



PLANNING AND ZONING COMMITTEE

Meeting Agenda

March 3rd, 2022 at 7:00 PM

Arlington Community Center — Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Public Hearings at 7pm —
 - a. Rezoning of Parcel 31.0720.030 from B-1 Service Business District to R1/AG Resident & Agricultural District, - Brent J & Sarah L Reiersen
4. Approve Agenda
5. Approve the Minutes
 - a. February 3rd, 2022
6. Resolution 02-2022 Approving/Denying the Rezoning a Portion of Parcel 31.0720.030 from B-1 Service Business District to R1/AG Resident & Agricultural District.
7. Discussion about edits for sections 10 through 14
8. New Business
 - a. Discussion on Site Plan for 606 W Main St
 - b. Discussion on La Villita Mexican Super Market (Restaurant Portion) incorporating a bar
9. Other/Updates
 - a. None
10. Adjournment

STATE OF MINNESOTA

CITY OF ARLINGTON

COUNTY OF SIBLEY

PLANNING & ZONING COMMISSION

**NOTICE OF PUBLIC HEARING
ON COMPREHENSIVE PLAN AMENDMENT AND REZONING**

NOTICE IS HEREBY GIVEN that the Arlington Planning and Zoning Commission will hold a public hearing at 7:00 p.m. on Thursday, March 3rd, 2022. The meeting will be held at Arlington Community Center Chambers, 204 Shamrock Drive, Arlington, Minnesota, 55307.

PURPOSE

To consider rezoning a portion of the parcel 31.0720.030 from a B-1 Service Business District to a R1/AG Residence & Agricultural District.

Parcel Identification Number: 31.0720.030

Legal Description: Sect-15 Twp -113 Range -027 Ac-19.58

At this meeting, the Planning and Zoning Commission will decide if the rezoning will have a negative impact on the comprehensive plan.

Any person desiring to comment on this matter is invited to do so in writing or orally at the time of the public hearing. Inquires should be directed to the Zoning Administrator at 507-964-2378 during normal business hours. Written comments should be sent to the Zoning Administrator at 204 Shamrock Drive, Arlington, MN 55307.

Phil Mangis
Zoning Administrator
204 Shamrock Drive
Arlington, MN 55307

Publish: Week of February 14, 2022
Post: February 15, 2022

Zoning Data Report

PROPERTY INFORMATION:

SITE INFORMATION:	
Site Name	REIERSON/BRENT J & SARAH L
Site Address(es)	N/A
Property ID (APN or Block/Lot)	31.0720.030
Location	SOUTHEAST QUADRANT OFF FREEDOM DRIVE
Municipal Jurisdiction	City of Arlington
Current Site Use	Agricultural
Site Acreage (Site Square Footage)/Source	19.58 acres
BUILDING INFORMATION:	
Year(s) of Construction	N/A
Number of Buildings	N/A
Number of Units	N/A
Gross Building Square Footage/ Source	N/A
Building Footprint Square Footage	N/A
Number of Floors/Stories	N/A
Height	N/A
Additional Improvements/ Structures	N/A

ZONING CLASSIFICATION, REQUIREMENTS & CONFORMANCE

CURRENT ZONING CLASSIFICATION:

Zoning District	District Description	Current Use Conformance
R/A B-1	Residence/Agriculture District Service Business District	R/A is in Conformance B-1 is non-conformance given current use

SURROUNDING PROPERTY ZONING CLASSIFICATION:

Direction	Zoning Classification
North	District: R-1 One Family Residential District
East	District: B-1 Service Business District
South	District: Not in City Boundaries
West	District: R-1 One Family Residential District & R/A Residence/Agriculture District

SIZE & DENSITY REQUIREMENTS:

