



PLANNING AND ZONING COMMITTEE

Meeting Agenda

January 6th, 2022 at 7:00 PM

Arlington Community Center — Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Swearing in of Jeanne Bearson
4. Election of Officers
 - a. Chairperson
 - b. Vice Chairperson
 - c. Secretary
5. Public Hearings at 7pm —
 - a. Rezoning of 863 6th Ave from B-1 Service Business District to R-1 One Family Residential District- David Meffert
6. Approve Agenda
7. Approve the Minutes
 - a. December 2nd, 2021
8. Resolution 01-2022 Approving/Denying the Rezoning of 863 6th Ave from B-1 Service Business District to R1/AG Residence & Agricultural District.
9. Motion to approve/deny zoning report to rezone the B-1 District surrounding David Meffert property.
10. Discussion about businesses having a limit number of employees.
11. New Business
 - a. Reviewing/Amending pages 11-1 through 13-3 of the City of Arlington Zoning Code

b. Discussion of definition added by the Planning and Zoning Administrator

12. Other/Updates

a. Update of SRTS grant

13. Adjournment



PLANNING AND ZONING COMMITTEE

Meeting Agenda

December 2nd, 2021 at 7:00 PM

Arlington Community Center — Council Chambers

1. Call to Order was called by Janet Deno at 7:02

Members Present

Michelle Battcher

Jim Carlson

Joe Prasad

Tom Hatlestad

Janet Deno

Member Absent

Brandon Brinkman

Staff Present

Phil Mangis

Guest Present

None

2. Pledge of Allegiance

3. Approve Agenda

Battcher made a motion to approve the agenda, seconded by Hatlestad. Motion carried.

4. Approve the Minutes

- a. October 7, 2021

Battacher made a motion to approve the previous minutes, seconded by Hatlestad. Motion carried.

5. EDA Director- Discussion of Amba Homes Development

The EDA Director was unable to attend and so was the main developer for Amba Homes. The P&Z administrator explained that Amba Homes has purchased the Hennen Land to build residential rental homes. The administrator stated that the property might need to be rezoned depending on how the land will be platted out. The property is currently in the process of being surveyed and the administrator would know the overall layout of the property until that is finished. The Committee stressed that they would like to make sure that area is properly screen with some form of foliage, given the area is located at one of the entrances into town. One Committee member also mentioned that there are wetlands

located area and the development might run into some hurdles. The administrator agreed and stated once the land is surveyed, they will sit down with the developer and think of a layout for the property. Until then the administrator cannot confirm anything.

6. Review Amended section 7 and home occupancy definition City of Arlington Zoning Code
The Committee did not have any objections to the changes that the administrator made.

7. New Business

- a. Reviewing/Amending pages 8-1 through 10-4 of the City of Arlington Zoning Code

The Committee would like the administrator to look into changing the language on the restrictions for certain business located in the B-1 Service Business District. They also want the administrator to also look to incorporate parking into the language. The remaining changes the administrator suggested the Committee did not object to.

- b. Discussion of Removing Section 5 Urban Reserve District from the City of Arlington Code

The administrator talked to the City Attorney concerning the Urban Reserve District. Based on the conversation the City Attorney does not seem it necessary to have this section in the Zoning Code. The Committee did not object to the administrator request to remove this from the Zoning Code.

8. Other/Updates

- a. Update of SRTS grant

The Committee would like the administrator to reach out to the state to see if would be okay to submit a multi-phase map for the whole town or do we need just to submit a map just focusing on the school routes.

9. Adjournment

Motion made by Battcher to adjourn the Meeting at 8:07 and was second by Prasad. Motion Carried

P&Z Administrator

P&Z Chair



Commissioner _____ introduced the following resolution and moved for its adoption:

RESOLUTION 01-2022

RESOLUTION *APPROVING/DENYING* AN AMENDMENT TO THE 2014 ARLINGTON COMPREHENSIVE PLAN FUTURE LAND USE MAP PERTAINING TO PROPERTY AT 863 6TH AVE SE, THE SOUTHEAST QUADRANT OFF FREEDOM DRIVE (“MEFFERT PROPERTY”)

WHEREAS, the City of Arlington placed the 2014 Comprehensive Plan into effect under Ordinance 292; and,

WHEREAS, Chapter 31, Section 4, Subd. 1 of the City Code establishes an official zoning map for the City of Arlington; and,

