



PLANNING COMMISSION AGENDA
TUESDAY, MAY 27, 2025
CITY HALL at 7:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
 - [A.](#) Approval of Minutes - April 28, 2025 Planning Commission Meeting
- 5. PUBLIC HEARING**
 - [A.](#) Public Hearing - Variance Application for Privacy Fence 965 83rd Ave NE
 - [B.](#) Public Hearing - Conditional Use Permit and Zoning Text Amendment - Optimize PT - 8406 Sunset Road NE
- 6. OTHER**
- 7. ADJOURN**

SEE REVERSE SIDE FOR RULES FOR PUBLIC HEARINGS AND
DISCUSSION FROM THE FLOOR

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 1301 81st Avenue NE, Spring Lake Park, MN 55432. Ph.763-784-6491 at least 48 hours in advance.

CITY OF SPRING LAKE PARK RULES FOR PUBLIC HEARINGS

Public hearings are formal proceedings giving citizens an opportunity to express their concerns on a specific issue. Some issues on which the Planning Commission is required to hold public hearings include subdivisions, zoning changes, conditional use permits, and ordinance amendments.

The following format will be used to conduct a public hearing:

1. Planning Commission Chair opens the hearing.
2. City staff describes the proposal.
3. The applicant has an opportunity to further explain the proposal and respond to questions/ comments on the proposal from the Planning Commissioners.
4. Citizens will then have the opportunity to ask questions and/or comment on the proposed project.
 - a. Those wishing to comment are asked to limit their comments to 3 minutes
 - b. A group of residents wishing to have their collective opinions voiced may elect a spokesperson to represent them. The spokesperson may have a maximum of 10 minutes to express the views of the group.
 - c. People wishing to comment are asked to keep their comments succinct and specific.
5. After everyone wishing to address the subject of the hearing has done so, the Planning Commission Chair will close the hearing.
6. Planning Commissioners will have an additional opportunity to comment and ask questions on the issue.
7. The Planning Commission will make a formal recommendation on the issue to the City Council or defer decision pending additional information.

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on April 28, 2025, at the City Hall, at 7:00 PM.

1. CALL TO ORDER

Chairperson Hansen called the meeting to order at 7:00 PM.

2. ROLL CALL

MEMBERS PRESENT

Commissioner Sharon Weighous
Commissioner Delfs
Commissioner Rick Cobbs
Commissioner Eric Julien
Chairperson Hans Hansen

STAFF PRESENT

Administrator Daniel Buchholtz, Building Official Jeff Baker, Planner Kristin Baldonado, Planner Kribashini Moorthy

OTHERS PRESENT

Thomas NKem	1279 Norton Avenue NE	Fridley MN
Efuelateh NKengaleh	1129 Avenue NE	Spring Lake Park MN
Pierre Arnold	7883 173 rd Avenue SE	Becker MN
Augustine Awandem	13810 Jasmin Way	Rogers MN
Nicasius Ndemaze	14434 Empire Lane NE	Dayton MN

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of Minutes – January 27, 2025 Planning Commission Meeting

Motion made by Commissioner Cobbs, seconded by Commissioner Julien, to approve the minutes from the January 27, 2025, 2023 Planning Commission meeting.

Voting Yea: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Commissioner Julien, Chairperson Hansen. Motion carried.

5. PUBLIC HEARING

A. Public Hearing – Conditional Use Permit – Big Chiefs Auto – 1810 County Highway 10 NE

Planner Kristen Baldonado, presented a conditional use permit application for Big Chief's Auto Center at 1810 County Highway 10 in Mounds View. She stated that the auto repair business—

which includes repair, body work, and tire sales—is occupying an existing building without making any structural changes. Ms. Baldonado noted the site is within a C2 zoning district, where such use is permitted as a conditional use. She said that per zoning regulations, all vehicle storage and work must occur indoors, vehicles must have current tabs, and no vehicle sales are allowed.

Ms. Baldonado stated that the staff is recommending approval of the conditional use permit, subject to the following conditions:

- All auto repairs must be conducted entirely within the building.
- Body work is permitted as part of the auto service and repair use.
- Tire sales are allowed as part of the conditional use.
- Car wash activities are limited to cleaning vehicles inside the building for repair customers only.
- Car rentals are restricted to courtesy loaners for repair customers; rentals to the general public are not permitted.
- Any proposed building or site modifications must be reviewed by city staff as a potential amendment to the conditional use permit.
- All vehicles on the premises must be legal and operable for use on public roads.
- Hours of operation are limited to 9:00 AM–9:00 PM, Monday through Friday, and 9:00 AM–6:00 PM on Saturdays.
- On-site lighting must remain confined to the premises; any changes require review and approval by the city engineer.
- Adequate off-street parking must be maintained.
- All applicable city standards for drainage and other site features must be followed; changes require city engineer approval.

Ms. Baldonado stated that the Planning Commission has three options for action:

- Recommend approval of the conditional use permit with the stated conditions and findings.
- Recommend denial of the permit with findings for denial.
- Continue the item to a future meeting to allow for further discussion or to gather additional information.

Chairperson Hansen opened the public hearing at 7:05 PM.

Mr. NKem, 1810 Highway 10 NE, stated that he represents a group of auto dealers and auto repair shops. He said that primary goal of the group is to bring positive change and improvement to the local auto repair industry, while also contributing to the community through job creation and compliance with city regulations.

Chair Hansen inquired about the number of bays located onsite. Building Official Baker stated that there are two oversized bays. Commissioners inquired about the number of people being employed. Mr. NKem stated that there are 4-5 employees.

Commissioner Cobbs asked for clarification on hours of operation. He was informed the hours were 9:00 am – 9:00 pm. Commissioner Julien inquired if the hours could be 9:00 am – 8:00 pm, due to the close approximating of residential houses.

Mr. Pierre Arnold, 7837 3rd Avenue SE, Becker, MN and a customer of the neighboring business, commented on Big Chief Auto working on vehicles without a CUP and selling vehicles without a dealer's license

Commissioner Delfs inquired of Mr. Arnold if Spring Lake Park Auto had contacted the City about the violations. Building Official Baker stated that he did go out and discuss the violations with Big Chief Auto. He informed Mr. Nkem that he could do paperwork but no other operations could be done.

Mr. Awande, Rogers MN, raised a question during the meeting regarding one of the rules being discussed, specifically about the requirement for activities to be conducted in "close proximity or inclusion of the building." He sought clarification on whether this meant that such activities must be fully inside the building or just within its surrounding premises.

Building Official Baker clarified that the rule means activities must be completely inside the building with the garage door shut. He stated confirmed that any vehicle outside the building must be street legal, operational, have valid license plates, and no expired tabs.

Commissioner Weighous raised a question about the practical implications of the rule requiring all vehicles on the property to be operational. She referred to a situation where a repair shop has two double bays with vehicles inside and the garage doors shut. She asked whether a tow truck driver bringing in a third, non-operational vehicle would need to be turned away under this rule. Commissioner Weighous specifically questioned how after-hours drop-offs would be handled—such as when a service like AAA tows a non-operational car to the shop after business hours. Her concern was that, while the vehicle would not be operational at the time, it was being brought there for legitimate repairs.

Building Official Baker stated that per City Code any vehicle that is parked outside of a garage does have to be operational.

Commissioner Julien asked Mr. Nkem where are the tires being stored once they are removed from the vehicle. Mr. Nkem stated that he has been in contact with a company for disposal, and that the tires will be stored inside until they are picked up for recycling.

Commissioner Cobbs inquired if there were two lots. Administrator Buchholtz confirmed there are two lots under common ownership.

Chairperson Hansen closed the public hearing at 7:32 PM.

Administrator Buchholtz addressed the topic of Conditional Use Permits (CUPs) and enforcement procedures. He reaffirmed as stated by Planner Baldonado, CUPs are presumed

to be permitted as long as reasonable conditions are met. He explained that there is a clear process in the city code for revoking CUPs in cases of ongoing ordinance violations. He noted that when code enforcement receives complaints, they will investigate, document, and attempt to correct the violations. Administrator Buchholtz stated that if violations continue to accumulate, the matter can be brought before the City Council with a recommendation for a revocation hearing.

Administrator Buchholtz emphasized that this process is designed to unfold over time and is intended to ensure compliance. He expressed hope that revocation won't be necessary in this case, but he assured the commission that there is an established enforcement mechanism in place to address repeated non-compliance.

Commissioner Delfs addressed concerns primarily for the benefit of the business owner, highlighting that Spring Lake Park has a long history of issues with late-night vehicle drop-offs and inoperative or unlicensed cars being left in parking lots. He noted that these issues have been significant in the past, prompting the commission's current scrutiny and questions. Commissioner Delfs emphasized that the situation has improved over time, suggesting that past enforcement efforts have had a positive impact.

