

City of East Bethel
Planning Commission Agenda
7:00 PM
Tuesday, June 28, 2016



Agenda

		<u>Item</u>
7:00 PM		1.0 Call to Order
7:02 PM	pg. 1	2.0 Adopt Agenda
7:03 PM	pg. 2-13	3.0 Approval of Meeting Minutes May 24 th , 2016 – Regular Meeting
7:05 PM	pg. 14-32	4.0 Public Hearing Jill Hoffman/Granny May's, Home Occupation IUP 22050 Quincy St NE, PID# 07-33-23-12-0002, Rural Residential
7:20 PM	pg. 33-38	5.0 2nd Generation Chimneys Site Plan review
7:40 PM	pg. 39-91	6.0 Light Industrial discussion – Ordinance changes
8:00 PM		7.0 City Council Update
8:05 PM		8.0 Other Business
8:10 PM		9.0 Adjournment

EAST BETHEL PLANNING COMMISSION MEETING
May 24, 2016

The Planning Commission met for a regular meeting at 7:00 pm at East Bethel City Hall.

MEMBERS PRESENT: Randy Plaisance, Chair Glenn Terry Tanner Balfany
 Eldon Holmes Sherry Allenspach

ABSENT: Lorraine Bonin
 Lou Cornicelli

ALSO PRESENT: Colleen Winter, Community Development Director
 Tim Harrington, City Council Liaison

1. Call to Order Chair Plaisance called the meeting to order at 7:00 pm.

Before calling for adoption of the agenda, Chair Plaisance noted that both agenda item 7 and 8 are public hearings this evening.

2. Adopt Agenda **Mr. Balfany moved and Mr. Terry seconded to approve the agenda as presented. Motion carried.**

3. Approval of **Mr. Holmes moved and Ms. Allenspach seconded to approve the 4/26/16**
4/26/16 Minutes **minutes as written. Motion carried.**

4. Farm Animals Owner/Property Location:
IUP/ Public Ms. Stream
Hearing 20856 Kissel St NE
 East Bethel, MN 55011
 PIN: 13-33-23-31-0007

Background Information:

Ms. Stream is requesting an IUP for farm animals for the keeping of six (6) chickens on the 1.99 acre parcel they own. The chickens will be housed in a chicken coop (5 ft. x 12 ft.) and have a 10 ft. x 12 ft. covered run which will be located 51 feet from the property line. This property is zoned Rural Residential. The City of East Bethel recently passed an ordinance related to chickens on properties between .5 and 3 acres in size. Per our City Code NO roosters are allowed to be kept on a property.

Recommendation(s):

Ms. Winter stated City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP for keeping 6 chickens for Ms. Stream, located at 20856 Kissel St NE, East Bethel, MN 55011, PIN 13-33-23-31-0007 and read the requested conditions for the IUP.

Chair Plaisance opened the public hearing at 7:04 pm.

Deanna Kenberg spoke in favor of Ms. Stream having the chickens.

Chair Plaisance closed the public hearing at 7:05 pm.

Mr. Balfany moved and Mr. Terry seconded to recommend City Council approval an IUP for keeping six (6) chickens for Ms. Stream, located at 20856 Kissel St NE, East Bethel, MN 55011, PIN 13-33-23-31-0007 with the following conditions: 1. An Interim Use Permit Agreement must be signed and executed by the applicants and the City; 2. Applicants must comply with City Code Section 10. Article V. Farm Animals and Ordinance 51, Third Series; 3. Permit shall expire when: a. The property is sold, or b. Non-compliance of IUP conditions; 4. Property owner shall have thirty (30) days to remove the approved domestic farm animals upon expiration of the IUP; 5. Conditions of the IUP must be met no later than July 1, 2016. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP; 6. The IUP shall be for a term of three (3) years at which time the applicant will be required to re-apply for an IUP; 7. Property will be inspected and evaluated annually by city staff. Motion carried.

5. Farm Animals
IUP/ Public
Hearing

Owner/Property Location:
Ms. Persons
2630 196th Ave NE
East Bethel, MN 55011
PIN: 27-33- 23-22- 0004

Background Information:

Ms. Persons is requesting an IUP for farm animals for the keeping of up to five (5) chickens on her property. In the future, if Ms. Persons wishes to keep other farm animals on her property she will need to apply for a separate IUP.

The chickens will be housed in a chicken coop which will be located 125 feet from the property line. This property is zoned Rural Residential. The lot size is 6.44 acres.

Recommendation(s):

Ms. Winter stated City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP for keeping chickens for Ms. Persons, located at 2630 196th Ave NE, East Bethel, MN 55011, PIN 27-33-23-22-0004 and read the requested conditions for the IUP.

Chair Plaisance opened the public hearing at 7:08 pm. With no one coming forward to speak, Chair Plaisance closed the public hearing at 7:08 pm.

Mr. Terry moved and Ms. Allenspach seconded to recommend City Council approve an IUP for keeping five (5) chickens for Ms. Persons, located at 2630 196th Ave NE, East Bethel, MN 55011, PIN 27-33-23-22-0004 with the following conditions: 1. An Interim Use Permit Agreement must be signed and executed by the applicants and the City; 2. Applicants must comply with City Code Section 10. Article V. Farm Animals; 3. Permit shall expire when: a. The property is sold, or b. Non-compliance of IUP conditions; 4.

Property owner shall have thirty (30) days to remove the approved domestic farm animals upon expiration of the IUP; 5. Conditions of the IUP must be met no later than July 1, 2016. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP; 6. The IUP shall be for a term of three (3) years at which time the applicant will be required to re-apply for an IUP; 7. Property will be inspected and evaluated annually by city staff. Motion carried.

6. Private
 Kennel IUP/
 Public Hearing

Owner/Property Location:
 Stacey Persons
 2630 196th Ave NE
 East Bethel, MN 55011
 PIN: 27-33- 23-22- 0004

Background Information:

Ms. Persons is requesting an IUP for a private kennel license for the keeping of six (6) dogs on the 6.44 acre parcel she owns. Currently, she has one (1) Great Dane and one (1) Golden Retriever. The dogs are kept in a fenced in area in the backyard. The dogs have proof of rabies vaccinations and are currently licensed with the city.

East Bethel City Code Chapter 10, Article II. Dogs, allows up to six (6) dogs on parcels five (5) acres or more but less than ten (10) acres with an approved private kennel license. Code requires dogs be confined to the property, outdoor housing facilities must not encroach on any setbacks, housing and shelter must be provided, feces shall be removed in a timely manner, and accumulation of feces must not be located within 200 feet for any well.

The following conditions are mandatory for the issuance of a private kennel license:

1. Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any setback area.
2. Dogs shall be confined to their own property by a provable means.
3. Housing and shelter must be provided which will keep animals comfortable and protected from the elements.
4. Accumulations of feces shall be located at least 200 feet from any well.
5. All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly.
6. All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m.
7. The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose.
8. Kennels shall be considered an accessory structure for setback purposes.

Recommendation(s):

Ms. Winter stated City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP/Private Kennel License for no more than

six (6) dogs for Ms. Persons, located at 2630196th Ave NE, East Bethel, MN 5501; PIN: 27-33- 23-22- 0004; Zoning Rural residential and read the IUP/Private Kennel conditions.

Chair Plaisance opened the public hearing at 7:12 pm.

Mary Arellano next door neighbor to Stacey and Frankie, said she had a good relationship with her neighbors and would like to keep it that way. Her main concern is the number of dogs that will be allowed on the property. Ms. Winter clarified that the maximum is six (6) dogs. Ms. Arellano is also concerned with her sightline to the dogs, how it will be kept, noise, and clean-up of feces. She currently does not hear Ms. Persons' two dogs, but if more dogs are kept outside there could be a noise problem. When the owners are not present will the dogs be kept outside? Will having a kennel next to her property affect her ability to sell her property? Will traffic increase with the sale of dogs?

John Stebe, 19539 Rochester Street, was terrorized by dogs that lived next to him for 17 years; the City did nothing to abate those dogs. There were only supposed to be two dogs, sometimes there were four. When a sheriff was at Mr. Stebe's property and a dog charged him and the sheriff grabbed his gun. The barking was constant; the City did nothing about it. The neighbor's finally moved and Mr. Stebe can have his windows open at night. He can't believe the City is going to allow a kennel, as they do nothing to keep it in compliance. Until the City deals with dog problems, he cannot support a private kennel IUP. He has seen loose dogs and heard barking dogs from that area. Mr. Stebe asked what the process is for handling dog problems and waited for a response from the Commissioners. Chair Plaisance explained that this is a public hearing for residents to be heard and that the Commission will address any items they deem as a concern. Chair Plaisance said that he himself doesn't have all the answers; they will have to come from staff and the property owners themselves. Mr. Stebe stated that the law is subjective. The City does nothing to protect peoples' rights.

Phil Olson, 19406 East Bethel Blvd., lives in back of the property and has noticed a few roaming dogs since the house is being built. Mr. Olson has a dog, is he required to have a permit for a kennel? Chair Plaisance stated, no, two dogs are permitted. Mr. Olson has noticed a golden retriever roaming in his yard and now knows where it is coming from; he understands that a fence is not yet built. Initially he thought this was to be a commercial kennel, but understands that it is a private kennel. He agreed with Mr. Stebe that dog noise is a problem in East Bethel. He asked what is a private kennel if the statute is not enforced and maintained to ensure it stays private. The City will need to follow-up if it is to become a breeding establishment. His primary concern is barking dogs. He lives a small distance from the property, so he will not be as affected as others that live closer. He is concerned with roaming dogs and having young kids, toddlers, in the neighborhood. No more concern with Ms. Persons' dogs than a neighboring dog, but if this develops into something bigger and is no longer a private kennel, then he is concerned about it. The City needs to enforce both the noise and nuisance ordinances.

Max McCullough 19509 Rochester St. NE, lives across the sod field from the resident and he can hear dogs barking at night and does not want to hear more. He moved from Minneapolis to have peace and quiet. He understands people move here with ideas of what they want to do, but believes people should read City ordinances to know what is allowed before they purchase property. He has no problem with people wanting to have kennels, but he doesn't understand how they will keep six dogs from barking at the chickens. He doesn't want to hear barking nor have to call the sheriff to deal with mundane dog issues; sheriffs shouldn't be bothered with barking dogs when they should be protecting people.

Ms. Allenspach asked if the applicant could respond to the comments made.

Ms. Persons stated her dogs are house dogs and mainly go outside to go to the bathroom. Since the fence is not yet installed, her dogs are on a cable lead while they are outside. She too has heard dogs barking, but it is not from her property. She too has had a golden retriever wander onto her property, so she keeps her dogs inside for that reason also. There is a lab that is coming to her property too and that has been constant since she moved in.

Mr. Terry asked about her intention for six dogs. Ms. Persons would like to have golden retrievers. She currently has a female great dane that is spayed and a male golden retriever that is neutered. Eventually, it would be nice to have a pair of golden retrievers that would have a litter, but that is many years down the road, as there is a lot of testing, health certifications, etc. that goes into the breeding process. Her intention is not to suddenly have six dogs, but to allow for eventual breeding to have six dogs.

Chair Plaisance asked for clarification that Item 2 of the City Code Chapter 10, Article II will be met by having a fence built? Ms. Persons said the fence is to be built this week, depending on the weather conditions. It will be approx. 350' of fencing. Her dogs do not stay out at night. Chair Plaisance noted that Ms. Persons does work during the day and asked if the dogs will be kept inside and if there is someone at the residence during the day? Ms. Persons said she stops by the house throughout the day and that her significant other works 3rd shift, so he is there during the day.

Mr. Balfany asked if she has had any previous problems with neighbors and/or noise complaints. Ms. Persons said none. Mr. Balfany also noted concerns with sightline, what type of fence will be installed? Ms. Persons said a chain link fence will be installed. However, if Ms. Arellano wants a wooden privacy fence on her side, Ms. Persons would be willing to have that installed. Ms. Persons wants to have a good relationship with her neighbors.

