

**OFFICIAL PROCEEDINGS  
CITY OF COLUMBIA HEIGHTS  
CITY COUNCIL MEETING  
JUNE 25, 2018**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday June 25, 2018 the City Council Chambers, City Hall, 590 40th Ave. N.E., Columbia Heights, Minnesota

**1. CALL TO ORDER/ROLL CALL**

Mayor Schmitt called the meeting to order at 7:02 p.m.

Present: Mayor Schmitt, Councilmember Williams, Councilmember Murzyn, Jr., Councilmember Buesgens, and Councilmember Novitsky

Also Present: Walt Fehst; City Manager, Jim Hoeft; City Attorney, Keith Dahl; Economic Development Manager Elizabeth Hammond; City Planner, Joe Kloiber; Finance Director, Jackie Zillmer; Assistant Finance Director, John Larkin; Assistant Fire Chief, Ben Sandell; Communications Coordinator, and Katie Bruno; City Clerk/Council Secretary

**2. INVOCATION**

Invocation provided by Bill Hugo, St Matthew Church

**3. PLEDGE OF ALLEGIANCE**

**1. MISSION STATEMENT**, Read by Mayor Schmitt

Our mission is to provide the highest quality public services. Services will be provided in a fair, respectful and professional manner that effectively address changing citizen and community needs in a fiscally-responsible and customer friendly manner.

**5. APPROVAL OF AGENDA**

*Motipn by Councilmember Murzyn, Jr., seconded by Councilmember Williams to approve the agenda as presented. All Ayes, Motion Carried.*

**6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS**

**A. Presentation of GFOA Certificate of Achievement for Excellence in Financial Reporting**

Joe Kloiber, Finance Director presented the award to Assistant Finance Director Jackie Zillmer. This is the 27<sup>th</sup> consecutive year the City has received the award.

**B. 2017 Summary Financial Information presented by independent auditor, David Mol, Redpath & Co.**

David Mol, representing Redpath & Company gave a detailed overview of the 2017 Audit. Mol indicated the City received a clean/unmodified opinion for the 2017 Financial Statements.

**7. CONSENT AGENDA**

(These items are considered to be routine by the City Council and will be enacted as part of the Consent Agenda by one motion. Items removed from consent agenda approval will be taken up as the next order of business.)

**A. Approve Minutes of the City Council**

MOTION: Move to approve the minutes of the City Council meeting of June 11, 2018

**B. Accept Board and Commission Meeting Minutes**

MOTION: Move to accept the Library Board minutes from May 2, 2018

**C. SECOND READING of Ordinance No. 1649, an Ordinance amending City Code of 2005 relating to institutional uses in commercial areas within the City of Columbia Heights.**

MOTION: Waive the reading of Ordinance No. 1649, there being ample copies available to the public.

MOTION: Move to approve Ordinance No. 1649, being an Ordinance amending City Code of 2005 relating to institutional uses in commercial areas within the City of Columbia Heights.

MOTION: Move to approve the summary of Ordinance 1649, as presented for publication in the legal newspaper of Columbia Heights.

**D. Second Reading of Ordinance No. 1647, an ordinance amending City Code of 2005 relating to Zoning and Land Development, and establishing a PUD District**

MOTION: Move to waive the reading of Ordinance No. 1647, there being ample copies available to the public.

MOTION: Move to approve Ordinance No. 1647, being an ordinance amending City Code of 2005 relating to Zoning and Land Development, and establishing a Planned Unit Development District within the City of Columbia Heights.

MOTION: Move to approve Summary Ordinance 1638 as presented for publication in the legal newspaper of Columbia Heights.

**E. Approval Consideration of Resolution No. 2018-40, a Resolution Supporting the Submittal of a Pedestrian Facilities Application for Regional Solicitation Funds. \*Removed for Discussion**

**F. Consideration of approval of attached list of rental housing applications.**

MOTION: Move to approve the items listed for rental housing license applications for June 25, 2018, in that they have met the requirements of the Property Maintenance Code

**G. Approve Business License Applications**

MOTION: Move to approve the items as listed on the business license agenda for June 25, 2018.

