

MEMO

From: Jessica Hughes, Assistant to the City Administrator
 To: Planning Commission Members
 Date: 09.29.2022
 RE: RZB Moratorium Meeting Six Recommendations

Dear Planning Commission and City Council Members,

We are getting close to the end of the moratorium process for Residential Zone Businesses. Our next meeting will be on October 5th, 2022. Discussion will be held on prohibited business types and any final edits to be made to the draft ordinance. **If possible, Staff encourage Planning Commission members to make a recommendation to Council at this meeting.**

Please find below the moratorium topics to be addressed. City Council Members, please read the recommendations and answer the associated questions.

1. Prohibited Businesses

- a. Currently: There are no prohibited business types.
- b. Recommendation:
 - i. The following business types should be prohibited from operating in any residential district:
 1. Sales, tune-up, servicing, repair, salvage, wrecking, or painting services for non-property owner automobiles, trucks, boats, trailers, snowmobiles, recreational vehicles, or other motorized vehicles.
 2. Excavating.
 3. Welding or machine shops.
 4. Tow truck services.
 5. Ammunition manufacturing.
 6. Staging areas/dispatch centers.
 7. Over the counter retail sales without appointments (unless conducted entirely by mail or internet).
 8. Trash or junk hauler operations.
 9. Businesses involving explosives.
 10. Wedding venues and event centers.
- c. **Question: Do you agree with the above recommendations? If not, what would you add, remove, or change?**

2. Ordinance Review

- a. Staff would like for the Planning Commission to make a recommendation to the Council at the October 6th meeting.
- b. Please do a final review of the ordinance draft (included in the RZB packet).
- c. **Question: Do you agree with the current draft of the ordinance? If not, what would you add, remove, or change?**

Other Cities' List of Prohibited Businesses

City Name	Prohibited Business Types
Columbus (home occupation)	None.
Columbus (residential zone business)	None
Yorkville (page 650)	Firearm/ammunition sales. On-site tune-up, servicing, repair, salvage, wrecking, or painting services for non-property owner automobiles, trucks, boats, trailers, snowmobiles, recreational vehicles, or other motorized vehicles.
Zumbrota (page 134) (special)	Repair service or manufacturing that requires equipment other than found in a home. Teaching more than two pupils at a time. Over-the-counter sale of merchandise produced off premises. There is a list of permitted home occupations.
Plymouth (Permitted)	auto repair, any businesses or educational programs that meet regularly and have more than 5 non-residents in attendance, firearm/ammunition sales/repair, pet care facilities (excluding grooming).
Plymouth (Licensed)	auto repair, any businesses or educational programs that meet regularly and have more than 5 non-residents in attendance, firearm/ammunition sales/repair, pet care facilities (excluding grooming).
Ramsey (Level I)	Anything that is NOT art occupation, telecommuter with indoor office, and fully online sales operations. Internal combustion engines, ammunition manufacturing, motor vehicle sales, dispatch centers, retail sales.
Ramsey (Level II)	Internal combustion engines, ammunition manufacturing, motor vehicle sales, dispatch centers.
Roseville (page 150)	wholesale or retail (unless conducted entirely by mail or internet); manufacturing, welding, machine shop; motor vehicle repair; firearms/ammunition sale, lease, trade, transfer; headquarters/dispatch center.

Oak Grove (no permit)	None.
Oak Grove (permit)	On-site sales cannot be the primary objective of the business.
Nowthen (Permitted) (page 149)	No retail sales.
Nowthen (extended) (page 149)	Retail sales must be limited to minor products that are ancillary to a home occupation service.
Medina (Page 7)	No over the counter retail sales.
Medina (Conditional Use) (Page 7)	No over the counter retail sales.
Evansville (Permitted) (Page 5)	Manufacturing of items, sale of items on the premises, vehicle repair or body work businesses. Home occupation is restricted to service-oriented businesses.
Evansville (Conditional Use) (Page 5)	
Deephaven (Page 25)	service, repair, painting of vehicles, trailers, boats, personal watercraft, recreation vehicles and snowmobiles. Dispatch centers medical or dental clinic rental businesses contracting, excavating, welding or machine shops commercial kennels and veterinary clinics tow truck services sale/lease/trade/transfer of firearms or ammunition sale/use of hazardous materials in excess of consumer quantities packaged for consumption by individual households for personal care or household use. retail sales and delivery of product to public. anything else deemed detrimental or inconsistent with residential character of neighborhood.

Deephaven (Special) (Page 25)	<p>service, repair, painting of vehicles, trailers, boats, personal watercraft, recreation vehicles and snowmobiles. Dispatch centers medical or dental clinic rental businesses contracting, excavating, welding or machine shops commercial kennels and veterinary clinics tow truck services sale/lease/trade/transfer of firearms or ammunition sale/use of hazardous materials in excess of consumer quantities packaged for consumption by individual households for personal care or household use. retail sales and delivery of product to public. anything else deemed detrimental or inconsistent with residential character of neighborhood.</p>
Dayton (Administrative Home Occupations)	<p>No direct sales of goods to customers.</p>
Dayton (Home Extended Businesses)	<p>Direct sale of goods that are not produced on the site.</p>
Corcoran (allowed) (page 357)	<p>Staging areas/dispatch center.</p>
Corcoran (special) (page 357)	<p>Staging areas/dispatch center.</p>
Corcoran (CHOL)	<p>Staging areas/dispatch center.</p>
Andover (permitted) (page 70)	<p>Instead of prohibiting certain types of businesses, they have a list of businesses that are allowed as permitted home occupations. No in-person retail sales; antique shops, boutiques, dress shops, gift shops; restaurants, coffee shops, tearooms; offices for physicians, dentists, vets, chiropractors; autor repair, vehicle cleaning; dancing schools and studios; dispatching; palm reading and fortune telling; preparation of food for sale; radio, TV, appliance repair; shops and storage yards for contractors and tradesman; tattoo parlor; tanning salon; trash hauler operations other than home office.</p>