Ms. Allenspach clarified that neighbors should call and report if there are dogs running around the neighborhood that look like Ms. Persons' dogs. Ms. Persons said yes, because they are not her dogs.

Mr. Holmes asked if Ms. Persons read and understands the City Code regarding animals, that there is a barking ordinance, and a leash ordinance for confinement on the property, and that if there is a problem with any of these ordinances that the IUP could be revoked. Ms. Persons said yes.

It was clarified that the public hearing was still in session, so the resident in the audience was allowed to speak.

Mary Arellano, mentioned that the term kennel made her think of raising many, many dogs. She did speak positively on behalf of Ms. Persons and her neighborhood; is very quiet with having about eight dogs around and that she doesn't hear barking. She has never heard Ms. Persons' dogs bark and confirmed that the dogs are kept inside and when outside are watched.

John Stebe, 19539 Rochester Street, asked now that this is going to be a commercial kennel for breeding, raising, and selling dogs, does it require a business license. Chair Plaisance said this is not a commercial business, but that the application is for an IUP/Private Kennel.

Ms. Winter clarified that according to City Code, if a dog is under four months old it is not considered to be part of the number of dogs that can be on a property. She thought that there are residents whose dogs have litters, but the puppies are gone before reaching 4 months.

Chair Plaisance closed the public hearing at 7:38 pm.

Mr. Terry commented that he too had to deal with a neighbor's dogs and that police were involved many times. He believes the issue lies with the person raising the dog, rather than the dog with no training. He appreciated the testimony Ms. Arellano regarding the quiet and control of Ms. Persons' dogs.

Ms. Allenspach said she too had to deal a neighbor's bad dogs and has a bite mark on her leg. If Ms. Persons is controlling her dogs, she is supportive.

Chair Plaisance noted that it is always a concern when bringing other animals to your neighborhood and that it is key to work with your neighbors.

Mr. Holmes moved and Mr. Balfany seconded to recommend City Council approve an IUP/Private Kennel License for no more than six (6) dogs for Ms. Persons, located at 2630 196th Ave NE, East Bethel, MN 55011, PIN 27-33-23-22-0004 with the following conditions: 1. An Interim Use Permit Agreement/Private Kennel License must be signed and executed by the applicants and the City; 2. Applicants must comply with City Code Chapter 10, Division II, Dogs; 3. Permit shall expire when: a. The property is sold, b. The IUP expires, or c. Non-compliance of IUP conditions; 5. Property owner shall have thirty (30) days to remove dogs upon expiration or termination of the IUP/Private Kennel License; 6. The IUP shall be for a term of three (3) years at which time the applicant will be required to

re-apply for an IUP; 7. Property will be inspected and evaluated annually by city staff. Motion carried.

7. Review
Zoning
Ordinance –
Light Industrial,
Exterior Storage,
and Screening

Ms. Winter reiterated that this is a public hearing.

Requested Action:
Review and comment relating to proposed changes

Background Information:

In January 2016, City Staff met with Chad and Megan Toft, CST Companies, LLC to discuss their interest in relocating and consolidating their business operations in East Bethel, Minnesota on the Mike Wyatt property, 23805 Highway 65 NE in an area zoned Light Industrial. Based on the information provided by CST at that time, the business fell under the following categories in the Light Industrial District:

- Office
- Warehouse and Distribution
- Manufacturing

In 2016-2017 the City of East Bethel will be completing a Comprehensive Plan update and as part of that process there will be an update to the Zoning Ordinance. In the meantime, City staff is requesting that the Planning Commission review and consider changes to the following areas of the Zoning Ordinance.

- Light Industrial – permitted and conditional uses
- Exterior Storage – additional clarification and changes
- Screening – additional language
- Definitions – additional language

The changes as proposed do not change the overall Comprehensive Plan for the City, but are intended to align the existing Zoning ordinance with the existing Comprehensive plan. These items are discussion only at this time and will be the background and framework for a proposed work session with the City Council on June 8, 2016. Any changes that are made will be interim in nature. As we begin the discussions related to the upcoming Comprehensive Plan, other categories such a Medium Industrial, Transition Industrial, Mixed use Industrial/Commercial may all be considered as part of the Comprehensive Plan update.

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 a proposed use within this zoning designation. A

proposal by CST Companies to locate in the City has been the first test of this section of the City Code and, as such, revealed a number of material weaknesses in our Ordinance.

Staff is of the opinion that amendments are needed to this section of the Zoning Ordinance to remove the existing ambiguities that currently permit most any activity. A proposed revision would only be an interim modification and a final review of this section would be performed during the 2017 preparation of the Comprehensive Plan. This change 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.

The proposed changes include but not limited to:

Section 48 – Light Industrial District

Purpose – Added language better defining uses in this zoning category.

Permitted Uses – Added Manufacturing, light; Brewery/taprooms, Retail sales, Repair services

Permitted uses eliminated – eliminated Medical Science uses, Recreation Public, Wholesaling, Adult uses, Self-service storage, Construction sales and services

Accessory Uses, added as category – included fuel tanks

Conditional Uses – Adult uses, Construction sales and services, Maintenance facilities, Exterior storage, Telecommunication facilities, Mining.

Prohibited Uses – Added in category

Clean up and clarification of other language

Section 23 – Screening Regulations

Changed Item H to make it clearer

Section 24 – Exterior Storage

Exterior Storage is a Conditional Use permit in both the Light Industrial (I1) and Highway Business (B3) Districts

Proposed changes to the amount of square footage for exterior storage and height regulations; Language included for construction yards

Exterior Display, Prohibited Storage, Parking all separate categories.

Added language for semi-trucks and construction yards

Section 9 – Definitions

Added language for Manufacturing, light

Ms. Winter stated this is for discussion only, however, it is a public hearing as well. Chair Plaisance noted this is about City Code and light industrial proposed changes – this is not about any issues pertaining or specific to CST and its application. He asked that all comments be kept general, rather than specific to complaints about CST in particular.

Chair Plaisance opened the public hearing at 7:48 pm.

Bud Flagstad, 3200 229th Avenue, asked for clarification on Item 23 mining. Is mining considered light industrial? Ms. Winter said mining was added under Conditional Use Permits in light industrial. There are two different definitions for mining – minor permit and major permit, each is dependent on the amount of dirt taken out; 1,000-5,000 cubic yards is considered a minor permit and over

5,000 is considered a major permit. Mr. Flagstad asked if hauling salt onto a site is considered part of a mining process. He understands the permitting is concerned with dirt leaving a site or coming onto a site, not salt coming in per say. He wondered who labels a business as light industrial.

Dave Landis, 1747 237th Ave. NE, said these proposals sound appealing to him and that they sound like desirable changes. He asked that if they are good that the past be measured against these desirable things and that whatever is pending in the past be measured against this. He begged the Commission to not allow past proposals to become a big blight that the residents pay the price for; the deficiencies of the past that the City is now trying to address.

Bill Lappin, 22970 Sandy Drive, asked if something was brought up about trucks and road conditions, i.e. how many hours a day trucks can go through a neighborhood, if trucks are required take the most successful way out, if a route is slow can trucks go through neighborhoods any hours of the day or night. He stated he is partially deaf, so he may have missed what was said.

Ms. Winter asked the Chair if she should address these questions now or to wait. Chair Plaisance said the public hearing is to listen to public input. When the hearing is closed, the commissioners will address issues and concerns as best as possible.

Mr. Lappin stated he hears trucks on Hwy 65 when sitting on his deck. He is from Manhattan and knows noise, that's why he moved to East Bethel. He has grandchildren is concern with having trucks driving on neighborhood roads when young kids are present.

Karen Krepis, 23050 Gopher Drive NE. Page 58 it states screening should not be less than 5' in height. She does not believe 5' is tall enough to screen and hide something.

Chair Plaisance closed the public hearing at 7:55 pm.

Ms. Winter addressed the question about trucks. One item being proposed as part of a designation of light industrial is prohibited use of truck terminals – truck terminals would not be allowed. There will need to be more of a balance and more discussion on how to define distribution and warehouse. Potentially, distribution and warehouse would be a good business. In regard to truck traffic, it can be addressed somewhat, but it has to be kept in mind that if it is light industrial use it is going to have a higher intense use. Traffic is something that could be difficult to legislate, however, that is a discussion the City Council and Planning Commission need to have, so nothing specific was put in the ordinance as far as how the City would deal with traffic. The City depends on Anoka Highway Department to address traffic and those types of concerns when permits are provided for different businesses.

Mr. Terry asked why mining is included as light industrial. Ms. Winter said that because mining is part of the current ordinance and there are specifics set aside

for mining and it's defined in the ordinance. However, if the Commission does not want it included under light industrial, it does not have to be included. Chair Plaisance asked if a building is built on a site, wouldn't the removal of dirt need a mining permit. Ms. Winter stated that would be exempt from requirements of mining. If one is actually building it's considered construction and a mining permit is not required. A mining permit is required when dirt is actually being taken off the site. Six to seven months ago the Planning Commission had a mining permit come before it, that was a minor mining permit to allow someone to put a pond on their property. If someone were to dig a pond as a storm sewer holding pond, a permit would not be required.

Mr. Terry asked if there is another zoning classification that mining is acceptable under. Ms. Winter thought minor mining could be in some rural residential areas. Mr. Terry clarified that he is asking if there is a regular industrial or heavy industrial classification. Ms. Winter stated at this time there is only light industrial. Mr. Holmes said he believed there was a mining permit for the northwest corner of Cty. Rd. 22 and Hwy 65 at one time, so that would have been for commercial use. Mr. Terry questioned this because if someone is buying a property to create a mining operation that would be a lot of truck traffic as its whole purpose is to have trucks distribute the product from mining. This would be fine in some locations, but not in others in terms of the traffic impact. Therefore, if the City is going to permit mining in light industrial, it seems there should be some stronger language regarding traffic so that there is a mechanism to protect neighborhoods where traffic could have an impact and still be allowed in other areas where that wouldn't be such a problem.

Mr. Terry stated he didn't understand why on page 2 a number of conditional uses were crossed out. Chair Plaisance said those were recommendations for removal. Mr. Terry asked the reasoning behind removing them. Ms. Winter stated that in most cases, as part of the light industrial, the City is saying B2 and B3 uses are permitted uses and are addressed under those categories.

The Planning Commission will have a joint work session with the City Council on June 8.

8. Review
Ordinance for
Subdivisions

Ms. Winter noted this is a public hearing. The City is looking at changes to Administrative subdivision requirements – Chapter 66, Article V.

Background Information:

Staff is requesting that the Planning Commission consider changes to Chapter 66, Article V as presented in Attachment 1. The changes include the addition of language to allow someone to complete a simple lot split for their property. Currently, a lot split can only occur under the Zoning Ordinance, Section 12, or by going through the complete subdivision process. For a simple lot split that can meet the requirements of the underlying zoning district, the subdivision process is not necessary and is expensive for the homeowner. It is also an impractical application of the subdivision ordinance.

Ms. Winter gave this example: Last month the Commission had the Medelberg concept plan for review. To be approved for subdividing her property into two separate parcels, Ms. Medelberg will have to go through a preliminary plat and a final plat, and incur all the costs associated with getting those plats. It doesn't make sense to have to do that for many cases when subdividing. The City does have the ability right now through a metes and bounds process to do a metes and bounds division, however, the staff is asking this language be added under the administrative subdivision.

Chair Plaisance called a five minute recess at 8:04 pm; the meeting resumed at 8:09 pm.

Ms. Winter reviewed the main points of the proposed changes for a simple lot split: Allows the division of a lot where there is an existing home on a metes and bounds described property and no new public roads are required. Subject to the following conditions:

1. The lot split will result in no more than two lots, one of which has an existing home on it.
2. The lot split does not require the creation of new roads
3. Each resulting lot has the minimum road frontage for the applicable zoning district and meets all other underlying zoning requirements
4. Adequate access to public roads must be provided for future development.
5. A lot split can only be created one time. If at a later date someone wishes to further subdivide their property they will need to meet all of the requirements of Chapter 66, exempting Article V.

