

DIVISION 7. INDUSTRIAL DISTRICT REGULATIONS***Sec. 36-241. Purpose of division.**

The provisions of this division deal with industrial use of land and structures in the city.
(Code 1976, § 14:5-7)

Sec. 36-242. Industrial restrictions and performance standards; general provisions.

No structure or premises within any I district shall be used for one or more of the following uses unless its use complies with the following regulations:

- (1) Except for off-street vehicular parking, off-street loading, or as specifically permitted in other sections of this chapter, all business, service, storage, merchandise, display, repair, waste disposal, and processing shall be conducted wholly within an enclosed structure.
- (2) Except as specifically permitted in other sections of this chapter, outdoor storage shall be prohibited in the I-P and I-G districts.
- (3) Processes and equipment employed in production of goods shall conform to the following standards:
 - a. *Vibration.* Any vibration discernible beyond the property line to the human sense of feeling for five minutes or more duration (cumulative) in any one hour and any vibration producing a particle velocity of more than 0.035 inch per second are prohibited. For properties abutting an R district, no vibration producing a particle acceleration velocity of more than 0.035 inch per second at the property line are permitted between the hours of 7:00 p.m. and 7:00 a.m.
 - b. *Glare and heat.* Any operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.
 - c. *Industrial waste material.* All liquid and solid wastes shall be identified in all processes and operations and approved disposal methods identified. All waste discharged to the sanitary sewer shall meet the requirements of the city and the rules and regulations of the metropolitan waste control commission. All proposed discharges to the storm sewer shall be identified. No waste will be permitted to be discharged into the storm sewer system, provided that this does not exclude storm drainage, cooling water, and other water not prohibited by any law, rule, regulation or ordinance. Storm drainage shall meet the requirements of all state laws, rules, regulations, watershed district requirements, and city requirements as may be amended from time to time. Stormwater drainage shall be protected from undue pollution and contaminants. All solid wastes must be identified and handled in compliance with federal, state, and local requirements as may be amended from time to time.
 - d. *Noise.* Noise levels inside and outside of all buildings must meet federal, state, and local requirements as may be amended from time to time.

***Cross reference(s)**--Businesses and licenses, ch. 8.

- e. *Air pollution.* All emissions shall meet federal, state, and local requirements as may be amended from time to time.
- (4) Manufacture of a product which decomposes by detonation or produces dioxin will not be permitted.
 - (5) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept as required by city ordinances regulating refuse as may be amended from time to time.
 - (6) There shall be no access to a property which is within 50 feet of the intersection of the nearest curb of any public streets unless it can be demonstrated that adherence to this standard will cause undue hardship to the property owner.
 - (7) No storage, display or parking of vehicles shall be permitted in any required yard or landscaped areas.
 - (8) All utility service lines, including electric, gas, water, sanitary sewer, telephone and cable, shall be placed underground at the owner's expense for all new structures or new additions which expand the gross square footage by more than 50 percent, and in those instances in which any new service is provided to an existing building.
 - (9) Access to all industrial uses shall be from a roadway identified in the comprehensive plan as a collector or arterial or otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - (10) Where industrial uses are located on sites which abut R districts, all activities including trucking are limited to normal hours of operation except for those specifically excluded. Normal hours of operation are defined as being between the hours of 6:00 a.m. and 10:00 p.m. Monday through Saturday inclusive and includes all manufacturing, processing, loading, unloading, truck maneuvering and movement of equipment and other materials. It does not include administrative or office functions or maintenance or cleanup work conducted entirely within a structure.

Properties in the I districts situated so that railroad tracks or street and highway rights-of-way which are greater than 66 feet in width are located between the property in the I district and the R district are exempt from this requirement, except for that part of the site within 100 feet of a property line abutting any residentially used property.

Operations may be conducted between the hours of 10:00 p.m. and 6:00 a.m., subject to the following conditions:

- a. The person conducting operations outside of normal business hours shall apply for a temporary permit for hours of operation between 10:00 p.m. and 6:00 a.m. The application for such permit shall specify the name and address of the applicant, the location of the temporary operation, the nature of the activity, the anticipated duration of such activity and the name and telephone number of the responsible person available on the premises while temporary operations are being conducted.
- b. A temporary permit may be granted for a period not to exceed 15 days. A person receiving a temporary permit may apply for extensions, provided that the number of days in which temporary permits are granted shall not exceed 90 days in any calendar year.