Ordinance Section	Requirement	Subject Property
LOT SIZE		
Development Standards	Lot size requirements: Ten (10) acres.	Lot Area: 19.58 acres
COVERAGE		
Development Standards	Maximum Building Coverage permitted is: No structure or combination of structures shall occupy more than fifty (50) percent of the lot area.	Lot Coverage: N/A
FLOOR AREA RATIO		
Development Standards	Maximum Floor Area Ratio (FAR) permitted: No structure or combination of structures shall occupy more than fifty (50) percent of the lot area.	FAR: N/A
HEIGHT		
Development Standards	Maximum building height permitted: Two (2) stories or thirty (30) feet. Heights in excess of thirty (30) feet may be allowed provided a conditional use permit is issued.	Building Height/Floors: N/A

YARD SETBACK REQUIREMENTS:

Section	Requirement	Subject Property	Source
FRONT			
Development Standards	Front yard setbacks of not less than thirty (30) feet from all other public rights-of-way, unless subject site is a lot of record as of the date of adoption of this Ordinance and said lot abuts a lot with buildings that have observed a smaller front yard in which instance the minimum front yard setback shall be the distance the existing structures are setback. A viewing triangle measuring twenty-five (25) feet from the intersection of the front/side property line at street intersections shall be maintained free of structures.	N/A	City of Arlington Zoning Code
REAR			
Development Standards	Minimum rear yard setback shall be ten (10) feet	N/A	City of Arlington Zoning Code
SIDES			
Development Standards	ten (10) feet, except existing lots of record less than one hundred (100) feet in width shall have minimum side yard setbacks of four (4) feet.	N/A	City of Arlington Zoning Code
ACCESSORY STRUCTURES			
Accessory Buildings	<p>*Operation and storage of vehicles, machinery and equipment which is incidental to permitted or conditional uses allowed in this district.</p> <p>*Home occupations as regulated by this Ordinance.</p> <p>*Detached garages and accessory structures less than one thousand (1,000) square feet on lots less than ten thousand one (10,001) square feet in area. Detached garages and accessory structures over one thousand (1,000) square feet are allowed under a conditional use permit.</p> <p>*Detached garages and accessory structures on lots greater than ten thousand (10,000) square feet provided the aggregate ground floor square footage of all detached garage/accessory structures do not occupy greater than fifteen (15) percent of the lot area. The aggregate ground floor square footage of all detached garage/accessory structures may exceed fifteen (15) percent of the lot area provided a conditional use permit is issued.</p>	<p>N/A</p> <p>N/A</p>	<p>City of Arlington Zoning Code</p> <p>City of Arlington Zoning Code</p>

PARKING REQUIREMENTS:

PARKING		
Requirement	Subject Property	Source
Vehicle Parking: No vehicles may be parked or stored on the premises which are inoperable or unlicensed, unless such vehicles are kept in a fully enclosed structure or fully enclosed licensed trailer, so that no part of the vehicle can be viewed by the public. No vehicles may be parked or stored on the premises which are advertised for sale or rent, except that one (1) vehicle may be advertised for sale or rent as an isolated personal transaction, and not in the ordinary course of business of sale or rent of vehicles, and such vehicle advertised for sale or rent must be operable and licensed.	N/A	City of Arlington Zoning Code

VARIANCES & CONDITIONAL/SPECIAL USE PERMITS:

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

Permit ID	N/A
Type of Permit	N/A
Date	N/A
Description	N/A

SITE PLAN APPROVALS:

N/A

CODE VIOLATIONS:

Zoning Code Violations	N/A
Building Code Violations	N/A
Other Code Violations	N/A

CERTIFICATE OF OCCUPANCY:

The City of Arlington does not have a Certificate of Occupancy on file for the Subject Property.

