

**AGENDA
MAPLE PLAIN PLANNING COMMISSION
MAPLE PLAIN CITY HALL
FEBRUARY 7, 2013
7:00 PM**

I. CALL TO ORDER

II. ADOPT AGENDA

III. CONSENT AGENDA

A. Approval of the January 10, 2013 meeting minutes.

IV. PUBLIC HEARINGS

A. 5109 Main Street East conditional use permit

V. ADMINISTRATIVE REPORTS

VI. OLD BUSINESS

A. Industrial Park Ordinance discussion

VII. NEW BUSINESS

A. Zoning Ordinance Definition Amendments

VIII. COMMISSION REPORTS & OTHER BUSINESS

IX. VISITORS TO BE HEARD

Note: This is a courtesy extended to persons wishing to address the council who are not on the agenda. A completed public comment form should be presented to the city administrator prior to the meeting; presentation will be limited to 3 minutes. This session will be limited to 15 minutes.

X. ADJOURN

Next meeting: Thursday, March 7, 2013, 7 p.m. at Maple Plain City Hall

**City of Maple Plain Planning Commission
Meeting Notes
January 10, 2013
Maple Plain City Hall
7:00 PM**

I. CALL TO ORDER

Chair Bliss called the meeting to order at 7:03 p.m.

Present: Commission Chair Michele Bliss, and Commissioners Mike DeLuca, John Fay, William Lauper, Barb Rose, and Stephen Shurson; Council liason Dave Eisinger; Planning Consultant Tom Goodrum (MFRA); City Administrator Jason Ziemer; and Assistant to the City Administrator Maggie McCallum.

Absent: Mardelle DeCamp

II. ADOPT AGENDA

Shurson moved to adopt the Agenda; Lauper seconded. Motion passed 6-0.

III. CONSENT AGENDA

DeLuca moved to approve the Consent Agenda including edits to the meeting minutes; Fay seconded. Motion passed 6-0.

Items approved under the Consent Agenda:

A. Approval of the December 4, 2012 meeting minutes.

VII. PUBLIC HEARINGS

A. 5109 Main Street East Conditional Use Permit (CUP) application.

City Planner Goodrum provided a quick review of the CUP application for the residential property located at 5109 Main Street. Goodrum explained that the homeowner, Scott Garver, is seeking a CUP that would authorize a home occupation centered on glassblowing.

Goodrum explained that at the December 4th Planning Commission meeting, the CUP request was tabled until additional information could be provided to them from the City's building inspector and the Fire Chief.

Goodrum explained that since the December meeting, the Building Inspector did visit Garver at his home to perform an inspection. The Building Inspector provided a report to Planning Commission stating some recommended conditions and concerns.

Goodrum stated that the Fire Chief had also visited the site and provided a report back to the Planning Commission. The Fire Chief's report expressed safety concerns over the specific acids being used, the containment of the acids, and risk of spills.

Goodrum said that per concerns from the Planning Commission, a video recording of the sewer line adjacent to the property was performed. No damage to the line was observed.

Goodrum reviewed the City's seven requirements for a CUP:

1. Will not be injurious to or reduce enjoyment to neighbors;
2. Will not impede normal development;
3. Has adequate utilities;
4. Has sufficient off-street parking;
5. Controls for offensive nuisances;
6. Does not create traffic hazard or congestion; and,
7. Is in compliance with land use plan.

Goodrum stated, per previous discussions with the Planning Commission, that the concern at the moment is whether the request meets number 1 and 5 on the list. Goodrum said that the Planning Commission had to make the decision if they felt the occupation has potential to be injurious and offensive to others, and if so, were there conditions that could alleviate those concerns.

Goodrum explained to the Commission that if they chose to deny the CUP request that they would have to put together a specific list for why the request was rejected.

The Planning Commission continued their discussion on the interpretation of the City code's definition of manufacturing and if glass blowing was considered manufacturing or an art. The Planning Commission also discussed if the home occupation would be appropriate for a residential area and if Garver's occupation used materials customarily found within the home; all of which are referenced in the code.

DeLuca expressed confusion over the property being classified as residential, nevertheless within the Mixed-Use District as well.

Goodrum explained that when the MU-D was established, residential properties within the District were "grandfathered" in. Goodrum stated that the Mixed-Use District does allow for light manufacturing.

Goodrum explained that staff had done research on how to better define manufacturing in the City. Goodrum suggested possibly adding a definition specifically for light manufacturing.

Bliss suggested that the Planning Commission discuss the concerns from the Fire Chief and the Building Inspector.

The Fire Chief, Dave Eisinger, stated that he had visited Garver and that while Garver knows what he was doing, Eisinger explained that he is concerned about the chemicals being used and their potential hazard and reactivity. Eisinger stated that as the Fire Chief he needs to be cautious and be prepared for extreme circumstances.

Shurson asked the Fire Chief what conditions would satisfy his safety concerns.

Eisinger recommended that all of the chemicals should be stored in a more secure container.

Bliss questioned if the conditions recommended by the Fire Chief and the Building Inspector would be too costly for the applicant.

DeLuca stated that the Commission needs to make a list of all the conditions that would alleviate all the concerns from the Fire Chief, Building Inspector, and the City.

Goodrum stated that staff would be able to put a list together before the next meeting listing what conditions would alleviate presented concerns.

Goodrum stated that he does not interpret Garver's occupation as manufacturing. As a home occupation, Goodrum said that from a safety standpoint, the acids are dangerous and a concern, nevertheless that conditions could be put into place to alleviate those concerns.

Goodrum also explained that the acids Garver is using probably aren't considered items customarily found in the home; however the concerns surrounding the chemicals could possibly be alleviated with conditions.

Fay moved to table the item until the next Planning Commission meeting on February 7, 2013, so that staff could compile a complete list of conditions that would alleviate all concerns from the Fire Chief, Building Inspector, and City Planner, and would allow Garver to operate his occupation in his home; Rose seconded.

Motion Passed 6-0

IV. ADMINISTRATIVE REPORTS

None.

V. OLD BUSINESS

A. Maple Plain Bike and Walk Plan

McCallum stated that staff brought the Walking and Biking Plan back to the Commission, with a staff recommendation of sending it onto the City Council for final approval.

Lauper provided some grammatical recommendations.

Shurson moved to send the Walking and Biking Plan to the City Council for final approval with Lauper's recommendations included in the document. Lauper seconded.

Motion Passed 6-0

B. Complete Streets Policy

McCallum stated that staff was bringing back to the Commission the Complete Streets Policy, with the recommendation of sending it on to the Council for final approval.

Shurson stated that the attached map still needed to be updated to include Pioneer Creek Drive as a Focus Corridor. McCallum stated that she would get the map updated.

Bliss moved to send the Complete Streets Policy to the City Council for final approval with edits to the map. Shurson Seconded.

VI. NEW BUSINESS

None.

VII. COMMISSION REPORTS & OTHER BUSINESS

None.

VIII. VISITORS TO BE HEARD

None.

IX. ADJOURN

Deluca moved to Adjourn; Fay seconded. Motion passed 6-0. Meeting adjourned at 9:30 p.m.

Prepared by

A handwritten signature in cursive script that reads "Margaret McCallum". The signature is written in black ink and is positioned above a horizontal line.

