

SEC. 11.36. CENTRAL BUSINESS DISTRICT (C-2)

Subd. 1. Purpose. The purpose of this district is to encourage continuation of a viable downtown by allowing prime retail sales and service uses, office, entertainment facilities, public and semi-public uses, and in special circumstances, residential use; and *to preserve and build on the historic character of the downtown using the historic and natural resources available to create a tourist destination as well as to provide a unique blend of retail and service businesses for the convenience of local residents.*

Subd. 2. Permitted Uses. No structure or land shall be used except for the following uses as such are defined and in accordance with the required lot provisions and design and performance standards. *The following are generalized categories. If a use is not specifically listed, the Zoning Administrator shall determine if the use is substantially similar in nature. The Zoning Administrator or applicant may seek input from the Planning Commission.*

A. General Retail Sales and Services, including:

- 1. Antiques and collectibles*
- 2. Appliance sales and service*
- 3. Auto parts sales and indoor service*
- 4. Bakery*
- 5. Bicycle sales and indoor repair*
- 6. Books, magazine and newspapers*
- 7. Clothing and shoe stores and seamstress/repair services*
- 8. Electronics sales and services*
- 9. Florists*
- 10. Gifts and novelties*
- 11. Grocery stores*
- 12. Hair salons, barbers, and spas*
- 13. Hardware*
- 14. Household furnishings*
- 15. Interior decorating sales; sale of floor covering, paint, wallpaper, materials and objects of interior decorating*
- 16. Laundromat; self-service*
- 17. Meat markets*
- 18. Pet shops, provided the operation does not include boarding, maintenance of a pen(s) outside of the structure, or operates so as to cause an offensive odor or noise.*
- 19. Photography and photo framing*
- 20. Printing and publishing*
- 21. Sporting goods*
- 22. Travel agency*
- 23. Variety store*
- 24. Video store*

B. Professional Services including;

- 1. Accounting*
- 2. Banks and financial institutions*
- 3. Legal*
- 4. Insurance agencies*
- 5. Real estate*

C. Drinking and Eating Establishments, including

- 1. Cafes*
- 2. Class 1 and II restaurants*
- 3. Delicatessens*
- 4. Private clubs and lodges*
- 5. On and off-sale liquor; bars*

D. Health and Medical, including

- 1. Clinic, medical*
- 2. Chiropractic*
- 3. Dental*
- 4. Optometrists*
- 5. Pharmacies*
- 6. Therapeutic massage*

E. Physical Recreation and Educational Facilities, including:

- 1. Bowling alleys, provided they are not within 20 feet of a residential district.*
- 2. Dance studios*
- 3. Fitness centers and gyms*
- 4. Martial arts*

F. Public and Private Human Services, Schools or Academies, including:

- 1. Daycare facilities*
- 2. Government offices and structures*
- 3. Government utility buildings and structures*
- 4. Library*
- 5. Music or performing arts*
- 6. Parks*
- 7. Performing arts center*
- 8. Postal service*
- 9. Religious institutions*
- 10. Schools or academies*

G. Repair Services and Sales, including:

- 1. Bicycle sales and indoor services*
- 2. Automotive services, conducted indoors*
- 3. Electrical appliance repair, conducted indoors*

H. Residential Uses; including

- 1. Bed & Breakfasts*

~~A. Residential Units. (Moved to conditional uses)~~

~~1. Apartment, provided it is located above the ground floor.~~

~~2. A single dwelling unit on the ground floor provided it is located in the back of the building where a yard with usable open space exists and where no rear access exists to the building for commercial purposes. *Removed*~~

~~B. Essential service structures, including but not limited to buildings such as telephone exchange substations, booster or pressure regulating stations, wells and pumping stations, elevated tanks and electric power substations.~~

~~C. Motor hotels *Motels* and hotels, provided that the site shall contain not less than 600 square feet of lot area per unit. (*Moved to conditional uses*)~~

~~D. Private clubs and lodges.~~

~~E. Railroad through train operation, but not switching, storage and other railroad operations.~~

~~F. The following retail or service businesses supplying commodities or performing a service~~

~~1. Air conditioning shop.~~

~~2. Antique store.~~

~~3. Artificial limbs.~~

~~4. Apparel or clothing store.~~

~~5. Appliance store.~~

~~6. Art and school supply.~~

~~7. Auto accessory store.~~

~~8. Auto sales within a structure.~~

~~9. Automobile service station.~~

~~10. Automobile washing within a structure. (Moved to a Conditional Use, and list the condition: "provided that stacking space is constructed, subject to approval by the City Engineer, to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period.")~~

