

Section 535 - Zoning: business districts

535.01. Business districts. Subdivision 1. Description. The business (B) districts are in four categories designated as B-1, B-2, B-3, and B-4. (Amended Ord. 05-951)

Subd. 2. The permitted uses of any land or structure in a B district are those uses indicated by the mark "X" and shall be further subject to those certain special limitations, requirements and regulations pertaining to those B district uses specially designated by the following marks: (1), (2), (3), (4) and (5). (Amended Ord. 07-990)

- (1) means that the use is prohibited on the ground floor;
- (2) means that a conditional use permit is required;
- (3) means not more than three devices allowed;
- (4) means that the use is limited to 5,000 square feet per business; (Amended Ord. 05-951)
- (5) means that the use is not allowed within 500 feet of a public park, public or private school, church, daycare, nor the Hopkins Center for the Arts. (Added Ord. 07-990)

Subd. 3. Capital letters following any "X" mark indicate that the use or uses permitted are subject to and are set forth in the provisions of separate paragraphs contained in Subsection 535.03, which corresponds to the capital letter or letters set forth in this subsection. The permitted use upon any land or in any structure in a B district is considered the principal use. (Amended Ord. 639) (Amended Ord. 96-787) (Amended Ord. 05-951)

PERMITTED USES	B-1	B-2	B-3	B-4
1. Adult day care (Added Ord. 13-1064)	(2)XE	(2)XE	(2)XE	(2)XE
2. Adult-oriented business, as governed and regulated by Chapter 1165 of the City Code. (Amended 95-762)		X	X	
3. Airport		X	X	
4. Amusement device	(3)XBB	(3)XBB	XBB	
5. Appliance store (Amended Ord.06-977)		X	X	(2)XFF
6. Art shops - pictures		X	X	X
7. Auction - public or private		(1)X	X	
8. Auto repair			X	
9. Auto accessory and parts		(1)X	X	
10. Auto sales and/or lease			(2)XA	
11. Auto wash subject to permit			X	
12. Armory, auditorium, exhibit hall		(2)XB	(2)XB	
13. Bakery		X	X	X
14. Banks, savings and loan		X	(2)XV	X
15. Bar - Tavern		X	X	X
16. Beauty or barber shop	X	X	X	X
17. Bed and breakfasts (Added Ord. 08-1000)			(2)XHH)	
18. Bike sales (Added Ord. 05-951)				(4)X
19. Boat - marine sales			X	
20. Books - office supplies		X	X	(4)X
21. Bottling plant not in excess of 6,000 sq. ft.			X	

	PERMITTED USES	B-1	B-2	B-3	B-4
22.	Boutiques	(2)XJ	X	(2)XJ	X
23.	Bowling - table tennis, pool hall	(2)XU	X	X	
24.	Brewpub (Added Ord. 13-1064)		X	(2)XJJ	
25.	Broadcasting (T.V. - radio)		X	X	
26.	Bus and other transit		X	X	
27.	Business school		(1)X	X	
28.	Cabinet - electrical, heating, plumbing, upholstery, air conditioning, provided the operation does not exceed 6,000 sq. ft.			X	
29.	Camera - photographic		X		X
30.	Carpet and floor covering (Amended Ord.06-977)		X	X	X
31.	Clinics	X	X	X	X
32.	Clothing store		X		(2)X
33.	Clubs (private - non profit)		(1)XC	(2)XC	
34.	Coin and stamp (Amended Ord.06-977)	X	X		X
35.	Commercial greenhouse			(2)XD	
36.	Costume & formal wear rental		X	X	
37.	Currency Exchange (Added Ord. 04-920)		(2)XEE		
38.	Cycle shop and snowmobile		(2)XW	X	
39.	Day nursery (Amended Ord.06-977)	(2)XE	(2)XE	(2)XE	(2)XE
40.	Delicatessen		X	X	X
41.	Department store		X		
42.	Dental - Med. Lab		(1)X	X	
43.	Domestic animal day care facility (Added Ord. 08-1002)			(2)XII	
44.	Drive-ins (non food)		(2)XF	(2)XF	
45.	Dry cleaning and laundry		(2)XG	X	X
46.	Dry cleaning and laundry pickup	X	X	X	
47.	Employment agency		X	X	X
48.	Essential public service & utility structures	X	X	X	
49.	Fabric and sewing store	(2)XI	X		
50.	Fixit shop	(2)XY	XY	XY	
51.	Florist	X	X	X	X
52.	Furniture store (Amended Ord.06-977)		X	X	(4)X
53.	Garden and landscape (Amended Ord.06-977)	(2)XZ	(2)XZ	(2)XZ	(2)(4)XZ
54.	Gifts and novelties	(2)XJ	X	(2)XJ	X
55.	Glassware, china, pottery		X	X	X
56.	Glass and mirror installation			X	
57.	Grocery, fruit, vegetable		X	X	
58.	Hardware		X	X	
59.	Health clubs - studio	X			
60.	Hobby - crafts - instruction		X	X	X
61.	Hotel - motel		(2)XK	(2)XK	

