

CHAPTER 1114

**B-3, HIGHWAY BUSINESS DISTRICT**

SECTION:

- 1114.01: Purpose
- 1114.02: Permitted Uses
- 1114.03: Accessory Uses
- 1114.04: Conditional Uses
- 1114.05: Interim Uses (Added, Ord. 735, 5-10-04)

1114.01: **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. (1988 Code §40.18)

1114.02: **PERMITTED USES:** The following are permitted uses in a B-3 District:

All permitted uses as allowed in a B-2 Limited Business District.

Amusement centers.

Auto accessory stores.

Bowling alleys. (Ord. 617, 6-8-98)

Commercial recreational uses.

Grocery stores, supermarkets.

Motels, motor hotels and hotels; provided, that the lot area contains not less than five hundred (500) square feet of lot area per unit.

Private clubs or lodges serving food and beverages with use being restricted to members and their guests. Adequate dining room, kitchen and bar space must be provided according to standards imposed upon similar unrestricted customer operations. The serving of alcoholic beverages to members and their guests shall be allowed; provided, that such service is in compliance with applicable Federal, State and Municipal regulations<sup>1</sup>. Offices of such use shall be limited to no more than twenty percent (20%) of the gross floor area of the building.

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<sup>1</sup> See Chapters 501, 502 and 503 of this Code; see M.S.A. Chapter 340A.

Public or semi-public recreational buildings and neighborhood or community centers, public and private educational institutions limited to elementary, junior high and senior high schools and religious institutions, such as churches, chapels, temples and synagogues. (Ord. 617, 6-8-98)

Rental stores.

Restaurants, cafes, tea rooms, taverns, on- and off-sale liquor.

Taxi terminals, stands and offices. (Ord. 452, 2-27-89; Ord. 581, 6-10-96)

1114.03:       **ACCESSORY USES:** The following are permitted accessory uses in a B-3 District:

All permitted accessory uses as allowed in a B-2, Limited Business District. (1988 Code §40.18)

1114.04:       **CONDITIONAL USES:** The following are conditional uses in a B-3 District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title):

Subd. 1. Drive-in and convenience food establishments; provided, that:

- a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
- b. At the boundaries of a residential district, a strip of not less than ten feet (10') shall be landscaped and screened in compliance with subdivisions 1103.08(1) through (5) of this Title.
- c. Each light standard island and all islands in the parking lot shall be landscaped or covered.
- d. Parking areas shall be screened from view of abutting residential districts in compliance with subdivisions 1103.08(1) through (5) of this Title.
- e. Parking areas and driveways shall be curbed with continuous curbs not less than six inches (6") high above the parking lot or driveway grade.
- f. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement, shall comply with Chapter 1121 of this Title and shall be subject to the approval of the Director of Public Works/City Engineer.

- 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 1103.09 of this Title.
  - h. The entire area shall have a drainage system which is subject to the approval of the Director of Public Works/City Engineer.
  - i. The entire area, other than that occupied by buildings or structures or plantings, shall be surfaced with a material which will control dust, drainage and erosion which is subject to the approval of the Director of Public Works/City Engineer.
  - j. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code<sup>1</sup>.
  - k. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.
- Subd. 2. 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 area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  - 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 Director of Public Works/City Engineer.
  - c. At the boundaries of a residential district, a strip of not less than ten feet (10') shall be landscaped and screened in compliance with subdivisions 1103.08(1) through (5) of this Title.
  - d. Each light standard island and all islands in the parking lot shall be landscaped or covered.
  - e. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with subdivisions 1103.08(1) through (5) of this Title.
  - f. The entire area, other than occupied by the building or plantings, shall be surfaced with material which will control dust, drainage and erosion which is subject to the approval of the Director of Public Works/City Engineer.

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<sup>1</sup> See Chapter 1008 of this Code.

- g. The entire area shall have a drainage system which is subject to the approval of the Director of Public Works/City Engineer.
  - h. 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 1103.09 of this Title.
  - i. 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 Director of Public Works/City Engineer.
  - j. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code<sup>1</sup>.
  - k. Provisions are made to control and reduce noise.
  - l. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.
- Subd. 3. Motor fuel station, auto repair, minor and tire battery stores and service; provided, that:
- a. Regardless of whether the dispensing, sales or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Title for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
  - b. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  - c. The entire site, other than that taken up by a building, structure or plantings, shall be surfaced with a material to control dust, drainage and erosion which is subject to the approval of the Director of Public Works/City Engineer.
  - d. A minimum lot area of twenty two thousand five hundred (22,500) square feet and minimum lot dimensions of one hundred fifty feet by one hundred thirty feet (150' x 130') be provided.

