

City of East Bethel
Planning Commission Agenda
7:00 PM
March 26, 2013



Agenda

	<u>Item</u>
7:00 PM	1.0 Call to Order
7:02 PM	2.0 Adopt Agenda
7:03 PM Pp. 1	3.0 Discussion regarding MIDS
7:20 PM Pp. 2-28	4.0 Zoning Ordinance Changes
8:10 PM Pp. 29-37	5.0 Approve February 26, 2013 Planning Commission Meeting Minutes
8:11 PM	6.0 Other Business
8:15 PM	7.0 Adjournment



City of East Bethel Planning Commission Agenda Information

Date:

March 26, 2013

Agenda Item Number:

Item 3.0

Agenda Item:

Minimum Impact Design Standards

Requested Action:

Review MIDS project that was discussed at a Special Planning Commission Work Session on March 19, 2013

Background Information:

Utilizing the Community Assistance Package, we will be going over three specific issues:

What do we want to recommend be a part of a MIDS program?

1. Storm Sewer Plan: do we want a separate ordinance or include in one document?
2. Subdivision ordinance: do we want to include MIDS as part of this?
3. Design Standards

Attachments:

None

Fiscal Impact:

Unknown

Recommendation:

1. Discussion Item only

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: X



City of East Bethel Planning Commission Agenda Information

Date:

March 26, 2013

Agenda Item Number:

Item 4.0

Agenda Item:

Zoning Ordinance Changes

Requested Action:

Make a recommendation to City Council to change and or edit language in Zoning Ordinance

Background Information:

There are some changes, edits, additions and discussion that need to take place regarding some items contained in the Zoning Ordinance, as shown on Attachment 1 and specifically in the following areas:

Accessory Structures (Attachment 1, pp. 4)

1. We currently do not have any language in the Zoning Ordinance to state the size of Accessory Structures in R1.
2. We currently do not have any language in the Zoning Ordinance pertaining to Accessory Structures in R2.
3. In B1, B2, and B3, we do not address Accessory Structures other than with generic language.
4. In I (Light Industrial), a detached accessory structure is under Conditional Use Permit.

Exterior Storage (Attachment 1, pp. 5-8)

1. Propose to go through this section.

Home Occupation (Attachment 1, pp. 9 and examples in Attachment 2, pp. 16-27)

1. Need a better definition for Home Occupation
2. Section L – needs to be clarified
3. Do we want to allow home occupations in accessory structures and put restrictions on this?

City Center District (Attachment 1, pp. 10)

1. Contains language that could be applied to several sections along the Hwy. 65 corridor. Begin discussions to identify areas in the corridor where this type of zoning is appropriate.

Attachments:

1. Portions of current Zoning Ordinance
2. Analysis done by the City of Bloomington regarding Home Occupations (pp. 10-15) with examples from Bloomington (pp. 16-18), Isanti (pp. 19-22), and St. Francis (pp. 23-27)

Fiscal Impact:

Unknown

Recommendation:

Discussion Item only

City Council Action

Motion by: _____ Second by: _____

Vote Yes: _____ Vote No: _____

No Action Required: X

ACCESSORY STRUCTURES

SECTION 14.

3. **Accessory uses.** There is no language in R1 or R2 that talks about square footage allowed for Accessory Structures; it has always been treated the same as RR and A, see attached handout.

Language in Code

The following accessory uses are permitted in the R-1 district:

- A. Accessory structures as regulated by Section 14. Accessory Structures.

SECTION 45. LIMITED BUSINESS (B-1) DISTRICT

Other uses customarily associated with but subordinate to a permitted use as determined by the city.

Maximum lot coverage: 65 percent.

SECTION 46. CENTRAL BUSINESS (B-2) DISTRICT

Other uses customarily associated with but subordinate to a permitted use as determined by the city.

Maximum lot coverage: 80 percent.

SECTION 47. HIGHWAY COMMERCIAL (B-3) DISTRICT – Same as Section 46.

SECTION 48. LIGHT INDUSTRIAL (I) DISTRICT

Conditional uses.

- A. Detached accessory structure.
- B. Maximum lot coverage: 80 percent.

EXTERIOR STORAGE

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) Play and recreational equipment.
 - 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) 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 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.
- 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. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].
- 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. 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.

5. B-3 district.

- A. 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.

- 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.
- 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].
- D. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- E. The area occupied by exterior display shall not exceed ten percent of the gross floor area of the principal building on the property.
- F. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
- G. Additional parking spaces shall be provided based upon the exterior display and sale area.
- 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.
- 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.
- 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. 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.

CITY OF BLOOMINGTON
Division of City Planning
REPORT TO THE PLANNING COMMISSION
July 8, 2004

Item 1

GENERAL INFORMATION

Applicant: City of Bloomington
(Case 10000E-04)

Request: Consideration of Home enterprises

PROPOSAL

This report is a guide for the Planning Commission and City Council to consider updating Bloomington's zoning regulations for home enterprises. It is based on a study of effective home enterprise regulations from a number of U.S. and Minnesota municipalities, and helps to determine how they have been effective.

The ordinance addresses several issues in the existing City Code and proposes modifications. These changes address a number of home enterprises and business activities that, technically, do not comply with Bloomington's home occupation regulations but do not generate neighborhood complaints. In addition, the proposed ordinance more clearly stratifies and differentiates between types of home occupations and provides for clearer standards that apply to each type. While some business activities in the home will continue to be permitted as a matter of right and without registration, as currently exists in the Code (such businesses will still be called "Home Occupations"), other business activities will now be allowed after public hearing and Council approval. Such businesses will be called classified as a "Home business" and will be required to procure a permanent Conditional Use Permit.

The general intent to regulate home occupations, whether via licensing or by standard, is to protect community residents from the commercial use of their neighborhoods and to maintain the character of single-family residential community while allowing the pursuit of personal interest. Bloomington's Legal Department, Division of Licensing, as well as the Planning Division, agree that due to recent State Law changes, and the ever-increasing use of technology to work out of the home, a revisit to Bloomington's city regulations on home occupations is necessary.

In this venue, the proposed ordinance helps to clean up Bloomington's Zoning Code as part of the Zoning Code Update project, and helps to make current zoning provisions for home occupations no longer restrictive based on use type. At the same time, the draft language maintains and enhances the preventive nature of the current Code and strengthens the general standards for home occupations and home businesses. By regulating through general standard, rather than by use type, Bloomington will bring its current set of home occupation provisions into the 21st century by eliminating business biasness yet maintaining the integrity of residential communities. In this way, the proposed ordinance will be legally more enforceable, less prohibitive of today's contemporary home enterprises which tend to be more indistinguishable due to their technologically advanced nature, and will allow occupations into the R-1 zoning district, for use by non-residential sites such as churches, to establish wellness programs as a matter of permitted use.

Attachment #2

It has been the Planning Division's experience that TCUPs are usually always renewed. The question of running 100% of applicants (and staff) through the red tape of renewals in order to provide very little leverage on the 5% or less who might create a problem, seems problematic. Revocation is a very viable alternative remedy. This was the general approach utilized with the interim use amendment process where there was also a discussion for the phased elimination of TCUPs. Rather than build in special revocation standards into a new "Home Based Business Permit," Staff believes that it will be more feasible to use the existing Conditional Use Permit structure (not TCUPs but permanent CUPs). City Law has also determined that it may be more feasible from a legal perspective as well. It is clear under state law that conditions of approval may be attached to CUPs and that CUPs can be revoked. The ability to attach and enforce conditions to some kind of alternative permit type, i.e. the Temporary Conditional Use Permit currently being utilized by Bloomington for home occupations, is less clear.

