

PLANNING AND ZONING COMMITTEE

Meeting Agenda

August 4th, 2022 at 7:00 PM

Arlington Community Center — Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Approve the Minutes
 - a. July 7th, 2022
 - b. July 14th, 2022
5. Updates made to the Arlington Zoning Code
6. Discussion on the finalization of the Arlington Zoning Code
7. New Business
 - a. Final Draft of Tiny Homes Policy
8. Other/Updates
 - a. Update on 505 W Adams St (Animal Shelter)
 - b. Planning Commission Fact/Information of the Public Hearing Process
9. Adjournment



PLANNING AND ZONING COMMITTEE

Meeting Agenda

July 7th, 2022 at 7:00 PM

Arlington Community Center — Council Chambers

1. Call to Order was called to order at 7:00pm

Members Present

Michelle Battcher
Joe Prasad
Brandon Brinkman
Dave Meyer

Member Absent

Tom Hatlestad
Jeanne Bearson

Staff Present

Amy Newsom
Phil Mangis

Staff Absent

None

Guest Present

Brandon Bracht
Sharon Busch
Dave Kreger
Susan Mathwig
Chris Greder
Danyel Eccleston
Justin Black
Nishul Patel

2. Pledge of Allegiance

3. Public Hearings at 7pm —

- a. Rezoning a proportion of Amba Homes property from a B-1 Service Business District to R-2 One & Two Family Residential District and to approve the proposed preliminary plat - Amba Homes

The Public Hearing for the proposed preliminary plat started at 7:03 pm. The hearing began with the Planning and Zoning Administrator briefly going over the zoning history of the area in question. A

resident had a few questions pertaining to the proposed preliminary plat. They wanted to know how many lots there was going to be, are there going to be duplexes on some of these lots, is Polar Circle going to be the only entrance and exit to this development and does the developer plan on selling these lots or renting them. The Planning and Zoning Administrator stated that there are going to be 22 lots, none of the lots are not going to be used as duplexes but some of the lots are going to be used as single family attached homes. Polar Circle will be the only entrance/exit to this development. The Planning and Zoning Chair read a letter from a resident that had concerns regarding Polar Circle being the only entrance/exit. The other residents at the meeting also addressed their concerns about Polar Circle being the only entrance/exit. The main concern was traffic follow coming in and out of that area. The Committee did share the City Engineers opinion on the traffic follow. The City Engineer stated that the new development should not cause any serious traffic issue in the developing area. One resident had concerns about drainage and how will that be addressed. The Amba Homes Engineer Jack Black broke down the engineer report that Amba Homes had to submit for the preliminary plat application. In this break of the report, he addressed the residents concerns about drainage. One resident was deeply concerned with the rentals ending up being section 8 housing and was afraid that this would end up devaluing the area. Amba Homes owner Nishul Patel, addressed these resident concerns and stated that given his recorded as a landlord he is confident that he will be able to properly screen people, if he would bring renters in that are on section 8 and they would not cause problems. A resident voiced concerned about increased traffic around Frenzel Park and believes this needs to be addressed. The Planning and Zoning Administrator stated that is a separate issue, that is currently being worked on. This same resident stated that they are all for development but believe this area will create housing that is too dense. The Public Hearing was closed at 8:02pm.

b. Changes to Chapter 17 (Fence) of the City Code, - City of Arlington-

Public hearing for changers to Chapter 17 (Fence) of the City Code began at 8:03pm. One resident had a question concerning what the definition of an open fence. They wanted to know how far each post had to be apart from each other to label an open face. The Committee informed the resident that the opening would need to be the same size as the width of the post. The Public Hearing was closed at 8:09pm.

4. Approve Agenda- the Planning and Zoning Administrator requested to add Resolution 21-2022 Approving the Preliminary Plat of "Amba Homes Subdivision". Motion made by Battcher to approve the agenda with the addition, seconded by Brinkman. Motion carried.
5. Approve the Minutes- Motion made by Meyer to approve the minutes from June 2nd, 2022, seconded by Battcher. Motion carried.
 - a. June 2nd, 2022
6. Resolution 19-2022 APPROVING/DENYING AN AMENDMENT TO THE 2014 ARLINGTON COMPREHENSIVE PLAN FUTURE LAND USE MAP PERTAINING TO PROPERTY AT PARCEL NO. 31.0881.000 THE SOUTHERN QUADRANT OFF POLAR CIRCLE ("AMBA HOMES ARLINGTON LLC PROPERTY")- Motion made by Battcher to approve Resolution 19-2022 APPROVING/DENYING AN AMENDMENT TO THE 2014 ARLINGTON COMPREHENSIVE PLAN FUTURE LAND USE MAP PERTAINING TO PROPERTY AT PARCEL NO. 31.0881.000

THE SOUTHERN QUADRANT OFF POLAR CIRCLE (“AMBA HOMES ARLINGTON LLC PROPERTY”), seconded by Brinkman. Motion carried. Roll call was taken all in favor two absent (Hatlestad, Bearson)

7. Resolution 20-2022 APPROVING/DENYING AN AMENDMENT TO CHAPTER 17 OF THE CITY CODE- Motion made by Meyer to approve Resolution 20-2022 APPROVING/DENYING AN AMENDMENT TO CHAPTER 17 OF THE CITY CODE, seconded by Brinkman. Motion carried. Roll call was taken all in favor two absent (Hatlestad, Bearson)

8. Resolution 21-2022 APPROVING THE PRELIMINARY PLAT OF “AMBA HOMES SUBDIVISION” Before the Resolution was past the Committee made a few changes to the Resolution. The Committee decided to remove Outlot A, B, C and the proposed parks in the preliminary plat plan will be considered land dedication as required under City Chapter 27.13 (2) (a) and 27.13 (2) (c), see exhibit C as an established fact and requirement. The Committee did decide to add under the established fact and requirement that the Proposed Parks will be considered Private Parks, Pay the Proposed Land Dedication fee, 36” Stormwater Drainage and outlet have sufficient erosion control. Motion made by Battcher to approve Resolution 21-2022 APPROVING THE PRELIMINARY PLAT OF “AMBA HOMES SUBDIVISION” with the changes, seconded by Brinkman. Motion was carried. Roll call was taken all in favor two absent (Hatlestad, Bearson).

Motion made by Battcher to table items 9 through 11, seconded by Brinkman. Motion was carried.

9. Discussion on the finalization of the Arlington Zoning Code
10. New Business
 - a. Final Draft of Tiny Homes Policy
11. Other/Updates
 - a. Planning Commission Fact/Information of the Public Hearing Process
12. Adjournment- Motion made by Brinkman to adjourn meeting at 8:50, seconded by Meyer. Motion carried.



PLANNING AND ZONING COMMITTEE

Meeting Agenda

July 14, 2022 at 7:00 PM

Arlington Community Center — Council Chambers

1. Call to Order meeting was called to order at 7:00pm

Members Present

Jeanne Bearson
Tom Hatlestad
Michelle Battcher
Brandon Brinkman
Dave Meyer

Member Absent

None

Staff Present

Phil Mangis

Staff Absent

None

Guest Present

Betty Meyer

2. Pledge of Allegiance
3. Approve Agenda- Motion by Brinkman to approve the agenda, seconded by Hatlestad. Motion was carried.
4. Public Hearing at 7pm — Variance for a proposed 2,200 ft attached garage— Dave & Betty Meyers

The Public Hearing opened at 7:01pm. The Planning and Zoning Administrator briefly went over the memo that was sent out. The proposed 2,200 ft attached garage meets all the dimensional requirements for the Zoning District they are in except the proposed attached garage is over 60 percent of the foundation size of the dwelling unit to which it is attached to. Betty Meyer explained that the reason why they are looking to build a proposed 2,200 ft attached garage, is for them to have more storage space. As it currently stands the owners do not have enough space to park their cars or other vehicles they have. The Committee did not have any serious concerns about the proposed project. The Public Meeting closed at 7:14pm.

5. RESOLUTION APPROVING A VARIANCE TO REQUIRED DIMENSIONAL SIZE REQUIREMENTS IN THE R-2 ONE & TWO-FAMILY RESIDENTIAL DISTRICT AT 141 HENDERSON RD
6. Motion by Hatlestad to approve the RESOLUTION APPROVING A VARIANCE TO REQUIRED DIMENSIONAL SIZE REQUIREMENTS IN THE R-2 ONE & TWO-FAMILY RESIDENTIAL DISTRICT AT 141 HENDERSON RD, seconded by Brinkman. Motion carried. Roll call was taken. All in favor, one abstained (Meyer).
7. Adjournment- Motion made by Brinkman to adjourn the meeting at 7:15pm, seconded by Hatlestad. Motion carried.

SECTION 29: RESTRICTIONS ON THE RESIDENCY OF PREDATORY OFFENDERS WITHIN CITY LIMITS.

SUBDIVISION 1. FINDINGS AND INTENT

It is the intent of this article to serve the City's compelling interest to promote, protect and improve the health, safety, and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

SUBDIVISION 2. DEFINITIONS

- A. Designated offender means any person who is a Risk Level III predatory sex offender as defined under Minnesota Statute 244.052.
- B. Permanent residence means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
- C. Temporary residence means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

SUBDIVISION 3. SEXUAL PREDATOR RESIDENCE PROHIBITIONS

- A. Prohibited location of residence. It is unlawful for any designated offender to establish a permanent residence or, temporary residence: a) within 2,000 feet of any school, licensed day care center, park, ballpark, public trail or playground; or b) within 1,000 feet of any designated public school bus stop, place of worship which provides regular educational programs (i.e. Sunday school), or other places where children are known to congregate.
- B. Prohibited activity. It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on, or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph.