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<sup>1</sup> See Chapter 1008 of this Code.

- e. A drainage system, subject to the approval of the Director of Public Works/City Engineer, shall be installed.
- f. A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas.
- g. 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 1103.09 of this Title.
- h. Wherever fuel pumps are to be installed, pump islands shall be installed.
- i. At the boundaries of a residential district, a strip of not less than ten feet (10') shall be landscaped and screened in compliance with subdivisions 1103.08(1) through (5) of this Title.
- j. Each light standard island and all islands in the parking lot shall be landscaped or covered.
- k. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with subdivisions 1103.08(1) through (5) of this Title.
- l. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Chapter 1121 of this Title and shall be subject to the approval of the Director of Public Works/City Engineer.
- m. All signing and informational or visual communication devices shall be minimized and shall be in compliance with the Mounds View Sign Code<sup>1</sup>.
- n. Provisions are made to control and reduce noise.
- o. No outside storage except as allowed in compliance with subdivision 4 of this Section shall exist.
- p. No outside sale or service except as allowed in compliance with subdivision 5 of this Section shall exist.
- q. Sale of products other than those specifically mentioned in this Section shall be subject to the conditional use permit.

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<sup>1</sup> See Chapter 1008 of this Code.

r. All conditions pertaining to a specific site are subject to change when the City 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.

s. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

Subd. 4. Open and outdoor storage as an accessory use; provided, that:

a. The area is fenced and screened from view of neighboring uses or if abutting an R District in compliance with subdivisions 1103.08(1) through (5) of this Title.

b. Storage is screened from view from the public right of way in compliance with subdivisions 1103.08(1) through (5) of this Title.

c. Storage area is grassed or surfaced to control dust.

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 1103.09 of this Title.

e. The open and outdoor storage does not take up parking space as required for conformity to this Title.

f. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

Subd. 5. Open or outdoor service, sale and rental as a principal or accessory use and including sales in or from motorized vehicles, trailers or wagons for a period greater than ten (10) days; (Amended, Ord. 733, 5-10-04)

a. Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.

b. Outside sales areas are fenced or screened from view of neighboring identical uses or an abutting R District in compliance with subdivisions 1103.08(1) through (5) of this Title.

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 sections 1103.08 and 1103.09 of this Title.

d. Sales area is grassed or surfaced to control dust.

- e. The open or outdoor service, sale or rental use does not take up parking space as required for conformity of this Title.
  - f. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.
- Subd. 6. An accessory use which is a permitted use in a B-2 District, and:
- a. Such use does not constitute more than thirty percent (30%) of the lot area and not more than fifty percent (50%) of the gross floor area of the principal use.
  - b. The off-street parking and off-street loading requirements of Chapters 1121 and 1122 of this Title have been met.
  - c. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code<sup>1</sup>.
  - d. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.
- Subd. 7. Solar energy and wind generator systems and solar and wind generator structures<sup>2</sup>. (1988 Code §40.18)
- Subd. 8. Motor vehicle and recreation equipment sales and garages accessory thereto; provided that:
- a. Motor vehicle sales shall be on one (1) lot or contiguous lots not separated by a public street, alley, or other use.
  - b. The minimum lot width shall be one hundred fifty feet (150') at the minimum required front yard setback, as defined in Section 1104.01, Yard Requirements for B-3 Zoning Districts.
  - c. A minimum lot area of two (2) acres is required.
  - d. Setbacks shall be as required in Section 1104.01, Yard Requirements for B-3 Zoning Districts.

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<sup>1</sup> See Chapter 1108 of this Code.

<sup>2</sup> See Sections 1103.04 and 1103.05 of this Title.

e. The entire site on which motor vehicle sales is located, other than that devoted to buildings and structures or landscaped areas shall be surfaced and maintained with a material to control dust, drainage and erosion which is subject to the approval of the Director of Public Works/City Engineer.

f. A drainage system, subject to the approval of the Director of Public Works/City Engineer, shall be installed and maintained. All provisions shall apply as included in Chapters 1103, 1010 and 1302 relating to Surface Water Management.

g. The following parking requirements shall be met:

(1) All customer and employee parking spaces shall be permanently and clearly marked.

(2) For every three (3) employees, a minimum of two (2) employee parking spaces shall be provided.

