



**ARLINGTON PLANNING & ZONING BOARD**

**Date: April 15, 2020**

**7 PM**

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- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Approval of Meeting Minutes**
  - A. March 5, 2020

**5. Public Hearings**

- A. None

**6. New Business.**

- A. Discussion on updating to Comprehensive Plan
- B. Approve Changes to Permits
- C. Noise Complaints – Northland Drying

**7. Unfinished Business**

- A. Update on Proposed Ordinance Establishing the B-3 Commercial/Industrial District
- B. Update on Nickel Property
- C. Request from Grand K, LLC on Zoning: Sign Ordinance

**8. Review Building Permit Reports**

- A. March 2020

**9. Educational Information**

- A. What to do during this Covid-19 outbreak

**10. Other/Updates**

**11. Adjournment**



## ARLINGTON PLANNING & ZONING BOARD

### Minutes

Date: March 5, 2020

#### 1. Call to Order

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

**Members Present:** Brandon Brinkman, Janet Deno, Jennifer Nuesse, Jim Carlson, Councilmember Michelle Hatcher, Joe Prasad

**Members Absent:** Darnell Halverson

**Staff Present:** Michael Kedrowski

**Guests Present:** Mayor Rich Nagel, Matt Nelson, Linnea and Craig Bullert, Howard Brinkman, John Petterson – Chief of Police

#### 2. Pledge of Allegiance - All stood for the Pledge of Allegiance.

#### 3. Approval of Agenda

Motion by Councilmember Battcher, second by Deno to approve the agenda with the addition of item No. 6D, motion carried.

#### 4. Approval of Meeting Minutes

Chairperson Nuesse introduced the minutes from February 6, 2020. Motion by Councilmember Battcher, second by Carlson, to approve the minutes, motion carried.

#### 5. Public Hearings

A. Chef Craig's new restaurant located at 600 Sheila Drive (additional notes on reverse)

Craig Bullert (also known as Chef Craig), has applied for a variance on the north and east sides of their building requiring this public hearing. A walk-in cooler will be on the east side of the building that will impose the setback requirement 6'8" instead of the 10' requirements. On the North side of the building, there will be dumpster storage that will be 14.5' instead of the 20' required. Per the description on the variance request, the cooler and freezer will not be interrupting any sight lines, the rear dumpster on the north side will make the area look cleaner by having an enclosed space. A detailed diagram of

the lot and measurements was provided via the Bullert's in attendance at the hearing. It was discussed among the Committee and a motion was made by Jim Carlson to approve the variance request, it was seconded by Joe Prasad. The motion carried to move to Council to approve the variance request by Bullert Hospitality Group.

#### **B. Northland Drying Interim Use**

Northland Drying is requesting approval on an interim use permit for outdoor fuel storage. The supply they have now is not enough to power their heat source for their blower. CenterPoint will be their supplier via pipeline in a long-range plan, they are hoping to have a tank to expedite the process to power their blower now, until CenterPoint can bring a pipeline to them. They will have either a 16,000-gallon tank for LNG, or a 45,000-gallon tank for propane. Date range would be unknown at this point until talks begin with CenterPoint. The storage tank will be in the open area, south of the production building, north of heir gravel road. All delivery of LNG or Propane will be routed from Highway 5 as a first choice. No properties in the area should be affected by the installation or use of the tank. With the installation of a new dryer, Northland Drying will be using more fuel in the drying process. In the past, fuel has had to be turned off to make sure residential areas have the adequate amount of fuel needed. Having their own supply, should alleviate the need for this to occur. We now invite Matt Nelson, Business Development Director, at Northland Drying to describe the nature and scope of the project and then he public was invited to comment on the matter. There was no public comment. The Committee discussed the matter. It was brought up by Councilmember Battcher to make sure that not only city code is being followed but also fire code with the Fire Chief and follows the State of Minnesota Department of Public Safety. A motion to approve the interim use permit is contingent upon inspection and or approval by the Fire Marshall, it was seconded by Prasad. Deno abstained. Motion carried contingent upon approval by Fire Marshall to approve interim use application for Northland Drying to be brought to Council.

### **6. New Business**

- A. Discussion: Parking and Snow Emergencies Downtown - Based off complaints by Heather Arneson in early February, Kedrowski felt he need to bring concerns from her to the Committee. It was discussed and it was discussed that there are several instances of inconsistency with signage and policy. Revisions to code and enforcement were discussed and when able Kedrowski will bring modifications to he Committee to approve or modify.
- B. Permit Fees (Planning & Zoning) – Kedrowski has been working on updating permits and applications in relation to Planning and Zoning. The fees have been added to the application itself, but at some point, he would like to have the fee schedule reviewed. When creating new permits and comparing them to other cities, there may be an opportunity to capture funds more accordingly. Councilmember Battcher mentioned that Council reviews this fee schedule annually in January, but if requested the Committee could review and recommend changes before then.