Handling home enterprises as a conditional use will also reduce the overhead of having another permit type, and all related items such as process, fees, and forms, which come along with any new permit. One implication of using the CUP approach is that "Home Businesses" will need to continue to flow through the PC/CC process for their original approval, but will be significantly less in number than those home occupations currently flowing through this process. It is staffs opinion that it is a bigger waste of PC/CC/staff time when utilizing the TCUP rubber stamp renewal process than that the CUP process which is proposed.

Once again, the draft ordinance attached to this staff report helps to clean up Bloomington's Zoning Code as part of the Zoning Code Update project, and helps to make current zoning provisions for home occupations no longer restrictive based on use type. At the same time, the draft language maintains and enhances the preventive nature of the current Code and strengthens the general standards for home occupations and home businesses. By regulating through general standard, rather than by use type, Bloomington will bring its current set of home occupation provisions into a competitive reality with the rest of the metro area by eliminating business biasness yet maintaining the integrity of residential communities. In this way, the proposed draft will be legally more enforceable, less prohibitive of today's contemporary home enterprises which tend to be more indistinguishable due modern technological advances.

Analysis:

Current State law requires "a uniform policy on business licenses for an adequate level of protection of the public welfare." The State Legislature's intent is to "prevent business licenses from becoming overly burdensome for the citizens and businesses of Minnesota" and requires that "business licenses not duplicate or significantly overlap any other permitting process."(Section 116J.69, Mn. State Statutes). This includes city zoning laws.

Comparable to other Minnesota cities, Bloomington regulates some home occupations through Chapter 14 of the City Code, via the Division of Licensing and Permits, as well as through the City's Zoning Ordinance, particularly Section 19.27(c)(6) of the City Code. Each policy and department adheres to its own set of regulations and processes, which, pursuant to State Code, do not significantly duplicate or overlap one another.

Section 19.27 of the Bloomington City Code, for example, permits certain home businesses to be allowed as an accessory use in single-family homes, without the need for permit to conduct business. Permitted home occupations listed by type in the City Code include: architects, artists, writers,

2. Remove Sections 19.27(d)(13), (24), (27), (32), and (36) of the City Code in order to diverge from the “use type” biasness inherent in older municipal codes.
3. Revise Section 19.27(c)(6) of the City Code and augment current City standards for home occupations and home businesses to better fit today’s workforce, residential communities, and in order to increase compatibility with other Minnesota municipal codes.
4. Revise relevant sections of the City Code to include enhanced standards for “Home Occupations” and “Home Businesses” and to provide for a set of new standards to be utilized for each type of home enterprise. A “Home Business” will be defined in a manner which is similar to a “Home Occupation” which is not a public nuisance but which, for a legitimate reason, cannot meet one or more of the standards required for an accessory “Home Occupation”. A Conditional Use Permit will take the place of the Temporary Conditional Use Permit (TCUP) currently provided by Bloomington’s Planning Division for home occupations which do not meet the accessory use standards but which may be permitted through Conditional Usage. Language should also be provided for those home occupations, which are not required to be licensed through the Division of Licensing to ensure adequate control.

Comparative:

Minneapolis

Home Occupations:

The City of Minneapolis currently regulates home occupations much like the City of Bloomington, through the concept of “indistinguishability.” As long as a home occupation remains relatively indistinguishable from the adjacent neighboring community, a home occupation is permitted with certain restrictions and limitations. Minneapolis limitations include activity level, residential status of employee, exterior appearance, traffic generation, parking, signage, hours of operation, outdoor storage, noise, lighting, and specific development standards. Prohibited home occupations for the City of Minneapolis include: motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines, barber shop or beauty salon designed for more than one (1) client at a time, the sale, lease, trade, or other transfer of firearms, sexually oriented uses (including massage parlors), headquarters or dispatch centers, uses first allowed in their General Commercial or industrial districts⁴.

St. Paul

Home Occupations:

The City of St. Paul Legislative Code, Section 60.412(7) regulates all home occupations, which are incidental to the residential dwelling unit, and which do not change the character of the premises.

Standard requirements for permitted home occupations include:

- No nuisances to neighbors including light, odor, glare, etc.;
- No equipment creating electrical interference;
- No structural alterations to the dwelling unit;
- No exterior storage;
- No signage except for a 2 sq. ft. sign; and
- No accessory structures utilized for the home occupation.

⁴ Minneapolis Code, Section 535.450 (Home Occupation Standards);

Duluth explicitly permits the following home occupations by type (assuming they meet the general standards set out for home occupations in Section 50-1.38 of the City Code): artist's studio, dressmaking; office of a physician or dentist, lawyer, engineer, architect or accountant, and musical instruction limited to two pupils.

Types of home occupations expressly prohibited, regardless of whether they meet the standards of Section 50-1.38, include: barbershops, beauty parlors, tourist homes, restaurants, and tearooms.

Duluth's provisions on home occupations most closely resemble those of Bloomington.

Brooklyn Park

Home Occupations:

The City of Brooklyn Park regulates home occupations, like Minneapolis, through the concept of "indistinguishability." As long as a home occupation remains relatively indistinguishable from the adjacent neighboring community, a home occupation is permitted with certain restrictions and limitations. Brooklyn Park limitations include delivery times and traffic generation, residential status of employee, exterior appearance, traffic generation, parking, and a nuisance clause. Prohibited home occupations for the City of Brooklyn Park include: motor vehicle repair, service or painting. The repair or servicing of appliances is limited to "those appliances or other goods small enough to be carried by one person."⁵ A permit is required for all "vocations based in a dwelling unit." The permit is administrative in nature.

Plymouth

Home Occupations:

The City of Plymouth allows home occupations pursuant to Section 21145.01 of the City Code, which are clearly incidental to the residential dwelling unit, and which do not change the character of the premises.

Other requirements for permitted home occupations include:

- No nuisance to neighbors including light, odor, glare, etc.;
- No equipment creating electrical interference;
- No internal/external alterations to the dwelling unit;
- No exterior storage;
- No signage;
- Restricted hours of operation between the hours of 10 p.m. and 7 a.m.;
- No more than 25% of any story of the home used for the home occupation;
- Up to 50% of all accessory structures can be utilized for the home occupation; and
- No more than one customer per day.

Pursuant to Section 21145, a home occupation may procure an Interim Use Permit, good for one year and renewable for periods up to three years, and be classified as an Interim Home Occupation if it does not meet the current requirements for permitted home occupations contained in Section 21145.01.

⁵ Brooklyn Park City Code, Home Occupation Ordinance;

Permitted Home Occupations expressly permitted by Coon Rapids include: craft businesses, traveling salesperson, traveling cleaning service, and any operation without customer visits.

Home occupations that are not accessory uses may still be permitted through the conditional use process. Such home occupations allowed via the conditional use permit include: beauty shops, taxidermy, antique shops, tailor shops, photography studio, clock making, pet grooming, upholstery, accounting, and medical offices.