Maggie McCallum, Assistant to the City Administrator



Agenda Information Memorandum
February 7, 2013 Maple Plain Planning Commission

IV. PUBLIC HEARINGS

A. 5109 Main Street Conditional Use Permit (CUP) for a Home Occupation

ACTION TO BE CONSIDERED

To review a Conditional Use Permit (CUP) for a home occupation for a resident located on 5109 Main Street, and to hold a public hearing to accept public comment on the CUP request.

FACTS

- The existing home at 5109 Main Street sits on 14,612 square feet of property that is divided by 859 square feet of dedicated alley. The lot contains a single family home with a detached garage and one accessory structure. Mr. Garver has owned the home since 2002.
- The applicant is an artist whose primary medium is glassblowing/lampworking; the products of which are combined with minerals and/or clay sculptures, and may be copper plated
- The lampworking process would utilize a small torch (fueled by oxygen & propane), an exhaust hood and a small kiln. All of this equipment and work would be located within a 10x15 portion of the attached garage as identified on the provided site plan.
- The copper plating process would occur within the detached garage as identified on the provided site plan. The separation of work space allows the copper plating solutions to be isolated and less vulnerable to contamination.
- The City must determine whether the facts provided by the applicant show that the use can be adequately controlled by conditions.
- At the December 4, 2012 meeting, the Planning Commission recommended extending the application until February 28th, and proposed to bring it back to the January 10 meeting for further review.
- At the January 10, 2013 meeting, Commissioners asked staff to meet with the Fire Chief, Building Inspector, and City Planner to compile a list of conditions.

ATTACHMENTS

Attached on page(s) ____ through ____ is a site plan review from City Planner, Tom Goodrum (MFRA), a site plan of the applicant's property, a narrative from the applicant and additional applicable information.

MEMORANDUM

TO: Chair Bliss and Planning Commission
FROM: Tom Goodrum, Planning Consultant
DATE OF REPORT: January 31, 2013
DATE OF MEETING: February 7, 2013
RE: Conditional Use permit (CUP) for a Home Occupation

Chair Bliss and Planning Commissioners,

Scott Garver is seeking approval of a CUP to authorize a home occupation centered on the art of glassblowing/lamp working at 5109 Main Street.

UPDATED INFORMATION

At the Planning Commission meeting on January 3, 2013 the Commission directed staff to compile the specific conditions that should apply to the proposed request. On January 16th a meeting was held by the following staff members; City Administrator, Assistant Administrator, Fire Chief, Building Inspector and City Planner., The West Hennepin Public Safety Director was absent. Below is a summary of the recommended conditions. On January 29th the conditions were presented to the applicant at City Hall so he can be prepared to address them at the next Planning Commission meeting. (See attached). The following conditions would be incorporated into the previously suggested conditions from our November report.

Conditions from Staff meeting:

1. The applicant must develop a strict operation plan that determines where each element of his operation will take place. The plan must also document the types of materials being used, detail how they are used, amounts being used, mixture amounts, where it is being purchased, how it is being disposed, and regulatory licenses and permits for City records.
2. The applicant must meet the specified requirements of the building code. Building plans must be signed by a licensed architect.
3. The garage must have 2-Hour wall that provides a complete separation (floor to roof peak) between the garage and the home and a 1.5 Fire-rated door to the residence
4. Any equipment that may create a fire that is adjacent to any wall shall require a fire protected wall as determined by the building inspector.
5. Appropriate ventilation for the specific use (heat or acid) proposed within a building

6. Approved container for chemical storage and for security purposes. Solid acids need to be contained and secured in ceramic or similar type container. Wood cabinets are not allowed unless designed to meet security standards per the building inspector.
7. All chemicals must be labeled.
8. No torches are allowed in same building as acid

In addition to the above conditions the Building Inspector has provided staff with the classification that the he would use for the operation per the State Building Code rules. The proposed use is classified as an “F-1 Factory, Moderate — Hazard Occupancy. Because of this classification, which is considered manufacturing, the building code establishes certain standards such as type of firewalls and ventilation requirements. (attached)

Staff’s recommendation is provided at the end of the report.

STAFF REVIEW, from Novembers Report

The existing home at 5109 Main Street sits on 14,612 square feet of property that is divided by 859 square feet of dedicated alley. All improvements on the lot are located north of the alley on approximately 8709 square feet of the lot. The lot contains a single family home with a detached garage and one accessory structure. Mr. Garver has owned the home since 2002. (See attached site plan/survey).

The applicant is an artist whose primary medium is glassblowing/lampworking; the products of which are combined with minerals and/or clay sculptures, and may be copper plated

The lampworking process would utilize a small torch (fueled by oxygen & propane), an exhaust hood and a small kiln. All of this equipment and work would be located within a 10x15 portion of the attached garage as identified on the provided site plan.

The copper plating process would occur within the detached garage as identified on the provided site plan. The separation of work space allows the copper plating solutions to be isolated and less vulnerable to contamination.

Proposed Operation

An example of the applicant’s work would be as follows: first a wine glass or goblet is fashioned using the lampworking tools; next a dragonfly is sculpted from clay and baked in the kiln to harden; once complete, the dragonfly is glued to the goblet, and portions of the goblet are painted with a copper conductive paint; the piece is then hung into an electroforming bath of distilled water, copper sulfate, sulfuric acid, hydrochloric acid and a copper brightener for up to 72 hours; a direct current of electricity is run through copper anodes hanging in the solution which causes the copper molecules in the solution to “grow” on the copper conductive paint on the piece; following the electroforming bath, the piece is removed from the solution and finalized/prepared for sale.

The electroforming bath is made up of two (2) tanks: an inner tank containing the chemical solution and a protective outer tank to contain the inner tank should a spill ever occur. The protective outer tank is marked with an appropriate warning label for the chemicals being housed, and a lid is placed over the top to contain the bath and protect it from contaminants. All

chemicals components are kept in an enclosed cabinet specifically designed for the storage of chemicals.

Home Occupations per City Code

HOME OCCUPATION. Any gainful occupation or profession, engaged in by the occupant of a dwelling unit, within the dwelling unit **or within any lawfully existing accessory structure**, which occupation is clearly incidental to the residential use of the premises. The activity shall not produce light glare, noise, odor, or vibration perceptible beyond the boundaries of the premises and **shall not involve the use of accessory structures**. The following are examples of prohibited uses:

- (1) Repair, service, or manufacturing which requires equipment other than that customarily found in a home;
- (2) Over-the-counter sale of merchandise produced off the premises; or
- (3) The employment of persons on the premises, other than those customarily residing on the premises. The above examples are illustrative in nature and shall not be construed as comprehensive.

Home Occupations are not listed as a permitted or conditionally permitted use within the Mixed Use district. However, "Residential dwelling, single-family" is a permitted use in the MU district, and such uses are "...subject to the requirements of the R-1 zoning district" which DOES allow for home occupations via conditional use permit [Section 153.025(C)(5)].

The definition of "home occupations" includes language which appears to be conflicting with regards to accessory structures. This language has historically been interpreted to say that use of an accessory garage is OK, but use of sheds and other accessory structures is not.

The proposed work is being described as "art" rather than "manufacturing," by the applicant, which leads to a definition between the two when considering home occupations. As art the applicant use is not prohibited as a home occupation (although it still must show the ability to conform with code requirements either outright or with conditions).

