

City of East Bethel
City Council Work Meeting Agenda

Work Meeting – 6:30 p.m.

Date: June 8, 2016



Item

- | | | |
|----------------|------------|--|
| 6:30 PM | 1.0 | Call to Order |
| 6:31 PM | 2.0 | Adopt Agenda |
| 6:32 PM | 3.0 | Discussion of Amendments to City Code, Appendix A, Zoning, Section 48, Light Industrial |
| 8:30 PM | 4.0 | Adjourn |



City of East Bethel City Council Work Meeting Agenda Information

Date:

June 8, 2016

Agenda Item Number:

Item 3.0

Agenda Item:

Discussion regarding changes to Appendix A, Zoning Ordinance, Section 48, Light Industrial

Requested Action:

Discussion Only

Background Information:

City Code, Appendix A, Zoning, Section 48, Light Industrial was adopted in 2007. Due to a previous City Moratorium on all development in the Hwy. 65 Corridor, the recessionary period of 2009 -2012 accompanied by the associated slow recovery from this economic downturn and the City's geographic location in relation to the surrounding and immediate market areas of Blaine, Forest Lake and Cambridge, commercial and industrial development in East Bethel has been dormant since 2008. As a result, the application of the Light Industrial section of the City Code has never been used to evaluate the appropriateness of a proposed use within this zoning designation.

A proposal by CST Companies to locate in the City was the first test of this section of the City Code and, as such, revealed a number of material weaknesses in our Ordinance. Application of this section of the City Code revealed an absence of definitions, deficiencies in content and inconsistencies in performance standards that could be interpreted to permit most any activity listed under permitted, conditional and interim uses.

Revisions to this section of the Code would only be an interim modification and a final review of this section would be performed during the 2017 preparation of the Comprehensive Plan. Amendments to address these issues would provide protection from uses which may be inconsistent with the Comprehensive Plan and beyond the objective of the intended goal of this portion of the Ordinance.

Proposed changes would not alter the Light Industrial zoning designation, but would align the existing Zoning Ordinance with the Comprehensive Plan. Any changes that are considered/implemented would be interim in nature. At the time discussions related to the Comprehensive Plan update commence, other categories for industrial use, transition industrial, and/or mixed use industrial/commercial may be considered as part of revisions to the Code during the revision process.

The following items will be discussed at the June 8, 2016 meeting:

- I. Recommend a definition of Light Industrial that relates to our vision of this use and the conditions that are applicable to attracting this type of development. The following descriptions are provided as examples:
 - a. East Bethel

- b. Blaine
- c. Ham Lake
- d. Cambridge
- e. St. Francis
- f. Andover
- g. Columbia Heights
- II. Review of Permitted Uses with a primary emphasis on the following:
 - a. Wholesaling
 - b. Distribution
 - c. Warehousing
 - d. Other
- III. Review of Performance Standards including but not limited to the following:
 - a. Exterior Storage
 - b. Paving
 - c. Architectural standards
 - d. Loading Docks, location and number
 - e. Screening requirements
- IV. Review of Prohibited Uses which could include:
 - a. Mining
 - b. Truck terminals
 - c. Trucking as a business
 - d. Major and minor trucking repair
- V. Inconsistencies between City Code and the Comprehensive Plan
 - a. Section 23 and 24 of the Zoning Code.

The objective of the meeting is to provide direction to Staff as to developing recommendations for the drafting of:

- a. A definition of light industrial use
- b. Permitted and prohibited uses, and
- c. Considerations for performance standards for uses within this classification.

Based on the recommendations that originate from this meeting, Staff will present a draft report for a potential Ordinance change to the Planning Commission at the July 26, 2016 meeting for further review and comment.

Attachments:

- 1) Section 48 Light Industrial District-Potential Modifications
- 2) Section 24 Proposed changes
- 3) Section 23 Proposed changes
- 4) Section 9 Proposed changes
- 5) Blaine Light Industrial District
- 6) Cambridge Industrial Districts
- 7) Trucking Considerations
- 8) Summary of other City Light Industrial
- 9) Definitions

Fiscal Impact:

Recommendation(s):

Discussion only.

SECTION 48. - LIGHT INDUSTRIAL (I) DISTRICT

1. - ~~Purpose.~~ PURPOSE

The light industrial (I) district is intended and designed to provide areas of the city suitable for activities and uses that are commercial and general services related and/or of a light industrial nature. ~~It is further intended that light industrial and related commercial uses be the predominate use of land within the light industrial district.~~ The Light Industrial District is intended and designed to provide areas of the City suitable for activities and uses that are industrial in nature. Industrial uses within this district are limited to those that do not generate noise, odor, vibration, or other discharge discernable from areas outside the parcel on which the use is located. This category is aimed towards industrial uses that are lower in intensity of activity such as offices, warehousing, research laboratories, and light manufacturing.

2. - ~~Permitted uses.~~ PERMITTED USES

- A. Uses allowed in the B-2 and B-3 districts.
- B. Industrial condominium/multi-tenant structure.
- C. Manufacturing, light – excluding those uses that generate any discernable discharge that cannot be maintained on the site and any use that requires any outside manufacturing activities-
- D. ~~Medical science uses.~~
- E. Office.
- F. Brewery and taproom as regulated under Section _____
- G. Retail sales, incidental to manufacturing, of products manufactured, assembled, or warehoused on the premises, provided no more than twenty five (25) percent of the building is used for retail space.
- F. ~~Recreation—Public.~~
- G.H. Research facility.
- H.I. Warehousing and distribution.
- I. ~~Wholesaling.~~
- J. ~~Adult uses.~~
- K. ~~Self-service storage.~~
- L. ~~Construction sales and service.~~
- M. ~~Motor vehicle service station with minor or major repairs.~~
- J. Repair services, except for businesses related to passenger vehicles and trucks

~~NK.~~ Essential services, government.

~~OL.~~ Other similar uses to those permitted in this section as determined by the ~~zoning administrator.~~
Planning Commission and approved by the City Council

3. - ~~Accessory uses.~~ ACCESSORY USES

~~A.~~ A.—Trash enclosure service structure.

~~B.~~ B. Fuel tanks as regulated by the Uniform Fire code

~~C.~~ B.—Other uses customarily associated with a permitted use as determined by the Planning Commission and approved by the city council~~City Council~~~~Council~~.

4. - ~~Conditional uses.~~ CONDITIONAL USES

~~A.~~ A. Adult Uses – as regulated under Section 10-5

~~B.~~ B. Construction sales and services

~~C.~~ C. Maintenance facilities directly associated with the primary business and contained inside the principal structure.

~~D.~~ D. Exterior storage as regulated under Section 24

~~E.~~ E. Two or more buildings on same lot provided such buildings relate to the Permitted use -and meeting the requirements of the Minnesota State Building Code.

~~A.~~ A. Detached accessory structure.

~~B.~~ B. Place of worship.

~~C.~~ C. Daycare facility—Licensed.

~~DF.~~ DF. Essential services—Utility substations.

~~EG.~~ EG. kennel, commercial as regulated under East Bethel Code of Ordinances, Chapter 10-

~~FH.~~ FH. Commercial and public radio and television transmission and public utility microwave antenna.

~~I.~~ I. Telecommunication facilities as regulated under Section 16

~~G.~~ G. Residential care facility—Serving seven or more persons.

~~H.~~ H. Nursing home.

~~I.~~ I. School, specialty.

~~J.~~ J. Drive thru services.

~~K.~~ K. Recreation—Commercial.

~~LJ.~~ LJ. Other similar uses to those permitted in this section as determined by the ~~planning commission~~Planning Commission and ~~city council~~City Council.

5. - Interim uses.

~~A.~~ A. Grading activities that move more than 1,000 cubic yards of material per acre. Mining activities as regulated under Chapter 26, Article V.

B. Other uses similar to those permitted in this section as determined by the ~~planning commission~~Planning Commission and ~~city council~~City Council .

~~C. Communication tower.~~

6. - ~~Certificate of compliance.~~

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

A. Prohibited Uses

B. Trucking Terminals

C. Slaughterhouses

D. Recycling centers

E. Auto reduction yards

F. Impound lots

7. - Development regulations.

A. *Minimum lot requirements:*

1)	Lot area:		
	a)	Without sewer and water	10 acres
	b)	With sewer and water	1 acre
2)	Lot width		150 feet
3)	Minimum buildable area		23,000 square feet

B. *Setbacks:*

1)	Front yard:		
	a)	Local/collector street	40 feet
	b)	Arterial street	50 feet
	c)	State/county street	100 feet

2)	Side yard	10 feet
3)	Rear yard	25 feet, except 60 feet if abutting a residential district

C. *Maximum building height:* ~~Measured to the eave, maximum height of three stories or 30 feet, whichever is less.~~ 50 feet from ground level.

Minimum building size – 5,000 square feet.

D. *Maximum lot coverage:* 80 percent.

E. All uses shall comply with all other sections of the East Bethel City Code and be consistent with the City Comprehensive Plan.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010)

SECTION 24. - EXTERIOR STORAGE

1. - Exemptions.

All products, materials, and equipment, except as specifically described in this ordinance, shall be stored within permitted structures or completely screened from view of adjoining properties and the public right-of-way except for the following:

- A. Off-street parking of licensed passenger automobiles and personal or commercial vehicles of less than 12,000 pounds gross vehicle weight rating (GVWR) in designated driveway or parking area.
- B. Off-street parking of vehicles and recreational vehicles that are permitted according to the provisions of this ordinance and any other city ordinance.
- C. Clothes lines, antennae, air conditioners in working condition, outdoor grills, play equipment, ornaments and monuments.
- D. Landscaping materials and equipment may be stored on a lot if these are used on the lot within a period of three months.

2. - Inoperable vehicles and refuse materials.

- A. Passenger automobiles and trucks not currently licensed by the state, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of 96 hours, and all materials stored outside in violation of the city ordinances, are considered refuse or junk and shall be disposed of according to city regulations.
- B. Any accumulation of refuse not stored in containers that comply with city ordinances, or any accumulation of refuse including car parts which has remained on a property for more than one week, is hereby declared to be a nuisance and may be abated by order of the zoning administrator or building official. The cost of removal shall be recovered in accordance with the city ordinances and state law.
- C. Repairable vehicles shall be stored in a designated storage area and not be visible from the public right-of-way or adjacent properties.

3. - A, RR, R-1, and R-2 residential districts.

- A. All personal property shall be stored within a building or be fully screened so as not to be visible from adjoining properties and public streets, except for the following:
 - ~~1. 1)~~ Play and recreational equipment.
 - ~~2. 2)~~ Stacked firewood for the burning supply of the property resident shall be stored in the side yard or the rear yard at a minimum of five feet from the property line.
 - ~~3. 3)~~ Agricultural equipment and materials, if these are used or intended for use on the premises within a period of 12 months.
- B. A maximum of five motor vehicles, or recreational vehicles, or boat/trailer combinations, or snowmobile/trailer combinations, or items of lawn equipment, or items of construction equipment with a weight limit of 20,000 GVWR, or other equipment or trailers, or any combination thereof, may be stored outside of structures at any time. The storage of recreational

vehicles, items of equipment, or trailers must be on the driveway of the residence or within an outside storage area located in a side or rear yard. The storage area shall be screened from the public right-of-way and from adjacent lots. Motor vehicles stored outside on a designated driveway must maintain and display current licensing and registration and must be operational and roadworthy.

- C. Up to two automobiles or other motor vehicles or two snowmobiles or all-terrain vehicles may be located or displayed on any property for the purpose of sale, but such a vehicle, snowmobile, or all-terrain vehicle may not be so located or displayed more than on three separate occasions during any calendar year. The location or display to public view of an automobile or other motor vehicle or snowmobile or an all-terrain vehicle with a telephone number, an address, or the words "For Sale" affixed on the vehicle shall be evidence that the motor vehicle is located or displayed for the purpose of sale.

4. - I district.

A. Exterior Storage is permitted in I-1 districts as a Conditional Use permit and subject to the following conditions:

- 1. A.—Exterior storage shall be limited to the rear yard and an area occupying no more than 50 percent of the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
- 2. Maximum amount of exterior storage cannot exceed the square footage of the Principal building.
- 3. Exterior storage cannot exceed 12 feet in height
- 4. Construction yards are exempt from exterior storage requirements as outlined in Section 24, 4-A, provided they are located in the rear yard behind the principal building and occupying no more than 50 percent of the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.

- B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier.

—Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.

- 1. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].

- 2. C.—All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

C. Exterior Display in I-1 districts.

- 1. D.—The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.

~~2. E.~~—Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.

~~3. F.~~—Additional parking spaces shall be provided based upon the exterior display and sale area.

D. Prohibited storage

~~1. G.~~—Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

E. Parking

—

~~H.~~—Up to three commercial vehicles, such as delivery and service trucks up to 20,000 GVWR, may be parked without screening if the vehicles relate to the principal use. Vehicles over 20,000 GVWR, construction equipment, and trailers shall require screening.

~~1.~~

2. Semi trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and do not exceed the number of docks and or bay doors.

5. - B-3 district.

A. Exterior Storage is permitted in B-3 districts as a Conditional Use permit and subject to the following conditions:

1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.

2. Maximum amount of exterior storage cannot exceed the square footage of the Principal building.

3. Exterior storage cannot exceed 12 feet in height

B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier. Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.

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1. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].

~~2. C.~~—All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

C. Exterior Display in B-3 districts.

1. ~~D.~~—The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.

~~2. E.—Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.~~

~~3. F.—Additional parking spaces shall be provided based upon the exterior display and sale area.~~

A. Prohibited storage

~~1. G.—Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.~~

B. Parking

~~1. Semi trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and does not exceed the number of docks and or bay doors.~~

~~Exterior storage is permitted with a conditional use permit (CUP).~~

~~B.—Approved exterior storage shall be limited to an area occupying no more than 50 percent of the rear yard, and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.~~

~~C.—All equipment and materials within the storage area shall be arranged in a neat and orderly manner.~~

~~D.—The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.~~

~~E.—Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.~~

~~F.—Additional parking spaces shall be provided based upon the exterior display and sale area.~~

~~G.—Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.~~

~~H.—Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].~~

6. - B-2 district.