Motion made by Commissioner Cobbs, seconded Commissioner Julien to Approve the Conditional Use Permit for Big Chiefs Auto with the following conditions, except for changing the hours of operation from 9:00 AM to 8:00 PM Monday through Friday and 9:00 AM to 6 PM on Saturday.

- All auto repairs must be conducted entirely within the building.
- Body work is permitted as part of the auto service and repair use.
- Tire sales are allowed as part of the conditional use.
- Car wash activities are limited to cleaning vehicles inside the building for repair customers only.
- Car rentals are restricted to courtesy loaners for repair customers; rentals to the general public are not permitted.
- Any proposed building or site modifications must be reviewed by city staff as a potential amendment to the conditional use permit.
- All vehicles on the premises must be legal and operable for use on public roads.
- Hours of operation are limited to 9:00 AM–8:00 PM, Monday through Friday, and 9:00 AM–6:00 PM on Saturdays.
- On-site lighting must remain confined to the premises; any changes require review and approval by the city engineer.
- Adequate off-street parking must be maintained.
- All applicable city standards for drainage and other site features must be followed; changes require city engineer approval.

Voting Yea: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Commissioner Julien, Chairperson Hansen. Motion carried.

6. OTHER

Administrator Buchholtz gave an update on activities happening at the City. He began by welcoming everyone to the newly remodeled City Hall, noting that the audiovisual setup is now complete and expressing satisfaction with the renovation, which he believes will serve the city well for many years.

Administrator Buchholtz announced an upcoming City Hall Open House scheduled for Thursday, May 22, from 5:00 to 7:00 PM. He said the event will include tours, cookies, and light refreshments, and formal invitations will be sent out, but he encouraged everyone to save the date.

Administrator Buchholtz also provided an update on a key city development project. He stated the city has recently acquired the Guangzhou property and has a pending purchase agreement for the larger mall at the southwest corner of Highway 65 and 85th Avenue. He noted that once it is finalized, the city will have full control of the site. He did note that existing leases will need to expire before any redevelopment can begin, so visible progress will take time.

7. ADJOURN

Motion made by Commissioner Julien, seconded by Commissioner Cobbs to adjourn.

Voting Yea: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Commissioner Julien, Chairperson Hansen. Motion carried.

Meeting adjourned at 7:38 PM.

Memorandum

To: Chair Hansen and Members of the Planning Commission
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: May 20, 2025
Subject: Variance – 965 83rd Ave NE

Background

Kurtiss Kemmet, 965 83rd Avenue NE, has submitted an application for a variance from the 4 foot height limitation for a privacy fence in the front yard.

The applicant is seeking a variance from the height limitation set forth under SLPC 16.28.030 (Fences).

The site is located at the intersection of Laddie Road and 83rd Avenue NE. The property is guided for low density residential in the 2040 Comprehensive Plan. The property is zoned R-1, Single Family Residential – allowed uses include single-family homes and duplexes. Property records show that the house on the property was constructed in 1984.



The City's current yard setback standards for the R-1 zoning district is as follows:

Dwelling, single family – front yard	35 feet
Dwelling, single family – rear yard	40 feet
Dwelling, single family – side yard	10 feet
Accessory uses, rear yard	5 feet
Accessory uses, side yard	5 feet

SLPC 16.28.030 regulates the location, height, type of construction and maintenance of fences within the City.

§ 16.28.030 Fences

- F. *Residential district fences.* In single- and multiple-family residential districts, no fence may exceed four feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this title. In these districts, fences along the side lines to the rear of the front line of the residential structure and along the rear line, including rear lines abutting street or highway right-of-way zones, may not exceed six feet in height above the ground level. The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, no fence shall be permitted within the intersection sight distance triangle as shown in SLPC 16.64.030, App. C.

The applicant is seeking a variance from the requirement that no fence located in the front line of a residential structure may exceed four feet in height. The Zoning Code defines the front lot line as “the boundary of a lot abutting a street. On a corner lot, the shortest street lot line shall be the front lot line.” SLPC 16.20.080 (B) states that “...the front yard shall extend along the entire frontage of the lot and along both streets in the case of a double frontage or corner lot.” In addition, SLPC 16.20.080 (E)(1) states that “the required front yard of a corner lot shall remain free of any wall, fence, structure, tree, shrub, or growth that does not maintain at least 75 percent transparency.”

Previous applications: April 1984 - variance granted to build house with an 8 foot side yard setback. April 2001 - variance granted to allow curb cut for the driveway to be 30 feet wide, rather than the 24 foot standard.

Analysis

Section §16.60.040 of the City of Spring Lake Park’s zoning code outlines the criteria for considering variances:

“The City Council may grant a variance from the strict application of this title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause practical difficulties in complying with the official control because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variances are consistent with the Comprehensive Plan. “Practical difficulties” as used in connection with granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical

difficulties also includes, but is not limited to, direct sunlight for solar energy systems. A variance shall not be granted to allow a use that is not allowed in the zoning district involved.”

Constructing a privacy fence in a yard is a reasonable use of the property as privacy fences are frequently found in single family residential areas. The proposed fence would not change the character of the neighborhood as the corner lot property located across the street at 937 83rd Avenue has a similar privacy fence in the front yard setback as being requested by the applicant, though it does not abut a driveway. Staff will note that there is a code compliant fence at 8322 Laddie Road NE in the front yard. The property faces a unique circumstance as the garage and driveway face Laddie Road, which makes that frontage function more like a side yard, despite its legal classification as a front yard. The practical difficulty was not created by the landowner.

This provision of code has been inconsistently enforced across the City, resulting in a hodge-podge of compliant and non-compliant fences in the front yard in corner lots across the City.

Recommendation

While the code is clear, this provision has been inconsistently enforced across the City, resulting in a visible mix of compliant and non-compliant fences in the front yards of corner lots. This has led to a lack of uniformity in how corner lot fencing is treated, both in terms of appearance and code compliance. The applicant’s request reflects a broader pattern of property owners seeking privacy and utility in these transitional yard spaces.

There are valid considerations both in support of and in opposition to the variance. On one hand, the lot’s configuration results in a street-facing yard that functions more like a side or rear yard, and the proposed fence may offer enhanced privacy and security without impacting visibility if placed outside the required sight triangle. On the other hand, approval of a taller, fully opaque fence could contribute to an inconsistent application of the City’s fencing standards and may diminish the open character typically associated with corner lots. Additionally, a code-compliant alternative exists: the applicant could construct a fence aligned with the front face of the garage, which would still allow for enclosure of the majority of the yard space. This raises the question of whether the request reflects a practical difficulty as defined under the zoning code, or whether it is primarily a matter of personal preference.

Given the context of prior inconsistent enforcement and the policy implications for future variance requests, staff is not making a specific recommendation and instead refers this matter to the Planning Commission for direction.

If the Planning Commission wishes to recommend approval of the variance, it would be with the following conditions:

1. Fence shall not be located no closer than 17 feet from back of curb to ensure it is outside of the City’s right-of-way.
2. Fence must be constructed of durable, residential-grade material such as vinyl, cedar or treated wood, and maintained in good repair with no warping, leaning or visible damage.
3. Applicant shall obtain a building permit for the fence prior to construction.

If the Planning Commission wishes to recommend denial of the variance application, it would be with the following findings of fact:

1. The applicant has not demonstrated practical difficulties unique to the property. The lot in question is a standard corner lot with no unusual shape, topography, or development constraints that prevent compliance with the City's fencing regulations. The desire for a taller privacy fence is based on personal preference, not a practical difficulty arising from the physical characteristics of the property.
2. The proposed variance is contrary to the clear and specific requirements of SLPC § 16.20.080(E)(1). The zoning code explicitly limits front yard fences on corner lots to 4 feet in height and requires at least 75% transparency to preserve open streetscapes and maintain traffic visibility. A 6-foot solid privacy fence does not meet these requirements.
3. The requested fence would alter the essential character of the corner lot streetscape and conflict with the City's established front yard design standards.

If you have any questions regarding this application, please don't hesitate to contact me at 763-784-6491.

865 83rd Avenue – Viewd from 83rd Avenue, facing North



865 83rd Avenue – Viewed from Laddie Road, facing East



937 83rd Avenue NE – Viewed from Laddie Road, facing West



8323 Laddie Road NE – Viewed from Laddie Road, facing West



CITY OF SPRING LAKE PARK NOTICE OF PUBLIC HEARING

Notice is hereby given that the Spring Lake Park Planning Commission will hold a public hearing on Tuesday, May 27, 2025 at 7:00 PM or soon thereafter, to consider the following:

Property Owner: Kurtiss Kemmet
Applicant: Kurtiss Kemmet
Location: 965 83rd Avenue NE (PID# 01-30-24-22-0119). Legal Description is w1/2 of Lot 1 Block 2 Fairview Court
Petition: The applicant is seeking a variance to build a privacy 6' fence to replace the current chain link fence that extends past the garage in the Northwest corner of the property.