In addition, it is recommended that the following be added:

7. Drainage and utility easements as required by the City.
8. Road right of way dedication as required by the City.
9. Soil report to determine buildable lot area.
10. Lowest floor elevation for newly created lot(s).
11. Known flood elevation if it exists.

Chair Plaisance opened the public hearing at 8:06 pm. With no one coming forward to speak, Chair Plaisance closed the public hearing at 8:06 pm.

Ms. Allenspach moved and Mr. Terry seconded to recommend the City Council accept the proposed changes as recommended by staff to the Administrative Subdivision Requirements – Chapter 66, Article V. Motion carried.

9. City Council Report

Mr. Harrington, City Council liaison reported:

- Congressman Tom Emmer was at the May 4 Council Meeting for a Q & A session.
- Council approved Oskar Granquist as an EDA member.
- City Council has request CST do an EAW.
- Parks Commission 2017-2021 Capital Improvement Plan passed.
- Castle Towers decommissioning has saved about \$300,000 by removing a lot of the sludge.

- Parks Commission 2016-2020 Capital Improvement Plan passed.

Mr. Harrington reminded residents that the City of East Bethel does have an animal control person and to call City Hall before calling the Sheriff's Department. The animal control person is readily available to help with animal issues.

10. Other Business

Ms. Winter noted that Update of the Comp Plan will be another agenda item for the special meeting on June 8.

Met Council's grant application was received today with the City receiving approximately \$32,000 for their participation in East Bethel's update. Requests for proposals should be sent out this week.

11. Adjourn

Mr. Holmes moved and Ms. Allenspach seconded to adjourn at 8:13 pm. Motion carried.

Respectfully submitted,

Gail Gessner, Recording Secretary
Submitted 5/28/16

DRAFT



City of East Bethel Planning Commission Agenda Information

Date:

June 28, 2016

Agenda Item Number:

4.0

Agenda Item:

Public Hearing

Home Occupation - Interim Use Permit

Property Owner: Jill Hoffman (dba/Granny May's Catering)

Address: 2736 225th Lane NE, East Bethel MN 55011

PIN: 03-33-23-23-0031

Zoning: RR, Rural Residential

Applicable Code Sections:

Appendix A – Zoning, Section 10-19,

Requested Action:

Consider approving an Interim use permit for Jill Hoffman to operate a home occupation business out of a residential dwelling by converting her garage into a temporary commercial kitchen for her catering company.

Background Information:

Ms. Hoffman owns and operates Granny May's (GM) – a company that provides catering, fresh home cooked meal delivery and a food truck service. Her client base is in East Bethel, Northern Anoka and Isanti Counties. Currently she operates her business out of a rented licensed commercial kitchen facility that is no longer available for her business. Ms. Hoffman would like to retrofit the attached garage at her home to be used for GM. This would be a temporary site (3 years) as the long range plan for GM is to be in a commercial building where she can also add a cafeteria style retail establishment to her business. Ms. Hoffman has over 30 years experience in the food service industry and along with her husband Tim they will be the owner/operators of GM. They will not have any other employees working at the home occupation site. There will be no outside storage of equipment and the food truck is parked in the driveway next to their Detached Accessory Structure. Ms. Hoffman has been working with Anoka County Dept. of Health and currently has up to date food and catering licenses. She will comply with all of the health and safety requirements to operate a commercial kitchen. There will be no increased traffic at the site as this is not a retail location.

Attachments:

Attachment #1 – Business Plan (Not available to the public)

Attachment #2 – Site plan for the garage being converted into a commercial kitchen

Attachment #3 – Aerial photo

Attachment #4 – Location map

Fiscal Impact:

unknown

Recommendation(s):

Recommend approval of the IUP subject to the following conditions:

Business Name: Jill Hoffman (dba/Granny May’s)
Address: 2736 225th Lane NE, East Bethel MN 55011
PIN: 03-33-23-23-0031
Zoning: RR, Rural Residential

East Bethel’s Home Occupation Ordinance

1. No more than three persons, at least one of whom shall reside within the principal dwelling, shall work at the home occupation site.
2. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
3. Any sign associated with the home occupation shall be in compliance with the East Bethel Sign Ordinance.
4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
5. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
6. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
7. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
8. Parking needs generated by the home occupation shall be provided on-site.
9. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure.
10. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
11. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
12. The area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.
13. Applicant is required to follow all local building and fire codes.

Other Considerations:

- 1. IUP issued for a period of no more than three years. Applicant will have opportunity to renew after the three year period.**
- 2. Applicant is subject to all federal, state and local regulations regarding Building codes, SSTS and zoning.**
- 3. Food truck to be parked in driveway next to detached garage.**

4. Require documentation of all applicable Dept of Health food and catering licenses.

Planning Commission Action

Motion by: _____

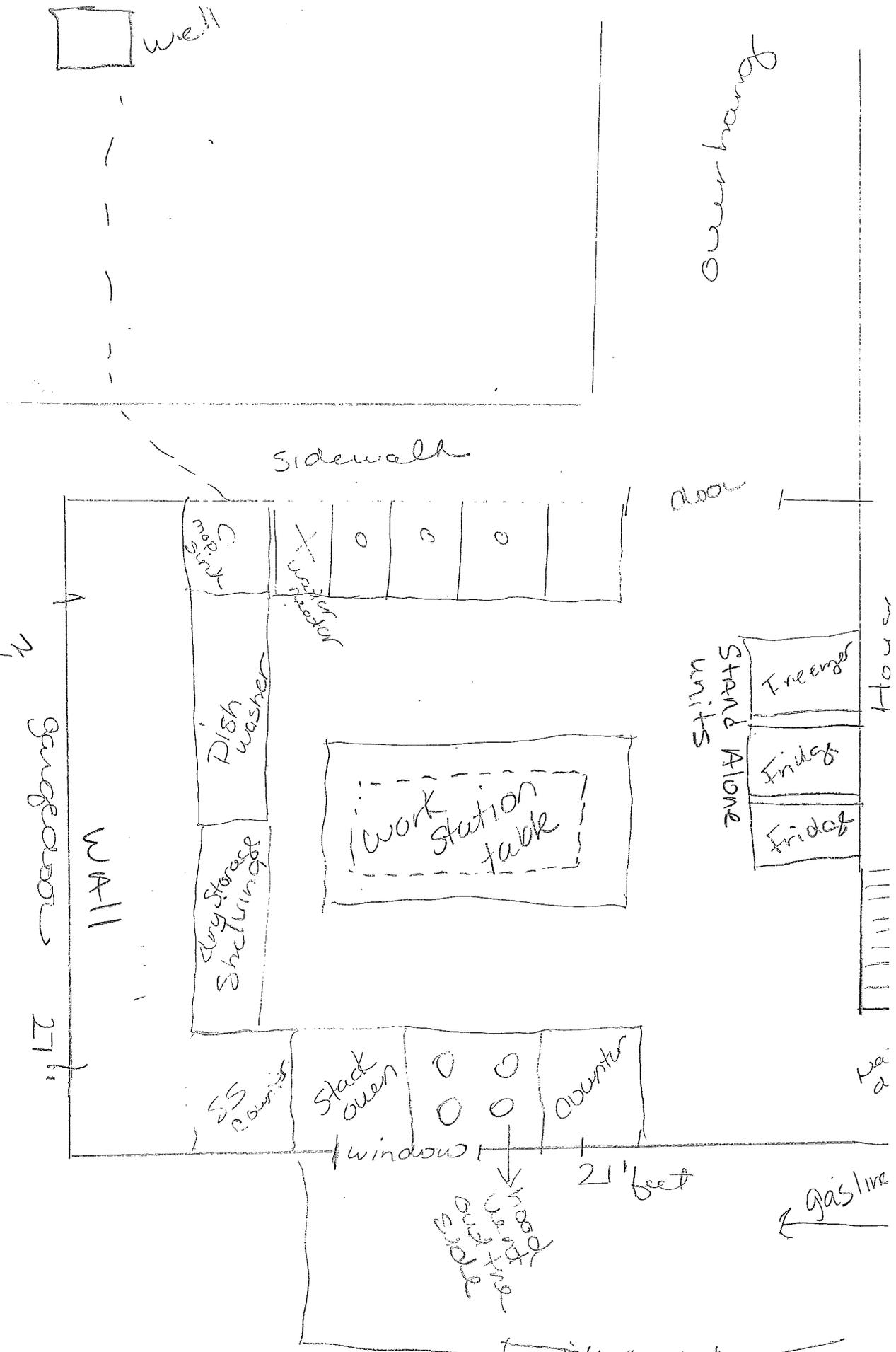
Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

- All Anoka Co. Dept. of Health requirements
- Septic System Compliance Inspection
- Commercial Kitchen
- Not open to Public
- 2 owners



Septic



Parcel Information

1 in = 47 ft

PIN: 033323230031

Acres: 0.99

Owner Name: HOFFMAN TIMOTHY & JILL

Address1: 2736 225TH LN NE

Address 2: EAST BETHEL, MN 55011

Site Address1 : 2736 225TH LN NE

Site Address 2: EAT BETHEL, MN 55011-9523

Zoning: RR

Shoreland: Null

Legal: LOT 7 BLK 3 SHAWNEE WOODS, SUBJ TO
EASE OF REC



Jill Hoffman/Granny May's



1 in = 3,009 ft



Please note this is a DRAFT document and serves as an example of the final IUP.
Additional conditions can be imposed.

IUP-16-XX

CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA
INTERIM USE PERMIT (IUP) AGREEMENT

Dated: XXXX, 2016

Property Owner: Timothy and Jill Hoffman
2736 225th Lane NE
East Bethel MN 55011

Applicant: Jill Hoffman/Granny Mays

Parcel Location: LOT 7 BLK 3 SHAWNEE WOODS, SUBJ TO EASE OF
REC

Parcel Number: 03-33-23-23-0031

Present Zoning District: RR (Rural Residential)

IUP REQUEST: Home Occupation, to operate a catering business, known as *Granny May's*, at the above referenced parcel located within the City of East Bethel.

PLANNING COMMISSION ACTION

A public hearing was held on June 28, 2016 at which all interested parties had the opportunity to be heard. Planning Commission recommended approval of the IUP request.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on _____ with the conditions listed below.

DECISION

The City Council hereby grants the Interim Use Permit to allow for a home occupation, catering business, located within the City of East Bethel.

CONDITIONS AND REQUIREMENTS

The granting of this IUP is subject to the following conditions and requirements:

1. Home Occupation shall meet the specific standards for home occupations as permitted in East Bethel City Code Appendix A, Zoning, Section 10.18.
2. There shall be no more than three (3) employees.
3. The IUP shall be for a term of three (3) years, expiring June 28th, 2019, in which the applicant will be required to submit a land use application requesting a review and approval of the home occupation.
4. Signage shall comply with East Bethel Sign Code, Chapter 54, Signs, which states home occupations may have one identification sign not to exceed two square feet.
5. IUP Agreement must be executed no later than September 1st, 2016 or the IUP will be null and void.
6. Violation of conditions and City Codes shall result in the revocation of the IUP.
7. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
8. Business is not open to the public.
9. Business equipment shall be stored out of view from the public right-of-way and neighboring properties. Food Truck shall be parked in driveway only.
10. Applicant shall submit a copy of the Food Handling/Catering License issued by Anoka County. A copy shall be provided to the City on an annual basis. Failure to maintain and provide a copy of the license may be basis for revocation of the Interim Use Permit.
11. Applicant is responsible to comply with all applicable Building, SSTS and Zoning code requirements.



