



# COLUMBUS

*Rural Nature. Urban Access*

To: City of Columbus Planning Commission

From: Megan Rogers, Assistant City Attorney

Date: November 2, 2022

Re: Commercial/Industrial District Planning Study

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The City Council enacted a moratorium in June 2022 designed to provide staff and this Commission with an opportunity to study (the “Study”) existing permitted and conditional uses within the Commercial/Industrial District (the “C/I District”). The C/I District lines Lake Drive from Pine Street to Potomac Street. The C/I District is bordered by rural residential uses on both east and west sides of Lake Drive, but Crossaways Lake and its associated shoreland zone limits residential development adjacent to existing uses. Alternatively, the west side of the C/I District is adjacent to existing neighborhoods. The Planning Commission has held three meetings as part of the planning study directed by the Council and has discussed:

- Existing uses on Lake Drive and market demand for current and alternative uses along the corridor
- 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
- Incompatibility between the uses permitted in the C/I District today and neighboring residential uses
- Implementation of additional use definitions to better describe existing uses and future uses within the C/I District
- Concerns over creating legal non-conforming uses and financial impacts to current businesses and property owners
- Use of a two-district approach preserving heavy industrial uses along the east side of Lake Drive and limiting the west side to light industrial and commercial uses, while incentivizing future development of office and light industrial/commercial office parks
- Creation of a conditional use permit to allow for expansion of legal non-conforming uses thereby restricting higher impact 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.

- More permissive performance standards for the west side district coupled with restriction of heavy industrial uses.

The Commission took public testimony on the two-district approach, listened to concerns over the creation of legal non-conformities, market viability of uses listed in staff’s proposed ordinance, and financial impacts of rezoning a portion of the Lake Drive corridor. The Commission also received written comments on these issues which are included as part of the public record for the Study.

**Staff is seeking direction from the Planning Commission on the following items:**

- Materials storage in the C/I West District
- Review of Permitted versus Conditional Uses within both Districts
- Design Standards
- Performance Standards

*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, and 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 Operations:** 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.

## *II. 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.

### ***Materials Storage***

The Commission has discussed concerning impacts of significant materials storage (material piles) to residential properties adjacent to the existing C/I District. In examining potential uses within the proposed C/I-West District, staff received feedback that the existing Contractor Yard-Limited standard as proposed, would prevent the storage and distribution of landscaping materials (dirt, mulch, etc.). Staff is seeking Commission discussion and examination of whether the existing definition (Contractor Yard- Limited) should be revised to allow for limited material piles, or potentially performance standards implemented to address size, type of materials allowed, or if piles should be prohibited all together as currently drafted.

### ***Draft Ordinance***

#### **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.

#### **COMMERCIAL/INDUSTRIAL (C/I- West) DISTRICT PERMITTED USES**

- 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
- I. Office Showroom, with no outdoor storage
- J. Limited Production/Processing, 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 with accessory Contractor Yard-Limited
- C. Brewery, Craft/Micro
- D. Licensed day care facilities
- E. Communication towers and broadcast towers.
- F. Catering Business.
- G. Gasoline sales and related convenience retail sales and car wash.
- H. Greenhouses, nurseries and retail sales of materials raised on the premises (and packaged seeds, soils, soil amendments, gardening tools and hard accessories).
- I. Manufacturing-Light
- J. Medical Uses
- K. Low Impact, High Technology Manufacturing
- L. Mortuaries
- M. Office Showroom with exterior storage
- N. Restaurants and cafes
- O. Retail stores and shops
- P. Vehicle service and repair businesses, and body shops, but not salvage operations or junkyards
- Q. Automotive, Mobile Home, Travel Trailer, Farm Implement, and Construction Machinery Sales, but not Salvage Operations or junkyards
- R. Veterinary clinics, animal hospitals, and commercial dog kennels.
- S. Warehousing and storage facilities
- T. Wholesale Establishment
- U. Recreation Facility, commercial
- V. 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.