The public hearing will be held at Spring Lake Park City Hall, 1301 81st Avenue NE, Spring Lake Park, MN. Interested individuals or organizations are encouraged to submit written comments prior to the hearing. All interested parties will be heard.

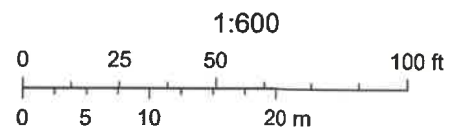
Daniel R. Buchholtz
Administrator, Clerk/Treasurer

Posted: May 16, 2025
Published: May 16, 2025

ArcGIS Web Map



5/12/2025, 10:44:33 AM





City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432
763-784-6491 (p) 763-792-7257 (f)
info@slpmn.org

For Office Use Only

Case Number:
Fee Paid: 500
Received by: MB
Date Filed: 5/1/25
Date Complete:
Base Fee: 250 Escrow: 250

DEVELOPMENT APPLICATION**TYPE OF APPLICATION** (Check All That Apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Appeal | <input type="checkbox"/> Site Plan/Building Plan Review | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Concept Plan Review | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Ordinance Amendment (Text) | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Lot Combination |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Interim Use Permit | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Street or Easement Vacation | <input type="checkbox"/> Final Plat |

PROPERTY INFORMATION

Street Address: 965 83rd Ave NE
Property Identification Number (PIN#):
Current Zoning: Residential
Legal Description: Single family home
(Attach if necessary)

APPLICANT INFORMATION

Name: Kurtiss Kemmet
Business Name:
Address: 965 83rd Ave NE
City/State/Zip Code: Spring Lake Park, MN 55432
Telephone: 763 221 5773 Fax:
E-mail: Kurtiss.Kemmet@gmail.com
Contact:
Title:

OWNER INFORMATION (if different from applicant)

Name:
Business Name:
Address:
City/State/Zip Code:
Telephone: Fax:
E-mail:
Contact:
Title:

DESCRIPTION OF REQUEST (attach additional information if needed)

Existing Use of Property:

Nature of Proposed Use:

Reason(s) to Approve Request: Would like to have a privacy fence replace the current chain link fence that extends past the garage.

APPLICATION FEES AND EXPENSES:

The City of Spring Lake Park requires all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. If the applicant requests the estimate, the application shall not be deemed complete until the City has (1) provided an estimate to the applicant; (2) received the required application fees, as specified by the City; (3) received a signed acceptance of the fee estimate from the applicant; and (4) received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. **All fees and expenses are due whether the application is approved or denied.**

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. **I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.** This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.

I wish to be notified of additional costs in the following manner (select one):

☒ E-mail Kurtiss.Kennet@gmail.com ☒ Fax _____ ☐ USPS

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled "Application Fees and Expenses" as listed above.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: [Signature] Date: 5/1/2025
Owner: [Signature] Date: 5/1/2025

NOTE: Applications only accepted with ALL required support documents.
See City Code

**City of Spring Lake Park
Variance Application**

A variance cannot be approved unless the Planning Commission and City Council find that the "practical difficulties" standard has been met. Please provide a response as to how/why your project will meet the following criteria. Use additional sheets if necessary and consult with the Zoning Administrator if you need clarification on the intent of any of the standards set below.

1. Applicant Information:

Name: Kurtiss Kemmet

Telephone: 763 221 5773

Address: 965 83rd Ave NE

Cell Phone: _____

City/State/Zip: Spring Lake Park MN
55432

E-mail: Kurtiss.Kemmet@gmail.com

2. Property Owner Information (if different from above):

Name: _____

Telephone: _____

Address: _____

Cell Phone: _____

City/State/Zip: _____

E-mail: _____

3. Project Location (Address and Legal Description): 965 83rd Ave NE, Spring Lake Park

4. Present Use of Property: Private Home

5. Description of Project: Privacy fence in the side

6. Specify Section of the Ordinance from which variance is sought: Residential
Fence

7. Explain how you wish to vary from the applicable provisions of this Ordinance: _____

would like to extend a 6' privacy fence
past the garage

8. Please attach a site plan or accurate survey as may be required by Ordinance.

9. Practical Difficulties Test: Please answer the following questions as they relate to your specific variance request.

a. In your opinion, is the variance in harmony with the purposes and intent of the Ordinance?

☒ Yes ☐ No Why or why not?

b. In your opinion, is the variance consistent with the Comprehensive Plan?

☒ Yes ☐ No Why or why not?

c. In your opinion, does the proposal put property to use in a reasonable manner?

☒ Yes ☐ No Why or why not?

Allows us to use our front/back yard with some privacy that we do not have

d. In your opinion, are there circumstances unique to the property? (physical characteristics of the property – i.e. sloping topography or other natural features like wetlands or trees)?

☒ Yes ☐ No Why or why not?

The section of our yard we want fenced in is 58' from vision triangle

e. In your opinion, will the variance maintain the essential character of the locality?

☒ Yes ☐ No Why or why not?

The Planning Commission must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs and also with the procedural requirements of the City Code and other applicable ordinances.


Applicant Signature:



Date:

5/1/2025

Fee Owner's (Property Owner) Signature:



Date:

5/1/2025



City of Spring Lake Park
1301 81st Ave NE
Spring Lake Park, MN 55432
763-784-6491

Receipt: 0000012325
Receipt: 05/02/25
Cashier: WBROWN
Received Of: KEMMET, KURTISS D

965 83RD AVE NE
SPRING LAKE PARK MN 55432

The sum of: \$250.00

BDINV 0000001182

Remaining Balance: \$0.00

Total: \$250.00

TENDERED: Check 5098

\$250.00



City of Spring Lake Park
1301 81st Ave NE
Spring Lake Park, MN 55432
763-784-6491

Receipt: 0000012326
Receipt: 05/02/25
Cashier: WBROWN
Received Of: KURTISS KEMMET

965 83RD AVE NE
SPRING LAKE PARK MN 55432-2064

The sum of: \$250.00

BDINV 0000001183

\$250.00

Remaining Balance: \$0.00

Total: \$250.00

TENDERED: Check 5098

\$250.00

To: Spring Lake Park Planning Commission

From: Phil Carlson, AICP, Stantec

City of Spring Lake Park

REQUESTS: Zoning Code Amendment,
Conditional Use Permit

Date: May 27, 2025

APPLICANT: Abby Rehberger, Optimize
Physical Therapy

ADDRESS: 8406 Sunset Drive NE

OWNER: Rise, Inc.

ZONING: I-1 Light Industrial

INTRODUCTION

The Planning Commission and City Council have discussed the idea of amending the code to allow for a sports performance training center use in the Industrial district. The use describes Optimize Physical Therapy (OPT), a commercial physical therapy and training business that caters to youth athletes. OPT is interested in purchasing the property at 8406 Sunset Drive NE, the former RISE facility, in the I-1 Light Industrial district. The I-1 district does not now include any permitted or conditional uses that would fit OPT's use, so a text amendment is proposed to add "sports performance training center" as a conditional use. Concurrently, OPT is applying for a conditional use permit (CUP) to allow the use to occupy the property.

Ideally, the code would be changed first, then a business would apply for a CUP applying that code change, but in this instance, city staff has agreed that the two requests could come in together in order to save time and effort, assuming the City Council approves both requests. The risk is OPT's if there are changes to either decision that might impact the requests.



ZONING CODE TEXT AMENDMENT

The proposed zoning code text amendment is based on the Burnsville zoning ordinance, which includes the use "sports performance training center", combining aspects of a medical clinic with a recreation use. The amendment would be to **Section 16.64.040 Appendix D: Schedule of Permitted Uses By District**, under the I-1 district, but also to **Section 16.04.070 Definitions**, as detailed on the next page.

Proposed additions to the code are in underlined text to include the following:

- Add a definition in the front section of the zoning ordinance, places in alphabetical order
- Add a use in the Appendix table of permitted uses, also in alphabetical order
- Add a footnote at the bottom of the table to detail the standards for the use

Re: **Zoning Code Amendment, Conditional Use Permit, 8406 Sunset Drive NE**

16.04.070 Definitions – Zoning

SPORTS PERFORMANCE TRAINING CENTER: A private establishment offering individual or group athletic training programs for specific sports and athletic activities often associated with athletic organizations, sport associations, and schools, supervised by specialized coaches present for all training sessions and where tournaments and competitions may be held. The use may also include therapy by trained medical personnel to treat sports-related conditions.

...

16.64.040 Appendix D: Schedule Of Permitted Uses By District

...

C. Light industrial district. Conditional uses in this paragraph shall be governed by the criteria enumerated in SLPC 16.56, relating to conditional uses. Interim uses in this paragraph shall be governed by criteria enumerated in SLPC 16.58, relating to interim uses.

