Ordinance, provided the impervious surface does not exceed seventy-five (75) percent of the total lot and provided the following stipulations are met:

- a. All structures, additions, or expansions shall meet the setback and other requirements of this Ordinance.
  - b. The lot shall be served by municipal sewer and water.
  - c. The lot shall provide for the collection and treatment of storm water in compliance with the City storm water management plan if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the City Engineer.
3. Impervious surface coverage may be allowed to exceed seventy-five (75) percent of the total lot or exceed existing conditions on the lot which are over seventy-five (75) percent provided the following stipulations are met:
- a. Improvements that will result in an increased rate of runoff directly entering a public water shall have all structures and practices in compliance with the City storm water management plan in place for the collection and treatment of storm water runoff or will be constructed in conjunction with a conditional use permit application.
  - b. A conditional use permit is submitted and approved as provided for in Section 1007 (Conditional Use Permits) of this Ordinance.
  - c. All conditions in 2 (a – c) of this Section are satisfactorily met.
4. Measures for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water include such appurtenances as sediment basins (debris basins, desilting basins, or silt traps), installation of debris guards and microsilt basins on storm sewer inlets, oil skimming devices, etc.
5. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
6. Shore Impact Zones. Structures and accessory facilities except stairways, landings and water oriented accessory structures must not be placed within shore impact zones.