

Section 521 - Zoning: downtown district
(Added, Ord. No. 98-08)

521.01. DD-1 - downtown district. Subdivision 1. Purpose. A district to preserve and enhance the existing pedestrian character of the downtown commercial area, to permit uses that promote conversion of existing buildings and the development of new buildings in a manner that maintains the visual character and architectural scale of existing development within the district, to promote the transformation of the downtown into an even more compact pedestrian- and transit-oriented mixed-use area with a traditional “main street” character, and to establish reasonable development standards and regulations which support these objectives. This district is intended to facilitate the implementation of those portions of the comprehensive plan that set policies for the downtown, as well as policy direction from goals and objectives adopted by the economic development authority.

With respect to relationship to other applicable regulations and enforcement, in addition to the provisions specified in this district, all property located within this district shall be subject to all the applicable standards, procedures and regulations of sections 505, 510, 530 and 535. Where the provisions of this district and the sections specified above are in conflict, the provisions of this district shall apply except for section 530.07, “downtown architectural guidelines overlay district” in which case the provisions of the overlay district shall govern.

Subd. 2. Permitted uses. The following are permitted uses, up to 10,000 square feet in gross floor area, in the downtown district:

- (a) retail uses including, but not limited to, the sale of hardware, paint and wallpaper, meat market, bakery, grocery food items, gifts, flowers, drug store/pharmacy, books, hobby supplies, jewelry, antiques, new wearing apparel, pets and pet supplies, marine tropical fish sales and service, and craft shops making articles exclusively for sale at retail on the premises. (Amended, Ord. No. 12-02)
- (b) personal services including, but not limited to, tailor, dry cleaners, laundromat, copy centers including those with ancillary computer stations, barber shop, beauty salon, and shoe repair.
- (c) food retail services including, but not limited to, restaurant, delicatessen, coffee shop, ice cream shop, and convenience food establishment, excluding those establishments that provide drive-through window service.
- (d) professional offices including, but not limited to those for lawyers, engineers, accountants, urban planners, and architects.

- (e) medical office or including, but not limited to, dentists, doctors, optometrists, chiropractors, psychiatrists, and other practitioners of the healing arts for humans but excluding any such use where the principal services rendered are related to drug or alcohol detoxification.
- (f) business offices including, but not limited to, financial and banking services, real estate sales, travel agency, and insurance sales, but excluding check cashing and temporary employment agency.
- (g) blueprinting, printing, lithography, silk-screening, and sign painting.
- (h) studios or academies including, but not limited to, those for dance, art, drama, music, martial arts, and photography.
- (i) public utilities, civic uses, and essential public services.
- (j) gasoline service stations existing on date of adoption of this section.
- (k) light manufacturing and/or repair of small precision goods such as watches, dental, surgical or optical goods, needlework, jewelry, television, radio computer or electronic assembly, provided that all activities are totally enclosed within a structure and provisions are made to control and reduce noise.

Subd. 3. Permitted accessory uses. Permitted accessory uses in the downtown district (DD-1) are:

- (a) off-street parking as regulated by subsection 510.17 of this code, with the exception of subsection 510.17, subdivision 7 “number of spaces required”. For the number of spaces required in the downtown district (DD-1), see subdivision 7 of this district.
- (b) off-street loading as regulated by subsection 510.19 of this code.
- (c) signs, as regulated by subdivision 9 of this district.
- (d) open or outdoor service, sales and equipment rental provided that the outside use is limited to 25% of the gross floor area of the principal use to a maximum of 2,500 square feet, whichever is less.