SUBDIVISION 4. MEASUREMENTS OF DISTNACE

For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence of the designated offender to nearest outer property line of a school, designated public school bus stop, day care center, park, playground, place of worship, or other place where children regularly congregate.

SUBDIVISION 5. EXCEPTIONS

A designated offender residing within a prohibited area as described in this section does not commit a violation of this section if any of the following apply:

- A. The person was a minor when he/she committed the offense and was not convicted as an adult.
- B. The person is a minor
- C. The school, designated public school, bus stop, or day care center within 2,000 feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence, and reported and registered the residence pursuant to Minnesota Statute 243.166 or 243.167.
- D. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or children.

SUBDIVISION 6. PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS

- A. It is unlawful to let or rent any place, structure, or part thereof, mobile home, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this section, if such place, structure or part thereof, mobile home, trailer or other conveyance, is located within a prohibited location zone described in this section.
- B. If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager must evict the offender.

SUBDIVISION 7. VIOLATIONS AND PENALTIES

Any violation of this section shall be subject to the penalties and enforcement actions under City Code: Chapter 31, Section 28.

2. If the council determines to suspend or revoke a license, the suspension or revocation is not effective until 15 days after notification of the decision to the licensee. If, within that 15 days, the licensee files and serves an action in state or federal court challenging the council's action, the suspension or revocation is stayed until the conclusion of such action.
3. If the city council determines not to renew a license, the licensee may continue its business for 15 days after receiving notice of such non-renewal. If the licensee files and serves an action in state or federal court within that 15 days for the purpose of determining whether the City acted properly, the licensee may continue in business until the conclusion of the action.
4. If the city council does not grant a license to an applicant, then the applicant may commence an action in state or federal court within 15 days for the purpose of determining whether the City acted properly. The applicant may not commence doing business unless the action is concluded in its favor.

N. Transfer of License.

A licensee shall not transfer this license to another, nor shall a licensee operate an Adult Establishment under the authority of a license at any place other than the address designated in the application.

O. Severability.

Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance be held invalid by a court of competent jurisdiction it shall not invalidate any other section, provision, or part thereof. The City Council specifically declares that the licensing requirements in this Ordinance are severable from any and all of the other requirements of this Ordinance. The City Council further declares that it would have adopted the other requirements in this Ordinance regardless of the validity or invalidity of the licensing requirements.

P. Enforcement/Penalty.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties for a misdemeanor as prescribed by state law. Each day the violation continues shall be considered a separate misdemeanor offense punishable by a separate misdemeanor penalty. If an act which is a violation of this ordinance is also a violation of any other state or federal law, this clause shall not preclude the appropriate authorities from also charging the perpetrator with such separate crime or crimes, subject to the appropriate penalty for each such separate crime. Violations of this ordinance may also be enforced by an appropriate civil action in either state or federal court.

SUBDIVISION 12. OUTDOOR PARKING AND STORAGE.

- A. Purpose. The purpose of this Subdivision is to allow exterior storage of certain items in certain zoning districts in a manner that is not a danger to the public's health, safety, or welfare and that does not negatively impact adjacent property values or constitute a public nuisance.
- B. Exemption. Outdoor storage in the U-R Urban Reserve District is exempt from this Section.
- C. General Provisions. The following provisions apply to all zoning districts:
 - 1. No motor vehicles designed to operate on public highways which are unlicensed or in a condition prohibiting normal operation due to mechanical failure, defect, lack of required parts such as tires, or apparent damage from collision shall be stored on private property unless such vehicles are kept in a fully enclosed structure or fully enclosed manufactured licensed trailer, so that no part of the vehicle can be viewed by the public. Licensed Off-Road Vehicles, All-Terrain Vehicles and Off-Highway Motorcycles shall not be parked on a street or on private property for more than 48 concurrent hours within a 7-day week time period, unless such vehicles are kept in a fully enclosed manufactured licensed trailer, so that the public can view no part of the vehicle. Car parts, accessories, tools, and other items used to work on, repair, or otherwise used for said vehicles shall also be subject to the above conditions. Snowmobiles shall not be parked in front yard of any residential property for more than 48 concurrent hours within a 7-day week time period. No vehicles may be parked or stored on private property which are advertised for sale or rent, except that one vehicle maybe 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. This standard does not apply to instances where auto or recreational vehicle sales, storage, or repair is specifically allowed as a permitted or conditional use within a commercial or industrial zoning district.
 - 2. No motor vehicles designed to operate on public highways shall at any time be parked on the lawn areas of front or backyards, but may only be parked or stored on driveways, garages, or on all-weather dustless material as defined at subparagraph D (2) (a) below.
 - 3. Outdoor storage, including but not limited to equipment storage and the parking of vehicles, shall be prohibited as a principal use of property, unless specifically allowed as a permitted or conditional use within a designated zoning district.
 - 4. No recreational vehicle, trailer, or motor vehicle may be used as a residence, office, or business, except that business entities with a valid Peddler's Permit are exempt from this clause. In instances of special public events such as community festivals, or civic celebrations the City may by administrative permit allow such use.
 - 5. The City may order the owner of any property to cease or modify outdoor storage uses, including existing uses, provided it is found that the use constitutes a public nuisance as defined by City Code.

D. Residential Zoning Districts. The following standards apply to outdoor storage in all residential zoning districts.

1. The following types of outdoor storage are allowed.

- a) Clothes lines.
- b) Firewood, not exceeding two cords, for use only on the premises provided it is stored in an interior side or rear yard.
- c) Landscaping or construction materials or equipment to be used on the property within ninety (90) days.
- d) Off-street parking of no more than four (4) licensed and operable passenger automobiles and pick-up trucks, but not including commercial vehicles, provided they are stored in a manner as approved under this Code.
- e) Gardens, lawn furniture or fixtures, grills, children's toys, play features, and recreation/sports features such as basketball hoops which are constructed specifically for outdoor use providing, they are set back at least five (5) feet from the property line.
- f) Swimming pools as provided for under City Code.
- g) Licensed and operable sport recreation equipment (snowmobiles, personal watercraft, ATV's, off highway motorcycles, off road vehicles) not exceeding four total items, provided they are stored in a manner as approved under this Code.
- h) The off-street parking of one (1) boat in a manner approved under City Code. Boats stored outdoors during non-boating season shall be effectively screened from adjacent property lines as viewed from a public street or alley. "Effectively Screened" shall mean eighty percent (80%) of what is stored is not visible from an adjacent property line or as viewed from a public street or alley.
- i) The off-street parking of one (1) licensed and operable camper (camping trailer, truck camper, fifth wheel) or recreational vehicle (motor home, travel trailer) in a manner approved under City Code. A camper parked outdoors during the winter months shall be effectively screened from adjacent property lines as viewed from a public street or alley. "Effectively Screened" shall mean eighty percent (80%) of what is stored is not visible from an adjacent property line or as viewed from a public street or alley.
- j) The parking of one (1) licensed and operable commercial vehicle with a gross weight rating of less than 10,000 pounds in a manner approved under City Code. An additional commercial vehicle may be stored on a residential property provided an interim use permit is issued.
- k) The parking of one (1) licensed and operable trailer in a manner approved under City Code. An additional trailer may be stored on a residential property provided an interim use permit is issued. Horse and stock trailers are prohibited from being stored outdoors in a residential zoning district.

2. Outdoor storage area standards. The following standards apply to all outdoor storage areas in residential districts.

- a) Outdoor parking/storage areas in front yards and street-side corner yards shall be completely surfaced with an all-weather dustless material such as asphalt, concrete, pavers, bricks, or other equivalent material. Compacted gravel and/or rock is not a

suitable surface. Existing outdoor parking/storage areas in front yards and street-side corner yards shall be brought up to all-weather, dustless surfacing standards upon receipt of a zoning application to improve, enlarge, and/or expand said parking or storage areas.

- b) The aggregate area of a front yard or street-side corner yard used for any combination of driveway, sidewalk, parking, and/or storage shall not exceed the following:
 - i. Parcels with a total lot area of 5,999 square feet or less – fifty (50) percent of the front yard.
 - ii. Parcels with a total lot area of more than 5,999 square feet but less than 7,500 square feet – forty-five (45) percent of the front yard.
 - iii. Parcels with a total lot area of 7,500 square feet or more but less than 10,000 square feet – forty (40) percent of the front yard.
 - iv. Parcels with a total lot area of 10,000 square feet or more – thirty-five (35) percent of the front yard.
 - c) Any parking or storage area shall be a minimum of five (5) feet from any property line and shall not interfere with sight lines at intersections or placed over public sidewalks.
 - d) Outdoor storage of items shall be done in a neat and orderly manner meaning there is a regular systematic approach to storage of items as opposed to storage of items in piles or in a sporadic manner.
 - e) Vehicular access to outdoor storage areas in a rear or a side yard shall occur on the fee owner's private property and shall not interfere with a public or private easement.
3. Outdoor storage on vacant residential lots. Outdoor storage is allowed on vacant residential lots provided:
- a) No more than one vacant residential lot is used for storage.
 - b) Said vacant lot directly abuts, that is has a common lot line with a property under the same fee ownership.
 - c) One of the lots contains an established dwelling.
 - d) The total volume of outdoor storage on both lots combined shall not exceed that allowed under City Code as may be amended relating to types of outdoor storage allowed in residential districts.
- E. Commercial Zoning Districts. The following standards apply to outdoor storage in all commercial zoning districts.
- 1. Outdoor storage/display. Outdoor storage/display shall be governed by the respective zoning district in which such use is located.
 - 2. All outdoor storage shall be located in a rear or side yard. Outdoor storage is not allowed in a front yard.
 - 3. Outdoor storage shall be screened with suitable materials so as to maintain seventy-five (75) percent or more opacity when viewed from a lot line. This performance standard applies to HVAC equipment and garbage dumpsters which is associated with new construction.