- c. A permit shall not be issued to any applicant which has had two violations of a temporary permit and/or this chapter within a period of one year preceding the date of application.
- d. A permit issued pursuant to this section shall be revoked upon a violation of this chapter or the terms of the permit by the permit holder.
- e. No permit shall be issued for the time from 10:00 p.m. Saturday to 6:00 a.m. Monday.
- f. When a permit is issued for a period of time exceeding five days, notice shall be sent to owners of residential property abutting the property for which a permit is granted informing them of the terms of the permit. The holder of the temporary permit shall reimburse the city for the cost of such notice.
- g. Employee parking during temporary operations shall be located on the site as far as possible from parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
(Ord. No. 2248-03, 8-18-03)
- h. The fee for a temporary permit shall be as established by the city council.
- i. Outdoor activity of any type, including trucking, shall be prohibited.
- j. A business shall apply for a temporary permit at least one business day before the after-hour activity is to commence. The city shall act upon the temporary permit within one business day of receiving the request.

- (11) No outdoor public address systems shall be permitted.
(Code 1976, § 14:5-7.1, Ord. No. 2248-03, 8-18-2003)

Sec. 36-243. I-P industrial park district.

(a) Purpose/intent. The purpose of the I-P industrial park district is to provide locations for large and small scale industrial enterprises engaged in such activities as assembly, storage, warehousing and light manufacturing which are not typically associated with high levels of noise, soot, odors and other potential nuisance impacts upon adjoining properties in an industrial park setting. The requirements of this district include relatively low maximum floor area and impervious surface ratios.

(b) Permitted uses. The following uses are permitted in an I-P district.

- (1) Park and open space.
- (2) Police and fire stations.
- (3) Post offices.
- (4) Business/trade school/college.
- (5) Parcel delivery services.

- (6) Recycling operations.
- (7) Showrooms.
- (8) Warehouse and storage.
- (9) Transit stations.
- (10) Time transfer stations.
- (11) Studios.

(Ord. No. 2312-06, 4-14-06; Ord. No. 2358-08, 8-14-08)

(c) Uses permitted with conditions. A structure or land in an I-P district may be used for one or more of the following uses if its use complies with the conditions stated in section 36-242 and those specified for the use permitted in this subsection:

- (1) *Group day care/nursery schools.* The conditions are as follows:
 - a. The use shall occupy a maximum of ten percent of the gross floor area.
 - b. The use is intended primarily for the benefit of employees.
 - c. A minimum of 40 square feet of outside play space per pupil shall be provided and such space shall be enclosed by a fence.
 - d. An off-street dropoff and loading area shall be designed in order to maintain vehicular and pedestrian safety.
 - e. Outdoor play areas shall be located a minimum of 15 feet from any property lines.
 - f. No outdoor play area shall be located within 200 feet of any principal arterial as defined on the comprehensive plan.
- (2) *Public service structures.* The conditions are as follows:
 - a. Any outdoor storage areas shall be located a minimum of 25 feet from any residential property.
 - b. The exterior faces of all buildings shall meet the provisions of section 36-366.
 - c. All structures shall be located a minimum of ten feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
 - d. All service drives shall be paved.
- (3) *Utility substations.* The conditions are as follows:
 - a. Structures shall be located a minimum of 25 feet from any property line.

- b. No structures shall be located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
- (4) *Communication towers* that are 110 feet or less in height, subject to the provisions of Section 368 (Communication Towers and Antennas).
(Ord. No. 2367-09, 1-23-09)
- (5) *Manufacturing/processing*. The conditions are as follows:
- a. All outdoor activities such as loading and unloading shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers, and where possible shall be
 - b. The applicant must sign a statement acknowledging and agreeing to abide with all of the applicable performance standards and other regulations of this chapter.
- (6) *Parking lots as an exclusive principal land use*. The conditions are as follows:
- a. Access shall be from a roadway identified in the comprehensive plan as a collector or arterial or shall be located so that it can be provided without generating significant traffic on local residential streets.
- (7) *Parking ramps as principal structure*. The conditions are as follows:
- a. The height of any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers, may not penetrate the height of a line commencing at and perpendicular to such parcel and extending upward and away from such parcel at a slope of five horizontal feet for each vertical foot.
 - b. The minimum yard requirement for any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers, shall be 50 feet.
 - c. A parking ramp shall be screened from view from any abutting property located within an R district. The screening shall include a six foot berm where the parking ramp is above ground.
 - d. If the parking ramp is located within 400 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within such parcel ten feet lower than the maximum structure height of that use district at a distance of 400 feet from the wall of the parking ramp nearest to such parcel.