Andover (by IUP) (page 70)	No in-person retail sales; antique shops, boutiques, dress shops, gift shops; restaurants, coffee shops, tearooms; offices for physicians, dentists, vets, chiropractors; autor repair, vehicle cleaning; dancing schools and studios; dispatching; palm reading and fortune telling; preparation of food for sale; radio, TV, appliance repair; shops and storage yards for contractors and tradesman; tattoo parlor; tanning salon; trash hauler operations other than home office.
Lino Lakes (Level A) (page 69)	no motor vehicle repair, paint or body work, commercial preparation of food, business involving explosives, ammunition or weapons, no ambulance or emergency services. No wholesale or retail business unless its entirely by mail or occasional home invitation
Lino Lakes (Level B) (Page 69)	no motor vehicle repair, paint or body work, commercial preparation of food, business involving explosives, ammunition or weapons, no ambulance or emergency services. No retail or wholesale business unless its entirely by mail or occasional home invitation, it is exclusively the sale of products produced on site, and is incidental to a service provided on site.
Lino Lakes (Level C) (Page 69)	no motor vehicle repair, paint or body work, commercial preparation of food, business involving explosives, ammunition or weapons, no ambulance or emergency services. Limited operation of wholesale or retail business is allowed.
Jordan (permitted)	There is a list of businesses that are considered permitted. Prohibited: repair service or manufacturing requiring equipment other than found in a home; teaching more than 2 people at once; sale of merchandise produced off premises except brand name products that are not marketed and sold in a wholesale or retail outlet; manufacturing business. Tattoo establishments.
Jordan (special)	There is a list of businesses that are defined as special home occupations. Prohibited: manufacturing business. Tattoo establishments.
Hugo (permitted)	no commodities except incidental materials or agricultural products.
Hugo (urban IUP)	no commodities except incidental materials or agricultural products. Vehicle and engine repair, vehicle painting, woodworking and cabinet making, medical or dental clinics, welding or machine shops, massage or tattoo parlors, animal hospitals, rental businesses, restaurants, contractor's yards,
Hugo (rural IUP)	no commodities except incidental materials or agricultural products.
Isanti (permitted) (page 3)	no operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sales. Retail sales/delivery service can occur if on appointment basis or conducted by mail. No manufacturing or processing business.

Isanti (Special) (page 3)	<p>no operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sales. Retail sales must be accessory or incidental to primary residential use.</p>
Isanti (Extended) (page 3)	<p>no operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sales. Retail sales must be accessory or incidental to primary residential use.</p>
Ham Lake (page 63)	<p>None.</p>
Ham Lake (special) (page 63)	<p>None.</p>

Current Draft of Home Occupation Ordinance and Related Code Sections

RZB Moratorium
Changes to Applicable Provisions of City Code

SECTION 7A-201. WORDS AND PHRASES DEFINED. Definitions. The definitions contained in this Section shall apply to all land use, zoning and subdivision regulations of the City Code.

49. **“Home Occupation 1”** - Any gainful occupation or profession engaged in by the property owner and/or occupant of a dwelling. A home occupation is a small home-based family or professional business where the economic activity is performed within a dwelling unit with minimal storage in an accessory structure.

50. **“Home Occupation 2”** - Any gainful occupation or profession engaged in by the property owner and/or occupant of a dwelling, which exceeds the limitations of a Home Occupation as defined in subsection 49 of this Section, and may impact more than the dwelling unit of a property. Home Occupation 2s shall not be permitted on lots less than 5 acres and will only be permitted in the rural residential district. Home Occupation 2s are subject to the following:

- a. An Interim Use Permit (Section 7A-530 through 7A-532) is required for a Home Occupation 2.
- b. The property on which a Home Occupation 2 is proposed must be in conformance with all minimum dimensional standards required in Section 7A-801.
- c. A Home Occupation 2 must conform with the performance standards prescribed in Section 7A-806.

79. **“Parking”** – Temporary keeping of a vehicle on a driveway or Parking Pad lasting up to roughly one (1) week.

80. **“Parking Pad”** – An area of at least 9’ x 18’ in size, where 8-12” of top soil has been removed and replaced with 4-6” of rough gravel and 4-6” of small gravel, and compacted to create a smooth surface.

126. **“Vehicle Storage”** – Outdoors non-temporary keeping of a vehicle not on a driveway or Parking Pad lasting longer than one (1) week.

SECTION 7A-806. HOME OCCUPATIONS. There are two types of home occupations, those which require a permit and those which do not.