4. The following are exempt from this Section E.
 - a) Merchandise being displayed for sale in accordance with zoning district requirements.
 - b) Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.
 - c) Merchandise on temporary display (i.e. 90 days or less) for sale.
 - d) Outdoor dining.
 - e) Outdoor sidewalk sales/signs.
- F. Industrial Zoning Districts. The following standards apply to outdoor storage in all industrial zoning districts.
 1. Outdoor storage/display. Outdoor storage/display shall be governed by the respective zoning district in which such use is located.
 2. Outdoor storage requires the issuance of an interim use permit.
 3. All outdoor storage shall be located in a rear or side yard. Outdoor storage is not allowed in a front yard.
 4. Outdoor storage shall be screened with suitable materials so as to maintain fifty (50) percent or more opacity when viewed from a lot line. This performance standard applies to HVAC equipment and garbage dumpsters which is associated with new construction.
 5. The following are exempt from this Section F:
 - a) Merchandise being displayed for sale in accordance with zoning district requirements.
 - b) Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.

CHAPTER 6: NUISANCES

- 6.01 Adoption of State Laws
- 6.02 Violation Penalties
- 6.03 Definitions
- 6.04 Noise Nuisances
- 6.05 Outdoor Gatherings
- 6.06 Fires
- 6.07 Refuse Control and Removal
- 6.08 Outdoor Parking and Storage
- 6.09 Lawn and Weed Control
- 6.10 Abatement Procedures
- 6.11 Repeat Nuisance Calls Service Fee

6.01 ADOPTION OF STATE LAWS

Minnesota Statute 609.74 PUBLIC NUISANCE is hereby adopted, to include any amendments or replacements thereof.

6.02 VIOLATION PENALTIES

Any violation of any section of this chapter shall be punishable as a misdemeanor under Minnesota Statute 609.02, Subdivision 3, or any laws amending or replacing such statute. However, in the discretion of the City, any such violation may be certified as a petty misdemeanor.

private or public property. It shall be considered prima facie a public nuisance if music, muffler emission or engine noises or any other noise emitted from a motor vehicle can be clearly heard from a distance of more than 50 feet from the vehicle. The driver of any offending motor vehicle, or if no driver is present, the owner of said vehicle, shall be considered the party violating this ordinance.

- C. This ordinance shall not apply to activities, events or celebrations specifically authorized by the City Council, including but not limited to community celebrations and parades, the Sibley County Fair, auto racing held at the Sibley County Fairgrounds, or athletic events held in city parks or on school grounds. Instead, the City Council shall establish specific rules for any such events, as the City Council deems appropriate, balancing the interest of public health and safety with the reasonable needs of such events. The specific rules to be set by the City for such events shall include but not be limited to allowed levels of noise, crowd control, parking and traffic flow rules, and event activity closing time and crowd evacuation time.

6.05 OUTDOOR GATHERINGS

- A. It is unlawful for any persons to congregate on any private property to participate in any party or gathering of people unless the owner of said private property is present or unless said owner has given written permission for such gathering, and such written permission is in the possession of one or more persons participating at the gathering. In the absence of the property owner, failure to display written permission as described herein upon request of a police officer shall be considered prima facie evidence of a violation of this Ordinance.
- B. It shall be unlawful for persons to participate in any gathering on any city street, sidewalk or parking lot, which impedes the flow of traffic, or which disturbs the peace, quiet, or repose of other persons. City parking lots are to be used for the parking of motor vehicles only, and not for social gatherings, except by specific written permission of the City Council in conjunction with community social activities and celebrations. A gathering of more than 5 persons for a consecutive time of more than 15 minutes in any City parking lot shall be considered prima facie evidence of a violation of this Ordinance.

6.06 FIRES

This Section does not apply to the City of Arlington brush and yard waste dump site, where occasional controlled burns of accumulated brush may take place by City Staff.

- A. Indoor Fires. Indoor fires mean any fires created within a fully enclosed structure. Indoor fires shall be allowed only in properly built and safe, UL approved furnaces and fireplaces, and shall be created only for the purpose of heating and food preparation. Only natural gas, propane, fuel oil, coal, or wood products may be used to fuel said fires.

- 1) It shall be considered a nuisance to collect, store or allow refuse contrary to this ordinance.
- 2) During construction or repair of property within the city limits, building materials shall be stacked or stored in a neat and orderly fashion, and in a manner so as to avoid presenting any danger to the general public. Refuse building materials shall be neatly piled or stored in garbage disposal containers. All building materials and refuse shall be cleared from the construction project no later than 14 days after completion of the construction or repair.
- 3) Hazardous Waste, as defined by Minnesota law, shall at all times be properly handled, stored and promptly removed by a properly trained and equipped person or entity, as soon as possible after said hazardous waste is detected by any person or entity. No hazardous waste is to be created or transported into city limits except in conformity with all federal, state and local laws, regulations and permits.

6.08 OUTDOOR PARKING AND STORAGE

A. Purpose. The purpose of this Subdivision is to allow exterior storage of certain items in certain zoning districts in a manner that is not a danger to the public's health, safety, or welfare and that does not negatively impact adjacent property values or constitute a public nuisance.

B. Exemption. Outdoor storage in the U-R Urban Reserve District is exempt from this Section.

C. General Provisions. The following provisions apply to all zoning districts:

- 1) No motor vehicles designed to operate on public highways which are unlicensed or in a condition prohibiting normal operation due to mechanical failure, defect, lack of required parts such as tires, or apparent damage from collision shall be stored on private property unless such vehicles are kept in a fully enclosed structure or fully enclosed manufactured licensed trailer, so that no part of the vehicle can be viewed by the public. Licensed Off-Road Vehicles, All-Terrain Vehicles and Off-Highway Motorcycles shall not be parked on a street or on private property for more than 48 concurrent hours within a 7-day week time period, unless such vehicles are kept in a fully enclosed manufactured licensed trailer, so that the public can view no part of the vehicle. Car parts, accessories, tools, and other items used to work on, repair, or otherwise used for said vehicles shall also be subject to the above conditions. Snowmobiles shall not be parked in front yard of any residential property for more than 48 concurrent hours within a 7-day week time period. No vehicles may be parked or stored on private property which are advertised for sale or rent, except

not exceeding four total items, provided they are stored in a manner as approved under this Code.

- h) The off-street parking of one (1) boat in a manner approved under City Code. Boats stored outdoors during non-boating season shall be effectively screened from adjacent property lines as viewed from a public street or alley. "Effectively Screened" shall mean eighty percent (80%) of what is stored is not visible from an adjacent property line or as viewed from a public street or alley.
- i) The off-street parking of one (1) licensed and operable camper (camping trailer, truck camper, fifth wheel) or recreational vehicle (motor home, travel trailer) in a manner approved under City Code. A camper parked outdoors during the winter months shall be effectively screened from adjacent property lines as viewed from a public street or alley. "Effectively Screened" shall mean eighty percent (80%) of what is stored is not visible from an adjacent property line or as viewed from a public street or alley.
- j) The parking of one (1) licensed and operable commercial vehicle with a gross weight rating of less than 10,000 pounds in a manner approved under City Code. An additional commercial vehicle may be stored on a residential property provided an interim use permit is issued.
- k) The parking of one (1) licensed and operable trailer in a manner approved under City Code. An additional trailer may be stored on a residential property provided an interim use permit is issued. Horse and stock trailers are prohibited from being stored outdoors in a residential zoning district.

2) Outdoor storage area standards. The following standards apply to all outdoor storage areas in residential districts.

- a) Outdoor parking/storage areas in front yards and street-side corner yards shall be completely surfaced with an all-weather dustless material such as asphalt, concrete, pavers, bricks, or other equivalent material. Compacted gravel and/or rock is not a suitable surface. Existing outdoor parking/storage areas in front yards and street-side corner yards shall be brought up to all-weather, dustless surfacing standards upon receipt of a zoning application to improve, enlarge, and/or expand said parking or storage areas.
- b) The aggregate area of a front yard or street-side corner yard used for any combination of driveway, sidewalk, parking, and/or storage shall not exceed the following:
 - (1) Parcels with a total lot area of 5,999 square feet or less – fifty (50) percent of the front yard.

- b) Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.
- c) Merchandise on temporary display (i.e. 90 days or less) for sale.
- d) Outdoor dining.
- e) Outdoor sidewalk sales/signs.

F. Industrial Zoning Districts. The following standards apply to outdoor storage in all industrial zoning districts.

- 1) Outdoor storage/display. Outdoor storage/display shall be governed by the respective zoning district in which such use is located.
- 2) Outdoor storage requires the issuance of an interim use permit.
- 3) All outdoor storage shall be located in a rear or side yard. Outdoor storage is not allowed in a front yard.
- 4) Outdoor storage shall be screened with suitable materials so as to maintain fifty (50) percent or more opacity when viewed from a lot line. This performance standard applies to HVAC equipment and garbage dumpsters which is associated with new construction.
- 5) The following are exempt from this Section F:
 - a) Merchandise being displayed for sale in accordance with zoning district requirements.
 - b) Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.