A. Exterior storage is permitted with a CUP.

~~1. B.—Approved exterior storage shall be limited to an area no more than 100 square feet of the rear yard, and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.~~

~~2. C.—Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].~~

~~3. D.~~—All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

B. Exterior Display in B-2 Districts

~~1. E.~~—The area occupied by exterior display shall not exceed ten percent of the gross floor area of the principal building on the property.

Exterior Display in B-2 Districts

~~2. F.~~—Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.

~~3. G.~~—Additional parking spaces shall be provided based upon the exterior display and sale area.

C. Prohibited Storage

~~1. H.~~—Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

7. - B-1 district.

~~A.~~—Exterior storage and exterior displays are not permitted.

~~A.~~

~~B. B.~~—Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

8. - All zoning districts.

~~A.~~—All outside storage must be accessory to the principal use of the property.

~~A.~~

~~B. B.~~—Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the city, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, manufacturing, testing, or storage of items used with or in a business or commercial enterprise unless an interim use permit has been obtained from the city.

~~C.~~

~~C. C.~~—The city council may order the owner of any property to cease or modify open storage uses, including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

(Ord. No. 19, Second Series, 5-5-2010)

SECTION 23. - SCREENING REGULATIONS

1. - General standards.

- A. Screening shall be installed so as to provide a visual barrier. Any such barrier shall reduce visibility in a manner that restricts vision of the object being screened.
- B. Any business, industrial, non-residential uses, and residential dwellings other than detached single-family adjacent to any residential district shall provide screening along the boundary of residential property.
- C. Screening shall consist of a compact evergreen or deciduous hedge and overstory and understory trees of sufficient width and density, or an earth berm of sufficient height to provide effective screening throughout the year. Overstory and understory trees are defined in Section 27. Landscaping Regulations.
- D. A required screening fence shall be constructed of masonry, brick, or wood. Such fence shall provide a solid screening effect and not exceed eight feet in height or be less than six feet in height.
- E. Earth berms shall not have a slope of more than four feet horizontal to one foot vertical or be located within any street right-of-way or within eight feet of the traveled portion of any street or highway.
- F. No screening or buffering shall be located on any public rights-of-way or within eight feet of the traveled portion of any street or highway.
- G. Loading docks shall be screened from all lot lines and public roads.
- H. [Except as provided under Appendix A, Section 24, All-all](#) storage of material and equipment related to, located on, and used by any business, light industrial, or other non-residential use shall be stored inside a building. Exterior storage in business districts that is allowed by other provisions of this ordinance shall be screened from public rights-of-way and adjacent properties.

2. - Screening of mechanical equipment.

- A. All mechanical equipment, such as air conditioning units, erected on the roof of any structure or on the ground, shall be screened so as not to be visible from public rights-of-way and adjacent properties.
- B. The screening shall be constructed with materials that are architecturally compatible with the building.

3. - Screening of trash containers.

- A. Trash and recycling storage facilities which would be visible from public rights-of-way or adjoining property, except those located in parks, shall be screened by an enclosure of masonry or brick construction. Screening gates shall be of solid material such as wood; chain link fencing is not acceptable.
- B. Screening enclosure gates may not be required if the resulting open side of the enclosure does not face an existing or future right-of-way.

4. - [Buffer yards.]

Buffer yards for business, light industrial, and non-residential uses in residential districts, and residential dwellings other than detached single-family shall meet the following requirements:

- A. Where a buffer yard is required for property which abuts residentially zoned property, there shall be within the required setback a landscaped area at least 20 feet in width which shall extend along and be adjacent to the entire length of all common property lines shared with residentially zoned property.
- B. The landscaped area shall contain a double row of evergreen shrubs which, when planted, shall be a minimum of four feet in height with the capability to grow to a minimum height of six feet.
- C. The rows of such shrubs shall be planted in such a manner that a distance of five feet exists between the centerline of each row and that, when viewed perpendicular to the rows, one would observe a shrub planted every 2½ feet on center.
- D. This buffer area shall contain a fence, which fence shall be located entirely on the non-residential lot.
- E. Berms may be constructed the entire length of the buffer yard and shall be continuous or provide the illusion of continuity when viewed from the side and perpendicular to the berm. Earth berms shall not exceed a slope of 4:1.
- F. Some uses may not be required to provide A—E above at the discretion of city council.

9. - Definitions.

The following words and terms used in this ordinance shall be defined as follows. Words found in this ordinance not defined in this section shall have the meanings customarily assigned to them by any standard dictionary, except where such a meaning is clearly contrary to the intent of this ordinance.

Accessory apartment: An apartment located within a single-family home and is incidental to the principal use to which it is related.

Accessory storage container: A container placed outdoors and used for the storage of goods, materials, or merchandise that is used in connection with a lawful principal or accessory use of the lot. The term "accessory storage container" includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars, piggyback containers, and portable moving and storage containers. The term "accessory storage containers" does not include a garage, barn, or storage shed accessory to a dwelling provided such structure is not of a type designed, equipped, or customarily used for over-the-road transport of goods, materials, or merchandise.

Accessory structure or facility: Any building or improvement clearly subordinate to a principal use such as garages, sheds, or storage buildings located on the same parcel as the principal structure.

Accessory use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same parcel as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for servants or caretakers.
- B. Swimming pools and private recreational facilities for the use of the occupants of a residence or their guests.
- C. Residential- or agriculture-related storage in a barn, shed, tool room, or similar accessory building.
- D. A newsstand intended primarily for the convenience of the occupants of a building which is located wholly within such building and has no exterior signs or displays.
- E. Interior storage of merchandise normally carried in-stock in connection with a business or industrial use unless such storage is excluded in the applicable district's regulations.
- F. Accessory off-street parking spaces, open or enclosed.
- G. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

Addition: A physical enlargement of an existing structure, excepting that said physical enlargement shall not be larger than the existing structure.

Adult uses: Adult uses include adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult companionship establishments, adult conversation/rap parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels, adult body painting studios, and other premises, enterprises, establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public.

Agricultural building: A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

Agricultural business, seasonal: A seasonal business not exceeding six months in any calendar year operated on a rural farm offering for sale to the general public produce or any derivative thereof grown or raised on the property.

Agricultural composting: The direct incorporation by disking or plowing of yard waste into the soil surface of agricultural production lands.

Agricultural use: The production for sale of livestock, dairy animals or dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, or bees and apiary products.

All-terrain vehicle: "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic inches and total dry weight less than 900 pounds.

Alteration: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building such as foundations, walls, or partitions, columns, beams, or girders, or any enlargement of a building or structure whether horizontal or vertical.

Amortization: The establishment of a time schedule over which the cost of an investment is depreciated.

Antenna, amateur radio: Any equipment or device used to transmit, receive, or transmit and receive electromagnetic signals for "amateur radio service" communications.

Antenna, building-mounted: Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than ten feet tall and six inches in diameter, or a structure other than a telecommunications tower.

Antenna, minor: A ground- or building-mounted receive-only radio or recreational vehicle antenna whose total height including any mast to which it is attached is less than 20 feet.

Antenna support structure: Any building, pole, telescoping mast, tower, tripod, or any other structure which supports an antenna.

Apartment: A suite of rooms or a room in a multiple-family dwelling arranged and intended as a place of residence.

Applicant: The owners, their agent, or representative having interest in land where an application for city review of any permit, use, or development is required by this chapter.

Base flood: See *Regional flood*.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bed and breakfast: An owner-occupied private home where accommodations are offered for one or more nights to transients.

Block: The property abutting one side of a road or street and lying between the two intersecting or intercepting roads or streets and subdivided acreage.

Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least 25 feet above the ordinary high water level of the water body;
- C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- D. The slope must drain toward the water body. An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.

Bluff impact zone: A bluff and land located within 20 feet from the top of a bluff.

Boathouse: An uninhabited structure designed and used solely for the storage of boats or boating equipment.

Buffer: A strip of land intended to create physical separation between potentially incompatible uses of land or environmentally sensitive areas.

Buildable lot area, net: The space remaining on a lot after the setback requirements, area with a slope of 33 percent or more, 100-year floodplain, and drainage easements or wetland have been subtracted.

Building: Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property.

Building code: The Minnesota State Building Code.

Building height: The vertical distance measured from the highest adjoining ground level to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height of eaves for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building line: A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Building official: Appointed by the city council to support the city administrator in the enforcement of the state building code.

Building permit: A permit required from the responsible governmental agency before any site work, construction, or alteration to structures can be started.

Bus: A vehicle designed for carrying passengers and having a seating capacity of at least 12 persons.

Certificate of occupancy: A certificate issued by the building official authorizing the use or occupancy of a building or structure.

Certificate of survey: A legal document depicting property information that is signed by a registered land surveyor under Minnesota State Law.

City: The City of East Bethel, Minnesota.

City council: The governing body of the City of East Bethel, Minnesota.

City-supported senior housing: Residential housing developed in conjunction with block grants or other governmental financial aid intended for the development of senior housing (residential housing restricted to persons age 55 and older) as mandated by the granting authority. City-supported senior housing will consist of multi-unit housing intended to serve senior citizens (persons age 55 and older). It may consist of cooperative housing or rental units managed by the residents thereof or a qualified independent management entity.

Commercial use: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Common open space: Land held in common ownership used for natural habitat, pedestrian corridors, and/or recreational purposes that is protected from future development.

Composting:

Agricultural: The direct incorporation by disking or plowing of yard waste into the soil surface of agricultural production lands.

Residential: A mixture of decaying organic matter used to improve soil structure and provide nutrients being incorporated into the soil surface.

Comprehensive plan: The document entitled "The City of East Bethel Comprehensive Plan," adopted October 13, 2000, as amended, or as hereafter revised or superseded by new comprehensive plans.

Conditional use. See *Use, conditional.*

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of [a] parcel or real property, together with a separate interest in space in a building.

Conservation easement: An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection, and maintenance of natural resources, open space, and agriculture.

Construction debris: Concrete, blacktop, bricks, stone facing, concrete block, stucco, glass, structural metal, and wood from demolished structures. It shall also include waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads, and any material as defined by the Minnesota Pollution Control Agency (MPCA) or permitted for deposit in construction debris disposal facilities by said agency or by Anoka County such as, but not limited to, foundry sand, waste shingles, tree waste, water treatment plant lime sludge, and street sweepings.

Contiguous: Parcels of land that share a common lot line or boundary.

Craft center: A place designated to serve individuals and groups by offering indoor crafts such as knitting, quilting, scrapbooking, and other similar uses.

Crematorium or crematory: A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

Deck: A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than 30 inches above ground.

Density: The number of dwelling units permitted per acre of new developable acres of land as regulated by the applicable zoning district.

Density units: The number of individual dwelling units that can be located on a parcel of land as established through the use of [a] yield plan. For the purpose of this chapter, a multifamily residential dwelling is considered as having, as many density units as there are individual dwelling units regardless of whether those units are attached or detached.

Drive-through: Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.

Driveway access permit: A permit required from the responsible governmental agency that allows access onto a public road. Such permit must be acquired prior to construction and the issuance of a building permit.

Disposal facility: A waste facility that is designed or operated for the purpose of disposing of waste on or in the land, together with any appurtenant facilities needed to process waste for disposal.

Dwelling: A building of one or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, or bed and breakfasts (also see *Dwelling unit*).

Dwelling, attached, single-family: A dwelling that is joined to another dwelling by a common wall.

Dwelling, detached, single-family: A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, townhouse: A single structure consisting of two or more dwelling units having the first floor at or near the ground level with no other dwelling units or portions thereof above or below, with each dwelling unit connected to each other unit by a single party wall with no openings.

Dwelling, two-family: A building designed and used exclusively for occupancy by two families living independently of each other within a dwelling unit.

Dwelling unit: Any structure, portion of a structure, or other shelter designed as living quarters for one or more persons and having cooking facilities. Short-term rental or timeshare accommodations such as motel, hotel and resort room and cabins are not considered dwelling units.

Easement: Property which is acquired by the city by purchase, gift, devise, condemnation, lease, or otherwise that is used for the expressed purpose of providing access for: public utility installation and maintenance, stormwater drainage, right-of-way, and otherwise. An easement does not provide or allow any other public access or use unless specifically recorded in the legal description.

Equal degree of encroachment: A method of establishing the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the building or structure. Excavation, fill, drainage, and the like shall be considered a part of erection.

Essential services: The utilization, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electricity, steam, fuel, water supply or distribution system(s); sanitary sewage disposal system; including accessory facilities necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Essential services—governmental uses, buildings and storage: An area of land or structures used for public purposes, storage, or maintenance, and which is owned or leased by a governmental unit.

Essential services—utility substation: A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large-size long-distance transmission lines to small retail quantities in a neighborhood distribution system. These uses include electric substations and telephone switching and relay facilities. Business offices associated with these uses are not included as part of this definition.

Excavation: Any breaking of ground, except common household gardening and ground care.

Exterior storage: The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

Extractive use: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minn. Stats. §§ 93.44—93.51.

Farm: A tract of land used for any agricultural activity or the raising of livestock or small animals as a source of income.

Feedlot: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges or operations) shall be considered animal feedlots, but an unrestricted pasture or range shall not be considered animal feedlots.