**H. Review of Bills**

MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8 the City Council has reviewed the enclosed list of claims paid by check and by electronic funds transfer in the amount of \$1,180,785.28.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to approve the Consent Agenda items A, B, C, D, F, G, and H. All Ayes, Motion carried.*

The following item was removed from the Consent Agenda by Mayor Schmitt for discussion:

**E. Approval Consideration of Resolution No. 2018-40, a Resolution Supporting the Submittal of a Pedestrian Facilities Application for Regional Solicitation Funds**

Keith Dahl, Economic Development Manager reported the Regional Solicitation Program is part of the Metropolitan Council's federally-required continuing, comprehensive, and cooperative transportation planning process for the Twin Cities Metropolitan Area. The Pedestrian Facilities category provides funding

pecifically for pedestrian safety. Staff is proposing to include Central Avenue between 43<sup>rd</sup> and 47<sup>th</sup> Avenues because of the potential for increased pedestrian traffic with the new HyVee. Dahl stated the intersections at 43<sup>rd</sup>, 44<sup>th</sup> and 47<sup>th</sup> are the areas that staff is proposing to target.

Councilmember Williams asked how much money is being requested. Dahl stated the total project cost will range between \$2,000,000 and \$3,000,000, and the request would be for approximately \$1,700,000.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to waive the reading of Resolution 2018-40, there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Williams, seconded by Councilmember Novitsky to adopt Resolution 2018-40, a resolution of the City Council for the City of Columbia Heights, Minnesota, supporting the submittal of a Pedestrian Facilities Application for Regional Solicitation Funds. All Ayes, Motion Carried*

## **8. PUBLIC HEARINGS**

**A. Consideration of declaration of a nuisance and abatement of violations within the City of Columbia Heights is requested regarding the property at 4219 Central Avenue NE for failure to meet the requirements of the Residential Maintenance Code.**

John Larkin, Assistant Fire Chief reported staff has been working with the owner in order to resolve issues with the driveway at the property. The homeowner is expected to work with the Community Development Department to obtain permits, and provided the driveway is included in the plans, the abatement would be closed.

*Motion by Councilmember Williams, seconded by Councilmember Buesgens to close the public hearing and to waive the reading of Resolution Number 2018-38, there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Murzyn, Jr., seconded by Councilmember Novitsky to adopt Resolution Number 2018-38, being resolution of the City Council of the City of Columbia Heights declaring the property listed a nuisance and approving the abatement of violations from the property pursuant to City Code section 8.206. All Ayes, Motion Carried.*

## **9. ITEMS FOR CONSIDERATION**

- A. Other Ordinances and Resolutions
- B. Bid Considerations
- C. New Business and Reports

## **10. CITY COUNCIL AND ADMINISTRATIVE REPORTS**

Councilmember Murzyn, Jr. reported the Waffle Breakfast held on June 24<sup>th</sup> was well attended. Murzyn congratulated the Boosters and the Lions for a successful Jamboree.

Councilmember Novitsky reported the Jamboree was an overall success, and expressed gratitude to everyone involved. The carnival reported that they had their best year ever.

Councilmember Williams commented on the Jamboree Program Guide, and thanked Tim Utz for his work on the guide. Williams participated in the parade with the Library Board group.

Councilmember Buesgens attended the Community Picnic, the League of Minnesota Cities Annual Conference, the parade, Heights Idol, the waffle breakfast, and the coronation. Buesgens reported that 850 households (14%) are participating in the organics recycling program.

Mayor Schmitt attended the League of Minnesota Cities Annual Conference, where she served on the nominating committee for the Board of Directors. She attended the Community Picnic, the Jamboree parade, and the Coronation. She also attended the Peace Fest at the Science of Spirituality Center; she along with Chief Austin spoke at the event. City Hall was open during the fireworks to allow a quieter alternative for those interested.

City Manager Walt Fehst commented that the Royalty Program is very impressive, and thanked Dawn Hoium and Sue Hanson, and the other volunteers who work with the program.

Manger Fehst announced the Library has received a Design Award from the American Institute of Architects.

#### **11. COMMUNITY FORUM**

Malcom Watson-1717 49<sup>th</sup> Ave NE thanked the selection committee for naming him the 2018 Grand Marshal, and clarified some misinformation in the Jamboree Program Guide.