WHEREAS, David Meffert has submitted a request to amend the future land use map and the official zoning map related to property legally described as E 295.16 FT OF S 147.58 FT OF TRACT E OF NW 1/4 OF NW 1/4 SURV 2140 and identified as Parcel No. 31.0720.031; and,

WHEREAS, the Planning and Zoning Commission on January 6th, 2022 held a public hearing on the request; and,

WHEREAS, following the public hearing the Planning and Zoning Commission discussed the request and established the following fact;

- the property located at 863 6th Ave SE, will be used for a Single-Family Resident

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ARLINGTON THAT: The Arlington City Planning & Zoning Committee approves Resolution 01-2022, attached hereto, Amending the Future Land Use Map in the 2014 Comprehensive Plan and the Official Zoning Map applicable to the subject property to provide for limited industrial future use and Rezoning from B-1 Service Business District to R1/AG Resident & Agricultural District, provided the “Use” of the property is subject to all applicable codes, regulations and ordinances currently in effect.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____ and upon poll being taken thereon the following voted in favor thereof: _____; and the following voted against the same: _____; and the following abstained from voting: _____; and the following were absent: _____.

The foregoing resolution was adopted by the City Council of the City of Arlington this 6th day of January, 2022.

Signed: _____
P & Z Chair

Attest: _____
P & Z Administrator

Whereupon the resolution was declared duly passed and adopted and was signed by the P & Z Chair whose signature was attested by the P & Z Administrator.

Zoning Data Report

PROPERTY INFORMATION

SITE INFORMATION:	
Site Name	
Site Address(es)	
Property ID (APN or Block/Lot)	
Location	
Municipal Jurisdiction	
Current Site Use	
Site Acreage (Site Square Footage)/Source	
BUILDING INFORMATION:	
Year(s) of Construction	
Number of Buildings	
Number of Units	
Gross Building Square Footage/ Source	
Building Footprint Square Footage	
Number of Floors/Stories	
Height	
Additional Improvements/ Structures	

ZONING CLASSIFICATION, REQUIREMENTS & CONFORMANCE

CURRENT ZONING CLASSIFICATION:

Zoning District	District Description	Current Use Conformance

SURROUNDING PROPERTY ZONING CLASSIFICATION:

Direction	Zoning Classification
North	District:
East	District:
South	District:
West	District:

SIZE & DENSITY REQUIREMENTS:

Ordinance Section	Requirement	Subject Property
LOT SIZE		
Development Standards	Lot size requirements:	Lot Area:
COVERAGE		
Development Standards	Maximum Building Coverage permitted is:	Lot Coverage:
FLOOR AREA RATIO		
Development Standards	Maximum Floor Area Ratio (FAR) permitted:	FAR:
HEIGHT		
Development Standards	Maximum building height permitted:	Building Height/Floors:

YARD SETBACK REQUIREMENTS:

Ordinance Section	Requirement	Subject Property	Source
FRONT			
Development Standards			
REAR			
Development Standards			
SIDES			
Development Standards			
ACCESSORY STRUCTURES			
Accessory Buildings			

PARKING REQUIREMENTS:

PARKING			
Requirement		Subject Property	Source

VARIANCES & CONDITIONAL/SPECIAL USE PERMITS:

The following Variances/Conditional Use Permits have been issued for the Property's use and/or improvements:

Permit ID	
Type of Permit	
Date	
Description	

SITE PLAN APPROVALS:

CODE VIOLATIONS:

Zoning Code Violations	
Building Code Violations	
Other Code Violations	

CERTIFICATE OF OCCUPANCY:

A Certificate of Occupancy was on file for the Subject Property, issued on Month Day, Year. A copy is included in the appendices.

REFERENCES**ZONING ORDINANCE & MAP:**

- Municipal Jurisdiction, The Zoning Ordinance
- Municipal Jurisdiction, Interactive Online GIS Map

Copies of the relevant portions of the zoning code and zoning map are included as appendices to this report.

INTERVIEWS & CORRESPONDENCE:

As part of this investigation the following individuals were contacted:

Name Title	
Municipal Department	
Contact Information	Phone: Email: Address:
Contact Date	

FINDINGS

Report Section	Allowed	No Further Action	No Violation	Need Survey to Confirm	Comments
Current Zoning Classification					
Lot Size & Density Requirements					
Yard Setback Requirements					
Parking Requirements					
Variances & Conditional/Special Use Permits; Site Plan Approvals					
Zoning Code Violations					
Building Code Violations					
Other Code Violations					
Certificate(s) of Occupancy					

CONCLUSIONS:

	Conformance	Comments
Conformance Use		
Conformance Property		



Checklist for Reviewing Proposed Zoning Amendments

Following are some questions to incorporate in the zoning ordinance and consider when reviewing proposed zoning amendments.

