

74SECTION 76

B-2, HIGHWAY COMMERCIAL DISTRICT

Section

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|---------|-------------------------------|
| 20-76-1 | Purpose |
| 20-76-2 | Permitted Uses |
| 20-76-3 | Interim Uses |
| 20-76-4 | Uses by Administrative Permit |
| 20-76-5 | Accessory Uses |
| 20-76-6 | Conditional Uses |
| 20-76-7 | Lot Requirements and Setbacks |
| 20-76-8 | Maximum Building Height |

20-76-1: **PURPOSE:** The purpose of the B-2, Highway Commercial District is to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities.

20-76-2: **PERMITTED USES:** The following are permitted uses in a B-2 District:

- A. Adult uses, principal and accessory.
- B. Banks and other financial institutions.
- C. Brew on premises.
- D. Brewpubs.
- E. Commercial recreational uses, indoor only.
- F. Essential services other than transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV..
- G. Fitness centers and health clubs.
- H. Funeral homes and mortuaries.
- I. Governmental and public related utility buildings and structures, City of Otsego only.
- J. Hotels.
- K. Instructional classes.

- L. On-site and off-site service businesses.
- M. Office and medical offices.
- N. Pawnshops.
- O. Parks, trails, play fields, playgrounds, and directly related buildings and structures, City of Otsego only.
- P. Private clubs or lodges serving food and beverages.
- Q. Personal wireless service antennas located on a public structure, as regulated by Section 33 of this Chapter.
- R. Retail sales.
- S. Restaurants (not convenience type), cafes.
- T. Tattoo parlors.

20-76-3: **INTERIM USES:** Subject to applicable provisions of this Chapter, the following are interim uses in the B-2 District and are governed by Section 5 of this Chapter.

- A. Farms, farmsteads, and farming.

20-76-4: **USES BY ADMINISTRATIVE PERMIT:** Subject to applicable provisions of this Section, performance standards established by this Chapter, and processing requirements of Section 20--2, the following are uses allowed in a B-2 District by administrative permit as may be issued by the Zoning Administrator.

- A. 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 (10) percent 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 Section 21 of this Chapter, except as may be exempted for cause by the Zoning Administrator.
- B. Temporary, outdoor promotional events and sales provided that:

1. Promotional Events.

- a. Such activity is directed towards the general public and includes grand openings, carnivals, craft shows, flea markets, mechanical and animal rides and displays of materials that are typically not sold or serviced on the site.
- b. The event shall not exceed the period specified in the administrative permit and in no case shall exceed three (3) consecutive calendar days per event.
- c. There shall be no more than two (2) promotional events per calendar per year per property.

2. Outdoor Sales.

- a. Such activity is directed towards the general public and include warehouse sales, sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, seasonal merchandise sales, and licensed transient merchant and transient product merchant sales.
- b. The following specific standards shall apply to all proposed temporary outdoor sales activities allowed by this paragraph and by City Code business licensing provisions in addition to other applicable building and safety code requirements as determined by the Zoning Administrator.
 - (1) The maximum total time for temporary outdoor sales activities shall be the period specified in the administrative permit and, in no case, shall exceed sixty (60) days per calendar year per property.
 - (2) There shall be no more sales activities than those specified in the administrative permit and, in no case, shall there be more than ten (10) sales activities per year per property.
 - (3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Temporary sales on unpaved landscaped areas is prohibited.
- c. General Standards
 - (1) The event shall be clearly accessory to or promoting the permitted or conditional use approved for the site. Only

merchandise which is normally manufactured, sold, or stocked by the occupant on the subject premises on a regular or seasonal basis shall be sold and/or promoted.

- (2) Tents, stands, and other similar temporary structures may be utilized, provided they are clearly identified on the submitted plan and provided that it is determined by the Zoning Administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
- (3) The submitted plan shall clearly demonstrate that adequate off-street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the Zoning Administrator who shall consider the nature of the event and the applicable parking requirements of this Chapter. Consideration shall be given to the parking needs and requirements of other occupants in the case of multi-tenant buildings. Parking on public right-of-way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the Zoning Administrator, at the petitioner's expense.
- (4) Signage related to the event shall be in compliance with the temporary sign standards of this Chapter 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.
- (5) The approved permit shall be displayed on the premises for the duration of the event.

20-76-5: **ACCESSORY USES:** The following are permitted 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 (30) percent of the gross floor space of the principal use.
- B. Off-street parking as regulated by Section 21 of this Chapter.
- C. Off-street loading as regulated by Section 22 of this Chapter.