6.09 LAWN AND WEED CONTROL

A. Definitions.

- 1) "Control" means to destroy the aboveground growth of noxious weeds by a lawful method that prevents the maturation and spread of noxious weed propagating parts from one area to another. (Minnesota Statutes Chapter 18.77, Subdivision 3)
- 2) "Eradicate" means to destroy the aboveground growth and the roots of noxious weeds by a lawful method that prevents the maturation and spread of noxious weed propagating parts from one area to another. (Minnesota Statutes Chapter 18.77, Subdivision 4)
- 3) "Excessive Growth" means the growth of weeds or nonagricultural grass measured 12 inches or more in height.
- 4) "Nonagricultural Grass" means grasses that are not used or intended to be an agricultural commodity.
- 5) "Noxious Weed" means an annual, biennial, or perennial plant that the commissioner designates to be injurious to public health, the environment, public roads, crops, livestock, or other property. (Minnesota Statutes Chapter 18.77, Subdivision 8)

- b) The City may cite the owner and/or responsible party with a violation of city ordinance, which shall be considered a criminal misdemeanor.
 - c) The City may request that the Court issue its Order compelling the appropriate owner and/or responsible party to abate the nuisance within a time designated by the Court, subject to a contempt of court citation for noncompliance.
 - d) If the owner and/or responsible party fails to pay the city cost of abatement, the City may assess such charges against the property benefitted as a special assessment, under Minnesota law, for certification to the County Auditor in collection together with current taxes payable in the year following the violation.
- B. Emergency Abatement Procedure. When a nuisance is found to exist which constitutes an immediate danger or hazard if not immediately abated, and there does not exist sufficient time to follow the standard abatement procedures as set out in this ordinance, the City may abate the nuisance as follows:
- 1) The City shall order emergency abatement by an Order signed by either the Mayor, City Administrator, Chief of Police, Fire Chief or County Health Officer.
 - 2) Following the emergency abatement action, a notice shall be served by personal service or by mail on the owner and/or responsible party connected with the property describing the nuisance, the action taken by the City, the reason emergency abatement was needed, and the costs incurred in abating the nuisance, which said costs shall be charged to the appropriate owner and/or responsible party as set out elsewhere in this ordinance. The notice shall also state that the owner and/or responsible party shall have the right to appeal the emergency action abatement charge to the City Council, within 30 days after receiving the notice of said abatement. The City Council shall have the authority to waive the emergency abatement charge if the council, in its sole discretion, deems such waiver reasonable.

6.11 REPEAT NUISANCE CALLS SERVICE FEE

- A. Purpose: The purpose of this section is to protect the public safety, health and welfare and to prevent and abate repeat service response calls by the City to the same property or location for nuisance service calls, as defined herein, which prevent police or public safety services to other residents of the City. It is the intent of the City by the adoption of this Section to impose and collect service call fees from the owner or responsible party, or both, of property to which the City officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the City. The repeat nuisance service call fee is intended to cover the cost over and above the cost of providing normal law or code enforcement services and police protection City wide.

- 3) Be serviced personally or by U.S. Mail upon the owner or responsible party at the last known address.

F. Right to Appeal Repeat Nuisance Service Call Fee:

- 1) Upon the imposition of a repeat nuisance service call fee, the City shall inform the owner or responsible party of his/her right to a hearing on the alleged repeat nuisance service calls. The owner or responsible party upon whom the fee is imposed may request a hearing by service upon the City Administrator at City Hall within 10 business days of the mailing of the fee invoice, inclusive of the day the invoice is mailed, a written request for hearing. The hearing committee shall schedule the hearing within 14 days of the date of the owner's or responsible party's request for hearing.
- 2) The hearing shall be conducted in an informal manner and the Minnesota Rules of Civil Procedure and Rules of Evidence shall apply. The hearing shall be taped, but need not be transcribed at the sole expense of the party who requests the transcription. After considering all evidence submitted, the hearing committee shall make written findings of fact and conclusions on the issue of whether the City responded to or rendered services for repeat nuisance service calls of the same or similar kind on three or more occasions within a 365 day period. The findings and conclusions shall be serviced upon the owner or responsible party by U.S. Mail within five days of the conclusion of the hearing.
- 3) An owner or responsible party's right to a hearing shall be deemed waived if the owner or responsible party fails to serve written request for hearing as required herein or fails to appear at the scheduled hearing date. Upon waiver of the right to hearing, or upon the hearing officer's written findings of fact and conclusions that the repeat nuisance call service fee is warranted hereunder, the owner or responsible party shall pay the fee imposed and shall be deemed delinquent 30 days after the failure to appear at the appeal hearing or after the hearing committee's written findings of fact and conclusion.
- 4) Legal Remedies Nonexclusive: Nothing in this section shall be construed to limit the City's other available legal remedies for any violation of the law which may constitute a nuisance service call hereunder, including criminal, civil, injunctive or others.



PLANNING & ZONING COMMITTEE

Grabitske introduced the following resolution and moved for its adoption:

RESOLUTION NO. 5-2015

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SUBDIVISION 10 TO SECTION 13 RELATING TO OUTDOOR STORAGE"

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

WHEREAS, in 2014 the Arlington City Council, following receipt of complaints from the public, directed the Planning Commission to develop language regulating outdoor storage within the City; and,

WHEREAS, the Planning Commission initiated an amendment to Ordinance 169 relating to the storage of personal property outdoors; and,

WHEREAS, the Arlington Planning Commission reviewed and studied the issue and developed text to be included in an Ordinance entitled, "An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by adding Subdivision 10 to Section 13 Relating to Outdoor Storage"; and,

WHEREAS, a public hearing was properly noticed and held on May 7, 2015 by the City of Arlington Planning Commission; and,

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

NOW, THEREFORE, BE IT RESOLVED, that the Arlington Planning Commission recommends the City Council approve an Ordinance entitled: "An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by adding Subdivision 10 to Section 13 Relating to Outdoor Storage", a copy of which is attached as Exhibit A.

The motion for the adoption of the foregoing resolution was duly seconded by Pichelmann and upon poll being taken thereon the following voted in favor thereof: Carlson, Grabitske, Pauly, Pichelmann; and the following against the same: None; and the following abstained from voting: None; and the following were absent: Deno, Councilmember Battcher.

Adopted by the Planning & Zoning Committee of the City of Arlington this 7th day of May, 2015.

Signed: _____

Chairperson Mark Pauly

Attested: _____

Planning/Zoning Adm. Cynthia Smith-Strack

Whereupon the resolution was declared duly passed and executed.

EXHIBIT A

ORDINANCE NO. __

**AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY
ADDING SUBDIVISION 10 TO SECTION 13 RELATING TO OUTDOOR STORAGE**

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC
SAFETY, HEALTH AND WELFARE, HEREBY ORDAINS:

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC
SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 169, THE ZONING
ORDINANCE, SHALL BE AMENDED BY ADDING SUBDIVISION 10 TO SECTION 13 AS
FOLLOWS:**

SUBDIVISION 10. OUTDOOR STORAGE.

- A. Purpose. The purpose of this Subdivision is to allow exterior storage of certain items in certain zoning districts in a manner that is not a danger to the public's health, safety, or welfare and that does not negatively impact adjacent property values or constitute a public nuisance.
- B. Exemption. Outdoor storage in the U-R Urban Reserve District is exempt from this Section.
- C. General Provisions. The following provisions apply to all zoning districts:
 - 1. No motor vehicles designed to operate on public highways which are either inoperable or unlicensed or which are both inoperable and unlicensed shall be stored on private property unless as provided for by the City's nuisance regulations as may be amended. This standard does not apply to instances where auto sales, storage, or repair is specifically allowed as a permitted or conditional use within a commercial or industrial zoning district.
 - 2. Outdoor storage of items or storage of items in a manner constituting a nuisance as defined by City Ordinance 259, as may be amended is strictly prohibited.
 - 3. Outdoor storage, including but not limited to equipment storage and the parking of vehicles, shall be prohibited as a principal use of property, unless specifically allowed as a permitted or conditional use within a designated zoning district.
 - 4. No recreational vehicle, trailer, or motor vehicle may be used as a residence, office, or business or used for storage of items in conjunction with a residential, commercial, industrial, or business enterprise unless authorized to do so in conjunction with the issuance of an interim use permit as required under Section 15.5 of the Zoning Ordinance, as may be amended. Business entities with a valid Peddler's Permit are exempt from this clause. In instances of special public events such as community festivals, the county fair, or civic celebrations the City may by administrative permit allow such use.
 - 5. The City may order the owner of any property to cease or modify outdoor storage uses, including existing uses, provided it is found that the use constitutes a public nuisance as defined by City Ordinance.
- D. Residential Zoning Districts. The following standards apply to outdoor storage in all residential zoning districts.