- A. General Standards: These standards shall apply to all Home Occupations whether or not a permit is required:
 - a. No Home Occupation shall produce odor, dust, noise, electrical disturbances, glare, vibrations, fire, fumes, hazards, or other nuisances (visual or otherwise) which have an objectionable effect on adjacent or nearby properties and are not customarily associated with residential use.
 - b. Home Occupations must be clearly incidental and secondary to the residential use and shall not change the residential character of the neighborhood.
 - c. Any equipment that will create electrical interference to adjacent properties is prohibited.
 - d. Home Occupations must comply with city nuisance code.
 - e. Home Occupations shall not require internal or external alterations or involve construction features not customarily found in dwellings except where to comply with local and state fire and police recommendations.
 - f. Home Occupations shall comply with all EPA, MPCA, and watershed rules and regulations to ensure a minimal environmental impact.
 - g. Should any Home Occupation related activity or materials attract vermin, the Home Occupation owner shall be required to cease the activity and/or remove materials immediately.
- B. Home Occupation 1: A Home Occupation 1 is any gainful occupation or profession engaged in by the property owner and/or occupant of a dwelling. A Home Occupation 1 is a small home-based family or professional business where the economic activity is performed within a dwelling unit with minimal storage in an accessory structure. Home Occupations 1s are subject to the following additional minimum requirements and limitations:
 - a. No persons other than those residing on the premise shall be engaged in such Home Occupation;
 - b. Home Occupation 1s are allowed only when the principal use of the property is maintained and occupied as a residence.
 - c. The use of the Dwelling Unit for the Home Occupation 1 shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty percent (20%) of the floor area of the Dwelling Unit shall be used in the conduct of the Home Occupation, and not more than 300 square feet of one (1) Accessory Building shall be used to store materials related to the Home Occupation 1;
 - d. There shall be no change in the outside appearance of the Building or Premises, or other visible evidence of the conduct of such Home Occupation 1 other than one (1) sign not exceeding two (2) square feet in area, with a vertical length of not more than four times the horizontal width, non-illuminated, and mounted flat against the wall of the Principal Building; and one (1) commercial vehicle parked outside in the driveway or on a parking pad which is used in connection with the Home Occupation 1 and may bear the name of the business.

- e. No traffic shall be generated by such Home Occupation 1 in greater volume than would normally be expected to a residence in a residential neighborhood, and the Driveway shall be designed accordingly;
 - f. No traffic shall be generated in connection with such Home Occupation 1 by vehicles associated with the home occupation, other than one (1) commercial vehicle which may bear the name of the business.
 - g. No on-street parking for Home Occupation related vehicles is permitted.
 - h. No outside display or storage of materials, products, debris, junk, waste, equipment or vehicles associated with Home Occupation 1s is permitted.
 - i. No customer visits are permitted.
 - j. Vehicle Storage of Home Occupation 1 related vehicles is prohibited.
 - k. Deliveries of the type not normally expected in a residential district shall be limited to Monday-Friday.
 - l. The number of deliveries by a vehicle over 20,000 GVW is limited to one (1) per week.
- C. Home Occupations 2: Home Occupation 2s are clearly accessory and incidental to the principal residential use of property in the Rural Residential (RR) District. Home Occupation 2s are considered a privilege and not a right. The use of a residence for a business is allowed only for those businesses that can be conducted on residential property with little or no impact on adjacent residential uses. Home Occupation 2s are not intended for growing or larger businesses that are customarily located in commercially-zoned properties. The use of a residence for a business is considered temporary and is not allowed to change the appearance of the residential property or affect the future use of the principal or accessory structures for residential purposes. Home Occupation 2s are subject to the following additional minimum requirements and limitations:
- a. Purpose: The purpose of this section is to provide a means for Home Occupation 2s to be conducted while preventing competition with the business districts and maintaining the character and integrity of the rural residential district. Standards and procedures have been developed to allow Home Occupations 2s in the rural residential district without jeopardizing the health, safety, and general welfare of the surrounding neighborhood.
 - b. Home Occupation 2s are allowed only in the Rural Residential (RR) District.
 - c. Home Occupation 2s are allowed only on properties five (5) acres or larger.
 - d. The property on which a Home Occupation 2 is proposed must be in conformance with all minimum dimensional standards required in the City Code.
 - e. A Home Occupation 2 require an Interim Use Permit.
 - f. An Interim Use Permit is required for any Home Occupation 2 that does not meet the definition and standards for a Home Occupation 1.
 - g. Home Occupation 2s are allowed only when the principal use of the property is maintained and occupied as a residence.
 - h. The use of the Dwelling Unit for the Home Occupation 2 shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty percent (30%) of floor area of the Dwelling Unit shall be used in the conduct of the Home Occupation, and not more than 1,200 square feet of one (1) Accessory Building shall be used in connection with the Home Occupation 2.
 - i. One (1) non-resident employee is allowed to use the premise of the Home Occupation on a regular basis.