- C. Discussion: Parking and Code – Now that there has been some time to consider parking and code enforcement, is there any feedback or input that would help contribute to my research on updates to the code. Next month I plan on having some suggested revisions or clarifications to the code to be reviewed.
- D. Request from Grand K, LLC on Zoning: Sign Ordinance - Grand K, LLC is requesting an update to city ordinance regarding sign requirements mostly in response to SUBDIVISION 7. GENERAL PROVISIONS. B. A sign shall project no more than two (2) feet over a sidewalk or public right-of-way. They are looking to have a sign outside of their building downtown located at 227 W Main. Howard Brinkman was in attendance to explain the scope of his plan to have a hanging sign at his building downtown. It is a historical building, the site of DJ Shoes, and examples of towns with similar signs were presented to the committee. Kedrowski provided the Committee with a copy of the photos as well as the sign ordinance for the city. It was discussed by the committee to table the decision contingent upon further research, Kedrowski is to make possible modifications to the code and ordinance and present it to the Committee a later meeting.

## **7. Unfinished Business**

- A. Discussion: Proposed Ordinance Establishing the B-3 Commercial/Industrial District – Kedrowski addressed the Committee to see when research and discussions were started about this topic in the past. It was provided that it was around June-July 2019. It was requested that Kedrowski presents this recommendation before council to see if they would like research to progress.

- B. Discussion on Code enforcement: Parking in yards – follow up

As Councilmember Battcher stated in our last meeting, there indeed have been conversations of this in the past as visited by the committee. The most recent of the conversations were in August and October as Kedrowski found reading through previous meeting minutes. The language on several instances such as Outdoor Parking Surface Requirements, Storage on Abutting-Vacant Lots and Screening of Outdoor storage was covered, and several recommendations were made as well as forwarding on information to the council. Kedrowski will be checking to make sure those noted instances have been updated within the code, there are some chapters needing to be updated and he will do so when there is time to get it done. It was discussed that Kedrowski should continue to review what has been discussed in the past, make modifications and updates to the code, and then present them to the Committee at a later meeting.

There was also related discussion on enforcement and code in relation to the industrial zone on the east side of town. There have been some questions about

piles of trash/wood etc. Mayor Nagel investigated the scrap materials near the transformer and new cement was poured in the late fall and items are stored in their current location because of that. It will be taken care of once the weather allows for checking on the cement in the spring.

- C. Update on Nickel Property – formal proposal by Tony’s Outdoor Services Inc to be done to EDA meeting March 9<sup>th</sup>. If his proposal to purchase the land is approved, he plans on purchasing the entire property. It will need to be rezoned for his business use (I-1), and resurveyed. There was also discussion on access to highway 9.
- D. Update on Charlie Novosad property – Kedrowski and Administrator Newsom met with Novosad to have a conversation about his intentions with the property. He hopes to have it as a multi-purpose workshop. The plans have not changed from the 2018 permits, he was just unable to do work due to a collapsed wall on his structure. Pending an inspection and reapplying for the proper permits etc. He may begin work again when able.
- E. Discussion on various permits and processes – Kedrowski presented work done on updating various permits and the Committee commended his work and will have a review done by the Committee when all permits are completed. The following permits were presented:
  - i. Reroof, Reside & Window
  - ii. Rezoning
  - iii. Subdivision Request
  - iv. Land Use Permit
  - v. Building Permit
  - vi. Conditional Use Permit
  - vii. Administrative Permit
  - viii. Ordinance Amendment
  - ix. Public Right-of-Way Obstruction or Excavation Permit

## **8. Review Building Permit Reports**

- A. January
- B. February

## **9. Other/Updates**

Kedrowski introduced an educational opportunity in which will be put on by the League of Minnesota Cities in which local governments and administrative staff will be able to attend informational/educational workshops. Kedrowski plans on attending an even o be

held in Springfield, MN on April 1<sup>st</sup>, 2020. The event will last all day and is expected to report back to the Committee what was learned at the event.

**10. Adjournment**

Motion by Councilmember Battcher, second by Deno to adjourn the meeting at 8:33 pm.  
Motion carried.

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P&Z Adm. Michael Kedrowski  
Nuesse

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Chairperson Jennifer



204 SHAMROCK DRIVE ARLINGTON, MN 55307 Phone: 507-964-2378

# Sign Permit

Return all Applications to: City of Arlington, Building Department

204 Shamrock Drive, Arlington, MN 55307

Phone: 507-964-2378 fax: 507-964-5973

Zoning Official: Michael Kedrowski—Planning and Zoning Administrator

Phone: 320-226-5189 fax: 651-846-5973

## Office Use Only

Permit Number: \_\_\_\_\_

Date Received: \_\_\_\_\_

Sign Permit fee: \$25

Plan Review: Based on Value

Total: \$ \_\_\_\_\_

Site Address or Location: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Number of Sides: \_\_\_\_\_

Square Footage of Sign: \_\_\_\_\_ Front Footage of Property: \_\_\_\_\_

Type of Sign: \_\_\_\_\_ Height (above ground): \_\_\_\_\_

Will the Sign be Lighted: NO \_\_\_\_\_ YES, How So: \_\_\_\_\_

The applicant must also supply with this Permit Application the following:

- An explanation or drawing showing location of existing and proposed buildings on site
- The location of existing buildings within 100 feet of the site
- Location and Height of all existing and proposed signs on the site, complete with route of electrical signs if needed
- All specifications and dimensions of signs including the lettering size and graphics
- Description of sign and frame materials and colors, including supports
- If it is a wall sign, include the anchorage details

More information required on next page:



Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

***I hereby certify that I have completed, read and examined this application and know the same to be true and correct, I accept responsibility for compliance with all applicable laws, notifications, and city provisions. The granting of this permit does not presume to give authority to violate or cancel the provision of any other state or local law regarding construction or the performance of construction.***