- D. Radio and television receiving antennas including single satellite dish TVROs three and one-half (3.5) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 33 of this Chapter.

20-76-6: **CONDITIONAL USES:** The following are conditional uses in a B-2 District subject to the procedures set forth in and regulated by Section 4 of this Chapter.

- A. Convenience food restaurants, provided that:
 - 1. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to constitute a blighting influence within a reasonable distance of the lot.
 - 2. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 16 of this Chapter.
 - 3. Each light standard island and all islands in the parking lot landscaped or covered.
 - 4. Parking areas shall be screened from view of abutting residential districts in compliance with Section 16 of this Chapter.
 - 5. Parking areas and driveways shall be curbed with continuous curbs not less than six (6) inches high above the parking lot or driveway grade.
 - 6. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with Section 21 of this Chapter and shall be subject to the approval of the City Engineer.
 - 7. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 16 of this Chapter.
 - 8. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
 - 9. The entire area other than occupied by buildings or structures or plantings shall be surfaced with blacktop or concrete which is subject to the approval of the City Engineer.
 - 10. All signing and informational or visual communication devices shall be in compliance with the provisions of Section 37 of this Chapter.

B. Commercial drive-through, mechanical and/or self-service car washes, provided that:

1. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.
2. Magazining or stacking space is constructed to accommodate an appropriate number of vehicles and shall be subject to the approval of the City Council.
3. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 4619 of this Chapter.
4. Each light standard island and all islands in the parking lot landscaped or covered.
5. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 4619 of this Chapter.
6. The entire area other than occupied by the building or planting shall be surfaced with blacktop or concrete which will control dust and drainage which is subject to the approval of the City Engineer.
7. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
8. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 16 of this Chapter.
9. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
10. All signing and informational or visual communication devices shall be in compliance with the provisions of Section 37 of this Chapter.
11. Provisions are made to control and reduce noise in accordance with Section 16 of this Chapter.

C. Convenience gasoline sales with grocery and/or food operations, provided that:

1. Convenience/deli food is of the take-out type only.

2. Outside sales and service shall be allowed on a limited basis, provided that:
- a. Site Plan. Areas for outdoor sales and services shall be clearly indicated on the site plan and reviewed at the time of application for a conditional use permit. No outdoor sales or services shall be allowed outside of those areas so designated on the approved site plan without approval of an amended conditional use permit.
 - b. Location. Outdoor sales and services shall be located adjacent to the principal building upon a concrete or asphalt surface behind a raised six (6) inch curb, on the raised pump islands or otherwise segregated from vehicle circulation under the canopy and shall not encroach into any required principal building setback, required parking stall, drive aisle, or minimum five (5) foot wide pedestrian sidewalk adjacent to the principal building where head-in parking is provided or otherwise impede vehicle and pedestrian circulation, except as provided for by Section 20-76-6.C.2.d of this Chapter.
 - c. Outdoor Sales:
 - (1) Area. The area devoted to outdoor sales shall not exceed ten (10) percent of the gross floor area of the principal building or two hundred (200) square feet, whichever is less.
 - (2) Height. The height of sales displays not abutting the principal building or located between the fuel pumps under the canopy shall not exceed three (3) feet in height as measured from the grade of the adjacent drive aisle to the top of the display. All other outdoor sales displays shall not exceed five (5) feet in height measured from grade to the top of the display.
 - (3) Required Parking. The outdoor sales area shall be included in the calculations for parking spaces required for the use by Section 21 of this Chapter.
 - d. Outdoor services shall be limited to the following uses:
 - (1) Public phones may encroach into a required yard as long as they do not interrupt on-site traffic circulation, do not occupy required parking stalls, and are not located in a yard abutting residentially zoned property.
 - (2) Propane sales limited to twenty (20) pound capacity tanks may be located outside provided the propane tanks are secured in a locker and meets all State Uniform Building and Fire Codes.