<i>Uses in I-1</i>	<i>Category</i>
...	
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P
<u>Sports performance training center¹</u>	<u>C</u>
Storage, enclosed rental	C
...	
¹ <u>Sports Performance Training Centers; special requirements: parking for all activities on site must be accommodated with off-street parking on the building site or via a joint parking agreement; all signage must meet the requirements of this title; if the facility is located in an existing multi-tenant building off-street parking and loading must be provided for all tenant uses as required by this title; customer parking and pedestrian access to the building must not interfere with off-street loading or large truck maneuvering on the site; and the building inspector must determine if the change of use requires alterations to the building to ensure health and safety. The applicant shall be responsible for all required changes.</u>	

Re: Zoning Code Amendment, Conditional Use Permit, 8406 Sunset Drive NE

CONDITIONAL USE PERMIT

The property at 8406 Sunset Drive is about 2.8 acres; the building is about 60,000 sq ft in size. The parking lot has 97 spaces, which Optimize believes is more than adequate, and we concur. The standards in the ordinance (assumed to be adopted) for a sports performance training center require off-street parking for all activities in the facility. The site can accommodate this use as a conditional use. There are internal changes contemplated for the building, but no significant exterior changes to the site or building. The preliminary floor plan for the facility is included at the end of this report.

The zoning code, in Section 16.56.030, lists eleven criteria for considering any conditional use, excerpted at the end of this report. The OPT use satisfies all the criteria and will not be detrimental to surrounding properties or impose a burden on city services and infrastructure.

RECOMMENDATION

Zoning Code Text Amendment

I recommend that the Planning Commission recommend approval of the attached draft ordinance adding the sports performance training center use in the Definitions and the Table of Uses in the Spring Lake Park Zoning Code as a conditional use in the I-1 district.

Conditional Use Permit

I recommend that the Planning Commission recommend approval of the conditional use for Optimize Physical Therapy at 8406 Sunset Drive NE as detailed in the materials submitted by Optimize, with the following conditions and findings.

Conditions for Approval

- 1) The conditional use permit is only approved if the zoning code is amended to include the sports performance training center definition and use.
- 2) Parking for all activities on site must be accommodated with off-street parking on the building site or via a joint parking agreement
- 3) All signage must meet the requirements of this title
- 4) Customer parking and pedestrian access to the building must not interfere with off-street loading or large truck maneuvering on the site
- 5) The building inspector must determine if the change of use requires alterations to the building to ensure health and safety. The applicant shall be responsible for all required changes.

Findings of Fact for Approval

- 1) Optimize Physical Therapy has applied for a conditional use permit to operate a sports performance training center in the building at 8406 Sunset Drive NE.
- 2) The proposed use meets the conditions in the Zoning Code Section 16.64.040 for a sports performance training center.
- 3) The Optimize Physical Therapy use satisfies the criteria in Section 16.65.030 of the Zoning Code for approving a conditional use permit.

Re: Zoning Code Amendment, Conditional Use Permit, 8406 Sunset Drive NE

Denial of Conditional Use Permit

A conditional use is considered a permitted use to which reasonable conditions may be attached based on findings. If the Commission wishes to recommend denial of the conditional use permit, they should craft findings to support that decision.

60-DAY DEADLINE

The application was received on May 2, 2025. The deadline for final action by the City Council per State statute 15.99 is July 2, 2025.

CONDITIONAL USE PERMITS

Section 16.56.030 Application Procedure.

E. Findings and recommendations. The Planning Commission shall then make its findings and recommendations to the City Council within 30 days following the end of the public hearing.

1. The City Council may then authorize the conditional use permit, provided the applicant has provided evidence establishing the following:
 1. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
 2. The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;
 3. The proposed use will comply with the regulations specified in this title for the district in which the proposed use is to be located;
 4. The use is one of the conditional uses specifically listed for the district in which it is to be located;
 5. The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;
 6. The use will not lower property values or impact scenic views in the surrounding area;
 7. Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;
 8. Sufficient off-street parking and loading space will be provided to serve the proposed use;
 9. The use includes adequate protection for the natural drainage system and natural topography;
 10. The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and
 11. The proposed use will not stimulate growth incompatible with prevailing density standards.

Re: Zoning Code Amendment, Conditional Use Permit, 8406 Sunset Drive NE

OPTIMIZE PT USE

Optimize provided the following information to the City about their use.

1. Building use

Describe your business

- Optimize Physical Therapy and Elite sport Performance is a physical therapy and sports training facility. We have been operating out of a facility in Blaine for the past 5 years and was located in Roseville for 2 years prior to that.
- We are primarily an outpatient orthopedic physical therapy clinic that specializes in manual therapy, injury prevention, return to sport and concussion/dizziness.
- In addition, we run multiple sport training camps/clinics for youth athletes. We currently primarily focus on weight lifting (after school and during the summer) and softball and baseball camps. During the school year we train youth athletes from 3pm-9pm on the weekdays and 9am-9pm on weekends. During the summer months we run strength and conditioning 9am-1pm in our weight room while other staff travel MN running outdoor softball and baseball camps (Brainerd, Alexandria, Spring Lake Park, White Bear Lake, Etc.)
- For reference in the past 2024 and early 2025 we had 40 baseball and softball teams we were unable to accommodate due to not having enough space in our current location.
- Aside from the camps Optimize runs, we also offer our space for team rental and rent our batting cages to several youth little league teams, travel ball teams and High school teams.

What is the plan for the building?

- Our plan for the building is to expand our current physical therapy and sports training practice to include basketball and volleyball and offer a much larger baseball/softball space for teams to rent, train and expand our softball and baseball camps.
- In the summer months we plan to offer youth sports summer camps.
- Offer community use of the courts during the day time hours for pickleball, court use, weight room.
- Home school co-op during the school year.

How will spaces within the building be used, including square footage and capacity?

- See diagram for full description:
 - Office area for treatment rooms, turf speed training and open lounge area.
 - 3 Volleyball/basketball areas
 - Open warehouse with turf for baseball/softball training
 - Turfed bullpen area
 - 2 weight rooms

Do you plan to sublet any portion of the building to another tenant?

- Optimize will operate the entire building and local sports teams will use the space to practice, scrimmage and potentially be a site to run youth (2nd, 3rd and 4th grade) tournaments.
- There will be two separate entities operating within the space (All companies involved owned by Abby Rehberger.
- Apparel company- owned by Abby Rehberger
- Home school co-op- Owned by Abby Rehberger

2. Physical Changes:

Will there be exterior changes or only interior modifications?

- No plans to modify the exterior
- No, as-is, the building is ideally suited for our use.

3. Exterior Uses:

Re: Zoning Code Amendment, Conditional Use Permit, 8406 Sunset Drive NE

Are there plans for exterior uses or amenities, such as the existing break/lunch area indicated on the aerial imagery?

- The outdoor break area will be left as is and used as an outdoor break area.

4. Hours of Operation:

What are your proposed hours of operation, including times for specific activities or uses?

- Hours vary slightly depending on the time of the year. We work with primarily youth athletes.
- During the school year:
 - We will have “general” patients during the day time hours. There’s currently 2.5 therapists on staff all treating one patient at a time.
 - Home-school co-op with 8-12 students.
 - We also would hope to open the facility for community members during the day time with monthly memberships to use the courts for activities such as pickleball, basketball and weight room use.
 - After school: sports training and practices from 3-9pm.
 - Softball/Baseball we limit training to 20 athletes/group. There would be two groups in the baseball area totaling 40 athletes and 8-10 staff. ALL parents drop off and pick up for these as we do not allow parents to stay for practice. After their 1.5 hour practice they transition into the weight room and the next group comes in.
 - Basketball/volleyball: approx 10 kids on each team. If they do 2 teams, 20 total with 2-3 coaches in each gym.
- Summer months:
 - Physical Therapy treatments continue.
 - Summer youth sports program: 40 kids total (20: K-3rd and 20: 4-6th) Again parents will drop kids off and pick up after work.

5. Miscellaneous Questions:

How many staff, clients or visitors do you anticipate at peak times?

- October - March: 3-6pm during the school year: 150 max

How many employees do you have?

- We currently have 25 people on payroll. However, many of these are High school and college students that assist with summer camps and after school training and work a total of 10-15 hours/week during our training times.
- We have 2 people on staff full time including myself.
- With this expansion we will be closer to 6 people on staff full time plus the seasonal workers.

Are there any activities that might create elevated noise levels or increase traffic during specific times?

- The only noise would be during the evenings and weekends of teams practicing/cheering
- Possibility for youth 2-4th grade basketball tournaments on a weekend day. (Most likely Saturday). 2 teams in 3 courts for a total of 60 athletes playing. Plus 20-40 kids finishing games and leaving as new players come in (total 100). That is if every single parent drove their kid vs some car pooling.

6. Truck Loading Needs:

Do you anticipate retaining the existing truck dock for deliveries?

- We will keep them there, but after move in do not plan to use them for the purpose of receiving any deliveries.