	PERMITTED USES	B-1	B-2	B-3	B-4
62.	Interiors - decorating studio	X	X		X
63.	Jewelry		X		X
64.	Karate, health club, dance studio	(2)XL	(1)X	X	X
65.	Leather goods - luggage		X		X
66.	Library - public or private		X	X	
67.	Liquors (Added Ord. 11-1033) (Amended Ord. 14-1070)		(4)*X	(4)*X	(4)X
68.	Locker plan - 6,000 sq. ft. maximum			X	
69.	Locksmith and fixit shop		(2)XY	(2)XY	X
70.	Lumber and related items			X	
71.	Meats		X	X	
72.	Mortuary	X		X	
73.	Motors repairing			X	
74.	Music store		X	X	X
75.	Newsstand		X		
76.	Offices	(2)XN	X	X	X
77.	Open sales lot	(2)XO	(2)XO	(2)XO	
78.	Optical-jewelry mfg.(Amend.Ord.06-977)		(1)X	X	X
79.	Orthopedic - medical supplies (sales and manufacturing)			X	
80.	Paint and wallpaper(Amended Ord.06-977)		X	X	X
81.	Parking ramps and lots		X	X	
82.	Pawn shop - antiques - used materials		X	X	
83.	Pet Grooming (Added Ord. 07-985)			X	
84.	Pet Store				(2)X
85.	Pharmacy - drug store		X	X	
86.	Photography - studio		X	X	X
87.	Picture framing - art shop		X	X	X
88.	Pipe - tobacco shop (Amended Ord. 07-990)		(5)X		
89.	Post office		X		
90.	Print shop		(2)XP	X	X
91.	Public auction (see auction)			X	
92.	Records, TV, radio, sound, phono (Amended Ord.06-977)		X	X	(4)X
93.	Religious institutions, etc.	X	(2)XCC	(2)XCC	
94.	Rental service			(2)XQ	
95.	Research labs			(2)XT	
96.	Residential	2)XH	(2)XH	(2)XH	(2)GG
97.	Restaurant - traditional	X	X	X	X
98.	Restaurant - carry-out and delivery			X	
99.	Restaurant - drive-in			(2)XR	
100.	Restaurant - fast food			(2)XS	
101.	Roller rink - ice arena			X	
102.	Self-service station			(2)XDD	
103.	Service station			(2)XM	
104.	Shoes - boots store		X		X