City of East Bethel Planning Commission Agenda Information

Date:

June 28, 2016

Agenda Item Number:

Item 5.0

Agenda Item:

Second Generation Chimneys Site Plan Application

Requested Action:

Recommend approval of the Site plan to City Council.

Background Information:

Classic Construction, Inc (General Contractor) is proposing to build an office/shop/warehouse for David Pixley, owner of 2nd Generation Chimneys, Inc. The building would be built on Lot 1, Block 1, Sauter’s Commercial Park 2nd Addition. The proposed building is 6,500 square feet and will be connected to City sewer and water. The access will be from Buchanan Street. The property is zoned Light Industrial.

Existing Land Use

- The site is just over 3 acres in size and is currently vacant land with a large drainage easement that depicts the wetland. The wetland has been delineated and there will be no impact on the wetland.
- Current access is off of Buchanan Street NE
- Adjacent land uses – North – vacant land, East- Industrial property, West- large pond, South – industrial property.

Proposed Use – 2nd Generation Chimneys is proposing to build and utilize 5% of the property for business operations, and minimal outdoor storage. The remaining acreage will be used for stormwater ponding, open space and preservation of the existing wetlands. 2nd Generation Chimneys, Inc. provides complete fireplace and chimney services. The proposed building will be their corporate headquarters, shop and warehouse facility.

Site Requirements

2nd Generation Chimneys is required to adhere to the following and must comply with city code regarding:

Lighting; parking; exterior storage, screening; signage; building; utilities; grading, and landscaping.

Site Plan Comments:

- **Screening and Security** – there is a proposed solid wall fence that faces Buchanan Street.
- **Lighting** – LED downward facing lighting is proposed for the site.
- **Parking** – meets the required allocated parking spaces for office and warehouse.
- **Landscaping, sign plans, architectural standards, and grading plans** have been reviewed and comments have been forwarded to Classic Construction (General Contractor).
- **Building plans** have been submitted as required.

Attachments:

- Attachment 1 - Site Plan
- Attachment 2 – Elevations
- Attachment 3 – Plat
- Attachment 4 – Location Map

Fiscal Impact:

Unknown

Recommendation(s):

Recommend that the Planning Commission approve the Site plan as presented and forward to the City Council for their approval subject to:

- Compliance with the requirements of all applicable City ordinances
- Building and fire code approval

Planning Commission Action:

Motion by: _____

Second by: _____

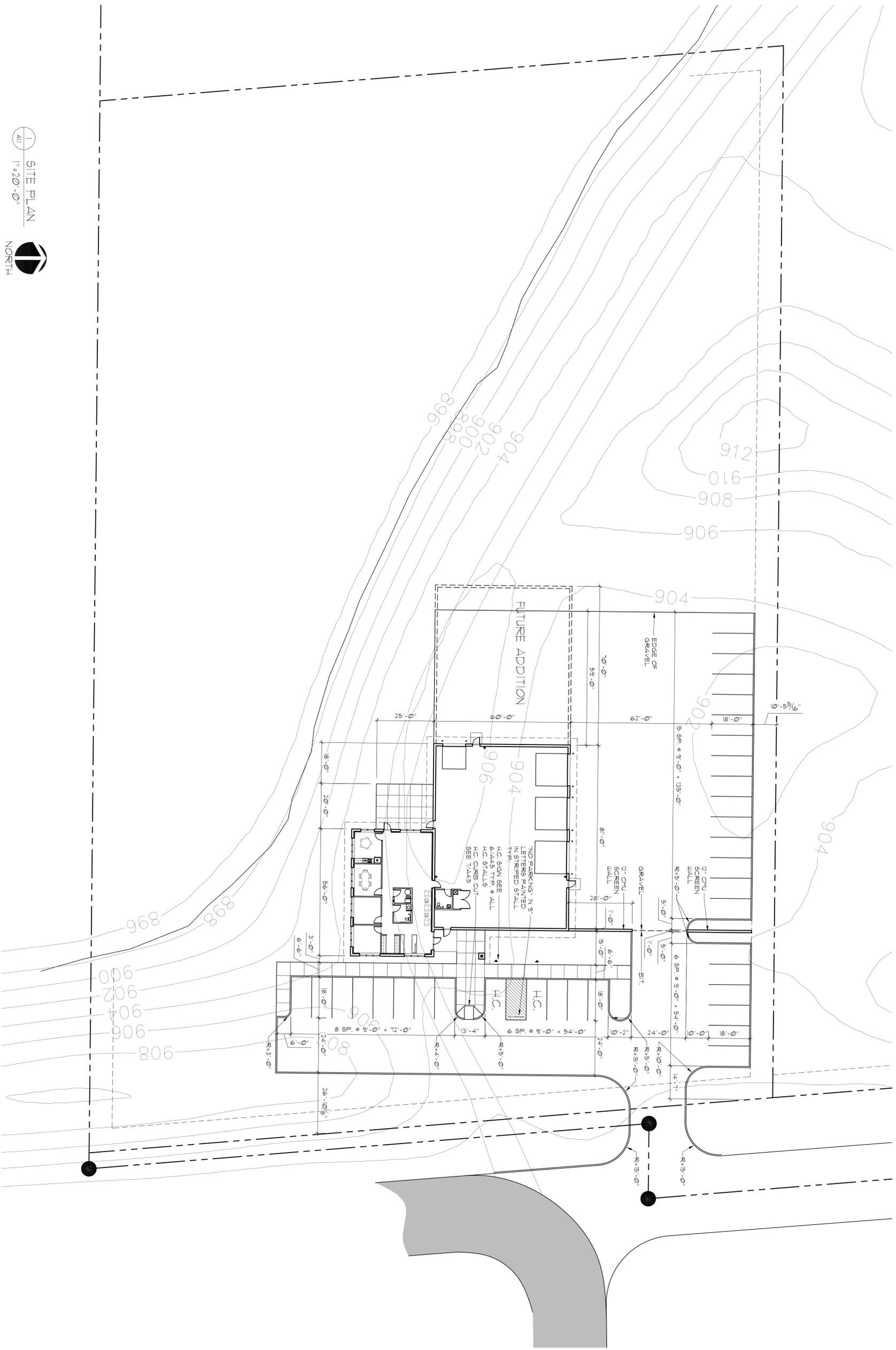
Vote Yes: _____

Vote No: _____

No Action Required: _____

2ND GENERATION
CHIMNEYS

EAST BETHEL, MN



1 SITE PLAN
A11 1" = 20'-0"



PRINT NAME: _____
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL UNDER THE LAWS OF THE STATE OF MINNESOTA.

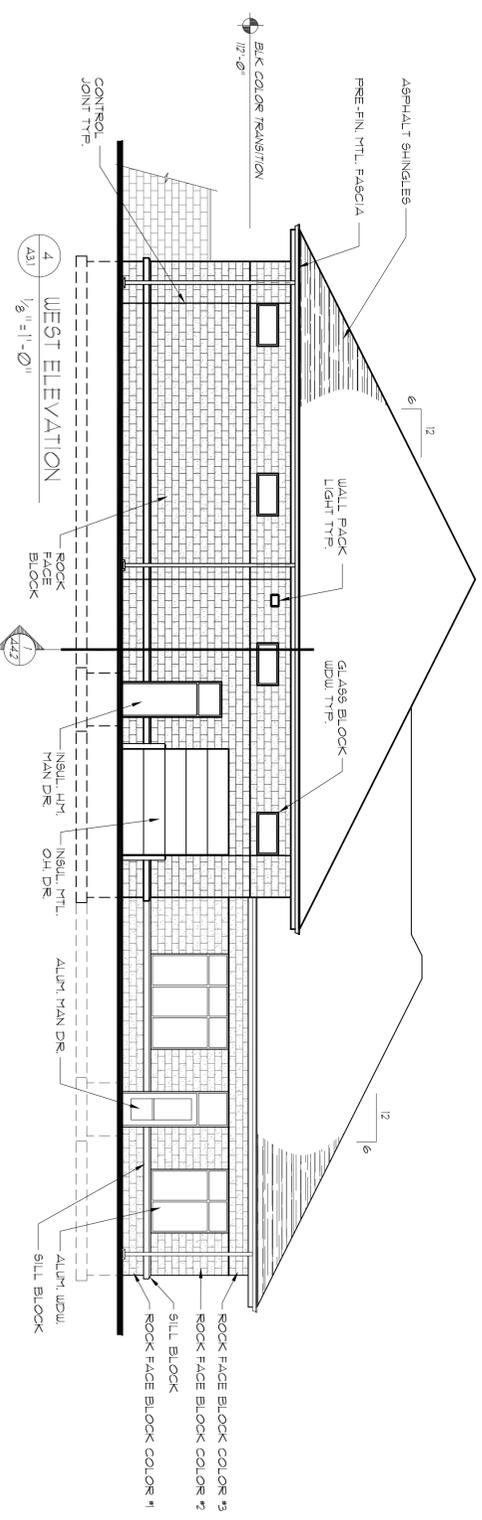
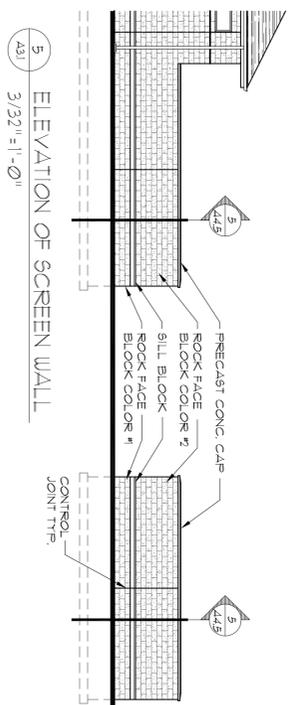
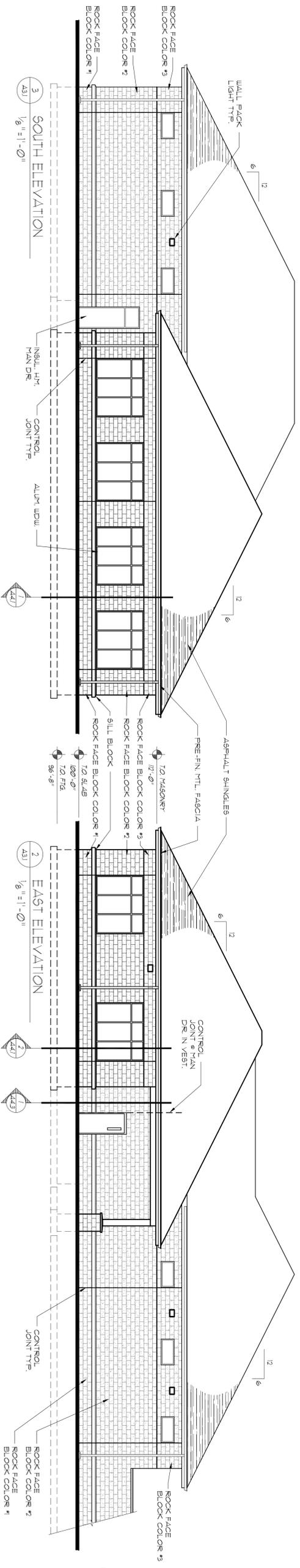
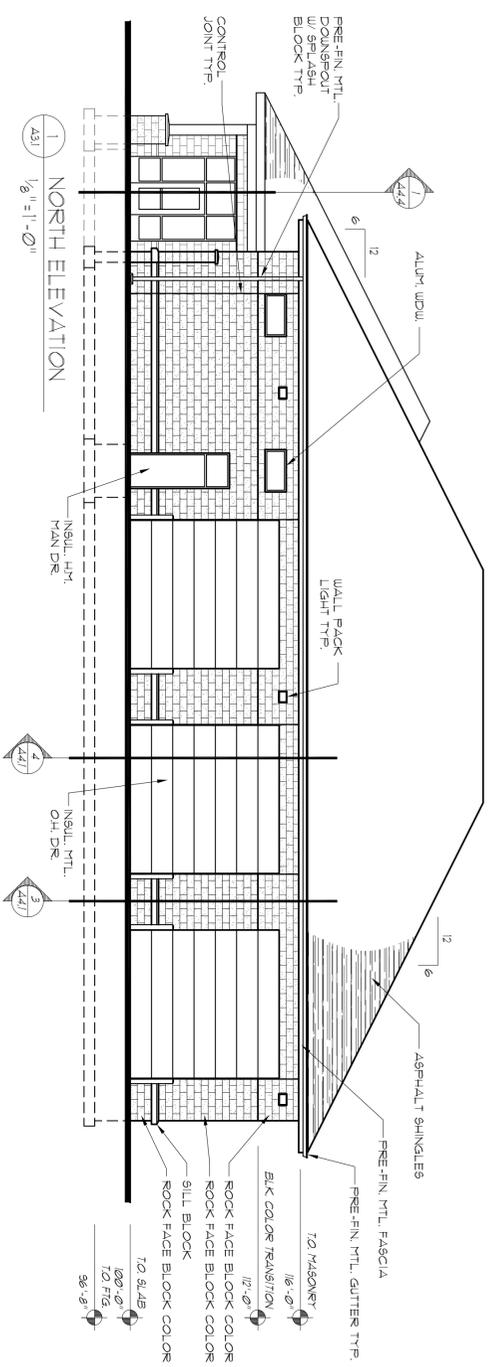
SIGNED: _____
DATE: _____
REG. NO. _____
PRINT NAME: RUSSELL R. ROSA