DeWayne Morrell-4212 Reservoir Blvd suggested a stop sign be considered at 42<sup>nd</sup> and Reservoir to address the excessive speed along Reservoir Blvd. Mr. Morrell suggested the City consider a partnership with some of the high school groups for a weekly clean-up along Central Avenue. Mr. Morrell asked if there are any updates on a dog park in the city. Councilmember Buesgens reported that a dog park is included in the 2040 Comprehensive Plan. Mr. Morrell asked for an update on the unpaved impound lot. Councilmember Williams responded that he believes a plan has been submitted.

Tim Utz-4141 Stinson Blvd thanked the City and the Public Works Staff for their assistance with the Jamboree Events. Utz encouraged anyone interested in volunteering to contact the Lions Club.

#### **12. ADJOURNMENT**

*Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to adjourn. All Ayes, Motion carried.*

Meeting adjourned at 8:27 p.m.



Respectively Submitted,  
Katie Bruno, Council Secretary/City Clerk

#### **RESOLUTION NO. 2018-38**

Resolution of the City Council for the City of Columbia Heights declaring the property a nuisance and approving abatement of ordinance violations pursuant to Chapter 8, Article II, of City Code, of the property owned by Lindy Properties (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 4219 Central Avenue N.E., Columbia Heights, Minnesota.

And whereas, pursuant to Columbia Heights Code, Chapter 8, Article II, Section 8.206, written notice setting forth the causes and reasons for the proposed council action contained herein was sent via regular mail to the owner of record on June 6, 2018.

Now, therefore, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

#### **FINDINGS OF FACT**

1. That on November 9, 2016, an inspection was conducted on the property listed above. Inspectors found violations. A compliance order was sent via regular mail to the owner at the address.
2. That on December 9, 2016, inspectors re-inspected the property listed above. Inspectors noted that violations remained uncorrected. A compliance order and statement of cause was mailed via regular mail to the owner listed in the property records.
3. That on June 21, 2017 and June 5, 2018, inspectors re-inspected the property and found that violations remained uncorrected.
4. That based upon said records of the Fire Department, the following conditions and violations of City Codes(s) were found to exist, to wit:
  - A. Shall repair/replace deteriorating driveway and parking lot.
5. That all parties, including the owner of record and any occupants or tenants, have been given the appropriate notice of this hearing according to the provisions of the City Code Section 8.206(A) and 8.206(B).

#### **CONCLUSIONS OF COUNCIL**

1. That the property located at 4219 Central Avenue N.E. is in violation of the provisions of the Columbia Heights City Code as set forth in the Notice of Abatement.
2. That all relevant parties and parties in interest have been duly served notice of this hearing, and any other hearings relevant to the abatement of violations on the property listed above.
3. That all applicable rights and periods of appeal as relating to the owner of record, occupant, or tenant, as the case may be, have expired, or such rights have been exercised and completed.

#### **ORDER OF COUNCIL**

1. The property located at 4219 Central Avenue N.E. constitutes a nuisance pursuant to City Code.
2. That a copy of this order shall be served upon all relevant parties and parties in interest.

#### **RESOLUTION NO. 2018-40**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF COLUMBIA HEIGHTS, MINNESOTA, SUPPORTING THE SUBMITTAL OF A PEDESTRIAN FACILITIES APPLICATION FOR REGIONAL SOLICITATION FUNDS.**

**BE IT RESOLVED**, by the City Council (the "Council") for the City of Columbia Heights (the "City") as follows:

**WHEREAS**, the City may act as the legal sponsor for the project contained in the Pedestrian Facilities application for Regional Solicitation funds; and

**WHEREAS**, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure matching funds and adequate construction of the proposed project; and

**WHEREAS**, the City has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

**WHEREAS**, the City desires to continue the implementation of safety improvements for pedestrians along Central Avenue NE between 43rd and 47th Avenues NE; and

**WHEREAS**, the proposed improvements shall provide a safe and secure environment, and shall enhance the experience of pedestrians to designated crosswalk locations along Central Avenue NE; and

**WHEREAS**, the City shall commit an amount equal to or greater than twenty (20) percent of the eligible project construction cost, together with the cost of design, administration, right-of-way, and peripheral project costs; and

**WHEREAS**, the City is committed to the operation and maintenance of the improvements under the City's jurisdiction for the design life of the proposed safety improvements.