Coon Rapids expressly prohibits the following home enterprises by use type: repair of internal combustion engines over 12 horse powers; body shops, machine shops, welding, ammunitions manufacturing, flea markets, motor vehicle repair, service, or sale, tattoo parlors, or other “objectionable uses as determined by the City Council.”⁶

Burnsville

Home Occupations:

The City of Burnsville regulates home occupations, like others, through the concept of “indistinguishability.” As long as a home occupation remains relatively indistinguishable from the adjacent neighboring community, a home occupation is permitted with certain restrictions and limitations. Burnsville limitations include delivery times, residential status of employee, exterior appearance, traffic generation, parking, and a nuisance clause. Hours of operation are limited to the hours of 7:00 a.m. and 10:00 p.m. There are no prohibited home occupations for the City of Burnsville⁷.

St. Cloud

Home Occupations:

The City of St. Cloud regulates home occupations, like others, based on a set of required standards. St. Cloud limitations include delivery times, residential status of employee, exterior appearance, traffic generation, parking, and a nuisance clause. In addition, no more than 25% of the gross floor area of any one story may be utilized for the home occupation. Massage facilities that are exempt from the licensing requirements of Section 447 may be considered as a home occupation. The City of St. Cloud has no prohibited home occupations⁸.

No “special exception” processes is outlined in the St. Cloud City Code for home occupations which cannot meet the general home occupation standards

Eden Prairie

Home Occupations:

The City of Eden Prairie does not prohibit home occupations based on type. Rather, Eden Prairie regulates home occupations, like others, through the concept of “indistinguishability.” As long as a home occupation remains relatively indistinguishable from the adjacent neighboring community, a home occupation is permitted with certain restrictions and limitations. Eden Prairies limitations include delivery times, residential status of employee, exterior appearance, traffic generation, noise, odor, parking, and a nuisance clause. No process for “special exceptions” were found in Eden Prairies City Code for those home occupations unable to be the general requirements.

⁶ Coon Rapids City Code, Section 11.604.

⁷ Burnsville City Code, Section 10-12A-2 (Home Occupations);

⁸ St. Cloud Code of Ordinances, Article 13;

In this comparative there were no cities, which only utilized the licensing process for the registration and approval of home occupations.

The following cities utilized both the licensing process and zoning regulations for the registration and approval of home occupations and other one-person businesses: St. Paul, Rochester, Brooklyn Park, Plymouth, Eagan, Coon Rapids, Burnsville, and St. Cloud.

The following cities did not require either a special license or special zoning permit for home occupations: Duluth, Eden Prairie, Minneapolis (as long as the home occupation met the general standards for accessory use in the respective residential zoning district.)

Conclusion:

Comments from City staff as well as the general public speak of concern over the ability to regulate home occupations if they are permitted as an accessory use in the R-1 zoning district, subject to the provisions set forth in Section 19.27. It is recommended that the Conditional Use Permit remain for those "Home Occupations" which cannot satisfy the standards contained in Section 19.27(c) (which will be moved to a new Section 19.63.09(B), but which still wish to pursue a legal existence. The Conditional Use Permit proposed is more malleable than the current process in that it provides a way for the City to place additional standards on those "Home Businesses" which, due to some special exception, cannot meet the accessory use standards, but which are not considered to be detrimental to the surrounding neighborhood.

For clarity sake, Attachment "A" provides a visual comparison of home occupation standard, both current and proposed, and more clearly delineates the scheme.

RECOMMENDATION

In Case 10000E-04, Staff recommends approval of an ordinance revising Chapter 19, Sections 19.03, 19.27, 19.27.01, 19.40.09, and 19.63.09 of the City Code, regarding home enterprises.

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Starting a Home Enterprise

Large areas of Bloomington are designated for residential purposes. Generally, people living in residential areas expect the residential character of their neighborhood and the visual amenities to be protected from intrusion by commercial businesses. However, under certain circumstances, the Zoning Ordinance allows a small-scale business to be carried out in a residential dwelling. Such a business, which is called a "Home Enterprise," may only be carried out by a resident of the dwelling and must not cause a nuisance to neighbors. Home Enterprises must comply with standards specified in the Zoning Ordinance.

Home Enterprises cover a wide range of activities such as desk and telephone operations for a mail order business, crafts like silk plants and ceramics, or personal services like individual piano lessons.

Major/minor Home Enterprises

There are two types of Home Enterprises: Home Occupations (minor) and Home Businesses (major). Under the Bloomington Zoning Ordinance, Home Occupations and Home Businesses are defined as follows:

Home Occupations are those gainful occupations or professions, engaged in within a dwelling unit on the premises by an occupant of the dwelling unit as a use that is clearly incidental to the principal use of the dwelling unit. These incidental uses cannot endanger the health, safety or welfare of other persons residing in the area by reason of blight, noise, smoke, dust, odor, glare, vibration, increased vehicular traffic, unsanitary or unsightly conditions, fire hazard or similar conditions that have a reasonable likelihood of disturbing the peace, comfort, repose or quiet enjoyment of the indoor and outdoor spaces of neighboring residential properties. Home Occupations, where allowed in the applicable zoning district, may be allowed as an accessory use subject to the performance standards in *Section 19.63.09(a)(2)* of the Bloomington Zoning Ordinance.

Home Businesses, where allowed in the applicable zoning district, may be allowed ONLY as a conditional use, and is subject to different performance standards in *Section 19.63.09(b)(3)* of the Zoning Ordinance.

- ▶ [Ordinance language \(58KB, 17-page PDF\)](#)

No Home Occupation or Home Business shall include:

1. Unlicensed massage or escort businesses.
2. Automotive and recreation vehicle sales, rental, storage, service or repairs.
3. Painting or repair of motor vehicles or boats.
4. The sale, lease or trade of firearms or ammunition.
5. Manufacturing.
6. Taxidermy.

The following table indicates the items that would classify a Home Enterprise as a Home Occupation or a Home Business:

[Regulations table \(14KB, PDF\)](#)

Application procedure

No application is required for a Home Occupation (though a business license may be required).

Home Businesses require materials to be submitted for a Conditional Use Permit including:

1. A completed development application form (obtainable from the Planning Division);
2. A site plan laying out the location of the business in conjunction with the home and the lot;
3. A completed letter giving details of the proposed Home Business;
4. Payment of a one time application fee;
5. A Home Business Conditional Use Permit is not transferable. For example, if you move then you will need to apply for a new permit.

Fees

A fee is required for all Home Business Conditional Use applications. A schedule of fees is available from the Planning Division. If a Conditional Use Permit is denied, the fee is not refundable.

How long does it take until the permit is issued?

It usually takes a minimum of 4 weeks for a Home Business Conditional Use Permit to go through the process.

What factors are taken into account in deciding on an application?

Because commercial uses are not usually allowed in residential areas, it is important that Home Enterprises do not disturb the residential character of an area. The ideal test of a Home Enterprise is whether the neighbors would be aware of its existence.

Some factors that can draw attention to Home Enterprises include the following:

- Advertising or signage on the property.
- Noise, dust, smell, or smoke generated by the Home Enterprise.
- Customers or business contacts visiting the home.
- Delivery/collection of products.
- Parking on adjacent streets or lanes.
- Employees who are not residents of the dwelling.
- Storage of equipment or materials in the open.
- Vehicles identifying the business parked in the street or driveway.

Business license

Business licenses may also be required for Home Enterprises. Please call City Licensing at 952-563-8728 for further information.