CUP Review

By code, conditionally permitted uses must be reviewed using the criteria found in Section 153.140(F). Per this section, the Planning Commission shall review the conditional use permit for its conformance with the City Code and shall not recommend approval unless all of the following conditions are met:

(A) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;

All proposed activities will be conducted within the attached and detached garages on the property, so the activities should go largely unnoticed. There will be no retail sales of the final products on the site and no outdoor signage to indicate the presence of a work studio on the property. Deliveries of end products off-site will be very infrequent and could likely not be distinguished from daily delivery trips to and from any other residential property within the neighborhood. Given that this is an after-the-fact CUP request, (the activity has been going on

prior the requested permit), we have the advantage of knowing whether the activities created nuisance conditions detrimental to neighboring properties. In this case over the City received zero complaints about the operation suggesting there are no physical conditions created by the proposal which are negatively impacting surrounding properties.

(B) That the establishment of the conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area;

The nature of this CUP will require all activities to be conducted indoors within existing structures. No new “use” of the land will be apparent from any side of the property, and the CUP will create no physical conditions to impede or influence development of surrounding lands should neighboring property owners wish to change their current land uses.

(C) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided;

The existing streets, water mains, sewer lines, etc. have been and are sufficient to service the existing single-family home on the property. The inclusion of the proposed home occupation on the premises does not suggest the need for improvements to any existing infrastructure.

(D) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;

As the proposed CUP would not allow for customer visits or on-site sales of products, there will be no need for addition on-site parking or loading spaces to accommodate the home occupation.

(E) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result;

The lampworking station includes a vent hood above the bench and the electroforming station includes a squirrel cage fan to properly ventilate each area as work is occurring. As formerly stated, several months of continued operation without a complaint regarding odors or fumes suggests the existing ventilation systems adequately capture and dissipate any potentially offensive odors or fumes before they can become an issue to others. As no signage is proposed as part of the home occupation, there is no concern regarding lighted signs.

(F) That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use;

The proposed home occupation will not generate any additional traffic to the property than would normally be occurring with any single-family residence in the neighborhood. No additional roadway facilities or intersection improvements are necessary.

(G) The proposed use is in compliance with any Land Use Plan adopted by the city.

The most applicable passage within the comprehensive plan related to the proposed use is the following paragraph taken from the plan section on Community Character:

The government of Maple Plain has a firm and fair process for managing growth and development. Through its land use plan, zoning ordinances and design standards; the city will set clear policies and standards to assure quality development. The city will enforces these standards diligently and consistently. The City's development review process will be fair and equitable while emphasizing effective communication and consensus among all parties including the City Council, its Commissions, the Economic Development Authority, Design Team and most importantly the citizens of Maple Plain. *Both small and large businesses alike will be required to take on development forms that blend easily into a small town setting and image.*

The City Code clearly allows home based occupations when appropriate. Accordingly, should the Planning Commission, and ultimately the City Council, find that the proposed home occupation is the most appropriate form for an artist's workshop within a small town setting, the proposal would be in line with the Comprehensive Plan.

Operations Concerns

Staff is not aware of any resident concerns regarding the proposed use. As previously noted, the use had been on-going until the applicant was informed of the need for this CUP (at which point the use ceased). During the months of operation prior his application, the City received zero complaints about the operation.

The Minnesota Pollution Control Agency has issued the applicant a Hazardous Waste Identification Number as required by the Resource Conservation and Recovery Act and Minnesota Hazardous Waste Rules. The number was necessary due to the chemicals needed for the electroplating process. A Hazardous Waste Permit will not be considered by the County until after the City action on approving or denying the CUP request.

West Hennepin Public Safety has raised concerns regarding the solutions used for the creation of the product and any potential dangers the operation may have to the neighborhood. If approved West Hennepin Public Safety is recommending that conditions be incorporated that requires that appropriate permits are issued and that safety compliance checks are conducted.

Metro West Inspection Services has reviewed the request for compliance with building code requirements, and identified the following issues:

- A building permit shall be required for this type of use;
- Building shall meet all requirements of the Minnesota State Building Code;
- Heat producing equipment shall require permit and inspections (i.e. glass furnace and kiln);
- More detail is required for the use and handling of the chemicals being used in the manufacturing process.
- A determination on what kind of ventilation is required after details on manufacturing process has been received.

FINDINGS

The applicant is seeking approval of a CUP to authorize a home occupation centered on the art of glassblowing/lamp working. The City must determine whether the facts provided by the applicant show that the use can be adequately controlled by conditions. Importantly, the City must keep in mind that the burden of proof with these applications rests with the City, and that proper findings of fact must be cited as to why this application does not conform with code should the application be denied.

In review of this application staff identified three major points that raise questions on how this request should be considered when considering findings for approval or denial, they are:

Would the conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?

Should the proposed use be defined as manufacturing a product (not permitted by CUP) or if creating an art product shall be defined differently?

How should accessory structures be used with home occupations? (conflict in language)

The Planning Commission has the following options:

- A) RECOMMEND APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT (based on the applicant's submittals and findings of fact).
 - provide findings to support your conclusion
- B) RECOMMEND DENIAL OF THE REQUESTED CONDITIONAL USE PERMIT (based on the applicant's submittals and findings of fact).
 - provide findings to support your conclusion
- C) TABLE THE ITEM and request additional information.

STAFF RECOMMENDATION

Per the discussions at the Planning Commission and between staff members it is staff's findings that custom or hand crafted products are not considered a manufactured product. With that said, staff continues to have concerns with the potential safety impacts with the accidental or incidental mishandling of the acidic components. Thus it is staff's recommendation that the glass blowing work is an appropriate use as a home occupation but the use of the acid storage and mixing, as proposed, *does not provide adequate measures or provide measures to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and that the use may cause injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

Should the Planning Commission choose to recommend approval of the proposed CUP, staff would suggest the following conditions. Conditions underlined would be removed if the acidic portion of the occupation is removed:

1. The applicant must develop an operation plan that determines where each element of his operation will take place. The plan must also document the types of materials being used, detail how they are used, amounts being used, mixture amounts, where it is being purchased, how it is being disposed, and regulatory licenses and permits for City records.
2. The applicant must meet the specified requirements of the building code. Building plans must be signed by a licensed architect.
3. The garage must have 2-Hour wall that provides a complete separation (floor to roof peak) between the garage and the home and a 1.5 Fire-rated door to the residence
4. Any equipment that may create a fire that is adjacent to any wall shall require a fire protected wall as determined by the building inspector.
5. Appropriate ventilation for the specific use (heat or acid) proposed within a building
6. Approved container for chemical storage and for security purposes. Solid acids need to be contained and secured in ceramic or similar type container. Wood cabinets are not allowed unless designed to meet security standards per the building inspector.
7. All chemicals must be labeled.
8. No torches are allowed in same building as acid
9. The applicant shall agree to site changes deemed necessary by the building inspector to bring the proposed facilities in-line with building code requirements.
10. Prior the final inspection/approval of the building permit the home occupation shall be inspected by the police and fire department with a facility map submitted to each department.
11. The business will need to secure a Hennepin County Hazardous Waste Generator permit or evidence that one is not needed
12. The home occupation s subject to periodic review by City staff.
13. The home occupation shall be conducted in accordance to the conditions of the conditional use permit, the narrative provided by the applicant and the submitted site/operations plan, as submitted with the application or as amended per condition 2. A change to the operation of the home occupation is subject to city review and amendment.