REFERENCES

ZONING ORDINANCE & MAP:

- City of Arlington Jurisdiction, The Zoning Ordinance
- City of Arlington Jurisdiction, Interactive Online GIS Map
- County Jurisdiction, Interactive Online GIS Map

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

CORRESPONDENCE:

As part of this investigation the following individuals were contacted:

Name Title	Phil Mangis, Zoning Administrator
Municipal Department	Planning and Zoning Department
Contact Information	Phone: 507-964-2378 ext. 3 Email Address: pmangis@arlingtonmn.com
Contact Date	2/11/22

FINDINGS

Report Section	Allowed	No Further Action	No Violation	Need Survey to Confirm	Comments
Current Zoning Classification	R/A is allowed based on the current comprehensive plan				B-1 section of the property does not match up with the current Comprehensive plan goals for this area of the City
Lot Size & Density Requirements		X			
Yard Setback Requirements		X			
Parking Requirements		X			
Variances & Conditional/Special Use Permits; Site Plan Approvals		X			
Zoning Code Violations			X		
Building Code Violations			X		
Other Code Violations			X		
Certificate(s) of Occupancy		X			

CONCLUSIONS:

	Conformance	Comments
Conformance Use	Partial	Given that the property has two Zoning Districts located on the parcel only the R/A District is a conformance use based on the Comprehensive plan goals for this area of the City
Conformance Property	Partial	Given the current property is agricultural use, the portion of the property the is the B-1 District the current use in the B-1 section is a non-conformance use



Checklist for Reviewing Proposed Zoning Amendments

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

	<i>Yes</i>	<i>No</i>
1. Is the request consistent with the comprehensive plan?	<u>X</u>	<u> </u>
2. Does the community need more land in the requested district?	<u> </u>	<u>X</u>
3. Are there other properties in the community that might be more appropriate for this use?	<u> </u>	<u>X</u>
4. Will the request have a serious impact on traffic circulation, parking, sewer and water service, or other utilities?	<u> </u>	<u>X</u>
5. Will the request have a negative adverse impact on property values in the vicinity?	<u> </u>	<u>X</u>
6. Will the request result in lessening the enjoyment or use of adjacent properties?	<u> </u>	<u>X</u>
7. Will the request cause serious noise, odors, light, activity or other unusual disturbances?	<u> </u>	<u>X</u>
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)	<u> </u>	<u>X</u>

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.



PLANNING AND ZONING COMMITTEE

Meeting Minutes

February 3rd, 2022 at 7:00 PM

Arlington Community Center — Council Chambers

1. Call to Order- meeting was called to order at 7:04

Members Present

Michelle Battcher
Jeanne Bearson
Joe Prasad
Tom Hatlestad
Brandon Brinkman

Member Absent

None

Staff Present

Phil Mangis

Staff Absent

None

Guest Present

None

2. Pledge of Allegiance
3. Approve Agenda- The Planning and Zoning (P&Z) Administrator requested they add the draft of the Annual Report under new business. Battcher made a Motion to approve the agenda with the addition, second by Hastlesad, Motion carried.
4. Approve the Minutes- Motion to approve the minutes by Battcher, Seconded by Brinkman, Motion carried.
 - a. January 6th, 2022
5. Motion to approve/deny zoning report to rezone the B-1 District surrounding David Meffert property. - The P&Z Administrator requested that the Committee approved doing a zoning report to rezone the surrounding area around the Meffert property. Commissioner Battcher was under the impression that when they rezoned the Meffert property it included the surrounding area. The Administrator explain that given it is on a separate parcel they will need to create a zoning report before the property is

rezone the property. Motion by Battcher to approve the zoning report to rezone the B-1 District surrounding David Meffert property, seconded by Brinkman, Motion carried.

6. Discussion about edits for sections 10 through 14.-The P&Z Administrator informed the Committee that the currents edits is just a draft and is looking to finalize the changes by next P&Z meeting. The Committee made a consensus to move the Discussion about edits for sections 10 through 14 to next meeting.
7. New Business
 - a. Discussion of definition added by the Planning and Zoning Administrator- The Committee had no objection with the new definitions added. The Administrator explain that to avoid future confusion and issues the Committee will need to make sure that there are clear definitions in the Zoning Code. The Administrator also stated that moving forward there will likely be more definitions added.
 - b. Discussion of the PUD/ Overlay District-The Committee made a consensus to move this to next meeting for discussion and to invite Danny Woehler to the meeting to discuss this matter given his property is the most affected by this district.
 - c. Discussion on Annual Report- Overall the Committee did not have many corrections to the Annual Report. They would like to see information up to February of this year. They would also like to add Updating the Zoning Map as one of the goals for this year. The Administrator will also need to add the Creation of Chapter 32 of the City Code under Ordinance Amendment/Creation section.
8. Other/Updates
 - a. None
9. Adjournment- Battcher made a motion to adjourn the meeting at 7:55pm and was seconded by Brinkman, Motion carried.