Subd. 4. Conditional uses. The uses described in this subsection require a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code, provided that such conditions are based on the consideration of the purpose of this district, the downtown architectural design guidelines and the appropriateness of the use with respect to design or other compatibility with surrounding uses, pedestrian amenity, parking layout, vehicular ingress and egress and other site plan consideration. Conditional uses are the following:

- (a) permitted uses listed in subdivision 2 that exceed a gross floor area of 10,000 square feet in buildings that have a footprint of no more than 20,000 square feet.
- (b) multiple dwellings or senior housing provided that the units are contained in a mixed residential-commercial use building, provided that no more than 50% of the ground floor shall be used for residential purposes and that no portion of the West Broadway frontage may be used for residential dwelling units. (Amended, Ord. No. 08-02)
- (c) residential and commercial uses on the same floor.
- (d) hotels, provided that no more than 50% of the ground floor shall be used for hotel guest rooms and that no portion of the West Broadway frontage may be used for hotel guest rooms.
- (e) theaters (not of the drive-in type).
- (f) planned unit developments as regulated by subsection 530.05 of this code.
- (g) off-street parking areas in excess of 125% of the minimum specified in subdivision 7 of this downtown district.
- (h) shared and joint public parking.
- (i) Open or outdoor service, sales and equipment rental accessory use that exceeds 2,500 square feet provided that:
 - (1) The outdoor area devoted to service, sales and equipment rental, connected with the principal use, is limited to 25% of the gross floor area of the principal use.
 - (2) Outdoor areas are landscaped and fenced or screened from view of neighboring uses.
 - (3) All areas shall be asphalt or concrete surfaced.
 - (4) The use shall not take up parking space or loading areas as required for conformity to this section. (Added, Ord. No. 00-04)
- (j) Farmers market subject to rules and regulations adopted from time to time via resolution by the city council. (Added, Ord. No. 00-04)

- (k) retail sale of second hand, used or consignment wearing apparel, accessories, costume jewelry, shoes, boots or furniture occupying up to 2,250 sq. ft. or 25% of the gross floor area of the building (whichever is less) provided that:(Added, Ord. No.12-02)
- (1) there will be no exterior storage of used or consignment goods;
 - (2) there shall be no loading or unloading of used or consignment goods across a public sidewalk or from a public street, or such activities must be by appointment only;
 - (3) there is conformance with licensing requirements under Section 1135.05;
 - (4) it is not located in the B4p overlay district or it is excepted from the requirements of B4p by 530.02, Subd. 8(k).
- (l) Nonproduction brewery dispensing malt liquor brewed on the premises and served in a taproom in compliance with Minnesota Statutes Section 340A.301, subd. 6 (i) or 6 (j) and the licensing requirements in city code section 1200, provided that:
- (1) 1 parking space per 500 sq. ft. for brewery, processing, production, or storage or cooler areas and 1 parking space per 400 sq. ft. for taproom and office areas;
 - (2) All bulk deliveries shall be to the rear of the building and screened from residential uses;
 - (3) Primary access for employees and patrons will be from the parking lot;
 - (4) There is no outdoor storage of any brewing materials;
 - (5) Outdoor taproom seating and service areas shall require a conditional use permit pursuant to section 521.01, subd. 4(i) regardless of size and shall be regulated by city code section 1200.03, subd. 5 and 1205.23, subd. 4;
 - (6) The building architecture shall be compatible with the surrounding area and be consistent with the downtown architectural design guidelines; and
 - (7) Brewery production and operations areas shall be no more than 50% of the Gross Floor Area of the building.

(Added, Ord. No. 14-21)

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in the downtown district (DD-1):

- (a) Lot area: 2,500 square feet.
- (b) Lot width: 25 feet.
- (c) Setback and building orientation:
 - (1) Front yards: In order to reinforce the existing building line and to facilitate pedestrian access and circulation, all new principal buildings constructed after July 21, 1998 shall be built to within three feet of the front property line and shall be oriented so that the front of the building faces the public street. In the case of a corner lot, the building shall be built to within three feet of the front and corner-side property lines abutting each street, except that the ground floor of any building and any fences, walls, posts, trees, bushes or any plant life shall be set back in such a manner so as not to materially impede vision between a height of three feet and ten feet above the centerline grades of the intersection streets in the triangle bounded by the curb lines of such corner lot and a straight line joining points on such curb lines 20 feet from their intersection. Exceptions to the maximum setback of three feet are also permitted up to 15 feet, if the setback is pedestrian oriented and the design of the space contributes to the quality and character of the streetscape. (Amended, Ord. No. 99-15)
 - (2) Side yards: Zero maximum, except where the side yard contains a driveway in compliance with this code or where otherwise permitted as part of a conditional use permit.
 - (3) Rear yard: Zero required.