Re: **Zoning Code Amendment, Conditional Use Permit, 8406 Sunset Drive NE**

Optimize PT Floor Plan, 8406 Sunset Drive NE



**SPRING LAKE PARK
ORDINANCE 504**

**AN ORDINANCE AMENDING THE SPRING LAKE PARK ZONING CODE TO
ADD THE SPORTS PERFORMANCE TRAINING CENTER USE**

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “16.04.070 Definitions - Zoning” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.04.070 Definitions - Zoning

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A narrow thoroughfare upon which the rear of premises generally abuts or upon which service entrances of buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation, or which is not in excess of 30 feet in width at its intersection with a street.

AUTOMOBILE SERVICE STATION. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries, and minor accessories, minor automobile repairs, and greasing or washing of individual automobiles. When sales, services, and repairs as detailed here are offered as incidental to the conduct of an **AUTOMOBILE SERVICE STATION**, premises shall be classified by the primary usage. **AUTOMOBILE SERVICE STATIONS** shall not include the sale or storage of junked motor vehicles, shall not include premises offering major automobile repairs, automobile wrecking, or automobile sales. In connection with **AUTOMOBILE SERVICE STATIONS**, fuels offered for sale shall be stored only in underground tanks located wholly within the lot line.

AUTOMOBILE WASH. A building, or portion thereof, containing facilities for washing more than two automobiles, using production line methods with a steam cleaning device or other mechanical devices.

BASEMENT. A story having more than one-half its height below the average level of the adjoining finished grade. A **BASEMENT** is counted as a story for the purposes of height regulations, if subdivided and used for business or dwelling purposes.

BERTH. A loading space.

BLOCK. A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways, or boundary lines of the corporate limits of the city.

BOARDING HOUSE. A building other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding ten persons.

BOARDING SCHOOL. A school at which the pupils receive board and lodging during the school term.

BREWER TAP ROOM. A brewer taproom is a facility on or adjacent to premises owned by a brewer licensed under M.S. § 340A.301, Subd. 6(c), (i) or (j) and produces less than 250,000 barrels of malt liquor annually, and where the on-sale and consumption of malt liquor produced by the brewer is permitted pursuant to M.S. § 340A.301, Subd. 6(b).

BUILDABLE AREA. The space remaining on a lot after the minimum setback and open space requirements of this title have been met.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy. The term includes structures of every kind, regardless of similarity to buildings.

BUILDING, ACCESSORY. A subordinate building or structure on the same lot.

BUILDING, DETACHED. A building surrounded by open space, that open space being on the same zoning lot as the building.

BUILDING, HEIGHT OF. The vertical distance measured from the average elevations of the finished grade along the front of the building to the highest point of the roof surface in a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and the ridge of gable, hip, and gambrel roofs.

BUILDING INSPECTOR. The building inspector of the city.

BUILDING LINE. An imaginary line separating buildable area and required yards.

BUILDING LINE SETBACK. The distance between the building line and the property line.

BUILDING, NON-CONFORMING. See **NON-CONFORMING BUILDING.**

BUILDING, PRINCIPAL. A non-accessory building in which a principal use of the zoning district in which it is located is conducted.

BULK. The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another, and includes the following:

- A. The size and height of buildings;
- B. The location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- C. The gross floor area of buildings in relation to lot area (floor area ratio);
- D. All open spaces allocated to buildings; and
- E. The amount of lot area per dwelling unit.

BULK MATERIALS. Uncontained solid matter, such as powder, grain, stone, and sulphur, and the like, that has a tendency to become airborne.

BULK DEICER STORAGE. Storage of any material used for deicing and/or traction during winter conditions that is more than five tons in solid form or 1,000 gallons in liquid form.

CITY ADMINISTRATOR, CLERK/TREASURER. The Administrator, Clerk/Treasurer of the city.

CITY COUNCIL. The City Council of the city.

CLUSTER DEVELOPMENT. A planned unit development consisting only of residential units.

COCKTAIL ROOM. A cocktail room is a facility on or adjacent to premises owned by a micro distillery licensed under M.S. § 340A.301 Subd. 6(c) which produces premium, distilled spirits in total quantity not to exceed 40,000-proof gallons in a calendar year, and where the on-sale and consumption of distilled spirits produced by the microdistillery is permitted pursuant to M.S. § 340A.301, Subd. 6(c).

COMPREHENSIVE PLAN. A compilation of reports and maps for guiding the physical, social, and economic development, both private and public, of the city.

CONDITIONAL USE. A use classified as conditional generally may be appropriate or desirable in a specific zone, but requires approval because if not carefully located or designed, it may create special problems such as excessive height or bulk or traffic congestion.

CONDITIONAL USE PERMIT. A permit to allow a conditional use duly authorized by the appropriate authority as described in SLPC 16.56.020. A conditional use permit may be subject to periodic review upon determination by the city.

CURB LEVEL. The level of the established curb in front of the building measured at the center of that front. Where a building faces on more than one street, the **CURB LEVEL** shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the City Engineer shall establish the **CURB LEVELS**.

DECIBEL. A unit of measurement of the intensity of sound level.

DEICER. Any substance used to melt snow and ice or used for its anti-icing effects.

DISPLACEMENT. The amount of motion involved in a vibration.

DISTRICT. A ZONING DISTRICT as defined herein.

DORMITORY. A building used as group living quarters for a student body, religious order or other group as an associated use to a college, university, boarding school, orphanage, convent, monetary or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.

DWELLING, ATTACHED. A dwelling unit which is joined to another dwelling or building on one or more sides by a party wall or walls.

DWELLING, DETACHED. A dwelling unit which is entirely surrounded by open space on a single parcel with no common party walls.

DWELLING, MEDIUM DENSITY. A residential building designed for or occupied by three or more families, either wholly attached or partially a part of a large detached structure with separate laundry, storage, housekeeping, and cooking for each dwelling unit. This type of dwelling units shall include townhouses, patio homes, condominiums, cooperatives, or similar units which are intended to be owner occupied.

DWELLING, MULTIPLE-FAMILY. A residential building containing three or more dwelling units with more than one unit connecting to a common corridor or entranceway and which may have some common housekeeping facilities and are available for rent.

DWELLING, SINGLE-FAMILY. A detached dwelling unit containing accommodations for and occupied by one family only.

DWELLING, TWO-FAMILY. A building designed for occupancy by two families living independently of each other.

DWELLING UNIT. A residential building or portion thereof intended for occupancy by a single family for living purposes and having its own permanently installed cooking and sanitary facilities, but not including hotels, motels, boarding or rooming houses, tourist homes, or mobile homes.

FAMILY. An individual or two or more persons related by blood, marriage, or adoption, and bona fide domestic servants, plus up to two unrelated persons, or a group of not more than three unrelated persons living together as a single housekeeping unit in a dwelling unit.

FAMILY members may enter into rental agreement(s) within the **FAMILY** unit. The definition of **FAMILY** for single-family residential purposes may be expanded to include up to four unrelated adults and up to six unrelated persons living together as a single housekeeping unit in a dwelling unit, provided that the applicant(s) be a qualified non-profit organization or a recognized governmental agency, and further provided that the applicant(s) obtain a conditional use permit in the manner provided in this code.

FLOOR AREA. The floor area of a building is the sum of the gross horizontal areas of the

several floors of the building, measured from the exterior faces of the exterior walls.

FOOT CANDLE. A unit of illumination intensity.

FRONTAGE. All the property fronting on one side of a street between the nearest intersecting streets, or between a street and a right-of-way, waterway, or other similar barrier.

GARAGE, PRIVATE. An accessory building designed and used for the storage of not more than three motor-driven vehicles and owned and used by the occupants of the building to which it is accessory.

GARAGE, PUBLIC. A building, other than a private garage, used for the care, repair, or equipment of automobiles, or where these vehicles are parked or stored for remuneration, hire, or sale within the structure.

GRADE, STREET. The elevation of the established street in front of the building measured at the center of that front. Where no **STREET GRADE** has been established, the City Engineer shall establish the **STREET GRADE** or its equivalent for the purpose of this title.

HOME OCCUPATION. Any business, occupation, profession, or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use. General farming and gardening activities are not considered home occupations and are not regulated by this title.

HOTEL. A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals, in which there are more than ten sleeping rooms usually occupied singly, and no provision made for cooking in any individual room or apartment.

HOUSE TRAILER. Any trailer or semi-trailer which is not more than eight feet in width and not more than 35 feet in length, and which is designed, constructed, and equipped for use as a human dwelling place, living abode, or living quarters.

LOADING SPACE. The portion of a lot or plot designed to serve the purposes of loading and unloading all types of vehicles.

LODGING HOUSE. A building where lodging is provided for compensation to three or more persons, in contradistinction to hotels open to transients.

LOT. Land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this title, and having its principal frontage upon a street. The term includes the words **PLOT, PIECE, PARCEL**, and **TRACT**.

LOT, CORNER. A lot located at the intersection of two streets; or a lot bounded on two sides by a curving street, two chords of which form an angle of 120 degrees or less measured on the lot side.