- (8) *High impact sexually-oriented business.* The conditions are as follows:
- a. No person shall operate a high impact sexually-oriented business on property, any part of which is within the area circumscribed by a circle which has a radius of 350 feet from any of the uses listed in this subsection (c)(8). Distances shall be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the property lines of the two uses. This distance requirement applies to the following uses:
 1. Property developed or zoned for residential uses.
 2. Property located in a major recreation zone.
 3. Property frequented by children or designed as a family destination, such as a day care facility, school, library, park, playground, nature center, religious institution and other public recreational facility.
 4. Premises licensed under chapter 3 of this Code, relating to on-sale liquor, beer and wine licensing.
 - b. No person shall operate a high impact sexually-oriented business on property, any part of which is within the area circumscribed by a circle which has a radius of 1,000 feet from of another high impact sexually-oriented business.
 - c. No owner, manager or employee may sell or display for sale any sexually-oriented materials except in original unopened packages.
 - d. No owner, manager or employee of a high impact sexually-oriented business shall have been convicted of a sex crime, as identified in M.S.A. §§ 609.293--609.352, 609.746--609.749, 609.79, 518B.01, or related statute dealing with sexual assault, sexual conduct, harassment, obscenity or domestic abuse.
 - e. No owner, manager, or employee of a high impact sexually-oriented business shall allow any sexually-oriented materials or entertainment to be used on any sign or window display.
 - f. No owner, manager or employee of a high impact sexually-oriented business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the high impact sexually-oriented business establishment which is prohibited by any ordinance of the city, the laws of the state, or the laws of the United States. Nothing in this chapter shall be construed to authorize or permit conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.
 - g. The business owner, manager or employee shall ensure that no person under the age of 18 years enters the business.
 - h. No owner, manager or employee shall allow any sexually-oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.

- i. No owner, manager or employee shall allow any person under the age of 18 years to have access to sexually-oriented materials, whether by sight, purchase, touch or any other means.
 - j. Each business shall display a sign on its main entrance door which reads: "This business sells sexually-oriented material or entertainment. Persons under the age of 18 are prohibited from entering." The sign letters shall be a minimum of two inches high.
 - k. No business licensed under this subsection may have a license under chapter 3 of this Code, and no alcoholic beverages may be consumed in the business.
 - l. No business shall exceed 10,000 square feet in gross floor area.
 - m. No patron, employee or other person may physically contact any specified anatomical area of himself or herself, or of any other person, except that a live performer may touch himself or herself.
 - n. Each live performer shall remain at all times a minimum distance of ten feet from all members of the audience, and shall perform on a platform intended for that purpose, which shall be raised at least two feet from the level of the floor on which the audience is located. No performer may solicit or accept any pay, tip, or other item from any member of the audience.
 - o. No business shall have any booths, stalls or partitions which separate any area from a general public room. The restrictions of this subsection (c)(8)o. do not apply to restrooms, storage rooms, or private offices of the owner, manager or employees of the business, if such storage rooms or offices are used solely for running the business and no person other than the owner, manager and employees is allowed in the storage rooms or offices.
 - p. The business owner, manager or employee shall ensure that no person under the age of 18 years enters the business.
- (9) *Medical, optical and dental laboratories.* No direct delivery of health-related examination, services or treatment to customers on an appointment or walk-in basis.
- (10) *Catering.* The conditions are as follows:
- a. All outdoor activities such as loading and unloading shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers, and where possible shall be located on the side of the building farthest from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
 - b. The applicant must sign a statement acknowledging and agreeing to abide with all of the applicable performance standards and other regulations of this chapter.

(d) Uses permitted by conditional use permit. No structure or land in an I-P district shall be used for the following uses except by conditional use permit. These uses shall comply with the industrial restrictions and performance standards of section 36-242 and all of the general conditions provided in section 36-367 and with the specific conditions imposed in this subsection (d).

