

**PLANNING & ZONING COMMITTEE
MEETING AGENDA
THURSDAY, NOVEMBER 7, 2013 @ 7:00 P.M.
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. October 3, 2013.
5. Public Hearings.
 - A. Ordinance 281: Home Occupations.
 - B. Ordinance 284: Violation, Revocation, and Expiration of Permits.
6. Unfinished Business.
 - A. None.
7. New Business.
 - A. Memorial Park Replat.
8. Review Building Permit Reports.
 - A. October 2013.
9. Other Business.
10. Adjourn.

**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
NOVEMBER 7, 2013**

The meeting was called to order at 7:00 p.m. by Chairperson L.Nagel.

Members Present: Battcher, Grabitske, Chairperson L.Nagel, R.Nagel, Pinske, Councilmember Curt Reetz, Vrklan

Members Absent: None

Also Present: PZ Adm. Smith-Strack

Motion by Grabitske, seconded by R.Nagel, and passed by unanimous vote to approve the agenda as presented.

Motion by Grabitske, seconded by Pinske, and passed by unanimous vote to approve the minutes from the October 3rd meeting as presented.

Chairperson Nagel recessed the regular meeting to hold a public hearing.

Ordinance 281-Home Occupations:

Chairperson Nagel called to order the public hearing regarding Ordinance 281-An Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance, by Adding Section 13.9 Relating to Home Occupations. It was noted that there was no one present; and no written or oral comments had been received either for or against said ordinance. Smith-Strack commented that the Planning Commission had been working on the proposed ordinance since May.

Chairperson Nagel adjourned the public hearing and reconvened the regular meeting.

R.Nagel introduced the following resolution and moved for its adoption:

RESOLUTION NO. 6-2013

A RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE 281, ENTITLED "AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SECTION 13.9 RELATING TO HOME OCCUPATIONS"

WHEREAS, the City of Arlington placed Ordinance 169 into effect several years ago; and,

WHEREAS, the 2008 Arlington Comprehensive Plan includes goals to maintain the integrity of existing residential neighborhoods and promote orderly commercial growth; and,

WHEREAS, the Arlington Planning and Zoning Commission finds home occupations simultaneously present both potential advantages for economic growth and potential disadvantages to residential neighborhoods; and,

WHEREAS, the Arlington Planning Commission to address potential advantages and disadvantages of home occupations finds a need to regulate home occupations based on certain performance criteria; and,

WHEREAS, the Planning and Zoning Commission initiated an amendment Ordinance 169 which defines home occupations, provides performance standards for home occupations, establishes a review process, and identifies processing/enforcement criteria for home occupations; and,

WHEREAS, Ordinance 281 provides a mechanism to distinguish between permitted home occupations that are allowed under administrative permit and more intense home occupations which require an interim use permit and public hearing; and,

WHEREAS, public hearing of Ordinance 281 was properly noticed and held on November 7, 2013 by the City of Arlington Planning and Zoning Commission; and,

WHEREAS, the proposed ordinance is itemized in Exhibit A which is attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Arlington Planning and Zoning Commission recommends the City Council approve Ordinance 281, a copy of which is attached as Exhibit A.

The motion for the adoption of the foregoing resolution was duly seconded by Vrklan and upon poll being taken thereon the following voted in favor thereof: Battcher, Grabitske, L.Nagel, R.Nagel, Pinske, Councilmember Reetz, Vrklan; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: None.

Adopted by the Planning & Zoning Committee of the City of Arlington this 7th day of November, 2013.

Signed: /s/ Lowell Nagel
Chairperson Lowell Nagel

Attested: /s/ Cynthia Smith-Strack
Planning & Zoning Administrator

EXHIBIT A
ORDINANCE NO. 281

AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SECTION 13.9 RELATING TO HOME OCCUPATIONS

I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 169, THE ZONING ORDINANCE, SHALL BE AMENDED BY ADDING SECTION 13.9 AS FOLLOWS:

SECTION 13.9: HOME OCCUPATIONS

SUBDIVISION 1. PURPOSE AND INTENT.