LOT COVERAGE. The area of a zoning lot occupied by the principal building or buildings

and accessory buildings.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE, FRONT. The boundary of a lot abutting a street. On a corner lot, the shortest street lot line shall be the **FRONT LOT LINE**.

LOT LINE, REAR. The lot line or lot lines most nearly parallel to and most remote from the front lot line.

LOT LINE, SIDE. Lot lines other than front or rear lot lines which are generally perpendicular to the front lot line.

LOT OF RECORD. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Registrar of Deeds, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Registrar of Deeds at the time this title is adopted.

LOT WIDTH. The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

MANUFACTURED HOME. A single-family dwelling transportable in one or more sections for purposes of construction, and built in conformance with the Manufactured Home Building Code as defined in M.S. §§ 327.31 - 327.35, as they may be amended from time to time.

MAY. The act referred to is permissive.

MOBILE HOME. A transportable, single-family dwelling unit, suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing; and being subject to tax or registration under state law; and having no foundation other than wheels, jacks, or skirtings.

MOTEL. A combination or group of two or more detached, semi-detached, or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations.

NON-CONFORMING BUILDING. A structure which does not comply with the district, bulk, yard, setback, or height regulations of the district in which it is located.

NON-CONFORMING LOT. A lot which does not comply with the minimum lot area or frontage requirements of the district in which it is located.

NON-CONFORMING USE OF BUILDING. A use of a building which does not conform to the applicable use regulations of the district in which it is located.

NON-CONFORMING USE OF LAND. Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.

PARKING, OFF-STREET. Parking spaces which are provided on other than the public right-of-way.

PARKING SPACE. A land area of such a shape and dimension and so maintained as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.

PATIO HOUSE. A single-family residence constructed lot line to lot line and oriented about a central court.

PERFORMANCE STANDARD. A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazard, or glare, heat glare, heat generated by, or inherent in, uses of land or building.

PERSON. Includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

PLANNED UNIT DEVELOPMENT. A tract of land developed as a unit rather than as individual development, wherein two or more buildings may be located in relationship to each other rather than to lot lines.

PLANNING COMMISSION. The Planning Commission of the city.

PLOT. A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a building site and improved or intended to be improved by the erection thereon of a building or buildings and accessory building or buildings and having a frontage upon a public street or highway and including as a minimum those open spaces as required under this title.

PUBLIC OPEN SPACE. Any publicly owned open area, including but not limited to the following: parks, playgrounds, school sites, parkways, and streets.

PUBLIC ROAD. Any street, alley, highway, or other public thoroughfare.

PUBLIC UTILITY. Any person, firm, corporation, municipal department, or board fully authorized to furnish and furnishing under municipal regulation to the public, such services as electricity, gas, steam, communication services, telegraph services, transportation, or water.

RECREATIONAL EQUIPMENT. House trailers including those which telescope or fold down, chassis-mounted campers, house cars, motor homes, tent trailers, slip-in campers, converted buses, and converted vans.

REST HOME, CONVALESCENT HOME, or NURSING HOME. A public or private home for the care of persons, or a place of rest for those suffering bodily disorders.

SATELLITE RECEIVE-ONLY ANTENNA or SROA. An accessory structure consisting of a device commonly parabolic in shape, mounted at a fixed point and capable of receiving, for the benefit of the principal use, television signals from a transmitter or a transmitter relay located in geostationary orbit and serving the same or similar function as the common television antenna.

SETBACK. The mean horizontal distance between the property line and the line of a building or the allowable building line.

SHALL. The act referred to is mandatory and not discretionary.

SHOPPING CENTER.

- A. **COMMUNITY SHOPPING CENTER.** A retail center designed for the purpose of retailing and providing a wide range of goods and services of both the convenience and the shopper's or durable nature such as apparel, furniture, and banking and financial services for a trade area comprised of several residential areas.
- B. **NEIGHBORHOOD SHOPPING CENTER.** A retail center designed for the purpose of retailing convenience goods such as foods and drugs and providing personal services such as barber shops and laundry stations for the accommodation of the basic day-to-day shopping or service needs of persons living or working within the nearby area.

SIGN. A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

SPORTS PERFORMANCE TRAINING CENTER. A private establishment offering individual or group athletic training programs for specific sports and athletic activities often associated with athletic organizations, sport associations, and schools, supervised by specialized coaches present for all training sessions and where tournaments and competitions may be held. The use may also include therapy by trained medical personnel to treat sports-related conditions.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it, or, if no floor above, the space between a floor and the ceiling next above it.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. **A HALF STORY** containing independent apartment or living quarters shall be counted as a full story.

STREET. A thoroughfare which affords a principal means of access to abutting property and which has been accepted by the city as a public street.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a **STRUCTURE** is divided into separate parts by an unpierced wall, each part shall be deemed a separate **STRUCTURE**.

SUBDIVISION REGULATIONS or **SLPC 14.** SLPC 14; the subdivision regulations of the city.

TOWNHOUSE. A single structure consisting of three or more dwelling units having the first story at or near the ground level, with one dwelling unit connected to the other dwelling unit by a single party wall with no openings.

USE. The purpose for which land or premises or a building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use subordinate to the main use of a lot and used for purposes customarily incidental to those of the main use.

USED FOR. Includes the phrases **ARRANGED FOR, DESIGNATED FOR, INTENDED FOR, MAINTAINED FOR,** and **OCCUPIED FOR.**

USE, PERMITTED. A use which may lawfully be established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of those districts.

VARIANCE. A modification or variation of the provisions of this title, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a **VARIANCE**.

YARD. An open space on the same zoning lot with a building or structure, which **YARD** is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this title.

YARD, FRONT. A yard extending across the front of the lot between the side yard lines and lying between the front street line of the lot and the nearest line of the building.

YARD, REAR. An open space unoccupied except for accessory buildings as regulated herein, on the same lot with a building, between the rear lines of the building and the rear line of the lot, for the full width of the lot.

YARD, SIDE. An open, unoccupied space on the same lot with a building, between the building and the side line of the lot and extending from the front lot line to the rear yard.

ZONING ADMINISTRATOR. The appointed Administrator, Clerk/Treasurer, or his/her designee.

ZONING DISTRICT. Area of the city (as defined on the **ZONING MAP**) set aside for specific uses with specific requirements for use of development.

ZONING MAP. The map or maps incorporated into this title as a part thereof, designating the various zoning districts; the City Zoning Map.

SECTION 2: AMENDMENT “16.64.040 Appendix D: Schedule Of Permitted Uses By District” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.64.040 Appendix D: Schedule Of Permitted Uses By District

A. *Residential districts.* The following uses are allowed in the various residential districts either as permitted, accessory, conditional, or interim uses.

<i>Use</i>	<i>Details</i>	<i>District</i>		
		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Boarding or rental of rooms	Note: family members, as defined in this title, may enter into rental agreements	C	C	C
Dwellings	Cluster developments	-	-	C
Dwellings	Medium density dwellings	-	P	P
Dwellings	Mobile homes	-	-	C
Dwellings	Multi-family dwellings over six units per building	-	-	C
Dwellings	Single-family detached dwellings	P	P	P
Dwellings	Two-family dwellings	C	P	P
Essential public service and utility structures or uses		P	P	P
Fallout shelter		A	A	A

Family daycare	Within the residence of the daycare provider	P	P	P
Home occupations	As regulated by SLPC 16.36.010	P	P	P
Living quarters of persons employed on the premises		-	-	A
Off-street parking lots or garages		-	-	A
Parks and recreation	Private owned or operated areas	C	C	C
Parks and recreation	Private recreation facilities for the enjoyment of residents and guests only	A	A	A
Parks and recreation	Public owned or operated areas	P	P	P
Places of worship	Under 30,000 square feet; includes sacred communities as regulated by SLPC 16.36.010	C	C	C
Private garage		C	C	C
Schools	Day schools or nurseries	C	C	C
Schools	Public or private	C	C	C
Small wireless facility in right-of-way, as regulated in SLPC 12.48		C	P	P
Swimming pool		A	A	A
Tool house, shed, and similar storage		A	A	A
Uses customarily incident to the permitted, conditional or interim uses allowed in the district		A	A	A
Other public or semi- public facilities		C	C	C
Key: A = accessory uses; P = permitted uses; C = conditional uses; I = interim uses				