Background information

- [Analysis and staff report \(53KB, 11-page PDF\)](#)

For more information or if you have comments or suggestions concerning Zoning Ordinance revisions, contact:

Planning Division
PH: 952-563-8920, FAX: 952-563-8949
E-mail: planning@ci.bloomington.mn.us

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ARTICLE ONE: RESIDENTIAL USE REGULATIONS

Subdivision 1: Bed and Breakfast Establishments

- A. Not more than one (1) non-resident employee shall be employed at a bed and breakfast establishment.
- B. The facility shall be owner occupied and managed.
- C. One (1) on-premise sign may be used in conjunction with such use provided that the size and placement of the sign are in compliance with Section 16 of this Ordinance.
- D. The use shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
- E. Parking shall be provided at one space per rooming unit, in addition to the spaces normally required for the principal residential use. Parking shall be in accordance to Section 17 of this Ordinance and shall be screened from neighboring residentially zoned or used property.
- F. If meals are available they shall be served only to paying, overnight guests. Separate kitchen and cooking facilities shall not be made available for guest use.
- G. The hours that the lobby may remain open for the arrival and departure of paying, overnight guests shall be no earlier than 7:00am and no later than 10:00pm.
- H. The total number of guest rooms are limited to five (5) and all guest rooms shall be located within the principal structure.
- I. The establishment must comply with all applicable local and state regulations regarding fire, health, building and business permits or licenses.

Subdivision 2: Group Housing Projects

When a housing project consisting of a group of four or more buildings is to be constructed on a plot of land and the land is not to be subdivided into customary streets and lots, or the existing or contemplated street and lot layout make it impractical to apply the requirements of this chapter to the individual buildings in the housing project, the requirements of this chapter shall apply to the housing project in a manner that will be in harmony with the character of the neighborhood and the density of land use to obtain a greater standard of open space than required by this chapter in the district in which the project is to be located. These standards shall be applied by means of a conditional use permit with such attachments determining open space.

Subdivision 3: Home Occupations

- A. Purpose.
The purpose of this section is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential and mixed-use neighborhoods without jeopardizing the health, safety, and general welfare of surrounding residential properties. Each home occupation shall comply with the applicable standards so as to ensure that no adverse impact accrue to neighboring properties or infringe upon the rights of adjoining property owners. In addition, it is the purpose of this section to provide a mechanism enabling the distinction between permitted, special, and extended home occupations; so permitted home occupations may be allowed through an administrative review process rather than a legislative hearing process as required for special and extended home occupations.
- B. Permitted Home Occupations.
 - 1. Any permitted home occupation, as defined in Section 2 of this Ordinance, shall not be established unless a home occupation permit has been issued by the Zoning Administrator. An application for a home occupation permit shall be made in writing on forms provided by the Zoning Administrator. There shall be no fee charged for a permitted home occupation permit. Such permits shall be issued by the Zoning Administrator based upon proof of compliance with the provisions of this Subdivision.

2. If the Zoning Administrator denies a permitted home occupation permit, the applicant may appeal such decision pursuant to Section 21 Administration and Enforcement, Article 6 of this Ordinance.
3. A permitted home occupation permit shall remain in effect until such time as there has been a change in the conditions associated with the home occupation or until such time as the provisions of this Section have been breached by the permit holder. At any such time the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make the final decision as to whether or not the permit holder is in violation of the provisions of this Subdivision and entitled to maintain the permit.

C. Special and Extended Home Occupations.

1. Permit Required. Any home occupation that does not meet the specific requirements for a permitted home occupation as defined in this Ordinance shall require an Interim Use Permit for a Special or Extended Home Occupation, as defined in Section 2 of this Ordinance. Special or Extended Home Occupations shall be applied for and reviewed in accordance with the provisions as established within Section 21 Administration and Enforcement, Article 3 Interim Use Permits.
2. Declaration of Conditions. The Planning Commission and City Council may impose such conditions on the granting of a special or extended home occupation permit as may be necessary to carry out the purpose and provisions of this Subdivision.
3. Term of Permit; Renewal. A special or extended home occupation permit may be issued for a period of one year after which the permit may be re-issued for periods of up to three years each. Each application for permit renewal shall; however, be processed in accordance with the procedural requirements of the initial special or extended home occupation permit.
4. Reconsideration. Whenever an application for a special or extended home occupation permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial.
5. Special and Extended Home Occupations are subject to review upon complaints from the neighborhood. If the complaints are considered substantial; and upon inspection there has been a change in the conditions associated with the special or extended home occupation or a breach of the provisions of this Subdivision or the conditions placed upon the approval of the special or extended home occupation are no longer being recognized, the process for revocation of the Interim Use Permit in accordance with the provisions of Section 21, Article 3 may be initiated.

D. General and Specific Requirements. All home occupations shall comply with the following general requirements and according to the applicable definition, the additional requirements depending upon the type of home occupation:

1. General Requirements.
 - a. The home occupation shall meet all applicable Fire and Building Codes.
 - b. All home occupations shall comply with the provisions of the City Nuisance Ordinance.
 - c. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
 - d. The home occupation shall not constitute a fire hazard to adjacent or nearby residences, or a nuisance to neighbors because of excessive traffic, light, glare, noise, odors, vibrations or other circumstances, as determined by the fire marshal or zoning administrator.
 - e. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential use.
 - f. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling with the exception of one (1) identification sign not to exceed six (6) square feet in area and shall meet the requirements as provided in Section 16 of this Ordinance for home business signs.
 - g. Exterior storage or display of equipment, materials, tools, supplies, products or by-products used or produced in conjunction with the home occupation is prohibited.
 - h. Trucks shall not be stored, operated, or maintained in residential districts. Any vehicle used in conjunction with the home occupation shall comply with the Section 17 of this Ordinance and Chapter 227 of the Isanti City Code.

- i. The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sales, or any other objectionable uses as determined by the zoning administrator.
- j. All permitted and special home occupations shall be conducted entirely within the living quarters of the principal dwelling and may not be conducted in any portion of the attached garage or within accessory buildings.

E. Permitted Home Occupation Requirements.

- 1. Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway.
- 2. Retail sales/delivery of a service can take place provided it is done on an appointment basis or conducted by mail, so as few vehicles as possible are parked at the residential dwelling at one time.
- 3. Truck deliveries or pick-ups of supplies or products, and customer appointments associated with the home occupation shall be imperceptible from normal residential activity. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.
- 4. No manufacturing or processing business shall be allowed as defined herein: the production of articles from raw or prepared materials whose forms, qualities, properties, or combinations represent hazardous characteristics to the general area, during processing or as the final product.
- 5. Business hours are limited to the period of 7:00 a.m. to 8:00 p.m.
- 6. The use of mechanical equipment other than is usual for purely domestic or hobby purposes are prohibited.
- 7. The entrance to the space devoted to or used by the home occupation must be completely contained within the principal residential dwelling unit so as to have no exterior visibility.
- 8. No interior or exterior alterations of the property or the structures thereon shall be allowed that would provide indication of business activities being conducted on the premises and no construction features shall be allowed which are not customarily found in a primary residential dwelling unit or which are inconsistent with the residential character of the lot and structure thereon.
- 9. The area set aside for home occupation in the dwelling unit shall not exceed twenty (20) percent of the gross living area of the dwelling unit.
- 10. No person other than those who customarily reside on the premises shall be employed.

