

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
FEBRUARY 11, 2019**

The following are the minutes for the regular meeting of the City Council held at 7 pm on Monday, February 11, 2019 in the City Council Chambers, City Hall, 590 40th Avenue N.E., Columbia Heights, Minnesota

1. CALL TO ORDER/ROLL CALL

Mayor Schmitt called the meeting to order at 7:04 pm

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

Absent: Councilmember Williams

Also Present: Joe Kloiber, Acting City Manager; Jim Hoeft, City Attorney; Elizabeth Hammond, City Planner; and Katie Bruno, City Clerk/Council Secretary

2. INVOCATION

Invocation provided by Father James Peterson, Immaculate Conception Church

3. PLEDGE OF ALLEGIANCE

4. 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

Mayor Schmitt announced the following changes to the agenda:

Addition to the agenda:

1. Proclamations, Presentations, Recognition, Announcements, Guests:

Frost Simula will be announcing two upcoming events; the fix-it clinic and volunteer pot luck.

Changes to the agenda:

1. Item 7D page 23; the first motion should read: Motion: Move to waive the reading of Resolution No. 2019-19, there being ample copies available to the public.

2. Item 7D page 24; the address in paragraph one should be; 3930 University Ave NE

Motion by Councilmember Murzyn, Jr., seconded by Councilmember Novitsky to approve the agenda as amended. All Ayes, Motion Carried.

6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

Frost Simula extended an invitation to the Fourth Annual Volunteer Potluck, hosted by HeightsNext. The event is scheduled for Thursday, February 21st from 5:30-9 pm at Community United Methodist Church.

Mr. Simula announced HeightsNext will be hosting a fix-it clinic on March 2nd at Community United Methodist Church. Residents were encouraged to bring items needing repair to the clinic, rather than disposing of them.

Mayor Schmitt announced the Community Dinner scheduled for February 12th at St Tim's church is canceled due to the impending snow storm.

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 January 28, 2019

MOTION: Move to approve the minutes of the Public Improvement Hearings from February 4, 2019

B. Accept Board and Commission Meeting Minutes

MOTION: Move to accept the EDA minutes from November 5, 2018

MOTION: Move to accept the Planning Commission minutes from December 4, 2018

C. Consideration of Appointment to the Library Board

MOTION: Move to appoint Chris Polley to the library board with a term ending April 1, 2022.

D. Consideration of Resolution 2019-19, requesting the conveyance of the tax forfeit Root property.

MOTION: Move to waive the reading of Resolution 2019-19, there being ample copies available to the public

MOTION: Move to adopt Resolution 2019-19, a resolution requesting the conveyance of tax forfeit property.

E. Approve Business License Applications

MOTION: Move to approve the items as listed on the business license agenda for February 11, 2019.

F. Payment of Bills

MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8, the City Council has reviewed the enclosed list of paid claims in the amount of \$4,334,096.89.

Motion by Councilmember Buesgens, seconded by Councilmember Novitsky to approve the Consent Agenda as presented. All Ayes, Motion Carried.

8. PUBLIC HEARINGS

A. First reading of Ordinance No. 1653, an ordinance amending City Code of 2005 relating to community centers, banquet halls, and recreational facilities within the City of Columbia Heights.

Elizabeth Hammond, City Planner reported that the ordinance would add two definitions to the Zoning Ordinance, defining Banquet Halls and Recreational Facilities. Currently these uses are called out in the Zoning Ordinance as permitted uses; however, they are not defined. In addition, Specific Development Standards are proposed to be added, which would guide the operation of Banquet Halls. Staff has proposed to remove Community Centers, Recreational Facilities, and Banquet Halls as permitted uses in the General Business and Central Business Zoning District. These uses would be changed to conditional uses (which would still be allowed) in both the General Business and Central Business Zoning District. These uses are proposed to be changed to conditional uses, due to the nature and potential impacts on surrounding property. The Planning Commission unanimously recommended approval of the ordinance at their February meeting.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to close the Public Hearing. All Ayes, Motion Carried.