SIGNED: *RWR*
DATE: MAY 13, 2016
REG. NO. 12039

PROJECT NUMBER: 21609
DATE: MAY 13, 2016
DRAWN BY: JL
CHECKED BY: RR
REVISIONS: 5/17/16

SITE PLAN

A1.1



PRINT NAME: _____

SKETCHED: _____

DATE: _____

REG. NO. _____

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: RUSSELL R. ROSA

SKETCHED: *Rosa*

DATE: MAY 13, 2016

REG. NO. 12039

PROJECT NUMBER: 21609

DATE: MAY 13, 2016

DRAWN BY: KF

CHECKED BY: RR

REVISIONS: 5/17/16

ELEVATIONS

A3.1

SAUTER'S COMMERCIAL PARK SECOND ADDITION

KNOW ALL PERSONS BY THESE PRESENTS, That T & G Land, Inc., a Minnesota corporation, owner, and Community Pride Bank, a Minnesota banking corporation, mortgagee, of the following described property:

The Northwest Quarter of the Northwest Quarter of Section 32, Township 33, Range 23, except that part platted as SAUTER'S COMMERCIAL PARK, Anoka County, Minnesota.

Have caused the same to be surveyed and platted as SAUTER'S COMMERCIAL PARK SECOND ADDITION and do hereby dedicate to the public for public use the public ways and the drainage and utility easements as shown on this plat.

In witness whereof said T & G Land, Inc., a Minnesota corporation, has caused these presents to be signed by its proper officer this ____ day of _____, 20__.

T & G LAND, INC.

Thomas C. Sauter, President

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20__ by Thomas C. Sauter, President of T & G Land, Inc., a Minnesota corporation, on behalf of the corporation.

Notary Public, _____ County, Minnesota
My Commission Expires _____

In witness whereof said Community Pride Bank, a Minnesota banking corporation, has caused these presents to be signed by its proper officer this ____ day of _____, 20__.

COMMUNITY PRIDE BANK

Joseph D. Hoag, Vice President

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20__ by Joseph D. Hoag, Vice President of Community Pride Bank, a Minnesota banking corporation, on behalf of the corporation.

Notary Public, _____ County, Minnesota
My Commission Expires _____

I, Jason E. Rud do hereby certify that this plat was prepared by me or under my direct supervision, that I am a duly Licensed Land Surveyor in the State of Minnesota, that this plat is a correct representation of the boundary survey, that all mathematical data and labels are correctly designated on this plat, that I have caused the same to be surveyed and platted in accordance with the provisions of the Minnesota Statutes, Section 505.01, Subd. 5, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.
Dated this ____ day of _____, 20__.

Jason E. Rud, Licensed Land Surveyor
Minnesota License No. 41578

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20__ by Jason E. Rud.

Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY COUNCIL, CITY OF EAST BETHEL, MINNESOTA
This plat of SAUTER'S COMMERCIAL PARK SECOND ADDITION was approved and accepted by the City Council of the City of East Bethel, Minnesota at a regular meeting thereof held this ____ day of _____, 20__ and said plat is in compliance with the provisions of Minnesota Statutes, Section 509.03, Subd. 2.

City Council, City of East Bethel, Minnesota

By _____ Mayor By _____ Clerk

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 20__.

Larry D. Holm
Anoka County Surveyor

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20__ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ____ day of _____, 20__.

Property Tax Administrator

By _____ Deputy

COUNTY RECORDER/REGISTRAR OF TITLES
COUNTY OF ANOKA, STATE OF MINNESOTA

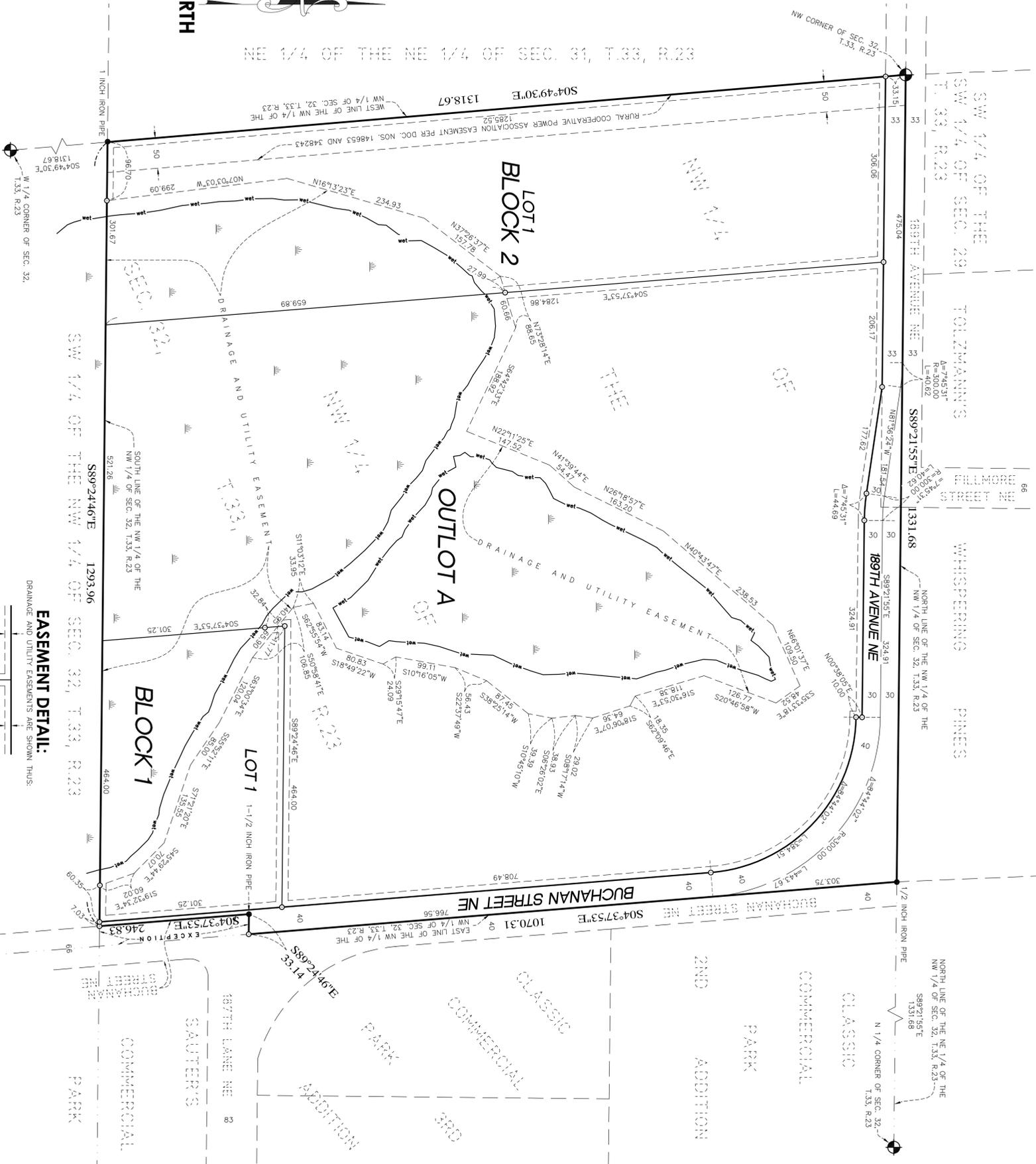
I hereby certify that this plat of SAUTER'S COMMERCIAL PARK SECOND ADDITION was filed in the office of the County Recorder/Registrar of Titles for public record on this ____ day of _____, 20__ at ____ o'clock ____ M., and was duly recorded in Book _____ Page _____ as Document Number _____.