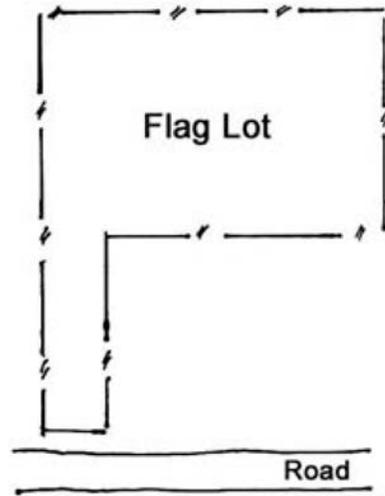
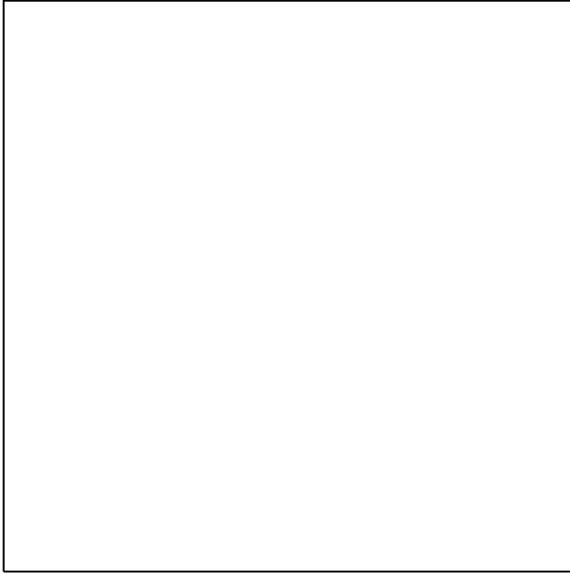
FEMA: Federal Emergency Management Agency.

Fill: Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, or transported, and shall include the conditions resulting thereupon.

Final plat: A drawing or map of an approved subdivision that meets all requirements of the Subdivision Regulations.

Fish house: A structure set on the ice of state waters to provide shelter while taking fish by angling.

Flag lot: A lot with access provided to the bulk of the lot by means of a narrow corridor.



Flood: A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood frequency: The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe: The portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study for Anoka County.

Floodplain: The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

Flood-proofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

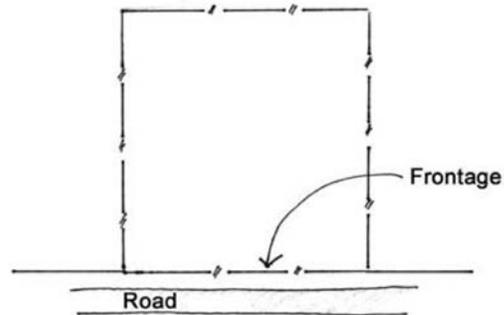
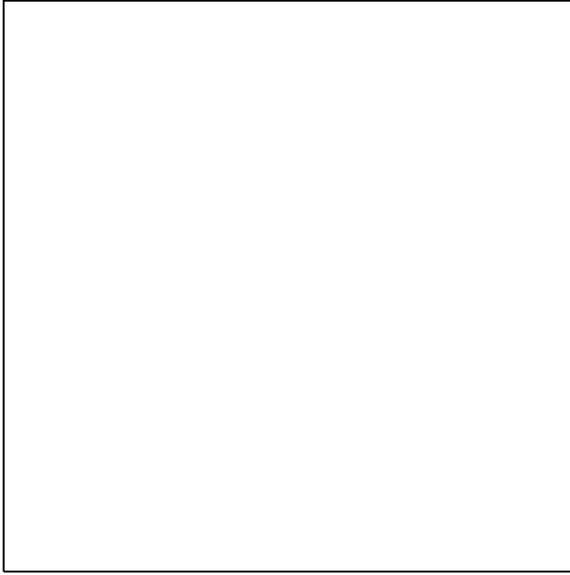
Floor area: The sum of the horizontal areas of each floor of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two attached buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads and accessory structures.

Florist, commercial: A building or premises used primarily for the retail sale of flowers and small plants which may not have been grown or raised on the property and does not include greenhouse.

Footprint: The area of the land covered by a building's foundation.

Forest land conversion: The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Frontage: That boundary of a lot that abuts a public street or private road.



Funeral home: A building or part thereof used for funeral services. Such buildings may contain space and facilities for:

- A. a) — Embalming and the performance of other services used in preparation of the dead for burial;
- B. b) — The storage of caskets, urns, and other related funeral supplies; and
- C. c) — The storage of funeral vehicles.

Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall not include facilities for cremation.

Garage: A detached or attached accessory building designed or used for the parking and storage of vehicles owned and operated by residents of the principal structure on the same lot.

Garden supply store and nursery yard: A building or premises used primarily for the wholesale and retail sale of trees, shrubs, flowers, other plants, and accessory products. Accessory products are those products that are used in the culture, display and decoration of lawns, gardens, and indoor plants.

Golf course: An area of land laid out for golf with a minimum series of nine holes each including a tee, fairway, and putting green, and often one or more natural or artificial hazards.

Governing body: The city council.

Habitable space: A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Hardship: A property cannot be put to reasonable use if: the conditions of the zoning ordinances are followed; the landowner's particular circumstances are unique and not self-created; and, granting a variance will not alter the essential character of the locality.

Hazardous waste: Any refuse, sludge, or other waste material or combination of refuse, sludge, or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may cause or significantly contribute to an increase in mortality or serious, irreversible, or incapacitating reversible illness, or which poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Health/recreation facility: An indoor facility that includes uses such as game courts, exercise equipment, locker rooms, Jacuzzi and/or sauna, and pro shop.

Home occupation: An occupation carried on in a dwelling unit or accessory building by the resident, which is clearly secondary to the principal use.

Homeowners association: A formally constituted nonprofit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.

Hotel: A building having provision for ten or more guests in which lodging is provided with or without meals, for compensation, and which is open to transient or permanent guests or both, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

Industrial use: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Industrial waste: Solid waste resulting from an industrial, manufacturing, service, or commercial activity that is managed as a separate waste stream.

Infectious waste: Laboratory waste, blood, regulated body fluids, sharps, and research animal wastes that have not been decontaminated.

Inoperative vehicle: A vehicle incapable of movement under its own power.

Intensive vegetation clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim use: A temporary use of property until a particular date, the occurrence of a particular event, a violation of the permit, or until zoning regulations no longer permit it.

Junk yard: An establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills not regulated by the MPCA, any of which are wholly or partly within one-half mile of any rights-of-way, whether maintained in connection with another business or not, where waste, or discarded material stored is equal in bulk to five or more motor vehicles and which is to be resold for used parts or old iron, metal, glass, or other discarded material.

Kennel, commercial: Any place where a person accepts dogs from the general public and which are kept for the purpose of boarding.

Kennel, private: Any place where more than two dogs, over four months of age are kept or harbored, provided such animals are owned by the owner or lessee of the premises on which they are kept or harbored, and the owner or lessee of said premises is not conducting a business operation involving the dogs, whether for-profit or nonprofit.

Land clearing: The removal of contiguous groups of trees and other woody plants in an area of 20,000 square feet or more within any 12-month period.

Licensed daycare facility: Any public or private facility required to be licensed by a governmental agency that provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Licensed daycare facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, developmental achievement centers, day treatment programs, adult daycare centers, and day services.

Licensed residential care facility: Any public or private facility required to be licensed by a governmental agency, that provides one or more persons with 24-hour-per-day care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to, state institutions under the care of the commissioner of human services, foster homes, residential

treatment centers, group homes, residential programs, supportive living residences for functionally impaired adults, or schools for handicapped persons. A facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquents on the basis of conduct in violation of criminal statutes pertaining to sex offenses shall not be considered a licensed residential care facility.

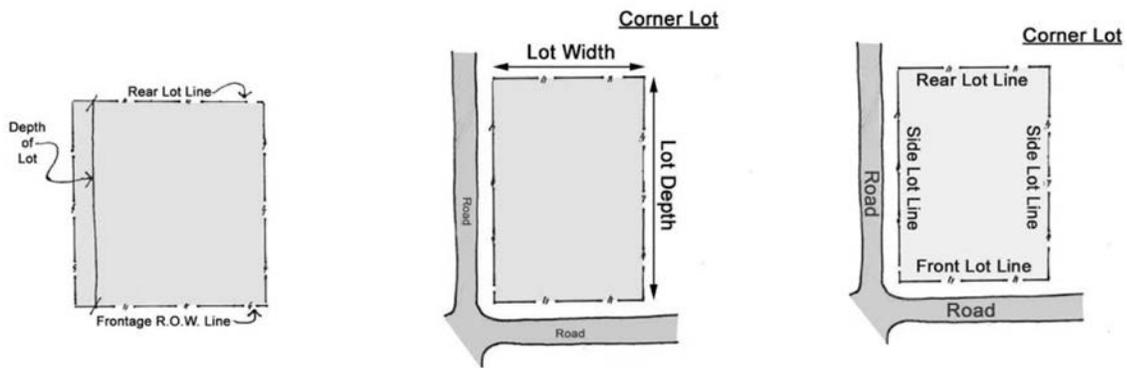
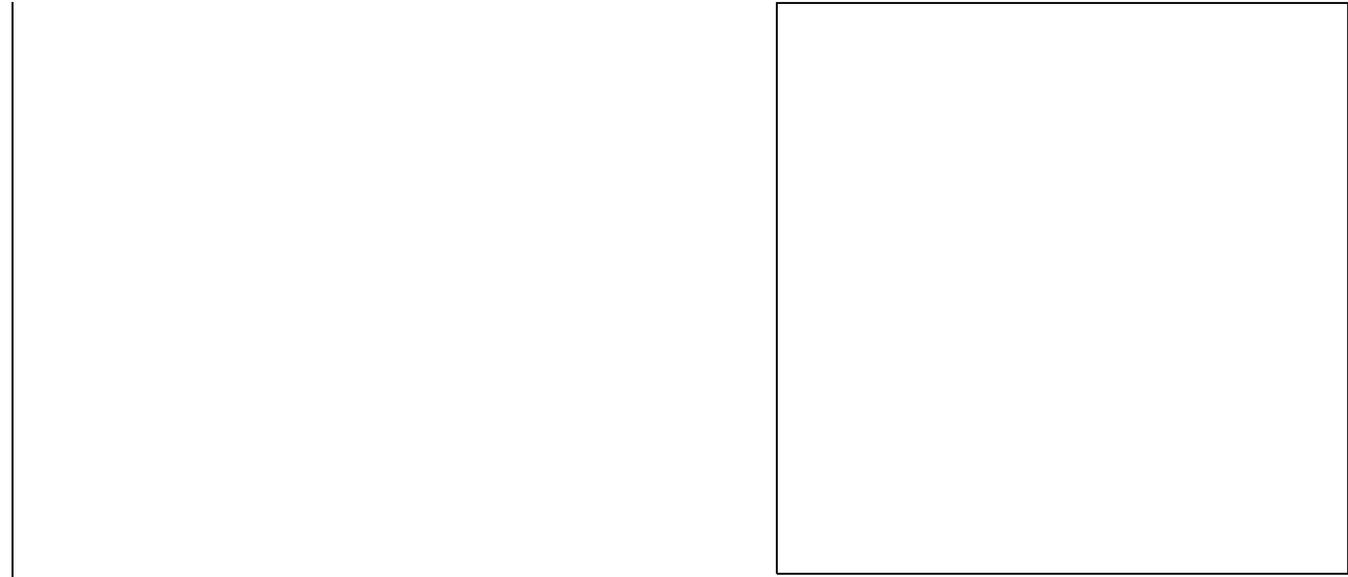
Lighting:

- A. *Fixture, outdoor:* Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights for:
1. ~~a)~~ Buildings and structures;
 2. ~~b)~~ Recreational areas;
 3. ~~c)~~ Parking lot lighting;
 4. ~~d)~~ Landscape lighting;
 5. ~~e)~~ Billboards and other signs;
 6. ~~f)~~ Street lighting;
 7. ~~g)~~ Product display area lighting; and
 8. ~~h)~~ Building overhangs and open canopies.
- B. *Footcandle:* A unit of illumination produced on a surface, all points of which is one foot from a uniform point source of one candle.
- C. *Shielding:* A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing the light fixture.
- D. *Source:* A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
- E. *Outdoor:* Any light source or collection of light sources located outside of a building including, but not limited to, light sources attached to any part of a structure, located on the surface of the ground, or located on free standing poles.

Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other legal means and separate and apart from any other parcel or portion of land, and from right-of-way, public or private.

Lot area: Total horizontal area within the lot lines of the lot.

Lot, corner: A lot situated at the junction of and abutting two or more intersecting streets or public right-of-ways; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.

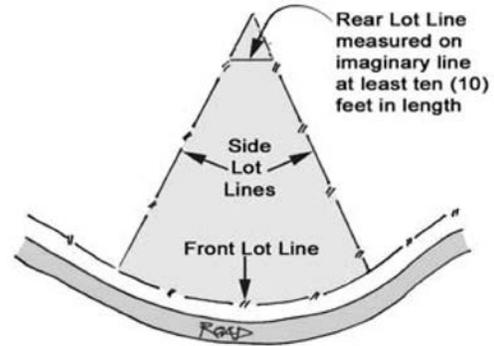
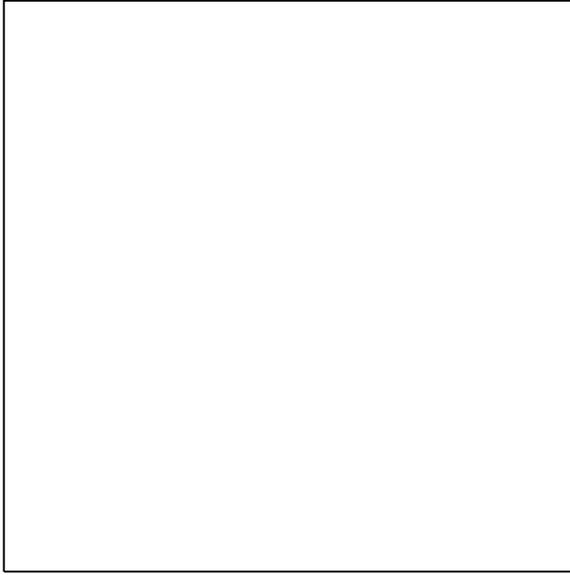


Lot coverage: The part or percent of the lot occupied by buildings, including accessory buildings, and other impervious surface. This definition includes, but is not limited to, driveways, patios, and structures.