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Name Printed: \_\_\_\_\_

☐ Approved      ☐ Denied

Authorized Approval Signature: \_\_\_\_\_ Date: \_\_\_\_\_



204 SHAMROCK DRIVE ARLINGTON, MN 55307 Phone: 507-964-2378

# Building Permit

Return all Applications to: City of Arlington, Building Department

204 Shamrock Drive, Arlington, MN 55307

Phone: 507-964-2378 fax: 507-964-5973

Building Official: Darin Haslip, 101 Developmental Resources

Phone: 320-226-5189 fax: 651-846-5973

Zoning Official: Michael Kedrowski—Planning & Zoning Administrator

Email: mkedrowski@arlingtonmn.com

Phone: 507-964-2378 fax: 507-964-5973

## Office Use Only

Building Permit Number: \_\_\_\_\_

Date Received: \_\_\_\_\_

Forwarded to Utilities: \_\_\_\_\_

Variance required: Yes / No

Assessor Copy: \_\_\_\_\_

Applicant must fill out all information on this form that is applicable to the project—please type or print

## Section 1: Directory Information (fill out what is applicable)

Project Address: \_\_\_\_\_ Zoning: \_\_\_\_\_

Approximate Start Date: \_\_\_\_\_ Approximate Completion: \_\_\_\_\_

Owners name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ License No: \_\_\_\_\_

Electrician: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Plumbing/Mech. Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Excavation Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

## Section 2: Type of Construction

Is curb & gutter existing? Yes \_\_\_\_ No \_\_\_\_ Will is be necessary to cut/change curb opening?

Yes \_\_\_\_ No \_\_\_\_ (if yes, request drawing from city building deptment for standard size and design)

Are the lot corners in evidence? Yes \_\_\_\_ No \_\_\_\_ (if no, owner must have property surveyed by a registered Land Surveyor prior to issuance of permit)

### SELECT TYPE OF WORK

New Construction: \_\_\_\_ Addition: \_\_\_\_ Remodel: \_\_\_\_ Fence: \_\_\_\_ Other: \_\_\_\_

Description of proposed construction (include dimension/size and building type) \_\_\_\_\_

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Applicant's Estimated Construction Cost (include materials and labor) \$ \_\_\_\_\_

## Section 3: Setback of Building or Structure ..... Iclude setbacks on drawing below or provide DETAILED plans with application

Front Yard Setback: \_\_\_\_\_ Rear Yard Setback: \_\_\_\_\_

Side yard Setback: \_\_\_\_\_ Side yard Setback: \_\_\_\_\_

**SITE PLAN DRAWING:** To be drawn by applicant/contractor in space provided below)

Drawing shall indicate property lines, curbs, street names, existing and proposed structures, setback dimensions, where surface water will drain, and preferred location of electric gas meters. Relate drawing to North arrow shown on next page. If necessary use additional sheet.



#### Section 4: Application for natural gas and electric service

Natural Gas Service: Total BTU Requirement: \_\_\_\_\_ Pressure if other than 7" WC: \_\_\_\_\_

Electric Service: Size in Amperes: \_\_\_\_\_

Voltage Requirement: \_\_\_ Single Phase 240/120 \_\_\_ Three phase \_\_\_ 208/120/\_\_\_ 480/277

Total Connected KW: \_\_\_\_\_ Total KW Demand: \_\_\_\_\_

Temporary Service Required: Yes \_\_\_\_\_ No \_\_\_\_\_

#### Section 5: Application for telephone—cable facility requirement

Is temporary job required? Yes \_\_\_\_\_ No \_\_\_\_\_

Single Family Dwelling

Multi Family Dwelling ..... Number of Units: \_\_\_\_\_

Apartment Complex ..... Number of Units: \_\_\_\_\_

Business ..... Number of Units: \_\_\_\_\_

Other..... Number of Units: \_\_\_\_\_

**Prewire before sheetrock or  
closing suds to be wired by:**

☐ Telephone Company

☐ Electrician

## Section 6—Application for Cable Television Service

### A) Prewire

Ensure the cable outlets are ‘home run’ i.e. a single coaxial wire from each individual wire run from each individual outlet to the entry point of the electrical service. Prewire to be done before Sheetrocking or insulating.

This prewire to be done by:

- ☐ Telephone Company
- ☐ Electrician or other

### B) Serviceability

Call the Cable Television Company to verify your home serviceable area

## Section 7: Notification of Gopher State Excavation

*Minnesota Statute Chapter 216D requires that the EXCAVATOR must call Gopher State One-Call, Inc. at 1-800-252-1166 at least 48 hours before beginning any excavation. It is important to avoid striking any underground utility, telephone, Cable television, or water and sewer lines. Hand digging is required when excavating within two feet of the markings. The color code for marking underground utility lines is as follows:*

<b>RED</b>	Electric Power Lines, cables, Conduit & Lighting Cables
<b>YELLOW</b>	Gas, Oil Steam, Petroleum or Gaseous Material
<b>ORANGE</b>	Communications, Alarm or Signal Lines, Cables or Conduit
<b>BLUE</b>	Water, Irrigation & Slurry Lines
<b>GREEN</b>	Sewers & Drain Lines
<b>PINK</b>	Temporary Survey Markings
<b>WHITE</b>	Proposed Excavation