- (1) *Heliport.* The conditions are as follows:
 - a. All heliports and helicopter flyways shall conform to all applicable Federal Aviation Administration regulations.
 - b. Heliports shall not establish or utilize any approach and departure routing over areas located within an R district.
 - c. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m., excluding emergency operations.
 - d. The helicopter pad shall not be located within 300 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
 - e. The landing pad shall be dust free.
 - f. The use shall be permitted only as an accessory to another principal use, and shall not occupy more than 25 percent of the total site area of the development.
- (2) *Office, 50 percent or more of gross floor area* The conditions are as follows:
 - a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - b. Office floor area ratio shall not exceed 0.5.
 - c. Building must meet exterior surface materials specified in section 36-366(b)(6)b.
- (3) *More than one principal building.* Uses where more than one principal building is located on a single lot.
- (4) *Group Daycare/Nursery Schools.*
 - a. A minimum of 40 square feet of outside play space per pupil shall be provided and such space shall be enclosed by a 42 inch minimum height fence and bufferyard D.
 - b. An off-street dropoff and loading area shall be designed in order to maintain vehicular and pedestrian safety.
 - c. Outdoor play areas shall be located a minimum of 15 feet from any property lines and shall be screened with a bufferyard D.
 - d. No outdoor play area shall be located within 200 feet of any principal arterial as defined on the comprehensive plan.
 - e. The daycare facility, including the outdoor play area, shall be no closer than 350 feet to any property containing a sexually oriented business.
 - f. The neighboring industrial uses shall not have an adverse impact on the operations and health, safety and welfare of the proposed group daycare/nursery school. The characteristics of such impacts shall be analyzed by the planning, fire and health officials, and shall include, but not be limited to, dust, truck traffic, odors and hazardous materials.

(Ord. No. 2278-04, 9-9-04)

- (5) *Communication towers* more than 110 feet in height but not to exceed 199 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas).
(Ord. No. 2367-09, 1-23-09)

(e) Uses permitted by PUD. No structure or land in an I-P district shall be used for the following uses except by the PUD process. Provisions for the PUD and modifications to dimensional standards and densities are provided under section 36-367.

- (1) Retail other than accessory.
- (2) Service.

(f) Accessory uses. The following uses shall be permitted accessory uses in an I-P district:

- (1) Office, provided that it occupies less than 50 percent of the gross floor area of the development.
- (2) Parking lots.
- (3) Parking ramps, provided that all of the conditions of subsection (c)(7) of this section are met.
 - a. The height of any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers, may not penetrate the height of a line commencing at and perpendicular to such parcel and extending upward and away from such parcel at a slope of five horizontal feet for each vertical foot.
 - b. The minimum yard requirement for any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers, shall be 50 feet.
 - c. A parking ramp shall be screened from view from any abutting property located within an R district. The screening shall include a six foot berm where the parking ramp is above ground.
 - d. If the parking ramp is located within 400 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within such parcel ten feet lower than the maximum structure height of that use district at a distance of 400 feet from the wall of the parking ramp nearest to such parcel.
- (4) Railroad spurs.
- (5) Outdoor storage with the following conditions:
 - a. Where properties abut a railroad track, fencing shall not be required on the side of the storage yard which faces, or is adjacent to, the railroad track, unless the average grade of the railroad track is less than six feet higher than the average grade of the storage yard.
 - b. Storage shall not be permitted within any required yards other than the rear yard.

- c. Storage areas shall be separated from the vehicular parking or circulation areas. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, line of planters, or by a clearly marked paved area. If the means of demarcation is a marked paved area, such marked area shall be at least ten feet in width.
 - d. Stored materials shall not interfere with traffic visibility standards in section 36-76.
 - e. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored on land on which storage is permitted by a conditional use permit issued under this section.
 - f. All areas used for outdoor storage shall be maintained in a fashion which minimizes the generation of dust from the storage area and precludes the transport of sand, gravel, or other sediment to the public drainage system during stormwater runoff. Surface materials used in outdoor storage areas may include, but are not limited to, concrete, asphalt, crushed rock and gravel.
- (6) Repair and maintenance of motor vehicles and equipment incidental to the conduct of the principal use, subject to the following conditions:
- a. All repairs and maintenance shall be conducted indoors unless the vehicle or equipment is too large to be moved indoors or if the vehicle or equipment cannot practically be moved indoors or if the repair is of an emergency nature.
 - b. No outdoor repair or maintenance shall be conducted within 100 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
- (7) Food service, subject to the following conditions:
- a. Service shall be intended primarily for tenants of the development.
 - b. It shall not occupy more than five percent of the gross floor area of the development.
 - c. Seating may be provided for more than ten persons.
 - d. Signs are not permitted.
- (8) Retail sales limited to a maximum of 15 percent of the gross floor area of the development.
- (9) Large item retail sales limited to a maximum of 15% of the gross floor area of the development.

(g) Dimensional standards.

- (1) No structure or building shall exceed the lesser of six stories or 75 feet in height, unless a greater height is permitted by section 36-78.
- (2) The floor area ratio within the I-P district shall not exceed 0.5.
- (3) A side yard abutting a street shall not be less than 25 feet in width.