	Yes	No
1. Is the request consistent with the comprehensive plan?	_____	_____
2. Does the community need more land in the requested district?	_____	_____
3. Are there other properties in the community that might be more appropriate for this use?	_____	_____
4. Will the request have a serious impact on traffic circulation, parking, sewer and water service, or other utilities?	_____	_____
5. Will the request have a negative adverse impact on property values in the vicinity?	_____	_____
6. Will the request result in lessening the enjoyment or use of adjacent properties?	_____	_____
7. Will the request cause serious noise, odors, light, activity or other unusual disturbances?	_____	_____
8. Will the request result in illegal spot zoning? (i.e. use is inconsistent with surrounding properties and serves only private, rather than public interests)	_____	_____

LEGAL DISCLAIMER: This handout should not be used as a substitute for applicable law, including the City of Arlington Zoning Code. The applicant is responsible for compliance with all applicable legal requirements, whether or not addressed in this handout.

SECTION 11 : B-2 CENTRAL BUSINESS DISTRICT.

SUBDIVISION 1. PURPOSE.

The B-2 District is intended for retail stores and offices which are mutually compatible and can benefit from and contribute to a compact shopping area serving the City or region.

SUBDIVISION 2. PERMITTED USES.

Within a B-2 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

- A. Animal or pet shops.
- B. Antique, gifts, or jewelry stores.
- Ba. Apartments mixed with compatible commercial uses in the same building provided:
 - 1. A separate ingress/egress in the rear of the building is provided for the residential units. Alternately, a separate ingress/egress from the public sidewalk in front of the building may be considered through a conditional use permit.
 - 2. Apartments may be located on the ground floor, street level provided a space is reserved for commercial uses. Said space must be at the front of the building and maintain a minimum depth of twenty-five (25) feet and a minimum width equal to the width of the structure.
- C. Apparel, dry goods, or department stores.
- D. Appliance, sewing machine sales and service, hardware, paint and wallpaper stores; bicycle sales and repair.
- E. Art and school supply, book and stationery stores.
- F. Art, photographic, music and dance studios.
- G. Bakeries employing not more than four (4) persons in the baking process.
- H. Banks, savings and loan associations, loan and finance companies.
- I. Barber and beauty shops.
- J. Business, commercial, or trade schools.
- K. Camera, or photographic supply stores, hobby, toy, or record stores, sporting goods stores; musical instrument stores.
- L. Clinic, for people only.

- M. Radio or television broadcasting or transmitting stations or studios; radio and television repair, when operated as an accessory to a retail sales establishment.
- N. Drugs, variety and five-and-ten cent stores.
- O. Dry cleaning and laundry collection stations.
- P. Professional and other business offices; employment agencies.
- Q. Furniture store, carpet and rug stores.
- R. Grocery, fruit, vegetable, floral or meat stores; candy, ice cream, soft drink or confectionary stores, excluding drive-in type service.
- S. Leather goods, and luggage; shoe stores and shoe repair service.
- T. Liquor stores and taverns.
- U. Medical supply stores.
- V. Newsstands.
- W. Laboratories.
- X. Physical culture and health clubs, gyms.
- Y. Pipe and tobacco shops.
- Z. Post offices.
- AA. Restaurants, tearooms, delicatessens, cafes, excluding drive-in type service.
- AAa. Single Family Residential Uses existing at the time of Ordinance adoption (effective date March 22, 2012).
- BB. Tailor shops.
- CC. Telephone booths (outside).
- DD. Theaters.
- EE. Accessory uses as follows:
 - 1. Any accessory use, except signs, customarily incident to the above permitted uses.
 - 2. Signs: per Section 18 of this Ordinance.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.