*Section 7 Continues on Next Page*

After utilities have been marked, if you have any questions or concerns about their location, please contact the various utility suppliers below:

CenterPoint Energy	Natural Gas		800-245-2377
Arlington Electric	Electric	204 Shamrock Drive	507-964-2378
Frontier Communications	Telephone		800-435-1504
Arlington Water & Wastewater	Water/Wastewater	204 Shamrock Drive	507-964-2378
Mediacom Cable	Cable		800-332-0245

**IMPORTANT: BY SIGNING THIS DOCUMENT, I AM INDICATING THAT I HAVE RECEIVED THIS NOTICE AND AGREE TO ACCEPT RESPONSIBILITY FOR EITHER CALLING GOPHER STATE ONE-CALL OR NOTIFYING MY EXCAVATOR TO CALL 48 HOURS PRIOR TO EXCAVATING.**

**SECTION 8** - Applicants certification and compliance section

PLEASE READ THE FOLLOWING BEFORE SIGNING APPLICATION:

*I hereby certify that I have completed, read and examined this application and know the same to be true and correct. I accept responsibility for compliance with all applicable laws and city provisions, including those noted on the city engineer's report, survey, plan review notes, and representation of setbacks, easements and property lines. Issuance of this permit does not authorize violation or cancellation of any state or local law regulating construction or the performance of construction. I hereby authorize Arlington Electric & Water to furnish Utility Service to the project address. I understand that I will receive all bills for utility services and that I will be legally responsible for payment of these utility bills. All electrical work must be inspected by the state electrical inspector. Call (507) 327-6078 between 7:00 am and 8:30 am weekdays for inspections.*

Applicant's Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Applicant's Name-Printed: \_\_\_\_\_

Date: \_\_\_\_\_

BUILDING PERMIT FEES (90% of the 1997 Fee Schedule)								
Surcharge	Value	Fee Cost	Surcharge	Value	Fee Cost	Surcharge	Value	Fee Cost
\$0.25	Up To \$500.00	\$20.70	\$15.50	\$31,000.00	\$406.67	\$37.50	\$ 75,000.00	\$736.88
\$0.30	\$600.00	\$23.90	\$16.00	\$32,000.00	\$415.76	\$38.00	\$ 76,000.00	\$743.88
\$0.35	\$700.00	\$26.64	\$16.50	\$33,000.00	\$424.85	\$38.50	\$ 77,000.00	\$750.88
\$0.40	\$800.00	\$29.39	\$17.00	\$34,000.00	\$433.94	\$39.00	\$ 78,000.00	\$757.88
\$0.45	\$900.00	\$32.13	\$17.50	\$35,000.00	\$443.03	\$39.50	\$ 79,000.00	\$764.88
\$0.50	\$1,000.00	\$34.88	\$18.00	\$36,000.00	\$452.12	\$40.00	\$ 80,000.00	\$771.88
\$0.55	\$1,100.00	\$37.62	\$18.50	\$37,000.00	\$461.21	\$40.50	\$ 81,000.00	\$778.88
\$0.60	\$1,200.00	\$40.37	\$19.00	\$38,000.00	\$470.30	\$41.00	\$ 82,000.00	\$785.88
\$0.65	\$1,300.00	\$43.11	\$19.50	\$39,000.00	\$479.39	\$41.50	\$ 83,000.00	\$792.88
\$0.70	\$1,400.00	\$45.86	\$20.00	\$40,000.00	\$488.48	\$42.00	\$ 84,000.00	\$799.88
\$0.75	\$1,500.00	\$48.60	\$20.50	\$41,000.00	\$497.57	\$42.50	\$ 85,000.00	\$806.88
\$0.80	\$1,600.00	\$51.35	\$21.00	\$42,000.00	\$506.66	\$43.00	\$ 86,000.00	\$813.88
\$0.85	\$1,700.00	\$54.09	\$21.50	\$43,000.00	\$515.75	\$43.50	\$ 87,000.00	\$820.88
\$0.90	\$1,800.00	\$56.84	\$22.00	\$44,000.00	\$524.84	\$44.00	\$ 88,000.00	\$827.88
\$0.95	\$1,900.00	\$59.58	\$22.50	\$45,000.00	\$533.93	\$44.50	\$ 89,000.00	\$834.88
\$1.00	\$2,000.00	\$62.33	\$23.00	\$46,000.00	\$543.02	\$45.00	\$ 90,000.00	\$841.88
\$1.50	\$3,000.00	\$74.93	\$23.50	\$47,000.00	\$552.11	\$45.50	\$ 91,000.00	\$848.88
\$2.00	\$4,000.00	\$87.53	\$24.00	\$48,000.00	\$561.20	\$46.00	\$ 92,000.00	\$855.88
\$2.50	\$5,000.00	\$100.13	\$24.50	\$49,000.00	\$570.29	\$46.50	\$ 93,000.00	\$862.88
\$3.00	\$6,000.00	\$112.73	\$25.00	\$50,000.00	\$579.38	\$47.00	\$ 94,000.00	\$869.88
\$3.50	\$7,000.00	\$125.33	\$25.50	\$51,000.00	\$588.48	\$47.50	\$ 95,000.00	\$876.88
\$4.00	\$8,000.00	\$137.93	\$26.00	\$52,000.00	\$597.57	\$48.00	\$ 96,000.00	\$883.88
\$4.50	\$9,000.00	\$150.53	\$26.50	\$53,000.00	\$598.28	\$48.50	\$ 97,000.00	\$890.88
\$5.00	\$10,000.00	\$163.13	\$27.00	\$54,000.00	\$604.58	\$49.00	\$ 98,000.00	\$897.88
\$5.50	\$11,000.00	\$175.73	\$27.50	\$55,000.00	\$610.88	\$49.50	\$ 99,000.00	\$904.88
\$6.00	\$12,000.00	\$188.33	\$28.00	\$56,000.00	\$617.18	\$50.00	\$ 100,000.00	\$911.88
\$6.50	\$13,000.00	\$200.93	\$28.50	\$57,000.00	\$623.48	Plan Review is 65% of permit valuations.		
\$7.00	\$14,000.00	\$213.53	\$29.00	\$58,000.00	\$629.78			
\$7.50	\$15,000.00	\$226.13	\$29.50	\$59,000.00	\$636.08			
\$8.00	\$16,000.00	\$238.73	\$30.00	\$60,000.00	\$642.38	Valuations over \$100,000 will include \$5.04 for each additional \$1,000 or fraction thereof above \$100,000 to and including \$500,000.		
\$8.50	\$17,000.00	\$251.33	\$30.50	\$61,000.00	\$648.68			
\$9.00	\$18,000.00	\$263.93	\$31.00	\$62,000.00	\$654.98			
\$9.50	\$19,000.00	\$276.53	\$31.50	\$63,000.00	\$661.28	Valuations over \$500,000 will include \$4.27 for each additional \$1,000 or fraction thereof above \$500,000 to and including \$1,000,000.		
\$10.00	\$20,000.00	\$289.13	\$32.00	\$64,000.00	\$667.58			
\$10.50	\$21,000.00	\$301.73	\$32.50	\$65,000.00	\$673.88			
\$11.00	\$22,000.00	\$314.33	\$33.00	\$66,000.00	\$680.18	Valuations over \$1,000,000 will include \$2.83 for each additional \$1,000 or fraction thereof above \$1,000,000		
\$11.50	\$23,000.00	\$326.93	\$33.50	\$67,000.00	\$686.48			
\$12.00	\$24,000.00	\$339.53	\$34.00	\$68,000.00	\$692.78			
\$12.50	\$25,000.00	\$352.13	\$34.50	\$69,000.00	\$699.08	Roofing Permit is \$50.00		
\$13.00	\$26,000.00	\$364.73	\$35.00	\$70,000.00	\$705.38			
\$13.50	\$27,000.00	\$377.33	\$35.50	\$71,000.00	\$711.68			
\$14.00	\$28,000.00	\$389.93	\$36.00	\$72,000.00	\$717.98	Siding Permit is \$50.00 Window Replacement Permit is \$50.00 Plumbing & Mechanical Permit is \$50.00 (each) Demolition Permit is \$50.00		
\$14.50	\$29,000.00	\$402.53	\$36.50	\$73,000.00	\$724.28			
\$15.00	\$30,000.00	\$415.13	\$37.00	\$74,000.00	\$730.58			