Motion by Councilmember Buesgens seconded by Councilmember Novitsky to waive the reading of Ordinance No. 1653, there being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to set the second reading of Ordinance No. 1653, being an Ordinance amending City Code of 2005 relating to community centers, banquet halls, and recreational facilities within the City of Columbia Heights, for February 25, 2019 at approximately 7 pm in the City Council Chambers. All Ayes, Motion Carried.

B. First reading of Ordinance No. 1654, an ordinance amending City code of 2005 relating to brewer taprooms, and brew pubs within the City of Columbia Heights.

City Planner Elizabeth Hammond reported that staff proposes to change the definition of "Brew Pub", which is identified in the City's Zoning Ordinance. The proposed change would remove the barrel production limits currently called out in the definition. In addition, a Specific Development Standard is proposed to be added to the existing standards, which guide the operation of Brewer Taprooms and Brew Pubs. The new standard would require that the facility adheres to all building and fire codes, and that the facility is licensed as required by the State of Minnesota and Anoka County. Staff proposes to remove the barrel production limits, which are currently imposed on Brewer Taprooms. A Brewer Taproom is currently permitted in the General Business District with a limit of 3,500 barrels of malt liquor a year. Removing this limit could make it easier for a brewery to locate and continue operating in the City. The Planning Commission unanimously recommended approval of the ordinance at their February meeting.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to close the Public Hearing. All Ayes, Motion Carried.

Motion by Councilmember Buesgens, seconded by Councilmember Novitsky to waive the reading of Ordinance No. 1654, there being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr. to set the second reading of Ordinance No. 1654, being an ordinance amending City Code of 2005 relating to brewer taprooms, and brew pubs within the City of Columbia Heights, for February 25, 2019 at approximately 7 pm in the City Council Chambers. All Ayes, Motion Carried.

9. ITEMS FOR CONSIDERATION

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

10. ADMINISTRATIVE REPORTS

Councilmember Buesgens attended the retirement party for Building Official Larry Pepin, the HeightsNext pet bed event, the MWMO meeting, the Citizens for Safer Streets meeting, and the Neighborhood Watch training presented by Paul Bonesteel.

Councilmember Murzyn, Jr. attended the retirement party for Building Official Larry Pepin, and the Lions Club Sweetheart Dance at Murzyn Hall. The Lions Club will be hosting a wrestling match on February 23rd at 7 pm. Councilmember Murzyn, Jr. announced the retirement party for Assistant Fire Chief John Larkin is planned for February 27th from 2-4 pm.

Councilmember Novitsky attended the Citizens for Safer Streets meeting. Novitsky thanked the Public Works Department for the great job during the recent snow events.

Mayor Schmitt attended a Tibetan New Year celebration at the Depot in St Paul. Schmitt indicated that Columbia Heights is home to about 4,000 Tibetans. Mayor Schmitt agreed with Novitsky that Public Works is doing a great job.

11. COMMUNITY FORUM

Elizabeth Hammond, City Planner announced the City Services Expo is scheduled for March 2nd from 11 am - 2 pm. City staff will be available from each department to answer questions from residents. There will be a council question and answer period as well. Refreshments will be served, and pizza will be available for purchase.

12. ADJOURNMENT

Motion by Councilmember Buesgens, seconded by Councilmember Novitsky to adjourn. All Ayes, Motion Carried.

Meeting adjourned at 7:27 pm



Respectively Submitted,
Katie Bruno, City Clerk/Council Secretary

RESOLUTION NO. 2019-19

RESOLUTION OF THE CITY COUNCIL OF COLUMBIA HEIGHTS, MINNESOTA, REQUESTING CONVEYANCE OF TAX FORFEIT PROPERTY.