Sincerely,

Tom Goodrum, City Planner (MFRA)

ADDITIONAL INFORMATION

According to Wikipedia, Lampworking is “a type of glasswork where a torch or lamp is primarily used to melt the glass. Once in a molten state, the glass is formed by blowing and shaping with tools and hand movements. Lampworking became widely practiced in Murano, Italy in the 14th century. In the mid-19th century lampwork technique was extended to the production of paperweights, primarily in France, where it became a popular art form, still collected today. Lampworking differs from glassblowing in that glassblowing uses a furnace and glory hole as the primary heat source, although torches are also used. Most artists today use torches that burn either propane or natural gas, or in some countries butane, for the fuel gas, mixed with either air or pure oxygen as the oxidizer. Many hobbyists use MAPP gas in portable canisters for fuel. Lampworking is used to create artwork, including figurines, trinkets, curios, Christmas tree ornaments, beads and much more. It is also used to create scientific instruments as well as glass.”

Tools and equipment typically used in lampworking include:

Bench Burner - A torch that is fixed to the bench which provides a stationary flame.

Hand Torch - The hand torch allows for more maneuverability of the flame, commonly used on glassworking lathes where there is reduced maneuverability of the piece

Propane & Oxygen Cylinders, gas regulators & hoses - provides fuel for the bench burner and/or hand torch

Kiln - the kiln is used to garage and anneal the glass, protecting the piece from thermal shock and relieving thermal stress.

Marver - flat surfaces used to roll glass upon in order to shape, smooth or consolidate applied decoration, typically made of graphite or steel.

Paddle - A graphite or metal marver attached to a handle

Reamer - A piece of graphite or brass on a handle used to enlarge holes.

Tungsten Pick - The extreme temperature resistance of tungsten makes it ideal for raking(dragging glass around on the surface), or to bore a hole through the glass.

Blowhose/Swivel Assembly - A hose, usually latex, is connected to the blowpipe via a hollow swivel, allowing the lampworker to blow into hollow glass forms while rotating them.

Shears - Steel shears are used to cut the hot glass.

Hot Fingers - Metal tool found in various configurations which allows the hot glass to be securely held and rotated, commonly used for finishing pieces after they have been removed from the blowpipe or pontil.

Lathe - The glassworking lathe allows for precise rotation and manipulation of glass. They are especially suited for larger scale work that may be difficult or tiring to turn by hand.

Staff's Conditions 1-16-2013

On January 16th, 2013, City staff met with the City Planner, Fire Chief, and the Building Inspector to discuss the conditional use permit (CUP) request for a home occupation for Scott Garver at 5109 Main Street. The meeting identified specific conditions that could be placed on the CUP, which would alleviate ongoing safety and operational concerns.

The following conditions were discussed and established:

Conditions

General	<ol style="list-style-type: none">1. The applicant must develop a strict operation plan that determines where each element of his operation will take place.2. The plan must also document the types of materials being used, detail how they are used, amounts being used, mixture amounts, where it is being purchased, how it is being disposed, and regulatory licenses and permits for City records.
Building Code	<ol style="list-style-type: none">1. The applicant must meet all requirements of the building code.2. A licensed Architect must sign building plans.
Garage (Blowing)	<ol style="list-style-type: none">1. 2-Hour wall that provides a complete separation (floor to roof peak) between the garage and the home.2. A 1.5 Fire-rated door3. Any equipment that may create a fire that is adjacent to a wall shall require a fire protected wall.4. Appropriate ventilation for the specific use of the building
Shed (Chemicals)	<ol style="list-style-type: none">1. Approved container for chemical storage and for security purposes. Solid acids need to be contained and secured in ceramic or similar type container, wood cabinets are not allowed.2. All chemicals must be labeled.3. Written documentation submitted to the City whenever chemicals are disposed of.4. Appropriate ventilation for specified use of acids in the building.5. No torches are allowed in same building as acid

METRO WEST INSULATION SERVICES, INC.

Loren Kohnen, Pres.

(763) 479-1720
FAX (763) 479-3090
Mtrowst76@aol.com

January 18, 2013

**TO: Mayor and Councilmembers
City of Maple Plain
Maple Plain, Minnesota**

**FROM: Loren Kohnen
Building Official**

**RE: 5109 Main Street
Maple Plain, Minnesota
PROPOSED CONDITIONAL USE PERMIT**

The proposed use at 5109 Main Street has been reviewed using the State Building Code 2006 I.B.C. Section 306.1 and 306.2. The use is classified as an:

F-1 Factory Moderate - Hazard Occupancy.

LK:jk

METRO WEST

Loren Kohnen, Pres.

(763) 479-1720
FAX (763) 479-3090
Mthrowst76@aol.com

January 4, 2013

TO: Jason Ziemer
City Administrator
City of Maple Plain

FROM: Roger Peitso
Building Inspector

RE: 5109 Main Street
Maple Plain, Minnesota
SITE INSPECTION: C.U.P.

The heat producing kilns installed are not of a high heat producing equipment. The amount of acids being used was not extreme. Please note the following:

- 1) If Mr. Garver will be fabricating in his garage and/or shed, he needs to be aware that the building code would require 2-hour construction for the common wall between the house and garage.
- 2) If Mr. Garver were to work in the shed, there may also need to be a fire rated construction for the walls towards the house based on the distance from the house.
- 3) Ventilation will be required per the building code and is also required by the MSDS (Material Safety Data Sheets).

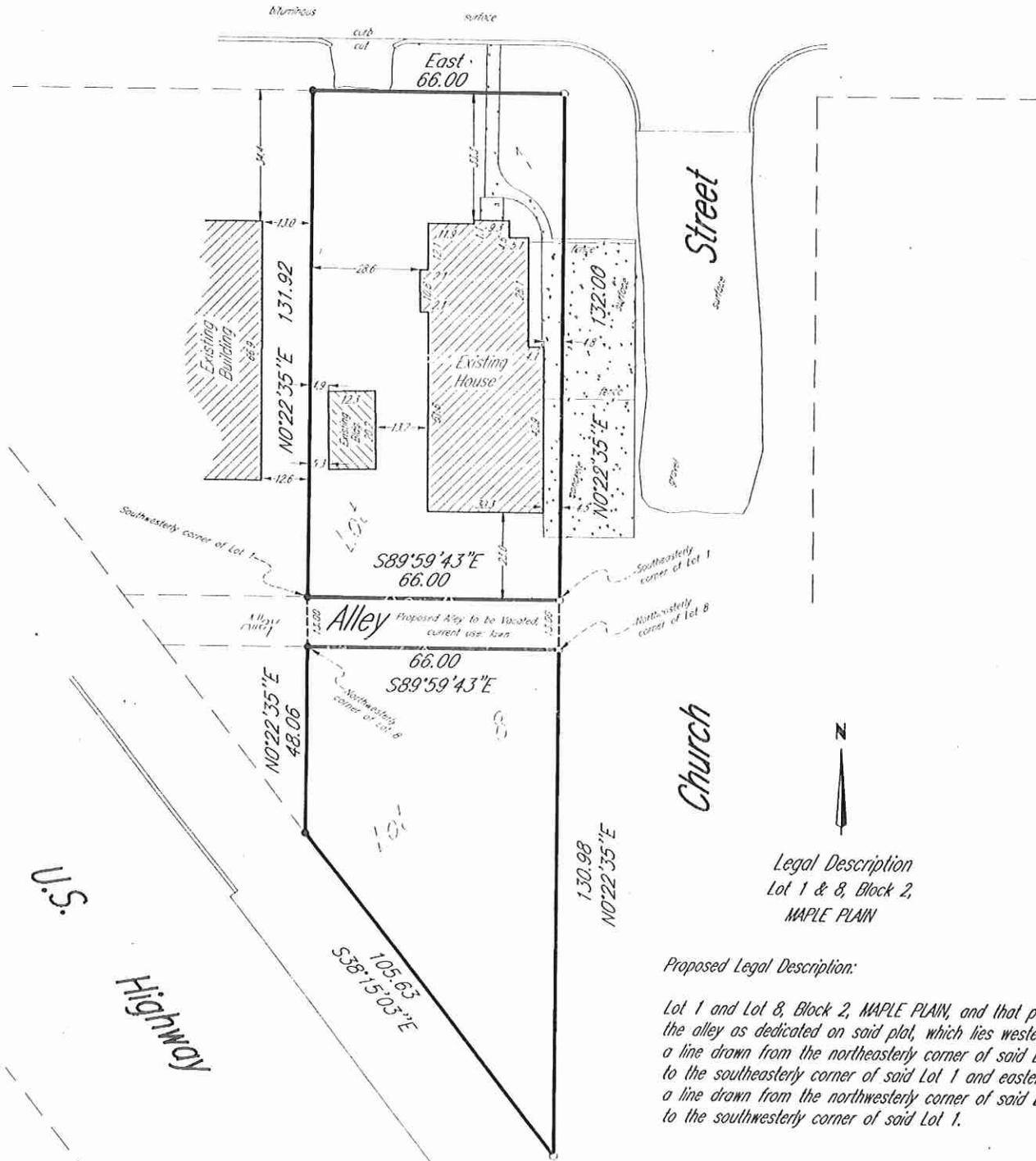
It would be recommended that an architect be used if and when Mr. Garver's C.U.P. is approved to determine his options for design and location of his proposed work area.