- j. No outside display or storage of materials, products, debris, junk, waste, equipment, or vehicles associated with Home Occupation 2s is permitted except vehicles customarily allowed for the principal residential use of the property.
- k. One (1) commercial vehicle which is used in connection with the Home Occupation 2 and bears the name of the business may be parked outside in the driveway or on a parking pad.
- l. The operation and conduct of Home Occupation 2s shall be consistent with the performance standards and all other requirements of the Columbus City Code.
- m. The operation and conduct of Home Occupation 2s shall occur only within the principal building and 1,200 square feet of one (1) accessory building, except for vehicle usage, deliveries, and similar incidental activities that cannot be conducted within structures.
- n. The operation and conduct of Home Occupation 2s shall be considered “invisible” to adjacent properties to the extent practicable and shall not impact the principal use and enjoyment of adjacent properties for residential purposes.
- o. Proposed additions and renovations to principal and accessory buildings to be used for Home Occupation 2s shall not be permitted when such additions and renovations may be determined by the City to jeopardize or limit the future use of the property for normal residential purposes.
- p. An Interim Use Permit application must clearly identify the following information:
 - i. A narrative statement describing the business.
 - ii. Daily routine and frequency of proposed business activities with regard to business vehicular use, deliveries, and any customer or client visits to the premises.
 - iii. Number of non-resident employees using the premise of the Home Occupation on a regular basis.
 - iv. Number and type of vehicles to be stored on site.
 - v. Whether parking spaces will be added, and if so, the location of such spaces.
 - vi. The accessory building and square footage to be dedicated to the Home Occupation (if applicable).
 - vii. Whether the business is regulated by the state or another entity.
 - viii. The area and square footage of space dedicated to the Home Occupation inside the dwelling.
- q. The term of the Interim Use Permit for a Home Occupation 2 shall be up to five (5) years in length, but the first renewal shall occur after two (2) years.
- r. An inspection of the Home Occupation to determine compliance with Home Occupation 2 and permit regulations shall occur within 90 days after the permit is issued.
- s. Inspections of the Home Occupation 2 shall occur annually for the first three (3) years, and if the Home Occupation is regularly compliant, the inspection shall be reduced to once every two (2) years.
- t. If the Home Occupation 2 business is regulated by the state or other entity, proof of up-to-date licensure shall be required.
- u. The City hereby reserves the right, upon issuing any Interim Use Permit, to inspect (with proper notice) the premises in which the occupation is being conducted to ensure compliance with the provisions of this section or any conditions additionally imposed.
- v. Provision saying exigent circumstances allow inspection of property without notice.
- w. Normal hours of Home Occupation 2 activities which are visible or detectable outside the principal or accessory structures shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday.
- x. A property with a Home Occupation 2 permit may have two (2) parking spaces outside of the main driveway to be used for personal employee vehicles, personal customer

- vehicles, or one (1) Home Occupation-related vehicles. These parking spaces must be located on a Parking Pad, not be located within 50 feet of the lot line, and must be located alongside or at the rear of the dwelling unit or accessory building designated for the Home Occupation 2.
- y. A maximum of eight (8) customer visits per day are permitted for a Home Occupation 2, by appointment only. No more than one (1) customer at a time is permitted.
 - z. Deliveries of the type not normally expected in a residential district shall be limited to Monday-Friday.
 - aa. The number of deliveries by a vehicle over 20,000 GVW is limited to one (1) per week.
 - bb. The number of trips to and from the property for all vehicles associated with the home occupation shall be limited to eight (8) per day.
 - cc. No on-street parking for Home Occupation related vehicles is permitted.
 - dd. Additional landscaping, screening, fencing, or other buffering may be required for any Home Occupation 2.
 - ee. Vehicle Storage of Home Occupation related vehicles outside of garages and the one (1) Accessory Building designated for the Home Occupation is prohibited.
 - ff. One non-illuminated sign, parallel to and affixed to the plane of a wall of the principal structure and not exceeding two square feet in area, is permitted for any Home Occupation 2. Permitted vehicles or equipment with business identification signs or other advertising associated with the Home Occupation 2 shall not be parked or displayed on the premises for advertising purposes.
 - gg. The City may impose additional conditions, standards, or requirements for a Home Occupation 2 deemed appropriate and necessary to protect the public health, safety and welfare.
 - hh. No expansion or intensification of an Interim Use Permit for a Home Occupation 2 shall be permitted unless in conformance with all other provisions of the City Code.
 - ii. An Interim Use Permit for a Home Occupation 2 shall be terminated consistent with the provisions in the City Code.
- D. Exempted Business Types: The following business types are exempt from the Home Occupation 1 and 2 ordinances:
- a. Private education, for example:
 - i. One-on-one tutoring services.
 - ii. Musical instrument instruction for groups less than ten (10).
 - b. Periodic sales, for example:
 - i. Product sales with private social events if they happen four (4) times or less per year.
 - c. State-regulated businesses, for example:
 - i. Day care facilities.
 - ii. Cosmetology services.
- E. Prohibited Business Types: The following business types are prohibited as Home Occupation 1 and Home Occupation 2:



COLUMBUS

Rural Nature. Urban Access

To: City of Columbus Planning Commission

From: Megan Rogers, Assistant City Attorney

Date: October 5, 2022

Re: Commercial/Industrial District Planning Study

The City Council enacted a moratorium in June of this year designed to provide staff and this Commission with an opportunity to study existing permitted and conditional uses within the Commercial/Industrial District. The Council highlighted the need for further review of:

- Building trade/contractor offices, including company-owned vehicle repair and storage of company owned vehicles, equipment and materials
- Light industrial manufacturing, processing, assembling, storing, testing or similar industrial uses
- Implement and recreational vehicles sales and service
- Appliance and electronic service repair businesses
- Vehicle service and repair businesses and body shops
- Used auto sales
- Machine shops, welding shops and similar service establishments
- Warehousing and storage facilities

The Council further directed the Planning Commission to analyze:

- The future market demand for the uses described above within the C/I District
- The appropriateness of the C/I to accommodate additional development
- How other communities regulate the above described uses
- Whether there is a need for additional or more prescriptive standards of approval
- Whether there are additional design criteria for these types of uses that should be incorporated into the zoning ordinance

At the Planning Commission's September 7th meeting, staff and the commissioners completed Phase I of the planning study. Commissioners discussed the historical development of the district and reviewed the 2040 comprehensive plan's directive that commercial and industrial uses should line Lake Drive. Planning Commissioners and staff identified active uses along the corridor, discussed which uses are permitted by the zoning ordinance as drafted today and those

uses which are legally non-conforming. Planning Commissioners provided feedback about ideal uses and general guidance on the future zoning and land use for the Lake Drive corridor. The Commission highlighted ongoing concerns related to truck traffic, impacts to residential property owners, nuisance conditions along the corridor, and the need for clear regulations surrounding uses and performance standards.