Subd. 6. Height. No structure shall exceed four stories or 50 feet in height except as provided in subsection 510.15, subdivision 1.

Subd. 7. Parking requirements. The following minimum areas shall be provided and maintained by ownership, easement, or lease or combination thereof for and during the life of the respective uses as hereinafter set forth:

- (a) retail uses: one space for every 400 square feet of gross floor area;
- (b) personal services: one space for every 400 square feet of gross floor area;
- (c) food retail services: one space for each eight seats based upon design; where there is no design layout, or where floor area is provided for patron use but not containing fixed seats, one space for each 200 square feet of gross floor area;
- (d) professional offices: one space for every 500 square feet of gross floor area;

- (e) medical offices or clinics for medical practitioners: one space for each 300 square feet of gross floor area;
- (f) business offices: one space for every 500 square feet of gross floor area;
- (g) blueprinting, printing, lithography, silk-screening, and sign painting: one space for every 400 square feet of gross floor area;
- (h) studios or academies: one space for every 400 square feet of gross floor area;
- (i) multiple dwelling units: one space per unit;
- (j) senior housing: one-half space per unit; (Amended, Ord. No. 08-02)
- (k) hotels: one space per each guest room plus one additional space for each 10 rooms;
- (l) theaters: one space per five seats;
- (m) light manufacturing and/or repair of small precision goods: one space for every 500 square feet of gross floor area.

Subd. 8. Landscaping requirements. All open areas of any site, except for that portion used for parking, driveways, and storage shall be landscaped and incorporated in a landscape plan, in accordance with the following:

- (a) landscaping shall be provided between parking lots and any adjacent public street, walk, or right-of-way; a landscaped area of at least three feet in width shall be provided, and contain a streetwall of a maximum total height of four feet, trees, or hedge maintained at least 36 inches in height above grade, to form a visual screen;
- (b) the remainder of the landscaped area shall be planted with trees, ground cover, low shrubs or flowering plants;
- (c) a performance bond is required in accordance with section 510.25, subdivision 2 (a)(2).

Subd. 9. Signs. Signs are permitted in accordance with the regulations in subsection 410.09 of this code, with the exception of subdivision 3 “business district”. Signs in the downtown district must comply with the following:

- (a) Type.
 - (1) An establishment may erect wall signs or projecting signs, or a combination thereof as regulated by clauses (b) and (c). (Amended, Ord. No. 10-09, Sec. 2)