1. All materials, equipment, and personal property shall be stored within a building or be fully screened so as not to be visible in any way from adjacent properties or rights-of-way, except the following:
 - i. Clothes lines.
 - ii. Fire wood, not exceeding two cords, for use only on the premises provided it is stored in an interior side or rear yard.
 - iii. Landscaping or construction materials or equipment to be used on the property within ninety (90) days.
 - iv. Off-street parking of licensed and operable passenger automobiles pick-up trucks, but not including commercial vehicles provided they are stored in a manner as approved under Section 13, Subd. 10(D)2 of this Ordinance.
 - v. Gardens, lawn furniture or fixtures, and recreation/sports features such as basketball hoops which are constructed specifically for outdoor use providing they are set back at least five (5) feet from the property line.
 - vi. Swimming pools as provided for under Section 13, Subdivision 5 of the Zoning Ordinance, as may be amended.
 - vii. Licensed and operable sport recreation equipment (snowmobiles, personal watercraft, ATV's, off highway motorcycles, off road vehicles) not exceeding four total items and subject to Arlington Ordinance 184, an Ordinance regulating the parking of all-terrain vehicles, off-road vehicles, off-highway vehicles, and snowmobiles within the City of Arlington, as may be amended. The standards contained in Section 13, Subd. 10(D)2 of this Ordinance apply.
 - viii. Boats may be stored in a front yard in a manner approved under Section 13, Subd. 10(C)2 of this Ordinance during boating season.
 - ix. The parking of one (1) licensed and operable camper (camping trailer, truck camper, fifth wheel) or recreational vehicle (motor home, travel trailer) in a manner approved under Section 13, Subd. 10(D)2 during non-winter months and subject to Section 13, Subd. 10(C)4 of this Ordinance.
 - x. The parking of one (1) licensed and operable commercial vehicle a gross weight rating of less than 10,000 pounds in a manner approved under Section 13, Subd. 10(D)2 of this Ordinance. An additional commercial vehicle may be stored on a residential property provided an interim use permit is issued under Section 15.5 of the Zoning Ordinance, as may be amended.
 - xi. The parking of one (1) licensed and operable trailer in a manner approved under Section 13, Subd. 10(D)2 of this Ordinance. An additional trailer may be stored on a residential property provided an interim use permit is issued under Section 15.5 of the Zoning Ordinance, as may be amended. Horse and stock trailers are prohibited from being stored outdoors in a residential zoning district.
2. Outdoor storage area standards. The following standards apply to all outdoor storage areas in residential districts.

- i. Outdoor parking/storage areas in front yards and street-side corner yards shall be surfaced with an all weather dustless material such as asphalt, concrete, pavers, bricks, or other equivalent material. Compacted gravel and/or rock is not a suitable surface. Existing outdoor parking/storage areas in front yards and street-side corner yards shall be brought up to all-weather, dustless surfacing standards upon receipt of a zoning application to improve, enlarge, and/or expand said parking or storage areas.
 - ii. The aggregate area of a front yard or street-side corner yard used for any combination of drive-way, sidewalk, parking, and/or storage shall not exceed the following:
 1. Parcels with a total lot area of 5, 999 square feet or less – fifty (50) percent of the front yard.
 2. Parcels with a total lot area of more than 5,999 square feet but less than 7,500 square feet – forty-five (45) percent of the front yard.
 3. Parcels with a total lot area of 7,500 square feet or more but less than 10,000 square feet – forty (40) percent of the front yard.
 4. Parcels with a total lot area of 10,000 square feet or more – thirty-five (35) percent of the front yard.
 - iii. Any parking or storage area shall be a minimum of five (5) feet from any property line and shall not interfere with sight lines at intersections or placed over public sidewalks.
 - iv. Outdoor storage of items shall be done neat and orderly manner meaning there is a regular systematic approach to storage of items as opposed storage of items in piles or in a sporadic manner.
 - v. Outdoor storage surfaces in a rear or interior side yard shall at a minimum consist of four (4) inches of compacted gravel, crushed rock, recycled concrete, a concrete slab, and/or similar materials. Outdoor storage surfaces of grass, lawn, weeds, mulch, non-organic material, or topsoil is prohibited.
 - vi. Vehicular access to outdoor storage areas in a rear or a side yard shall occur on the fee owner's private property and shall not interfere with a public or private easement.
- E. Commercial Zoning Districts. The following standards apply to outdoor storage in all commercial zoning districts.
1. Outdoor storage/display. Outdoor storage/display shall be governed by the respective zoning district in which such use is located.
 2. All outdoor storage shall be located in a rear or side yard. Outdoor storage is not allowed in a front yard.
 3. Outdoor storage shall be screened with suitable materials so as to maintain seventy-five (75) percent or more opacity when viewed from a lot line. This performance standard applies to HVAC equipment and garbage dumpsters which is associated with new construction.
 4. The following are exempt from Section 13, Subd. 10(E)(2) and Section 13, Subd. 10(E)(3) of this Ordinance, as may be amended:

- i. Merchandise being displayed for sale in accordance with zoning district requirements.
- ii. Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.
- iii. Merchandise on temporary display (i.e. 90 days or less) for sale.
- iv. Outdoor dining.
- v. Outdoor sidewalk sales/signs.

F. Industrial Zoning Districts. The following standards apply to outdoor storage in all industrial zoning districts.

- 1. Outdoor storage/display. Outdoor storage/display shall be governed by the respective zoning district in which such use is located.
- 2. Outdoor storage requires the issuance of an interim use permit as provided for under Section 15.5 of this Ordinance, as may be amended.
- 3. All outdoor storage shall be located in a rear or side yard. Outdoor storage is not allowed in a front yard.
- 4. Outdoor storage shall be screened with suitable materials so as to maintain fifty (50) percent or more opacity when viewed from a lot line. This performance standard applies to HVAC equipment and garbage dumpsters which is associated with new construction.
- 5. The following are exempt from Section 13, Subd. 10(F)(2), Section 13, Subd. 10(F)(3), and Section 13, Subd. 10(F)(4) of this Ordinance, as may be amended:
 - i. Merchandise being displayed for sale in accordance with zoning district requirements.
 - ii. Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.

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

Adopted by the City of Arlington on the ____ day of _____, 2015.

Attest:

Richard Nagel, Mayor

Liza M. Donabauer, City Administrator



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

RESOLUTION NO. 70-2016

**A RESOLUTION APPROVING AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING
SUBDIVISION 10, SECTION 13 OF ORDINANCE 169, THE ARLINGTON ZONING
ORDINANCE, RELATING TO OUTDOOR STORAGE" AND AUTHORIZING
SUMMARY PUBLICATION THEREOF**

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

WHEREAS, in 2015, the Arlington City Council approved Ordinance 300 entitled, "An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by adding Subdivision 10 to Section 13 Relating to Outdoor Storage"; and,

WHEREAS, in 2016 the City Council requested the Planning and Zoning Commission review standards relating to outdoor storage following comments from the public and to provide clarification for administration on the standards; and,

WHEREAS, the Planning and Zoning Commission reviewed the language and input from the public and City Staff and prepared an amendment to clarify the intent of the standards and provide for clear administration of the standards; and,

WHEREAS, a public hearing was properly noticed and held on December 1, 2016 by the City of Arlington Planning Commission; and,

WHEREAS, the Planning Commission, following discussion, approved a resolution recommending the City Council approve the proposed ordinance; and,

WHEREAS, the City Council held first reading of the Ordinance at a regular meeting on December 5, 2016; and,

WHEREAS, the City Council held second reading of the Ordinance at a regular meeting on December 19, 2016; and,

WHEREAS, the Ordinance is itemized in Exhibit A which is attached to this resolution; and,

WHEREAS, the City Council of the City of Arlington has determined the publication of the title and a summary of Ordinance 311 would clearly inform the public of the intent and effect of the Ordinance; and,

EXHIBIT A

ORDINANCE NO. 311

AN ORDINANCE AMENDING ORDINANCE 169, AN ORDINANCE AMENDING SUBDIVISION 10, SECTION 13 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO OUTDOOR STORAGE

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 169, THE ZONING ORDINANCE, SECTION 13, SUBD. 10 SHALL BE AMENDED AS FOLLOWS:**

SUBDIVISION 10. OUTDOOR STORAGE.

- A. Purpose. The purpose of this Subdivision is to allow exterior storage of certain items in certain zoning districts in a manner that is not a danger to the public's health, safety, or welfare and that does not negatively impact adjacent property values or constitute a public nuisance.
- B. Exemption. Outdoor storage in the U-R Urban Reserve District is exempt from this Section.
- C. General Provisions. The following provisions apply to all zoning districts:
1. No motor vehicles designed to operate on public highways which are unlicensed or in a condition prohibiting normal operation due to mechanical failure, defect, lack of required parts such as tires, or apparent damage from collision shall be stored on private property unless as provided for by the City's nuisance regulations as may be amended. This standard does not apply to instances where auto sales, storage, or repair is specifically allowed as a permitted or conditional use within a commercial or industrial zoning district.
 2. Outdoor storage of items or storage of items in a manner constituting a nuisance as defined by City Ordinance 259, as may be amended is strictly prohibited.
 3. Outdoor storage, including but not limited to equipment storage and the parking of vehicles, shall be prohibited as a principal use of property, unless specifically allowed as a permitted or conditional use within a designated zoning district.
 4. No recreational vehicle, trailer, or motor vehicle may be used as a residence, office, or business. Except that business entities with a valid Peddler's Permit are exempt from this clause. In instances of special public events such as community festivals, the county fair, or civic celebrations the City may by administrative permit allow such use.
 5. The City may order the owner of any property to cease or modify outdoor storage uses, including existing uses, provided it is found that the use constitutes a public nuisance as defined by City Ordinance.
- D. Residential Zoning Districts. The following standards apply to outdoor storage in all residential zoning districts.
1. The following types of outdoor storage are allowed.
 - i. Clothes lines.
 - ii. Fire wood, not exceeding two cords, for use only on the premises provided it is stored in an interior side or rear yard.
 - iii. Landscaping or construction materials or equipment to be used on the property within ninety (90) days.
 - iv. Off-street parking of no more than four (4) licensed and operable passenger automobiles

and pick-up trucks, but not including commercial vehicles provided they are stored in a manner as approved under Section 13, Subd. 10(D)2 of this Ordinance.