PERMITTED USES	B-1	B-2	B-3	B-4
105. Sporting goods (Amended Ord. 06-977)		X	X	(4)X
106. Stationery - card shop	X	X	(2)XJ	X
107. Stone monument sales			X	
108. Tailoring		X	X	X
109. Taxidermist			X	
110. Taxi terminal			X	
111. Theater (Added Ord. 2016-1107)		X	X	
112. Theater – Multiplex (Amended Ord. 2016-1107)		X	X	
113. Tires - battery, accessory & recap			X	
114. Trade school		(1)X	X	
115. Transient merchants (Added Ord. 05-947)				X
116. Truck - trailer sales			(2)XAA	
117. Variety stores		X		X
118. Veterinary clinic		X	X	X
119. Video - sales, rental		X	X	X
120. Warehouse - 16,000 sq. ft. maximum, not abutting Mainstreet (Amended Ord. 2000-841)			X	

* Provided that any liquor store existing at the time of the adoption of this Ordinance may relocate within the B-2 and B-3 zoning districts provided it remains the same gross square footage or less. (Amended Ord. 14-1070)

AREA AND YARD LIMITATIONS

Uses permitted in any B district category subject to the following minimum floor and lot area, lot widths, yard requirements, and building heights, in feet: (Amended Ord. 05-951)

	B-1	B-2	B-3	B-4
Lot area - sq. ft.	5,000	-	3,000	-
Lot width - ft.	50	20	25	
Floor area requirement - F.A.R.	1.0	6	1.5	
Front yard	20	1	1	1
Front yard - P.U.D.			20	
Side yard	10	0	0	10
Rear yard	10	10	15	10
Requirements for lots fronting state and county roads, as follows:				
Front yard			20	1
Side yard			10	10
Building height			25	45
Front yard of B lots abutting R district	1/2 of the required R district			
Side yard abutting R district	same as R district			
Rear yard abutting R district	same as R district			
Rear yard from alley	20	10	15	
Building height	25	70	45	60

535.03. Conditional use requirements. Subdivision 1. The requirement of a conditional use permit in connection with any use in any B district is indicated in Subsection 535.01 by appropriate capital letter (A, B, C, etc.), which letters refer to the appropriate paragraph in this subsection bearing the same capital letter.

Subd. 2. Conditional uses within B districts

A) New auto sales including sales lot and major auto repair provided:

1. the sales lot shall not be larger in square footage than the square footage of the building devoted to the related business;
2. a 20-foot front yard setback in which there shall be no auto parking. Within this 20-foot setback there shall be a permanent barrier of landscaping; (Amended Ord. 90-672) (Amended Ord. 94-747)
3. lighting of the sales lot shall be totally from indirect lighting;
4. should the lot abut an R district an acceptable design of screening fence five feet in height shall be constructed along the abutting lot line;
5. the auto sales lot shall not include vehicles over a 9,000 lb. rated weight;
6. no vehicles which are unlicensed and/or inoperative shall be stored on the premises; (Added Ord. 96-787)
7. all repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire inflation, adding oil and wiper replacement; (Added Ord. 96-787)

8. no outside storage or display except vehicles for sale or rent; (Added Ord. 96-787)
9. no public address system; (Added Ord. 96-787)
10. no test driving of vehicles on local residential streets; (Added Ord. 96-787)
11. used car lots shall be permitted only when an integral part of a new car dealership. (Added Ord. 05-941)

B) Armory, auditorium or exhibit hall in the B-2 business zone provided:

1. it is an accessory use to an existing permitted business;
2. one off-street loading dock is provided and in the B-3 business zone;
3. the facility has frontage on a major thoroughfare as shown on the adopted thoroughfare plan;
4. has one parking space for each five seats of rated capacity;
5. has an off-street loading dock for the first 5,000 sq. ft. and another for each additional 10,000 sq. ft. up to three docks;
6. has an off-street traffic design for dropping off and picking up pedestrians outside of the required yards and public right-of-way;
7. all frontage on a public street shall be considered as front yard.