P&Z Administrator

P&Z Chair



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

RESOLUTION 02-2022

RESOLUTION *APPROVING/DENYING* AN AMENDMENT TO THE 2014 ARLINGTON COMPREHENSIVE PLAN FUTURE LAND USE MAP PERTAINING TO PROPERTY AT PARCEL NO. 31.0720.030, THE SOUTHEAST QUADRANT OFF HORSESHOE DRIVE (“REIERSON 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, The Planning and Zoning Administrator has submitted a request to amend the future land use map and the official zoning map related to property legally described as TRACTS D & E RLS 3 EX S 147.58 FT OF E 295.16 FT OF TRACT E OF NW 1/4 OF NW 1/4 and identified as Parcel No. 31.0720.030; and,

WHEREAS, the Planning and Zoning Commission on March 3rd, 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;

- that a portion of the property (Parcel No. 31.0720.030) located in the Southeast section will be rezoned for Resident & Agricultural means

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ARLINGTON THAT: The Arlington City Planning & Zoning Committee approves Resolution 02-2022, 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 3rd day of March, 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.

SECTION 10: B-1 SERVICE BUSINESS DISTRICT. SUBDIVISION 1. PURPOSE.

The B-1 District is intended for commercial activities which might be incompatible with uses in the Central Business District by reason of traffic considerations, marketing characteristics, area requirements, and other characteristics inherent in these uses.

SUBDIVISION 2. PERMITTED USES.

Within the B-1 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

- A. Armories, convention halls, or exhibition halls.
- B. Bowling alleys, billiards, or pool halls.
- C. Bakeries ~~employing not more than four (4) persons in the baking process.~~
- D. Bus Station.
- E. Cabinet, carpenter, upholstering, or furniture repair shops ~~employing not more than four (4) persons in the construction or repair process.~~
- F. Dry cleaning establishments, laundries, Laundromats, self-servicing ~~or employing not more than four (4) persons in the laundering, cleaning, and pressing process.~~
- ~~G. Frozen food lockers for individuals or family.~~
- H. Grocery, ~~fruit, vegetable, and meat~~ stores.
- I. Greenhouses, nurseries, and garden stores.
- J. Laboratories, medical and dental.
- K. Lumber yards.
- L. Marine and boat sales and servicing establishments.
- M. Miniature golf courses, par three golf courses or archery or golf driving ranges operated for commercial purposes.
- N. Monument sales, not including processing.
- O. Mortuaries or funeral homes.
- P. Motels, hotels, or apartment hotels.

- Q. Newspaper distribution agencies.
- R. Orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles.
- S. Pet and animal hospitals.
- T. Plumbing, heating and air conditioning shops and showrooms.
- U. Printing and publishing shops.
- V. Public utility structures.
- W. Municipal and government buildings.
- X. Radio and television service and repair shops.
- Y. Recording studios.
- Z. Restaurants.
- AA. Skating rinks.
- BB. Taverns.
- ~~CC. Telephone booths (outside).~~
- DD. Theaters.
- EE. Vending machines ~~for ice, soft drinks, and milk sales.~~
- FF. Accessory uses customarily incident to the above permitted uses per Section 17. ~~other than signs, customarily incident to the uses permitted in Section 6, Subdivision 2, and Section 9, Subdivision 3.~~
- GG. Signs: per Section 18 ~~of this Ordinance.~~
- HH. New or used automobile sales or storage lots, new or used implement sales or storage lots, automobile laundries or car washes, automobile service stations or repair shops provided:
 - 1. The parking lot shall be surfaced with a dust-free material, and plans for the arrangement of entrances, exists, screening of exterior storage lots, 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.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.