BE IT RESOLVED BY the City Council (Council) of the City of Columbia Heights (City), Minnesota that the City Seeks unrestricted ownership of one parcel forfeited to the State of Minnesota by Anoka County Commissioners Resolution No. 2011-101 due to unpaid taxes of certain Property located at 3930 University Ave, Columbia Heights, Anoka County, Minnesota, PIN: 35-30-24-32-0249, and legally described in Exhibit A;

Hereinafter referred to as the "Subject Parcel"

BE IT FURTHER RESOLVED that the City requests Anoka County Board of Commissioners sell the Root Property to the City Council of the City of Columbia Heights; and

BE IT FURTHER RESOLVED that Minnesota Statutes Chapter 282.01, Subd. 1 a, paragraph (d), states, "tax-forfeited lands may be sold by the county board to an organized or incorporated governmental subdivision of the state or state agency for less than their market value if:

- (1) The county board determines that the sale at a reduced price is in the public interest because of reduced price is necessary to provide an incentive to correct the blighted conditions that make the lands undesirable in the open market, or the reduced price will lead to the development of affordable housing; and
- (2) The Governmental Subdivision or state agency has documented its specific plans for correcting the blighted conditions or developing affordable housing, and specific law or laws that empower it to acquire real property in furtherance of the plans"; and

BE IT FURTHER RESOLVED that the Subject Parcel has become environmentally contaminated and blighted negatively impacting the surrounding neighborhoods.

BE IT FURTHER RESOLVED that the City Council in and for the City of Columbia Heights intends to remove the environmental contaminants, eliminate the blighted conditions, and facilitate redevelopment of the Subject Parcel.

NOW, THEREFORE BE IT FINALLY RESOLVED that the City Council of the City of Columbia Heights, Minnesota formally requests the Anoka County Board of Commissioners resolve to convey the Subject parcel with an unrestricted deed to the City Council of the City of Columbia Heights at a reduced price to provide an incentive to correct blight.

ORDINANCE NO. 1653

BEING AN ORDINANCE AMENDING CITY CODE OF 2005 RELATING TO COMMUNITY CENTERS, BANQUET HALLS, AND RECREATIONAL FACILITIES (INDOOR AND OUTDOOR) WITHIN THE CITY OF COLUMBIA HEIGHTS

The City of Columbia Heights does ordain:

Section 1

9.103 City Code of 2005, is amended to add the following definitions, and shall hereafter read as follows, to wit:

Banquet Hall. A building for the purpose of hosting a party, banquet, wedding, reception or other social events.

Recreational Facility (Indoor and Outdoor). Clubhouses, swimming pools, tennis courts, trails and similar facilities used by the general public for exercise, sports, or entertainment.

Section 2

9.107 (C) City Code of 2005, is amended to add the following Specific Development Standard, and shall hereafter read as follows, to wit:

Banquet Hall.

- (a) To the extent practical, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.
- (b) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the community.
- (c) The facility shall meet all applicable building and fire codes and be licensed as required, by the State of Minnesota or Anoka County.
- (d) A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.
- (e) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing any litter found thereon.
- (f) Music or amplified sounds shall not be audible from adjacent residential uses and must meet the requirements of City Ordinances, to ensure consistent enforcement by the Police Department.

Section 3

9.110 (E) (2) of City Code as it currently reads is amended as follows:

(E) GB, General Business District.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the GB, General Business District:

- ~~(a) Community center.~~
- (b) Government office.
- (c) Government protective service facility.
- (d) Public park and/or playground.
- ~~(e) Recreational facility, indoor.~~
- ~~(f) Recreational facility, outdoor.~~
- (g) School, vocational or business.
- (h) School, performing/visual/martial arts.
- (i) Auditorium/place of assembly.
- (j) Automobile convenience facility.
- (k) Automobile and motorcycle repair, minor.
- ~~(l) Banquet hall.~~
- (m) Billiards hall.
- (n) Bowling alley.
- (o) Car wash.
- (p) Clinic, medical or dental.
- (q) Clinic, veterinary.
- (r) Day care facility, adult or child.
- (s) Financial institution.
- (t) Food service, convenience (fast food).
- (u) Food service, limited (coffee shop/deli).
- (v) Food service, full service (restaurant/nightclub).
- (w) Funeral home.
- (x) Greenhouse/garden center.
- (y) Health or fitness club.
- (z) Hotel/motel.
- (aa) Laboratory, medical.
- (bb) Liquor store, off-sale.
- (cc) Museum or gallery.
- (dd) Office.
- (ee) Retail sales.
- (ff) Service, professional.
- (gg) Shopping center.
- (hh) Studio, professional.
- (ii) Studio, radio and television.
- (jj) Theater, live performance.
- (kk) Theater, movie.
- (ll) Motor vehicle parts store.
- (mm) Brewer taproom, not exceeding 3,500 barrels of malt liquor a year.
- (nn) Brew pub.