There have been several instances recently about residents complaining about noise at Northland Drying. This is of course a violation of the noise ordinance as well as a nuisance to residents. It is up for discussion on what is to be done when this occurs. It is laid upon us due to it being initially a zoning related issue. Notes will be taken on the discussion and then reported back to Council to help aid in a possible decision to make a solution to this revolving issue.

## **CHAPTER 6: NUISANCES**

### **6.04 NOISE NUISANCES**

- A. Any person who keeps or harbors a pet or other animal on his property, in the case where the pet or animal is of such a nature or disposition or is kept in such confinement or condition that the animal disrupts the peace of the neighboring property owners by emitting barking or other noises at late night hours, shall be considered as maintaining a public nuisance. Late night hours for purpose of this section shall be defined as any time after 11:00 p.m. It shall also be a violation of this ordinance if any person keeps or harbors a pet or other animal who emits barking or other noises at any time of the day or night in a continuous or persistent manner. The phrase “continuous or persistent manner” for purpose of this section shall be defined as any barking or loud noises created by the pet continuously for a period of 10 minutes or more, or on an average of more than once each hour.
  
- B. Any person who causes or allows loud music or other disturbing noises to originate from his property in an unreasonable manner or at unreasonable hours which would tend to alarm or disturb the peace and tranquility of his neighbors shall be guilty of creating or maintaining a public nuisance. Noise or music sources located on the yard or other portions of the property outside the structures of a person’s property after the hour of 12:00 a.m. midnight shall be considered prima facie a public nuisance. This provision shall also apply to any noise or music sources located in a motor vehicle whether on 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.



Grand K, LLC is requesting an update to city ordinance regarding sign requirements mostly in response to:

SUBDIVISION 7. GENERAL PROVISIONS. B. A sign shall project no more than two (2) feet over a sidewalk or public right-of-way.

SUBDIVISION 8. ZONING DISTRICTS. C. B-2 Central Business District:

1. The following types of signs are not permitted:

a. Flashing or rotating signs.

b. Off-premise signs.