Lot depth: The average horizontal distance between the front and rear lot lines.

Lot lines: The lines bounding a lot are defined below:

- A. **Front lot line:** For an interior lot, the line separating the lot from the street. For a corner lot, the lines separating the lot from either street. For a through lot, the lines separating the lot from both streets. On lakeshore lots, the street shall be considered the front lot line.
- B. **Rear lot line:** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
- C. **Side lot line:** Any lot line other than the front lot line or rear lot line; the average horizontal distance between the front and rear lot lines.
- D. **Zero lot line:** A lot line dividing two or more dwelling units sharing a common wall.



Lot of record, buildable: Any lot which is individually owned and has been recorded in the Office of the Anoka County Recorder as having the minimum area and minimum road frontage required by this ordinance for a building site in the district in which such lot is located.

Lot, through: Any lot other than a corner lot that abuts more than one street or street right-of-way. On a through lot, all property lines abutting the street right-of-way shall be considered the front lines.

Lot width: The shortest distance between lot lines measured at the midpoint of the building line.

[Manufacturing, light – Establishments involved in the manufacture, processing, fabrication, packing, assembly or compounding of products where the process involved is usually completely enclosed and without adverse environmental effects.](#)

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under Minn. Stats. ch. 327.

Manufactured home park: Any site, lot, field, or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park.

Master development plan: A concept plan of an area adopted by the city council which includes single and/or multiple ownerships of parcel(s) that relate through common objectives and design elements.

Materials recovery: The collection, storage, sorting, separation, processing, sale, use, or reuse of discarded materials, substances, or products contained within or derived from waste.

Medical uses: Those uses concerned with the diagnosis, treatment, and care of human beings.

Mining: The excavation, removal, storage, or processing of sand, gravel, rock, soil, clay, or other deposits in excess of one acre.

Mixed municipal solid waste: Garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates creates for collection. Auto hulks, street sweepings, ash, construction debris, industrial wastes, mining waste, sludges, tree and

agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams are not included.

Mn/DOT: Minnesota Department of Transportation.

Motel: An establishment containing rooming units designed primarily to provide sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside, and providing automobile parking located adjacent to or near sleeping rooms.

Motor truck: A single or multiple axle straight frame truck with a maximum gross vehicle weight rating (GVWR) 20,000 pounds or greater.

Motor vehicle: The meaning given to it in Minn. Stats. § 168.011, subd. 4, and also includes a park trailer as defined in Minn. Stats. § 168.011, subd. 8, and a horse trailer as defined in Minn. Stats. § 168.27, subd. 1.

Motor vehicle and/or motorcycle internet distribution sales (only): A business predicated on sales through internet communication elements of which consist of the following: at least 95 percent of all sales are initiated and secured through internet communication between buyer and seller; the business has no pre-sale acquired inventory; all sales are substantially completed before the product is delivered to the business site for delivery to the customer; there is minimal need for automotive storage on site with the exception of automobiles awaiting customer pickup; there is limited need for exterior storage, and no automotive repair or maintenance is conducted outdoors.

Motor vehicle dealer: Any person, firm, or corporation, including licensed used motor vehicle dealers, wholesalers, auctioneers, and lessors of new or used motor vehicles, regularly engaged in the business of selling, purchasing, and generally dealing in new and used motor vehicles, and new and used motor vehicle bodies, chassis-mounted or not, having an established place of business for the sale, trade, and display of new and used motor vehicles, and new and used motor vehicle bodies, and which has new and used motor vehicles and new and used motor vehicle bodies for the purposes of sale or trade.

Motor vehicle parts: Retail and wholesale of new auto parts, equipment, and supplies to the general public and the automotive industry.

Motor vehicle repair, major: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service including body, frame, or fender straightening or repair, overall painting and upholstery; and/or vehicle steam, cleaning. This definition does not include towing businesses.

Motor vehicle repair, minor: Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under *Motor vehicle repair, major*.

Motor vehicle sales: The sale, offering for sale, display for sale, or facilitating the sale of motor vehicles, new or used.

Motor vehicle sales lot: Any lot, site, premises, or establishment where motor vehicles, new or used, are sold, offered for sale, or displayed for sale, or where the sale of motor vehicles is facilitated.

Motor vehicle service station: A place for the dispensing, sale, or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of motor vehicles.

Motor vehicle wash: Premises having a structure for washing and drying vehicles and adequate outdoor space for staging vehicles into and out of the wash.

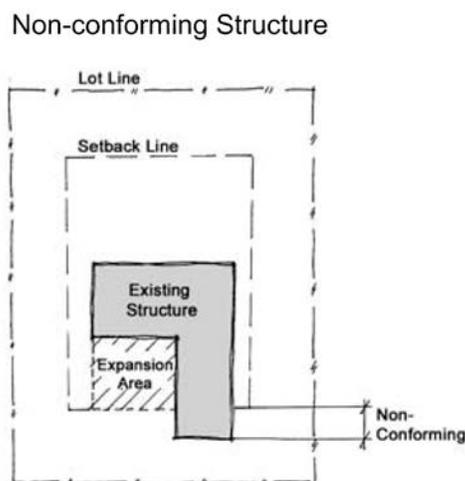
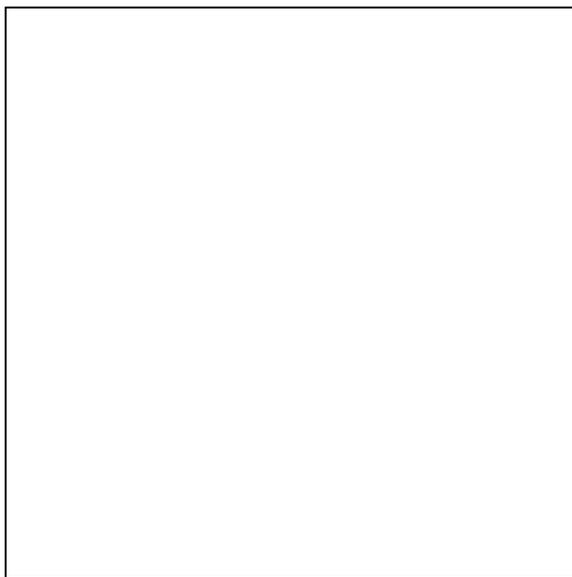
Motorcycle: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with motor attached, excluding tractors as defined by Minn. Stats. § 169.011, subd. 44.

MPCA: Minnesota Pollution Control Agency.

NIER: Non-ionizing electromagnetic radiation, electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

Nonconforming lot: A separate parcel or lot of record on the effective date of this chapter, or any amendment thereto, which lot or parcel does not conform to the regulations, including area or dimensional standards, contained in this chapter or amendments thereto.

Nonconforming structure: Any structure legally existing on the effective date of this chapter, or any amendment thereto, which does not conform to the regulations including the dimensional standards, for the district in which it is located after the effective date of this chapter or amendments thereto.



Nonconforming use: A use which lawfully occupies a building or land after the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nonconformity: Any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded, or authorized.

Noxious matter or material: Material which is capable of causing injury or is in anyway harmful to living organisms, or is capable of causing detrimental effect upon the physical, economic, or mental health of human beings.

Nursing home: A building with facilities for the health evaluation and treatment of patients and residents who are not in need of an acute care facility but who require nursing supervision on an inpatient basis. A nursing home does not include a facility or that part of a facility that is a hospital.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Office: A room, suite of rooms, or a building containing rooms or suites of rooms in which commercial activities, professional services, or occupations are conducted that do not require that goods are stored, produced or sold at retail, or repaired including, but not limited to, financial institutions, professional office, governmental offices, insurance offices, real estate offices, utility offices, radio broadcasting, and similar uses.

Official control: Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria all of which control the physical development of the City of East Bethel or any part thereof or any detail thereof, and the means of translating into ordinances all or part of the general objectives of the

comprehensive plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps that have been adopted by the City of East Bethel as the East Bethel Zoning Ordinance.

Official map: A map adopted in accordance with the provisions of Minnesota State Statutes.

Off-street parking lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, to provide access for entrance and exit for the parking of more than three vehicles.

Open sales lot: Lands devoted to the display of goods for sale, rent, lease, or trade where such goods are not enclosed within a building.

Open space: Land used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes that is undivided and permanently protected from future development.

Ordinary high water level: The boundary of public waters and wetlands delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outdoor sidewalk cafe: A seasonal expansion of a permitted restaurant, delicatessen, or lunch shop outside on an attached or unattached patio structure, or a freestanding public or private outdoor cafe in conjunction with a promotional event.

Overlay district: A zoning district shown as an overlay on the zoning map. Development within an overlay district is subject to the regulations of both the underlying zoning district and the overlay district.

Owner: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

Parking space: An area of definite length and width designed for parking of motor vehicles, exclusive of drives, aisles, or entrances to the spaces and shall be fully accessible for the storage or parking of permitted vehicles.

Permitted use: A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and performance standards (if any) of such district.

Place of worship: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

Planning commission: The planning commission of the City of East Bethel, Minnesota.

Plant nursery, commercial: A building or premises used primarily for the retail sale of trees, shrubs, flowers, or other plants, which may not have been grown or raised on the property.

Plant nursery, wholesale: A building or premises used primarily for the growing and wholesale sale of trees, shrubs, flowers, and other plants.

Platted area: A parcel of land described by block and lot.

Principal building or use: The main use of buildings or land in which the principal use of the property is conducted.

Pole building: A building with no foundation and with sides consisting of corrugated steel or aluminum panels supported by poles set in the ground typically at eight-foot intervals.

Private sewage treatment system: Septic tank and soil absorption system or other individual or cluster-type sewage treatment system as described and regulated in Ordinance 61—Sewage Treatment Ordinance.

Project development package: An application containing information needed to initiate the review process of specific site(s) with the master development plan area.

Public utility: A corporation, municipal department, board, or commission duly authorized under federal, state, or municipal regulations to furnish the public with gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Public waters: All lakes, ponds, swamps, streams, drainage ways, floodplains, floodways, natural water courses, underground water resources, and similar features involving directly or indirectly, the use of water within the community, as defined by the department of natural resources.

Reach: A hydraulic engineering term describing a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreation, commercial: Land intended to accommodate uses that provide active and passive recreational opportunities on a use and/or membership fee basis. Land designated for commercial recreation use differs from land designated for park and recreation use in that it is privately owned land rather than being publicly owned.

Recreation, public: Land intended to accommodate uses that provide active and passive recreational opportunities whether or not on a use and/or membership fee basis. Land designated for public recreation use differs from land designated for commercial recreation use in that it is publicly owned land rather than being privately owned. Typical uses include tot lots, neighborhood parks, community parks, ball fields, public golf courses, public gardens, green ways and trail corridors, beaches, and community centers.

Recreational equipment: Play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures, but not including tree houses, swimming pools, play houses exceeding 25 square feet in floor area, or sheds utilized for storage of equipment.

Recreational facility: An indoor facility in which physical recreation activities are conducted, such as ice hockey, tennis, racquet/hand ball, swimming, ice and roller skating, or bowling.

Recreational vehicle: Any device having wheels and capable of supporting overnight sleeping accommodations and designed for uses in addition to normal travel.

Recyclable material: Materials that can be readily separated from mixed municipal solid waste for the purpose of recycling including, but not limited to, paper, glass, plastics, metals, automobile oil, and batteries.

Recycling drop-off facility: A publicly owned, operated, or sponsored site used to collect recyclable materials which have been source separated from other materials and stored for shipment to processing, reuse, or manufacturing facilities.

Regional flood: A flood which is representative of large floods known to have occurred generally in Minnesota, and reasonably characteristic of what can be expected to occur on an average frequency of once each 100 years. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Registered engineer: An engineer registered in accordance with the laws of the State of Minnesota.

Regulatory flood protection elevation (RFPE): An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that results from designation of a floodway.

Research: Medical, chemical, electrical, metallurgical, or other scientific research and quality control conducted in accordance with the provisions of this chapter.

Restaurant, fast food: Any restaurant that meets some or all of the following requirements:

- A. Customarily provides quick service to its customers.
- B. Offers its customers a limited, standardized choice of inexpensive food and/or beverages.

- C. Serves its customers from a counter and customarily does not serve its customers at tables.
- D. Packages and serves its food and beverages in disposable wrappers, containers, cartons, boxes and/or bags.
- E. Expects customers to dispose of their used food serving and packaging containers in trash, litter, or garbage cans.
- F. Prepares a considerable amount of its food in volume in advance of customer orders.
- G. Offers food to customers by way of signs, placards, posters, valences, or boards rather than on menus given to customers.

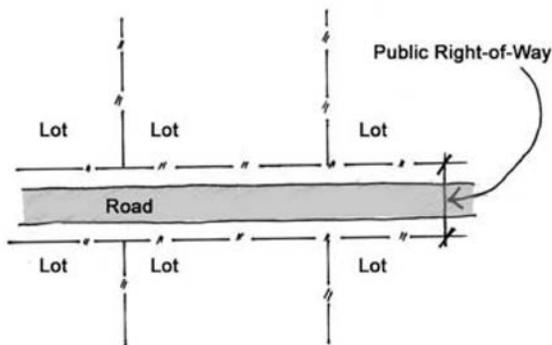
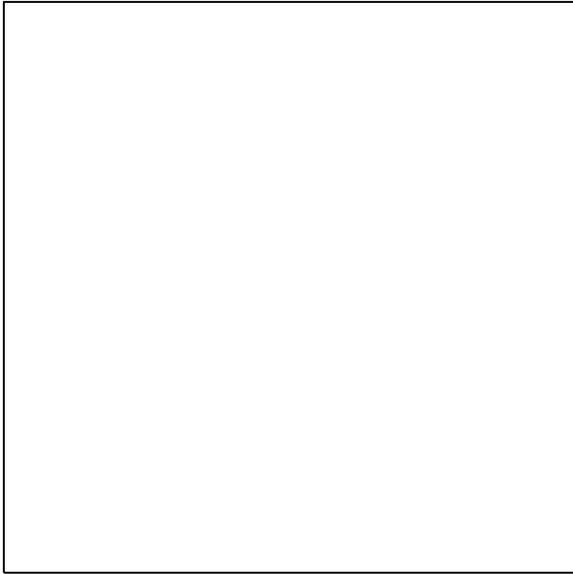
Restaurant, full service: A business establishment whose principal business is the preparing, selling, and serving of unpackaged ready-to-consume food to customers seated at counters or tables.