- (4) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth in subsection (e) of this section:

Height (feet)	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard Depth (feet)	Side Yard Depth (feet)	Rear Yard Depth (feet)
15	15,000	75	50	20	20
25	15,000	75	50	25	20
35	18,000	100	50	30	20
45	18,000	100	50	30	40
60	22,500	150	50	35	40
75	22,500	150	50	35	40

For properties abutting any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, the building height limitations are modified as follows: Within 100 feet of said parcel, the building heights shall not penetrate a line commencing at a point 15 feet above the ground level at the required yard depth and sloping upward at a rate of one vertical foot for each two feet of horizontal distance. Structures further than 100 feet from said parcel are subject to the general height limitations in this district. (Ord. No. 2248-03, 8-18-03)

- (5) Where a lot has railroad trackage abutting the interior side lot line or rear lot line, there shall be no side yard or rear yard requirements abutting the trackage if a railroad loading facility is constructed.
- (6) Where adjacent lots within the block front, or lots on both sides of a lot 300 feet or more along the block front are occupied by a principal structure having a front yard of less than 50 feet, the required front yard depth shall be equal to or greater than the average front yard depths of the adjacent structures. If only one lot is occupied by the principal structures, the front yard depth shall be half the sum of 50 feet plus the depth of the required yard of that adjacent principal structure.

(Code 1976, § 14:5-7.2; Ord. No. 2168-00, 5-15-2000; Ord. No. 2188-01, 2-5-2001; Ord. No. 2234-02, § 2, 12-2-2002; Ord. No. 2248-03, 8-18-2003, Ord. No. 2312-06, 4-14-2006; Ord. No. 2325-07, 5-7-2007; Ord. No. 2358-08, 8-14-2008; Ord. No. 2367-09, 1-27-2009)

Cross reference(s)--Businesses and licenses, ch. 8.

Sec. 36-244. I-G general industrial district.

(a) Purpose/intent. The purpose of the I-G general industrial district is to provide locations for large and small scale industrial enterprises engaged in such activities as manufacturing, processing, assembly, storage and warehousing.

(b) Permitted uses. The following uses are permitted in an I-G district.

- (1) Parks and open space.
- (2) Police and fire stations.
- (3) Post offices.
- (4) Business/trade school/college.

- (5) Studios.
- (6) Freight terminals.
- (7) Manufacturing/processing.
- (8) Parcel delivery services.
- (9) Recycling operations.
- (10) Showrooms.
- (11) Warehouse and storage.
- (12) Transit stations.
- (13) Time transfer stations.
- (14) Catering.

(Ord. No. 2358-08, 8-14-08)

(c) Uses permitted with conditions. A structure or land in an I-G district may be used for one or more of the following uses if its use complies with the conditions stated in section 36-242, and those specified for the use permitted in this subsection:

- (1) *Group day care/nursery schools.* The conditions are as follows:
 - a. The use shall occupy a maximum of ten percent of the gross floor area of a building.
 - b. The use is intended primarily for the benefit of employees.
 - c. A minimum of 40 square feet of outside play space shall be provided per pupil and such space shall be enclosed with a fence.
 - d. An off-street passenger dropoff and loading area shall be designed in order to maintain vehicular and pedestrian safety.
 - e. Outdoor play areas shall be located a minimum of 200 feet from any roadway defined in the comprehensive plan as a principal arterial.
- (2) *Public service structures.* The conditions are as follows:
 - a. Outdoor storage areas shall be located a minimum of 25 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
 - b. Structures shall be located a minimum of ten feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
 - c. All service drives shall be paved.

- (3) *Utility substations.* The conditions are as follows:
- a. No structure shall be located within 25 feet of any property line.
 - b. No structure shall be located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
- (4) *High impact sexually-oriented business.* The conditions are as follows:
- a. No person shall operate a high impact sexually-oriented business on property, any part of which is within the area circumscribed by a circle which has a radius of 350 feet from any of the uses listed in this subsection (4)a. Distances shall be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the property lines of the two uses. This distance requirement applies to the following uses:
 1. Property developed or zoned for residential uses.
 2. Property located in a major recreation zone.
 3. Property frequented by children or designed as a family destination, such as a day care facility, school, library, park, playground, nature center, religious institution and other public recreational facility.
 4. Premises licensed under chapter 3 of this Code, relating to on-sale liquor, beer and wine licensing.
 - b. No person shall operate a high impact sexually-oriented business on property, any part of which is within the area circumscribed by a circle which has a radius of 1,000 feet from another high impact sexually-oriented business.
 - c. No owner, manager or employee may sell or display for sale any sexually-oriented materials except in original unopened packages.
 - d. No owner, manager or employee of a high impact sexually-oriented business shall have been convicted of a sex crime, as identified in M.S.A. §§ 609.293--609.352, 609.746--609.749, 609.79, 518B.01, or related statute dealing with sexual assault, sexual conduct, harassment, obscenity or domestic abuse.
 - e. No owner, manager or employee of a high impact sexually-oriented business shall allow any sexually-oriented materials or entertainment to be used on any sign or window display.
 - f. No owner, manager or employee of a high impact sexually-oriented business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the high impact sexually-oriented business establishment which is prohibited by any ordinance of the city, the laws of the state, or the laws of the United States. Nothing in this chapter shall be construed to authorize or permit conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.