~~11. Automotive service center within a structure. (Removed)~~

~~12. Bakery goods and sales and baking of foods for retail sale on the premises.~~

~~13. Bank or saving institution.~~

~~14. Barber or beauty shop,~~

~~15. Bicycle sales and repair.~~

~~16. Book store or newsstand.~~

~~17. Bowling alley provided the structure is not within 6.0 feet of any R-1, R-2, R-3 or R-4 district boundary line.~~

~~18. Bus terminal.~~

~~19. Business school.~~

~~20. Camera and photography supplies.~~

~~21. Candy shop.~~

~~22. Canvas and canvas products.~~

- ~~23. Carpets or rugs.~~
- ~~24. China shop.~~
- ~~25. Coin store.~~
- ~~26. Computer store.~~
- ~~27. Convention hall.~~
- ~~28. Costume rental shop.~~
- ~~29. Dance hall provided the structure is not located within 60 feet of any R-1, R-2, R-3 or R-4 district boundary line. *Moved to conditional use*~~
- ~~30. Delicatessen.~~
- ~~31. Dental clinic.~~
- ~~32. Diaper service provided not more than ten persons are employed. *Removed.*~~
- ~~33. Drug store with cosmetic, pharmaceutical and toiletry sales.~~
- ~~34. Dry cleaning and laundry pickup stations; may include incidental repair and pressing when materials are delivered to and picked up at the site by the retail customer.~~
- ~~35. Dry goods store.~~
- ~~36. Electrical appliance store including incidental repair and assembly but not fabrication or manufacturing.~~
- ~~37. Electrical repair when operated as an accessory use to a retail sales establishment.~~
- ~~38. Employment agency.~~
- ~~39. Florist shop.~~
- ~~40. Fraternal organization provided the structure is not within 60 feet of any R-1, R-2, R-3 or R-4 district boundary line.~~
- ~~41. Frozen food store, but not including a locker plant.~~
- ~~42. Funeral home.~~
- ~~43. Furniture store; may include upholstery services when conducted as a secondary use.~~
- ~~44. Furrier when conducted only for retail trade on the premises. *(Removed)*~~

~~45. Garden supply store. (More appropriate in the highway district or industrial district as it requires a larger area and temporary outdoor display, temporary buildings, etc.)~~

~~46. Gift shop.~~

~~47. Glassware sales.~~

~~48. Greenhouse, commercial. (Removed – more appropriate in highway commercial.)~~

~~49. Grocery store.~~

~~50. Hardware store.~~

~~51. Hobby store.~~

~~52. Ice cream or frozen dessert sales.~~

~~53. Interior decorating studio.~~

~~54. Jewelry or watch sales or repair.~~

~~55. Laundromat, self-washing and drying service.~~

~~56. Leather goods.~~

~~57. Library.~~

~~58. Locksmith.~~

~~59. Lodge. *Already listed under private clubs and lodges.*~~

~~60. Luggage store.~~

~~61. Meat market, but not including the process for a locker plant.~~

~~62. Medical clinic.~~

~~63. Meeting hall provided the structure is not within 60 feet of any R-1, R-2, R-3 or R-4 district boundary line.~~

~~64. Musical instrument sales and repair.~~

~~65. Music studio.~~

~~66. Newspaper office, including printing.~~

~~67. Novelty shop.~~

~~68. Offices--business and professional.~~

~~69. Off-sale liquor store.~~

~~70. Off-street parking lot business.~~

~~71. Orthopedic and medical supply.~~

~~72. Paint or wallpaper store.~~

~~73. Pet shop provided the operation does not include boarding, maintenance of a pen(s) outside of the structure, or operating so as to cause an offensive odor or noise.~~

~~74. Philatelic store.~~

~~75. Photographic studio.~~

~~76. Photographic printing and processing.~~

~~77. Picture framing.~~

~~78. Pipe or tobacco shop.~~

~~79. Plumbing repair when operated as an accessory use to a retail sales establishment.~~