- v. Gardens, lawn furniture or fixtures, grills, children's toys, play features, and recreation/sports features such as basketball hoops which are constructed specifically for outdoor use providing they are set back at least five (5) feet from the property line.
- vi. Swimming pools as provided for under Section 13, Subdivision 5 of the Zoning Ordinance, as may be amended.
- vii. Licensed and operable sport recreation equipment (snowmobiles, personal watercraft, ATV's, off highway motorcycles, off road vehicles) not exceeding four total items and subject to Arlington Ordinance 184, an Ordinance regulating the parking of all-terrain vehicles, off-road vehicles, off-highway vehicles, and snowmobiles within the City of Arlington, as may be amended. The standards contained in Section 13, Subd. 10(D)2 of this Ordinance apply.
- viii. Boats may be stored in a front yard in a manner approved under Section 13, Subd. 10(C)2 of this Ordinance. Boats stored outdoors during non-boating season shall be effectively screened from adjacent property lines as viewed from a public street or alley. "Effectively Screened" shall mean eighty percent (80%) of what is stored is not visible from an adjacent property line as viewed from a public street or alley.
- ix. The parking of one (1) licensed and operable camper (camping trailer, truck camper, fifth wheel) or recreational vehicle (motor home, travel trailer) in a manner approved under Section 13, Subd. 10(D)2 and subject to Section 13, Subd. 10(C)4 of this Ordinance. A camper parked outdoors during the winter months shall be effectively screened from adjacent property lines as viewed from a public street or alley. "Effectively Screened" shall mean eighty percent (80%) of what is stored is not visible from an adjacent property line as viewed from a public street or alley. screened
- x. The parking of one (1) licensed and operable commercial vehicle a gross weight rating of less than 10,000 pounds in a manner approved under Section 13, Subd. 10(D)2 of this Ordinance. An additional commercial vehicle may be stored on a residential property provided an interim use permit is issued under Section 15.5 of the Zoning Ordinance, as may be amended.
- xi. The parking of one (1) licensed and operable trailer in a manner approved under Section 13, Subd. 10(D)2 of this Ordinance. An additional trailer may be stored on a residential property provided an interim use permit is issued under Section 15.5 of the Zoning Ordinance, as may be amended. Horse and stock trailers are prohibited from being stored outdoors in a residential zoning district.

2. Outdoor storage area standards. The following standards apply to all outdoor storage areas in residential districts.

- i. Outdoor parking/storage areas in front yards and street-side corner yards shall be completely surfaced with an all-weather dustless material such as asphalt, concrete, pavers, bricks, or other equivalent material. Compacted gravel and/or rock is not a suitable surface. Existing outdoor parking/storage areas in front yards and street-side corner yards shall be brought up to all-weather, dustless surfacing standards upon receipt of a zoning application to improve, enlarge, and/or expand said parking or storage areas.
- ii. The aggregate area of a front yard or street-side corner yard used for any combination of drive-way, sidewalk, parking, and/or storage shall not exceed the following:
 - 1. Parcels with a total lot area of 5,999 square feet or less – fifty (50) percent of the front yard.
 - 2. Parcels with a total lot area of more than 5,999 square feet but less than 7,500

square feet – forty-five (45) percent of the front yard.

3. Parcels with a total lot area of 7,500 square feet or more but less than 10,000 square feet – forty (40) percent of the front yard.
4. Parcels with a total lot area of 10,000 square feet or more – thirty-five (35) percent of the front yard.
- iii. Any parking or storage area shall be a minimum of five (5) feet from any property line and shall not interfere with sight lines at intersections or placed over public sidewalks.
- iv. Outdoor storage of items shall be done in a neat and orderly manner meaning there is a regular systematic approach to storage of items as opposed to storage of items in piles or in a sporadic manner.
- v. Vehicular access to outdoor storage areas in a rear or a side yard shall occur on the fee owner's private property and shall not interfere with a public or private easement.
3. Outdoor storage on vacant residential lots. Outdoor storage is allowed on vacant residential lots provided:
 - i. No more than one vacant residential lot is used for storage.
 - ii. Said vacant lot directly abuts, that is has a common lot line with, a property under the same fee ownership.
 - iii. One of the lots contains an established dwelling.
 - iv. The total volume of outdoor storage on both lots combined shall not exceed that allowed under Section 13, Subd. 10(D)(1)(i-xi) of the Arlington Zoning Ordinance as may be amended relating to types of outdoor storage allowed in residential districts.

E. Commercial Zoning Districts. The following standards apply to outdoor storage in all commercial zoning districts.

1. Outdoor storage/display. Outdoor storage/display shall be governed by the respective zoning district in which such use is located.
2. All outdoor storage shall be located in a rear or side yard. Outdoor storage is not allowed in a front yard.
3. Outdoor storage shall be screened with suitable materials so as to maintain seventy-five (75) percent or more opacity when viewed from a lot line. This performance standard applies to HVAC equipment and garbage dumpsters which is associated with new construction.
4. The following are exempt from Section 13, Subd. 10(E)(2) and Section 13, Subd. 10(E)(3) of this Ordinance, as may be amended:
 - i. Merchandise being displayed for sale in accordance with zoning district requirements.
 - ii. Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.
 - iii. Merchandise on temporary display (i.e. 90 days or less) for sale.
 - iv. Outdoor dining.
 - v. Outdoor sidewalk sales/signs.

F. Industrial Zoning Districts. The following standards apply to outdoor storage in all industrial zoning districts.

1. Outdoor storage/display. Outdoor storage/display shall be governed by the respective zoning district in which such use is located.
2. Outdoor storage requires the issuance of an interim use permit as provided for under Section 15.5 of this Ordinance, as may be amended.
3. All outdoor storage shall be located in a rear or side yard. Outdoor storage is not allowed in a front yard.
4. Outdoor storage shall be screened with suitable materials so as to maintain fifty (50) percent or more opacity when viewed from a lot line. This performance standard applies to HVAC equipment and garbage dumpsters which is associated with new construction.
5. The following are exempt from Section 13, Subd. 10(F)(2), Section 13, Subd. 10(F)(3), and Section 13, Subd. 10(F)(4) of this Ordinance, as may be amended:
 - i. Merchandise being displayed for sale in accordance with zoning district requirements.
 - ii. Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.

II. EFFECTIVE DATE.

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

Adopted by the City of Arlington on the ____ day of _____, 2016.

For City of Arlington:

By Richard Nagel
It's Mayor

By Liza M. Donabauer
It's Administrator

WHEREAS, prior to the publication of the title and summary, the Council has read and approved the text of the summary and determined that it clearly informs the public of the intent and effect of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Arlington City Council hereby approves an Ordinance No. 311 entitled: "An Ordinance Amending Subdivision 10, Section 13 of Ordinance 169, the Arlington Zoning Ordinance, Relating to Outdoor Storage", a copy of which is attached as Exhibit A.

BE IT FURTHER RESOLVED that the City Administrator shall cause a summary of Ordinance No. 311 to be published in the City's official newspaper at the earliest practicable date; and,

BE IT FURTHER RESOLVED, the summary publication shall read as follows:

"On December 19, 2016 the City Council of the City of Arlington approved Ordinance No. 311, entitled, 'An Ordinance Amending Subdivision 10, Section 13 of Ordinance 169, the Arlington Zoning Ordinance, Relating to Outdoor Storage'. The Ordinance in its entirety is available for review and/or photocopying during regular office hours at the City of Arlington, 204 Shamrock Drive, Arlington, Minnesota 55307. The Ordinance applies to outdoor storage on private residential, commercial, and industrial properties. Outdoor storage is allowed but the volume of the front yard used for such purposes is limited based on lot size. Storage is allowed in side and rear yards provided it is not within required setbacks and it is stored in a neat and orderly fashion. The storage of campers, sport recreation vehicles, cars/trucks, commercial equipment/vehicles, and storage of miscellaneous items such as pallets, tires, parts/equipment, dirt piles, and similar items is regulated. Land use review and approval is required for outdoor storage."

The motion for the adoption of the foregoing resolution was duly seconded by Wills and upon poll being taken thereon the following voted in favor thereof: Battcher, Jaszewski, Nuesse, Wills; and the following against the same: Heiland; and the following abstained from voting: None; and the following were absent: None.

Adopted by the City Council of the City of Arlington this 19th day of December, 2016.

Signed: Richard Nagel
Mayor

Attested: Jo M. Donaban
City Administrator

Whereupon the resolution was declared duly passed and adopted and was signed by the Mayor whose signature was attested by the City Administrator.



