

## **SECTION 51.22. B-3, HIGHWAY BUSINESS DISTRICT**

**Subd. A. Purpose.** The purpose of the B-3, Highway Business District is to provide for and limit the establishment of motor vehicle oriented or dependent commercial and service activities.

**Subd. B. Permitted Uses.** The following are permitted uses in the B-3 District:

1. Automobile accessory stores.
2. Automobile sales – indoor.
3. Financial institutions.
4. Governmental and public buildings, utilities and/or structures.
5. Hospitality businesses.
6. Liquor sales, on and off site.
7. Office business – clinical.
8. Office business – general.
9. Personal services.
10. Recreational businesses - indoor.
11. Restaurants.
12. Retail businesses.
13. Service businesses, on and off-site.
14. Sexually oriented uses – principal and accessory, as regulated by Section 51.03, Subd. L of this Ordinance.
15. Theatres.

**Subd. C. Permitted Accessory Uses.** The following are permitted accessory uses in the B-3 District:

1. Commercial accessory buildings not exceeding thirty (30) percent of the gross floor space of the principal building.

2. Drive-through service facilities:
  - a. Not less than one hundred twenty (120) feet of segregated automobile stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to sixty (60) feet per lane.
  - b. The stacking lane and its access must be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space.
  - c. No part of the public street or boulevard may be used for stacking of automobiles.
  - d. The stacking lane, order board intercom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
  - e. The drive-through window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way.
  - f. A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with Section 51.03, Subd. D.2 of this Ordinance.
3. Fences, as regulated by Section 51.03, Subd. D.11 of this Ordinance.
4. Off-street loading as regulated by Section 51.03, Subd. F of this Ordinance.
5. Off-street parking as regulated by Section 51.03, Subd. E of this Ordinance.
6. Outside services, sales, and equipment rental accessory to the principal use and limited in area to fifteen (15) percent of the gross floor area of the principal building, or fifteen (15) percent of the tenant bay if it is a multiple tenant building.
7. Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 51.03, Subd. M of this Ordinance.
8. Signs as regulated by Section 51.03, Subd. N of this Ordinance.

**Subd. D. Conditional Uses.** The following are conditional uses allowed in the B-3 District: (Requires a conditional use permit based upon procedures set forth in and regulated by Section 51.02, Subd. B of this Ordinance.)

1. Automobile and truck repair - major and minor (including body shops) provided that:
  - a. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a storm water drainage system and is subject to the approval of the City Engineer.
  - b. All painting shall be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulated matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
  - c. The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota regulations APC, as amended.
  - d. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.
  - e. All outside storage shall be prohibited except in accordance with Section 51.22, Subd. D.7 of this Ordinance.
  - f. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served by modifying the conditions.
3. Commercial car washes (drive-through, mechanical and self-service) provided that:
  - a. 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.
  - b. Magazining or stacking space is constructed 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 Engineer.

- c. 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 51.03, Subd. D.10 of this Ordinance.
- d. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 51.03, Subd. D.10 of this Ordinance.
- e. The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.
- f. The entire area shall have a drainage system which is subject to the approval of the City.
- g. 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 51.03, Subd. D.2 of this Ordinance.
- h. 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.
- i. Provisions are made to control and reduce noise.

4. Hospitals provided that:

- a. Side yards are double the minimum requirements established for this district and are screened in compliance with Section 51.03, Subd. D.10 of this Ordinance.
- b. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
- c. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.

5. Motor fuel stations provided that:

- a. Installation is in accordance with State and City standards. Additionally, adequate space shall be provided to access fuel 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 which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

- b. A minimum lot area of one (1) acre and minimum lot frontage of one hundred fifty (150) feet. If the canopy is attached to the principal structure, the minimum lot size may be reduced to one acre. The City Council may exempt previously developed or previously platted property from this requirement provided that the site is capable of adequately and safely handling all activities and required facilities.
- c. Architectural standards are compliant with the required commercial design construction standards of Section 51.22, Subd. A.3 of this Ordinance.
- d. A protective canopy structure may be located over the pump island(s) as an accessory structure. The canopy shall meet the following performance standards:
  - 1) The edge of the canopy shall be twenty (20) feet or more from the front and/or side lot line, provided that adequate visibility both on-site and off-site is maintained.
  - 2) The canopy shall not exceed eighteen (18) feet in height and must provide fourteen (14) feet of clearance to accommodate a semi-trailer truck passing underneath.
  - 3) The canopy fascia shall not exceed three (3) feet in vertical height.
  - 4) Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the bottom face of the canopy. Total canopy illumination may not exceed one hundred fifteen (115) foot candles below the canopy at ground level. The fascia of the canopy shall not be illuminated.
  - 5) The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.
  - 6) Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:
    - a) The individual canopy sign does not exceed more than twenty (20) percent of the canopy façade facing a public right-of-way.
    - b) The canopy fascia shall not be illuminated except for permitted canopy signage.
  - 7) Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.