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

- A. ~~New or used automobile sales or storage lots, new or used implement sales or storage lots, automobile laundries or car washes, automobile service stations or repair shops provided:~~
 1. ~~The parking lot shall be surfaced with a dust-free material, and plans for the arrangement of entrances, exits, screening of exterior storage lots, 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.~~
- B. Drive-in restaurants, drive-in theaters, or similar uses that provide goods and services to patrons in automobiles, provided:
 1. A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.
 2. The parking area shall be surfaced with a dust-free material, and plans for the arrangements of entrances, exits, and parking stalls shall accompany the request for a conditional use permit.
 3. Lighting shall be directed away from any public right-of-way and any residential district.
- C. Parking lots in setback zone.
- D. Other business activities of the same general character as listed in ~~Section 10, Subdivision 2~~ under permitted uses.

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.

- A. Height Regulations:
 1. ~~The height regulations of the B-1 District shall be those of Section 9, Subdivision 4 (A).~~

Structure shall not exceed two and one-half (2 1/2) stories three (3) stories or thirty-five (35) feet in height, whichever is lower, except that church spires, belfries, domes which do not contain usable space, water towers, chimneys or smokestacks and cooling towers, may be erected with no height limitations except airport requirements.

~~2. On any lot abutting an R-1 District, the height regulation of the R-1 District Section 7, Subdivision 4 (A) shall be observed.~~

B. Front Yard Regulations: There shall be a front yard having a depth of thirty (30) feet.

C. Side Yard Regulations:

1. There shall be a side yard having a depth of ten (10) feet, except that:

a. A buffer yard shall be required for the portion of a lot having a common lot line with a lot located in any residential district, each such buffer yard shall be approved by the Planning Commission and have a width of at least fifteen (15) feet and featuring screening such as a privacy fence or vegetative cover sufficient to lessen the view of the business from the adjoining lot.

D. Rear Yard Regulations:

1. There shall be a rear yard having depth of not less than twenty (20) feet, except that:

a. A buffer yard shall be required for the portion of a lot having a common lot line with a lot located in any residential district, each such buffer yard shall be approved by the Planning Commission and have a width of at least fifteen (15) feet and featuring screening such as a privacy fence or vegetative cover sufficient to lessen the view of the business from the adjoining lot.

E. Lot Coverage Regulations: Not more than fifty (50) percent of a lot shall be occupied by buildings.

SUBDIVISION 5. PARKING REGULATIONS.

A. The required parking and loading spaces shall be provided on the premises of each use.

~~B. No parking shall be allowed in any required yard except as provided in Section 10, Subdivision 3 (C).~~

C. Each parking space shall contain a minimum area of not less than three hundred (300) square feet including access drives, and a width of not less than nine (9) feet, and a depth of not less than twenty (20) feet.

- D. The minimum number of required off-street parking spaces for various uses shall be a minimum of one (1) parking space for each employee, based on the number of employees present at the same time on a typical work shift, plus sufficient off-street parking to accommodate visitors and customers during normal business traffic hours, as determined by the City Council on a case-by-case basis.

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.
- C. 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.
- D. ~~Apparel, dry goods, or~~ Department stores.
- E. Appliance, sewing machine sales and service, hardware, paint, and wallpaper stores; bicycle sales and repair.
- F. Art and school supply, book, and stationery stores.
- G. Art, photographic, music and dance studios.
- H. Bakeries ~~employing not more than four (4) persons in the baking process.~~
- I. Banks, savings and loan associations, loan, and finance companies.
- J. Barber and beauty shops.
- K. ~~Business, commercial, or trade schools.~~
- L. Camera, or photographic supply stores, hobby, toy, or record stores, sporting goods stores; musical instrument stores.
- M. Clinic, ~~for people only.~~

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

HH. Accessory uses as follows, customarily incident to the above permitted uses per Section 17.

1. ~~Any accessory use, except signs, customarily incident to the above permitted uses.~~
2. ~~Signs: per Section 18 of this Ordinance.~~

II. Signs: per Section 18

JJ. New or used passenger automobile sales or storage lots, automobile service stations or repair shops provided:

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.