2. The total area of all signs shall not exceed two (2) square feet per lineal foot of lot frontage, ten (10) percent of the building's front façade, or seventy-five (75) square feet, whichever is greater. For corner lots, the "lot frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.

3. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above average grade at the building line, whichever is greater.

They are looking to have a sign outside of their building downtown located at 227 W Main.



Image Captured on Google Maps, picture dated August 2014

<https://www.google.com/maps/@44.607193,-94.0796051,3a,75y,298.88h,95.2t/data=!3m6!1e1!3m4!1saYGwVnLnUZhE9zJJS7MGg!2e0!7i13312!8i6656?hl=en>

Pictures as examples as seen on historic buildings in Henderson:



Below is the sign ordinance from Chapter 31: Zoning. Section 13.5 Signs.



### SECTION 13.5: SIGNS

#### SUBDIVISION 1. FINDINGS.

The City Council hereby finds:

- A. Exterior signs have a substantial impact on the character and quality of the environment.
- B. Signs provide an important medium through which individuals may convey a variety of messages.
- C. Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.
- D. The City has previously regulated signs in an effort to provide adequate means of expression and to promote the economic viability of the business community while protecting the City and citizens from a proliferation of signs of a type, size, location, and character that would adversely impact the public health, safety, and welfare.

#### SUBDIVISION 2. PURPOSE AND INTENT.

The purpose and intent of this Section is to:

- A. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare.
- B. Maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.

- C. Provide an effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
- D. Provide for fair and consistent enforcement of sign regulations under the zoning authority of the City.
- E. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign, to regulate any building design or display not defined as a sign, or any sign which cannot be viewed from outside of a building.

#### SUBDIVISION 3. EFFECT.

The effect of this Section is to:

- A. Allow a wide variety of sign types in commercial zones and a more limited variety of signs in other zones subject to the standards herein.
- B. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this Section.
- C. Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having lesser impact on the environment and the public health, safety, and welfare.
- D. Provide for enforcement of this Section through the enforcement provisions contained in the Zoning Ordinance.
- E. A sign may be erected, displayed, or maintained in the City if it is in conformance with the provisions of these regulations.

#### SUBDIVISION 4. DEFINITIONS.

**Commercial Speech:** Speech advertising a business, profession, commodity, service, or entertainment.

**Multiple Tenant Site:** A site which has more than one (1) tenant and each tenant has a separate ground level exterior public entrance.

**Non-Commercial Speech:** Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

**Sign:** Any letter, word, symbol, poster, picture, statuary, reading matter, or representation in the nature of advertisement, announcement, message, or visual communication whether painted, posted, printed, affixed, or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes.

**Sign, Abandoned:** A sign shall be defined as abandoned when one (1) of the following occurs:

- A. A sign and/or supporting structure remains without a message or whose display surface remains blank for a period of one (1) or more years.
- B. A sign pertains to a time, event, or purpose which no longer applies.
- C. A sign remains after demolition of a principal structure and a building permit has not been issued for construction of a replacement principal structure.

**Sign, Awning:** A building sign or graphic printed on or in some fashion attached directly to the material of an awning which projects over a window, walk, or the like. Any part of an awning which also extends over a door shall be considered an awning.

**Sign, Business:** A sign attached to or supported by any structure used or intended for supporting or sheltering any use or occupancy.

**Sign, Canopy:** A sign that is part of or attached to a canopy or structural protective cover over a door or entrance.

**Sign, Face:** The surface of the sign upon, against, or through which the message of the sign is exhibited.

**Sign, Flashing:** Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

**Sign, Freestanding:** A sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

**Sign, Ground:** A freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

**Sign, Height:** The vertical distance measured from the base of the sign at average grade to the top of the highest attached component of the sign.

**Sign, Illuminated:** Any sign which has characters, letters, figures, designs, or outlines illuminated by internal or external electric lights or luminous tubes as part of the design.

**Sign, Monument:** A freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

**Sign, Nameplate:** Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

**Sign, Non-Conforming:** A sign and its support structure lawfully erected prior to the effective date of this Ordinance which fails to conform to the requirements of this Ordinance.

**Sign, Off-Premise:** A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. Easements shall be considered to be outside such platted parcels of land and any sign located or proposed to be located in an easement shall be considered an off-premise sign.

**Sign, On-Premise:** A sign which identifies or advertises an establishment, person, activity, goods, products, or services located on the premises where the sign is installed.

**Sign, Portable:** A sign purposefully designed to be transported, including by trailer or on its own wheels.

**Sign, Projecting:** Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

**Sign, Pylon (pole sign):** A freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by a pole(s) or beam(s) and with the area below the sign face open.

**Sign, Roof:** A sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Sign, Rotating:** A sign which revolves or rotates on its axis by mechanical means.

**Sign, Structure:** Any structure including the supports, uprights, bracing, and framework which supports or is capable of supporting any sign.

**Sign, Stringer:** A line of string, rope, cording, or an equivalent to which is attached a number of pennants.

**Sign, Surface Area of:** The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display (only one {1} side of a double-face or V-type structure shall be used in computing total surface area).

**Sign, Suspended:** A building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

**Sign, Wall:** A building sign attached parallel to but within two (2) feet of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign face.

**Sign, Window:** A building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes/glass and is visible from the exterior of the window.