Buildings or land may be used for the following, if granted a conditional use permit:

- A. Any business activity of the same general character as those listed in Section 11, Subdivision 2.
- B. Any of the uses listed in Section 10, Subdivision 2, except that such uses must conform to the rules set out in Section 11, Subdivisions 4 and 5.
- C. Custom or limited manufacturing, assembly, or treatment of merchandise comprised of cloth, natural or synthetic fiber, leather, ornamental metal, paper, plants, plastic, stone, wax, wood, and wool provided the following standards are met:
 - 1. Vehicle parking areas shall be surfaced with a dust-free material, and plans for the arrangement of entrances, exits, and parking stalls shall accompany the request for a conditional use permit.
 - 2. Artificial lighting shall be directed away from any public right-of-way and any residential district.
 - 3. A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.
- E. All business vehicles shall be accommodated by off-street parking.
- F. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.
- G. Manufacturing operations are limited to the first floor (street level) and below the first floor. Manufacturing operations shall not occur in an upper story. Manufacturing uses shall be compatible with residential uses when in a mixed use structure.
- H. To the extent possible deliveries shall be to the rear of the principal structure in an attempt to keep public streets free from interference by said delivery traffic.

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.

- A. Height Regulations: The height regulations of the B-2 District shall be those of Section 9, Subdivision 4 (1).
- B. Yard Regulations and Lot Coverage Regulations: None required except to provide off-street parking and loading if required.

SUBDIVISION 5. GENERAL REGULATIONS.

- A. Lighting shall be directed away from public right-of-way and residential districts.
- B. An awning, canopy, or marquee suspended from a building may extend over the public

right-of-way ten (10) feet and not closer than two (2) feet of the curb line extended. Such structures shall be not less than eight (8) feet from the sidewalk or ground grade line, and the owner of such structure shall be responsible for its structural safety.

SUBDIVISION 6. DESIGN STANDARDS.

A. Intent and Purpose. It is the intent of the City to promote and encourage high standards of creative, traditionally based, architectural design in the Central Business District. Activities within the Central Business District shall comply with the following design standards and guidelines. The restoration, remodeling and/or expansion of existing buildings shall, to the maximum extent possible, bring exterior facades back to the appearance they had when they were originally constructed, or maintain a similar architectural style to the original construction, or comply to the extent possible with these design standards and guidelines.

B. Major maintenance of all buildings within the Central Business District shall be permanently kept up so that:

- (1) The visual appearance does not deteriorate to a point where the building becomes visually blighted;
- (2) The structure becomes uninhabitable;
- (3) The building becomes structurally deficient; or,
- (4) The structure becomes hazardous to occupants.

C. Site and Design Elements. New principal structures and additions to existing principal structures exceeding 50% structure size shall be designed in a manner that is sensitive to, compatible with, and reminiscent of historic building patterns in the central business district in Arlington. Said new principal structures and qualifying additions to existing principal structures shall meet this standard:

- (1) By placing the structure at the front lot line (i.e. on a property line shared with a public street).
- (2) By purposely treating building exteriors facing public streets in a manner in which the street level story is visually distinct from any upper story of the building. This distinction can be achieved in a number of ways including, but not limited to: an intermediate cornice line, awning, or portico; a change in building materials or detailing; or, a change in window shape or treatment.
- (3) By incorporating storefront windows as the primary design element on the street level and featuring windows as a prominent design element in upper stories of the building.
- (4) By employing flat or pitched (gabled, hipped) roofs or a combination thereof. Where flat roofs are employed ornamental parapets or cornices are strongly recommended. Roofing material shall be the same or similar to those employed on roofs on adjacent principal structures. Metal roofing comprised of: non-commercial grade metal; pre-manufactured resin, plastic, fiber, vinyl,

or synthetic panels; or, materials not intended for roofing but employed for roofing purposes are strictly prohibited.

- (5) By securing input from the Arlington Historical Society, other historic organizations (e.g. Minnesota Historical Society; State Historic Preservation Office), and/or the Planning Commission as needed or directed.

D. Windows.

- (1) When window replacement is contemplated, replacement windows shall replicate in dimension or be larger in dimension than what is being replaced.
- (2) Windows which were reduced in size from the original dimensions shall be restored to original dimensions when physically possible.
- (3) Replacement windows shall be placed and installed in a manner that directly abuts approved exterior building materials or traditional trim material which is in keeping with the building's historical exterior trim and material.
- (4) Obstructing of transparent spaces on windows and doors with a permanent opaque material (i.e. 'boarding up' or covering with plywood or similar materials) is at all times strictly prohibited.