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, in the permit use section
- 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.~~ Any use permit in a B-1 Service District, that is not already permitted under the B-2 Central Business District and must conform to the General Regulations set forth in the B-2 Central Business District.
- 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. 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.
 2. 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.
- D. Business, commercial, or trade schools.

~~E. New or used passenger automobile sales or storage lots, automobile service stations or repair shops provided:~~

- ~~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.~~

~~F. All business vehicles shall be accommodated by off-street parking.~~

~~G. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.~~

~~H. 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.~~

~~I. 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).~~ **three (3) stories or thirty-five (35) feet in height**
- 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.
- C. All business vehicles shall be accommodated by off-street parking**
- D. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.**

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

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. Laboratories
- N. Lumber yards.
- O. Marine and boat sales and servicing establishments.
- P. Garages for storage, repair, and servicing of motor vehicles and farm implements

Q. Contractor's offices, shops, yards and storage facilities for plumbing, heating, glazing, painting, paperhanging, roofing, ventilating, air conditioning, lumber, masonry, electrical and refrigeration industries.

R. Accessory uses ~~as follows~~; customarily incident to the above permitted uses per Section 17.

1. ~~All uses, except signs, customarily incident to the above permitted uses.~~

2. ~~Signs: per Section 18 of this Ordinance.~~

S. Signs: per Section 18

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~~ under permit use and which comply with the performance standards of this district.

B. Junk Yards

~~C. 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 (2 1/2) stories or thirty-five (35) feet in height~~, three (3) 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 ensure 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:~~ customarily incident to the above permitted uses per Section 17.
- X. Signs: per Section 18
 - ~~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~~ the permit use section and 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.~~ three (3) 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 ensure 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 14: P-I PUBLIC AND INSTITUTIONAL DISTRICT.

SUBDIVISION 1. PURPOSE.

The purpose of the P-I Public and Institutional District is to provide for uses of a public or institutional nature. Public/institutional district uses are public services that are typically, but not always, on a not-for-profit basis as opposed to the sale of goods or services. Such uses include local, state, and federal government facilities, places of worship, and public educational facilities. Lands devoted to public/institutional use are usually owned by public entities but may be privately owned.

SUBDIVISION 2. PERMITTED USES.

The following are permitted uses within the P-I Public and Institutional District:

- A. City, state, and federal governmental facilities such as administrative offices, service buildings, and postal offices.
- B. Libraries, community centers, museums, and public art galleries.
- C. Fire stations, police stations, and public works facilities.
- D. Public parks and recreational areas.
- E. Religious institutions or places of worship limited to worship and related social events or educational facilities.
- F. Hospitals, nursing homes, and medical clinics.
- G. Public educational facilities.
- H. Cemeteries.
- I. Public utilities and services.
- J. Publicly owned parking lots as a principal use.

SUBDIVISION 3. CONDITIONAL USES.

The following are conditional uses within the P-I Public and Institutional District:

- A. Uses deemed by Planning Commission and approved by City Council the are similar is scope to permitted uses in this Section. The Planning Commission and City Council approval shall be based upon but not limited to the following factors:
~~Uses deemed by the City Council to be similar to permitted uses listed under Subdivision 2 of this Section provided the City Council considers possible adverse effects of the proposed events or activity. The City Council's decision shall be based upon (but not limited to) the following factors:~~

1. Consistency with the Comprehensive Plan.
2. Compliance with applicable facility plans.
3. ~~That~~ the establishment, maintenance or operation of the proposed use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
4. The proposed use, ~~event or activity~~ will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
5. The proposed use, ~~event or activity~~ shall conform to the applicable regulations of the district in which it is located and all other applicable provisions of the City Code.

SUBDIVISION 4. INTERIM USES.

The following are interim uses within the P-I Public and Institutional District:

- A. Temporary Outdoor storage that lasts longer than 90 days.
- B. Temporary buildings for construction purposes for a period of time determined by the Planning Commission with approval from City Council. ~~of twelve (12) months.~~

SUBDIVISION 5. ACCESSORY USES.