- A. The purpose of this Section of the Zoning Ordinance is to provide for the conducting of home occupations in residential neighborhoods while protecting the health, safety, and general welfare of the surrounding neighborhood.
- B. The intent of this Section is to establish operational standards and review procedures for home occupations. This Section provides a mechanism to distinguish between permitted home occupations that are allowed under administrative permit and more intense home occupations which require an interim use permit and public hearing.

SUBDIVISION 2. SCOPE.

- A. All occupations conducted in a dwelling unit within a residential zoning district or on the premises of a principal residential use in a residential zoning district shall comply with the provisions of this Section, the provisions of the district in which it is located, and all other Sections of this Ordinance.
- B. Home occupations are defined as and limited to all of the following:
 - i. Gainful occupations or professions engaged in by the occupant(s) of a dwelling;
 - ii. Which are carried on within a dwelling unit or structure(s) accessory thereto; and,
 - iii. Which are clearly incidental to the principal use of the property as a residential dwelling unit.
- C. Home occupations shall be classified as either 'Permitted' or 'Special' home occupations. Home occupations not specifically identified as 'Permitted' or 'Special' shall be considered prohibited. Permitted home occupations are allowed without a permit but shall adhere to the 'General Performance Standards' contained in this Section as may be amended. 'Special' home occupations require the issuance of an 'Interim Use Permit' as provided for in Section 14.5 of the Zoning Ordinance as may be amended and shall adhere to the 'General Performance Standards' contained in this Section as may be amended.
- D. Home occupations whether permitted or allowed under an 'Interim Use Permit' are not transferable, shall expire when the occupation ceases, and/or shall expire upon the sale of the subject property or transfer of title to the real estate upon which the occupation is conducted.

- E. Home occupations existing on the effective date of this Ordinance are considered legal non-conforming uses and shall be allowed to continue. In the event an expansion, enlargement, or intensification of an existing home occupation is contemplated, the standards of this Section shall be applied. “Expansion, Enlargement, or Intensification” of an existing legal non-conforming home occupations shall be as defined in Section 14 of the Zoning Ordinance as may be amended and relating to non-conformance.
- F. Nothing in this Section is intended to prohibit or regulate non-commercial activities in residential neighborhoods.

SUBDIVISION 3. PROHIBITED HOME OCCUPATIONS.

- A. Home occupations involving illegal substances, illegal devices, and/or unlawful activities are prohibited.
- B. Home occupations involving explosive materials as defined in Mn. Rules 7500.0100 as may be amended are prohibited.
- C. Home occupations involving sexually oriented materials and/or activities as defined by Mn. Statutes as may be amended are prohibited.
- D. Home occupations conducted in a manner which produce noise, vibration, smoke, dust, odors, heat, or glare detectable at or beyond the property line are prohibited.
- E. Home occupations involving materials or storage of items declared a public nuisance, as defined in City of Arlington Ordinance 259 (the nuisance ordinance) as may be amended.

SUBDIVISION 4. PERMITTED HOME OCCUPATIONS

- A. Permitted home occupations are those home occupations which are not identified as ‘Prohibited Home Occupations’ under Subdivision 3 of this Section or ‘Special Home Occupations’ under Subdivision 5 of this Section as may be amended.
- B. Permitted home occupations require the issuance of an ‘Administrative Permit’ from the Zoning Administrator as provided for in Section 13.8 of the Zoning Ordinance as may be amended.
- C. Permitted home occupations shall comply at all time with the “Performance Standards” contained in Subd. 6 of this Section as may be amended.