At the Planning Commission's Phase II (Commission meeting #2) of the study focuses on the addition of particularized definitions to the Zoning Ordinance and revisions to the list of permitted and conditional uses in the C/I District. The Commission tentatively adopted proposed definitions of uses included in this memoranda. Staff recommended utilizing a two zoning district approach within the Commercial/Industrial land use described in the City's 2040 plan to address the risks associated with creating legal non-conforming uses and to better protect residential uses on the west side of the Lake Drive corridor from potential impacts of more intense uses. The Commission discussed concerns related to creation of legal non-conformities with further revision of the C/I District. Legal non-conformities are those uses that were permitted, by right or via conditional use permit, when the zoning ordinance or amendment was adopted. Minnesota law dictates that any legal nonconformity has a right to continue through repair, replacement, restoration, maintenance, or improvement. Until 2004, these rights were limited to repair and maintenance, but were then expanded to include restoration, replacement, and improvement. The rights of legal nonconformities benefit the land and are not limited to a particular landowner.

The Commission further discussed the economic risk related to creating non-conforming uses and heard testimony from members of the public in attendance raising these concerns. The policy of allowing nonconforming uses to continue originated in concerns that the application of zoning regulations to uses existing prior to the regulations' enactment might be construed as an unconstitutional taking. It was assumed that, by limiting their enlargement and reconstruction, they would disappear over time. With the statutory guarantee of improvement and replacement, uses that are commercially viable are less likely to "disappear". The Planning Commission was generally supportive of creating a CUP to permit expansion of a legal non-conforming use. This new category would restrict new similar uses while encouraging improvement and reinvestment in an existing commercially viable use subject to conditions to guard against expansions that would change the character of a district or create significant additional traffic, dust, noise odor, etc.

Phase III (Commission meeting #3) focuses on performance standards for each permitted and conditional use. Performance standards provide a quantitative measurement to ensure that a defined use is within predetermined limits and is well suited for the zoning district rather than relying solely on qualitative descriptions.

Staff is seeking Planning Commission feedback on the revised ordinance and performance standards presented within this memo.

I. *Proposed Definitions*

SECTION 7A-201. WORDS AND PHRASES DEFINED. Definitions. The definitions contained in this Section shall apply to all land use, zoning and subdivision regulations in the City Code.

Artisan Shop: A retail store selling art works and other handcrafted items where the facility includes an area, not to exceed 50% of the total shop floor area for crafting of the items to be sold.

Automotive, Mobile Home, Travel Trailer, Farm Implement, and Construction Machinery Sales: The sale or rental of new or used motor vehicles, Mobile Homes, Travel Trailers, Farm Implements, and Construction Machinery, including repair and service.

Brewery, Craft/Micro: A facility that produces for sale, distribution and consumption beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than .5% alcohol by volume, and which possesses the appropriate federal, state and municipal license and which produces more than 3,500 barrels of malt liquor in a calendar year.

Catering Business: a business that prepares food and or beverages to be delivered off site for consumption with no on site retail sales other than operation of an affiliated mobile food unit.

Contractor Shop: an establishment primarily engaged in the on-site or off-site provision of services for the construction, maintenance, cleaning, or repair of buildings, building components, and properties on a fee or contractual basis and may include office for the purpose of such business. Such services may include, but are not limited to, plumbing, electrical, heating and air conditioning, landscaping, roofing, painting and general construction.

Contractor Yard-Limited: An establishment providing general contracting, building/site maintenance, or building construction services including but not limited to fleet vehicles, outdoor storage of trailers or machinery and or seasonal equipment.

Contractor Yard: An establishment providing general contracting, building/site maintenance or building construction services including (but not limited to) outdoor storage or large construction equipment or machinery (loader, grader, bulldozer, scraper, crane, or similar), trailers, seasonal equipment, office space, fleet maintenance, and loose materials.

Junk: Any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered Junk. Common examples of Junk include wrecked vehicles, scrap metal, scrap paper and rags, rubber tires, scrap plastic, and scrap glass.

Junk Buildings, Junk Shops, Junk Yards: Any land, property, Structure, Building or combination of the same, on or in which Junk is stored or processed.

Limited Production/Processing: Light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar principal or primary uses which are predominately conducted indoors and which would not be incompatible with other office, retail, service uses that may be in the same building, or complex. Limited production/processing does not include industrial processing from raw materials.

Low impact, High technology manufacturing: An establishment engaged in the manufacture or assembly of high value added technology products in a manner that does not create negative impacts on surrounding uses due to odors, smoke, dust, noise, vibration or other factors. Examples of high technology manufacturing that may also be low impact include, but are not limited to, the manufactures or assembly of computer components and medical devices.