C) Clubs (private non-profit) provided:

1. when located in a B-1 business district said building shall be 20 feet or more from all R residential districts, shall have a screening fence of acceptable design between parking and R residential districts, building shall not exceed 5,000 sq. ft.;
2. when located in a B-3 business district said property shall have a 15 foot minimum front yard and if abutting a side street a 10 foot minimum yard and all yards shall be landscaped.
3. when located in a B-2 district, clubs are permitted on the first floor at a site located at least 150 feet from Mainstreet. (Added Ord. 03-896)

D) Commercial greenhouses provided:

1. provisions are made to store all goods and equipment inside a building except for trash, which shall be stored in containers screened from the public view.

E) Day care facility provided:

1. said operation shall be licensed. (Amended Ord. No. 93-722)

F) Drive-ins (non food) provided:

1. the site is designed and constructed to handle parking and traffic flow according to a plan submitted to and approved by the city;
2. the site drainage is designed and constructed according to a plan submitted to and approved by the city;
3. that screening be provided along the property lines to control headlight beams when abutting an R residential district;
4. that the front yard and side street yard shall be landscaped and not less than ten feet in depth;

5. the lighting shall be accomplished in such a way as to have no direct source of light visible from the public right-of-way or adjacent land in an R residential district;
6. that an on site vehicular storage lane of sufficient capacity to accommodate 15 minutes of service be provided for each service station;
7. when the site is located in the B-2 business district it shall abut either First Street South or First Street North.

G) Dry cleaning and laundry provided:

1. the site shall have a loading and unloading facility to accommodate a minimum of three vehicles which shall not be parking spaces;
2. an on site parking space in addition to the above for each vehicle to be used as a part of the business;
3. an approval from the city engineer relative to sanitary sewer and water supply

H) Dwelling units not occupying first floor provided:

1. one off-street parking space for each unit;
2. all dwellings must have an entrance leading directly to a public street;
3. the density allowed shall be R-3.

I) Fabric and sewing store provided:

1. the square footage of the store does not exceed 3,000.

J) Gifts and novelties and boutiques and stationary provided:

1. all merchandise is contained within a building and said business shall not exceed 3,000 sq. ft.

K) Hotel/motel provided:

1. the site shall contain not less than 600 sq. ft. of lot area per rental unit;
2. should the hotel-motel contain service business, said business shall only have access from the lobby area;
3. when located in the B-3 business district, the site shall have frontage on a major thoroughfare.

L) Karate, health club or dance studio provided:

1. the building shall not exceed 3,000 sq. ft.;
2. the hours of operation shall fall between 7 a.m. and 10 p.m.;
3. that screening be provided along the property line to control headlight beams when abutting an R residential district.

M) Service station provided:

1. the site shall be constructed for drainage according to a plan submitted and approved by the city engineer and fire marshal;

2. the entire site not covered with building or landscaping shall be hard surfaced;
3. the lighting shall be accomplished in such a way as to have no direct source visible from the public right-of-way or adjacent land in the R district;
4. no driveway access is less than 40 feet from a street intersection;
5. any other business operated on the site shall conform to this code;
6. the site shall be constructed for parking and traffic according to a plan submitted and approved;
7. stacking for gas pumps shall be provided for at least one car beyond the pump island in each direction in which access can be gained to the pump. The required stacking shall not interfere with internal circulation patterns or with designated parking areas and shall not be permitted on any public right-of-way, private access easement or within the required parking setback; (Amended Ord. 96-787)
8. the front yard shall be landscaped and ten feet in depth, if station is non-conforming a curb shall be constructed to separate the drive from public walk;
9. no vehicles which are unlicensed and inoperable shall be stored on premises except in appropriately designed and screened storage areas; (Amended Ord. 96-787)
10. all repair, assembly, disassembly and maintenance of vehicles shall occur within closed buildings except minor maintenance, including tire inflation, addition of oil and wiper replacement. (Amended Ord. 96-787)

N) Offices provided:

1. that not more than 30 percent of the floor space is devoted to storage, repair, fabricating or assembly of goods.