RP:jg

PREPARED FOR:

Mr. Scott Garver

Main Street



Legal Description
Lot 1 & 8, Block 2,
MAPLE PLAIN

Proposed Legal Description:

Lot 1 and Lot 8, Block 2, MAPLE PLAIN, and that part of the alley as dedicated on said plat, which lies westerly of a line drawn from the northeasterly corner of said Lot 8 to the southeasterly corner of said Lot 1 and easterly of a line drawn from the northwesterly corner of said Lot 8 to the southwesterly corner of said Lot 1.

Area: Lot 1 = 8709 sq. ft.

Lot 8 = 5903 sq. ft.

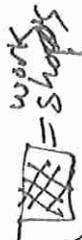
Alley = 859 sq. ft.

Scaled Sight plan

Shop # 1 electroforming
10x10 BACK half
Existing Bldg.

- * 18 feet from Neighbor
- * Over 100 feet from Street
- * Over 20 feet from Hwy 12

work space is
BACK 1/2 of Building



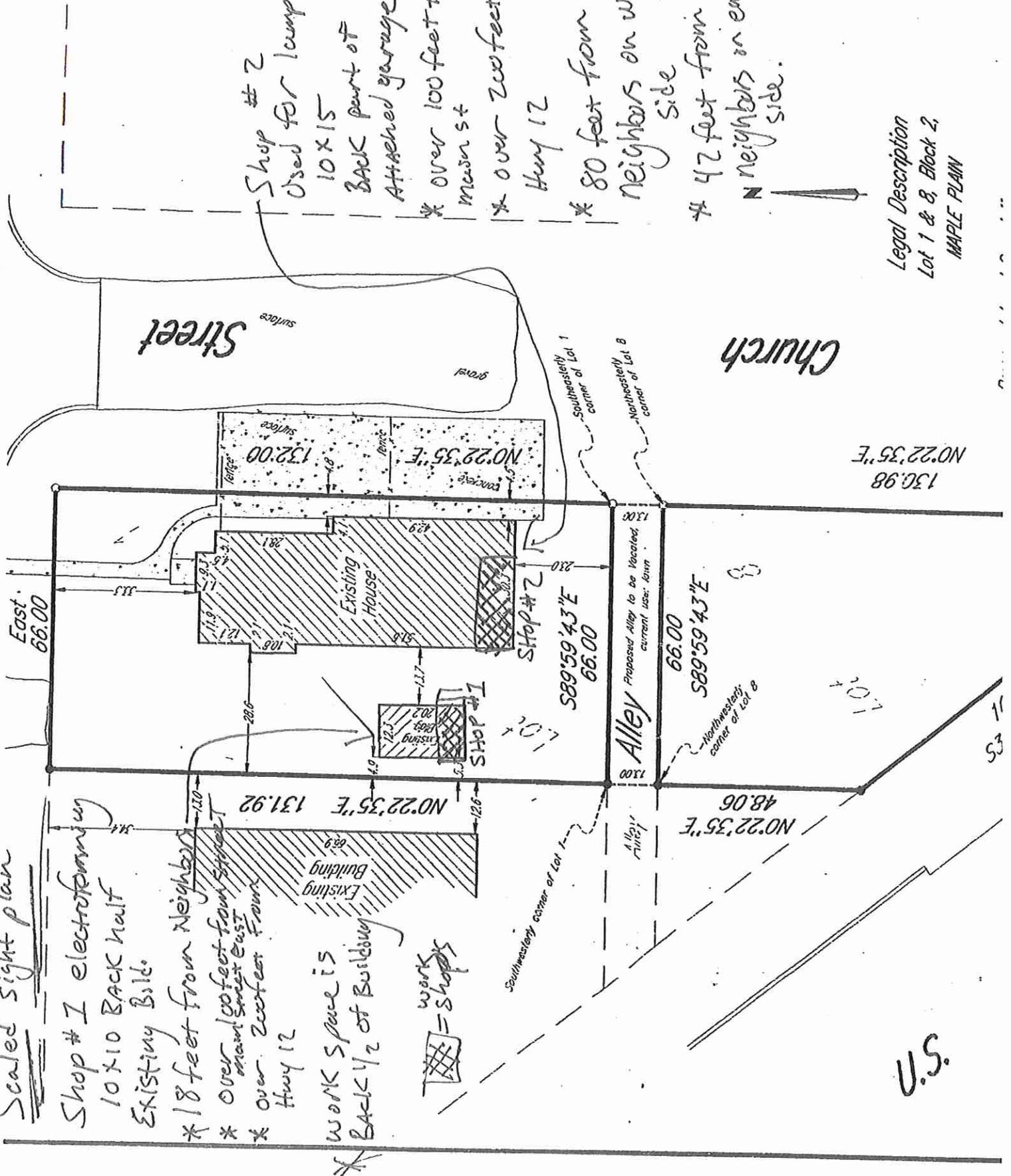
Shop # 2
Used for lampwork
10x15
BACK part of
Attached garage

- * Over 100 feet from main st
- * Over 20 feet from Hwy 12

* 80 feet from Neighbors on west side

* 47 feet from neighbors on east side.

Legal Description
Lot 1 & 8, Block 2,
MAPLE PLAIN



Narrative

Dear Neighbors and Representatives of the City of Maple Plain,

My name is Scott Garver. I am an artist. While glassblowing remains my primary medium, I combine clay sculpture, copper plating and mineral specimens in the practice of my craft. I have blown glass for twenty-one years. I own a booth at the Minnesota Renaissance Festival called Goblets of Fire. In the winter of 2002 I bought my home with attached garage, which had been used as an automobile mechanics' workshop by the previous owner. Equipped with a small torch, an exhaust hood and a small kiln, a 10'x15' portion of the attached garage has been dedicated to a workspace for small lampworking projects. I currently use a smaller, detached garage at the side of the house to complete the plating process.