### ***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. Staff recommends adding more detailed standards for the new C/I-West district which could also be utilized to allow more permitted uses, thereby encouraging future development of the uses the Planning Commission and ultimately City Council believe are well suited to the new District. Staff further recommends revision to Section 7A-800 of the zoning ordinance to allow for additional site flexibility for the West District.

### **COMMERCIAL/INDUSTRIAL (C/I-West) DISTRICT PERFORMANCE STANDARDS.**

- A. Principal structures and authorized accessory structures within the C/I-West must be compatible with the predominant building appearance and style within the District.
- B. Building exteriors must consist of finished steel panels, glass panels, textured concrete block, pre-manufactured masonry panels, brick, stucco, and similar appearances.
- C. Building exposures facing public streets and dissimilar zoning districts must include a combination of approved materials that include no more than 50% metal exteriors.
- D. All mechanical equipment integral to the building function shall be screened from view from adjacent public right of ways, streets, and properties, including equipment located on the rooftop. Screening must be architecturally designed and made from materials compatible in design and quality to those of the overall building design.
- E. Landscaping must include a combination of overstory shade trees, ornamental tree, conifers, and foundation plantings.
- F. Foundation plantings may include shrubs, hedges, and perennial flowers.
- G. Shade trees are preferred along property lines and parking areas to establish a canopy effect at maturity.
- H. Conifers are encouraged to be planted in combination with screening for authorized storage areas.
- I. Ornaments and foundation plantings are encouraged to be designed and planted in groupings to accent public exposures of the site.
- J. Landscaping quantities and planting standards shall be consistent with the provisions of this Code.

### **COMMERCIAL/INDUSTRIAL (C/I- West) OUTDOOR DISPLAY AND SCREENING STANDARDS.**

- A. Outdoor displays of approved finished product for direct retail sale or lease must be accessory to a principal use and are not subject to screening requirements. All proposed outdoor display shall be reviewed and approved through the planning and zoning application process.
- B. Outdoor storage limitations and requirements:
  - 1. With the exception to the above display of retail merchandise such as vehicles and other equipment for sale, all other accessory outdoor storage of finished product not for direct retail sale and company owned vehicles and equipment (trailers), **and raw**



materials shall be screened from adjacent residential properties and public roadways as required by the following standards:

- a. Required screening shall be at be at a height to effectively limit public view of outdoor storage area.
- b. Required screening shall be located entirely within the required setbacks.
- c. Required screening shall be at least ninety-five (95) percent opaque throughout the year.
- d. Required screening may be satisfied by one (1) or more of the following
  - 1) A berm.
  - 2) A decorative fence with the finished side (side without structural supports) facing out. For the purpose of this section, a chain-link fence with slats or fabric materials is not a decorative fence.
  - 3) A decorative masonry wall.
  - 4) A hedge or other vegetative plantings that are planted at least three (3) feet in height and grow to the required height within two (2) years of installation.
- e. Required screening may be reduced by the City Council if applicant can demonstrate that the public view from adjacent residential property is limited due to wetlands or other permanent natural features.
- f. The construction of a lean-to or accessory structure for screening is permitted, provided that design standards for the specific zoning district are followed and maintained as required, as well as all other applicable standards in this Code, including structure setback and placement.
- g. The outside storage of raw materials cannot exceed the height of the required screening.
- h. A screening plan must be included in all land use applications that includes proposed outdoor storage.
- i. No outdoor storage shall occupy any required driveway or maneuvering areas.
- j. The property owner shall be responsible for the restoration or repair of screening that becomes not in compliance with the approved screening plan. Approved screening must be maintained in a reasonable condition and shall not by reason of age, decay, accident, or otherwise be allowed to become and remain in a state of disrepair or noncompliance with approved screening plan.