SUBDIVISION 5. SPECIAL HOME OCCUPATIONS

- A. Special home occupations require the issuance of an ‘Interim Use Permit’ as provided for in Section 15.5 of the Zoning Ordinance as may be amended.
- B. Special home occupations are activities which include any of the following:
 - 1. Home occupations involving retail or wholesale trade on-site which is conducted by more persons than the occupant of the dwelling unit.
 - 2. Home occupations providing services on-site which are conducted by the dwelling unit occupant and/or more than one employee.
 - 3. Home occupations involving outdoor storage of materials not typically associated with residential dwellings.
 - 4. Home occupations involving outdoor storage of items of which the dwelling unit occupant is not the fee owner.
 - 5. Home occupations with the potential to reasonably involve the presence of five (5) or more adult customers at the subject property at one time.
 - 6. Home occupations conducted between the hours of 10:00 p.m. and 6:00 a.m. that generate walk-in traffic.
 - 7. Home occupations involving ‘Dangerous Weapons’ as defined by Mn. Statutes, provided:
 - i. The Applicant possesses a current federal firearms license.
 - ii. The Applicant provides written evidence of home owners/rental insurance specifying current coverage for proposed home occupation.
 - iii. The applicable federal firearms license and home owners/rental insurance are maintained.

- iv. Inspection of the facility by the Fire Marshal and the Police Chief and adherence to conditions as required by said Fire Marshal and/or Police Chief.
 - v. The proposed home occupation maintains compliance with federal, state, and local laws and standards.
 - vi. Adherence to conditions imposed under Subd. C of this Section, as may be amended.
8. Home occupations involving the regular, reoccurring delivery or pick-up of materials by commercial vehicles more than one time per week.
- C. Right to Impose Conditions for Special Home Occupations.
- 1. The City Council may impose such conditions on the granting of an interim use permit for a special home occupation as may be necessary to carry out the purpose and provisions of this Section.
 - 2. Such conditions may include, but are not limited to:
 - i. Limiting hours of operation.
 - ii. Limiting the number of vehicles at the site at one time.
 - iii. Limiting the amount of vehicles used in conducting the home occupation.
 - iv. Requiring additional parking be provided on-site and off of the public street.
 - v. Limiting the duration and/or volume of on-street parking.
 - vi. Limiting the number of employees.
 - vii. Limiting the volume of traffic generated by the home occupation.
 - viii. Limiting the amount of outdoor storage of materials, property other than real estate, chattel, and/or equipment used or stored on-site in conjunction with the home occupation.
 - ix. Requiring additional setbacks and/or buffering so as to reduce noise, vibration, smoke, dust, odors, heat, or glare detectable at or beyond the property line resulting from the home occupation.
 - x. Limiting the number of customers, guests, and/or clients present at the site in conjunction with the home occupation.
 - xi. Limiting the amount of time the Interim Use Permit is in effect to a specific date, time, or event occurrence.
 - xii. Requiring inspection by the Police Chief and/or the Fire Marshal and adherence to public safety conditions imposed thereby.

SUBDIVISION 6. PERFORMANCE STANDARDS.

- A. All Permitted Home Occupations and all Special Home Occupations shall comply with the following Performance Standards.
- 1. Home occupations shall be clearly incidental and subordinate to the principal residential use of the property.
 - 2. Home occupations shall not change the residential character of the neighborhood, be incompatible with surrounding land uses, disturb surrounding residential uses, or be intrusive to surrounding dwellings.
 - 3. Home occupations shall not occupy or use greater than twenty-five percent (25%) of the combined footprint of structures on the subject parcel. In addition, a home occupation shall not occupy or use greater than twenty-five percent (25%) of the lot area; except that home day care providers may use greater than twenty-five percent (25%) of the lot area for play/recreation purposes.
 - 4. A home occupation shall not be established before a dwelling unit exists on the subject property.
 - 5. Signage for home occupations shall be limited to one (1) non-illuminated sign which shall not exceed four (4) square feet in area.
 - 6. Operation of a home occupation shall be limited to the residential dwelling, an attached garage, or an accessory structure.
 - 7. Home occupations shall not generate excessive employee, customer, or client traffic that is detrimental to the character of the surrounding properties.
 - 8. Home occupations shall be conducted in a manner which produces no indication of noise, vibration, smoke, dust, odors, heat, or glare detectable at or beyond the property line.