- g. The business owner, manager or employee shall ensure that no person under the age of 18 years enters the business.
 - h. No owner, manager or employee shall allow any sexually-oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.
 - i. No owner, manager or employee shall allow any person under the age of 18 years to have access to sexually-oriented materials, whether by sight, purchase, touch or any other means.
 - j. Each business shall display a sign on its main entrance door which reads: "This business sells sexually-oriented material or entertainment. Persons under the age of 18 are prohibited from entering." The sign letters shall be a minimum of two inches high.
 - k. No business licensed under this subsection may have a license under chapter 3 of this Code, and no alcoholic beverages may be consumed in the business.
 - l. No business shall exceed 10,000 square feet in gross floor area.
 - m. No patron, employee or other person may physically contact any specified anatomical area of himself or herself, or of any other person, except that a live performer may touch himself or herself.
 - n. Each live performer shall remain at all times a minimum distance of ten feet from all members of the audience, and shall perform on a platform intended for that purpose, which shall be raised at least two feet from the level of the floor on which the audience is located. No performer may solicit or accept any pay, tip, or other item from any member of the audience.
 - o. No business shall have any booths, stalls or partitions which separate any area from a general public room. The restrictions of this subsection (c)(4)o. do not apply to restrooms, storage rooms, or private offices of the owner, manager or employees of the business, if such storage rooms or offices are used solely for running the business and no person other than the owner, manager and employee is allowed in the storage rooms or offices.
 - p. The business owner, manager or employee shall ensure that no person under the age of 18 years enters the business.
- (5) *Animal handling.* The conditions are as follows:
- a. Where animals are boarded, the facility shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)

- (6) *Appliance, small engine and bicycle repair.* Outside operating or testing of engines shall be prohibited within 300 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
- (7) *Autobody/painting.* The conditions are as follows:
- a. Inoperable vehicles shall be stored in appropriately designed and screened storage areas.
 - b. The facility shall be located a minimum of 300 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
 - c. No sales, storage or display of used automobiles shall be permitted.
- (8) *Communication towers* that are 110 feet or less in height, subject to the provisions of Section 368 (Communication Towers and Antennas).
(Ord. No. 2367-09, 1-23-09)
- (9) *Composting operations.* The conditions are as follows:
- a. All buildings, structures and activity areas shall be located a minimum of 30 feet from all lot lines.
 - b. No food scraps or other vermin-attracting materials shall be processed, stored or disposed on the site.
 - c. Operations shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by applicable statutes, rules or regulations.

- (10) *Motor vehicle service and repair.* The conditions are as follows:
- a. No sound generated on the site by any means, including a public address system, shall be audible from any R district.
 - b. All repair, assembly, disassembly and maintenance of vehicles shall be inside a closed building except tire inflation, changing wipers or adding oil.
 - c. No test driving shall be permitted on any street in an R or O district.
 - d. No access shall be permitted on local residential streets.
 - e. No building shall be located within 100 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
 - f. Additional conditions for carwash:
 1. A carwash shall have parking space to permit the stacking of at least 30 cars or the maximum number of vehicles which can be washed during a 30-minute period, whichever is greater; plus an additional ten off-street parking spaces for storage of employee-owned and employee-washed vehicles.
 2. Drainage and surfacing plans for a carwash shall be approved by the city. The plans shall describe the washwater disposal and sludge removal facilities to be employed to accomplish dust, salt, and other chemical and mud abatement on the premises and prevent the accumulation of surface water, washwater or sludge on the site or in the vicinity of the premises.
 3. All parking and paved areas shall meet the drainage, design and landscaping provisions of section 36-361.
 4. No ingress or egress points for a carwash shall be closer than 150 feet from the point of intersection of the required yard lines and intersecting streets. The exit door from the carwash shall be at least 45 feet from the public right-of-way. Drainage shall be away from the public street at the egress points to prevent spillage onto the street. The grades of the interior floor shall be sloped away from the exit door, and the floor shall be sloped to an accepted interior drainage system. No water which is used in the operation of the carwash shall be allowed to flow from the site onto any public right-of-way.
- (11) *Outdoor storage.* The conditions are as follows:
- a. Where properties abut a railroad track, fencing shall not be required on the side of the storage yard which faces, or is adjacent to, the railroad track, unless the average grade of the railroad track is less than six feet higher than the average grade of the storage yard.
 - b. Storage shall not be permitted within any required yards.