**Total Site Signage:** The maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

#### SUBDIVISION 5. PERMIT/FEE REQUIRED.

A. No sign shall be erected, altered, reconstructed, maintained, or moved in the City without first securing a permit from the City. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing and shall contain the following information:

1. Name(s) and address(es) of the owners of the display structure and property.
2. The address at which sign(s) is/are to be erected.

3. The legal description of the subject property.
4. The type of sign.
5. The cost of the sign.
6. The proposed sign dimensions and placement on the subject property.
7. If the proposed sign is located within a public road right-of-way or an easement, the applicant must obtain written permission from the appropriate jurisdiction.

A copy of said written permission, if provided by a jurisdiction other than the City of Arlington, may be required.

B. The permit application shall be accompanied by the required fee as specified by the fee schedule.

C. The City shall approve or deny the permit within the time period under Minnesota Statute 15.99. If the requirements of this Section and other applicable standards contained within the Zoning Ordinance are met the permit shall be approved.

#### SUBDIVISION 6. EXCEPTIONS.

A. The following signs shall not require a permit. Although exempt from permitting requirements, this Subdivision shall not relieve the owner of the sign from the responsibility of its erection and maintenance, and compliance with the provisions of this Ordinance or any other law or ordinance regulating the same:

1. The changing of the display surface on a painted or printed sign, except a sign painted directly on a building.
2. Signs eighteen (18) square feet or less in size.
3. Public safety and traffic management signs erected by governmental units.

SUBDIVISION 7. GENERAL PROVISIONS. B. A sign shall project no more than two (2) feet over a sidewalk or public right-of-way.

A. A sign shall not be greater than two hundred fifty (250) square feet in area.

**B. A sign shall project no more than two (2) feet over a sidewalk or public right-of-way.**

C. Any sign located in the City which becomes out of order, rotten, or unsafe shall be removed or otherwise properly secured by the owners of the sign or the owner(s) of the property on which the sign is located.

D. Electrical signs must be installed in accordance with the current electrical code.

E. The following are unauthorized signs:

1. Any sign, signal, marking, or device which is similar to or imitates an official traffic control device, railroad sign or signal, and/or emergency vehicle signal.
2. Signs painted, attached, or in any way affixed to trees, public utility poles, bridges, towers, or similar structures.
3. Signs obstructing any window, door, fire escape, stairway, or opening intended to provide light, air, or access to any building.

F. Setbacks:

1. Signs shall be setback a minimum of five (5) feet from a property line, except within the central business district.
2. Signs shall not be placed in highway, street, or utility easements until the applicant obtains written permission from the appropriate jurisdiction. A copy of said written permission, if provided by a jurisdiction other than the City of Arlington, may be required. Signs proposed to be placed within municipal easements shall require issuance of an interim use permit.
3. Signs shall not obstruct a clear sight triangle at each corner of any intersection of two (2) public streets and/or the intersection of a public street and a railway. Said clear sight triangle shall be defined as beginning at the intersection of the projected curb lines of two (2) intersecting streets or a street and a railway, then proceeding twentyfive (25) feet along one curb line, then proceeding diagonally to a point of twenty-five (25) feet from the point of beginning on the other curb line and then proceeding to the point of beginning. In the event the City Engineer finds the required sight triangle inadequate, additional clear areas shall be required.

G. Calculation of Sign Area:

1. The area within the sign frame shall be used to calculate the square footage.
2. Square footage of signs mounted directly on a wall, window, or other structural surface without a sign frame shall be determined by drawing a box around the outermost periphery of letters or graphics. The square footage shall be that of the box surrounding the said letters or graphics.
3. Each surface used to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. H. External illumination for signs shall be constructed and maintained so that the source of light (i.e. bulb or illumination tube) is not visible from the public right-of-way or residential property.

I. Notwithstanding any other provision of this Section, all signs of any size containing noncommercial speech as defined in Subdivision 4 of this Section, may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

SUBDIVISION 8. PERMITTED SIGNS BY ZONING DISTRICT.



A. R1/R2 Agriculture/Residence District; R-1 Single and Two Family Residential District; R2 Multiple Family Residential District:

1. The following types of signs are not permitted:

- a. Awning signs.
- b. Balloon signs.
- c. Canopy signs.
- d. Rotating signs.
- e. Projecting signs.
- f. Pylon (or pole) signs.

2. Maximum Sign Area:

a. Lots containing principal uses which are residential in nature.

(1) Lots ten thousand (10,000) square feet or less: eight (8) square feet per surface with total area of all signs not to exceed sixteen (16) square feet.

(2) Lots greater than ten thousand (10,000) square feet but less than one (1) acre: ten (10) square feet per surface with total area of all signs not to exceed twenty (20) square feet.

(3) Lots greater than one (1) acre but less than ten (10) acres: twelve (12) square feet per surface with total area of all signs not to exceed twenty-four (24) square feet.

(4) Lots greater than ten (10) acres: sixteen (16) square feet per surface with total area of all signs not to exceed thirty-two (32) square feet.

b. Lots containing principal uses which are non-residential in nature.

(1) Lots less than twenty thousand (20,000) square feet: thirty-two (32) square feet per surface with total area of all signs not to exceed sixty-four (64) square feet.

(2) Lots of twenty thousand (20,000) square feet or greater: sixty-four (64) square feet per surface with total area of all signs not to exceed one hundred twenty-eight (128) square feet.