O) Open sales lot provided:

1. the lot is graded and surfaced according to a plan submitted and approved by the city engineer;
2. the assembly, repair or manufacturing of goods shall be prohibited;
3. all lot lines abutting a R district shall have a six foot fence of acceptable design erected along the line except abutting a required front yard;
4. there is located on the site a building devoted to and used in conjunction with the open lot, having a gross square footage as large or larger with the open sales lot;
5. that the storage on such lot be so organized that a space not less than 15 feet in width and in such condition to accommodate vehicular travel between such storage aisles and storage shall not exceed a depth of 50 feet;
6. the height of such storage shall not exceed ten feet;
7. the lighting shall be accomplished in such a way as to have no direct source of light visible from the public right-of-way or adjacent land in the R district;
8. any portion of the lot which is to be used for open storage shall be screened from public view by an acceptably designed fence;
9. if the lot is located in the B-2 or B-3 business district, a ten foot landscaped front yard and side street yard shall be provided.

P) Print shop provided:

1. the shop's business is primarily from the general walk-in public.

Q) Rental service provided:

1. the lot is graded and surfaced according to a plan submitted and approved by city engineer;
2. the lighting shall be accomplished in such a way as to have no direct source visible from the public right-of-way or adjacent land in the R district;
3. the front yard shall be landscaped and not less than ten feet in depth;
4. the exterior storage area shall be according to a plan submitted and approved;
5. the site shall provide off-street loading facilities to accommodate customers.

R) Restaurant/drive-in provided:

1. conformance to all conditions stated in subsection f) of this section except 4 and 7;
2. that provisions be made to pick up the adjacent neighborhood daily relative to material initiated at the site;
3. that the front yard and side yard shall be landscaped with the front yard not less than 20 feet and side yard not less than ten feet.

S) Restaurant/fast food provided:

1. conformance to all conditions stated in subsection f) of this section except 4, 6 and 7;
2. that the front yard and side yard shall be landscaped with the front yard not less than 20 feet and side yard not less than ten feet;
3. that provisions be made to pick up the adjacent neighborhood daily relative to material initiated on the site;
4. drive-through address systems shall not be audible from any residential parcel. (Added Ord. 96-787)

T) Research laboratory provided:

1. the business shall be contained within a building.

U) Commercial recreation such as bowling alleys, pool and billiard halls, miniature golf, archery range, gun clubs, provided they are operated within a building.

V) Banks and savings and loan institutions, provided the land to be used for such purpose abuts or is separated only by a public right-of-way from the B-2 business district.

W) Cycle shops and snowmobiles provided the business is conducted within a building, provided the site has on site loading facilities and provided not more than 30% of the building is used for repair and maintenance.

Y) Fix-it shop providing all work and storage is conducted within a building.

Z) Garden and landscaping when all or a portion is outside in the B-1 or B-3 district provided:

1. a fence not less than 30" shall separate the required 15-foot front yard from the sales and service area;
2. off street loading shall be provided;
3. a trash disposal plan shall be provided;
4. mechanical equipment stored on the site shall be screened from right-of-way; within the B-2 district all of the operation shall be within a building.

AA) Truck and trailer sales lots provided:

1. the sales lot shall not be larger in square footage than two times the square footage of the building devoted to the truck and trailer sales business;
2. the sales lot shall have a 20-foot front yard, which shall be landscaped according to an approved plan and be continuously maintained;
3. the sales lot shall be constructed according to a drainage plan approved by the city;
4. the sales lot shall be surfaced to control dust;
5. lighting shall be accomplished according to a plan approved by the city;
6. should the location be on a residentially zoned lot, a fence not less than six feet in height shall be constructed and a 25 foot landscaped buffer shall be constructed according to a plan approved by the City;
7. signs and parking in conformance with this code and the City Code.

BB) The operation of amusement devices may be allowed pursuant to proper city permit or license therefore in B districts, except that not more than three pinball machines or related amusement devices shall be permitted or operated in any location in any B-1 and B-2 use districts.