Since 1996 I have worked in my studio gallery located in South Minneapolis at 4507 34th Avenue South. The studio gallery in South Minneapolis provides adequate space to perform each step in the process of my craft; however, I found that travelling daily between home and studio had become an inefficient use of resources. Using a small space at my home in Maple Plain seemed like a productive solution that would allow me to attend to the progress of my projects, some of which require consistent monitoring. Currently used for one aspect of the production process, the small detached garage became a better option to carry out the steps of copper plating. Placed in an isolated space, the solutions are less vulnerable to contamination. Furthermore, the convenience of the location allows me to monitor progress continually. The space in the large garage became great for lampworking, a form of glassblowing that uses an oxygen-propane torch. I have no plans to install a soft-glass furnace at home.

I respectfully convey my hope that the city and the neighbors would grant me the privilege of working in my home. I affirm that my project has not and will not interfere with the "continued use and enjoyment of other property in the immediate vicinity," as stated in the *Conditional Use Permit Checklist & Procedure*. I foresee "no impedance of the normal and orderly development and improvement of surrounding vacant properties," as work takes place within existing structures. I restrict work at home to producing artworks, which requires no changes to the "utilities, road accesses, drainage" that were in place when I took ownership of the house. As I am the sole crafter in practice here, my use creates neither demand for "off-street parking" nor inconveniences of "traffic congestion [and] traffic hazards." Hitherto, I have detected no "offensive orders, dust, noises or other nuisances." I will make the "prevention and control" of any nuisance first among my priorities in order to protect the comfort and insure the peace-of-mind of my neighbors. I thank you for your time and I appreciate your attention to this matter.

Sincerely yours,

Scott Garver

Operations Plan

I work in four distinct media: clay (sculpting clay); photography; lamp-worked glass (glass blowing); copper electroforming.

With the clay, I sculpt objects like frogs and dragonflies and bake them in a kiln at 280 degrees Fahrenheit to harden the clay. I then paint the hardened clay with copper conductive paint. This is preparatory work for the plating process.

The kiln I use is a 110 volt, 15AMP unit. The dimensions are about a 1 ½ foot cube. There is a vent hood installed above the lamp-working bench, and a squirrel cage fan within the electroforming station.

I lamp-work glass tubes and rods. Lamp-working is a form of glass blowing using an oxygen/propane torch. I use a propane tank fitted with regulators, flashback protectors and hoses. Also, I use a tank of oxygen, fitted with regulators, flashback protectors and hoses. Let's say I make a glass goblet/wine glass. I then glue a clay dragonfly to the goblet and paint some parts of the goblets with copper paint. The object is then ready for the plating process.

Electroforming copper onto the clay and glass is a process that could take up to seventy-two hours. There are four chemicals in the electroforming bath: copper sulfate, sulfuric acid, hydrochloric acid and a copper brightener. These four chemicals are in a weak solution of deionized or distilled water. The concentrations of chemicals in solution are low: roughly thirty fluid ounces of copper sulfate per gallon, ten fluid ounces of sulfuric acid per gallon and thirty milligrams of hydrochloric acid per gallon. Just a few drops of the chemical brightener per gallon are used. A direct current of electricity is run through copper anodes that are positively charged and hanging in the solution. Painted with copper conductive paint, the glass/clay objects are hung in the solution that is negative charged which attract the copper molecules and cause the copper to "grow" on the art work. I then take pictures of the finished art work.

To protect the electroforming bath, I have placed a tank containing the chemical solution within another tank. The outer tank is marked with an appropriate warning label and a lid is placed over the top. The sulfuric and hydrochloric acids are stored in their respective glass containers with stoppers and labels. The copper sulfate comes in a plastic bag and is kept in a labeled box. The brightener comes in a plastic bottle with a lid. All chemical components are kept in an enclosed cabinet specifically intended for storing chemicals.

My work schedule varies, depending on the art show schedule for a given time period. During the Renaissance Faire, for example, I do not work at home. At other times, I typically work on various steps for a few hours each day. I can lamp-work every second day for periods up to three hours. The hours I lamp-work depend mostly upon the weather, since the atmospheric temperature and pressure can have an impact on the outcome of my glass work. I spend less than twelve hours per week lamp-working at home. I sculpt clay and prepare my goblets with copper paint every two days or so. Three to five hours every two days are spent to prepare work for the plating process. I take pictures of the finished art, which takes about one or two hours per week. I also spend hours cleaning. Of my typical forty-hour work week, I spend fifteen to twenty hours working at home. I am the only person working at the residence. I am self-employed and do not have any employees at my house.

As a footnote, I have added some literature on the practice of my art, copied from handbooks. These are included with the intent to clarify any questions that may arise about the above processes. I hope this information helps to shed light on the scope of my work.



Agenda Information Memorandum
February 7, 2013 Maple Plain Planning Commission

VI. OLD BUSINESS
A. INDUSTRIAL PARK ORDINANCE

ACTION TO BE CONSIDERED

To send the current I-1 and I-2 Industrial Park Ordinance drafts to MFRA for final review and editing.

FACTS

- Planning Commissioners John Fay and Mike DeLuca volunteered to review the I-1 and I-2 Industrial Park Ordinances to determine if the ordinances needed to be updated.
- Planning Commissioners have reviewed and recommended changes to the ordinance drafts.
- Commissioners Mike DeLuca and John Fay, and Assistant to the City Administrator, Maggie McCallum, have reviewed and updated the ordinances and think the drafts are ready for final editing by MFRA.

ATTACHMENTS

Attached on page(s) _____ through _____ is a copy of the current I1 and I2 ordinance drafts.

“I1” Light Industrial District

“I-1” Light Industrial District.

Intent. The purpose of the I-1, Light Industrial District is to provide for less intensive types of industrial uses which, because of their proximity to residential areas or other sensitive uses, are less likely to impose objectionable influences, such as noise, vibrations, dust, heat, smoke, odor, etc.

Permitted Uses: The following uses are permitted in the I-1 General Industrial District:

1. Manufacturing or assembly of a wide variety of products that produces no exterior noise, glare, fumes, obnoxious products, by-products, or wastes, or creates other objectionable impact on the environment, including the generation of large volumes of traffic. Examples of such uses are:
 - a. Fabrication or assembly of small products such as optical, electronic, pharmaceutical, medical supplies, and equipment;
 - b. Biomedical manufacturing;
 - c. Printing and publishing;
2. Lumber yards;
3. Wholesale business and offices provided that:
 - a. The business does not participate in retail sales.
4. Warehousing and distribution facilities;
5. Machine shops and metal products manufacturing, provided that the equipment used creates minimal noise, vibration, smoke, odors, heat, or glare, etc., disturbing to adjacent property occupants;
6. Public utility service buildings and structures;
7. Bottling establishments to include beverages such as soft drinks, milk, liquor, malted beverages, etc., but not including hazardous or toxic materials;

8. Recreational business (facility) contained entirely within the principal building;
9. Research laboratories;
10. Shops and offices for contractors including plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, electrical, carpentry, welding, landscaping, excavating, and general contracting, including contractor storage of equipment and building materials if enclosed within a building; and,
11. Essential services as defined in § 153.007.