F. Special Home Occupation Requirements.

- 1. Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking. In such cases where on-street parking facilities are necessary, however, the City Council shall maintain the right to establish the maximum number of on-street spaces permitted and increase or decrease the maximum number when and where changing conditions require additional review.
- 2. A contract between the refuse handler and the owner shall be provided for all other waste including but not limited to garbage, recyclable material, decayed wood, sawdust, shaving, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other substances not sewage or industrial waste which may pollute the waters of the state. The contract shall be provided prior to issuance of the interim use permit and shall cite the destruction of waste and shall be renewed annually on or before January 1st of each year.
- 3. Toxic, explosive, flammable, or other restricted materials used, sold, or stored on the site in conjunction with the home occupation must conform to the Isanti City Code and the Uniform Fire Code.
- 4. Any retail sales must be accessory or incidental to the primary residential use.
- 5. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the Zoning Ordinance.

G. Extended Home Occupation Requirements.

- 1. A contract between the refuse handler and the owner shall be provided for all other waste including but not limited to garbage, recyclable material, decayed wood, sawdust, shaving, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other substances not sewage or industrial waste which may pollute the waters of the state. The contract shall be provided prior to issuance of the

interim use permit and shall cite the destruction of waste and shall be renewed annually on or before January 1st of each year.

2. Toxic, explosive, flammable, or other restricted materials used, sold, or stored on the site in conjunction with the home occupation must conform to the Isanti City Code and the Uniform Fire Code.
3. Any retail sales must be accessory or incidental to the primary residential use.
4. Home occupation operations are restricted to the dwelling unit, attached or detached garages or accessory buildings. If the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
 - (a) A minimum of 400 sq/ft of garage or accessory building space shall be maintained as a primary residential garage for indoor parking of vehicles and equipment.
5. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the Zoning Ordinance.

H. Transferability.

Permits shall not run with the land and shall not be transferable. Home occupation permits granted by this subdivision shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. Permits are not transferrable from person to person or from address to address.

I. Lapse of Permit by Non-Use.

If, within one year after granting a home occupation permit, the use as permitted by the permit shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such petition shall be in writing and file with the Zoning Administrator at least thirty (30) days before the expiration of the original permit. There shall be no charge for the filing of such a petition. The request for extension shall state facts showing a good faith attempt to initiate the use. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for decision.

J. Renewal of Permits.

An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting the permit, the permit holder agrees that his monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered de novo without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for renewal of a permit.

K. Inspections.

There may one or more inspections each year by the Zoning Administrator or his/her designee of any property covered by a home occupation permit. In addition, the Zoning Administrator or his/her designee shall have the right at any time, upon reasonable request of forty-eight (48) hours notice to enter and inspect the premises covered by said permit for safety and compliance purposes.

L. Nonconforming uses.

Existing home occupations, lawfully existing on the date this Subdivision was adopted, may continue as non-conforming uses. The home occupation shall be required to obtain permits for their continued operation. Any existing home occupation that is discontinued for a period of more than thirty (30) days, or is in violation of the Ordinance provisions under which it was initially established or found in violation of any other City Ordinance shall be brought into conformity with the provisions of this Subdivision.

M. Residential Daycare Facilities.

Residential daycare facilities are exempted from all provisions provided in this section pursuant to Minn. Stats. 462.357, subd. 7, as amended from time to time.

City of
St. Francis

CHAPTER 21
HOME OCCUPATIONS

SECTION:

- 10-21-1: Purpose
- 10-21-2: Application
- 10-21-3: Prohibited Home Occupation Uses
- 10-21-4: General Home Occupation Requirements
- 10-21-5: Permitted Home Occupation Requirements
- 10-21-6: Interim Use Home Occupation Requirements
- 10-21-7: Home Extended Businesses
- 10-21-8: Non-Conforming Uses
- 10-21-9: Inspection

10-21-1: PURPOSE. The purpose of this Ordinance is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety, and general welfare of the surrounding neighborhood. In addition, this Chapter is intended to provide a mechanism enabling the distinction between those home occupations having minimal or no secondary impact ("Permitted Home Occupations") and those which have potential for adverse effects upon surrounding areas ("Interim Home Occupations" or "Home Extended Businesses"). (Ord 148, SS, 11-21-2010)

10-21-2: APPLICATION. Subject to the non-conforming use provision of this Ordinance, all home occupations shall be further defined to distinguish permitted home occupations from interim home occupations and home extended businesses. Accordingly, all home occupations which satisfy the permitted home occupation criteria shall be considered a permitted accessory use in all residential zoning districts. Home occupations which are not specifically prohibited and fail to satisfy the permitted home occupation criteria shall require an interim use permit, as provided for in this Chapter. (Ord 148, SS, 11-21-2010)

10-21-3: PROHIBITED HOME OCCUPATION USES. The following uses have a tendency to be too intense for or potentially disruptive for home occupations and thereby adversely affect residential areas. The following uses are specifically prohibited as home occupations:

- A. Repair services which produce objectionable light, glare, noise or vibration including, but not limited to, auto repair, appliance repair and small engine repair, except as provided for in Section 10-21-7-l. (Ord 148, SS, 11-21-2010)

- B. Teaching or instruction which customarily consists of more than two (2) non-family pupils at a time.
- C. Manufacturing.

10-21-4: GENERAL HOME OCCUPATION REQUIREMENTS. The following requirements shall apply to all home occupations (both permitted and interim):

- A. No home occupation shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- B. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
- C. The home occupation shall be clearly incidental and secondary to the residential use of the premises, shall not change the residential character thereof, and shall not result in an incompatibility or disturbance to surrounding residential uses.
- D. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and State fire and police recommendations.
- E. There shall be no exterior storage of equipment or materials used in the home occupation, except that personal automobiles used in the home occupation may be parked on the site, provided the parking is in conformance with all outdoor storage and parking requirements found in Sections 10-16-15 and 10-19. (Ord 148, SS, 11-21-2010)
- F. The home occupation shall meet all applicable building and fire codes.
- G. No home occupation shall be conducted between the hours of ten o'clock in the evening (10:00 PM) and seven o'clock in the morning (7:00 AM) in a manner where business activity is detectable outside of the residence. (Ord 148, SS, 11-21-2010)
- H. All home occupations shall comply with the provisions of City Nuisance Ordinances, including noise, outdoor storage, parking, and other such standards. (Ord 148, SS, 11-21-2010)

10-21-5: PERMITTED HOME OCCUPATION REQUIREMENTS. In addition to the requirements of Section 10-21-4 of this Ordinance, the following additional requirements shall apply to all permitted home occupations:

- A. There shall be no exterior display or signs which are visible from outside the building.
- B. No person other than those who customarily reside on the premises shall be employed.
- C. The operation of any wholesale or retail business shall not be permitted unless:
 - 1. It is conducted entirely by telephone, mail or electronic medium;
 - 2. The merchandise is stored elsewhere than on premises;
 - 3. The business operation does not include the sale of equipment or delivery of merchandise to the premises;
 - 4. Customers do not come to the home for any part of the transaction.
- D. The home occupation shall be conducted entirely within the principal dwelling and shall not be conducted in attached garages or accessory buildings. No more than twenty-five (25) percent of the gross floor area of the principal dwelling shall be used for the home occupation.
- E. The home occupation shall not create a parking demand of more than two (2) vehicles at one time.
- F. The home occupation shall not create a demand for on-street parking. All parking associated with the home occupation shall be off-street and shall be accommodated within the garage and the existing driveway area.
- G. In no case shall the home occupation create a need for an additional driveway access to the property.