E. Exterior building materials.

- (1) Structures within the Central Business District that have existing brick facades are to be retained as brick, unless a conditional use permit as specified below is issued.
- (2) Stucco, exterior insulation and finish systems, and cement board siding are approved exterior building materials.
- (3) Steel, horizontal lap siding may be employed on sides of principal structures not abutting a public street.
- (4) Property owners may seek a conditional use permit to employ alternate exterior building materials providing physical samples of the proposed materials and a written narrative of why the CUP is requested are filed with the Application. The City may require alternate façade enhancements or treatments such as larger windows, additional architectural design elements, and/or more durable materials be employed as part of CUP approval.
- (5) Vertical metal panels, aluminum, vinyl, and wood are prohibited materials and not eligible for use under a conditional use permit.

SECTION 12 : I-1 LIMITED INDUSTRIAL DISTRICT.

SUBDIVISION 1. PURPOSE.

The I-1 District is intended for administrative, wholesaling, manufacturing and related uses which can maintain high standards of appearance, including open spaces and landscaping, and limit external effects such as noise, odors, smoke and vibration.

SUBDIVISION 2. PERMITTED USES.

Within an I-1 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following uses, and such uses must comply with the performance standards of this Section:

- A. All uses permitted in the B-1 Service Business District.
- B. Cartage and express facilities, and railroad rights-of-way.
- C. Storage and warehousing facilities; wholesale business and office establishments.
- D. Bottling establishments.
- E. Building materials sales and storage establishments.
- F. Radio and television towers and stations; electric light or power generating stations.
- G. Engraving, printing, publishing, cartographic, and bookbinding establishments.
- H. Dry cleaning, dyeing and laundering establishments.
- I. Electrical and electronic manufacturing establishments; electrical service shops.
- J. Medical, dental, and optical laboratories.
- K. Public utility structures and governmental buildings.
- L. Jewelry, camera, and photographic manufacturing establishments.
- M. Accessory uses as follows:
 - 1. All uses, except signs, customarily incident to the above permitted uses.
 - 2. Signs: per Section 18 of this Ordinance.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.

Within an I-1 District, buildings or land may be used for the following, if granted a conditional use permit:

- A. Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods, or products similar to those listed in Section 12, Subdivision 2, which comply with the performance standards of this district.
- B. Retail and service establishments consistent with a Planned Unit Development Overlay and providing goods and services which are primarily for the use of persons employed in this district.

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.

- A. Height Regulations: No structure shall exceed two and one-half (2¹/₂) stories or thirty-five (35) feet in height, whichever is lower, except that cooling towers, elevator penthouses, domes which do not contain usable space, water towers, and smokestacks may be of any height which does not conflict with airport requirements.
- B. Front Yard Regulations:
 - 1. There shall be a front yard having a depth of not less than thirty (30) feet, except where the lot fronts on a major thoroughfare the front yard shall have a depth of fifty (50) feet.
 - 2. Where the district is adjacent to or across the street from a residential district, there shall be a front yard having a depth of not less than fifty (50) feet.
- C. Side Yard Regulations:
 - 1. There shall be a side yard on each side of a building, each yard having a width of not less than fifteen (15) feet, except:
 - a. Where the district abuts a residential district, the side yard shall have a width of not less than fifty (50) feet, and shall contain a solid fence or a vegetative screening.
- D. Rear Yard Regulations:
 - 1. There shall be a rear yard having a depth of not less than thirty (30) feet, except:
 - a. Where the district abuts a residential district, there shall be a rear yard having a depth of not less than fifty (50) feet, and shall contain a solid fence or vegetative screening.
- E. Lot Area Regulations: Every individual lot, site, or tract shall have an area of not less than twenty thousand (20,000) square feet.
- F. Minimum District Area Regulations: No I-1 District shall be established on any tract containing less than ten (10) acres in single ownership or other unified control. This requirement shall not apply where the tract abuts an existing industrial district.
- G. Lot Coverage Regulations: Not more than fifty (50) percent of the total area of a lot shall be covered by buildings.

SUBDIVISION 5. PERFORMANCE STANDARDS.

A. Noise, Smoke, Dust, Fumes or Gases, Sewer and Water Discharge:

1. The City hereby adopts by reference all State of Minnesota standards in regard to pollution control, to include noise abatement standards, dust, fumes or gases sources, and sewer and water discharge standards.
2. In order to insure compliance with said performance standards, the City Council may require the owner or operator of any permitted use to have made such investigations or tests as may be required to show adherence to the performance standards. Such investigation or tests as are required shall be carried out by an independent testing organization selected by the owner or operator and approved by the City. Such investigations or testing shall be ordered by the owner or operator. The cost of same shall be paid by the owner or operator.