The following are accessory uses within the P-I Public and Institutional District:

- A. Accessory uses incidental and customary to uses allowed as permitted per section 17 through ~~conditional, interim, and administrative permits in this Section.~~
- B. Off-street parking and loading.
- C. Signs as regulated by Section 18 ~~of this Ordinance.~~
- D. Accessory uses subordinate to educational, government, and/or public facilities such as:
 1. Playgrounds.
 2. Athletic facilities.
 3. Portable buildings.
 4. Office and maintenance buildings.
 5. Field houses.

6. Satellite educational facilities resulting from specific subjects taught at an educational institution such as greenhouses, grow houses, gardens, independent laboratories, construction laboratories.
7. Satellite training facilities.
8. Similar uses considered reasonably beneficial to educational, governmental, and/or public purposes providing they are consistent with the Comprehensive Plan.

SUBDIVISION 6. PERFORMANCE STANDARDS.

A. Lot Requirements.

1. Minimum Lot Size: None.
2. Lot Width Requirement: None.
3. Minimum Frontage on a Public Street: At least twenty-five (25) feet of a lot must front on a public street.

B. Front, Side and Rear Yard Requirements:

1. Front yard setback shall be thirty (30) feet or the average setback of structures on abutting lots.
2. Side yard setback shall be fifteen (15) feet or the average setback of structures on abutting lots, ~~plus one half (1/2) foot for every one (1) foot of structure height in excess of three (3) stories or thirty-five (35) feet whichever is less.~~
3. The rear yard setback shall be twenty (20) feet, except that existing lots of record not abutting residential uses may be reduced to five (5) feet and existing lots of record abutting a residential use may be reduced to ten (10) feet provided screening is incorporated into the site design.
4. ~~Required Side/Rear Yard Screening: Where a P-I use abuts property guided for single or two (2) family residential use as illustrated on the Future Land Use Map contained in the Comprehensive Plan or is separated by an alley from a single or two (2) family residential use as illustrated on the Future Land Use Map contained in the Comprehensive Plan, a landscaped buffer shall be provided. It is the objective of the landscaped buffer to lessen, rather than completely eliminate land use conflicts between such uses. It is not expected that landscaped buffers will totally screen such uses. It is expected that the landscaped buffer design elements identified below will provide immediate lessening of land use conflicts and such buffering will be enhanced over time as landscaping matures. Landscaped buffers may include a combination of elements including setback distances as separation, tree and shrubs, solid fencing, and/or berming. It is encouraged that existing~~

topography and vegetation be included in the design of the landscaped buffer as approved by the City. Retention of existing mature trees is strongly encouraged in meeting the requirements of this Section. Rear and side yard landscaped buffers shall have a minimum depth of ten (10) feet. Required screening shall not interfere with snow storage or sight lines at intersections but may encroach into required setbacks.

- C. Maximum Building Height: Maximum building height is forty (40) feet or the average height of the principal structures on adjacent lots on the same side of the street, whichever is less.
- D. Lot Coverage: Not more than seventy-five (75) percent of a lot shall be occupied by structures.
- E. Screening: When the P-I district abuts property that is Single or Two Family Residential use or is by an alley from a Single or Two Family use will require a landscaped buffer. Landscaped buffers may include a combination of elements, i.e., shrubs, solid fencing, and/or berming. It is encouraged that existing topography and vegetation be included in the design of the landscaped buffer as approved by the Planning Committee with approval from the City Council. Rear and side yard landscaped buffers shall have a minimum depth of ten (10) feet. Required screening shall not interfere with snow storage or sight lines at intersections but may encroach into required setbacks.
- F. Other Building/Development Requirements:
 - 1. Development/site plan review is required.
 - 2. Any lights used for exterior illuminations shall be directed away from adjacent properties.
 - 3. Parking lots abutting residential uses shall be screened so as to reasonably dilute headlights from trespassing onto said residential property.