9. Any equipment used in conjunction with a home occupation shall not create electrical interference to surrounding properties.
10. Home occupations shall not 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.
11. Areas used for home occupations shall meet all applicable fire and building codes.
12. Home occupations shall comply with the city nuisance regulations.
13. Home occupation walk-in traffic shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m.
14. Home occupations shall be operated and licensed as required by applicable state and/or federal law.

SUBDIVISION 7. REVIEW PROCESS.

- A. Special Home Occupations. Special home occupations require issuance of an interim use permit. The application, process, fee, review criteria, and issuance criteria for 'Interim Use Permits' included in Section 15.5 of the Zoning Ordinance, as may be amended apply and are hereby incorporated by reference.
- B. Permitted Home Occupations. Permitted home occupations require issuance of an administrative permit from the Zoning Administrator. The application, process, fee, review criteria, and issuance criteria for 'Administrative Permits' included in Section 13.8 of the Zoning Ordinance, as may be amended apply and are hereby incorporated by reference.

SUBDIVISION 8. HOME OCCUPATIONS EXISTING PRIOR ORDINANCE EFFECTIVE DATE.

- A. Home occupations existing prior to the effective date of this Ordinance (*Fill in date*) that are prohibited under this Ordinance shall be considered legal non-conforming uses and shall be subject Section 14 of the Zoning Ordinance, as may be amended, relating to non-conformance.
- B. Home occupations in existence prior to the effective date of this Ordinance (*Fill in date*) that require an Interim Use Permit under the standards of this Ordinance shall be required to obtain as applicable, an Interim Use Permit or an Administrative Permit if/when one of the following occurs:
 1. The home occupation ceases for more than one year.
 2. The nature of the home occupation changes to a different type of home occupation requiring an interim use permit.
 3. The home occupation changes to a permitted home occupation.
 4. The existing home occupation is expanded, enlarged, or intensified as defined in the Zoning Ordinance relating to non-conformance.
- C. Home occupations in existence prior to the effective date of this Ordinance (*Fill in date*) that require an administrative permit shall be required to obtain as applicable, an Administrative Permit or Interim Use Permit if/when one of the following occurs:
 1. The home occupation ceases for more than one year.
 2. The nature of the home occupation changes to a different type of home occupation requiring an interim use permit.
 3. The home occupation changes to a permitted home occupation.
 4. The existing home occupation is expanded, enlarged, or intensified as defined in the Zoning Ordinance relating to non-conformance.

II. EFFECTIVE DATE.

This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the ___ day of _____, 2013.

James R. Kreft, Mayor

Attest: _____
Liza M. Donabauer, City Administrator

Chairperson Nagel recessed the regular meeting to hold a public hearing.

Ordinance 284-Violation, Revocation, and Expiration of Permits:

Chairperson Nagel called to order the public hearing regarding Ordinance 284-An Ordinance Amending Section 15, Section 15.5, and Section 16 Ordinance 169, The Arlington Zoning Ordinance, Providing for the Expiration, Revocation, and Discontinuance of Conditional Use Permits, Interim Use Permits, and Variances. Smith-Strack explained in detail how the proposed ordinance will affect CUP's, IUP's and Variances. It was noted that there was no one present; and no written or oral comments had been received either for or against said ordinance.

Chairperson Nagel adjourned the public hearing and reconvened the regular meeting.