9.110 (E) (2) and (3) of City Code is hereby amended to read as follows:

(E) GB, General Business District.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the GB, General Business District:

- (a) Government office.
- (b) Government protective service facility.
- (c) Public park and/or playground
- (d) School, vocational or business.

- (e) School, performing/visual/martial arts.
- (f) Auditorium/place of assembly.
- (g) Automobile convenience facility.
- (h) Automobile and motorcycle repair, minor.
- (i) Billiards hall.
- (j) Bowling alley.
- (k) Car wash.
- (l) Clinic, medical or dental.
- (m) Clinic, veterinary.
- (n) Day care facility, adult or child.
- (o) Financial institution.
- (p) Food service, convenience (fast food).
- (q) Food service, limited (coffee shop/deli).
- (r) Food service, full service (restaurant/nightclub).
- (s) Funeral home.
- (t) Greenhouse/garden center.
- (u) Health or fitness club.
- (v) Hotel/motel.
- (w) Laboratory, medical.
- (x) Liquor store, off-sale.
- (y) Museum or gallery.
- (z) Office.
- (aa) Retail sales.
- (bb) Service, professional.
- (cc) Shopping center.
- (dd) Studio, professional.
- (ee) Studio, radio and television.
- (ff) Theater, live performance.
- (gg) Theater, movie.
- (hh) Motor vehicle parts store.
- (ii) Brewer taproom, not exceeding 3,500 barrels of malt liquor a year.
- (jj) Brew pub.

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the GB, General 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) Community Center.
- (b) Recreational Facility (Indoor and Outdoor).
- (c) Banquet Hall.
- (d) Government maintenance facility.
- (e) Arcade.
- (f) Automobile and motorcycle sales/rental, new.
- (g) Automobile and motorcycle sales, used (in building).
- (h) Recreational vehicle sales, new.
- (i) Recreational vehicle sales, used (in building).
- (j) Firearms dealer/shooting range.
- (k) Hospital.
- (l) Outdoor sales or display.
- (m) Outdoor storage.
- (n) Parking ramp.

- (o) Assembly, manufacturing and/or processing.
- (p) Printing and/or publishing.
- (q) Consignment/secondhand store.
- (r) Club or lodge.
- (s) Currency exchange.
- (t) Pawnshop.
- (u) Drop-in facility.
- (v) Fences greater than six feet in height.
- (w) Animal kennel and/or shelter.
- (x) Precious metal dealerships.

Section 4

9.110 (F) (2) of City Code as it currently reads is amended as follows:

(F) CBD, Central Business District.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the CBD, Central Business District:

- (a) Multiple-family residential, when located above a first floor commercial use.
- ~~(b) Community center.~~
- (c) Government offices.
- (d) Government protective services facility.
- (e) Public parks and/or playgrounds.
- ~~(f) Recreational facility, indoor.~~
- ~~(g) Recreational facility, outdoor.~~
- (h) School, vocational or business.
- (i) School, performing/visual/martial arts.
- (j) Auditorium/place of assembly.
- ~~(k) Banquet hall.~~
- (l) Billiards hall.
- (m) Bowling alley.
- (n) Clinic, medical or dental.
- (o) Clinic, veterinary.
- (p) Licensed day care facility, adult or child.
- (q) Financial institution.
- (r) Food service, convenience (fast food).
- (s) Food service, limited (coffee shop/deli).
- (t) Food service, full service (restaurant/nightclub).
- (u) Health or fitness center.
- (v) Hotel or motel.
- (w) Laboratory, medical.
- (x) Liquor store, off-sale.
- (y) Museum or gallery.
- (z) Office.
- (aa) Retail sales.
- (bb) Service, professional.
- (cc) Studio, professional.
- (dd) Studio, radio or televisions.
- (ee) Theater, live performance.
- (ff) Theater, movie.
- (gg) Brewer taproom, not exceeding 3,500 barrels of malt liquor a year.