- (3) A compressed air service or automobile vacuum areas may be located on-site provided they meet all principal building setbacks and do not interrupt on-site traffic circulation and do not occupy required parking stalls.
 - (4) Freezers for ice products may only be located at the front of the building subject to the area and location requirements of Section 20-76-6.C.2.b and 20-76-6.C.2.c of this Chapter, or shall be located in a side or rear yard and fully screened from view from adjacent properties as the public right-of-way with materials consistent with the principal building.
3. The hours of operation shall be limited to 6:00 AM to 12:00 PM, unless extended by the City Council.
4. Motor fuel activities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
5. A protective canopy located over pump island may be an accessory structure on the property and may be located twenty (20) feet or more from the front lot line, provided adequate visibility both on and off site is maintained.
6. 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 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.
7. The entire site other than that taken up by a building, structure or plantings shall be surfaced with blacktop or concrete to control dust and drainage which is subject to the approval of the City Engineer.
8. At the boundaries of the lot, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 19 of this Chapter.
9. Each light standard base shall be landscaped.
10. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.

- 11. 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.
- 12. An enclosed screened area is to be provided for rubbish and dumpsters.
- D. Day care facilities as regulated by Section 30 of this Chapter.
- E. Essential services involving transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV.
- F. Governmental and public utility buildings and structures; other than City of Otsego.
- G. Micro-distilleries with tasting rooms.
- H. Minor auto repair and tire stores, provided that:
 - 1. Provisions are made to control and reduce noise in accordance with Section 16 of this Chapter.
 - 2. No outside storage, sales, service, or rental shall be permitted.
- I. Motor vehicle sales, leasing, and rental including new and used automobiles, light trucks, recreational vehicles and equipment, motorcycles, boats and marine equipment, provided that:
 - 1. An enclosed building that complies with the following standards shall be constructed:

| Lot Size | Minimum Lot Coverage by Buildings ¹ | Minimum Building Size ¹ |
|--|--|------------------------------------|
| Less than 2.00ac. | 10% | 2,500 sf. |
| 2.01ac. to 4.00ac. | 10% | 10,000 sf. |
| 4.01ac. and larger | 20% | 40,000 sf. |
| ¹ Whichever results in a larger building. | | |

- 2. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to constitute a blighting influence.
- 3. The outdoor sales lot shall be surfaced with bituminous or concrete material and surrounded by perimeter concrete curb.

4. The use shall be fenced or screened from view of adjacent Residential Districts in compliance with Section ~~46~~19 of this Chapter.
 5. The lot shall have frontage, if not direct access, to a collector or arterial street as designated by the Comprehensive Plan. Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with Section 21 of this Chapter, subject to approval of the City Engineer.
 6. Off-street parking and loading areas shall be provided in conformance with Section 21 and 22 of this Chapter exclusive of areas used for outdoor sales.
 7. Site 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 the location, type, and illumination field of all site lighting shall comply with Section 16 of this Chapter.
 8. The number, size, and location of all signs and visual communication shall comply with Section 37 of this Chapter.
 9. Accessory major or minor auto repair or car washing shall be allowed provided that all activities occur within an enclosed building.
 10. Accessory outdoor storage shall be limited to vehicles being serviced which shall be fully screened from view of adjacent properties and the public right-of-way in compliance with Section 19 of this Chapter.
 11. Hours of operation shall be limited to 8:00 AM to 10:00 PM unless otherwise approved by the City Council.
- J. Micro-distilleries with tasting rooms.
- K. Small breweries with tap rooms.
- L. Theaters and other places of assembly, provided that:
1. The site shall be served by an arterial or major collector street of sufficient capacity to accommodate traffic which will be generated by the use.
- M. Veterinary clinics and animal kennels, provided that:
1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
 2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.

3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:
 - a. 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.
 - b. 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 (60°) and seventy five degrees Fahrenheit (75°F).
 - c. 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.
 - d. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
 - e. 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 (1) per day.
 - f. All state health department and Minnesota pollution control agency requirements for such facilities are met.

20-76-7: **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 Chapter.

- A. Lot Area: One (1) acre.
- B. Lot Width: Two hundred (200) feet
- C. Setbacks:

1. Front yards:

| Setbacks From <u>Centerline</u> | Setbacks From Right- <u>of-Way Lines</u> |
|---------------------------------------|--|
| 65 feet | 30 feet |

Where a lot is located at the intersection of two (2) or more streets or highways which bound two (2) or more sides of the lot, no building shall project beyond the front yard line of either street.

2. Side yards:
 - a. Ten (10) feet, unless
 - b. If abutting a Residential District: Thirty-five (35) feet.
3. Rear yards:
 - a. Twenty (20) feet, unless
 - b. If abutting a residential district: Thirty-five (35) feet.

20-76-8: **MAXIMUM BUILDING HEIGHT:**

- A. Principal building: Thirty-five (35) feet
- B. Accessory building: Per Section 20-18-2.F of this Chapter.