County Recorder/Registrar of Titles

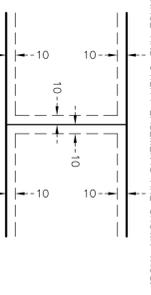
By _____ Deputy

E.G. RUD & SONS, INC.
181.977 Professional Land Surveyors

City of East Bethel
County of Anoka
SEC. 32, TWP. 33, RNG. 23

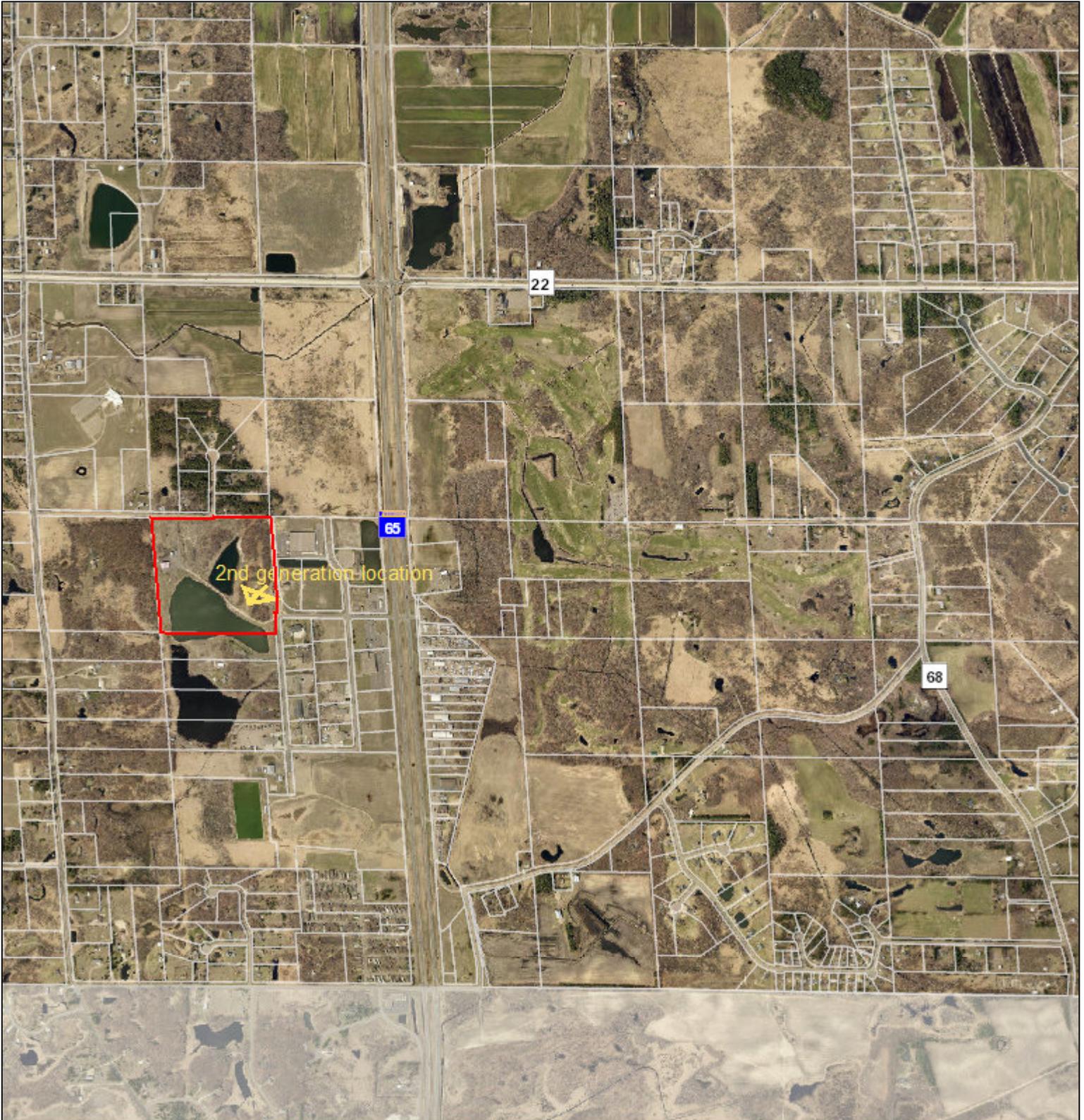


EASEMENT DETAIL:
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



- DENOTES ANOKA COUNTY CAST IRON MONUMENT.
- DENOTES 1/2 INCH BY 14 INCH IRON PIPE MARKED BY RLS NO. 41578.
- DENOTES METAL AND DELINEATED BY JACOBSON ENVIRONMENTAL IN 2013.
- DENOTES IRON PIPE FOUND AS NOTED.

FOR THE PURPOSES OF THIS PLAT THE NORTH LINE OF NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 33, RANGE 23, ANOKA COUNTY, MINNESOTA IS ASSUMED TO HAVE A BEARING OF SOUTH 89 DEGREES 21 MINUTES 59 SECONDS EAST.



Parcel Information

1 in = 1,505 ft

PIN: 323323220002

Acres: 39.31

Owner Name: T & G LAND INC

Address1: 6651 141ST AVENUE NW

Address 2: EAST BETHEL, MN 55011

Site Address1: 1052 189TH AVE NE

Site Address 2: EAT BETHEL, MN 55011-9523

Zoning: R-2

Shoreland: Null

Legal: THE NW1/4 OF THE NW1/4 OF SEC 32 T33

R23; EX PRT PLATTED AS SAUTERS

COMMERCIAL PARK; ALSO EX RD; SUBJ TO EASE OF REC

EASE OF REC

© WSB & Associates
Page 38 of 91 June 23, 2016





City of East Bethel Planning Commission Agenda Information

Date:

June 28, 2016

Agenda Item Number:

Item 6.0

Agenda Item:

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

Requested Action:

Recommendations re: Definitions, Uses, and Performance Standards

Background Information:

At a Special Meeting of the City Council on June 8, 2016, the Planning Commission was invited to participate in a discussion regarding City Code, Appendix A, Zoning, Section 48, Light Industrial that 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 were discussed at the June 8, 2016 meeting:

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. There were several examples from other communities that were provided and both Andover and Blaine seem to have the best definitions:

Blaine Industrial Definition:

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.

Andover Industrial Definition:

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.

Further discussion and consensus agreed on by the City Council and Planning Commission was that *No Outside Manufacturing should be allowed and Exterior Storage should be limited*. While no consensus was reached as to how much Exterior Storage should be allowed or how that should be calculated.

Other discussion items included:

Review of Permitted Uses, Conditional Uses, Prohibited Uses and Performance standards.

Attachments:

- 1) Revisions to Section 48
- 2) Section 24 Proposed changes
- 3) Section 23 Proposed changes
- 4) Section 9 Proposed changes
- 5) Light Industrial Definitions
- 6) Draft meeting minutes 6-8-16

Fiscal Impact:

unknown

Recommendation(s):

Staff if requesting that the Planning Commission discuss and make recommendations on the following:

- 1. Definition of Light Industrial
- 2. Permitted Uses
- 3. Conditional Uses
- 4. Prohibited Uses
- 5. Performance Standards

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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.~~
- ~~GH.~~ Research facility.
- ~~HJ.~~ 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.~~ Detached accessory structure.

~~B.~~ Place of worship.

~~C.~~ Daycare facility—Licensed.

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

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

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

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

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

~~H.~~ Nursing home.

~~I.~~ School, specialty.

~~J.~~ Drive thru services.

~~K.~~ Recreation—Commercial.

~~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.

—

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.

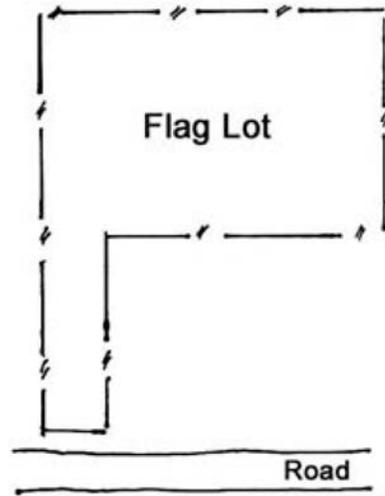
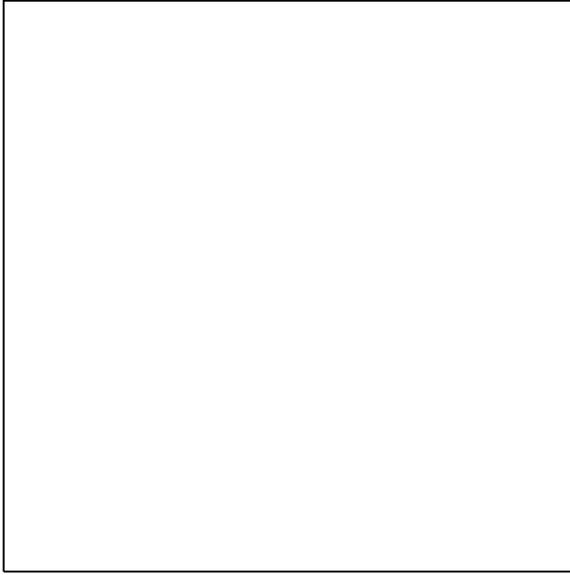
FEMA: Federal Emergency Management Agency.

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.

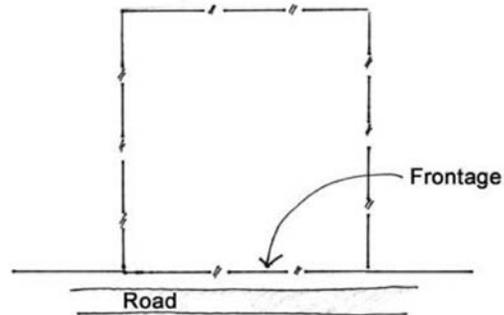
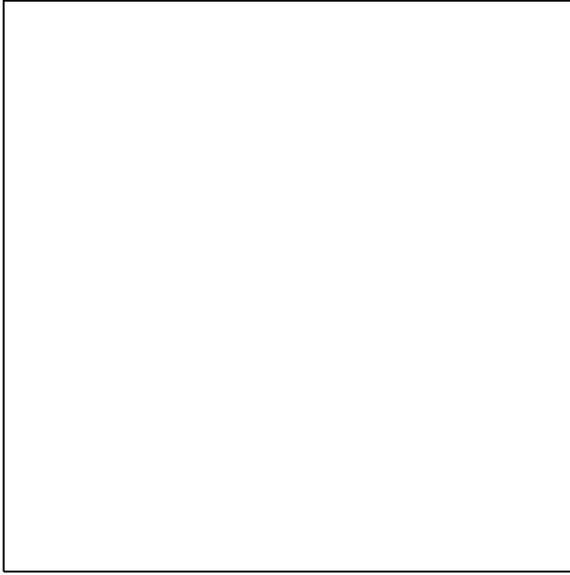
Floor area: The sum of the horizontal areas of each floor of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two attached buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space 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.

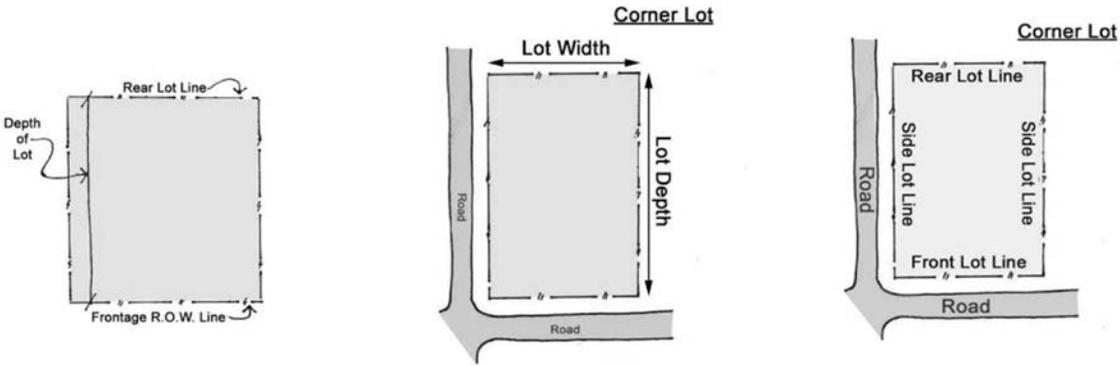
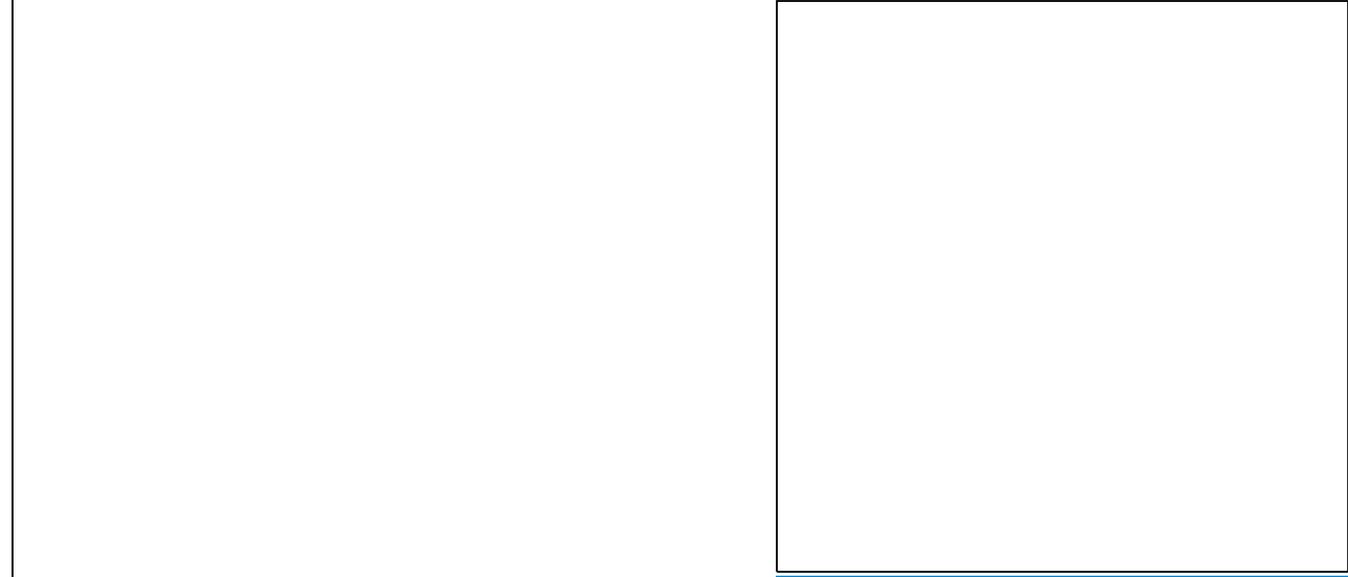
Lighting:

- 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.