~~80. Popcorn sales.~~

~~81. Postal or telegraphic substation.~~

~~82. Pottery sales.~~

~~83. Printing shop.~~

~~84. Private club.~~

~~85. Public utility collection office.~~

~~86. Radio or television sales and repair.~~

~~87. Record shop.~~

~~88. Restaurant Class I, Class II and Class III. *(Note: Class I and II are sit-down restaurants. Class III is a drive-through and more appropriate in the Highway Business District.)*~~

~~89. Sewing machine sales and service.~~

~~90. Shoe and footwear sales and repair.~~

~~91. Soft drink sales.~~

- ~~92. Sporting goods store.~~
- ~~93. Sports and health clubs.~~
- ~~94. Tailor shop.~~
- ~~95. Taxi terminal.~~
- ~~96. Theater, but not drive-in. (Moved to a conditional use in order to require additional setbacks, off-street parking, etc.)~~
- ~~97. Tire and battery sales, but not battery rebuilding or tire recapping.~~
- ~~98. Toy store.~~
- ~~99. Trade school.~~
- ~~100. Transportation office. Removed..~~
- ~~101. Travel bureau.~~
- ~~102. Upholstery shop.~~
- ~~103. Variety store.~~
- ~~104. Video store.~~
- ~~105. Wholesale office and showroom.~~
- ~~106. Wholesale warehouse not exceeding 20,000 square feet of storage.~~

Subd. 3. Conditional Uses. No structure or land shall be used except by conditional use permit for any of the following uses as such are defined and in accordance with the required lot provisions, design and performance standards, and conditions set by the Council.

- A. Apartments; *located above the first floor provided off-street parking requirements are met.*
- B. Carwash; provided the site plan illustrates appropriate vehicular and pedestrian circulation and stacking of vehicles.
- C. Funeral Home, *provided* a plan shall be submitted identifying the access points and traffic circulation on the property. Said plan must provide for a minimal interference to the circulation pattern on abutting streets and to adjoining uses of property.
- D. Bed and Breakfasts, hotels and motels.
- E. Dance Hall, provided off-street parking requirements are met and the site is at least 60 feet from a residential district.
- F. Multiple-family dwellings; *provided off-street parking requirements are met.*

~~G. Manufacturing and wholesaling.~~ Moved to interim uses.

G. Motels, provided there is sufficient off-street parking.

H. Outdoor seating for food and drinking establishments

I. Pawn shop.

J. Theater, not a drive-through; provided the site plan illustrates appropriate vehicular and pedestrian circulation and parking.

Subd. 4. Interim Uses.

A. Manufacturing and wholesaling, providing:

1. The use must not be disruptive to the viability of downtown and must be found to be complimentary to the downtown area.

2. The site plan must contain adequate provisions for loading, unloading, and inside storage of materials, including waste materials, and it shall include design elements consistent and compatible with the downtown image and objectives of this Chapter.

3. The use occurs in a structure with a history of manufacturing and/or wholesaling activity.

4. The use shall include a sunset date established by the Planning Commission and approved by the City Council.

5. Procedures outlined in the Interim Use Permit section of the Zoning Ordinance are adhered to.

Subd. 5. Accessory Uses. The following uses are permitted accessory uses as such uses are defined and in accordance with the required lot provisions and design standards. However, any incidental repair or processing necessary to conduct a permitted principal use shall not occupy more than 30 percent of the floor area.

A. Off-street parking and loading.

B. Signs.

C. Electronic amusement devices (machines) where the principal use is a Class I, Class II or ~~Class III~~ restaurant or a dry goods, drug, variety, hobby, or toy store. Up to four such devices are permitted. However if the area of the principal use is at least 15,000 square feet, up to 30 such devices are permitted.

D. Temporary outdoor storage or display of goods used in conjunction with and on the same site as the permitted use provided that the goods are not outdoors overnight; the storage or display area does not exceed 100 square feet; and the storage or display is not within the required front yard, or when a side yard abuts a street in the side yard, setback area.

~~E. Bed and breakfast.~~ **Listed as a conditional use**

Subd. 5. Lot Requirements.

A. Minimum Lot Size, Yards and Setbacks.

Lot Area 2,000 square feet

Lot Width 20 feet

Front Yard Setback 0 feet

Rear Yard Setback 0 feet

Side Yard Setback 0 feet

B. Density. The minimum lot area per dwelling unit in a multiple family development shall not be less than 2,000 square feet of lot area for each dwelling unit.