- e. Pump islands must comply with the following performance standards:
  - 1) Pump islands must be elevated six (6) inches above the traveled surface of the site.
  - 2) All pump islands must be set at least thirty (30) feet back from any property line. Additionally, the setback between the pump islands curb face must be at least twenty-four (24) feet.
- f. Landscaping with the following standards:
  - 1) Must comply with Section 51.03, Subd. D.10 of this Ordinance.
  - 2) Where lots abut residentially zoned property, a buffer yard of not less than twenty (20) feet wide shall be landscaped and screened in compliance with Section 51.03, Subd. D.10.d.10).e) of this Ordinance.
- g. Lighting shall be in compliance with Section 51.03, Subd. D.2 of this Ordinance.
- h. Circulation and Loading. The site design must accommodate adequate turning radius and vertical clearance for a semi-trailer truck. Designated loading areas must be exclusive of off-street parking stalls and drive aisles. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.
- i. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles. In front of the principal structure, the pedestrian sidewalk must be a minimum of five (5) feet wide and clear of any obstacle or impediment. The pedestrian sidewalk may be reduced to a minimum of three (3) feet wide and clear of any obstacle or impediment when segregated from parking or drive aisles by a physical barrier that prevents vehicles from overhanging the pedestrian sidewalk.
- j. Noise. Public address systems shall not be audible at any property line. Play of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in Section 51.03, Subd. D.5 of this Ordinance.
- k. Outside Sales. Outside sales and service shall be allowed on a limited basis, provided that:
  - 1) 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.

- 2) Limited to fifteen (15) percent or less of gross floor areas of principal building.
- 3) Shall be located on a concrete or asphalt surface adjacent to the principal building and shall meet the required setbacks for the principal building.

6. Open and outdoor storage as an accessory use provided that:

- a. The area is fenced and screened from view of the neighboring residential uses or if abutting a residential district in compliance with Section 51.03, Subd. D.10 of this Ordinance.
- b. Storage is screened from view from adjoining residential districts and/or the public right-of-way in compliance with Section 51.03, Subd. D.10 of this Ordinance.
- c. Storage area is paved or surfaced to control dust or erosion.
- d. 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 shall be in compliance with Section 51.03, Subd. D.2 of this Ordinance.
- e. Does not take up parking space as required for conformity to this Ordinance.

7. Open or outdoor service, sale and rental as an accessory use, provided that:

- a. 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.
- b. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 51.03, Subd. D.10 of this Ordinance.
- c. 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 shall be in compliance with Section 51.03, Subd. D.2 of this Ordinance.
- d. Sales area is located on an asphalt or concrete surface.

- e. The use does not take up parking space as required for conformity to this Ordinance.
- f. The provisions of Section 51.02, Subd. B.4 of this Ordinance are considered and satisfactorily met.

8. Outdoor recreation facilities provided that:

- a. The facilities are an accessory use to a principal use allowed within the B-3 District.
- b. The facilities meet the principal building setbacks.
- c. The facilities shall maintain a fifty (50) foot setback from residential districts.
- d. The facilities shall be screened from adjoining properties or public rights-of-way.
- e. The City may set limits on the hours of operation to avoid nuisance issues.

9. Outdoor sales or rental lots including but not limited to automobiles, trucks, snowmobiles, tractors, recreational vehicles, boats, farming equipment, construction equipment and trailers, provided that:

- a. Outdoor sales or rental be associated with a principal building of at least one thousand (1,000) square feet of floor area.
- b. Outdoor sales area shall be set at least five (5) feet back from all property lines, and at least fifteen (15) feet back from any street surface.
- c. Outdoor sales shall be physically defined on the site by surfacing, landscaping, or a fence barrier.
- d. The boulevard portion of the street right-of-way shall not be used for parking, or storage or display of sale items.
- e. Outdoor sales area shall not be utilized for storage of unlicensed or inoperable vehicles (except trailer sales), scrap materials or trash handling areas.
- f. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 51.03, Subd. D.10 of this Ordinance.

- g. 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 51.03, Subd. D.2 of this Ordinance.
- h. All display/sales/storage areas shall be paved or control dust.
- i. Required parking shall be segregated from the sales display. The use shall not take up parking space as required for conformity to this Ordinance.
- j. Damaged vehicles or equipment awaiting repair shall be considered outdoor storage and shall be subject to the conditions outlined in Section 51.22, Subd. D.6 of this Ordinance.

10. Planned unit development (including shopping centers) as regulated by Section 51.02, Subd. J of this Ordinance.

11. Outdoor dining facilities accessory to a restaurant, provided that:

- a. The applicant must submit a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
- b. Access to the dining area be provided only via the principal building if the dining area is full service restaurant, including table waiting service.
- c. The size of the dining area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
- d. The dining area is screened from view from adjacent residential uses in accordance with Section 51.03, Subd. D.10 of this Ordinance.
- e. All lighting be hooded and directed away from adjacent residential uses in accordance with Section 51.03, Subd. D.2 of this Ordinance.
- f. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:
  - 1) 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 City Council.
  - 2) 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.