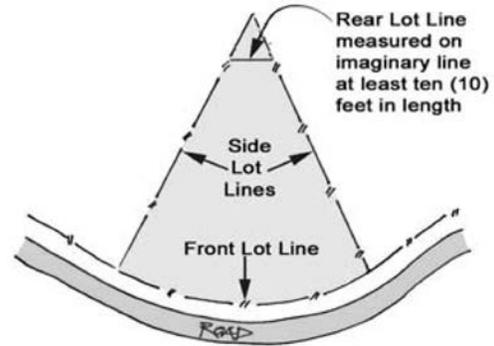
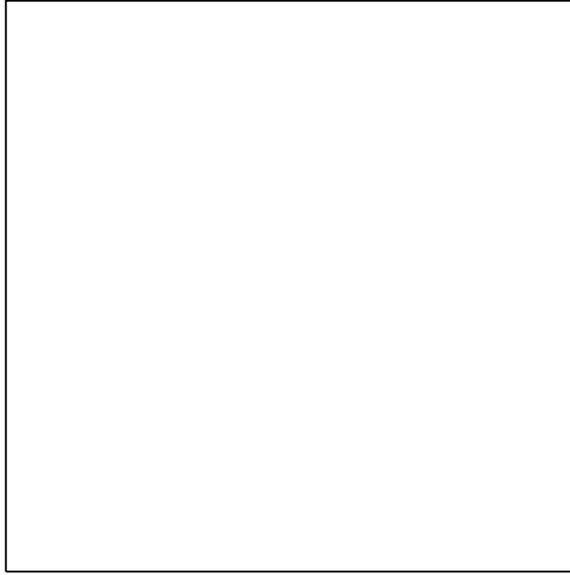


Lot coverage: The part or percent of the lot occupied by buildings, including accessory buildings, and other impervious surface. This definition includes, but is not limited to, driveways, patios, and structures.

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, packaging, 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.

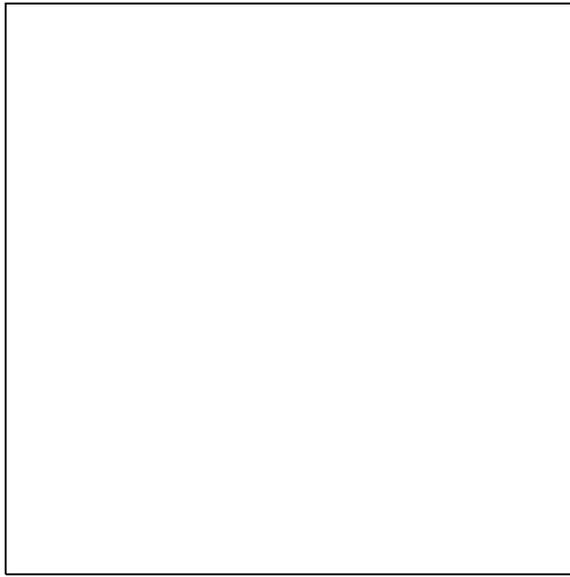
Motorcycle: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with motor attached, excluding tractors as defined by Minn. Stats. § 169.011, subd. 44.

MPCA: Minnesota Pollution Control Agency.

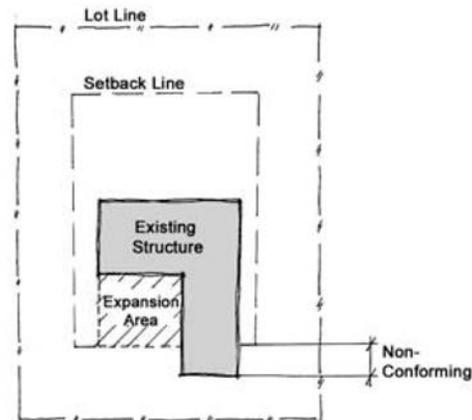
NIER: Non-ionizing electromagnetic radiation, electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

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.



Non-conforming Structure



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.

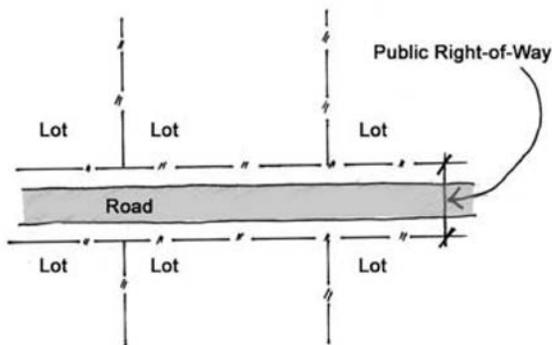
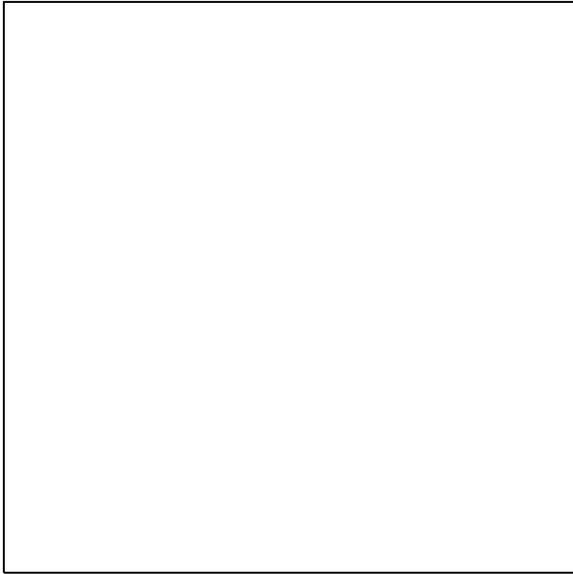
Restaurant, full service: A business establishment whose principal business is the preparing, selling, and serving of unpackaged ready-to-consume food to customers seated at counters or tables.

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)

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.

EAST BETHEL CITY COUNCIL MEETING
JUNE 8, 2016

The East Bethel City Council met on June 8, 2016, at 6:30 p.m. for the City Council Work Meeting at City Hall.

MEMBERS PRESENT: Steve Voss Ron Koller Tim Harrington
Brian Mundle Tom Ronning

MEMBER ABSENT: Steve Voss

PLANNING COMMISSIONERS PRESENT:
Sherry Allenspach Lou Cornicelli Eldon Holmes
Glenn Terry Randy Plaisance

ALSO PRESENT: Jack Davis, City Administrator
Colleen Winter, Community Development Director

1.0 Call to Order The June 8, 2016, City Council Work Meeting was called to order by Acting Mayor Ronning at 6:30 p.m.

2.0 Adopt Agenda **Mundle stated I'll make a motion to adopt tonight's agenda. Harrington stated I'll second.** Ronning asked any discussion? All in favor?" **All in favor.** Ronning stated motion passes. **Motion passes unanimously.**

3.0 Discussion on Amendments to City Code Davis presented the staff report, indicating the purpose of tonight's Work Meeting is to discuss potential changes to the Zoning Ordinance, Section 48, Light Industrial, that was adopted in 2007.

Appendix A Zoning Section 48, Light Ind. 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.

The intention to address these issues is to provide protection from uses that may be inconsistent with the Comprehensive Plan and beyond the objective of the intended goal of this portion of the Ordinance. The proposed changes would not alter the Light Industrial zoning designation, but would align the existing Zoning Ordinance with the Comprehensive Plan.

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

1. 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.
2. Review of permitted uses within this zoning designation.
3. Review of performance standards within this zoning designation.
4. Review of prohibited uses within this designation.
5. Inconsistencies between City Code and the Comprehensive Plan

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

1. A definition of light industrial use;
2. Permitted and prohibited uses; and,
3. 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.

Davis asked those present to reference Attachment A, definitions for industrial use and discuss the proper definition of this term. He noted that not allowing outside manufacturing would be consistent with past discussions. Also, to require all storage to be inside and to not create strong odors or vibrations beyond the property line.

Holmes stated under the industrial definition it states... 'where process is not likely to create offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences.' He asked how the City will regulate that as one person's noise is another person's not noise and it is the same with odor. Davis stated that is the current issue the City is faced with. He explained there are regulations to model these types of activities; however, they are difficult to enforce. These issues are limited to within the boundaries of the property and if objectionable or discernable from adjacent properties, then it is an issue. Davis stated one of the ordinances has language in how to address the issue but no matter what the City does, there will be questions relating to ability to enforce. Davis indicated that even this general statement will be an improvement over the current language.

Terry suggested extending that sentence to indicate: '...objectionable influences beyond the site.' Davis concurred and referenced the handout with another definition of industrial use that included that language stating: '...objectionable when measured at the property line.'

Holmes asked if a meter would be required to make that measurement. Davis stated 'measured' or 'measurable' may not be the correct words and in this case it would be if detected at the property line. He explained some wordsmithing will be needed and the intent is to get the member's suggestions and guidance on how to improve the existing ordinance.

Ronning stated you have to bear in mind what is reality with noise and sound, noting 80 decibels is a common thing in industry but that would eliminate things like lawnmowers, Harleys, and a baby's cry. He stated another issue is obnoxious noise. Davis stated this would give a better definition and direction to staff to determine what is or is not a permitted use.

Mundle supported including reasonable expectations even though it may not be known tonight how to measure or detect some of these items. He stated that will be learned through research and becoming more familiar and noted that other definitions have almost this exact phrase so there has to be a way to do it. Davis agreed that while a general statement is enough for most cases, it 'sets the table' for some uses that may be contemplating locating in an area and what will be expected of them.

Ronning stated whatever the answers are, it won't be fair to everybody but it is supposed to be what is best for the community. Davis stated the existing Zoning Ordinance is so vague,

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unclear, and ambiguous, that it permits just about every use. He stated anything to create clarity will give the staff better direction on how to evaluate these issues as they come forward in the future.

Holmes asked about the difference between the current code language and proposed language. Davis stated the differences and inconsistencies between the Code and Comp Plan also need to be resolved, noting the Comp Plan contains the language that has been under discussion but that is not stated in the Code. In addition, the Code contains two sections with conflicting language relating to outdoor storage.

Mundle suggested adding language in the Code to indicate which document prevails, the City Code or Comp Plan as there may be other areas that conflict. Davis agreed there are other instances of conflict and inconsistencies. He stated the City Attorney's opinion is that the specific statement trumps the general statement so in this case about the requirement for exterior storage, the specific statement of 50% of the rear yard takes precedence over the general statement of 'no exterior storage.'

Mundle suggested a sentence saying if there are any conflicts between the Comp Plan and City Code, the Comp Plan rules. Then various interpretations are not needed. Cornicelli pointed out that Codes are enforceable but Comp Plans are not enforceable. Ronning stated ordinances and codes are living documents that are changed and amended but the Comp Plan is in place for ten years. Davis stated the City can clear up the inconsistencies between the two so both express the same intent. Mundle stated then just as extra insurance, language can be added saying City Code rules over the Comp Plan.

Davis described several scenarios of exterior storage and recommended reasonable percentage based on the footprint of the building.

Consensus was reached that industrial uses shall have no outside manufacturing activities.

Holmes asked whether the City will need to buy meters to measure things like smoke, odor, and vibration. Davis explained that the applicant bears the burden of proof if there's an objectionable issue. Holmes stated it still has to be regulated and that's the problem. In addition, there will be future businesses that aren't even known at this point so the ordinance will have to be changed again to suit that company. For that reason, he felt the language had to be fairly vague yet strong. Davis agreed that being too specific with the language will limit the City so he would suggest a general definition that can be drilled down to include more specifics later. Another option is to have a PUD overlay on industrial districts to provide more flexibility and allow evaluation on a case-by-case basis.