C. Maximum Height. No structure or building shall exceed ~~five~~ **three** stories or ~~50~~ **40** feet in height, whichever is less, except the following which may not exceed 75 feet in height: church spires, belfries and cupolas that do not contain usable space; monuments; flag poles; chimneys; cooling towers; elevator penthouses; and radio, television and other communication towers.

~~D. Bulk. The floor area ratio shall not exceed 2.0. (This requirement suggests that with 0 foot setbacks a maximum two stories would be allowed, however; maximum height is 50 feet which suggests an allowable three-story building. If the Planning Commission's goal is to require setbacks for three-story buildings this provision is ok. We felt the Commission may wish to at least review this requirement).~~

E. **C.** One Principal Building. There shall be no more than one principal building on one lot except as provided under conditional-use provisions.

~~F. Yard. No yard or other open space shall be reduced in area so as to make such yard or other open space less than the minimum required by this Chapter; and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required yard or open space of any structure shall be included as a part of any yard or open space required for another structure. (There are no setback or yard requirements in this district- See Subd. 5, therefore this does not apply to this district).~~

~~G. Encroachment Exceptions. The following shall not be encroachments on yard setback requirements. (There are no setback or yard requirements in this district- See Subd. 5, therefore this does not apply to this district).~~

~~1. Bays not exceeding a depth of two feet or containing an area of more than 20 square feet. Awnings, door hoods, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, provided they do not extend more than three feet into a yard and provided such encroachment is no closer than four feet from all lot lines.~~

~~2. Yard lights and the nameplate signs, floodlights or other sources of light illuminating authorized illuminated signs or illuminating parking areas, loading areas, or yards for safety and security purposes, provided the direct source of light is not visible from the public right-of-way or adjacent residential property.~~

~~3. In front yards only, awnings and door hoods extending five feet into the required front yard setback area.~~

~~4. In front yards only, vestibules extending five feet into the required front yard setback area if the vestibule (a) is designed, constructed and attached to the principal structure in accordance with the requirements of the Building Code; (b) is constructed of materials compatible with the principal structure; and (c) has an area as measured to the outside of the outside walls does not exceed 30 square feet.~~

~~5. In front yards only, heating, ventilating and air conditioning equipment, provided that no portion of such equipment shall extend more than six feet from the principal structure, no portion shall be more than 36 inches in height, and such equipment shall be screened from view from a public right-of-way by evergreen plantings. Canopies no more than 12 feet wide, which shall not extend more than one-half the distance into the required front or side yard, if there is a demonstrated need and no other practical alternate solution, provided that the encroachment is approved by the Fire Chief and Zoning Administrator.~~

~~6. Terraces, steps, uncovered porches, stoops or similar structures which do not extend more than two and one-half feet above the height of the ground-floor level of the principal building and do not extend to a distance less than two feet from any lot line. Flag poles, bird baths, and other ornamental features detached from the principal building.~~

Subd. 6. Design and Performance Standards. The design and performance standards are established to encourage a high standard of development by providing assurance that land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions which depreciate property values, that cause blight or are detrimental to the environment. Before any building permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the design and performance standards. The applicant or owner shall supply data necessary to demonstrate such conformance.

~~A. Noise. It is unlawful to make, continue or cause to be made or continued, any noise in excess of the noise levels set forth unless such noise be reasonably necessary to the preservation of life, health, safety or property. Sounds in excess of the residential district limitation as measured in a residential district are violations of this Section whether the sound originates in a residential district or any other district.~~

<u>Duration of Sound</u>	<u>6:00am - 6:00pm</u>	<u>6:00pm - 6:00am</u>
Less than 10 minutes	75 dB	70 dB
Between 10 minutes and 2 hours	70 dB	60 dB
In excess of 2 hours	60 dB	50 dB

~~B. Manufacturing and Wholesaling. Subject to the following:~~ *(Note: This is already listed above in Subd. 3. C. as a Conditional Use. These conditions should be listed in that section to avoid duplication and confusion, or we would recommend that these uses are more appropriately placed in the Industrial District and not Central Business District. In unique situations, the City may want to issue an Interim Use Permit to allow a very short term use of property for this use, with a sunset date or event which terminates the activity.)*

~~1. The use must not be disruptive to the viability of downtown and must be found to be complimentary to the downtown area.~~

~~2. The site plan must contain adequate provisions for loading, unloading, and inside storage of materials, including waste materials, and it shall include design elements consistent and compatible with the downtown image and objectives of this Chapter.~~

~~C. Funeral Homes. Subject to the following:~~ *(Note: This is already listed above in Subd. 3. D. as a Conditional Use. These conditions have been moved to that section to avoid duplication and confusion.)*

~~1. A plan shall be submitted identifying the access points and traffic circulation on the property. Said plan must provide for a minimal interference to the circulation pattern on abutting streets and to adjoining uses of property.~~

~~A. D.~~ **A.** ~~D.~~ Business Inside. All business, service, storage, merchandise, display and repair and processing, where permitted, shall be conducted wholly within an enclosed structure except for off-street vehicular parking and off-street loading.