Councilmember Reetz introduced the following resolution and moved for its adoption:

RESOLUTION NO. 7-2013

A RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE 284, ENTITLED "AN ORDINANCE AMENDING SECTION 15, SECTION 15.5, AND SECTION 16 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, PROVIDING FOR THE EXPIRATION, REVOCATION, AND DISCONTINUANCE OF CONDITIONAL USE PERMITS, INTERIM USE PERMITS, AND VARIANCES"

WHEREAS, the City of Arlington placed Ordinance 169 into effect several years ago; and,

WHEREAS, the Arlington Planning and Zoning Commission finds clarity is needed to properly address the expiration, revocation, and discontinuance of conditional use permits, interim use permits, and variances; and,

WHEREAS, the Planning and Zoning Commission initiated an amendment Ordinance 169 which provides for the expiration, revocation, and discontinuance of conditional use permits, interim use permits, and variances; and,

WHEREAS, the Planning and Zoning Commission has developed the text included in Ordinance 284 addressing the expiration, revocation, and discontinuance of conditional use permits, interim use permits, and variances; and,

WHEREAS, public hearing of Ordinance 284 was properly noticed and held on November 7, 2013 by the City of Arlington Planning and Zoning Commission; and,

WHEREAS, the proposed ordinance is itemized in Exhibit A which is attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Arlington Planning and Zoning Commission recommends the City Council approve Ordinance 284, a copy of which is attached as Exhibit A.

The motion for the adoption of the foregoing resolution was duly seconded by Grabitske and upon poll being taken thereon the following voted in favor thereof: Battcher, Grabitske, L.Nagel, R.Nagel, Pinske, Councilmember Reetz, Vrklan; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: None.

Adopted by the Planning & Zoning Committee of the City of Arlington this 7th day of November, 2013.

Signed: /s/ Lowell Nagel
Chairperson Lowell Nagel

Attested: /s/ Cynthia Smith-Strack
Planning & Zoning Administrator

**EXHIBIT A
ORDINANCE NO. 284**

AN ORDINANCE AMENDING SECTION 15, SECTION 15.5, AND SECTION 16 ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, PROVIDING FOR THE EXPIRATION, REVOCATION, AND DISCONTINUANCE OF CONDITIONAL USE PERMITS, INTERIM USE PERMITS, AND VARIANCES

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 15 OF ORDINANCE 169 SHALL BE AMENDED TO**

INCLUDE SUBD. 7 AS FOLLOWS:

SECTION 15 CONDITIONAL USE PERMITS.

SUBDIVISION 7. VIOLATION, REVOCATION AND EXPIRATION OF CONDITIONAL USE PERMITS.

A. Violation.

1. A violation of any condition set forth in a conditional use permit shall be a violation of both the Conditional Use Permit and this Ordinance.
2. Upon a complaint filed with the Zoning Administrator by any interested party and/or a review by the Zoning Administrator alleging non-compliance with the terms of the Conditional Use Permit the Zoning Administrator shall notify the permit holder in writing of the alleged violation. The notice shall contain the nature of the violation and the facts that support the conclusion that a violation exists. The written notice shall provide a deadline for compliance that is sixty (60) calendar days from the date of the written notice.
3. Failure to correct a violation within sixty (60) days of written notice from the Zoning Administrator shall be ground to revoke a Conditional Use Permit through the following procedure:
 - i. The Zoning Administrator shall provide written notice to the permit holder advising that the Conditional Use Permit may be revoked upon conclusion of a public hearing by the Planning Commission and upon review of the findings of fact by the City Council. The written notice to the permit holder shall contain the nature of the violation and the facts that support the conclusion that a violation exists.
 - ii. The Planning Commission shall hold a public hearing following the notice and hearing procedures set forth in Section 15, Subd. 4 of this Ordinance, as may be amended.
 - iii. The Planning Commission shall prepare written findings of fact setting forth its findings and recommendations to the City Council. The Planning Commission may recommend that there be a determination that there is no violation, that the permit be revoked, that the permit holder be allowed to seek an amendment to the permit to cure the violation, or such other course of action that the Planning Commission deems appropriate.
 - iv. The City Council shall accept, reject, or modify the recommendation of the Planning Commission by Resolution. In the event the City Council rejects or modifies the recommendation of the Planning Commission, it shall prepare written findings of fact giving its reasons for such rejection or modification.
 - v. Following the City Council's action, the Zoning Administrator or designee shall file a certified copy of the Council Resolution with the County Recorder.
 - vi. Revocation of the Conditional Use Permit shall be effective upon delivery of the Council's order to the permit holder.
 - vii. Any continued operation of the conditional use after a suspension or revocation shall be deemed a violation of this Ordinance and subject to the fines set forth in Section 19 (Violations and Penalties) of this Ordinance as may be amended.
 - viii. Any failure to revoke a Conditional Use Permit for past violations shall not operate as a waiver of the right to suppress future violations.