Retail/office/multitenant structure: Any grouping of two or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.

Retail sales and services: Stores and shops selling goods over-the-counter for use away from the point of purchase, or offering services on the premises. Large items such as motor vehicle or open sale lots are not included in this category of uses.

RFPE: Regulatory flood protection elevation.

Right-of-way (ROW), public: An area for public use owned and maintained by a government jurisdiction.



Satellite dish: Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow, dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennae.

School: A facility that provides a curriculum of preschool, elementary, secondary, post-secondary, or other instruction including, but not limited to, licensed daycare facilities, kindergartens, elementary, junior high, high schools, and technical or college instruction.

School, home: A school within a residential dwelling educating children residing in the residential dwelling.

School, specialty: A facility that provides specialized instruction for dance, music, art, karate, or similar educational activities.

Screening: Screening includes earth mounds, berms, or ground forms, fences and walls, or landscaping (plant materials) or landscaped fixtures (such as timbers), used in combination or singularly so as to block direct visual access to an object throughout the year.

Self-service storage: A structure or structures containing separate storage spaces of varying sizes that is leased or rented individually.

Semi-public use: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Semi-tractor: A vehicle that is designed to pull a trailer attached to a fifth wheel and has a gross vehicle weight rating (GVWR) 20,000 pounds or greater.

Semi-trailer: A vehicle of the trailer type so designed and used in conjunction with a tractor-trailer that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semi-trailer combination.

Sensitive resource management: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback: The minimum horizontal distance from any lot line, road easement, ordinary high water level, or other referenced feature that a structure or improvement may be placed, as measured from the lot line or feature to the closest point of the structure or improvement.

Sewer system: Pumping stations, force main, pipelines, or conduits, and all other construction, devices, appliances, or appurtenances used for conducting sewage, industrial waste, or other wastes to a point of ultimate disposal.

Shore impact zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland: Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner of the department of natural resources.

Significant historic site: Any archaeological site, standing structure, or other property that has been listed on, or meets the criteria for eligibility to be listed on, the National Register of Historic Places, the state register of historic sites, or any regional, county, municipal or local historic registers, or that is determined to be an unplatted cemetery that falls under the provisions of Minn. Stats. § 307.08. A historic site meets these criteria if it is presently listed on any of the aforementioned registers, or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist, the director of the Minnesota Historical Society, or a qualified representative of the regional, county, municipal, or local registers. All unplatted cemeteries are automatically considered to be significant historic sites.

Snowmobile: "Snowmobile" means a self-propelled vehicle designed for travel over snow or ice on skis or runners.

Solid waste: garbage: Refuse or sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solid or dissolved material in domestic sewage or other common pollutants in water resources such as silt, dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Steep slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics as mapped and described in available county soil surveys or other technical reports unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Street: A public vehicular right-of-way which affords a primary means of access to abutting property, except in the case of streets with a high volume of vehicular traffic where access may be restricted and an alternative access may be required.

- A. *Approved private street:* A private street that has been approved by resolution of the City of East Bethel. Such resolution must specify the street, indicate that the street must support emergency vehicles, and specify that provisions must exist for the ongoing maintenance of the street.
- B. *Collector street:* A street that serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road and designated as a collector street on the city comprehensive plan.
- C. *Arterial street:* A street, as designated in the comprehensive plan, which serves or is designed to serve heavy flows of traffic, and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- D. *Local street:* A street intended to serve primarily as an access to abutting properties.
- E. *Street pavement:* The wearing or exposed surface of the roadway used by vehicular traffic.
- F. *Street, public:* A street owned and maintained by a government jurisdiction.
- G. *Width of street:* The width of the right-of-way measured at right angles to the centerline of the street.

Story: Vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and for the topmost story, from the top of the finished floor surface to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters of a building or structure.

Story, half: That part of a building under the gable, hip, or gambrel roof; the wall plates of which are not more than four feet above the floor.

Structural alteration: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structure, public: An edifice or building of any kind, or any piece of work artificially built-up or comprised of parts joined together in some definite manner which is owned or rented and operated by a federal, state, or local government agency.

Structure, recreational: Structures of a recreational nature such as swing sets, jungle gyms, tree houses and other similar facilities.

Structure, temporary: Structures that are of a mobile nature and located on a property for no more than six months in a 12-month period, such as ice fishing shanties, camping, tents, enclosed trailers, and other similar facilities.

Subdivision: Land that is divided for the purpose of sale, rent, or lease.

Surface water-oriented commercial use: The use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal conducting of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Swimming pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep and 5,000 gallons in capacity. This includes in-ground, above-ground, and on-ground swimming pools.

Tavern or bar: A building with facilities for the serving of 3.2 percent malt beverages, liquor, wine, set-ups, and short order foods.

Telecommunications facility: A facility that transmits and/or receives electromagnetic signals. It includes antennae, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development. It does not include facilities staffed with other than occasional maintenance and installation personnel, vehicle or other outdoor storage yards, offices, or broadcast studios other than those designated for emergency use. All communication towers are subject to the provisions established for such use in Section 17 [16]. Telecommunication[s] Facilities.

Telecommunications tower: A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennae. A ground- or building-mounted mast less than ten feet tall and six inches in diameter supporting a single antenna shall not be considered a telecommunications tower.

Temporary/seasonal sales: A facility or area for temporary or seasonal sales of goods, wares, or merchandise.

Toe of the bluff: The base of a bluff.

Top of the bluff: The top portion of a bluff.

Townhouse: A single-family dwelling unit, with private front and rear entrances which is part of a multiple-family building whose dwelling units are attached horizontally in a linear arrangement. Each dwelling unit must be separated from other dwelling units by a firewall or walls extending from the foundation through the roof with no openings. Each dwelling unit shall have a totally exposed front and rear wall to be used for entry, light, and ventilation.

Transportation/motor freight terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or shipment, or in which semi-trailers, including tractor or trailer units and other trucks, are parked or stored.

Transportation terminal: Taxi, bus, train, and mass transit terminal and related ticketing, passenger waiting, parking, and storage areas.

Truck farming: An agricultural operation in which garden vegetables, fruits, and other such produce is transported from the subject property to an off-site location for sale.

Truck, semi-trailer: The terms "semi-trailer," "truck-tractor," "truck," and "vehicle" shall have the meanings given them in Minn. Stats. § 169.01.

Truck stop: A motor fuel station devoted principally to the needs of tractor-trailer units and trucks, and which may include eating and/or sleeping facilities

Undisturbed soil contour: The identified area within the buildable area of each lot which has never been excavated, cut, or filled. On-site septic areas (sewers) sufficient for two systems shall be identified

on each lot and marked off to keep construction traffic off during plat development. Areas for sewers which cannot be located in the undisturbed soil contour area will require a design by a certified designer to ensure the lot will be capable of sustaining an on-site sewer at the time of plat review. Certification of "buildable area" and "undisturbed soil contour" shall be submitted in the form of an exhibit prepared by the developer's engineer or surveyor.

Unplatted area: A parcel of land described by metes and bounds, without reference to block and lot.

Use: The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

- A. *Accessory use:* A use subordinate to and serving the principal use or structure on the same lot and incidental to such principal use.
- B. *Conditional use:* Either a public or private use as listed which because of its unique characteristics cannot be properly classified as a permitted use in a particular district. After consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "conditional use" may or may not be granted by the council.
- C. *Open space use:* The use of land without a structure or including a structure incidental to the open space use with a ground floor equal to five percent or less of the area of the lot.
- D. *Permitted use:* A use that is or may be lawfully established in a particular district or district provided it conforms to all requirements, regulations, and performance standards of such district.
- E. *Principle use:* The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be permitted or conditional.

Used motor vehicle: A motor vehicle for which title has been transferred from the person who first acquired it from the manufacturer, distributor, or dealer. A new motor vehicle will not be considered a used motor vehicle until it has been placed in actual operation and not held for resale by an owner who has been granted a certificate of title on the motor vehicle and has registered the motor vehicle in accordance with Minn. Stats. ch. 168 and Minn. Stats. chs. 168A and 297B, or the laws of the residence of the owner.

Variance: A modification or variation of the provisions of this chapter as applied to a specific lot or property.

Veterinary: Those uses concerned with the diagnosis, treatment, and medical care of animals, including animal or pet hospitals.

Warehousing: The storage, packaging, and crating of materials or equipment within an enclosed building or structure.

Warehousing and distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waste: Infectious waste, nuclear waste, pathological waste, sewage sludge, solid waste and hazardous waste.

Waste facility: Property used for the accumulation, storage, processing, or disposal of waste.

Waste management: Activities which are intended to affect or control the generation of waste and activities which provide for or control the collection, processing, and disposal of waste.

Water-oriented accessory structure or facility: A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls.

Wetland: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this chapter, wetlands must:

- a) Have a predominance of hydric soils;
- b) Be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- c) Under normal circumstances, supports a prevalence of hydrophytic vegetation.

Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesaling: The selling of goods, equipment, and materials by bulk to another person who in turn sells the same to customers.

Yard waste: Garden wastes, leaves, lawn clippings, weeds and pruning generated at residential or commercial properties.

Yards: The open spaces on the same lot as a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined below:

- A. *Front yard:* An open space extending the full width of the front lot line, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. For a corner lot which is not a reversed frontage corner lot, the front yard shall adjoin a front yard in an adjoining lot.
- B. *Rear yard:* An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. *Side yard:* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Zoning district: An area or areas within the limits of the city in which the regulations and requirements of this chapter are applied uniformly.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010; Ord. No. 36, Second Series, 4-4-2012; Ord. No. 48, Second Series, 2-5-2014; Ord. No. 48, Third Series, 6-4-2014)

Blaine, MN Light Industrial Regulations

<http://www.ci.blaine.mn.us/index2col.cfm?id=900115#.VtyCZeT2aHs>

31.00 Light Industrial (I-1)

(Amended 11 5 87 Ord. 87 1046)

The purpose of this district is to provide for the development of industrial uses ranging from small to large scale industry and related services. This district shall encourage the development of industrial uses accessible to major highways and utilizing City services of sanitary sewer, water, street, and storm drainage. **Such light industrial areas should be located next to heavy industrial, commercial, and airport districts and shall be free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants.**

31.02 Permitted Uses

- (a) Manufacturing uses: manufacturing, compounding, processing, packaging, storage, treatment, or assembly of products and materials **within a structure**, except for rendering/slaughtering/refining facilities.
- (b) Warehousing.
- (c) Wholesale businesses.
- (d) Offices business and professional.
- (e) Engraving shops.
- (f) Machine shops.
- (g) Printing and publishing.
- (h) Repair services, except for businesses related to passenger vehicles and trucks.
- (i) Service uses of blue printing, duplicating, mailing, and graphic arts.
- (j) Research and design laboratories.
- (k) Fire stations. (Amended 9/19/91 Ord. 91 1264)
- (l) Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Zoning Administrator, provided these uses are not explicitly mentioned as permitted or conditional uses elsewhere in the ordinance. (Amended 9/19/91 Ord. 91 1264)

31.03 Accessory Uses

- (a) Dwelling for watchman (not to exceed 500 square feet) and limited to one person.
- (b) Signs as regulated in Section 34.07.
- (c) Retail sales, incidental to manufacturing, of products manufactured, assembled, or warehoused on the premises, provided no more than ten (10) percent of the building is used for retail space.
- (d) Coffee shops/cafeteria for employees.
- (e) Recreational facilities for employees.
- (f) Day care related to employees.

31.04 Conditional Uses

31.04 CONDITIONAL USES (Amended 11-5-87 Ord. 87-1046)

- (a) Commercial nurseries/greenhouses.
- (b) Radio, television, and cable broadcasting.
- (c) Public and semi-public uses such as, but not limited to, post offices, telephone or microwave towers, substations, and public buildings.
- (d) Heliports
- (e) Passenger vehicle service, major repair, including painting, body work and dismantling, exclusive of auto reduction yards. Storage of vehicles shall be screened with 100% opaqueness.
- (f) Outdoor storage of passenger vehicles or vans, provided such storage shall be screened with 100% opaqueness. Such outdoor storage shall be related specifically to a permitted or approved conditional use.
- (g) Condominium conversion of building(s) subject to Section 31.05(m).
- (h) Two or more buildings on same lot provided such buildings relate to one permitted or conditional use.
- (i) Mini-storage facility.
- (j) Building over 50 feet from ground level.
- (k) Indoor vehicles sales showroom.
- (l) Zero lot line. (Amended 3/16/89 Ord. No. 89-1118. Amended 11-19-98. Ord. 98-1754)
- (m) Adult Uses - Principal. As defined and licensed under Article VI - Blaine Municipal Code. (Amended 1/7/93 Ord. 93-1320)

- (n) Indoor commercial dog kennel with dwelling for night watchman. (Amended 9-18-97. Ord. 97-1676)
- (o) Personal care, health care, recreation, or education related commercial services. Sites must be able to demonstrate adequate on-site parking. Uses must be destination based and not generate traffic volumes measurably above the range normally expected by the other allowed I-1 uses. With the exception noted in Section 31.03 (c), general retail sales is not permitted under this section. (Added 03-18-04. Ord. 04-2007)
- (p) Brewer taproom as defined by Section 6-33 associated with and on the same site as a licensed brewery. (Added 12/17/15. Ord. 15-2334.)