Machinery and Equipment Repair, Heavy: The repair, servicing, maintenance, and reconstruction of machinery and equipment typically utilized by manufacturing and industrial establishments including: tool repair services, machine shops, welding shops, and other repair services similar in nature to those above.

Manufacturing-Light: The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of surgical instruments; processing, and packing of food products or cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations and any similar item.

Manufacturing- Heavy: Manufacturing, assembly, processing, research, development, or similar uses which may involve raw materials and have the potential to produce objectionable influences on surrounding properties or adverse effects on the environment. Manufacturing production and processing uses require special measures and careful site selection to ensure compatibility with the surrounding area.

Office Showroom: A facility in which the handling of information or the performing of administrative services is conducted as a principal use; including services provided to persons both on-site and off-site on a walk-in or appointment basis. Up to 25% of the gross floor area of the structure may be used for the display of merchandise and equipment, and its sale to a customer where delivery of purchased merchandise is made directly to the ultimate consumer from a warehouse.

Recreation Facility, Commercial: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreation activities operated as a business and open to the public for a fee.

Salvage Facility: a commercial use where the salvaging, scavenging, or recycling of any goods including motor vehicles, motor vehicle parts, appliances, batteries, tires, or general recycling of items such as aluminum cans, paper, or glass and plastic bottles is conducted.

Wholesale Establishment: An establishment providing storage, distribution, and sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale, or retail sales of goods received by the establishment but generally not sale of goods for individual consumption.

I. Proposed Uses and Division of Existing C/I District

Based on staff's review of zoning ordinances around the metro area and analysis of the City's zoning authority under Minnesota Statutes and case law, staff believes that the most effective mechanism for regulating the existing and future uses along Lake Drive is through the creation of two related commercial/industrial districts. This approach guards against creating swaths of legal non-conforming uses while recognizing that nearly the entire west side of the current C/I District is adjacent to residentially zoned property. Draft language and a list of permitted and conditional uses for the proposed districts is included below.

Policy considerations related to permitted versus conditional uses

The advantage to conditional uses is that the City retains the authority (quasi-judicial authority rather than legislative authority) to review the proposed use subject to a public hearing and may attach reasonable conditions related to the ordinance standards based upon factual evidence contained in the public record. Listing a use as conditional rather than permitted may serve to discourage applicants from applying because of the cost and uncertainty associated with the application process or the increase in the amount of time it takes to obtain approval. The goal in regulating conditional uses should be to balance the need for diversity and proximity to certain uses against any potential impacts such uses may have on the surrounding community.

A. West Side (C/I-West) District (Less intense Commercial/Industrial)

This district is intended to provide a range of low intensity industrial uses, commercial, restaurant, and retail uses compatible with nearby residential neighborhoods. The district excludes more intensive industrial uses while allowing light manufacturing uses such as research and development, low impact, high technology manufacturing, biotechnology, small-scale distribution, alongside commercial, office, business services, and institutional uses. Access must be provided to collector or arterial roadways as specified by the City of Columbus Comprehensive Plan.

- A. Agricultural uses, except animal feedlots.
- B. Licensed day-care facilities and licensed pre-schools, accessory to a business or retail use and intended to serve the employees of the principal use.
- C. Parking structures as an accessory to the use for which they provide parking.
- D. Public pedestrian trails, but not public parks.
- E. Storage buildings. If the accessory building is secondary to the principal use, the accessory building shall be roofed and painted to be harmonious with the principal building.
- F. Accessory structures for single-family detached homes in existence in the C/I District on May 1, 2003.
- G. Municipal buildings and facilities
- H. Offices, with no outdoor storage

COMMERCIAL/INDUSTRIAL (C/I-West) DISTRICT CONDITIONAL USES. Most uses in the C/I-West District are established as conditional uses due to physical conditions unique to the area which limit development capacity, including poor soil conditions, high water table, lack of municipal water supply, lack of municipal sanitary sewer, and lack of municipal storm sewer. In establishing new uses, the Planning Commission and City Council may consider the following factors to address environmental concerns, including: (i) non-contamination of the groundwater system through utilization of containment systems for off-site waste disposal and on-site sewage disposal systems; (ii) installation of wells for on-site water supply; and, (iii) installation of local or regional stormwater management facilities, including stormwater ponding and infiltration, to mitigate and manage the impact of construction of impervious surfaces within the district. In addition, the City Council may adopt other reasonable conditions intended to protect the public health, safety and welfare, and to ensure the compatibility of land uses within the C/I-West District and adjacent to the C/I-West District. The following uses shall be conditional in the C/I-West District:

- A. Artisan Shops
- B. Contractor's Shops.
- C. Contractor Yard- Limited – accessory to Contractor's shops.
- D. Brewery, Craft/Micro
- E. Licensed day care facilities.
- F. Communication towers and broadcast towers.
- G. Catering Business.
- H. Gasoline sales and related convenience retail sales and car wash.
- I. Greenhouses, nurseries and retail sales of materials raised on the premises (and packaged seeds, soils, soil amendments, gardening tools and hard accessories).
- J. Limited Production/Processing
- K. Manufacturing-Light
- L. Low Impact, High Technology Manufacturing
- M. Mortuaries
- N. Office Showroom
- O. Restaurants and cafes
- P. Retail stores and shops
- Q. Vehicle service and repair businesses, and body shops, but not salvage operations or junkyards
- R. Automotive, Mobile Home, Travel Trailer, Farm Implement, and Construction Machinery Sales, but not salvage operations or junkyards
- S. Veterinary clinics, animal hospitals, and commercial dog kennels.