- c. Storage areas shall be separated from the vehicular parking and circulation areas. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence or line of planters, or by a clearly marked paved area. If the means of demarcation is a marked paved area, such marked area shall be at least ten feet in width.
- d. Stored materials shall not interfere with either on-site or off-site traffic visibility.
- e. Inoperative vehicles or equipment or other items typically stored in a junkyard or salvage yard shall not be stored on land on which storage is permitted with conditions under this section.
- f. All areas used for outdoor storage shall be paved.

(12) *Parking lots as a principal land use.* The conditions are as follows:

- a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- b. Access and vehicular circulation shall be designed to discourage cut-through traffic.

(13) *Parking ramps as principal structure.* The conditions are as follows:

- a. The height of any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers, may not penetrate the height of a line commencing at and perpendicular to such parcel and extending upward away from such parcel at a slope of five horizontal feet for each vertical foot.
- b. The minimum yard requirement for any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers, shall be 50 feet.
- c. Access shall be directly to a roadway identified as a collector or arterial in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets.
- d. Screening shall be provided along all property lines abutting an R district. The screening shall include a six foot berm where the parking ramp is above ground.
- e. If the parking ramp is located within 400 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within such parcel ten feet lower than the maximum structure height of that use district at a distance of 400 feet from the wall of the parking ramp nearest to such parcel.

- (14) *Office, 50 percent or more of gross floor area.* The conditions are as follows:
- a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - b. The uses must meet all off-street parking requirements.
 - c. The building must meet exterior surface material requirements for nonindustrial districts as specified in section 36-366(b)(6)b.
- (15) *Medical, optical and dental laboratories.* No direct delivery of health-related examination, services or treatment to customers on an appointment or walk-in basis.

(d) Uses permitted by conditional use permit. No structure or land in an I-G district shall be used for the following uses except by conditional use permit. Those uses shall comply with the requirements of all the general conditions provided in section 36-242 and section 36-365 and with the specific conditions imposed in this subsection (d).

- (1) *Heliport.* The conditions are as follows:
- a. All heliports and helicopter flyways shall conform to all applicable Federal Aviation Administration regulations.
 - b. Heliports shall not establish or utilize any approach and departure routing over areas located within an R district.
 - c. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m., excluding emergency operations.
 - d. The helicopter pad shall not be located within 300 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
 - e. The landing pad shall be dustfree.
 - f. The use shall be permitted only as an accessory to another principal use; and shall not occupy more that 25 percent of the total site area of the development.
- (2) *More than one principal building.* Uses where more than one principal building is located on a single lot.
- (3) *Group Daycare/Nursery Schools.*
- a. A minimum of 40 square feet of outside play space per pupil shall be provided and such space shall be enclosed by a 42 inch minimum height fence.
 - b. An off-street dropoff and loading area shall be designed in order to maintain vehicular and pedestrian safety.
 - c. Outdoor play areas shall be located a minimum of 15 feet from any property lines.
 - d. No outdoor play area shall be located within 200 feet of any principal arterial as defined on the comprehensive plan.

- e. The daycare facility, including the outdoor play area, shall be no closer than 350 feet to any property containing a sexually oriented business.
- f. The neighboring industrial uses shall not have an adverse impact on the operations and health, safety and welfare of the proposed group daycare/nursery school. The characteristics of such impacts shall be analyzed by the planning, fire and health officials, and shall include, but not be limited to: noise, dust, truck traffic, odors and hazardous materials.
(Ord. No. 2278-04, 9-9-04; Ord. No. 2325-07, 5-7-07)

(4) *Communication towers* that are more than 110 feet in height but not to exceed 199 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas).
(Ord. No. 2367-09, 1-23-09)

(e) Accessory uses. The following uses shall be permitted within any I-G district:

- (1) An office, if it occupies less than 50 percent of the gross floor area of the development.
- (2) Off-street parking lots which comply with section 36-361.
- (3) Parking ramps, if they comply with all of the conditions of subsection (c)(13) of this section.
- (4) Railroad spurs.
- (5) Retail sales limited to a maximum of 15 percent of the gross floor area of the development.
- (6) Food service, subject to the following conditions:
 - a. Service shall be intended primarily for tenants of the development.
 - b. It shall not occupy more than five percent of the gross floor area of the development.
 - c. Seating may be provided for more than ten persons.
 - d. Signs are not permitted.
- (7) Repair and maintenance of motor vehicles and equipment incidental to the conduct of the principal use, subject to the following conditions:
 - a. All repairs and maintenance shall be conducted indoors unless the vehicle or equipment is too large to be moved indoors or if the vehicle or equipment cannot practically be moved indoors or if the repair is of an emergency nature.
 - b. No outdoor repair or maintenance shall be conducted within 100 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
- (8) Large item retail sales limited to a maximum of 15% of the gross floor area of the development.