B. *Expiration of Conditional Use Permits. Where a Conditional Use Permit has been issued pursuant to provisions of this Ordinance, such Permit shall become null and void without further action by the Planning Commission or City Council unless construction commences within one (1) year of the date of granting the Conditional Use Permit.*

C. *Discontinuance of Conditional Use Permit. Where a Conditional Use has been established and is discontinued for any reason for a period of one year or longer the Conditional Use Permit shall be deemed abandoned without further action by the Planning Commission or City Council.*

D. *Abandonment of Conditional Use Permit. Where a Conditional Use has been changed to a permitted use or to any other Conditional Use, the Conditional Use Permit shall be deemed to be abandoned without further action by the Planning Commission or City Council.*

E. *Authorized Use Limited. A Conditional Use Permit shall be deemed to authorize only one (1) particular use.*

II. THE CITY COUNCIL OF THE CITY OF ARLINGTON FURTHER ORDAINS SECTION 15.5 OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:

SECTION 15.5: INTERIM USE PERMITS.

SUBDIVISION 6. VIOLATION, REVOCATION AND EXPIRATION OF INTERIM USE PERMITS.

A. Violation.

1. A violation of any condition set forth in an Interim Use Permit shall be a violation of both the Interim Use Permit and this Ordinance.
2. Upon a complaint filed with the Zoning Administrator by any interested party and/or a review by the Zoning Administrator alleging non-compliance with the terms of the Interim Use Permit the Zoning Administrator shall notify the permit holder in writing of the alleged violation. The notice shall contain the nature of the violation and the facts that support the conclusion that a violation exists. The written notice shall provide a deadline for compliance that is sixty (60) calendar days from the date of the written notice.
3. Failure to correct a violation within sixty (60) days of written notice from the Zoning Administrator shall be ground to revoke an Interim Use Permit through the following procedure:
 - i. The Zoning Administrator shall provide written notice to the permit holder advising that the Interim Use Permit may be revoked upon conclusion of a public hearing by the Planning Commission and upon review of the findings of fact by the City Council. The written notice to the permit holder shall contain the nature of the violation and the facts that support the conclusion that a violation exists.
 - ii. The Planning Commission shall hold a public hearing following the notice and hearing procedures set forth in Section 15, Subd. 4 of this Ordinance, as may be amended.
 - iii. The Planning Commission shall prepare written findings of fact setting forth its findings and recommendations to the City Council. The Planning Commission may recommend that there be a determination that there is no violation, that the permit be revoked, that the permit holder be allowed to seek an amendment to the permit to cure the violation, or such other course of action that the Planning Commission deems appropriate.
 - iv. The City Council shall accept, reject, or modify the recommendation of the Planning Commission by Resolution. In the event the City Council rejects or modifies the recommendation of the Planning Commission, it shall prepare written findings of fact giving its reasons for such rejection or modification.
 - v. Following the City Council's action, the Zoning Administrator or designee shall file a certified copy of the Council Resolution with the County Recorder.
 - vi. Revocation of the Interim Use Permit shall be effective upon delivery of the Council's order to the permit holder.
 - vii. Any continued operation of the Interim Use after a suspension or revocation shall be deemed a violation of this Ordinance and subject to the fines set forth in Section 19 (Violations and Penalties) of this Ordinance as may be amended.
 - viii. Any failure to revoke an Interim Use Permit for past violations shall not operate as a waiver of the right to suppress future violations.