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

RESOLUTION NO. 44-2015

A RESOLUTION APPROVING ORDINANCE NO. 300 ENTITLED, "AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SUBDIVISION 10 TO SECTION 13 RELATING TO OUTDOOR STORAGE" AND PROVIDING FOR SUMMARY PUBLICATION THEREOF

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

WHEREAS, in 2014 the Arlington City Council, following receipt of complaints from the public, directed the Planning Commission to develop language regulating outdoor storage within the City; and,

WHEREAS, the Planning Commission initiated an amendment to Ordinance 169 relating to the storage of personal property outdoors; and,

WHEREAS, the Arlington Planning Commission reviewed and studied the issue and developed text to be included in an Ordinance entitled, "An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by adding Subdivision 10 to Section 13 Relating to Outdoor Storage"; and,

WHEREAS, a public hearing was properly noticed and held on May 7, 2015 by the City of Arlington Planning Commission; and,

WHEREAS, the Planning Commission following the public hearing discussed the proposed ordinance and approved a resolution recommending the City Council approve the draft Ordinance; and,

WHEREAS, the City Council approved the first reading of Ordinance 300 at its regular meeting on May 18, 2015; and,

WHEREAS, the City Council approved the second reading of Ordinance 300 at its regular meeting on June 1, 2015; and,

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

WHEREAS, the City Council of the City of Arlington has determined the publication of the title and a summary of Ordinance 300 would clearly inform the public of the intent and effect of the Ordinance; and,

WHEREAS, prior to the publication of the title and summary, the Council has read and approved the text of the summary and determined that it clearly informs the public of the intent and effect of the Ordinance.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Arlington hereby approves Ordinance 300 as presented in Exhibit A which is attached to this resolution; and,

BE IT FURTHER RESOLVED that the City Administrator shall cause a summary of Ordinance No. 300 to be published in the City's official newspaper at the earliest practicable date; and,


BE IT FURTHER RESOLVED, the summary publication shall read as follows:

"On June 1, 2015 the City Council of the City of Arlington approved Ordinance 300, entitled, 'An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by Adding Subdivision 10 to Section 13, Relating to Outdoor Storage'. The Ordinance in its entirety is available for review and/or photocopying during regular office hours at the City of Arlington, 204 Shamrock Drive, Arlington, Minnesota 55307. The Ordinance applies to outdoor storage on private residential, commercial, and industrial properties. Outdoor storage is allowed but the volume of the front yard used for such purposes is limited based on lot size. Storage is allowed in side or rear yards provided it is not within required setbacks, it is placed on a proper compacted base, and it is stored in a neat and orderly fashion. The storage of campers, sport recreation vehicles, cars/trucks, commercial equipment/vehicles, and storage of miscellaneous items such as pallets, tires, parts/equipment, dirt piles, and similar items is regulated. Land use review and approval is required for outdoor storage."


The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Jaszewski and upon poll being taken thereon the following voted in favor thereof: Battcher, Heiland, Jaszewski, Nuesse, Wills; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: None.

Adopted by the City Council of the City of Arlington this 1st day of June, 2015.

Signed:


Mayor

Attest:


City Administrator

Whereupon the resolution was declared duly passed and adopted and was signed by the Mayor whose signature was attested by the City Administrator.

EXHIBIT A

ORDINANCE NO. 300

**AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY
ADDING SUBDIVISION 10 TO SECTION 13 RELATING TO OUTDOOR STORAGE**

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 169, THE ZONING ORDINANCE, SHALL BE AMENDED BY ADDING SUBDIVISION 10 TO SECTION 13 AS FOLLOWS:**

SUBDIVISION 10. OUTDOOR STORAGE.

- A. Purpose. The purpose of this Subdivision is to allow exterior storage of certain items in certain zoning districts in a manner that is not a danger to the public's health, safety, or welfare and that does not negatively impact adjacent property values or constitute a public nuisance.
- B. Exemption. Outdoor storage in the U-R Urban Reserve District is exempt from this Section.
- C. General Provisions. The following provisions apply to all zoning districts:
 - 1. No motor vehicles designed to operate on public highways which are either inoperable or unlicensed or which are both inoperable and unlicensed shall be stored on private property unless as provided for by the City's nuisance regulations as may be amended. This standard does not apply to instances where auto sales, storage, or repair is specifically allowed as a permitted or conditional use within a commercial or industrial zoning district.
 - 2. Outdoor storage of items or storage of items in a manner constituting a nuisance as defined by City Ordinance 259, as may be amended is strictly prohibited.
 - 3. Outdoor storage, including but not limited to equipment storage and the parking of vehicles, shall be prohibited as a principal use of property, unless specifically allowed as a permitted or conditional use within a designated zoning district.
 - 4. No recreational vehicle, trailer, or motor vehicle may be used as a residence, office, or business or used for storage of items in conjunction with a residential, commercial, industrial, or business enterprise unless authorized to do so in conjunction with the issuance of an interim use permit as required under Section 15.5 of the Zoning Ordinance, as may be amended. Business entities with a valid Peddler's Permit are exempt from this clause. In instances of special public events such as community festivals, the county fair, or civic celebrations the City may by administrative permit allow such use.
 - 5. The City may order the owner of any property to cease or modify outdoor storage uses, including existing uses, provided it is found that the use constitutes a public nuisance as defined by City Ordinance.
- D. Residential Zoning Districts. The following standards apply to outdoor storage in all residential zoning districts.
 - 1. All materials, equipment, and personal property shall be stored within a building or be fully screened so as not to be visible in any way from adjacent properties or rights-of-way, except the following:
 - i. Clothes lines.
 - ii. Fire wood, not exceeding two cords, for use only on the premises provided it is stored in an interior side or rear yard.
 - iii. Landscaping or construction materials or equipment to be used on the property within ninety (90) days.
 - iv. Off-street parking of licensed and operable passenger automobiles and pick-up trucks, but not including commercial vehicles provided they are stored in a manner as

- approved under Section 13, Subd. 10(D)2 of this Ordinance.
 - v. Gardens, lawn furniture or fixtures, and recreation/sports features such as basketball hoops which are constructed specifically for outdoor use providing they are set back at least five (5) feet from the property line.
 - vi. Swimming pools as provided for under Section 13, Subdivision 5 of the Zoning Ordinance, as may be amended.
 - vii. Licensed and operable sport recreation equipment (snowmobiles, personal watercraft, ATV's, off highway motorcycles, off road vehicles) not exceeding four total items and subject to Arlington Ordinance 184, an Ordinance regulating the parking of all-terrain vehicles, off-road vehicles, off-highway vehicles, and snowmobiles within the City of Arlington, as may be amended. The standards contained in Section 13, Subd. 10(D)2 of this Ordinance apply.
 - viii. Boats may be stored in a front yard in a manner approved under Section 13, Subd. 10(C)2 of this Ordinance during boating season.
 - ix. The parking of one (1) licensed and operable camper (camping trailer, truck camper, fifth wheel) or recreational vehicle (motor home, travel trailer) in a manner approved under Section 13, Subd. 10(D)2 during non-winter months and subject to Section 13, Subd. 10(C)4 of this Ordinance.
 - x. The parking of one (1) licensed and operable commercial vehicle a gross weight rating of less than 10,000 pounds in a manner approved under Section 13, Subd. 10(D)2 of this Ordinance. An additional commercial vehicle may be stored on a residential property provided an interim use permit is issued under Section 15.5 of the Zoning Ordinance, as may be amended.
 - xi. The parking of one (1) licensed and operable trailer in a manner approved under Section 13, Subd. 10(D)2 of this Ordinance. An additional trailer may be stored on a residential property provided an interim use permit is issued under Section 15.5 of the Zoning Ordinance, as may be amended. Horse and stock trailers are prohibited from being stored outdoors in a residential zoning district.
2. Outdoor storage area standards. The following standards apply to all outdoor storage areas in residential districts.
- i. Outdoor parking/storage areas in front yards and street-side corner yards shall be surfaced with an all weather dustless material such as asphalt, concrete, pavers, bricks, or other equivalent material. Compacted gravel and/or rock is not a suitable surface. Existing outdoor parking/storage areas in front yards and street-side corner yards shall be brought up to all-weather, dustless surfacing standards upon receipt of a zoning application to improve, enlarge, and/or expand said parking or storage areas.
 - ii. The aggregate area of a front yard or street-side corner yard used for any combination of drive-way, sidewalk, parking, and/or storage shall not exceed the following:
 - 1. Parcels with a total lot area of 5, 999 square feet or less – fifty (50) percent of the front yard.
 - 2. Parcels with a total lot area of more than 5,999 square feet but less than 7,500 square feet – forty-five (45) percent of the front yard.
 - 3. Parcels with a total lot area of 7,500 square feet or more but less than 10,000 square feet – forty (40) percent of the front yard.
 - 4. Parcels with a total lot area of 10,000 square feet or more – thirty-five (35) percent of the front yard.
 - iii. Any parking or storage area shall be a minimum of five (5) feet from any property line and shall not interfere with sight lines at intersections or placed over public sidewalks.
 - iv. Outdoor storage of items shall be done in a neat and orderly manner meaning there is a regular systematic approach to storage of items as opposed to storage of items in piles or in a sporadic manner.
 - v. Outdoor storage surfaces in a rear or interior side yard shall at a minimum consist of

four (4) inches of compacted gravel, crushed rock, recycled concrete, a concrete slab, and/or similar materials. Outdoor storage surfaces of grass, lawn, weeds, mulch, non-organic material, or topsoil is prohibited.

- vi. Vehicular access to outdoor storage areas in a rear or a side yard shall occur on the fee owner's private property and shall not interfere with a public or private easement.

E. Commercial Zoning Districts. The following standards apply to outdoor storage in all commercial zoning districts.

1. Outdoor storage/display. Outdoor storage/display shall be governed by the respective zoning district in which such use is located.
2. All outdoor storage shall be located in a rear or side yard. Outdoor storage is not allowed in a front yard.
3. Outdoor storage shall be screened with suitable materials so as to maintain seventy-five (75) percent or more opacity when viewed from a lot line. This performance standard applies to HVAC equipment and garbage dumpsters which is associated with new construction.
4. The following are exempt from Section 13, Subd. 10(E)(2) and Section 13, Subd. 10(E)(3) of this Ordinance, as may be amended:
 - i. Merchandise being displayed for sale in accordance with zoning district requirements.
 - ii. Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.
 - iii. Merchandise on temporary display (i.e. 90 days or less) for sale.
 - iv. Outdoor dining.
 - v. Outdoor sidewalk sales/signs.