(hh) Brew pub.

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the CBD, Central 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) Arcade.
- (b) Outdoor sales and/or display.
- (c) Outdoor storage.
- (d) Parking ramp.
- (e) Club or lodge.
- (f) Fences greater than six feet in height.

9.110 (E) (2) and (3) of City Code is hereby amended to read as follows:

(F) CBD, Central Business District.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the CBD, Central Business District:

- (a) Multiple-family residential, when located above a first floor commercial use.
- (c) Government offices.
- (d) Government protective services facility.
- (e) Public parks and/or playgrounds.
- (h) School, vocational or business.
- (i) School, performing/visual/martial arts.
- (j) Auditorium/place of assembly.
- (l) Billiards hall.
- (m) Bowling alley.
- (n) Clinic, medical or dental.
- (o) Clinic, veterinary.
- (p) Licensed day care facility, adult or child.
- (q) Financial institution.
- (r) Food service, convenience (fast food).
- (s) Food service, limited (coffee shop/deli).
- (t) Food service, full service (restaurant/nightclub).
- (u) Health or fitness center.
- (v) Hotel or motel.
- (w) Laboratory, medical.
- (x) Liquor store, off-sale.
- (y) Museum or gallery.
- (z) Office.
- (aa) Retail sales.
- (bb) Service, professional.
- (cc) Studio, professional.
- (dd) Studio, radio or televisions.
- (ee) Theater, live performance.
- (ff) Theater, movie.
- (gg) Brewer taproom, not exceeding 3,500 barrels of malt liquor a year.
- (hh) Brew pub.

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the CBD, Central 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) Arcade.

- (b) Outdoor sales and/or display.
- (c) Outdoor storage.
- (d) Parking ramp.
- (e) Club or lodge.
- (f) Fences greater than six feet in height.
- (g) Community Center.
- (h) Recreational Facility (Indoor/Outdoor).
- (i) Banquet Hall.

Section 5

This ordinance shall be in full force and effect from and after 30 days after its passage.

ORDINANCE NO. 1654

BEING AN ORDINANCE AMENDING CITY CODE OF 2005 RELATING TO BREWER TAPROOMS AND BREW PUBS WITHIN THE CITY OF COLUMBIA HEIGHTS

The City of Columbia Heights does ordain:

Section 1

9.103 City Code of 2005, as it currently reads is amended as follows:

BREW PUB. A restaurant that conducts the retail of on-sale malt liquor consumed and brewed on the premise. ~~and who manufactures less than 3,500 barrels of malt liquor a year.~~

9.103 City Code of 2005 is hereby amended to read as follows:

BREW PUB. A restaurant that conducts the retail of on-sale malt liquor consumed and brewed on the premise.

Section 2

9.107 (53) City Code of 2005, is amended to add the following Specific Development Standard, and shall hereafter read as follows to wit:

Brewer Taprooms and Brew Pubs.

- (a) All malt liquor production shall be within a completely enclosed structure.
- (b) Mechanical equipment shall be placed and/or screened so as to minimize the visual impact on adjacent properties and from public streets.
- (c) In zoning districts where off-street parking is required, a transportation management plan shall be submitted to address off-street parking, bus and freight loading, and traffic control.
- (d) Loading areas shall not be oriented toward a public street, nor shall loading docks be located on the side of any building facing an adjacent lot that is zoned residential. Where these districts or streets abut all sides of the property, the loading areas shall be screened by a solid wall or opaque fence with a minimum height of six feet, in addition to any required landscape buffer.
- (e) Trash and/or recycling collection areas shall be enclosed on at least three sides by an opaque screening wall or fence no less than six feet in height. The open side of the enclosure shall not face any public street or the front yard of any adjacent property.
- (f) By-products and waste from the production of malt liquor shall be properly disposed of off the property.