10-21-6: INTERIM USE HOME OCCUPATIONS REQUIREMENTS. Home occupations which are not specifically prohibited by Section 10-21-3 of this Ordinance and fail to satisfy the permitted home occupation criteria of Section 10-21-4 of this Ordinance shall require an interim use permit and shall comply with the following requirements:

- A. The conditions of Section 4 of this Ordinance shall be satisfied.
- B. No more than one (1) person other than those who customarily reside on the premises shall be employed.
- C. Teaching or instruction activities shall not consist of more than two (2) non-family pupils at a time.

- D. All activity on the premises associated with the home occupation shall not cause any adverse changes to the residential character of the neighborhood.
- E. Any exterior changes necessary to conduct the home occupation are sufficiently screened, properly designed, or separated by distance so as to be consistent with the existing adjacent residential uses and compatible with the residential occupancy.
- F. Any interior changes necessary to conduct the home occupation shall comply with all building, electrical, mechanical and fire codes governing the use of the use in a residential occupancy.
- G. Traffic generated by the home occupation shall involve vehicles types and volumes that typically associated with single family residences and that such traffic does not constitute a nuisance or safety hazard.
- H. Signs associated with the interim home occupation shall be in accordance with Chapter 42 of this Ordinance.
- I. No more than twenty-five (25) percent of the gross floor area of the principal dwelling shall be used for the home occupation.
- J. An attached accessory structure may be used for the home occupation provided the use does not occupy required parking. In all cases there shall be space sufficient for the parking of a minimum of two vehicles in the attached accessory structure. (Ord 148, SS, 11-21-2010)
- K. Any wholesale or retail sales must be incidental to the home occupation or low volume sales restricted by appointment. (Ord 148, SS, 11-21-2010)

10-21-7: HOME EXTENDED BUSINESSES. (Ord 148, SS, 11-21-2010) Home extended businesses are home occupations that may be conducted within a detached accessory building. Home extended businesses are allowed as an interim use in the A-1, A-2, A-3, RR, and ML-PUD Districts provided:

- A. The conditions of Section 10-21-4 of this ordinance shall be satisfied.
- B. No more than two (2) persons other than those who customarily reside on the premises shall be employed.
- C. All activity on the premises associated with the home extended business shall not cause any adverse changes to the residential character of the neighborhood.
- D. Any exterior changes necessary to conduct the home extended business are sufficiently screened, properly designed, or separated by distance so as to be

consistent with the existing adjacent residential uses and compatible with the residential occupancy.

- E. Any interior changes necessary to conduct the home extended business shall comply with all building, electrical, mechanical and fire codes governing the use of the use in a residential occupancy.
- F. Traffic generated by the home extended business shall involve vehicles types and volumes that typically associated with single family residences and that such traffic does not constitute a nuisance or safety hazard.
- G. Signs associated with the interim home occupation shall be in accordance with Chapter 42 of this Ordinance.
- H. On parcels greater than 5 (five) acres in size, small engine and appliance repair may be conducted, provided the applicant can sufficiently limit noise and other potential disturbances, and the detached accessory building is in a location that will not allow for likely disturbances to neighboring residences.
- I. Any wholesale or retail sales must be incidental to the home occupation or low volume sales restricted by appointment.

10-21-8: NON-CONFORMING USES: Existing home occupations lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. Any existing home occupation that is discontinued for a period of more than thirty (30) days, or is in violation of the provisions, under which it was initially established, shall be brought into conformity with the provisions of this Ordinance.

10-21-9: INSPECTION. The City hereby reserves the right to inspect the premises in which the home occupation is being conducted to ensure compliance with the provisions of this Ordinance or any conditions additionally imposed.

CITY CENTER DISTRICT

- 1. Purpose.** The purpose of this district is to create a focal point in the community that embodies the principles of urban mixed-use development. The city center (CC) district envisions a distinctly different development pattern with a more urban structure of streets and blocks than the suburban and rural patterns typical of urban fringe communities. The CC area is comprised of a number of land uses that provide mixed-use development, commercial workplace, neighborhood and parks/open space components.
- 2. Permitted uses.**
 - A. The primary land uses within the CC district shall include office, retail, and residential uses. The mix, location, and relationship of these uses shall conform to the land use plan, the purpose statement, and all the specific findings of the city council. In addition, the applicant shall demonstrate to the satisfaction of the city that the proposed lot sizes and land uses and their mix and location are compatible and complementary both internally and with adjacent land uses.
 - A. Essential services—Governmental.

EAST BETHEL PLANNING COMMISSION MEETING

February 26, 2013

The East Bethel Planning Commission met on February 26, 2013 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Tanner Balfany Lorraine Bonin Randy Plaisance Eldon Holmes
Brian Mundle, Jr. Lou Cornicelli Glenn Terry

MEMBERS ABSENT:

ALSO PRESENT: Colleen Winter, Community Development Director
Tom Ronning, City Council Member

Call to Order & Adopt Agenda

Chairperson Balfany called the February 26, 2013 meeting to order at 7:00 P.M.

Balfany motioned to adopt the February 26, 2013 agenda. Mundle seconded; all in favor, motion carries unanimously.

Oath of Reappointed Commission Member

On January 16, 2013, City Council held interviews of an interested resident and commission members wishing to continue work for the Planning Commission. City Council appointed the following to the Planning Commission:

1. Lorraine Bonin (reappointed), term expires January 31, 2016 (already sworn in)
2. Lou Cornicelli (reappointed), term expires January 31, 2016
3. Randy Plaisance (new appointment) term expires January 31, 2016 (already sworn in)

Lou Cornicelli will be taking the oath of office this evening.

I, Lou Cornicelli, do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

**Public
Hearing/Interim Use
Permit – A request
by owner, Paul
TremL, to obtain an
Interim Use Permit
for up to four (4)
horses. The location
being 19928 Polk St.
NE, East Bethel, MN
55011, PIN 19 33 23
41 0004. The Zoning**

Background Information

Property Owner/Applicant:

Paul TremL
19928 Polk St. NE
East Bethel, MN 55011

Property Location:

19928 Polk St. NE
PIN 19-33-23-41-0004

The applicant, Mr. Paul TremL, is requesting an IUP for the keeping of up to four (4) horses at his residence. Mr. TremL currently has three (3) horses, but in the future may wish to add an additional horse.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located

Classification for this property is R-1 Single Family Residential.

within a platted subdivision or on any parcel of land of less than three (3) acres (130,680 square feet). The 9.7-acre parcel is not located within a platted subdivision.

City Code has a limit on the number of animals per parcel. Four (4) horses require four (4) acres of pastureland. Pastureland is defined as land with vegetation coverage used for grazing livestock. Pasture growth can consist of grasses, shrubs, deciduous trees or a mixture, not including wetlands. The property owner is in the process of fencing pastureland for the horses. The fencing and a shelter for the horses must be completed prior to the horses occupying the property.

City staff has conducted a site inspection. The property meets the requirements set forth in City Code for the keeping of farm animals.

This is a very standard IUP, similar to others that have been approved in the City.

Recommendation:

City Staff is requesting Planning Commission recommend approval to the City Council for an IUP for the keeping of four (4) horses for Paul Treml, located at 19928 Polk St. NE, East Bethel, PIN 19-33-23-41-0004 with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the property owner and the City.
2. Property owner shall provide shelter and have a minimum of four (4) acres of pastureland for the horses.
3. Property owner must comply with City Code Section 10. Article V. Farm Animals.
4. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions
5. Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.
6. Property will be inspected and evaluated annually by city staff.
7. Conditions of the IUP must be met no later than March 15, 2013. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.