B. Odors: No odors shall be detectable beyond the limits of the property.

C. Exterior Lighting: Any lights used for exterior illumination shall direct light away from adjoining property. Glare, whether direct or reflected, such as from floodlights, spotlights, or high-temperature processing, and as differentiated from general illumination, shall not be visible beyond the limits of the property.

D. Vibration: No vibration shall be discernible at any property line to the human sense of feeling for an accumulated total of three (3) or more minutes during any hour.

SUBDIVISION 6. PARKING.

A. Off-street parking shall be provided on the premises, exclusive of required yards, for uses as follows:

1. Wholesale business establishments and storage or warehouse establishments: One (1) off-street parking space for each employee on the major shift plus one (1) off-street parking space for each company motor vehicle when customarily kept on the premises, plus sufficient off-street parking space for delivery and pickup vehicles servicing the facility.
2. Manufacturing or processing plant: One (1) off-street parking space for each employee on the major shift plus one (1) off-street parking space for each company motor vehicle when customarily kept on the premises plus sufficient off-street parking space for delivery and pickup vehicles servicing the facility.

SECTION 13 : I-2 GENERAL INDUSTRIAL DISTRICT.

SUBDIVISION 1. PURPOSE.

The I-2 District is intended for general industrial uses which, due to their size and nature, would not be appropriate in the I-1 District.

SUBDIVISION 2. PERMITTED USES.

Within an I-2 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

- A. Cartage and express facilities, and railroad rights-of-way.
- B. Storage and warehousing facilities; wholesale business and office establishments.
- C. Bottling establishments.
- D. Building materials sales and storage establishments.
- E. Radio and television towers and stations; electric light or power generating stations.
- F. Engraving, printing, publishing, cartographic, and bookbinding establishments.
- G. Dry cleaning, dyeing and laundering establishments.
- H. Electrical and electronic manufacturing establishments; electrical service shops.
- I. Medical, dental, and optical laboratories.
- J. Public utility structures and governmental buildings.
- K. Jewelry, camera, and photographic manufacturing establishments.
- L. Blacksmith Shops.
- M. Creameries.
- N. Contractor's offices, shops, yards and storage facilities for plumbing, heating, glazing, painting, paperhanging, roofing, ventilating, air conditioning, lumber, masonry, electrical and refrigeration industries.
- O. Freight and transportation terminals, including airports.
- P. Fuel and ice sales and storage facilities.
- Q. Garages for storage, repair, and servicing of motor vehicles and farm implements.
- R. Gasoline and oil bulk stations and distributing plants.

- S. Highway maintenance shops and yards.
- T. Monument works.
- U. Public service structures, including power substations, gas regulator stations, sewage disposal plants, telephone exchanges, police or fire stations, elevated tanks, and waterworks.
- V. Manufacturing, processing, storage, servicing and testing establishments.
- W. Accessory uses as follows:
 - 1. Accessory uses, except signs, customarily incidental to the above permitted uses.
 - 2. Signs: per Section 18 of this Ordinance.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.

Within an I-2 District, buildings or land may be used for one (1) or more of the following uses if granted a conditional use permit:

- A. Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to those listed in Section 9, Subdivision 2, which comply with the performance standards of this district.
- B. Extraction, processing, or storage of sand and gravel, stone, or other raw materials.
- C. Retail and service establishments consistent with the operation of a general industrial district.
- D. Junk yards as regulated in Section 17, Subdivision 5.
- E. Sanitary landfills.

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.

- A. Height Regulations: No structure shall exceed two and one-half (2^{1/2}) stories or thirty-five (35) feet in height.
- B. Yard Regulations:
 - 1. No building shall be located within twenty-five (25) feet of any residential district.
 - 2. Except for railroad loading areas, no parking or loading space shall be located within twenty-five (25) feet of any residential district.
 - 3. Any open storage of materials or open loading areas shall be located or screened so as not to be visible from any residential district.

SUBDIVISION 5. PERFORMANCE STANDARDS.