- (2) Roof signs are prohibited. (Amended, Ord. No. 10-09, Sec. 2)
 - (3) Freestanding or pylon signs, permanent or temporary, shall not be permitted, except for joint or shared parking uses and monument signs no higher than six feet. Joint or shared parking signs shall not exceed 24 square feet nor a maximum height of 10 feet, and may only identify parking directions, locations, and parking use operator, and shall not associate the parking use with an individual business name or logo. (Amended, Ord. No. 00-10; Ord. No. 10-09, Sec. 2)
 - (4) Mural scenes or designs painted directly on an exterior building wall that are intended as decorative or ornamental features are permitted with the prior approval of the city council. Murals that include text, numbers, trademarks, logos or other forms of business advertisement shall be considered painted wall signs and must comply with the regulations of this code. Murals that are not painted wall signs are not regulated by clauses (b) and (c). (Amended, Ord. No. 10-09, Sec. 2)
 - (5) Sandwich board signs, one per business establishment, are permitted provided that they are located on the sidewalk in front of the business establishment and do not block pedestrian use of the sidewalk. Each side of the sandwich board sign shall not exceed nine square feet. Sandwich board signs are not regulated by clauses (b) and (c). (Amended Ord. No. 10-09, Sec. 2)
- (b) Number. An establishment may erect any number of wall or projecting signs provided that the total area does not exceed the total permitted area established in subdivision 9(c), building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall. (Amended, Ord. No. 00-10)
- (c) Size and materials.
- (1) The maximum total area of all signs on a façade of a business establishment shall not exceed three square feet per one lineal foot of business establishment frontage, not to exceed a maximum of 100 square feet. Window signs shall not be included in the above calculation and shall not exceed one-third of the glazed area of the window. Signs may be externally illuminated and shall be made of metal, painted wood or other painted similar material, but no acrylic signs or acrylic back-lit signs are permitted. Signs with limited acrylic material and limited back-lighting may be approved by the city council. Signs shall be placed on the building so as not to obscure architectural features and detail. (Amended, Ord. No. 00-10)

- (2) The maximum area of any individual wall sign shall not exceed two square feet per one lineal foot of business establishment frontage. The maximum area of any projecting sign shall not exceed six square feet.

Subd. 10. Performance standards.

- (a) Parking facilities: All driveways, parking areas, and loading docks shall be surfaced with blacktop, concrete, brick pavers, or other impervious material approved by the city. All parking areas shall have B6-12 poured concrete curbing installed on their perimeters and safety islands, and be in conformance with all other design requirements specified in subsection 520.01, subdivision 8(d).
- (b) Exterior storage: All materials and commercial equipment shall be kept inside a building and nothing shall be stored outside except that which has received a conditional use permit under subdivision 3(d) of this district.
- (c) Refuse: All waste materials, refuse, or garbage shall be kept in closed containers and screened as required by subsection 520.01, subdivision 10(d)(4) and by section 605 of the city code.
- (d) Screening:
 - (1) All required screening shall be according to subsection 510.25, subdivision 2 of this code.
 - (2) Plantings shall not be placed so as to obstruct lines of sight at street corners and driveways.
 - (3) Screening of off-street parking shall be required for:
 - (i) any off-street parking area requiring more than four spaces;
 - (ii) any driveway to a parking area of four or more spaces.
 - (4) All trash or garbage storage receptacles must be located in the rear or side yard and be totally screened from view from any public right-of-way. Provisions must be taken to protect screening from vehicle damage.
 - (5) All roof equipment, except alternate energy devices, must be screened from public view unless the equipment is designed as an integral part of the building and is compatible with the lines of the building, as determined by the city.

- (e) Drainage and grade requirements: A finished ground grade shall be established such that natural drainage away from all buildings is provided. The following minimum criteria shall apply:
- (1) the minimum elevation of finished grade shall not be less than one-fourth inch rise per horizontal foot of setback measured from curb grade;
 - (2) the city may specify a minimum finished ground grade for any structure in order to allow proper drainage and connection to city facilities.
- (f) Landscaping: Regular maintenance of all landscaping, as dictated by site conditions, shall be required. Failure to provide regular and required maintenance to consistently comply with and meet the intent of this section shall constitute a violation of this code. All uses shall provide water facilities to yard areas for maintenance and landscaping.
- (g) Exterior maintenance: It shall be the responsibility of the property owner to ensure that the exterior of any building or structure is kept in a good state of maintenance and repair. The boulevard area of a premise shall be properly maintained, groomed, and cared for by the abutting property owner.
- (h) Essential services: Underground connection is required on each lot served by electrical service, city sanitary sewer and city water line.
- (i) Lighting: In addition to section 510.25, subdivision 5, 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 residential uses. (Added, Ord. No. 00-04)