**NOW, THEREFORE BE IT RESOLVED**, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of Columbia Heights makes the following:

1. The City Council adopts this resolution in support of the Pedestrian Facilities application for Regional Solicitation funds with respect to the proposed safety improvements along Central Avenue NE between 43rd and 47th Avenues.
2. The City Council authorizes the submission of this resolution to the Metropolitan Council Transportation Advisory Board and Technical Advisory Commission as part of the Pedestrian Facilities application for Federal Funds under the Regional Solicitation Program.

**ORDINANCE NO. 1647**

**BEING AN ORDINANCE AMENDING CITY CODE OF 2005 RELATING TO ZONING AND LAND DEVELOPMENT, AND ESTABLISHING A PLANNED UNIT DEVELOPMENT DISTRICT WITHIN THE CITY OF COLUMBIA HEIGHTS**

The City of Columbia Heights, Minnesota (the "City") does ordain:

**SECTION I:** That Chapter 9, Article 1: Zoning and Land Development of City Code is hereby amended to read as follows, to wit:

**§9.113 PLANNED UNIT DEVELOPMENT DISTRICT.**

**§9.113 9.114 OVERLAY DISTRICTS.**

**§9.114 9.115 PUBLIC AND OPEN SPACE DISTRICT.**

**§9.115 9.116 SUBDIVISION REGULATIONS.**

**SECTION II:** That Chapter 9, Article 1, Section 9.113: Planned Unit Development District shall hereafter read as follows, to wit:

**§9.113 PLANNED UNIT DEVELOPMENT DISTRICT.**

(A) *Purpose.* The purpose of the PUD, Planned Unit Development District is to provide greater flexibility with development and redevelopment; preserve historical, environmental, and aesthetically significant features; promote a high quality of design; and encourage more technological and energy efficient developments. This is achieved by undertaking a process that results in a development outcome that exceeds the typical development achievable through standard zoning controls.

(B) *General Provisions.*

(1) *Relationship to other applicable regulations.*

(a) Property located within a PUD District shall be subject to the land use controls described in the primary zoning district, as well as the rules and regulations prescribed in the PUD District plan. Where the provisions of the primary zoning district and the PUD District plan are in conflict, the PUD District plan shall govern.

(b) The PUD District plan review process, in accordance with the provisions of this section, constitute and supersede the requirements set forth in §9.104, subdivision (N)(2).

(2) *Right of application.* Any person having a legal interest in the property may file an application for the establishment of a PUD District to the Zoning Administrator.

(3) *Authority.* The City retains absolute authority and discretion to establish a PUD District, and reserves the right to deny the establishment of a PUD District if the City Council determines that the proposed benefits of the development do not justify the requested flexibilities of a PUD District.

(4) *Administration.* The administration and enforcement of this section shall be in accordance with the provisions of §9.104.

(5) *Application.* An application for establishment of a PUD District shall be filed with the Zoning Administrator on the approved form and shall be accompanied by an application fee as set forth in §9.104, subdivision (C)(5). An application shall include a narrative; a vicinity map; an accurately scaled site plan showing the locations of proposed and existing buildings, existing and proposed topography, vehicular access and parking areas, landscaping, and other site features; a stormwater management plan; elevation views of all proposed buildings and structures; and any other information determined by the Zoning Administrator to be necessary.

(6) *Approval.* Approval of a PUD District plan shall be by ordinance, a simple majority vote, and in full force and effect from and after 30 days after its passage.

(7) *Physical Development Contract.* After City Council approval of a PUD District plan, a Physical Development Contract shall be required prior to site development. The Physical Development Contract shall reference all the approved plans and specify permitted uses; allowable densities; development phasing if applicable; required public improvements; construction commencement and completion dates of the minimum improvements; an irrevocable letter of credit, or cash deposit in an amount sufficient to ensure the provision or development of public improvements; and any other requirements determined by the Zoning Administrator to be necessary. The Physical Development Contract shall be signed by the applicant or an authorized representative within sixty (60) days after its approval by City Council.