B. B-1 Service Business District:

1. The following types of signs are not permitted:

- a. Rotating signs.
- b. Projecting signs.

2. Maximum sign area:

a. The total area of all signs shall not exceed two (2) square feet per lineal foot of lot frontage, ten (10) percent of the building's front façade, or seventy-five (75) square feet, whichever is greater. For corner lots, the "lot frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.

b. The number of off-premise signs shall be limited to one (1) per one hundred (100) feet of lot frontage. Such off-premise signs may contain up to two (2) signs per facing; however, each sign face shall not exceed fifty-five (55) feet in total length. No off-premise sign may be erected within one hundred (100) feet of an adjoining residential district.

c. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above average grade at the building line, whichever is greater.

#### C. B-2 Central Business District:

1. The following types of signs are not permitted:

a. Flashing or rotating signs.

b. Off-premise signs.

2. The total area of all signs shall not exceed two (2) square feet per lineal foot of lot frontage, ten (10) percent of the building's front façade, or seventy-five (75) square feet, whichever is greater. For corner lots, the "lot frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.

3. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above average grade at the building line, whichever is greater.

#### D. I-1 Light Industrial District:

1. The following types of signs are not permitted:

a. Rotating signs.

b. Projecting signs.

2. The total area of all business signs on a lot shall not exceed three (3) square feet of each lineal foot of lot frontage or twenty (20) percent of the building frontage or three hundred (300) square feet in area, whichever is greater. Such signs may be illuminated.

3. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage. Such structures shall not exceed fifty-five (55) feet in length. No advertising sign may be erected within one hundred (100) feet of a residential district. Such signs may be illuminated.

4. Sign lighting shall not be directed toward a public right-of-way or any residential district.

E. I-2 Heavy Industrial District:

1. The following types of signs are not permitted:

- a. Rotating signs.
- b. Projecting signs.

2. Signs as regulated in Subdivision 8 (D) (2) (Light Industrial District) of this Section.

F. P/I Public Institutional District:

1. The following types of signs are not permitted:

- a. Projecting signs.

2. Sign lighting shall not be directed toward a public right-of-way or any residential district.

3. Sign materials, sign structure, and the nature/character of the sign materials/structure shall be consistent with those employed within the public or institutional use and/or structure occupying the subject property.

4. Sign types shall be harmonious with the existing use and/or structure occupying the subject property.

SUBDIVISION 9. NON-CONFORMING SIGNS.

A. Signs pertaining to or advertising products sold on the premises of a non-conforming building or use may be continued only when the non-conforming use is permitted to continue and such signs shall not be expanded in number, area, height, or illumination. New signs shall not exceed the maximum allowed under the City's sign ordinance, and may be erected only after all other signs existing at the time of the adoption of this Ordinance have been removed. The accumulated square footage of new signs installed shall not exceed the square footage of signs previously on site, or the amount allowed in the City's sign ordinance, whichever is less. New signs may not be illuminated unless the previous sign was illuminated, but flashing intermittent or moving illumination shall not be permitted.

B. The standards of Section 14 of the Zoning Ordinance (Non-Conformance) shall apply to signs.

SUBDIVISION 10. VIOLATION/PENALTY.

Violation of this Section shall be subject to violation and penalty as prescribed in Section 19 of the Zoning Ordinance (Violations and Penalty).

SUBDIVISION 11. SEVERABILITY.

If any subdivision, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section.

**SUBDIVISION 12. SUBSTITUTION.**

The owner of any sign which is otherwise allowed by this sign ordinance may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting.

MARCH REPORT 2020						
PERMIT #	NAME	PROJECT ADDRESS	CONSTRUCTION - WORK TYPE	CONTRACTOR	VALUATION	PERMIT FEES
A2020- 20						
A2020- 21	RICK SELLNER	114 E. BAKER ST.	RESIDENTIAL - RESIDE	NONE LISTED	\$ 1,500.00	\$51.00
A2020- 22	LEAH SCHRUPP	505 IGH ISLAND CIRCLE	RESIDENTIAL - SINGLE FAMILY DWELLING	SCHAUER CONSTRUCTION	\$ 235,000.00	\$1,692.27
A2020- 23	PETE ARNESON	105 E. CHANDLER ST.	RESIDENTIAL - REROOF	BAUER BUILDERS LLC	\$ 9,000.00	\$51.00
A2020- 24	MONA PRATT	105 W. MAIN ST.	RESIDENTIAL - DRAIN TILE / SUMP PUMP	SAFE BASEMENTS OF MN	\$ 8,000.00	\$141.92
A2020- 25	KREFT CABINETS INC.	305 5TH AVE. SW	COMMERCIAL- ROOF MOUNT SOLAR PV SYSTEM	BLUE HORIZON ENERGY, LLC	\$ 70,000.00	\$740.37
A2020- 26	JOHN BROCK	410 & 412 CIRCLE LANE	RESIDENTIAL - REROOF	DEXTER KUPHALL CONSTRUCTION LLC	\$ 12,000.00	\$51.00
A2020- 27	NICK RAUCH	214 E. ADAMS ST.	RESIDENTIAL - WINDOW INSTALLATION	TRANSFORM HOME IMPROVEMENT	\$ 11,910.00	\$51.00
TOTAL					\$ 347,410.00	\$ 2,778.56