- T. Warehousing and storage facilities
- U. Wholesale Establishment
- V. Recreation Facility, commercial
- W. Expansion of nonconforming uses, subject to the standards in Section 7A-xxx

COMMERCIAL/INDUSTRIAL (C/I- West) DISTRICT INTERIM USES.

- A. Temporary outdoor facilities for entertainment events, such as outdoor theaters, outdoor music amphitheaters, outdoor sound stages and temporary facilities, such as parking, for special events, no more than seven (7) consecutive days or twenty (20) days in one year.
- B. Yard waste (defined as grass, leaves, brush, and shrubbery) and limited City approved source separated food waste (defined as Source-Separated Compostable Material as defined under Minn. Stat. § 115A.03, subd. 32a, and as amended) composting, when subordinate to a legally established landscaping business in existence on the date of the ordinance.
- C. Residential dog kennels associated with owner occupied residences in existence in the C/I District on May 1, 2003.

B. East Side – Historical Commercial Industrial

COMMERCIAL/INDUSTRIAL (C/I-East) DISTRICT DEFINED.

The purpose of the C/I District is to encourage is to encourage the establishment of areas for general commerce and business, retail sales, wholesale sales, and light manufacturing. Activities would include retail outlets, service stations, eating and drinking establishments, and manufacturing activities commonly located in an serving the local market. The overall character of the district is intended to be transitional in nature, thus industrial uses allowed in this district shall be limited to those which are compatible with nearby commercial and existing residential uses. Due to the high volumes of traffic associated with industrial uses, access must be provided to collector or arterial roadways as specified by the City of Columbus Comprehensive Plan.

- A. Agricultural uses, except animal feedlots.
- B. Licensed day-care facilities and licensed pre-schools, accessory to a business or retail use and intended to serve the employees of the principal use.
- C. Parking structures as an accessory to the use for which they provide parking.
- D. Public pedestrian trails, but not public parks.
- E. Storage buildings. If the accessory building is secondary to the principal use, the accessory building shall be roofed and painted to be harmonious with the principal building.
- F. Accessory structures for single-family detached homes in existence in the C/I District on May 1, 2003.
- G. Municipal buildings and facilities
- H. Offices
- I. Artisan Shops
- J. Low Impact, High Technology Manufacturing
- K. Manufacturing-Light

COMMERCIAL/INDUSTRIAL (C/I) DISTRICT CONDITIONAL USES. Most uses in the C/I District are established as conditional uses due to physical conditions unique to the area which limit development capacity, including poor soil conditions, high water table, lack of municipal water supply, lack of municipal sanitary sewer, and lack of municipal storm sewer. In establishing

new uses, the Planning Commission and City Council may consider the following factors to address environmental concerns, including: (i) non-contamination of the groundwater system through utilization of containment systems for off-site waste disposal and on-site sewage disposal systems; (ii) installation of wells for on-site water supply; and, (iii) installation of local or regional stormwater management facilities, including stormwater ponding and infiltration, to mitigate and manage the impact of construction of impervious surfaces within the district. In addition, the City Council may adopt other reasonable conditions intended to protect the public health, safety and welfare, and to ensure the compatibility of land uses within the C/I District and adjacent to the C/I District. The following uses shall be conditional in the C/I District:

- A. Contractor Shops
- B. Contractor Yard- accessory to Contractor's shops.
- C. Contractor Yard-Limited- accessory to Contractor's shops.
- D. Brewery, Craft/Micro
- E. Catering Business
- F. Licensed day care facilities.
- G. Communication towers and broadcast towers.
- H. Limited Production/Processing
- I. Limited Warehousing and Distribution
- J. Lumber yards and sales.
- K. Gasoline sales and related convenience retail sales and car wash.
- L. Greenhouses, nurseries and retail sales of materials raised on the premises (and packaged seeds, soils, soil amendments, gardening tools and hard accessories).
- M. Implement and recreational vehicle sales and service.
- N. Machine shops, welding shops, and similar service establishments.
- O. Mortuaries.
- P. Machinery and Equipment Repair, Heavy
- Q. Manufacturing, Heavy
- R. Office Showrooms
- S. Restaurants and cafes.
- T. Retail stores and shops.
- U. Recreation Facility, Commercial
- X. Vehicle service and repair businesses, and body shops, but not salvage operations or junkyards.
- Y. Automotive, Mobile Home, Travel Trailer, Farm Implement, and Construction Machinery Sales
- V. Veterinary clinics, animal hospitals, and commercial dog kennels.
- W. Warehousing and storage facilities.
- X. Wholesale Establishment
- Y. Expansion of nonconforming uses, subject to the standards in Section 7A-xxx
- Z. Adult Uses, subject to the standards in Section 7A-900.

COMMERCIAL/INDUSTRIAL (C/I) DISTRICT INTERIM USES.

- A. Pawn shop and secondhand goods dealers.
- B. Temporary outdoor facilities for entertainment events, such as outdoor theaters, outdoor music amphitheaters, outdoor sound stages and temporary facilities, such as parking, for special events, no more than seven (7) consecutive days or twenty (20) days in one year.
- C. Yard waste (defined as grass, leaves, brush, and shrubbery) and limited City approved source separated food waste (defined as Source-Separated Compostable Material as

defined under Minn. Stat. § 115A.03, subd. 32a, and as amended) composting, when subordinate to a legally established landscaping business in existence on the date of the ordinance.