B. *Commercial districts.*

<i>Use</i>	<i>District</i>		
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
Accessory uses customarily incident to the permitted, conditional or interim uses allowed in the district	A	A	A
Adult daycare facilities	C	C	C
Auto and marine; sales, leasing and rental (See SLPC 11.20.040 Paragraph F,4 re: licensing and SLPC 16.36.010 Paragraph A)	-	I	-
Auto and marine; service, parts, and repair, excluding wash	C	C	-
Boarding school	C	-	-
Brewer taprooms, brew pubs and cocktail rooms	P	P	-
Cannabis; retail, compliant with SLPC 11.48.030-11.48.040	P	P	-
Commercial recreation, indoor	C	C	-
Commercial recreation, outdoor	C	C	-
Construction and/or trades sales and service shops; with storage of equipment, supplies or materials inside a building	P	P	C
Child daycare facilities (see SLPC 16.36.010 Paragraph D)	C	C	C
Dry cleaning and laundry establishments with no more than four employees for cleaning or pressing	P	P	-
Dry cleaning and laundry collection stations, and self-service	P	P	-
Electric vehicle charging station	A	A	A
Equipment rental, no outside display	P	P	C
Equipment rental, outside display	-	C	-
Essential service structures, including, but not limited to, buildings such as telephone stations, booster or pressure stations, elevated tanks, lift stations, and electric power substations	A	A	A
Event centers, night clubs, taverns	C	C	-
Farmer's market	I	I	I
Financial institutions, with no drive-up window	P	P	C
Financial institutions, with drive-up window	C	C	C

Garden centers and nurseries	-	C	-
Greenhouses, seasonal	I	I	-
Health care services; including medical, dental, optometrist, chiropractic and counseling clinics, for the diagnosis, treatment and care of patients	P	P	P
Hospitals	-	C	-
Lower potency hemp edible retailers, compliant with SLPC 11.48.030	P	P	-
Mortuaries, funeral homes, monument sales	C	P	-
Motels, hotels, or apartment hotels	C	C	-
Motor fuel stations	C	C	-
Municipal and government buildings and structures, including police, fire, library, public works garages	C	C	C
Nursing homes, memory care or retirement homes	-	-	C
Non-alcoholic beverage bottling establishment not larger than 3,000 square feet accompanied by a retail shop or store not less than 50% of the size of the bottling establishment, where bottled product is sold	P	P	C
Off-sale liquor stores	P	P	-
Off-street parking and loading as regulated in SLPC 16.40.010	A	A	A
Offices (administrative, executive, professional, governmental, medical, research); without merchandising services	P	P	P
Offices; with merchandising services	C	P	C
Outdoor seating or dining	C	C	-
Pawnshops, secondhand goods stores (excluding motor vehicles) as regulated SLPC 16.36.010 Paragraph G (see. SLPC 11.16, Pawnshops or SLPC 11.20, Secondhand Goods Dealers, for licensing	C	C	-
Personal services; barber shops, beauty/hair salons, massage therapy, shoe repair, tailoring and alterations, alterations and the like	P	P	P
Pet related care; including dog daycare, boarding, veterinary clinics and grooming, with outdoor use	C	C	-
Pet related care including dog daycare, boarding, veterinary			

clinics and grooming, with no outdoor use	P	P	-
Places of worship; religious uses	C	C	-
Plumbing and heating showrooms and shops	-	P	-
Printing, publishing, and related distribution agencies	C	C	-
Private clubs and lodges	C	C	-
Public, parochial and private schools, trade and business schools, colleges and universities	C	C	-
Research and development; including laboratories (medical, software, communications, scientific, etc)	P	P	P
Restaurants, excluding a drive-up window	P	P	-
Restaurants, including a drive-up window	C	C	-
Restaurants; with or without on-sale liquor	P	P	-
Retail uses (excluding autos, boats, and the like) such as apparel, appliances, beverage, book, carpet, drugs, floral, furniture, grocer, hardware, jewelry, paint, tobacco, sporting goods	P	P	C
Sacred communities, as regulated by SLPC 16.36.010	C	C	-
Sexually oriented businesses as defined in SLPC 11.48 and regulated in SLPC 16.36.010 Paragraph H	C	-	-
Signs as regulated by SLPC 16	A	A	A
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P	P	P
Studios; artistic, music, photo, decorating, dancing, health, and the like	C	C	-
Tattoo and body piercing	P	P	-
Theaters (indoor only)	P	P	-
Key: A= accessory uses; P = permitted uses; C = conditional uses; I = interim uses			

- C. *Light industrial district.* Conditional uses in this paragraph shall be governed by the criteria enumerated in SLPC 16.56, relating to conditional uses. Interim uses in this paragraph shall be governed by criteria enumerated in SLPC 16.58, relating to interim uses.

<i>Uses in I-1</i>	<i>Category</i>
Automobile sales; indoor (Refer to SLPC 11.20.040 Paragraph	I

F,4 and SLPC 16.36.010 Paragraph A	
Bottling establishments	C
Brewing taprooms and cocktail rooms	P
Building material sales and storage	P
Camera and photographic supplies manufacturing	P
Cannabis; state licensed businesses with no retail	P
Cartage and freight terminals	C
Cartography, technical drawing or drafting and book binding	P
Cleaning and maintenance services; carpet, laundry, furniture, upholstery, appliances, and the like	C
Commercial dog kennel; with or without dwelling for night watchperson	C
Construction trades	P
Data center	P
Dry cleaning and laundry establishments	P
Electrical service shops	P
Engraving, printing, and publishing	P
Governmental and public utility buildings and structures	P
Hemp manufacture	P
Jewelry manufacture	P
Light manufacturing	P
Machine shop	P
Off-street parking and loading as regulated by SLPC 16.40.010	A
Offices, office buildings	P
Packaging/processing food products	C
Parcel delivery services	P
Pharmaceutical/medical device manufacturing	P
Product distribution center	P
Research and development; including laboratories	P
Retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the	C

use of persons employed in the district	
Signs as regulated by SLPC Ch.16	A
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P
<u>Sports performance training center, as regulated by SLPC 16.36.010, Paragraph N</u>	<u>C</u>
Storage, enclosed rental	C
Vehicle repair and maintenance, including vehicle wrapping, detailing and window treatment	C
Warehousing, wholesaling or distribution business	P
Woodworking shop	P
Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to the permitted uses (P) listed above which conform with the performance standards	C
All uses customarily incident to the permitted (P), conditional (C) or interim (I) uses above	A
Key: A= accessory uses; P = permitted uses; C = conditional uses; I = interim uses	

SECTION 3: AMENDMENT “16.36.010 Specific Development Standards”
of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.36.010 Specific Development Standards

The purpose of this section is to establish specific development standards to provide supplemental regulations to address the unique characteristics of specific uses.

A. Auto and marine; sales, leasing and rental.

1. The use shall be served by a major collector or higher classification of roadway.
2. An open-ai red used auto and marine sales or rental lot as a stand-alone business is prohibited.
3. Used automobiles may be sold or rented as a stand-alone business if the used vehicles and associated business are contained within a building.
4. Used automobiles may not be sold accessory to businesses other than new car

dealerships. Outdoor vehicle display for used vehicles shall be limited to 30% of the total outdoor display area for a new car dealership. The display area shall be defined as the total number of parking spaces devoted to the sale of new vehicles only, not including the required off-street parking spaces needed for the public and employees.

5. Outdoor vehicle display areas within the public right-of-way are prohibited.
6. All areas on which motor vehicles are stored or displayed must be paved with concrete or a bituminous surface. No display, sale or storage of automobiles or other vehicles are permitted on landscaped areas.
7. Outdoor vehicle display shall be in an orderly fashion, with access aisles provided as needed. Outdoor vehicle display shall not reduce the amount of off-street parking provided on-site, below the level required for the principal use. The outdoor storage of inoperable, junk vehicles and vehicles with expired tabs is prohibited.
8. Music or amplified sounds shall not be audible from adjacent residential properties.
9. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.
10. Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use included dispensing of fuel for automobiles maintained on-site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

B. Auto and marine; service and repair.

1. All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.
2. All work shall be performed within a completely enclosed building.
3. All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited.
4. The sale of vehicles shall be prohibited, unless permitted by this title or allowed by conditional use.
5. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors.
6. Any automobile service station activities shall be subject to the applicable standards for automobile convenience facilities.

C. Car wash.

1. Water from the car wash shall not drain across any sidewalk or into any public right-of-way.
2. Vacuum facilities shall be located in an enclosed structure or located at least 50

feet from any residential property line to avoid noise impacts.

3. The premises, all adjacent streets, sidewalks and alleys and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

D. Child daycare center.

1. The building and any exterior fenced areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.
2. The play area shall be located away from the main entrance to the daycare facility and shall be contained with a fence at least five feet in height.
3. At least 50 square feet of outside play area shall be provided for each child under care. .
4. The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading of children under care. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
5. The facility shall meet all applicable building and fire codes and be licensed as required by the State of Minnesota.

E. Drive-in restaurants.

1. The site shall accommodate vehicle stacking in accordance with the provisions of this title.
2. Any speaker system shall not be audible from any residentially zoned property or any residential use.

F. Home occupations.

1. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
2. Conduct of the home occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood.
3. The home occupation is not of a scale requiring the use of a commercial vehicle for the delivery of materials to or from the premises.
4. The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of a home occupation shall be met off the street, other than in a required front yard.
5. No outdoor display of goods or outside storage of equipment or materials shall be permitted.
6. Home occupations shall not include employment of persons not residing on the premises.
7. The area used for the home occupation may not exceed 25% of the total floor area of the dwelling.
8. Home occupations may have one wall sign per dwelling not exceeding one square foot in area.