Permitted Accessory Uses: The following are permitted accessory uses in the I-1 District:

1. Offices accessory to a principal use, that occupy no more than forty (40) percent of the gross floor area of the principal building.
2. Accessory buildings and structures not exceeding thirty (30) percent of the gross floor area of the principal building.

Conditional Uses: The following uses shall require a conditional use permit based on the procedures set forth in § 153.140:

1. Mini self-storage facilities provided that:

- a. A least twenty-five (25) percent of the site is open green space which is sodded and landscaped in accordance with a plan approved by the City Council;
- b. No buildings shall be located closer than twenty-five (25) feet to each other to allow for parking, loading, driveway, and fire lanes;
- c. No single building shall be greater than one hundred fifty (150) feet in length;

- d. There is no “on-premises” caretaker dwelling unit provided on the site.
- e. Adequate space is provided for snow storage;
- f. All structures are to be within two hundred (200) feet of a fire hydrant, or have an alternative means of fire protection as approved by the Fire Department;
- g. All storage buildings shall be equipped with an approved fire suppression system which will be subject to reviews and approval of the City Building Official and the Fire Department;
- h. All driveways and parking areas shall be hard (blacktop or concrete) surfaces and adequate turning radius for fire truck maneuverability is to be maintained throughout the site;
- i. Any structures having exposure to an adjacent residential use or public right-of-way, park, or similar public use areas shall be of brick, natural stone, wood, stucco facing material or material(s) approved by the City that are deemed to be in character with surrounding uses; and
- j. No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the self storage, mini warehousing facility.

2. **Automobile and truck repair** – provided that:

- a. Unlicensed or inoperable vehicles shall be stored inside or within an approved area that is adequately screened;
- b. No sales or display of vehicles, unless under a separate conditional use permit;
- c. Repair, assembly or disassembly of vehicles must be done indoors, except minor servicing; and
- d. Parking and buildings must be setback 50 feet from any residential districts as noted in the Comprehensive Plan unless an adequate screening of views; noise and light plan is approved by the city.

3. Open and outdoor storage (not outdoor sales lots) as an accessory use provided that:

- a. The storage area is landscaped and screened from view of neighboring uses, residential zoning districts, and public rights-of-way per § 153.062 of the City Code;
- b. Storage area is fenced in a manner approved by the City;
- c. Storage area is paved or surfaced (concrete or blacktop) to control dust and erosion;
- d. All lighting shall be in compliance with City's light standards identified in § 150.01;
- e. The storage area does not take up parking space or loading space as required for conformity to this Ordinance and not in front yards;
- f. The property shall not abut property zoned for residential, rural, or business use, including land in another city. "Abutting" includes across the street. "Abutting" does not include properties that touch only corner to corner;
- g. The ratio of storage area to building footprint shall not exceed 3:1; and
- h. Storage shall not include material considered hazardous under Federal or State Environmental Law.

4. Antenna towers provided that:

- a. All antennas and towers shall be in compliance with all State Building and Electrical Code requirements and as applicable shall require related permits. Applications to erect new antennas and/or towers shall be accompanied by any required federal, state, or local agency licenses;
- b. Structural design, mounting and installation of the antenna shall be in compliance with manufacturer's specifications and as may be

necessary, as determined by the City Engineer, shall be verified and approved by a professional engineer;

- c. When applicable, written authorization for antenna and/or tower erection shall be provided by the property owner;
- d. No advertising message shall be affixed to the antenna and/or tower structure;
- e. Antennas and/or towers shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety;
- f. If a new tower of seventy-five (75) feet or greater in height is to be constructed, it shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and antennas for at least one (1) additional use, including but not limited to other personal wireless service communication companies, local police, fire and ambulance companies. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights;
- g. Towers shall be painted a non-contrasting color consistent with the surrounding area such as blue, gray, brown, or silver or have a galvanized finish to reduce visual impact, unless otherwise required by a governmental agency;
- h. All antennas and towers shall be reasonably posted and secured to protect against trespass, including appropriate measures to prevent unauthorized persons from climbing any tower;
- i. Towers shall comply with all applicable Federal Aviation Administration (FAA) regulations;
- j. Amateur radio towers shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on such a tower may be modified or changed at any time so long as the published allowable load on the tower is not

exceeded and the structure of the tower remains in accordance with the manufacturer's specifications;

- k. All towers, antenna support structures, and related equipment or structures shall be kept and maintained in good condition, order, and repair so as not to menace or endanger the life or property of any person;
- l. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the State Building Code and federal and state law; and
- m. The City shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the State Building Code and all other construction standards provided by the City's Code, federal and state law. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner. All expenses related to such inspecting by the City shall be borne by the owner.

Lot Requirements and Setbacks: The following minimum requirements shall be observed in an I-1 District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Lot Area: As necessary to meet all setbacks, parking, and yard requirements.
2. Lot Width: None.
3. Yard and setback requirements:
 - a. Front yard – 35 feet minimum;
 - b. Side yard – 20 feet minimum;
 - c. Rear yard – 20 feet minimum; and
 - d. Where a property abuts a railroad siding, no side or rear yard shall be required when a railroad loading facility is to be installed. (Prior Code, § 16.11) Penalty, see § 10.99.

Interim Uses: The following interim uses are allowed in the I-1 District:

1. Farmers Market;
2. Fireworks Stand; and
3. Excavation site.

“I2” General Industrial District

“I-2” General Industrial District.

Intent: The purpose of the I-2, General Industrial District is to provide for the establishment of heavy industry and manufacturing development and use which because of the nature of the product or character of the activity, requires isolation from residential, commercial and mixed-use districts.

Permitted Uses: The following uses are permitted in the I-2 General Industrial District:

1. All permitted accessory uses allowed in the “I-1” Light Industrial District;
2. Battery and tire services;
3. Concrete product plants, building materials production and similar uses provided that:
 - a. All applicable Minnesota Pollution Control Agency requirements are satisfactorily met;
 - b. A drainage system subject to the approval of the City Engineer shall be installed;
 - c. Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with § 153.062;
 - d. Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to approval of the City Engineer;
 - e. Provisions shall be made to control and minimize noise, air and water pollution; and
4. Refuse/garbage collection provided that:

- a. No refuse or garbage shall be stored or in any way disposed of on the site;
 - b. Vehicle parking and storage areas are screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with § 153.062;
 - c. Vehicle parking/storage areas shall be hard surfaced with a bituminous material with curb and gutter to control dust and shall be screened from view of neighboring uses and public rights-of-way;
 - d. The site shall be maintained free of litter and any other undesirable materials and will be cleaned of loose debris on a daily basis;
 - e. All in bound and out bound trucks and equipment, excluding employees personal vehicles, shall be restricted to designated routes established by the City, except for times when providing collection service to customers within the City limits;
 - f. The hours of operation shall be limited as necessary to minimize the effects of nuisance factors such as traffic, noise, and glare upon any existing neighboring residential uses, or residential zoning districts;
 - g. Provisions are made to control and minimize noise, air and water pollution; and
5. Trucking terminals provided that:
- a. Vehicular access points shall be located along arterial streets and shall be limited and designed and constructed to create a minimum of conflict with through traffic movement;
 - b. A drainage system subject to the approval of the City Engineer shall be installed;
 - c. Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with § 153.062;

- d. Provisions are made to control and minimize noise, air and water pollution; and

Permitted Accessory Uses: All permitted accessory uses allowed in the “I-1” Light Industrial District.