Mundle asked if there is already an IUP for the three horses.

Treml stated they purchased the property last year. It was a foreclosure. They currently have their horses in Ham Lake. Their intention is to move them to East Bethel after their pastures are ready and a pole building is built.

Mundle wondered if it is a four-acre, one per horse, and if the shelter is on the four acres, or would it be on another area of the property. Winter stated she would look into it. Holmes said in the past, it would not be on the acre of grazeable land. Winter said it is their intent to have the building in a different area. The landowners stated that is correct. Mundle stated maybe that should be stated clearly in the future. Winter said she would take note of that and look into

it. Holmes wondered how large the property is. Treml said it is 9.7 acres, but GIS states it is larger.

Terry motioned to recommend approval to the City Council of an IUP for the keeping of four (4) horses for Paul Treml, located at 19928 Polk St. NE, East Bethel, PIN 19-33-23-41-0004 with the following conditions:

- 1. An Interim Use Permit Agreement must be signed and executed by the property owner and the City.**
- 2. Property owner shall provide shelter and have a minimum of four (4) acres of pastureland for the horses**
- 3. Property owner must comply with City Code Section 10. Article V. Farm Animals.**
- 4. Permit shall expire when:**
 - a. The property is sold, or**
 - b. Non-compliance of IUP conditions**
- 5. Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.**
- 6. Property will be inspected and evaluated annually by city staff.**

Conditions of the IUP must be met no later than March 15, 2013. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP. Holmes seconded; all in favor, motion carries unanimously. This will go before the City Council at their March 6, 2013 meeting.

MIDS Update

John Bilotta and Jay Michel's roles are to assist the 4 pilot communities in education, training, and implementation of the new model ordinances that will help cities implement the new MIDS standards for stormwater management.

John Bilotta is an Extension Educator with the Minnesota Extension and Minnesota Sea Grant Programs and leads the Northland NEMO Program (Nonpoint Education for Municipal Officials – www.northlandnemo.org). John's efforts focus on providing effective education programs for local elected and appointed community leaders to enhance their knowledge about water management and land use and in providing train-the-trainer programs for colleagues in water resource education. John's background includes 12+ years in Extension Education at the University of Minnesota and 8 years in other public and private capacities in soil and water resource management. John has a BA in Environmental Studies and Natural Resources with an emphasis in Soil Resources and an MS in Soil Science with a focus on Fertility and Nutrient Management.

Jay Michel's is a Project Manager with Emmons & Olivier Resources in Oakdale, MN. He is a Certified Professional in Erosion and Sediment Control with over 25 years of experience in construction management, erosion control and stormwater management. The emphasis of his work is in Low Impact Development project design, project management, storm water pollution and erosion and sediment control planning and implementation, ordinance and storm water program development, and outreach and education. Jay is known for his work throughout the United States and Canada as an educator on Low Impact

Development, storm water management and erosion and sediment control.

Mr. Bilotta was not in attendance and the presentation was made by Mr. Michel's.

NEMO 101 - Why stormwater management and why volume control?

Michel's stated about a year and a half ago, the City applied to be part of the MIDS pilot project. There was an introduction in August to the City. This is the presentation he gives for the introduction and moving you through the definitions. We have two more workshops he would like to do. If there is some way we could fit it in in March or April that would be great. It gets a lot tougher from that point forward.

We are here to talk about the raindrop. We are the land of 10,000 lakes (11,642 lakes actually.) Forty percent of all surface waters in Minnesota are found to be impaired. There is one that is impaired in East Bethel. This is a big problem in Minnesota. Mundle asked what the definition of impaired is. Michel's stated it is based on State standards, based on the Clean Water Act.

To understand the issue we face, you have to understand the hydrologic cycle. We have very little in the way of runoff in Minnesota. We get huge amounts of infiltration in this area. What fouls this whole thing up is when we put in impervious surfaces. This flip-flops the equation. We have gotten very good at running it off. An impervious surface is anything that won't allow the raindrop to get into the ground.

In one of the first studies looking at impervious surface, above 10 percent you impact the receiving water. When you are above 25 percent you degrade the receiving water.

Water quantity impact

- Disruption of natural water balance
- Increased flood peaks
- Increased duration of flow
- Stream bank erosion
- Habitat loss
- Lower summer base flow

Increased quantity = Decreased quality

Development impacts on water quality

- Nutrients
- Pathogens
- Sediment
- Toxic contaminants
- Debris
- Thermal stress

How much water are we really talking about?

Conversion of partially vegetated site to residential development. In 2002 there

was 43 inches of rain – the typical rainfall is 34.6 inches. This was a very wet year. The area they studied was a 25-acre development, a field of corn and beans originally (an agriculture field). If we switch the field over to residential subdivision - the 25 acres, we had 9 rainfall events that generated run off. Now there are 29 that generate run off. These are the numbers that we develop pipes to. One of the things we see is compaction not being taken into play. If you take that into effect it goes to 39 rainfall events that generate run off. More than 12,000,000 gallons/year for a 25-acre site are now run off.

Bonin asked - the area where work has been done is becoming impervious. Does this ever soften up by natural means? Michel's said yes, it takes decades. He said that is why the ordinance recommendations require tilling of the land.

How much of this volume is reduced by using storm water ponds?

How does this effect phosphorus loading to a lake?

This is one of the major impairments in Minnesota.

In 1983 the National Urban Runoff Program (NURPS) was started. The program was a technical study that compiled data about urban runoff. This resulted in treatment recommendations and easy to apply standards for design and review. Leading to proliferation of ponds.

The NURPS study had us putting ponds everywhere. The ponds are full of sediments and we have hazardous waste in many of these. Maintenance has always been easy. We also have the issue of goose poop. That is a significant cause of phosphorus.

Traditional stormwater runoff management had us getting the water running off, taking it to a collection location and dropping it into a lake. This is a problem. We have one battle with new developments and a different battle with stray pipes.

There were three programs developed:

NPDES – There are three areas of this:

- The construction permit requires anything over an acre project (of soil being impacted) needs a storm water protection plan.
- The MS4 Program – East Bethel is part of the program, and is based on population.
- Industrial storm water program – the Cemstone plant is part of that. They need to have it permitted.

There are six minimum control measures that will need to be addressed.

TMDL

- 303 Impaired Waters List
- Total Maximum Daily Loads
- TMDL Studies
- TMDL Plan – Sources must reduce their contribution to assure the water quality standards are met.

Anti-degradation – City must demonstrate what past, present and future best management practices will be reasonably required to return stormwater runoff to 1988 levels.

The challenge – We need coordination and synchronization of coverage under federal and state regulatory programs.

It is how do you make the subdivision act like a forest? You do it by retaining and restoring the natural landscape. This is called Low Impact Development (LID). LID takes advantage of all of the features of the site (natural areas, sandy, water features, etc.). It is keeping soils healthy, deep tilling, breaking up compaction. It is treating storm water at the source.

About MIDS including 1) New performance goals for volume control; 2) SW BMP calculator; 3) Model ordinances

This was introduced in 2009 in the Minnesota Legislature. Minnesota was the first state to enact this legislation.

- Performance Goal. The performance goal is 1.1 inches. That is where we can get 90 percent of the pollutants. This will meet the anti-degradation standards.
- SW BMP Calculator. It is a work in progress and should be done in the very near future.
- Model Ordinances. This is the community assistance package. It looks at the critical areas where these things are addressed. It looks at the erosion and sediment control.