G. Pawnshop.

1. The use shall be located at least 3,000 feet from all existing pawnshops, currency exchanges, consignment/secondhand stores and precious metal dealerships.
2. The window and door area of any existing first floor facade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into and out of the building at eye level.
3. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
4. All receipt, sorting and processing of goods shall occur within a completely enclosed building.
5. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

H. *Sexually-oriented businesses.*

1. Conditions outlined in SLPC 11.44.040, Conditional Use Permit Required; Conditions, in SLPC 11.44, Sexually Oriented Businesses, as may be amended from time to time, are adopted by reference.
2. The use shall be located at least 1,000 feet from any other adult entertainment use.
3. Activities classified as obscene as defined by M.S. § 617.241, or successor statute, are prohibited.
4. No more than one adult entertainment use shall be located on the property.
5. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted. Signs shall not contain material classified as advertising.

I. *Boarding school.*

1. Dormitory must be supervised by adult staff members whenever students are present.
2. Dormitory must have sufficient personal space for students to sleep in and store their belongings, with suitable furniture of sufficient size for the number of students, as well as appropriate separation between gender and age groups.
3. In addition to sleeping rooms, dormitory must include provision of support spaces (e.g. living room, activity room, study rooms, storage, laundry, kitchen/dining area, bathrooms, etc.).
4. Dormitory must have bathroom and washing facilities that ensure maximum privacy of students, as well as personal hygiene. Bathrooms, showers and toilets must be designed in such a way that staff is able to open them from the outside in case of an emergency.
5. Dormitory must provide a space for health care, such as sick rooms/bays with an appropriate first aid kit.

J. *Liquor establishments; places of worship, schools.*

1. No on-sale or off-sale liquor establishment shall be located within 500 feet of a school or place of worship, consistent with SLPC 11.08.010 Paragraph Q, as amended from time to time.
2. No place of worship or school shall be located within 500 feet of an on-sale or

off-sale liquor establishment licensed by the city. A place of worship or school located within 500 feet of an on-sale or off-sale liquor establishment prior to the effective date of this section shall be considered a legal, non-conforming use.

K. *Bulk deicer storage facilities.*

1. *Applicability.* The following sections apply to all indoor and outdoor bulk deicer storage facilities (temporary and permanent) including salt piles, salt bag storage, sand piles and other storage of deicing materials.
2. *General Requirements.*
 - a. Indoor operations for the storage of deicing materials must be provided wherever possible in order to prevent such materials from being affected by rain, snow and melt water.
 - b. All salt, sand and other deicing materials stored outdoors must be covered at all times.
 - (1) When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles. The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.
 - (2) Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.
 - (3) Facility siting.
 - (A) The facility must be in close proximity to the area in which the deicing materials are to be used, if practical.
 - (B) Each facility must be located outside of floodplains and 100 feet from lakes, rivers, streams, ditches, storm drains, manholes, catch basins, wetlands and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.
 - (C) A facility must be located on impermeable surfaces.
 - (D) Salt vulnerable/intolerant natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures as identified by the City Engineer shall be instituted to protect vulnerable areas.
 - (4) *Transfer of materials.* Practices must be implemented in order to reduce exposure (e.g. sweeping, diversions, and/or containment) when transferring salt or other deicing materials.

- (5) *Snow piles.* Snow piles must be located downslope from salt and deicer storage areas to prevent the snow melt from flowing through storage areas and carrying material to the nearest drainage system or waterway.

L. *Sacred communities.*

1. *Definitions.* All definitions under M.S. § 327.30, subd. 1, as amended from time to time, are hereby adopted by reference.

2. *General Requirements.*

- a. All Sacred Communities must have a Conditional Use Permit prior to commencement of use.
- b. All Sacred Communities must comply with all requirements of M.S. § 327.30, as amended from time to time, and such requirements are hereby adopted by reference.
- c. Appropriate insurance coverage for the religious institution and all proposed uses must be obtained and proof provided to the City prior to the commencement of the use.
- d. Between one-third (1/3) and forty percent (40%) of the micro units must be occupied by volunteers.
- e. All units must be connected to electric service.
- f. All units must be less than four hundred (400) square feet and be built on a permanent chassis and anchored to pin foundations with engineered fasteners.
- g. Prior to commencement of use, all Sacred Communities must provide the City with a written and sufficiently detailed plan, approved by the religious institution's governing board, that outlines the following:
 - (1) disposal of water and sewage from micro units if not plumbed;
 - (2) adequate parking, lighting, and access to units by emergency vehicles;
 - (3) protocols for security and address conduct within the settlement; and
 - (4) safety protocols for severe weather.
- h. Units must be built in accordance with the American National Standards Institute (ANSI) Code 119.5, as amended from time to time, which includes standards for heating, electrical systems, and fire and life safety.
- i. Compliance with all setback requirements consistent with manufactured homes per SLPC 16.64.050 and SLPC 15.08 and must be placed in the least conspicuous feasible location as determined by the Zoning Administrator, including not being placed in easements, sight triangles or in parking spaces otherwise required for the site.
- j. Must be placed on the primary site of the religious institution's worship location or on property directly contiguous to the primary site.
- k. A Sacred Community must provide an annual certification that

residents of the micro units meet the eligibility requirements as designated volunteers, chronically homeless individuals, or individual with extremely low income and at the occupancy levels required by state law and City Code.

- l. No Sacred Community occupant, unit or site may create a public nuisance of any type as outlined in City Code.
- m. All units must either be connected to City services and provide the following services in-unit; or have twenty four (24) hour access to shared facilities connected to City services: kitchens, laundry, toilet, and bathing facilities. Shared facilities must be within 100 feet door to door of all units. The required number of these facilities shall be regulated by M.R., part 1305.2902, as amended from time to time. No individual unit or shared facility may be connected to a septic system or holding tank.
- n. Placement of Sacred Communities must not cause the site to become noncompliant with any City Code.
- o. All access paths to units, entrances to units and common facilities must be well lit at all times.
- p. All units must be clad in a material which is compliant with the City's residential exterior material codes.
- q. One (1) parking space per volunteer unit shall be provided on site and may not make the remainder of the site non-compliant with parking requirements of this Code.
- r. Applicants and permit holders shall make all units and facilities within a Sacred Community available and accessible to the City at all reasonable times for inspection to ensure compliance with the terms of this Section. A permit may be denied, suspended or revoked by the City Council due to non-compliance with this Section. In the event of non-compliance, the City shall notify the permit holder of the violation and provide reasonable opportunity to cure. If the violation is not promptly addressed, the matter shall be presented to the City Council for potential action on the permit and the permit holder shall be notified. The permit holder shall have an opportunity to present any relevant evidence at a hearing before the City Council, prior to any action being taken on the permit by the City Council. The Building Official shall also have authority to temporarily and immediately suspend a permit to address an emergency situation. In such event, the action of the Building Official on the permit shall be promptly reviewed by the City Council.

M. Cannabis and Hemp Business Activities

1. Cannabis retail establishments can only operate between the hours of 8:00 am and 10:00 pm, Monday through Saturday and 10:00am and 10:00pm, Sunday.
2. Establishments must implement comprehensive security measures, including but not limited to:

- a. Security cameras covering all areas of the premises, both interior and exterior.
 - b. Alarm system monitored 24 hours per day, 7 days per week by a licensed security company.
 - c. Secure storage areas for all cannabis products.
 - d. Documented emergency response measures for incidents such as theft, fire and other emergencies.
3. Adequate ventilation systems must be installed to ensure no odor is detectable from the exterior of the building or from adjacent properties.
 4. Establishments must have a plan for the disposal of cannabis waste that complies with state regulations and prevents access by unauthorized individuals.
 5. The operation of a cannabis business is prohibited within 500 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 6. All signage must comply with SLPC 16.24 and must not depict cannabis leaves, use slang terms for cannabis, or appeal to minors.

N. Sports Performance Training Centers

1. Parking for all activities on site must be accommodated with off-street parking on the building site or via a joint parking agreement.
2. All signage must meet the requirements of this title.
3. If the facility is located in an existing multi-tenant building, off-street parking and loading must be provided for all tenant uses as required by this title.
4. Customer parking and pedestrian access to the building must not interfere with off-street loading or large truck maneuvering on the site.
5. The Building Official shall determine whether the proposed use requires building modifications to comply with health and safety code. All required modifications shall be completed at the expense of the property owner or tenant.

The Administrator, Clerk/Treasurer shall have the ordinance amendments codified into the City Code.

EFFECTIVE DATE. This Ordinance shall be in full force and effect upon adoption and publication.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Councilmember Moran	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake
Park

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer, Spring Lake Park