The members reviewed and discussed sample ordinances from neighboring communities. Terry stated he likes the Andover ordinance language that doesn't measure or create a standard because that would be subjective. Yet it lays the burden of proof with the company to demonstrate they will abide by that and also allows the opportunity to object on that basis. Terry stated that type of language gives latitude with each case and also allows consideration of the location (by residential or isolated location).

Ronning stated the City already has all of this and it just has one problem and that's with one definition. He cautioned crying, 'wolf.' Ronning stated support for language indicating: 'The intent of a light industrial zone is to provide for wholesale and warehousing uses and those industrial uses that include fabrications, manufacturing, assembly or

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processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, vibration of earth, soot, or lighting to a degree that is offensive when measured at the property line of subject property.’

Ronning read another definition from a code publishing company’s website definitions.uslegal.com. He stated there is some continuity between Andover’s ordinances and these two sources as well as Cambridge. He stated asked members to give their thoughts to staff so they can put something in writing.

Plaisance stated when talking about light industrial and property to the north, the whole area as a complex, his concern is what kind of businesses would be facing the highways/roads leading into the complex. He stated if the City is looking to entice industry, it will not want a shabby entrance to this location. Plaisance asked if the City should stipulate that the entrance into the complex should have certain requirements (architecture/landscaping) for those properties. The concern is one of first impression.

Plaisance stated his other concern relates to requiring landscaping/pavement for businesses where equipment is moved. He would like the ordinance to require the appropriate landscaping and semi-permeable surface for that type of industry to limit excess dust. Plaisance stated he may be willing to consider a lower requirement for businesses located in the middle of the industrial park but wants to make sure that the perimeter properties create an attractive appearance.

Koller stated with the language listing the issues (dust, noise, vibration, soot, lighting) found to be offensive at the property line, should also include health hazards and regulate use of chemicals. Holmes stated that would be handled by OSHA. Koller stated that OSHA may to a point but their regulations are based in the actual area and he is talking about things that are windblown into other areas including across the street. Holmes asked how far the distance would go to regulate those things. Koller stated it shouldn’t be allowed at any distance. Mundle asked Koller if he preferred language in the Code rather than relying on an outside agency.



Ronning stated all of this exists now with the Minnesota Pollution Control Agency (MPCA) if there are hazardous material anyplace. He restated this is not ‘new ground,’ noting it can also include things like concrete and/or wood dust. Ronning stated he has viewed the materials sheet, they are not poison, and there is no harm even if ingested. He stated professionals (DNR, MPCA) will be making that decision, not the City and they will either accept or deny in writing.

Harrington noted the chemicals mentioned by Ronning do cause respiratory tract irritation and for your skin. Ronning stated people have been using wood chips and making furniture for hundreds and thousands of years and there is some wood you shouldn’t use as well as treated lumber that can be harmful. He noted you also have chemicals in your home, such as bleach, and need to use some common sense.

Allenspach agreed the language should state something about hazardous chemicals. She would also like to see something about the light trucking, size of trucks, so the City does not get massive amounts and constant levels of 18-wheelers coming into the light industrial area. Davis asked the members to address the issue of trucking separately as the City will need to be careful in how that is addressed to assure it is well thought out and does not result in adverse unintended consequences.

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Harrington stated he likes the light industrial definition used by Blaine stating, '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.'

Davis stated the one common factor in all of these is going back to the issue of noise, which is also more difficult to monitor but should be included in the definition.

Plaisance stated when looking at the Blaine definition and talking about utilizing City services of sanitary sewer, water, street, and storm drainage, currently that particular site does not have City sewer and water and the price to extend those services is prohibitive at this time. Davis stated in the long run, if property was available for development to the north, it could be a consideration at some point. He noted water service is necessary to develop due to insurance requirements for fire protection. That is the reason Aggressive Hydraulics built in a location with water service. Davis agreed that for one user, it would be cost prohibitive to extend the services.

Mundle asked if language can be added to indicate it wouldn't necessarily use sanitary sewer, water, etc. but they plan to in the future so when they go to develop their site plan, it can accommodate sewer and water connections. Davis suggested it include public services readily available at the time, including public streets so they are dedicated under the City's conditions.

Winter provided a recap of the items discussed tonight:

- *Which trumps, the Comp Plan or Zoning Code from a legal standpoint*
- *Andover's definition of light industrial*
- *Allowing no outside manufacturing*
- *Restricting outside storage to the rear yard and based in relation to the footprint of the building*
- *To align the language of the Comp Plan and Zoning Code*
- *Consideration of different rules for businesses in locations along the highway and entrance points versus an interior lot*
- *Need to mitigate parking lot dust through appropriate landscaping*
- *Include health hazards in the light industrial definition*
- *Include use of hazardous chemicals in the light industrial definition*
- *Include regulation of number of trucks*
- *Consider Blaine's definition of light industrial*
- *Include regulation of noise*
- *Plan for future public infrastructure*

Ronning suggested the language indicate known health hazards so it is not something in the future.

Holmes stated the issues of noise, heat, smoke and glare can all be metered but other items like vibration, dust, odor, and other objectionable influences can't be metered. He suggested language indicating a metered item can be in a certain area and a non-metered item it can't be within half a mile of residential or something to that effect. Winter asked Holmes if he is suggesting the non-metered items would be less restrictive. Holmes answered in the affirmative.

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Davis stated the MPCA worksheet measures impacts of items including dust based on things like groundcover, exposed surfaces, and wind speeds. He stated the issue of odor is difficult to define but the City needs a way to objectively measure them and set a standard.

Cornicelli asked whether the definition changes to manufacturing within a structure, doesn't that attenuate most of the noise concerns. Davis agreed it should take care of most all of these concerns. Cornicelli stated so the issue of metering and not metering, if the definition changes, then it's a moot point largely. Davis stated then the issue would be noises generated by trucking activities, emissions from the building, and things of that nature.

Davis stated staff can use tonight's input to draft a definition for the Planning Commission's consideration. He asked the members to next address prohibited uses. Davis addressed trucking types of businesses, such as UPS, and asked what would be considered permissible within light industrial.

Ronning noted this information will be considered several times so there is time for more comments and thoughts.

A resident asked if the light industrial definition will require all manufacturing to be inside. Ronning stated most of the examples provided suggest that manufacturing takes place on the inside of the building, not the outside. The resident stated his opinion that the business being proposed could not be dropped into the middle of Andover or Blaine or anyplace he knows.

Ronning noted some of the examples do include trucking and warehousing. He stated if that was Wal-Mart going in, you'd have hundreds of trucks 24 hours a day with lights on 24 hours a day and a lot of people.

Plaisance asked how fast staff intends to get something drafted. Davis explained there is no timetable and staff will look at this from several different directions to assure it is as correct as possible this time so it does not have to be done over again. He anticipated it will take two Planning Commission meetings and maybe a couple City Council meetings to come up with something that is acceptable.

Mundle agreed that once a final draft is prepared, at that point, it would be good to open it to the public to get input.

Davis stated with the trucking aspect, it is known that certain businesses have transportation needs. He suggested prohibiting trucking terminals as a use in this area. Davis stated a definition of 'trucking terminal' will be needed and the City will need to consider the impact of prohibiting this use so more discussion is needed. Davis indicated the goal is to be protective without being too restrictive and stated he would like to hear the member's comments.

Ronning stated the City also has to keep in mind what is currently existing so it dovetails together. He stated if the new language is too restrictive, it will cause existing uses to become non-compliant.

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In response to Ronning, Davis described the three aquifers in this area. Davis stated the environmental issues will also need to be considered but that is more specific than what is being considered tonight. Davis asked for input on the trucking aspects.

Mundle stated if we have a truck terminal, it should be a certain distance away from any residential and regulated on the size of trucks (semi with tractor-trailer versus large delivery trucks).

Allenspach supported regulating hours of operation. Davis explained that could be part of the performance standards and suggested staff draft examples of definitions relating to the trucking aspects for consideration at the next Planning Commission meeting.

Davis stated earlier it was mentioned to require paving areas, vegetation/landscaping, which are also performance standards. He noted one of the proposals from the company that wishes to locate at the intersection of 237th and Highway 65 proposes to have 15 acres of essentially a dirt parking lot for their pallet storage, which could pose problems. Davis stated he is not sure what can be done within the existing ordinance but he would recommend that it be paved or a non-erodible (rain and wind) surface be provided. In addition, a definition of exterior storage is needed including the area allowed, position in relation to the building, and screening requirements. With loading docks, the location on the building needs to be specified along with hours of operation if outside activities are involved.

Harrington asked about a UPS or FedEx operation that uses semi-trucks. Davis stated that will have to be addressed when talking about trucking because if you become too restrictive, you limit certain businesses the City may find desirable.

Holmes stated he does not think the City can legally say, 'no trucking companies.' Davis clarified that the City can do so. Holmes stated if the City did say 'no trucking terminals,' it was legally fought and the City loses, it can still put in a guideline on the location of trucking terminals but there may be no such property in East Bethel. Davis stated the City of Fridley recently prohibited any more automobile repair uses on Highway 65 as it believes there were already too many. Davis reviewed the City's regulation of adult businesses that restricts locations.

Plaisance stated FedEx is a perfect example of what he could consider a trucking terminal since it is a location that is specifically designed for distribution. He noted that if talking about a store that receives goods, it needs a dock but that would not be a trucking terminal as it is a place trucks come in, are stored, and loaded at all hours of the night, and then come back out. Plaisance stated he does not know if the City can define it that closely but to him, he would prefer the City not have trucking terminals.

Davis stated one thing initially brought up is the limited amount of land in East Bethel that can be developed for industrial use so the City would like it maximized in terms of job creation. He noted that distribution facilities generally don't employ a lot of people but do require a lot of property.

Cornicelli asked about the Isanti UPS distribution center. Davis stated that building is very small and most of the time those trucks go out in the morning and don't come back until evening. He noted that other distribution businesses send trucks out in the morning and

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those trucks may return two or three times during the day to pick up more product for delivery.

Holmes stated he has worked at three large UPS buildings and they do employ a lot of people, but that's actually a distribution center compared to places like Isanti that is not as large. Davis stated he was referring to more of a satellite distribution center, not a regional distribution center that is very large and employs more people.

Allenspach noted it's impossible for the language to cover everything but you have to do the best for your particular city. Holmes agreed and restated there are new businesses that will come in and the ordinance will have to be changed again.

Davis stated that it is *generally not considered that light industrial uses utilize outside manufacturing and light industrial uses do not have a ratio of approximately 15 to 1 in terms of exterior storage to building size.*

Terry stated if you narrow it down to public safety issues, it doesn't matter what else comes in because the groundwork is covered to protect transportation and public safety and visual issues.

Davis stated for the most part, the two issues mentioned will take care of a lot of the other issues. Cornicelli stated that is likely why the Blaine ordinance language is fairly concise and brief because those few statements take care of 90% of the issues. Davis concurred and stated if the City can take care of 90% of the issues, it would be fantastic. He asked if there are more comments or direction for staff.

Mundle stated Blaine has a section addressing zero lot lines and suggested that be included. Davis stated that had also been suggested by Mr. Creswell who has been instrumental and done research to give the City ideas on this. Davis stated that at this time this area is not served with public utilities and lot sizes are a minimum of 10 acres.

Winter stated the concern with the zero lot line is whether water is available to those sites. Davis stated one of the issues is that the current Code lists minimum lot sizes, which creates a handicap when designing a compact industrial park. He supported staying with a 10-acre standard since there are not utilities in that area.

Davis stated staff has received enough input to create a rough draft for future consideration.

**4.0
Adjourn**

Mundle stated I'll make a motion to adjourn. Koller stated I'll second that. Ronning asked all in favor? All in favor. Motion passes unanimously.

Meeting adjourned at 7:45 p.m.

Submitted by:
Carla Wirth

TimeSaver Off Site Secretarial, Inc.