(g) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

(h) The facility shall meet all applicable building and fire codes, and be licensed as required, by the State of Minnesota or Anoka County.

Section 3

9.110 (E) (2) City Code of 2005, as it currently reads is amended as follows:

(E) GB, General Business District.

(1) Purpose. The purpose of the GB General Business District is to provide appropriate locations for general retail sales, services and other commercial developments that benefit from their proximity to other commercial uses. These areas are located away from residential neighborhoods, along arterial roadways and are accessible primarily by automobile.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the GB, General Business District:

- (a) Community center.
- (b) Government office.
- (c) Government protective service facility.
- (d) Public park and/or playground.
- (e) Recreational facility, indoor.
- (f) Recreational facility, outdoor.
- (g) School, vocational or business.
- (h) School, performing/visual/martial arts.
- (i) Auditorium/place of assembly.
- (j) Automobile convenience facility.
- (k) Automobile and motorcycle repair, minor.
- (l) Banquet hall.
- (m) Billiards hall.
- (n) Bowling alley.
- (o) Car wash.
- (p) Clinic, medical or dental.
- (q) Clinic, veterinary.
- (r) Day care facility, adult or child.
- (s) Financial institution.
- (t) Food service, convenience (fast food).
- (u) Food service, limited (coffee shop/deli).
- (v) Food service, full service (restaurant/nightclub).
- (w) Funeral home.
- (x) Greenhouse/garden center.
- (y) Health or fitness club.
- (z) Hotel/motel.
- (aa) Laboratory, medical.
- (bb) Liquor store, off-sale.
- (cc) Museum or gallery.
- (dd) Office.
- (ee) Retail sales.
- (ff) Service, professional.

- (gg) Shopping center.
- (hh) Studio, professional.
- (ii) Studio, radio and television.
- (jj) Theater, live performance.
- (kk) Theater, movie.
- (ll) Motor vehicle parts store.
- (mm) Brewer taproom, ~~not exceeding 3,500 barrels of malt liquor a year.~~
- (nn) Brew pub.

9.110 (E) (2) City Code of 2005, is hereby amended to read as follows:

(E) GB, General Business District.

(1) Purpose. The purpose of the GB General Business District is to provide appropriate locations for general retail sales, services and other commercial developments that benefit from their proximity to other commercial uses. These areas are located away from residential neighborhoods, along arterial roadways and are accessible primarily by automobile.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the GB, General Business District:

- (a) Community center.
- (b) Government office.
- (c) Government protective service facility.
- (d) Public park and/or playground.
- (e) Recreational facility, indoor.
- (f) Recreational facility, outdoor.
- (g) School, vocational or business.
- (h) School, performing/visual/martial arts.
- (i) Auditorium/place of assembly.
- (j) Automobile convenience facility.
- (k) Automobile and motorcycle repair, minor.
- (l) Banquet hall.
- (m) Billiards hall.
- (n) Bowling alley.
- (o) Car wash.
- (p) Clinic, medical or dental.
- (q) Clinic, veterinary.
- (r) Day care facility, adult or child.
- (s) Financial institution.
- (t) Food service, convenience (fast food).
- (u) Food service, limited (coffee shop/deli).
- (v) Food service, full service (restaurant/nightclub).
- (w) Funeral home.
- (x) Greenhouse/garden center.
- (y) Health or fitness club.
- (z) Hotel/motel.
- (aa) Laboratory, medical.
- (bb) Liquor store, off-sale.
- (cc) Museum or gallery.
- (dd) Office.

- (ee) Retail sales.
- (ff) Service, professional.
- (gg) Shopping center.
- (hh) Studio, professional.
- (ii) Studio, radio and television.
- (jj) Theater, live performance.
- (kk) Theater, movie.
- (ll) Motor vehicle parts store.
- (mm) Brewer taproom
- (nn) Brew pub.