- 3) Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
- g. 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.
- h. A minimum width of thirty-six (36) inches shall be provided within aisles of the outdoor dining area.
- i. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor 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 shall be approved as part of the administrative permit application.
- j. Additional off-street parking shall be required pursuant to the requirements set forth in Section 51.03, Subd. E of this Ordinance based on the additional seating area provided by the outdoor dining area.
- k. 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 shall be designed to prevent spillage and blowing litter.

12. Small engine and boat repair provided that:

- a. The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with Section 51.03, Subd. D.2 of this Ordinance.
- b. 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 51.03, Subd. D.10 of this Ordinance.
- c. Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with Section 51.03, Subd. E.4 of this Ordinance and shall be subject to the approval of the City Engineer.
- d. Provisions are made to control and reduce noise.

- e. No outside storage, repair or sales except in compliance with Section 51.03, Subd. D.6 or Section 5103, Subd. D.7 of this Ordinance shall be allowed.
- f. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

13. Veterinary clinics (with kennels) provided that:

- a. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
- b. 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.
- c. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:
  - 1) The number of animals boarded shall not exceed twenty (20).
  - 2) 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.
  - 3) 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 60 and 75 degrees Fahrenheit.
  - 4) 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.
  - 5) Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
  - 6) Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

- d. The appropriate license is obtained from the City Clerk and the conditions of Section 408.1 of the Delano City Code relating to kennels are satisfactorily met.
- e. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

**Subd. E. Interim Uses.** The following are interim uses in the B-3 District: (Requires a conditional use permit based upon procedures set forth and regulated in Section 51.02, Subd. C of this Ordinance.)

- 1. None.

**Subd. F. Uses by Administrative Permit.** The following are uses allowed by an administrative permit in the B-3 District (based upon procedures set forth in and regulated by Section 51.02, Subd. E of this Ordinance):

- 1. Personal wireless service antennas as secondary uses as regulated by Section 51.03, Subd. M of this Ordinance.
- 2. Temporary/seasonal outdoor promotional events and sales provided that:
  - a. Such activity is targeted toward the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction and liquidation sales, and seasonal merchandise sales.
  - b. The maximum term of the event shall not exceed fourteen (14) consecutive days, with a maximum of four (4) permits per calendar year for each use. Consecutive permits may be issued.
  - c. No portion of the use shall take place within any public right-of-way or landscaped green strip.
  - d. Parking and display areas associated with the use shall not distract or interfere with existing business operations or traffic circulation patterns.
  - e. Display areas and parking spaces shall use those parking lot spaces that are in excess of the minimum required parking for the primary use of that property.
  - f. The site shall be kept in a neat and orderly manner and display of items shall be as compact as possible so as to not interfere with existing business, parking or driveway operations.
  - g. Sales products, trailers, temporary stands, etc. shall be located on an asphalt or concrete surface as approved in the administrative permit.

- h. Temporary outdoor seasonal sales uses (with a valid administrative permit) may have one (1) on-site temporary sign not to exceed twenty-four (24) square feet in area and not more than six (6) feet in height.
- i. A daily clean up program shall be presented as part of the administrative permit application.

**Subd. G. Lot Requirements and Setbacks.** The following minimum requirements shall be observed in the B-3 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance.

- 1. **Minimum Lot Area.** Twenty thousand (20,000) square feet.
- 2. **Minimum Lot Width.** One hundred (100) feet.
- 3. **Minimum Lot Depth.** One hundred twenty (120) feet.
- 4. **Setbacks.**
  - a. Front Yard. Not less than thirty (30) feet.
  - b. Side Yard. Not less than twenty (20) feet, nor less than thirty (30) feet on a side yard abutting a public right-of-way or residential district.
  - c. Rear Yard. Twenty (20) feet. Not less than forty (40) feet in a rear yard abutting a single family residential or medium density residential zoning district.

**Subd. H. Building Requirements.**

- 1. **Height.** No structure shall exceed three (3) stories, or thirty-six (36) feet, whichever is least.
- 2. **Minimum Floor Area.** Commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in Section 51.02, Subd. B of this Ordinance.
- 3. **Exterior Building Elevations.**
  - a. Within the B-3 Zoning District, all exterior wall surfaces may be a combination of materials including brick, dimensioned stone, rock face block, decorative concrete panels, stone stucco, wood, glass, or metal panels. Metal panels shall not encompass more than fifty (50) percent of

the building elevation abutting a public right-of-way or residentially zoned property. Metal panels shall not exceed seventy-five (75) percent of all other exterior wall surfaces, except as allowed in Section 51.03, Subd. C.3.f of this Ordinance.

- b. Accessory Buildings. Accessory buildings shall be constructed of building materials to match the principal structure and comply with the building material requirements of this Ordinance.
- c. In all zoning districts, mechanical equipment such as heating, ventilation, or air conditioning units located anywhere on the property shall be screened and painted to match the building exterior.