- (9) Motor fuel station. Subject to the following conditions:
 - a. The motor fuel station shall be for fleet vehicle use only, and shall not be open to the public.
 - b. All pump islands, air dispensers and other service devices shall be installed toward the interior of the lot at least 12 feet from the required yard line, and no display, servicing of vehicles, parking or dispensing of gasoline shall take place within the required yard. On sites where pump islands have been constructed at the required yard line, a landscaped area of eight feet will be installed in the required yard.
 - c. All on-site utility installations shall be placed underground.
 - d. Canopy and canopy support systems shall be constructed using architectural design and materials which are compatible with the principal structure. Only incidental regulatory signage may be permitted on the canopy and canopy support systems.
 - e. No sound generated on the site by any means including a public address system shall be audible from any R district.
 - f. Modification of the requirements of this section may be made for businesses in existence on the effective date of the ordinance from which this chapter is derived, if the city council finds that, because of the shape of the lot, size of the lot, the location of the principal building on the lot, or similar circumstances, it would be impossible to satisfy the strict terms of this section or that they could be satisfied only by imposing exceptional or undue hardship upon the owner of the lot. This section shall not be interpreted to allow public use of the motor fuel station.
(Ord. No. 2275-04, 8-3-04; Ord. No. 2325-07, 5-7-07)

(f) Dimensional standards. Dimensional standards are as follows:

- (1) No structure or building shall exceed six stories or 75 feet in height, whichever is less, unless a greater height is permitted by section 36-78.
- (2) The floor area ratio within the I-G district shall not exceed 1.0.
- (3) A side yard abutting a street shall not be less than 15 feet wide.
- (4) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth in this subsection (f):

<i>Height (feet)</i>	<i>Lot Area (sq. ft.)</i>	<i>Lot Width (feet)</i>
15	5,000	50
25	5,500	50
35	7,500	75
45	7,500	75
60	10,000	100
75	10,000	100

<i>Height (feet)</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard Depth</i>		<i>Rear Yard Depth (feet)</i>
		<i>Side One (feet)</i>	<i>Side Two (feet)</i>	
15	20	12	0	10
25	20	12	0	10
35	20	12	0	10
45	1/2 height	12	0	20
60	1/2 height	12	12	20
75	1/2 height	12	12	20

For properties abutting any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, the building height limitations are modified as follows: Within 100 feet of said parcel, the building heights shall not penetrate a line commencing at a point 15 feet above the ground level at the required yard depth and sloping upward at a rate of one vertical foot for each two feet of horizontal distance. Structures further than 100 feet from said parcel are subject to the general height limitations in this district. (Ord. No. 2248-03, 8-18-03)

- (5) If the side yard abuts an alley, both the required side yard widths for buildings less than 45 feet high shall be zero feet.
- (6) Where a lot has railroad trackage abutting the interior side lot line or rear lot line, then a railroad loading facility may be constructed with no setback requirements.
- (7) Where adjacent lots within the block front or lots on both sides of a lot within 300 feet along the block front, whichever is less, are occupied by a principal structure having a front yard depth either less than or greater than 20 feet, the required front yard depth shall be equal to or greater than the average front yard depth of the adjacent structures. If only one lot is occupied by a principal structure, the front yard depth shall be half the sum of 20 feet plus the depth of the required yard of that adjacent principal structure.

(Code 1976, § 14:5-7.3; Ord. No. 2168-00, 5-15-2000; Ord. No. 2188-01, 2-5-2001; Ord. No. 2234-02, § 2, 12-2-2002, Ord. No. 2248-03, 8-18-2003; Ord No. 2275-04, 7-19-2004; Ord. No. 2278-04, 9-20-2004; Ord. No. 2325-07, 5-7-2007; Ord. No. 2358-08, 8-14-2008; Ord. No. 2367-09, 1-23-2009)

Cross reference(s)--Businesses and licenses, ch. 8.

Secs. 36-245--36-260. Reserved.