Section 4

9.110 (F) (2) and (3) City Code of 2005, as it currently reads is amended as follows:

(F) CBD, Central Business District.

(1) Purpose. The purpose of the CBD, Central Business District is to provide for the development and redevelopment of the established downtown core, including a mix of retail, financial, office, service and entertainment uses. Residential units are allowed within this district when located above a first floor commercial use.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the CBD, Central Business District:

- (a) Multiple-family residential, when located above a first floor commercial use.
- (b) Community center.
- (c) Government offices.
- (d) Government protective services facility.
- (e) Public parks and/or playgrounds.
- (f) Recreational facility, indoor.
- (g) Recreational facility, outdoor.
- (h) School, vocational or business.
- (i) School, performing/visual/martial arts.
- (j) Auditorium/place of assembly.
- (k) Banquet hall.
- (l) Billiards hall.
- (m) Bowling alley.
- (n) Clinic, medical or dental.
- (o) Clinic, veterinary.
- (p) Licensed day care facility, adult or child.
- (q) Financial institution.
- (r) Food service, convenience (fast food).
- (s) Food service, limited (coffee shop/deli).
- (t) Food service, full service (restaurant/nightclub).
- (u) Health or fitness center.
- (v) Hotel or motel.
- (w) Laboratory, medical.
- (x) Liquor store, off-sale.
- (y) Museum or gallery.
- (z) Office.

- (aa) Retail sales.
- (bb) Service, professional.
- (cc) Studio, professional.
- (dd) Studio, radio or televisions.
- (ee) Theater, live performance.
- (ff) Theater, movie.
- ~~(gg) Brewer taproom, not exceeding 3,500 barrels of malt liquor a year.~~
- ~~(hh) Brew pub.~~

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the CBD, Central 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) Arcade.
- (b) Outdoor sales and/or display.
- (c) Outdoor storage.
- (d) Parking ramp.
- (e) Club or lodge.
- (f) Fences greater than six feet in height.

9.110 (F) (2) and (3) City Code of 2005, is hereby amended to read as follows:

(F) CBD, Central Business District.

(1) Purpose. The purpose of the CBD, Central Business District is to provide for the development and redevelopment of the established downtown core, including a mix of retail, financial, office, service and entertainment uses. Residential units are allowed within this district when located above a first floor commercial use.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the CBD, Central Business District:

- (a) Multiple-family residential, when located above a first floor commercial use.
- (b) Community center.
- (c) Government offices.
- (d) Government protective services facility.
- (e) Public parks and/or playgrounds.
- (f) Recreational facility, indoor.
- (g) Recreational facility, outdoor.
- (h) School, vocational or business.
- (i) School, performing/visual/martial arts.
- (j) Auditorium/place of assembly.
- (k) Banquet hall.
- (l) Billiards hall.
- (m) Bowling alley.
- (n) Clinic, medical or dental.
- (o) Clinic, veterinary.
- (p) Licensed day care facility, adult or child.
- (q) Financial institution.
- (r) Food service, convenience (fast food).

- (s) Food service, limited (coffee shop/deli).
- (t) Food service, full service (restaurant/nightclub).
- (u) Health or fitness center.
- (v) Hotel or motel.
- (w) Laboratory, medical.
- (x) Liquor store, off-sale.
- (y) Museum or gallery.
- (z) Office.
- (aa) Retail sales.
- (bb) Service, professional.
- (cc) Studio, professional.
- (dd) Studio, radio or televisions.
- (ee) Theater, live performance.
- (ff) Theater, movie.

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the CBD, Central 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) Arcade.
- (b) Outdoor sales and/or display.
- (c) Outdoor storage.
- (d) Parking ramp.
- (e) Club or lodge.
- (f) Fences greater than six feet in height.
- (g) Brewer taproom
- (h) Brew pub.

Section 5

This ordinance shall be in full force and effect from and after 30 days after its passage.