Conditional Uses: The following uses shall require a conditional use permit based on the procedures and conditions set forth in § 153.140:

1. All conditional uses allowed in the “I-1” Light Industrial District.
2. Automotive Sales (ord. 157, passed 10-11-1994) provided that:
 - a. Parking area and building has a setback of 40 feet and adequately screened/buffered from adjacent residential land shown in the Comprehensive Plan;
 - b. The minimum building size for any vehicle sales shall comply with the standards in Table 5-3.

TABLE 5-3: MINIMUM BUILDING SIZE FOR VEHICLE SALES/RENTAL USES		
Parcel Size	Lot Coverage Percent *	Minimum Building Size *
< 2 acres	5%	2,500 square feet
2 acres ≥ 4 acres	10%	10,000 square feet
> 4 acres	15%	40,000 square feet
* Whichever requires the larger building		

- c. All lighting shall be in compliance with § 150.01;
- d. The outside sales and display area shall be hard surfaced;
- e. The outside sales and display area does not utilize parking spaces which are required for conformance with this ordinance;
- f. Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City; and

- g. There is a minimum lot area of twenty-two thousand five hundred (22,500) square feet and minimum lot dimensions of one hundred fifty (150) feet by one hundred thirty (130) feet.

Lot Requirements and Setbacks

1. Lot Area: As necessary to meet all setbacks, parking, and yard requirements.
2. Lot Width: None
3. Yard and setback requirements:
 - a. Front yard – 35 feet minimum;
 - b. Side yard – 20 feet minimum;
 - c. Rear yard – 20 feet minimum; and
 - e. Where a property abuts a railroad siding, no side or rear yard shall be required when a railroad loading facility is to be installed. (Prior Code, § 16.11) Penalty, see § 10.99

Interim Uses:

1. All interim uses allowed in the “I-1” Light Industrial District.



Agenda Information Memorandum
February 7, 2013 Maple Plain Planning Commission

VII. NEW BUSINESS
A. ZONING ORDINANCE DEFINITION AMENDMENTS

ACTION TO BE CONSIDERED

Consider a zoning ordinance amendment to clarify the definition of Home Occupations with regards to the use of Accessory Structures and Manufacturing.

FACTS

- The Planning Commission has experienced conflict in how to interpret the allowed use of an accessory structure with regards to a home occupation.
- The Planning Commission has experienced conflict in how to define manufacturing as it relates to a home occupation.
- To provide better clarification, staff recommends amending the definition for home occupation and manufacturing, and adding a definition for light manufacturing.

ATTACHMENTS

Attached on page(s) ____ through ____ is a memo from City Planner, Tom Goodrum, MFRA.

MEMORANDUM

TO: Chair Bliss and Planning Commission
FROM: Tom Goodrum, Planning Consultant
DATE OF Memo: January, 31 2013
DATE OF MEETING: February 7, 2013
RE: Defining accessory structures and manufacturing as related to home occupations and other areas of the zoning code.

Chair Bliss and Planning Commissioners,

Staff is recommending to the Planning Commission to consider a zoning ordinance amendment to clarify the definition of Home Occupations in regards to the use of Accessory Structures and Manufacturing.

STAFF COMMENTS

In review of the Scott Garver application for a home occupation CUP to facilitate his glass blowing profession, there arose a number of questions regarding the proper interpretation of the ordinances. One conflict was the wording associated with using an accessory structure with the home occupation, and the second was the definition of manufacturing as it relates to a home occupation. To clarify these items, staff recommends the following changes be made to the code.

Accessory structures & home occupations

The adopted definition of “Home Occupation” includes two conflicting statements. First, the definition states that a home occupation can exist “...within the dwelling and any lawfully existing accessory structure...”. The definition then concludes by stating that a home occupation “...shall not involve the use of an accessory structure.” Due to this conflict, the Planning Commission requested the matter be brought forward for future review.

As part of the Scott Garver application, it was concluded that the intent of the existing language was to allow home occupations to use *existing* accessory structures, but new structures built solely for the home occupation would not be allowed. Assuming the

Planning Commission believes that is how the ordinance should continue to read, it is recommended that the home occupation language be amended as follows:

Section 153.007 Definitions

HOME OCCUPATION. Any gainful occupation or profession, engaged in by the occupant of a dwelling unit, within the dwelling unit or within any lawfully existing accessory structure, which occupation is clearly incidental to the residential use of the premises. The activity shall not produce light glare, noise, odor, or vibration perceptible beyond the boundaries of the premises and shall not involve the use of accessory structures **built solely for the purpose of the home occupation.** The following are examples of prohibited uses:

- (1) Repair, service, or manufacturing which requires equipment other than that customarily found in a home;
- (2) Over-the-counter sale of merchandise produced off the premises; or
- (3) The employment of persons on the premises, other than those customarily residing on the premises. The above examples are illustrative in nature and shall not be construed as comprehensive

Manufacturing

The definition of “Home Occupation” prohibits manufacturing as an use if it involves items not customarily found in a residential home. Due to the broad interpretation of the term “manufacturing,” the intent of the ordinance was unclear as to what extent of manufacturing was prohibited. Read broadly, art of any kind (including in this case glass work) could be construed as being prohibited.

This issue was also discussed at the Planning Commission where the discussion lead to some Commissioners believing the intent of the word “manufacturing” applies to more of a mass production operation with the use of machinery to manufacture an identical product repeatedly. In their opinion, “Manufacturing” should not apply to custom crafted or hand crafted work or “art.” Other Commissioners took the more literal definition that “manufacturing” is defined as the fastening of any two items together, and that the differential for the home occupation is that ***manufacturing is allowed*** unless it uses equipment not customarily found in a home. To assist in clarifying the term, staff recommends that “manufacturing” be defined. The proposed definition would also apply to the use of the term manufacturing as it relates to the Industrial districts.

Proposed definitions to add under Section 153.007

Manufacturing is the fabrication or assembly of components into finished products on a fairly large scale by the use of manual labor or machines. Manufacturing industries are those that produce aircraft, automobiles, chemicals, clothing, computers, consumer electronics, electrical equipment, furniture, heavy machinery, refined petroleum products, steel, and tools. *Hand crafted or custom made products created in limited supplies are not considered as being manufactured.*

Manufacturing, Light, goods manufactured or assembled for wholesale and retail markets or directly to the consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Where light industry does pose some environmental risk, such as a woodworking shop or a metal-plating operation, a minimum of special equipment is often sufficient to ameliorate the impact. Many light industrial applications can set up shop in small spaces designed for general commercial use, often needing very little renovation or adaptation. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; development, testing facilities and laboratories; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; and manufacturing of components, jewelry, clothing, *and any similar hand crafted or custom made items.*

By defining manufacturing, the City would clarify what “manufacturing” refers to in all areas of code. The exclusion of custom made or hand crafted items in the definition allows the city to avoid creating a new definition describing such uses.

The definition for light manufacturing helps clarify the intent of what is acceptable in the Mixed Use Districts, which allows light manufacturing as a permitted use (in the Budd District). Since light manufacturing was never defined, staff felt this was an appropriate time to include a definition.

Sincerely,

Tom Goodrum, City Planner (MFRA)