(8) *Time Limits.* An established PUD District shall be validated by the construction commencement of the minimum improvements pursuant to the Physical Development Contract. If the construction commencement fails to meet the deadline specified in the Physical Development Contract, the approval of the PUD District plan by the City Council shall be rendered invalid and void. Notwithstanding the construction commencement time limitations, the City Council may, at its own discretion, approve an extension by approval of an Amendment to the Physical Development Contract if requested by the applicant in writing.

(C) *Areas of Flexibility.* Development flexibility provided through the establishment of a PUD District will not be approved in avoidance of the regulations set forth by the primary zoning district. However, if a development is able to achieve a higher quality of design, efficiency, and technology than what current market conditions allow, the establishment of a PUD District will provide flexibility to the following areas:

- (1) Building Heights.
- (2) Building Materials
- (3) Building and Parking Setbacks.
- (4) Landscaping Requirements.
- (5) Multiple Building Placement.
- (6) Parking and Vehicular Requirements.
- (7) Public Art Requirements.
- (8) Public Spaces.
- (9) Signage Requirements.
- (10) Site Density.

(D) *Review Procedure.*

- (1) *Pre-application meeting.* Prior to filing an application to the Zoning Administrator for the establishment of a PUD District, the applicant shall meet with City staff for a pre-application meeting. The primary purpose of the pre-application meeting is to allow the applicant and City staff to discuss land use controls,



appropriate uses of the site, specific development design standards, the application process, and required information that shall be submitted with an application, as well as evaluate how the development will achieve a higher quality of design, efficiency and technology.

(2) *Development Review Committee.* After filing a completed application, the Development Review Committee, comprised of the Zoning Administrator, Building Official, Fire Chief, City Engineer, and his/her appointee, shall conduct an administrative review of the application. All findings and determinations by the Development Review Committee shall be forwarded to the Planning Commission.

(3) *Neighborhood Meeting.* Prior to the consideration of a PUD District plan or a major amendment to a PUD District plan by the Planning Commission, the applicant shall hold a Neighborhood Meeting within City limits, and mail a notification of the Neighborhood Meeting to all property owners and tenants within three hundred and fifty (350) feet surrounding the proposed PUD District. The purpose of the meeting is to inform the neighborhood of the proposed development and obtain input from the affected property owners and tenants.

(4) *Planning Commission.*

(a) *Informal Public Hearing.* The Planning Commission shall hold an informal public hearing for the consideration of a completed application for the establishment of a PUD District in accordance with the requirements of this section. The Planning Commission shall make the following findings of fact before approving the establishment of a PUD District:

(i) The PUD District plan conforms to all applicable requirements of this article.

(ii) The PUD District plan is consistent with the applicable provisions of the Comprehensive Plan.

(iii) The PUD District plan is consistent with any applicable area plan.

(iv) The PUD District plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.

(b) *Recommendation.* The findings and recommendation of the Planning Commission shall be forwarded to the City Council. The Planning Commission may impose conditions of recommended approval or modifications to any PUD District plan, and require guarantees deemed necessary to ensure compliance with the requirements of this section.

(5) *City Council.*

(a) *Formal Public Hearing.* The City Council shall hold a formal public hearing for the consideration of a completed application for the establishment of a PUD District in accordance with the requirements of this section.

(b) *Action.* The City Council shall review and consider the recommendations of the Planning Commission, the Development Review Committee, and the public before approval or denial, in whole or in part, is made for establishment of the PUD District. A denial shall only be based on findings of fact that

the PUD District plan is not in substantial compliance with the provisions of this section or City Council determines that the proposed benefits of the development do not justify the requested flexibilities of a PUD District.

(E) *Amendments.* An approved PUD District plan may not be changed or modified without prior approval by City Council. A request for an amendment to an approved PUD District plan shall be submitted and reviewed by the Zoning Administrator to determine if it is a minor or major amendment.

(a) *Minor Amendments.*

(i) An amendment shall be deemed minor in nature if a change or modification to the approved PUD District plan increases or decreases a provision to be in conformance with the primary zoning district; increases the density of units per acre or gross floor area in any structure by less than equal to ten percent (10%); demolishes or adds an accessory structure; significantly alters the original intent of the landscape plans or elevation views; or is not determined by the Zoning Administrator to be major in nature.

(ii) A minor amendment shall be placed on the Consent Agenda of City Council without the review by the Planning Commission. The City Council may remove the minor amendment from the Consent Agenda for discussion before approval or denial.