F. Industrial Zoning Districts. The following standards apply to outdoor storage in all industrial zoning districts.

1. Outdoor storage/display. Outdoor storage/display shall be governed by the respective zoning district in which such use is located.
2. Outdoor storage requires the issuance of an interim use permit as provided for under Section 15.5 of this Ordinance, as may be amended.
3. All outdoor storage shall be located in a rear or side yard. Outdoor storage is not allowed in a front yard.
4. Outdoor storage shall be screened with suitable materials so as to maintain fifty (50) percent or more opacity when viewed from a lot line. This performance standard applies to HVAC equipment and garbage dumpsters which is associated with new construction.
5. The following are exempt from Section 13, Subd. 10(F)(2), Section 13, Subd. 10(F)(3), and Section 13, Subd. 10(F)(4) of this Ordinance, as may be amended:
 - i. Merchandise being displayed for sale in accordance with zoning district requirements.
 - ii. Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.

II. EFFECTIVE DATE.

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

For City of Arlington:


By Richard Nagel
It's Mayor

By Liza M. Donabauer
It's Administrator

Tiny Home's Policy

Purpose

The City of Arlington seeks to take steps to pursue innovative housing types and creative housing programs to help meet existing and future housing needs.

Definitions

Tiny Home- A dwelling that is 400 square feet or less.

Fixed in Place- Permanent structures built on a foundation, either as site-built or as prefabricated modular.

Tiny Houses on Wheels- Structure that may be assembled on a chassis with wheels and lack permanent foundations.

Regulations

The following are tiny home regulations in accordance with the standards of this section:

- (a) must be between 120 sq ft to 400 sq ft to qualify as a tiny home;
- (b) minimum width of 8ft;
- (c) minimum height of 13ft;
- (d) tiny homes must be at minimum 10ft apart from each other;
- (e) Fixed in Place shall be placed on a permanent foundation which is defined as a floating slab with a rodent inhibiting barrier extending to a depth of at least one (1) foot below the average grade.

Standards

The applicant shall establish, by submittal of a plot plan, photograph(s), and other pertinent data that:

- (a) The establishment, maintenance, location, and operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (c) The proposed tiny homes will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the neighborhood.
- (d) The establishment of the proposed homes will not impede the normal and orderly development and improvement of surrounding property for uses permitted in that district.
- (e) Any illumination or drainage shall be contained on site and directed away from abutting properties.
- (f) Tiny Homes used as dwelling units must comply with the Minnesota Building Code.
- (g) No home shall encroach or be built into an easement.
- (h) Tiny Houses on Wheels that are self-propelled vehicles or trailers equipped as temporary human living quarters need a license and title issued by the Department of Transportation.
- (i) Tiny Homes that are fixed in place and on wheels, are permitted in R-1 One Family Residential, R-2 One & Two Family Residential District, R-3 Multiple Family Residential and R-MH Manufactured Home Residential Zoning Districts and are required to meet the setback and parking regulations of each Zoning District.

Administrator Action

Before approving an application, the City of Arlington shall recommend reasonable adjustments including, but not limited to, items concerning utilities, drainage, noise, landscaping, and maintenance thereof, lighting, access, egress, screening of accessways to ensure that authorization of the proposed exception is consistent with the standards found.

PLANNING COMMISSION

FACT SHEET

ARLINGTON MN

OVERVIEW

The Arlington Planning is the City's designated "Planning Agency" authorized by Minn. Stats. 462.354. The City has assigned the Arlington Planning Commission powers and duties given municipal planning agencies generally by law. The Planning Commission operates in an advisory capacity to the City Council. Therefore, it may hold hearings, prepare ordinances, hear application requests, and hear appeals, but its role is to make recommendations to the Council. The Commission consists of seven members, six members who are non-elected citizens of the City and the seventh who is a member of the City Council. Officers of the Commission are elected by members on annual basis. Meetings must follow Robert's Rules of Order.

FUNCTION

The Planning Commission operates in three distinct capacities:

- **Planning:** In its planning capacity the Planning Commission administers the Arlington Comprehensive Plan and proposes updates to the Plan. The Comprehensive Plan guides the overall growth, development, and redevelopment of the City. The Plan establishes a vision and policy framework for achieving the vision.
- **Legislative:** In its legislative capacity the Planning Commission reviews existing sections of the City Code relating to land use (zoning), platting of property (subdivision), and other Code sections if requested by the City Council. The Commission, with the assistance of staff, prepares Code amendments as warranted.
- **Regulatory:** In its regulatory capacity the Planning Commission reviews requests for conditional use permits, variances, rezoning (an amendment of the official zoning map), text amendment (an amendment to text of the Code), site plan approval, and appeals relating to interpretation of the Code language.

DISCRETION

The Planning Commission and the City in general have varying levels of discretion when making decisions:

- The Planning Commission and City may exercise broad discretion when operating in a planning capacity and establishing/updating the Comprehensive Plan and associated documents such as park plans, capital improvement plans, housing plans, etc.
- The Planning Commission and City may exercise discretion when creating ordinances and policies. In certain situations, federal or state law supersedes local discretionary authority.

- The Planning Commission and City have less discretion when administering and implementing local laws (ordinances) they have previously approved. As such it is important to follow the process prescribed in the City Code.
- The Planning Commission and City have no discretion to vary from building codes (where adopted).

TOOLS OF THE TRADE

Each Planning Commissioner should be familiar with the following resources:

- The Arlington Comprehensive Plan, as may be amended. In every issue, a Commissioner's first thought should be: "Is this action consistent with the Comprehensive Plan"? If not the first action is to remedy the inconsistency.
- The Arlington Zoning Ordinance (Chapter 31) establishes standards relating to land use (zoning), including the official zoning map.
- The Arlington Subdivision Ordinance (Chapter 27) establishes standards relating to platting (subdivision) of property.

A CLOSER LOOK

COMMON TOPICS

As a Planning Commissioner you will most likely become very familiar with the following items:

- **Conditional Use Permits:** Under the zoning code the City is divided into various zoning districts (residential, commercial, industrial) and within each zoning district certain uses are 'permitted' and certain uses are 'conditional uses'. Conditional uses require a public hearing and approval by the City Council before the use is allowed. The public hearing allows for comment from adjacent property owners and the general public who could be impacted by the proposed use. Occasionally you may encounter an 'interim use permit'. The difference between conditional and interim use permits is that conditional use permits run with the property (not the owner), but interim use permits can have a specific ending date established in the permit.
- **Variances:** A variance from existing established standards may be requested by owners of property. A variance to a use of property is not lawful. The Planning Commission and City Council must carefully review variance requests and consider state law relating thereto. The City must establish facts that illustrate a 'practical difficulty' as defined by Minn. stat. 462.357.
- **Non-Conformance:** When the code changes, occasionally properties become out-of-compliance due to the code/law adoption. Oftentimes such properties are said to be 'grand-fathered' which points to legal non-conforming status. An undeveloped lot, a structure on a lot, or a use of property may have legal non-conforming rights.
- **Spot Zoning:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive zoning plan. Spot zoning per se may not be illegal; it may only

be descriptive of a certain set of facts and consequently neutral with respect to whether it is valid or invalid. Spot zoning should be considered invalid only when all the following factors are present

- A small parcel of land is singled out for special and privileged treatment
 - The singling out is not in the public interest but only for the benefit of the landowner
 - The action is not in accord with the comprehensive plan
- The 60-Day Rule: Under Minn. Stat. cities have 60 days to process requests following an application being accepted as complete. The City of Arlington requires applications be submitted on specific forms and accompanied by a fee. Specific process items apply, and extensions are possible.

HELPFUL TIPS

A few tips:

- Every request the Commission reviews is unique — carefully review what is being proposed and how it relates to relevant standards including the Comprehensive Plan, zoning code, and other codes.
- While there is not a singular approach to preparing findings of fact on which decisions are based, in general, findings should be specific and relate to the related application and current code standards.
- Build a record for each request. The record should include application materials, citations to relevant standards, staff memos, any/all correspondence relating to the request, written comments relating to the request, minutes of the hearing (including references to oral testimony provided during the hearing), records of mailed and published hearing notices, resolutions or orders stating specific action and findings. If an issue is litigated the litigation is based on the record — did you follow the prescribed process is key to favorable outcomes.
- Ask questions —to staff, to the applicant, to other members —just ASK.
- Listen — physically and mentally.
- Public hearings are for presenting facts. Public hearings are not debates.
- Remember reasonable people can disagree separate people from the problem, get to the facts, use a fair process, remain open to being persuaded, recognize the 'good' along with the 'bad', and avoid 'us vs. them' mentality.
- Dealing with irate citizens or packed hearings: The Chair should inform all present of the process. You may limit comment period for each person to a reasonable time period (five minutes). Also, remember the purpose of the hearing is not to debate but adjudicate based on facts. PC members should listen to public comment and wait to discuss the issue until the public has been heard.
- Diffuse conflict by active listening (ask questions to clarify the issue), avoid being defensive, restate the issue to show understanding, don't make promises you can't honor or that rely on actions of others, and, if you agree to take action do so in a timely manner. Remember, you don't need to tolerate threats or improper behavior, call it what it is and leave the room.

PUBLIC HEARING PROCESS/PROTOCOL

1. Recess regular meeting (Chairperson)
2. Open the public hearing regarding the proposed scope of work (Chairperson)
3. Invite staff to present information on the proposed scope of work (Chairperson)
4. Accept statements from the public (minimum of five minutes per statement) (Chairperson)
5. If received, acknowledge receipt of written comments received (Chairperson or other member of Commission)
6. Close public hearing (Chairperson)
7. Reconvene the regular meeting (Chairperson)
8. Planning Commission discusses the draft proposed scope of work (Chairperson presides, all invited to participate)
9. Following discussion, the attached resolution is available for consideration.