31.05 Standards

- (a) Minimum lot size - 1 acre with City water and sewer services.
- 10 acres without City water and sewer services.
- (b) Minimum lot width - 150 feet.
- (c) Minimum lot depth - 150 feet.
- (d) Front yard building setback - 40 feet.
- (e) Corner side yard building setback - 40 feet.
- (f) Side yard building setback - 15 feet.
- (g) Rear yard building setback - 20 feet.
- (h) Building height - fifty (50) feet from ground level. All buildings shall be sprinkled and contain other fire and life safety standards denoted in N.F.P.A. 101 and subject to Metropolitan Airport Commission regulations.
- (i) Minimum building size 5,000 square feet.
- (j) Parking and driveways may be constructed to within the following minimum setbacks of property line:
 - (1) Front yard/corner side yard 25 feet
 - (2) Side yard 10 feet
 - (3) Rear yard 10 feet

If rear yard or side yard parking setback is adjacent to I 35W or any collector/arterial street as designated in the City's Transportation Plan or residential district, the parking setback shall be 25 feet. Such setback shall be 50% opaquely screened with berms, shrubs, trees, fence, or a combination thereof.
- (k) When a light industrial district is adjacent to any residential district, building setbacks shall be one hundred (100) feet along any side adjacent to a residential district.
 - (1) A reduction in the required building setback buffer may be requested by following the requirements in Section 33.21 Buffer Yard Flexibility.

(l) Notwithstanding performance standards in Section 33.00, all activities within this district must comply with all Minnesota Pollution Control Agency regulations. In addition, no vibration shall be permitted which is discernible beyond the property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour, and any vibration producing an acceleration of more than 0.1g, or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines, Bulletin "Quarry Blasting" on any structure.

(m) Common areas for condominiums. The developer may provide parking, common walls, driveways and waiting areas in an area common to all units of the building. Common areas shall be deeded to and held in the name of an owner's association created by the developer and including all owners of property in the project. Declarations, in form and substance acceptable to the City Attorney, governing the usage and maintenance of such common areas shall be adopted and filed by the developer.

31.06 Landscaping

(a) All landscaping requirements shall meet the provisions of Section 33.08, including the following:

- (1) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevard except along I 35W and into general parking islands, except natural areas to be preserved.
- (2) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.
- (3) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting.

31.07 Loading Facilities

(a) Loading facilities shall be in the side or rear yards. When adjacent to and/or visible from any public street, such facilities must be screened with 100% opaqueness. When visible only to another lot, such facilities must be screened with 50% opaqueness. Screening can be accomplished using berms, shrubs, trees, fencing, architectural design or a combination thereof. For additional information and requirements, refer to Section 33.15.

31.08 Storage/Refuse Facilities

(a) There shall be no outdoor storage of any kind within this district.

For purposes of this zoning district, car, vans and pickup trucks parked outside and used by employees and/or visitors in the normal course of the business operation will not be construed to be outdoor storage. **Further, outside parked trucks and semi trailers used in the normal business' commerce will not be construed to be outdoor storage provided a) total number of trucks and semi trailers does not exceed the number of docks and/or bay doors; and b) such use is not construed as an operation listed as a conditional use in any industrial zone.**

(b) Refuse facilities shall be located only in the side yards or rear yards except when such yard is adjacent to I 35W, or any collector/arterial street as designated in the City's Transportation Plan. Such facilities must be constructed of coarse concrete block and contain exterior surfacing as constructed on the principal building(s). If refuse facility entrance is visible from public view such as from parking lots or street, such facilities shall have gates constructed of wood, utilizing 2X4 construction and 1X4 board on board slats as a minimum.

(c) There shall be no detached silos, storage tanks, storage bin containers or similar detached structures within this district.

(d) All attached silos, storage tanks, storage bin containers or similar attached structures shall have screening approved by the Community Development Director. Such screening shall be a minimum of a six (6) foot high wall constructed of similar exterior materials of the building and such structures shall be painted similar to the building.

31.09 Lighting

(Entire Section Amended 7-9-98. Ord. No. 98-1732)

(a) Lighting shall meet the requirements of Section 33.02.

31.091 Mechanical/Electrical Equipment

(a) All mechanical/electrical equipment on the ground or roof, such as heating, air conditioning, transformers, shall be screened on all sides so as not to be visible from public streets or adjoining property. Such screening shall be designed and constructed of material(s) that is compatible with the principal building(s).

31.092 Zero Lot Line Developments

(a) Notwithstanding the provisions of this Chapter to the contrary, industrial lots may be platted or subdivided in such a manner that common property lines will have a zero lot line building setback; provided, however, that each such lot meets the following requirements:

(1) Building Design. The developer shall submit complete final plans for the entire construction design. The exterior walls of the building shall be constructed in compliance with the Zoning Ordinance. A zero lot line development must be constructed at one time and no phasing will be allowed. Any future building additions beyond the minimum building square footage as required must be architecturally compatible with the originally constructed building. All accessory buildings must be architecturally compatible with the principal building.

(2) Development standards. Standards, in accordance with Section 31.05 through 31.091, shall be complied with for each parcel being subdivided or platted, except the following:

(i) Minimum lot size after subdividing 21,780 sq. feet

(ii) Side yard setback along common property line 0 feet, provided a maintenance easement is granted over the abutting property for access to maintain zero lot line walls.

(iii) Each lot shall have, as a minimum, the front yard and one (1) side yard unencumbered by a common property line as permitted.

(3) Party Wall Agreements. Agreements to ensure maintenance of party walls shall be approved by the City Attorney.

(4) Shared driveways. A zero lot line development shall be allowed shared driveway designs provided a driveway agreement shall be maintained and approved by the City Attorney.

(5) Lot split approval. A zero lot line development shall require a waiver of platting (lot split approval) by the City.

31.093 Architectural Control

(a) All buildings erected shall be a type of construction as defined in the Uniform Building Code. (Amended 10-19-00. Ord. No. 00-1876 Amended 3-16-00. Ord. No. 00-1835)

(b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation as determined by the Zoning Administrator.

(c) Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, precast panel, cast in place panel, architectural concrete with other permitted materials, or glass.

Use of modern metal paneling materials or its equivalent shall be considered for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of modern metal paneling materials or its equivalent shall not exceed 35% of any individual wall surface.

(d) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades, and angles to maximize architectural uniqueness.

In addition, the City is desirous of such building design which will enhance energy conservation **and attempt to use active or passive solar design.**

(e) All building design and exterior wall surface materials shall be reviewed and approved by the Zoning Administrator.

(f) All buildings shall contain a concrete floor. (Amended 10-19-00. Ord. No. 00-1876)

31.094 Site Plan

(a) Site plan approval shall be obtained from the Community Development Department as required under Section 33.07.

Minimum rear yard when adjacent to or separated only by an alley from a protected residential area as defined herein.	15 or as determined by the Planning Commission	25 feet	25 feet
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¹ Higher buildings may be allowed through the issuance of a conditional use permit.

§ 156.041 INDUSTRIAL DISTRICTS.

(A) *Purposes of industrial districts.*

(1) *I-1, Low Impact Business-Industrial District.* The Low Impact Business-Industrial District is intended to allow office and office showroom/office warehouse operations that have attractive buildings and low impacts on surrounding uses.

(2) *I-2, Light Industrial District.* The Light Industrial District is intended to allow light industrial uses that are free from objectionable features, or whose objectionable features are limited and can be eliminated by design, screening and other appropriate devices.

(3) *I-3, General Industrial District.* The General Industrial District is intended to provide an area that will accommodate heavier, higher impact industrial uses.

(4) *IT, Industrial Transition District.* The Industrial Transition District is intended to provide a means of transition from residential uses to light industrial uses, while still allowing existing residences to continue.

(B) *Allowable uses in industrial districts.* The uses listed below are allowable in the industrial districts indicated. "P" indicates the use is permitted if it conforms with all other city and state building and use regulations. "C" indicates that a conditional use permit must be issued by the city prior to use or construction. "I" indicates that an interim use permit must be issued by the city prior to use or construction. No letter indicates the use is not allowed in the district. If a use is not listed, the Planning Commission shall determine if a proposed use is similar to one that is listed. A negative determination would require a zoning ordinance amendment to establish the use as allowable.

DISTRICT				USES
I-1	I-2	I-3	IT	RESIDENTIAL USES
			P	Dwellings, Single Family – Existing
			P	Dwellings, Two Family – Existing
			P	Home Occupations, pursuant to § 156.084
				PUBLIC, SEMI-PUBLIC AND UTILITY USES

		P		Airport
P	P	P	P	Essential Services, pursuant to § 156.072
C	C	C	C	Essential Service Structures, pursuant to § 156.072
I-1	I-2	I-3	IT	PUBLIC, SEMI-PUBLIC AND UTILITY USES CONT.
I	P	P		Towers, pursuant to § 156.082
I-1	I-2	I-3	IT	COMMERCIAL AND INDUSTRIAL USES
I	I	I		Above Ground Bulk Liquid/Gas Fuel Storage in excess of 400 gallons
	P	P		Adult Establishments, pursuant to § 156.089, and Chapter 118
P	P	P	P	Fabricating/Assembling
		I		Manufacturing/Processing, Heavy
P	P	P	P	Manufacturing/Processing, Light
	I	I		Mini Storage
		P		Intermodal Freight Terminal
P	P	P	P	Offices
P	P	P	P	Office – Showrooms
P	P	P	P	Office – Warehouses
I				Retail Sales
	P	P	P	Outdoor Merchandise Display covering 75 square feet or less, pursuant to § 156.086
	I	I	I	Outdoor Merchandise Display covering more than 75 square feet, pursuant to § 156.086
I	I	I	I	Outdoor Storage, pursuant to § 156.085
P	P	P	P	Printing, Industrial
I	I	I		Recycling Center
P	P	P	P	Research/Development
		I		Salvage Yards
I	I	I	I	Toxic, Noxious and Odorous Matters pursuant to § 156.076

	I	I	I	Truck and Machinery Sales
	I	I	I	Truck Repair/Service/Garage
P	P	P	P	Warehousing/Storage
	P	P	P	Wholesale Trade
C	P	P	P	Accessory Uses or Structures
I	I	I	I	Those other uses which in the opinion of the Planning Commission are appropriate only on an interim basis, and pursuant to § 156.118

(C) *Use conditions.* A structure or land may be used for the following only if its use complies with the specific conditions imposed in this division and any other applicable requirements of this chapter. In addition, a use listed as conditional in division (B) above must obtain a conditional use permit, and use listed as interim in division (B) above must obtain an interim use permit..

(1) *Fabricating/Assembling.* In the I-2 and IT Districts, all fabricating/assembling shall be conducted wholly within a completely enclosed building.

(2) *Manufacturing/Processing.* In the I-1, I-2 and IT Districts, all manufacturing/processing shall be conducted wholly within a completely enclosed building.

(3) *Warehousing/Storage.*

(a) In the I-1, I-2 and IT Districts, warehousing/storage shall not include live animal commodities.

(b) In the I-1, I-2 and IT Districts, warehousing/storage shall not include bulk agricultural commodities.

(c) In the I-1, I-2 and IT Districts, warehousing/storage shall not include bulk storage of liquid.

(4) *Wholesale Trade.*

(a) In the I-2 and IT Districts, wholesale trade shall not include live animal commodities.

(b) In the I-2 and IT Districts, wholesale trade shall not include bulk agricultural commodities.

(c) In the I-2 and IT Districts, wholesale trade shall not include bulk storage of liquids.

(D) *Building and lot requirements.*

<i>BUILDING REQUIREMENTS</i>	<i>DISTRICT</i>		
	I-1	I-2 and IT	I-3
Minimum Floor Area in Square Feet	None	None	None
Height Limit in Feet	None ¹	None ¹	None ¹
Maximum Lot Coverage	50%	50%	50%
<i>LOT REQUIREMENTS</i>	<i>DISTRICT</i>		
	I-1	I-2 and IT	I-3
Area in Square Feet	None	None	None
Width in Feet	None	None	None
Depth in Feet	None	None	None
Front Yard in Feet	30 ft.	30 ft.	20 ft.
Rear Yard in Feet	10 ft.	10 ft.	None
Rear Yard in Feet where adjacent to a street	Same as required for front yard	Same as required for front yard	None
Rear Yard in Feet when adjacent to or separated only by an alley from a protected residential area as defined herein.	50 ft.	50 ft.	50 ft.
Side Yard in Feet	10 ft.	10 ft.	None
Side Yard in Feet Adjacent to a Street	30 ft.	30 ft.	5 ft.
Side Yard in Feet when adjacent to or separated only by an alley from a protected residential area as defined herein.	50 ft.	50 ft.	50 ft.

¹ Except those that may be imposed by regulations of other governmental units

(E) *Exception for continuation of existing building line.* In an instance where the building line of a legal nonconforming principal structure is not setback from the side or rear property line in conformance with this section, the principal structure and structures on adjoining lots may be expanded in a manner consistent with the existing building line and in conformance with the following provisions:

- (1) The use of the structure is conforming to the zoning district.
- (2) The expansion of the structure shall not be located closer to the lot line than the

existing building line.

(3) The expansion of the structure will not reduce any other required setback below the minimum standards of the section.

(4) The expansion of the structure will conform to all other restrictions of this chapter, including but not limited to, density, lot coverage, building height, parking and loading requirements.

(5) Adequate drainage will be provided and the drainage shall be directed away from adjacent private property.

§ 156.042 URBAN RESERVE UR.

(A) *Purpose and intent.* The UR, Urban Reserve District applies to lands designated as Planned Growth Areas in the City's Comprehensive Plan. This district implements the city's growth management strategy by prohibiting premature urban development within portions of the city's Urban Service Area I, while still allowing reasonable interim uses of these properties. These are areas where agriculture and open space are current and proper uses, but which in the future will be required for expansion of urban uses as urban services and facilities become available. Low density residential development may also be appropriate in the Urban Reserve where the city's future land use plan map identifies low density residential uses in the future. Land within the Urban Reserve is intended to be preserved in agricultural, low density residential or open space use in large parcels consistent with the future land use plan map and growth areas master plan until capital funds for the extension of urban facilities and services are committed in an adopted capital improvement plan. This implements the City growth management goals and objectives by protecting these areas against subdivision and land uses that will hinder future urban development and the provision of adequate streets, water, sanitary sewer and other urban services in a cost-effective and efficient manner.