(b) *Major Amendments.*

(i) An amendment shall be deemed major in nature if a change or modification to the approved PUD District plan increases or decreases a provision to not be in conformance with the primary zoning district; increases the density of units per acre or gross floor area in any structure by more than ten percent (10%); demolishes or adds a principle structure; alters the placement of buildings or roads; introduces a new use; decreases the amount of public spaces by more than equal to three percent (3%) or alter it in such a way to change its original intent; creates a conflict with the original conditions of recommended approval; eliminates, substantially diminishes, or compromises the original intent of the PUD District as prescribed in subdivision (A) of this section; or is not determined by the Zoning Administrator to be minor in nature.

(ii) A major amendment shall require the submittal of a revised PUD District plan to the Zoning Administrator for full review and approval in accordance with the provisions of this section.

(F) *Cancellations.* An approved PUD District plan shall be cancelled and revoked only upon City Council approving a resolution rescinding the PUD District. Cancellation of a PUD District plan shall include findings of fact that demonstrate that the district is no longer necessary due to changes in local regulations; becomes inconsistent with the Comprehensive Plan of the City; threatens public safety, health, or welfare; or at the request of the applicant or assignee in writing.

**BEING AN ORDINANCE AMENDING CITY CODE OF 2005 RELATING TO INSTITUTIONAL USES IN COMMERCIAL AREAS WITHIN THE CITY OF COLUMBIA HEIGHTS**

**NOW, THEREFORE, BE IT RESOLVED** The City Council (Council) of the City of Columbia Heights, Minnesota (City) does ordain:

**SECTION 1:**

§9.110 (D) (3), City Code of 2005, as it currently reads is amended as follows:

(3) *Conditional uses.* Except as specifically limited herein, the following uses may be allowed in the LB, Limited Business District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- ~~(a) Religious facility/place of worship~~
- ~~(b) Convent or monastery, when accessory to a religious facility.~~
- ~~(c) School, public or private, K-12.~~
- (d) School, vocational or business.
- (e) School, performing/visual/martial arts.
- (f) Licensed day care facility, child or adult.
- (g) Government maintenance facility.
- (h) State licensed residential care facility.
- (i) Congregate living facility, including rooming houses, group living quarters, nursing homes, senior housing, assisted living facility, traditional housing and emergency housing.
- (j) Bed and breakfast home, when accessory to a single-family dwelling.
- (k) Community center.
- (l) Recreational facility, indoor.
- (m) Recreational facility, outdoor.
- (n) Single-family dwelling, when accessory to a commercial use.
- (o) Food service, limited (coffee shop/deli).
- (p) Hospital.
- (q) Museum/gallery.
- (r) Retail sales, not exceeding 2,500 square feet in area.
- (s) Hotel or motel.
- (t) Fences greater than six feet in height.
- (u) Brewer taproom, not exceeding 2,000 barrels of malt liquor a year.
- (v) Brew pub, not exceeding 2,000 barrels of malt liquor a year.

**SECTION 2:**

**Chapter 9.110, (D) (3), City Code of 2005, shall hereafter read as follows, to wit:**

(3) *Conditional uses.* Except as specifically limited herein, the following uses may be allowed in the LB, Limited Business District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- a) School, vocational or business.
- (b) School, performing/visual/martial arts.
- (c) Licensed day care facility, child or adult.
- (d) Government maintenance facility.

- 'e) State licensed residential care facility.
- (f) Congregate living facility, including rooming houses, group living quarters, nursing homes, senior housing, assisted living facility, traditional housing and emergency housing.
- (g) Bed and breakfast home, when accessory to a single-family dwelling.
- (h) Community center.
- (i) Recreational facility, indoor.
- (j) Recreational facility, outdoor.
- (k) Single-family dwelling, when accessory to a commercial use.
- (l) Food service, limited (coffee shop/deli).
- (m) Hospital.
- (n) Museum/gallery.
- (o) Retail sales, not exceeding 2,500 square feet in area.
- (p) Hotel or motel.
- (q) Fences greater than six feet in height.
- (r) Brewer taproom, not exceeding 2,000 barrels of malt liquor a year.
- (s) Brew pub, not exceeding 2,000 barrels of malt liquor a year.