A. Noise, Smoke, Dust, Fumes or Gases, Sewer and Water Discharge:

1. The City hereby adopts by reference all State of Minnesota standards in regard to pollution control, to include noise standards, dust, fumes or gases sources, and sewer and water discharge standards instituted to protect the health and welfare of the general public.
 2. In order to insure compliance with said performance standards, the City Council may require the owner or operator of any permitted use to have made such investigations or tests as may be required to show adherence to the performance standards. Such investigation or tests as are required shall be carried out by an independent testing organization selected by the owner or operator and approved by the City. Such investigations or testing shall be ordered by the owner or operator. The cost of same shall be paid by the owner or operator.
- B. Exterior Lighting: Any lights used for exterior illumination shall direct light away from adjoining property. Glare, whether direct or reflected, such as from floodlights, spotlights, or high-temperature processing, and as differentiated from general illumination, shall not be visible beyond the limits of the property.
- C. Vibration: No vibration shall be discernible at any property line to the human sense of feeling for an accumulated total of three (3) or more minutes during any hour. This standard shall not apply to vibration created during the process of construction.

SECTION 2: RULES and REGULATIONS.

SUBDIVISION 1. RULES.

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot" and the word "shall" is mandatory and not discretionary.

SUBDIVISION 2. DEFINITIONS.

For the purpose of this Ordinance, certain terms and words are defined as follows:

Accessory Building: A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Accessory Dwelling Unit: A room or set of rooms with cooking, sleeping, and sanitation facilities located on the same lot as a single family detached dwelling or twin home. Accessory dwelling units are smaller in area and intensity as compared to the main (principal) dwelling to which it is accessory.

Agriculture: The growing of soil crops in the customary manner on open tracts of land, the raising of animals or poultry, including incidental retail selling by the producer of the product raised on the premises, providing customer parking space is furnished off the public right-of-way.

Alley: A public thoroughfare less than thirty (30) feet in width which provides secondary access to the abutting property.

Apartment: A part of the building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence for one (1) family or an individual and is equipped with cooking facilities.

Apartment Building: Three (3) or more apartments grouped in one (1) building.

Automobile Wrecking: See Junk Yards.

Boarding House: Any dwelling other than a hotel or motel where lodgings and meals for compensation are provided for five (5) or more persons, for a long-term basis, meaning other than a day-to-day rental agreement.

Building: Any structure for the shelter, support or enclosure of persons, animals, or property of any kind. When separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height: The vertical distance from the average of the highest and lowest point of that portion of a lot covered by a building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: An imaginary line on a development site corresponding with the series of points where an exterior building wall meets the grade of the Earth.

City Council: Refers to the City Council of Arlington.

Conditional Use: A use of land not normally allowed in a particular zoning district, but which may be allowed under certain conditions.

Dwelling: Any building or portion thereof which is designed or used exclusively for residential purposes including permanent provisions for living, sleeping, eating, cooking, and sanitation.

~~Dwelling, Apartment. See Dwelling, Multiple Family.~~

Dwelling, Duplex: A structure containing two separate dwelling units sharing a common entry.

Dwelling, Multiple Family: A structure containing more than four separate dwelling units sharing a common entry and hallways.

Dwelling, Quadraplex: A structure containing four separate dwelling units sharing a common entry.

Dwelling, Single Family Attached: A single-family dwelling attached to two or more one-family dwellings by common roof, wall, or floor. This definition includes twin homes and townhomes. Single Family Attached Dwellings may have a common lot line or may be a common interest community with common spaces and individually owned dwelling units.

Dwelling, Single Family Detached: A dwelling unit that is not attached to any other dwelling unit by any means and which does not have any roof, wall, or floor in common with any other dwelling unit.

Dwelling, Triplex: A structure containing three separate dwelling units sharing a common entry.

Dwelling, Townhome: Two or more dwelling units within one structure sharing a common roof, vertical wall, or floor with each unit having separate ingress and egress.

Dwelling, Twin Home: A single family attached dwelling with two dwelling units within one structure divided by a common vertical wall.

~~Dwelling, Two Family. See Dwelling, Duplex.~~

Family: One (1) or more persons related by blood, marriage or adoption, or state licensed family, or not more than five (5) persons, including owner-occupant, not so related occupying a dwelling and living as a single housekeeping unit, as distinguished from occupying a boarding house private club or hotel.

Flood Plain: The areas adjoining a watercourse or lake which have been or hereafter may be covered by a regional flood. Flood plain areas within the City of Arlington shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.

Floodway: The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

Garage, Private: A garage with a capacity of not more than four (4) power driven vehicles for storage only and which is erected as an accessory building. No commercial activity is to be conducted in any private garage.