(B) *General provisions.*

(1) The UR, Urban Reserve is intended to be an interim zone until such time as these areas can be developed at urban densities and be provided with urban services.

(2) Land within the UR, Urban Reserve shall only be rezoned upon annexation into the City. Once annexed, these areas shall be zoned in conformance with the future land use plan and growth area master plans contained in the City's Comprehensive Plan.

(3) Agricultural operations in existence at the time this chapter was adopted may continue to operate as that use. New feedlots or feedlot expansions are not appropriate in this district.

(C) *Permitted uses.*

- (1) Agricultural uses in existence at the time this chapter was adopted; provided any expansion of an agricultural use required an interim use permit described below.
- (2) Dwellings, single family in locations designated for future low-density residential development on the city's future land use plan map.

Distribution Warehouse vs. Trucking Terminal

Upper Macungie Township, PA

<http://www.mcall.com/news/local/parkland/mc-upper-macungie-trucking-terminal-definition-20150624-story.html>

Upper Macungie supervisors have clarified the legal definition of a trucking terminal — a move that residents hope will prevent companies from getting approval for such a facility by calling it a warehouse.

The amendment to the zoning ordinance, unanimously approved Tuesday, grew out of Old Dominion Freight Lines' proposal to build a facility at 6975 Ambassador Drive.

Old Dominion said it was proposing a distribution warehouse. But residents and township supervisors contended it was a trucking terminal, which is not permitted in light industrial areas.

The problem was the zoning ordinance didn't define tractor-trailer trucks or smaller trucks, definitions needed to interpret whether a facility was a permitted use.

The Zoning Hearing Board sided with Old Dominion. The supervisors disagreed and appealed to Lehigh County Court.

Old Dominion has since withdrawn its plan and has indicated it is looking at a site at 2545 Brodhead Road in Bethlehem Township.



Truck facility opposed in Upper Macungie may find a home in Bethlehem Township

In the amendment, the supervisors struck a sentence from the zoning code that differentiated a terminal from a warehouse based on the kinds of trucks loading and unloading goods.

Now terminal is simply defined as "a use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks."

"In my opinion, it clarifies that use and takes away some of the ambiguity," township solicitor Andrew Schantz said.

Lehigh County Judge Edward Reibman issued a June 3 ruling in the case that reversed the Zoning Hearing Board's interpretation, but ordered another hearing to further untangle the issue.

Ronald Corkery, a Whitehall Township attorney who represented residents opposing the trucking facility, said he's been in touch with the Ambassador Drive property owner Jim Gentile, who intends to send a letter to the court withdrawing his request for ordinance interpretation. Corkery said this move should effectively end the litigation.

Sunny Ghai, among the leaders of the community who opposed the Old Dominion facility, was happy to see the ordinance updated with cleaner language.

Ghai said trucks clog township roads and have caused serious crashes that have finally led residents to start pushing against their prevalence in Upper Macungie. A balance, he said, must be maintained.

"We're sort of at a tipping point with all the truck traffic," Ghai said.

The 14-acre site proposed by Old Dominion sat close to residential homes, Ghai said, and the plan "just wasn't a good fit."

From what he's heard about the Bethlehem Township plan, Ghai said the new location seems far more suited for the use.

"It's situated near other trucking centers ... in an industrial setting," Ghai said. "That's the kind of place for it."

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Light Industrial: Definition, Uses, Screening and Exterior Storage

<u>Andover</u>	<p><u>Industrial Definition:</u> M. I Industrial District: These are areas that have the prerequisites for industrial development, but because of proximity to residential areas or the need to protect certain areas or uses from adverse influences, high development standards will be necessary. I district uses include service industries and industries which manufacture, fabricate, assemble or store, where the process is not likely to create offensive noise, vibrations, dust, heat, smoke, odor, glare or other objectionable influences. Generally, those include wholesale, service and light industries that are dependent upon raw materials refined elsewhere. An industrial "park" which maintains high development standards would be zoned I. This district's location shall provide sufficient space for buffering from less intense uses. (Amended Ord. 8, 10-21-1970, Ord. 314 10-4-2005)</p> <p><u>Industrial Uses:</u> See page 77 of http://www.ci.andover.mn.us/DocumentCenter/Home/View/254 for permitted uses.</p> <p><u>Storage:</u> All Districts except Residential Districts: The City Council may require a Conditional Use Permit for any exterior storage of the following: 1. If it is demonstrated that such storage is a hazard to the public health, safety, general welfare, or morals, or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities. (Amended Ord. 8, 10-21- 1970; Ord. 380 4/21/09)</p> <p><u>Screening:</u> A. Exterior Storage: Screening from residential properties and public streets as visible from ground level shall be provided with an architecturally compatible opaque fence with a minimum height of six feet as measured from the surface of the exterior storage area. Plant material shall be provided on the outside of the fence for aesthetic appeal. Additional fence height and/or berming shall be required if a six foot fence would not block direct vision of the exterior storage. (Amended Ord. 380, 4/21/09) 1. Landscaping products and merchandise displayed for sale in limited quantities may be exempt from this screening requirement provided that a Conditional Use Permit and commercial site plan approval have been achieved and the approved plan provides specified locations, appearance and maintenance criteria and prevents conflicts with traffic circulation and emergency access.</p> <p>http://www.ci.andover.mn.us/DocumentCenter/Home/View/254</p>
<u>Blaine</u>	<p><u>Industrial Definition:</u> The purpose of this district is to provide a planned industrial environment for large scale industry and office related developments and related services. This planned industrial environment shall be developed utilizing an overall master development plan. This district shall encourage the development of clean and quiet industrial uses requiring large lots accessible to major highways and utilizing City services of sanitary sewer, water, street, and storm drainage.</p> <p><u>Industrial Uses:</u> 31.23 Permitted Uses (a) Manufacturing uses: manufacturing, compounding, processing, packaging, storage, treatment or assembly of products and materials within a structure that do not require exterior storage. (b) Offices business and professional. (c) Warehousing.</p>

- (d) Wholesale businesses.
 - (e) Research and design laboratories.
 - (f) Exhibition and showroom centers.
- 31.24 Accessory Uses
- (a) Class I and Class II restaurants and employee cafeterias. (Amended 2/20/92 Ord. 92 1278)
 - (b) Recreational facilities related to employees.
 - (c) Branch post office.
 - (d) Daycare center commercial.(Amended 12/16/93 Ord. No. 93 1493)
 - (e) Shops which include and are limited to the sale of tobacco, candy, books, magazines, newspapers, gifts, cards, stationery, and office supplies. These shops shall not exceed 5% of gross floor area and shall be located within the principal building(s).
 - (f) Retail sales, incidental to manufacturing, of products manufactured on the premises, shall not exceed 5% of gross floor area. Such retail sales shall be located within the principal building(s).
 - (g) Credit unions related to employees.
- 31.25 Conditional Uses
- (a) Communications.
 - (b) Helicopter pad.
 - (c) Multi use building(s) consisting of two or more permitted and/or conditional uses.
 - (d) Two or more buildings on the same lot.

Storage and Screening:

- (o) Limited outside storage:
 - (1) Limited outside storage area limited to a maximum of fifty (50) percent of total building footprint.
 - (2) Sites considered for limited outside storage shall be capable of providing full screening so that outside storage is not visible from any public right-of-way.
 - (3) Screening to be achieved through a combination of masonry walls, fencing, berming, landscaping, additional setbacks, etc.
 - (4) Limited outside storage limited to a maximum height of 12 feet.
 - (5) A Conditional Use Permit for limited outside storage shall not permit the outside storage of semi-trucks, semi-trailers, or heavy construction equipment.
 - (6) All limited outside storage areas are to be hard surfaced and bound at the perimeter by either B-6-12 concrete curb and gutter or fencing as determined by the Zoning Administrator.
 - (7) Additional screening may be required to effectively screen outside storage from the view of adjacent properties.

<http://www.ci.blaine.mn.us/index2col.cfm?id=50287#.VzOATYQrLcs>

Columbia Heights

Industrial Definition:

§ 9.111 INDUSTRIAL DISTRICTS.

(A) *Purpose.* The industrial districts are established to enhance the community’s tax base; provide employment opportunities; and accommodate industrial development while maintaining compatibility with surrounding areas.

(B) *General provisions.*

(1) *Compliance with applicable regulations.* Any use established in an industrial district after the effective date of this chapter shall comply will all applicable local, state and federal standards for such uses.

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

(3) *Nonconformities.* Nonconforming uses, structures, lots and signs within an Industrial District shall be subject to the provisions of §9.105, Nonconformities.

(4) *Compliance with general development standards.* Any use established, expanded or modified in an industrial district after the effective date of this article shall comply with the applicable provisions of § 9.106,

General Development Standards.

(5) *Compliance with specific development standards.* Any use established, expanded or modified in an industrial district after the effective date of this chapter that is identified in § [9.107](#), Specific Development Standards, shall comply with the applicable provisions of that section.

(6) *Prohibited uses.* Any use not listed as either permitted, conditional or accessory in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted, conditional or accessory shall be prohibited in that district.

(C) *Lot dimension, height, and bulk requirements.* Lot area, setback, height and lot coverage requirements for uses in the industrial districts shall be as specified in the following table:

Industrial Uses:

(D) *I-1, Light Industrial District.*

(1) *Purpose.* The purpose of the I-1, Light Industrial District is to provide appropriate locations for industrial enterprises engaged in activities such as assembly, storage, warehousing and light manufacturing and further processing of materials first handled by general industry. These areas are located with easy access to arterial roadways and should be separated from residential uses by natural or manmade barriers.

(2) *Permitted uses.* Except as specifically limited herein, the following uses are permitted within the I-1, Light Industrial District:

- (a) Community center.
- (b) Government office.
- (c) Government maintenance facility.
- (d) Government protective service facility.
- (e) Public park and/or playground.
- (f) Recreational facility, indoor.
- (g) Recreational facility, outdoor.
- (h) Automobile repair, major.
- (i) Automobile repair, minor.
- (j) Laboratory, medical.
- (k) Office.
- (l) Studio, radio or television.
- (m) Assembly, manufacturing and/or processing.
- (n) Freight terminal.
- (o) Maintenance facility.
- (p) Office/showroom.
- (q) Office/warehouse.
- (r) Printing and/or publishing.
- (s) Self-service storage facility.
- (t) Warehousing and/or distribution.
- (u) Pawnshops.
- (v) Tattoo shops.
- (w) Body piercing shops.

(3) *Conditional uses.* Except as specifically limited herein, the following uses may be allowed in the I-1, Light Industrial 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) Caretaker's residence.
- (b) Outdoor sales and/or display.
- (c) Outdoor storage.
- (d) Parking ramp.
- (e) Concrete, asphalt or rock crushing operation.
- (f) Salvage operation/transfer station.
- (g) Adult entertainment use.
- (h) State licensed residential care facility, correctional.
- (i) Fences greater than seven feet in height.
- (j) Barbed wire fences.

(4) *Permitted accessory uses.* Except as specifically limited herein, the following accessory ~~uses~~ shall be

permitted in the I-2, Light Industrial District:

- (a) Off-street parking and loading areas.
- (b) Landscaping and other horticultural uses.
- (c) Temporary construction buildings.
- (d) Signs as regulated by § [9.106](#).

(E) *I-2, General Industrial District.*

(1) *Purpose.* The purpose of the I-2, General Industrial District is to provide appropriate locations for industrial enterprises engaged in activities such as manufacturing, processing, assembly, storage and warehousing, which, because of their size and/or nature, require isolation from non- industrial uses. These areas are located with easy access to arterial roadways or railroads and should be separated from non-industrial uses by natural or manmade barriers.

(2) *Permitted uses.* Except as specifically limited herein, the following uses are permitted within the I-2, General Industrial District:

- (a) Community center.
- (b) Government office.
- (c) Government maintenance facility.
- (d) Government protective service facility.
- (e) Public park and/or playground.
- (f) Recreational facility, indoor.
- (g) Recreational facility, outdoor.
- (h) Automobile repair, major.
- (i) Automobile repair, minor.
- (j) Laboratory, medical.
- (k) Office.
- (l) Studio, radio or television.
- (m) Assembly, manufacturing and/or processing.
- (n) Freight terminal.
- (o) Maintenance facility.
- (p) Office/showroom.
- (q) Office/warehouse.
- (r) Printing and/or publishing.
- (s) Self-service storage facility.
- (t) Warehousing and/or distribution.
- (u) Pawnshops.
- (v) Tattoo shops.
- (w) Body piercing shops.

(3) *Conditional uses.* Except as specifically limited herein, the following uses may be allowed in the I-2, General Industrial 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) Caretaker's residence.
- (b) Outdoor sales and/or display.
- (c) Outdoor storage.
- (d) Parking ramp.
- (e) Concrete, asphalt or rock crushing operation.
- (f) Salvage operation/transfer station.
- (g) Adult entertainment use.
- (h) State licensed residential care facility, correctional.
- (i) Fences greater than seven feet in height.
- (j) Barbed wire fences.

(4) *Permitted accessory uses.* Except as specifically limited herein, the following accessory uses shall be permitted in the I-2, Light Industrial District:

- (a) Off-street parking and loading areas.
- (b) Landscaping and other horticultural uses.
- (c) Temporary construction buildings.
- (d) Signs as regulated by § [9.106](#).