Nonstructural LID Tools

Planning/Design, Cluster Development, Conservation Design, Minimize Total Disturbed Area, Protect Natural Flow Pathways, Protect Riparian Buffer, etc.

LID Structural BMPs

Raingardens (Capturing rainwater/stormwater) – Bio-retention

Just like a regular planting but able to absorb rainwater and breakdown pollutants.

Research increasingly shows the benefits of infiltration. One of the greatest studies is over in H.B. Fuller Company Parking Lot. 1997 Study Ramsey Washington Metro Watershed District – Reduced storm water discharge by 73 percent. Reduced sediment discharge by 94 percent. Reduced phosphorus loading by 70 percent.

Terry wondered about mosquitoes and wasps and other things that aren't desirable. Michel's said they are designed for water to not be standing for more than 48 hours. We will get more mosquitoes in a catch basin.

Engineered Swales – Open, above-ground, are easier to maintain and troubleshoot. Installation costs are favorable compared to piped drains.

Buffer zones are also a bonus. We can also build storm water treatment under the

parking lots and streets.

Pervious pavement costs have been decreasing. There is pervious asphalt, pervious concrete and interlocking concrete pavers. Mundle asked comparing pervious asphalt versus green areas. How do you deal with compaction the roads need? How do you get the same compaction? Michel's said you don't use class five. If we are using porous pavement, we use washed pavement. Leaving out the clay. Bonin wondered about maintenance. Michel's said generally a vacuum sweeper coming over it a couple of times a year will clean it fine. It is a different world of maintenance.

Balfany wondered about oil, freon, etc. that drips from vehicles. Michel's said mother nature has enzymes that will eat that stuff. There is also a company doing research on this and they are working on a product that will enhance the enzymes. That is all part of what we look at in the ordinance. What can we do where? Do you want to do this at a gas station? Maybe not. Do you want to do it in an overflow parking lot for the church? Probably.

East Bethel existing ordinance audit highlights

Purpose

Activities Covered

Performance Standards

Site Design Process/Use of MIDS Credit Calculator

Inspections and Maintenance

Permit Review Process

Enforcement Actions

Winter stated we talked about being more creative with the developers. She thinks this whole project works with this. If we can incorporate this, and make it cost effective for developers.

Balfany wondered what we are looking at for the next couple of months.

Holmes wondered how quickly the rain gardens fill up with items we are gathering. Pretreatment is the secret to making it work. There should be three levels of pretreatment. More and more we are looking at a box approach for pretreatment.

Holmes asked about the chain of lakes up in Alexandria – they have zebra mussels. The lakes they are in are cleaner, because of the zebra mussels. Does that play a part in any of this? That will clean up water, but it completely throws the water balance off. Holmes wanted to know how you handle the zebra mussel lakes.

Terry wondered what kind of maintenance the rain garden needs and who performs it. Michel's said we are training staff at the U on how to maintain them. It is a whole different approach towards maintenance. Some communities hire it out, other communities have people on staff that do it. We talk about that in the ordinance. Terry said if we require a rain garden, then the company has to figure out how to maintain them. Michel's said we used to require it of homeowners

associations to maintain them.

At what point do we get other people involved. Do you anticipate this being a work meeting? Should it be Planning Commission and the Public Works Department Manager to be there? What about having people who are interested in development? Michel's said we are designing this as we go. Generally we work with the Planning Commission first, and then we take it to the City Council second. If we can get everyone together for three meetings, that would be great. As far as staff is concerned, we get this thing down the road a little farther and then we have a meeting with everyone. What about the development community? He would be happy to work with them. It is interesting that the development community has dwindled. It is a new generation of developers. We still have some of the bigger developers that are in the game.

Plaisance asked about plants and landscaping, and do you have partnerships with different landscaping companies that are familiar with your process. Is there anyone here that is local that is educated in that? Michel's said there are a number of native plant operators in the Twin Cities area. We will have all the site work on a contract and have all the plants and maintenance on a separate contract. If we have local landscapers that would be interested, he said we could get them into some training and get them that information/education.

Winter asked if a cost benefit analysis has been done on a traditional system versus a green system. If you look at their website, there is a study that was done. It shows cost information on the construction cost, the number of units, and all the things that they did. He will send Winter the study. There has been a lot of other side-by-sides. This development has the full spectrum.

Winter wondered if we should wait until the next Planning Commission. The deadline for this project is the end of August. One special meeting would be a work session to address the next two steps. We could also dedicate time at the next regular meeting for this. Bonin said we used to have extra meetings all the time.

Proposed to have a special meeting on the 19th at 7:00 p.m. Regular meeting on the 26th at 7:00 p.m. The Commission was fine with that.

Michel's provided everyone with a Community Assistance Package Pilot Community Draft. This will be something we will be working on.

**Approve January 22,
2012 Planning
Commission Meeting
Minutes**

Terry said, on page six, fourth paragraph, sixth line down, he wants it changed to Terry said if all the neighbors are fine with it, he would have no problem, but would not want to burden them. Strike the word and start the next sentence with also.

He also has two minor things on the next page. One is fourth paragraph down second sentence, Terry said that went in after, add to the comp plan.

The other question he had, the first paragraph where Tanner is talking about it. He didn't see anything about it about having to please the developers stated by

Lorraine.

Chair asked if there are any changes. No changes were mentioned.

Holmes made a motion to approve the January 22, 2012 minutes as presented. Mundle seconded; all in favor, motion carries.

Winter stated the EDA just made a change from verbatim to summary minutes. Holmes would like to see this approach. Winter said you still have the motions, you still have the list of items for conditions, but the discussion is summarized. For example, tonight's presentation would mean more, it would be much more helpful. We have everything recorded, so we could come back to the tape for reference. Bonin said she has been on this Commission long enough. She thinks the summary is a good idea. Cornicelli said it is according to Roberts Rule of Order and verbatim isn't worth the time. It is important to account for pros and cons. Terry asked how long the tapes are kept. Winter wasn't sure how long they are kept. Mundle said they have been recording them for a year. Terry said if you can't access the information, you wouldn't know what was considered or what was presented? What was asked about and why they are kept? Winter said she would ask Wendy about that. For everything that does come before you, we do keep the data on it. It is certainly something we can keep track of. A CD doesn't take up as much space.

Balfany motioned to move forward with summary minutes for the Planning Commission meetings versus verbatim minutes. Seconded by Cornicelli; all in favor, motion carries unanimously.

Holmes said we are going to record it onto the CD. Where will it be kept, in a fireproof case? How long will they be kept? Winter will look into it and see how long they will be kept and let the Commission know. Plaisance said he talked to Wendy about it and they will be keeping them forever. This will go into effect for the next Planning Commission meeting.

City Council Report

Three weeks ago we had an off site meeting. We discussed some of the things such as cleaning up the ordinances, making them more gender neutral. We also talked about the Hwy 65 Corridor. The meeting was held at Cedar Creek. What would you see on the Corridor?

Staff talked about upcoming needs in the next 5 years. We talked about financing, etc. It was outlining what the work plan is for the City for the next year. They also talked about training. They also looked at the licensing process and refunding licensing process. This is related to liquor licensing specifically.

Adjournment

Holmes made a motion to adjourn the meeting at 9:17 PM. Mundle seconded; all in favor, motion carries.

Submitted by:

Jill Anderson, Recording Secretary