- D. Residential dog kennels associated with owner occupied residences in existence in the C/I District on May 1, 2003.
- E. Mineral Extraction.

II. Commercial Industrial District Design Standards

At this time staff is recommending limited design standards revisions, but is seeking Planning Commission guidance on potential revisions.

COMMERCIAL/INDUSTRIAL (C/I) DISTRICT DESIGN STANDARDS.

1. Principal structures and authorized accessory structures within the Commercial/Industrial District must be compatible with the predominant building appearance and style within the district.
2. Building exteriors must consist of finished steel panels, glass panels, textured concrete block, pre-manufactured masonry panels, brick, stucco, and similar appearances.
3. Building exposures facing public streets and dissimilar zoning districts must include a combination of approved materials that include no more than 50% metal exteriors.
4. Landscaping must include a combination of overstory shade trees, ornamental tree, conifers, and foundation plantings.
5. Foundation plantings may include shrubs, hedges, and perennial flowers.
6. Shade trees are preferred along property lines and parking areas to establish a canopy effect at maturity.
7. Conifers are encouraged to be planted in combination with screening for authorized storage areas.
8. Ornamentals and foundation plantings are encouraged to be designed and planted in groupings to accent public exposures of the site.
9. Landscaping quantities and planting standards shall be consistent with the provisions of this Code.

III. Commercial Industrial District Performance Standards

Performance standards provide a quantitative measurement to ensure that a defined use is within predetermined limits and is well suited for the zoning district rather than relying solely on qualitative descriptions. The City adopted revised general performance standards in December of 2021. These standards are housed in Section 7A-800 of the zoning ordinance. Staff is seeking planning commission guidance with regards to whether the existing district general standards are adequate and what if any standards should be revised for the new West district.

A. General Performance Standards for District

Zoning District	Lot Area		Density	Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Structure Height	Floor Area Ratio	Lot Coverage
	W/O Public Sewer	W/ Public Sewer								

C/I East	2.5 ac. ²	NA	1:5	120 ft	75 ft	10 ft ⁶	35 ft ⁸	50 ft: Business ¹¹ 35 ft: Residential	1:1	1:2 ¹²
C/I West	2.5 ac. ²	NA	1:5	120 ft	75 ft	10 ft ⁶	35 ft ⁸	50 ft: Business ¹¹ 35 ft: Residential	1:1	1:2 ¹²

2: Residences require 5 acres.

4: Parking may not occupy more than 1/3 of required front yard area in all commercial, industrial and Mixed-Use districts.

6: No structure, except fences and signposts, shall come within 35 ft of any RR District boundary line.

8: Setbacks abutting residential RR Districts shall be a minimum of 35 ft.

9: Permitted Ag structures, such as silos, grain bins, and grain elevators shall not exceed 75' in height.

11: Raw material tanks, silos, bins, conveyors, corresponding building enclosures, and accessory equipment there to shall not exceed 100' in height.

12: Lot coverage may exceed 1:2 ratio or maximum 50% coverage upon a case-by-case-determination by the City Engineer that the existing or proposed stormwater management system can accommodate a higher lot coverage ratio.

The Planning Commission may consider use specific performance standards within either C/I District. Currently, staff has proposed general items for consideration with regards to contractor shops with contractors' yards.

B. Draft Contractor shop with yard standard (east side only)

- 1) Contractor shops with accessory contractor yard shall be designed to minimize the noise impact of trucks, generators, and heavy equipment on adjacent properties.
- 2) Outdoor storage shall not encroach on any required setbacks or landscape yards and shall be effectively screened from view from public streets and adjacent property by the use of landscaping supplemented by fencing.
- 3) Contractor yards and contractor yards- limited for construction materials and equipment shall be designed and located so as to minimize visual impacts on adjacent properties and public rights of way. Landscaping supplemented by fencing, if necessary, shall be required to enclose and screen such storage yards from direct views from adjacent public streets or from adjacent commercial or residential properties. The location of such outdoor storage areas shall be consistent with all applicable standards of the district in which it is located.

- 4) All portions of contractor yards and contractor yards- limited shall be treated and maintained in such manner as to prevent dust or debris from blowing or spreading onto adjoining properties or only any public right of wat. Such yards shall be maintained in a clean and orderly manner. Junk construction residue and debris shall not be permitted to be stored.

IV. *Expansion of Nonconforming use by CUP/PUD.*

Draft language permitting expansion of any existing legally non-conforming use is included here for review.

The City Council may approve, modify and approve, or deny nonconforming use expansion utilizing its conditional use permit and planned unit development process outlined in Section 7A-819. The application for a CUP shall include the petition, a site plan meeting the requirements of Section 7A-512, floor plans, and other information as required by the Zoning Administrator. To ensure the public welfare is served, the Council may attach conditions to the CUP including, but not limited to, conditions concerning appearance, signs, off-street parking or loading, lighting, hours of operation, or performance characteristics, such as noise, vibration, glare, dust, or smoke.

Expansion of nonconforming use. The City Council may permit expansion of a legal nonconforming use if the commission makes the following findings:

- (1) For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district;
- (2) The appearance of the expansion will be compatible with the adjacent property and neighborhood;
- (3) After the expansion, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare; and
- (4) The use is consistent with the comprehensive plan.

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