B. *Expiration of Interim Use Permits.* Where an Interim Use Permit has been issued pursuant to provisions of this Ordinance, such Permit shall become null and void without further action by the Planning Commission or City Council unless construction and/or the use commences within one (1) year of the date of granting the Interim Use Permit.

C. *Discontinuance of Interim Use Permit.* Where an Interim Use has been established and is discontinued for any reason for a period of one year or longer the Interim Use Permit shall be deemed abandoned without further action by the Planning Commission or City Council.

D. *Abandonment of Interim Use Permit.* Where an Interim Use has been changed to a permitted use or to any other Interim Use, the Interim Use Permit shall be deemed to be abandoned without further action by the Planning Commission or City Council.

E. *Authorized Use Limited.* An Interim Use Permit shall be deemed to authorize only one (1) particular use.

III. THE CITY COUNCIL OF THE CITY OF ARLINGTON FURTHER ORDAINS SECTION 16 OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:

SECTION 16: BOARD OF ADJUSTMENT AND APPEALS.

SUBDIVISION 5. REVOCATION AND EXPIRATION OF VARIANCE.

- A. *The granting of a variance from the provisions of this Ordinance shall be subject to the following conditions. The conditions shall apply to all variances granted and conditions shall be continuing.*
- B. *A variance shall be effective only for the specific purposes set forth in the variance grant.*
- C. *A violation of any condition set forth in the granting of the variance shall be a violation of this Ordinance and shall automatically terminate the variance.*
- D. *The variance shall become null and void without further action by the Planning Commission or City Council upon failure of the variance holder to commence or cause the commencement of construction or installation of the specific purpose within one (1) year of variance grant. Completion of construction or installation of the specific purpose shall be completed within a reasonable time after commencement.*
- E. *A variance may be renewed by the City Council for good cause should the variance holder file for an extension. Such extension shall be requested in writing and filed with the Zoning Administrator at least sixty (60) days prior to the expiration of the original variance. "Good cause" may include adverse weather conditions, unexpected site conditions, unanticipated labor shortages, and the like. An extension may be granted for up to one (1) year.*
- F. *Discontinuance of Variance. Where a variance has been granted and the specific purpose for which it was granted has changed to a conforming condition, the variance shall be deemed to be abandoned without further action by the Planning Commission or City Council.*

IV. EFFECTIVE DATE.

Adopted by the City of Arlington on the ___ day of _____, 2013.

James R. Kreft, Mayor

Attest: _____
Liza M. Donabauer, City Administrator

PZ Adm. Smith-Strack presented a proposed Replat of Memorial Park. She explained that the City is getting out of the municipal hospital business and entering into a Lease Agreement with a new non-profit entity, which includes all buildings and space that the hospital and clinics occupy. She stated that there is not a clear and precise boundary line between the Memorial Park and hospital property; therefore the area is being re-platted. She added that a 60' wide strip is being added to the hospital property to allow for future expansion and some easement areas would also be cleared up. It was noted that a public hearing had been scheduled for both the Preliminary and Final Plats.

The October Building Permit Report was reviewed.

Brief discussion was held on the stock piling of material (dirt, gravel, etc.) occurring on Klehr's property on Hwy 5. Smith-Strack stated that she had talked to Klehr's about this and was told it was temporary storage for a project occurring at the fairgrounds.

Motion by Grabitske, seconded by Pinske, and passed by unanimous vote to adjourn the meeting at 7:20 pm.

PZ Adm. Cynthia Smith-Strack

Chairperson Lowell Nagel