(3) A minimum of two (2) off-street parking spaces for each service stall are required.

The foregoing required parking spaces shall be shown and designated on the site plan.

h. All outdoor illumination on sales lots shall be provided with lenses, reflectors, or shades, which will concentrate the light upon the premises so as to prevent glare or direct rays and shall be in compliance with Section 1103.09 of the Municipal Code.

i. The maximum areas permitted for outside storage of motor vehicles can not exceed two (2) square feet of outside storage to each one (1) square foot of enclosed ground floor area. Not more than one (1) automobile shall be stored on each forty (40) square feet of outside storage. No rooftop parking shall be permitted.

j. Accessory buildings to be used solely for sales offices shall not be permitted. Such accessory buildings as are permitted shall be constructed of the same materials as the main structure.

k. All signing and informational or visual communication devices shall be in compliance with Chapter 1008.08 of the Sign Code regulations.

l. A minimum ten percent (10%) of the property, excluding setback requirements, is required for landscaped green space. The planting plan and type of shrubbery shall require approval of the Planning Commission based upon a recommendation of City Forester.

- m. A natural screen shall be erected and maintained along all property lines separating the site from any Residential District. The screening shall include landscaping (trees, shrubs, grass, etc.) of a type (layout, species, height, size and density) in compliance with Subdivision 1103.08 of the Title.
  - n. The hours of operation of the facility shall not exceed seven o'clock (7:00) a.m. to ten o'clock (10:00) p.m.
  - o. Test driving routes and patterns must be submitted and approved prior to operation of an automobile sales lot.
  - p. No music or advertisement will be allowed over paging systems.
  - q. All provisions shall apply as included in Section 1103.01 relating to noise within the City Code.
  - r. All car lots shall be brought into conformance within seven (7) years of the date this ordinance is effective. (Ord. 570, 1-8-96; Ord. 581, 6-10-96)
- Subd. 9. Wireless telecommunications towers and antennae subject to the provisions established in Chapter 1124 of the Zoning Code. (Ord. 588, 2-10-97)
- Subd. 10. Day care center, group nursery; provided that: (Ord. 595, 4-14-97)
- a. No overnight facilities are provided for the children served. Children are delivered and removed daily. (Ord. 595, 4-14-97)
  - b. The front yard depth shall be a minimum of thirty five feet (35'). (Ord. 595, 4-14-97)
  - c. Minimum lot area shall be no less than one (1) acre, or as provided in Section 1104.02, subdivision 2b(3). (Ord. 590, 11-25-96)
  - d. Not less than forty (40) square feet of outside play space per child be provided and that such space be suitably fenced and/or screened in accordance with conditions as specified by the City Council. (Ord. 595, 4-14-97)
  - e. Adequate off-street parking and access is provided in compliance with Chapter 1121 of this Title. (Ord. 595, 4-14-97)
  - f. Adequate off-street loading and service entrances are provided in compliance with Chapter 1122 of this Title. (Ord. 595, 4-14-97)
  - g. The site and related parking and service entrances shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated. (Ord. 595, 4-14-97)

- h. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code. (Ord. 595, 4-14-97)
- i. The provisions of Section 1125.01, subdivision 1e of this Title are considered and satisfactorily met. (Ord. 590, 11-25-96)
- j. The distance between any outdoor play yard for a day care center or group nursery and the Highway 10 right-of-way line shall be a minimum of two hundred feet (200'), except as provided in Section 1123.02, subdivision 1c. (Ord. 595, 4-14-97)
- k. No day care center or group nursery shall be permitted where the distance from the property line for the day care center or group nursery to a premise requiring a liquor license, as provided in Section 502 of the Municipal Code, or a license for an adult establishment, as provided in Section 513 of the Municipal Code, is five hundred feet (500') or less, except that the five hundred (500) foot requirement shall not apply to any liquor establishment receiving at least sixty percent (60%) of its annual gross sales revenue from the sale of food. (Ord. 595, 4-14-97)

1114.05: **INTERIM USES:** The following are interim uses in a B-3 District requiring an Interim Use Permit. An interim use permit must be obtained in accordance with procedures identical in form and substance to the conditional use permit procedures found in Section 1125.01, subdivision 3 of the Mounds View Municipal Code. Interim Use Permits may be approved for a determined or undetermined period of time at the sole discretion of the City Council. (Added, Ord. 735, 5-10-04)

Subd. 1. All permitted interim uses as allowed in a B-2 District. (Added, Ord. 735, 5-10-04)