~~B. E.~~ **B.** ~~E.~~ Storage. Open storage in conjunction with a permitted business shall be prohibited.

~~C. F.~~ **C.** ~~F.~~ Sale of Goods. Goods produced on the premises shall be sold only on the premises, at retail, and the processes and equipment employed in production shall not produce any offensive odor, dust, smoke, ash, gas, noise, vibration or refuse.

~~D. G.~~ **D.** ~~G.~~ Site Layout. The site layout must be compatible with and not detrimental to other surrounding property in the general area and make adequate provision for:

1. The needs of pedestrians, automobiles and bicycles, including proper circulation and parking;

2. Use of the existing topography and site vegetation in the location and orientation of structures and other facilities;

3. Traffic conditions;

4. Transitional features and decorative walls or live hedges for separation and screening purposes;

5. Views to and from the site;

6. Storage of trash in the principal building or in an accessory building of architecture and materials identical to the principal building;

7. Planted parking islands to control parking and traffic circulation where appropriate and landscape breaks in areas intended for the parking of approximately 20 cars in a row;

8. Proper drainage of a site;

9. Location of curb cuts so that no cuts exist closer to an intersection than 30 feet from the point of intersection of the setback lines adjacent to intersecting streets; and

10. Relating the use of the site to existing and proposed uses of other abutting properties.

E. Design Permit. A design review permit is required for any/all site alterations in the Central Business District. Plans shall be consistent with the adopted Design Standards for the Central Business District.

~~H. Landscaping. At least 2 percent of the site shall have diversified landscaping in addition to the landscaping required in setback areas for free-standing, detached structures. All landscaped areas are to be developed with live deciduous and coniferous plants, trees and shrubs which provide a variety of color, textures, heights, and forms consistent with the needs of the site and other elements of the plan. All trees are to be at least 2 1/2 inches in diameter one foot off the ground at the time of planting. The landscaped areas may contain some stone, wood, patio blocks, sculpture, and other appropriate ornamental features.~~

~~I. Outdoor Lighting. All outdoor lighting which is not globe lighting shall be directed perpendicular to the ground or directly on a building so that no direct rays are visible from off the property.~~

~~F. J. Utilities. Shall be placed underground and meters shall be screened from view from the street.~~

~~K. Required Yards and Setback Areas. Required yards and setback areas, except driveways and areas used as a garage or accessory building, shall be graded to final elevations and sodded or seeded and landscaped with trees and shrubs. Said grading and landscaping shall be completed within 180 days after first occupancy of the building. Any fence, wall or other similar work must be completed within 180 days after construction commences. All property developed and property for which construction has commenced or a building permit issued prior to December 31, 1991 shall conform to this requirement on or before June 30, 1992. (Moved to Design Standards Manual)~~

~~G. L. Required Parking. Development and modifications to all parcels and buildings are subject to the provisions on Off-street Parking and Loading Spaces.~~

~~H.. M. Signs. Development and modification to all parcels, street uses and buildings are subject to the sign provisions.~~

~~I. N. Land and Water Preservation. Development and modifications to all parcels, structures and buildings are subject to the provision on Land and Water Preservation and Protection.~~

Θ- Architecture and Materials. Development and modification to all parcels, structures and buildings are subject to the provision on Architectural Control and Building materials *and Central Business District Design Standards.*

J. Other controls. This section is in addition to and not in lieu of other official controls adopted by the city council or the Secretary of Interior Standards for buildings on the national register of historic places. Where the standards, regulations or provisions contained in this section are inconsistent or in conflict with other standards, regulations or provisions any provisions of the City Code, Secretary of the Interior or the provisions of any other applicable statutes, rules, regulations or ordinances, the most restrictive provisions shall govern in order to preserve, protect and enhance the historic character and charm of the central business district.