CC) Religious institutions provided:

1. That there shall be no permanent or temporary living units on the property except for the parsonage;
2. That there is adequate screening or buffering provided from abutting residential districts;
3. That there is adequate off-street loading and service entrances as detailed in section 550.09;
4. That there shall be no religious institution within 350 feet of an off sale or on sale liquor Establishment;
5. That there shall be no religious institutions within 350 feet of an adult oriented business;
6. That the building occupying the religious institution shall meet the building occupancy codes;
7. That a religious institution located in the B-3 district shall comply with the parking requirements of Section 550.05. (Added Ordinance 93-725)

DD) Self-service station provided:

1. conformance to all conditions stated in Subsection M of this section except 9 and 10. (Added Ord. 96-787)

EE) Currency exchange provided:

1. The use shall be located at least one thousand (1,000) feet from all existing currency exchanges, secondhand goods stores, pawnshops and missions;
2. The use shall be located at least two hundred (200) feet from a residential or institutional district;
3. The use shall be located at least three hundred fifty (350) feet from an off-sale liquor establishment;
4. Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited;

5. The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level;

6. For new construction, at least thirty (30) percent of the first floor facade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level;

7. The use of bars, chains or similar security devices that are visible from a public street or sidewalks shall be prohibited. (Added Ord. 04-920)

FF) Appliance store provided:

1. That the square footage is limited to 5000 square feet;
2. That the retail area is at least 40 percent. (Added Ord. 05-951)

GG) Residential provided:

1. That residential dwelling units abutting a right-of-way of 50 feet or more in width can not occupy the first floor; (Added Ord. 06-977)
2. That there is at least one underground parking space per unit;
3. That all dwellings must have an entrance leading directly out of the building;
4. That the density allowed shall be R-5. (Added Ord. 05-951)

HH) Bed and breakfasts provided:

1. Owner or manager shall be required to occupy the property;
2. Off-street parking at a ratio of one space per guestroom plus two spaces for the residence;
3. Only breakfast shall be served, and service shall be restricted to guests only, not the general public;
4. Food and/or alcoholic beverages may be furnished by and to special event guests provided all necessary local, state, and/or federal permits, licenses or authorizations have been obtained and the facility contains a licensed commercial kitchen. (Added Ord. 08-1000)

II) Domestic animal day care facility provided:

1. The hours of operation shall be limited daily from 6 a.m. to 9 p.m.;
2. The animals may be groomed, trained, exercised and socialized, but not kept or boarded overnight, bred, sold or let for hire;
3. There must be sight-obscuring fencing for all on-site, outdoor recreation areas. The fence shall provide full containment for the animals. The fence structure shall be deep enough and secured to the ground to prevent escape and high enough to prevent the animals from jumping or climbing over;
4. The facility must control odor, dust, noise, waste, drainage and security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses. The operator must provide a plan of operation demonstrating these provisions can be met;
5. The outdoor recreation area shall not abut a residential zoning district. (Added Ord. 08-1002)

JJ) Brewpub:

1. That the property and building abuts Mainstreet. (Added Ord. 13-1064)

535.05. B districts: permitted accessory uses

- a) Signs
- b) Fences
- c) Buildings temporarily located for purpose of construction
- d) Decorative landscaping
- e) Trash containers provided they are screened and do not occupy a required parking space, front yard or loading area
- f) Loading docks which do not face the public street in front and as regulated in this ordinance
- g) Bicycle racks
- h) Flag poles
- i) Walkways
- j) Parking
- k) Private swimming pools, tennis courts and related uses
- l) Repairs, manufacturing and assembly as a secondary use when necessary in the conduct of a primary allowed use
- m) Marquees and awnings on private or public property subject to the City Code
- n) Other uses customarily associated with but subordinate to a permitted use, as allowed by the City (Amended Ord. 639)
- o) Off-street parking and loading
- p) Cigarettes, cigars, tobacco and all related products for the use of tobacco must be 25 percent or less in square footage of the sales area (Added Ord. 07-990)