District	Minimum Lot Area	Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Structure Height	Floor Area Ratio	Lot Coverage
C/I East	2.5 ac. <sup>2</sup>	120 ft	75 ft	10 ft <sup>6</sup>	35 ft <sup>8</sup>	50 ft	1:1	1:2 <sup>12</sup>
C/I West	2.5 ac. <sup>2</sup>	120 ft	<b><u>35 ft</u></b>	10 ft	<b><u>10 ft</u></b> <sup>8</sup>	50 ft	1:1	1:2 <sup>12</sup>



6: No structure, except fences and signposts in the C/I East District, shall come within 35 ft of any RR District boundary line.

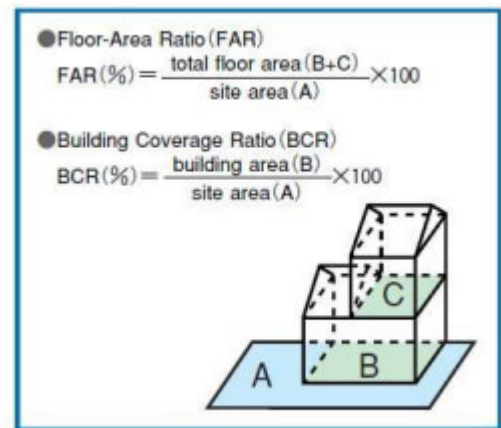
8: Setbacks abutting residential RR Districts in the C/I East District shall be a minimum of 35 ft.

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, where permitted, 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.

Floor area ratio (FAR) calculates the size of the buildings relative to the lot, lot coverage considers the size of all buildings and structures. Put another way, a FAR is the sum of *all* the floor space in a structure, divided by the lot area; lot coverage is the sum of the building *footprint* divided by lot area. The FAR and Lot Coverage numbers recommended here are consistent with development across the City.



### **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, without exterior storage
- I. Office Showrooms
- J. Artisan Shops
- K. Low Impact, High Technology Manufacturing
- L. Limited Production/Processing
- M. 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 with accessory Contractor Yard-Limited or Contractor Yard
- B. Brewery, Craft/Micro
- C. Catering Business
- D. Licensed day care facilities.
- E. Communication towers and broadcast towers.
- F. Lumber yards and sales.
- G. Gasoline sales and related convenience retail sales and car wash.
- H. Greenhouses, nurseries and retail sales of materials raised on the premises (and packaged seeds, soils, soil amendments, gardening tools and hard accessories).
- I. Implement and recreational vehicle sales and service.
- J. Machine shops, welding shops, and similar service establishments.
- K. Mortuaries.
- L. Machinery and Equipment Repair, Heavy
- M. Manufacturing, Heavy
- N. Office, with exterior storage
- O. Restaurants and cafes.
- P. Retail stores and shops.
- Q. Recreation Facility, Commercial
- W. Vehicle service and repair businesses, and body shops, but not salvage operations or junkyards.
- X. Automotive, Mobile Home, Travel Trailer, Farm Implement, and Construction Machinery Sales
- R. Veterinary clinics, animal hospitals, and commercial dog kennels.

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

#### **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*

The Planning Commission may consider use specific performance standards within either C/I District. These use specific performance standards (as compared to district wide standards applied to all permitted and conditional uses) are housed in Section 7A-800 of the City Code. Use specific standards currently incorporated within the Code include Dog Kennels, Wireless Towers, Mineral Extraction and Seasonal Holiday Displays. Currently, staff has proposed

general items for consideration with regards to contractor shops with contractors' yards- full or limited.

*B. Draft Contractor shop with yard standard*

- 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 and excavation as permitted by Conditional Use Permit shall not encroach on any required setbacks or landscape yards and shall be effectively screened from view from public streets and adjacent property using landscaping supplemented by fencing.
- 3) Contractor yards 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 way. Such yards shall be maintained in a clean and orderly manner. Junk 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.

4860-8651-8332, v. 1