Garage, Public: Any premises except those described as a private or community garage used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Home Occupation: ~~Any occupation of a service character which is clearly~~ A Residential dwelling or an attached accessory building on the same zoning lot, for licensed commercial activities, the activities must be secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such secondary use. The occupation shall be conducted only by members of a family residing in the dwelling and in connection with which there is kept no stock in trade or commodity for sale on the premises.

Hotel: Any building or portion thereof where lodging is offered to transient guest for compensation and in which there are more than five (5) sleeping rooms in individual rooms or apartments.

Junk Yard: Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of vehicles.

Laboratory: A room or building equipped for scientific experiments, research, or teaching, or for the manufacture of drugs or chemicals.

Lodging house: A building or premises where lodging is provided for compensation of five (5) or more persons, but not exceeding twenty-five (25) persons.

Lot: One (1) unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this Ordinance and having frontage on a public street.

Lot Area: The lot area within the lot lines.

Lot Area Per Family: The lot area per family is the lot area required by this Ordinance to be provided for each family in a dwelling.

Lot, Double Frontage: An interior lot having frontage on two (2) streets.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein. When a lot line abuts on a street, avenue, park, or other public property except an alley, such line shall be known as a street line, and when a lot line abuts on an alley, it shall be known as an alley line.

Lot, Corner: A lot situated at the intersection of two (2) or more streets.

Lot, Depth: The average distance between the front and rear lot line (the greater frontage of a corner lot shall be deemed its depth and the lesser frontage its width.)

Lot, Width: The horizontal straight-line distance between the side lot lines at the setback line.

Mobile (Manufactured) Home: A factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running

gear and designed to be relocated as a structure or structures used for occupancy without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.

Modular Home: A non-mobile housing unit that is fabricated at a factory and transported to a building site where final installations are made, permanently affixing the module to the site. A modular home shall be congruous to a one (1) family dwelling.

Motel: Any building or portion thereof that is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms in individual rooms or units.

Non-Conforming Use: A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated, except that such a use is not non-conforming if it would be authorized under a special use permit where located.

Outlot: A parcel of land subject to future platting prior to development or a parcel of land which is designated for:

- A. Public or private open space.
- B. Public or private wetland buffers.
- C. Public or private conservation purposes.
- D. Rights-of-way.
- E. Utilities.
- F. Other similar purposes.

Outlots created after June 1, 2018 are deemed unbuildable and no building permit shall be issued for such properties until said outlot is platted. Except that building permits may be issued for Outlots to be used for a specific purpose such as signage or common property under a planned unit development or common interest community as designated in a developer's agreement or other agreement.

Persons: Any individual, firm, partnership, limited liability company, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee, or similar representative thereof.

Premises: A lot or plot with the required front, side, and rear yards for a dwelling or other use allowed under this Ordinance.

Sanitary Landfill: A sanitary landfill according to the American Society of Civil Engineers is a "method" of disposing of solid wastes on land without creating nuisances or hazards to public health and safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operations, or at such more frequent intervals as may be necessary".

Setback: The shortest distance between the front lot line and the foundation wall of a building or the allowable building line as defined by the front yard regulations of this Ordinance.

Story: That portion of the building included between the surface of any floor and the surface of the next floor above it, or, if there is not floor above it, the space between the floor and the ceiling next above it.

Story-Half: A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

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

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

Swimming Pool: A permanent or portable structure, which is not completely enclosed within a building, whether below ground level, above ground level or partially above and partially below ground level, intended for non-commercial use as a swimming pool and which exceeds both twenty-four (24) inches in depth and five thousand (5,000) gallons in capacity.

Theaters: A building, part of a building, or outdoor area for housing dramatic performances or stage entertainments, or for showing movies.

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

Use, Accessory: A use incidental or accessory to the principal use of a lot or building located on the same lot as the accessory use.

Yard: An open space between a building and any lot line which is open to the sky obstructed by any permanent or temporary uses or structures.

Yard, Front: A yard extending across the full width of the lot and lying between the front lot line and the front building line.

Yard, Rear: A yard extending across the width of the lot and lying between the rear lot line and the nearest line of the principal building.

Yard, Side: A yard extending from the front lot line to the rear lot line and lying between the side lot line and nearest line of a building.

Zoning Administrator: The City Official appointed by the City Council from time to time to administer the Zoning Ordinance, to include monitoring compliance with the Ordinance, maintaining the City of Arlington Zoning Map, and administering the application process for building permits, conditional use permits and variance requests and all other administrative matters pertaining to the Zoning Ordinance.