STORAGE:

(35) *Outdoor storage.*

- (a) The outdoor storage area shall be accessory to a commercial or industrial use.
- (b) Outdoor storage within the public right-of-way is prohibited.
- (c) All outdoor storage areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.
- (d) Outdoor storage areas shall be located in rear yards or in the side yard behind the front building line of the principal structure.
- (e) The storage area shall be fenced and screened from adjacent uses and the public right-of-way. Required screening shall consist of a fence, wall, earth berming and/or vegetation no less than six feet in height and no less than 80% opaque on a year round basis.
- (f) All goods, materials and equipment shall be stored on an impervious surface.
- (g) All goods, materials and equipment shall be stored in an orderly fashion, with access aisles of sufficient width to accommodate emergency vehicles as needed.
- (h) The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the screening provided.

SCREENING:

(5) Screening requirements. Screening shall be provided in accordance with the following requirements:

- (a) All off-street parking areas containing six or more parking spaces and located adjacent to a residential or residentially zoned property, the parking area shall be screened along the boundary with the residential use. Where any commercial or industrial use is located adjacent to or across a public alley from a residential or a residentially zoned property, the commercial or industrial use shall be screened along the boundary with the residential use.
- (b) Exterior storage of materials or equipment, except for allowed retail sales and temporary placement of equipment, shall be screened from all adjacent non-industrial uses and from the public right-of-way.
- (c) Required screening shall consist of a fence, wall, earthen berming and/or vegetation no less than six feet in height and no less than 80% opaque on a year round basis. Said screening shall be located as close to the property line as practicable and no closer than 15 feet from the edge of a public right-of-way.

[http://library.amlegal.com/nxt/gateway.dll/Minnesota/columbiaheights_mn/parallelreferences?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:columbiaheights_mn\\$anc=](http://library.amlegal.com/nxt/gateway.dll/Minnesota/columbiaheights_mn/parallelreferences?f=templates$fn=default.htm$3.0$vid=amlegal:columbiaheights_mn$anc=)

Ham Lake

Industrial Definition:

9-220.7 Light Industrial (I-1) I-1 zones are areas which are used for limited manufacturing purposes, involving frequent truck traffic for pickup and delivery of products and materials, and which require a significant portion of the manufacturing process to occur outside of enclosed buildings.

Industrial Uses:

- a) Permitted Uses
 - Ready Mix Concrete Plants
 - Priestesses Concrete Plants
 - Monument Companies

Industrial Park Definition:

9-220.6 Industrial Park (I-P) This zoning category shall apply to mercantile parcels which are intended for manufacturing, warehousing, machining, tooling, fabricating, assembly, processing, equipment storage, storage of raw materials or supplies, and the like, as opposed to mercantile parcels used primarily for office or retail activities. Limited office space activity may occur in an Industrial Park, but only as incidental to the main industrial usage of a given parcel.

Industrial Park Uses:

- (c) Permitted Uses
 - Assembly Businesses • Cabinetry Assembly/Manufacturing Shops • Construction Companies • Electrical Companies • Equipment Rental Businesses (large industrial equipment) • Equipment Repair or Service Businesses • Fabricating Companies • Government Storage/Repair Centers • Machine Shops • Manufacturing Plants (Excepting Bituminous or Concrete) • Plumbing and HVAC Companies • Public

- b) Conditional Uses or Temporary Conditional Uses
- None

Utilities (metal or pole type construction allowed) • Textile Companies • Tooling Companies • Utility Companies • Warehouses

(d) Conditional Uses

• Bituminous or Ready-Mix Concrete Plants • Chemical/Paint Companies Ham Lake City Code Article 9 38 • Uses which are normally permitted but which involve some retail sales • Heavy Equipment Sales • Trucking Companies • Transfer Stations for Demolition Debris under the following conditions: 1) The Transfer Station is fully licensed/permitted by appropriate county, state and federal agencies having jurisdiction over its activities; 2) The term "Demolition Debris" refers only to concrete, stone, asphalt, wood, plastic, metal or composites. No shingles, putrescible items or hazardous materials shall be intentionally processed at the Transfer Station. Any putrescible items or hazardous materials found to be on the premise shall be handled and disposed of properly and legally. 3) The location of the actual site within the I-P area is in a sufficiently remote and screened portion of the area so as to eliminate disturbance of nearby existing or possible future residential neighborhoods through noise, light, vibration, odor, fumes, unsightliness or dust. 4) The activities at the Transfer Station shall be limited to the reception of Demolition Debris on roll-off containers or dump trucks, all contents of which are to be placed on the floor of a completely enclosed building, where the materials will be sorted and reshipped to recyclers or landfills, in a manner consistent with all applicable regulations and codes. No outside storage of demolition debris will be permitted.

Storage:

i) Outside Storage All outside storage shall be fenced for security purposes. Trash containers or accumulations of waste or debris of any kind shall be completely screened from view from outside the lot. All waste and debris shall be properly and promptly disposed of, storage of such material being allowed only for the time interval reasonably necessary to arrange for regular disposal service. During hours in which the business activity within the main building is not being conducted, all storage areas shall be gated and locked. Machinery and vehicles stored on the premises shall be secured so as not to be readily operable or moveable during non-business hours. No unregistered motor vehicles or inoperable vehicle or machinery shall remain on the premises.

Screening:

ii) Screening Any I-P area developed after the effective date of this ordinance which is adjacent to land which is now or which is intended to become a residential land use shall be completely fenced by attractive, opaque fencing of sufficient height to completely screen all future activities within I-P area. Opaque fencing shall be deemed to mean only solid wood or solid metal components. Fence height shall be as determined upon site plan review by the Planning Commission, which may also require different screening material, including earthen berming.

Industrial Definition:

The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Industrial Uses:

A. Purposes of industrial districts.

1. I-1, Low Impact Business-Industrial District. The Low Impact Business-Industrial District is intended to allow office and office showroom/office warehouse operations that have attractive buildings and low impacts on surrounding uses.
2. I-2, Light Industrial District. The Light Industrial District is intended to allow light industrial uses that are free from objectionable features, or whose objectionable features are limited and can be eliminated by design, screening and other appropriate devices.
3. I-3, General Industrial District. The General Industrial District is intended to provide an area that will accommodate heavier, higher impact industrial uses.
4. IT, Industrial Transition District. The Industrial Transition District is intended to provide a means of transition from residential uses to light industrial uses, while still allowing existing residences to continue.

B. Allowable uses in industrial districts. The uses listed below are allowable in the industrial districts indicated. "P" indicates the use is permitted if it conforms with all other city and state building and use regulations. "C" indicates that a conditional use permit must be issued by the city prior to use or construction. "I" indicates that an interim use permit must be issued by the city prior to use or construction. No letter indicates the use is not allowed in the district. If a use is not listed, the Planning Commission shall determine if a proposed use is similar to one that is listed. A negative determination would require a zoning ordinance amendment to establish the use as allowable.

<i>DISTRICT</i>				<i>USES</i>
I-1	I-2	I-3	IT	RESIDENTIAL USES
			P	Dwellings, Single Family – Existing
			P	Dwellings, Two Family – Existing
			P	Home Occupations, pursuant to § 156.084
				PUBLIC, SEMI-PUBLIC AND UTILITY USES

		P		Airport
P	P	P	P	Essential Services, pursuant to § 156.072
C	C	C	C	Essential Service Structures, pursuant to § 156.072
I-1	I-2	I-3	IT	PUBLIC, SEMI-PUBLIC AND UTILITY USES CONT.
I	P	P		Towers, pursuant to § 156.082
I-1	I-2	I-3	IT	COMMERCIAL AND INDUSTRIAL USES
I	I	I		Above Ground Bulk Liquid/Gas Fuel Storage in excess of 400 gallons
	P	P		Adult Establishments, pursuant to § 156.089, and Chapter 118
P	P	P	P	Fabricating/Assembling
		I		Manufacturing/Processing, Heavy
P	P	P	P	Manufacturing/Processing, Light
	I	I		Mini Storage
		P		Intermodal Freight Terminal
P	P	P	P	Offices
P	P	P	P	Office – Showrooms

P	P	P	P	Office – Warehouses
	I	I	I	Truck and Machinery Sales
	I	I	I	Truck Repair/Service/Garage
P	P	P	P	Warehousing/Storage
	P	P	P	Wholesale Trade
C	P	P	P	Accessory Uses or Structures
I	I	I	I	Those other uses which in the opinion of the Planning Commission are appropriate only on an interim basis, and pursuant to § 156.118
P	P	P	P	Research/Development
		I		Salvage Yards
I	I	I	I	Toxic, Noxious and Odorous Matters pursuant to § 156.076

C. Use conditions. A structure or land may be used for the following only if its use complies with the specific conditions imposed in this division and any other applicable requirements of this chapter. In addition, a use listed as conditional in division (B) above must obtain a conditional use permit, and use listed as interim in division (B) above must obtain an interim use permit..

1. Fabricating/Assembling. In the I-2 and IT Districts, all fabricating/assembling shall be conducted wholly within a completely enclosed building.
2. Manufacturing/Processing. In the I-1, I-2 and IT Districts, all manufacturing/processing shall be conducted wholly within a completely enclosed building.
3. Warehousing/Storage.

- a. In the I-1, I-2 and IT Districts, warehousing/storage shall not include live animal commodities.
 - b. In the I-1, I-2 and IT Districts, warehousing/storage shall not include bulk agricultural commodities.
 - c. In the I-1, I-2 and IT Districts, warehousing/storage shall not include bulk storage of liquid.
4. Wholesale Trade.
- a. In the I-2 and IT Districts, wholesale trade shall not include live animal commodities.
 - b. In the I-2 and IT Districts, wholesale trade shall not include bulk agricultural commodities.
 - c. In the I-2 and IT Districts, wholesale trade shall not include bulk storage of liquids.
- D. Building and lot requirements.

BUILDING REQUIREMENTS	DISTRICT		
	I-1	I-2 and IT	I-3
Minimum Floor Area in Square Feet	None	None	None
Height Limit in Feet	None ¹	None ¹	None ¹
Maximum Lot Coverage	50%	50%	50%
LOT REQUIREMENTS	DISTRICT		
	I-1	I-2 and IT	I-3
Area in Square Feet	None	None	None
Width in Feet	None	None	None
Depth in Feet	None	None	None
Front Yard in Feet	30 ft.	30 ft.	20 ft.
Rear Yard in Feet	10 ft.	10 ft.	None
Rear Yard in Feet where adjacent to a street	Same as required for front yard	Same as required for front yard	None
Rear Yard in Feet when adjacent to or separated only by an alley from a protected residential area as defined herein.	50 ft.	50 ft.	50 ft.
Side Yard in Feet	10 ft.	10 ft.	None
Side Yard in Feet Adjacent to a Street	30 ft.	30 ft.	5 ft.
Side Yard in Feet when adjacent to or separated only by an alley from a protected residential area as defined herein.	50 ft.	50 ft.	50 ft.

¹ Except those that may be imposed by regulations of other governmental units

- E. Exception for continuation of existing building line. In an instance where the building line of a legal nonconforming principal structure is not setback from the side or rear property line in conformance with this section, the principal structure and structures on adjoining lots may be expanded in a manner consistent with the existing building line and in conformance with the following provisions:
1. The use of the structure is conforming to the zoning district.
 2. The expansion of the structure shall not be located closer to the lot line than the 184 existing building line.
 3. The expansion of the structure will not reduce any other required setback below the

minimum standards of the section.

4. The expansion of the structure will conform to all other restrictions of this chapter, including but not limited to, density, lot coverage, building height, parking and loading requirements.
5. Adequate drainage will be provided and the drainage shall be directed away from adjacent private property

Storage:

A. Industrial districts.

1. In the I-1, Low Impact Business - Industrial District and the IT, Industrial Transition District, all materials, supplies, products or other similar matter not offered for sale to the public shall be stored within a completely enclosed building, except by issuance of an interim use permit.
2. In the I-2, Light Industrial District, materials, supplies, products or other similar matter not offered for sale to the public shall be stored within a completely enclosed building, except by issuance of an interim use permit. The conditional use permit may impose requirements for screening, location, mitigating impacts on adjacent properties and uses, height and other standards relating to the outdoor storage.
3. In the I-3, General Industrial District, materials, supplies, products or other similar matter not offered for sale to the public may be stored outside a building provided a site plan is approved by the Zoning Administrator. The site plan approval process may impose requirements for screening, location, mitigating impacts on adjacent residential uses, height and other standards relating to the outdoor storage.

B. Trucks and other vehicles. Motor vehicles necessary to the operation of the principal use and of not more than one-ton capacity may be stored and parked within permitted parking areas without the issuance of a conditional use permit. Storage of trucks or other vehicles in excess of one-ton capacity or equipment shall be prohibited in front yard areas. See also § 156.062.

C. Prohibited storage. Storage shall not be allowed in trucks, trailers or similar containers, unless they are located in a commercial or industrial district and the truck/trailer is in a roadworthy condition as determined by the Zoning Administrator and the storage is short term in nature.

D. Outdoor merchandise display. Merchandise which is offered for sale may be displayed beyond the confines of a building subject to § 156.086.

Screening:

A. Industrial buffering and screening.

1. Where an industrial development is adjacent to a protected residential area as defined herein, there shall be a protective strip of not less than 50 feet in width established as a buffer zone in the yard that is adjacent to the protected residential area. Where the yard of the industrial property that is adjacent to the protected residential area is the front yard, this requirement shall not apply. Where the industrial development is separated by the protected residential area by a street, the protective strip may be reduced to 20 feet.
2. The buffer zone shall contain no structures and shall not be used for off-street loading or outdoor storage, but may be used for parking in accordance with the parking setback and screening requirements of this section. The business shall be screened by a fence, wall, berm or landscape screen of not less than six feet in height to create an all-seasons screen that is 90% opaque.

ATTACHMENT 9

Warehouse - a large building where raw materials or manufactured goods may be stored before their export or distribution for sale.

Wholesaling - is the sale of goods or merchandise to retailers; to industrial, commercial, institutional, or other professional business users; or to other **wholesalers** and related subordinated services. In general, it is the sale of goods to anyone other than a standard consumer.

Distribution - the action or process of supplying goods to stores and other businesses that sell to consumers.