

Applicant

Blue Earth County
PO Box 3566
Mankato, MN 56002-3566

Request

Notice of intention to enact amendments to the Urban Fringe Overlay District Section (24-502) of the Blue Earth County Zoning Ordinance. Proposed amendment includes allowing Level II home occupation in the Agricultural and Conservative districts of Urban Fringe Districts in Blue Earth County.

Background Information

The Urban Fringe District (UFD) Ordinance was adopted to prevent encroachment of nonfarm uses into agricultural lands, and to allow for the orderly conversion of agricultural lands to urban type uses which are serviced by municipal water and sewer systems. Sec 24-501 regulates the intensity of development within the UFD to ensure that development occurs in a fiscally and environmentally responsible manner consistent with future development plans for the area. This is because, some of the nonfarm land uses within the underlying districts are not compatible with, and/or may interfere with, the orderly development of the area for future urban uses if allowed to develop without the limitations imposed by Sec 24-502 (b). Uses in the UFDs are therefore more restrictive than in other areas of the county

Home occupation, which was allowed by the 1977 zoning ordinance of Blue Earth County, was amended in 1994 and categorized as Level I and Level II Home Occupations. Level I home occupation is considered a permitted use and Level II home occupation a conditional use in Agricultural and Conservative zoned districts of the Blue Earth County Ordinance. However, Sec. 24-502 of the Blue Earth County Ordinance only allows Level I Home occupation as a permitted use in the Agricultural and Conservative districts of the UFD. Level II home occupation is neither a permitted or conditional use in the Agricultural and Conservative districts of the UFD.

Staff was approached some time ago with a proposal to start a small scale automotive repair business. The property was zoned Agricultural and located within the UFD of the City of Mankato. The interested party was advised that the proposed use was not allowed because of the location within the UFD. They took the matter up with the City of Mankato zoning office and found that Lime Township's ordinance allows Level II Home Occupation in the Agricultural and Conservation Zoned Districts. The City of Mankato administers the zoning ordinance for Lime Township. Considering that townships may not be less restrictive than the county ordinance, it was suggested that Blue Earth County amend its ordinance to allow Level II Home Occupation. Mankato Township on the other hand administers its own zoning ordinance. Their ordinance does not allow Level II Home Occupation which is ok as it will be more restrictive than that of the county, assuming this amendment is approved.

Sec. 24-326 (b) Level II Home occupations states;

Level II home occupations shall comply with the following:

- (1) All level II home occupations shall be conducted entirely within the dwelling or accessory building and shall be carried on by the inhabitants thereof. Six (6) employees are allowed other than the inhabitants.
- (2) Such use shall be clearly incidental and secondary to the use of the property for residential purposes.
- (3) The level II home occupation shall not exceed 5,000 square feet.
- (4) Junkyards and scrapyards are prohibited.
- (5) Allowable signage shall be limited to a 32 square foot sign, non-illuminated, and located on the property.
- (6) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- (7) The operation of the home occupation shall begin no earlier than 8:00 a.m. and end no later than 5:00 p.m. Additional hours shall be reviewed by the Planning Commission and approved by the County Board of Commissioners.
- (8) Materials and equipment shall be stored in an enclosed building or screened area.
- (9) All vehicles associated with a level II home occupation shall be parked off-street and upon the lot on which the home occupation is operated.

Eagle Lake, Madison Lake and Mankato City Review & Comment

Staff contacted the planning and zoning offices of Mankato, Eagle Lake and Madison Lake for their concerns on allowing Level II home occupations in their UFDs. Sec **24-501** (b) indicates Land use planning within the UFD should be a cooperative effort between the county and municipality in order to work towards the most efficient, planned and cost-effective delivery of government services. Planning within the UFD must also ensure compatibility of one community's development with the development of neighboring communities or jurisdictions. The Cities of Eagle Lake, Madison Lake and Mankato have indicated they have no issues with the change in the ordinance.

After considerable review and consultation with the planning and zoning staff of Mankato, Eagle Lake and Madison Lake, staff brings forward an amendment to the Zoning Ordinance to allow Level II home occupation in the Agricultural and Conservative districts of UFDs in Blue Earth County.

Environmental Health Review – See Attachment A-3

Opinions

1. Applications for conditional use permits for Level II Home Occupations require that the applicant have a pre-application meeting with the affected municipality. This is to allow proper review of the request by the municipality prior to the formal review by the County Planning Commission and County Board to ensure no negative impacts on the delivery of municipal services and to ensure the proposed use will not interfere with the orderly development of the area.
2. Allowing Level II Home occupation in the Agricultural and Conservation Zoned Districts of the UFD will be consistent with the UFD regulations of Lime Township which allows such use.

Recommendations

Staff recommends **approval** of the proposed intention to enact an amendment to the Urban Fringe Overlay District Section (24-502) of the Blue Earth County Zoning Ordinance to allow Level II Home occupation.

Attachments

- A1 Existing Text with proposed amendments (see highlighted text) of Section 24-502 Urban Fringe Overlay District
- A2 Final Draft of proposed amendment to Section 24-502 Urban Fringe Overlay District
- A3 Environmental Health Comments

A-1 Current ordinance with proposed highlighted amendments

Sec. 24-502 Uses.

(b) *Conditional uses.* The following uses may be allowed as conditional uses within the UFD, subject to the provisions of article II of this chapter:

- (1) Extraction of minerals and associated processing activities in the C, A and HI districts, subject to requirements of Sec. 24-329.
- (2) Any conditional use in the GB, HB or LI district, provided that the use is located on a lot of record in existence on the effective date of the ordinance from which this article is derived.
- (3) Buildings owned and operated by a governmental agency for a public purpose.
- (4) Essential service utility structures or buildings, including broadcasting facilities, antennas and pipelines.
- (5) Garden nurseries and greenhouses in the RR, A and C districts.
- (6) Parks, recreational areas, wildlife areas, game refuges and forest preserves.
- (7) Level I home occupations in the RR and RT districts.
- (8) Level II home occupations in the A and C districts
- ~~(8)~~(9) New feedlots over 100 animal units or the expansion of existing feedlots over 100 animal units in the A district.
- ~~(9)~~(10) Manure storage structures in the A district.
- ~~(10)~~(11) New landfills or expansion of existing landfills.
- ~~(11)~~(12) Commercial wind energy conversion system in the A zoning district, LI district, and HI district.

A-2 Final Draft

Sec. 24-502 Uses.

(b) *Conditional uses.* The following uses may be allowed as conditional uses within the UFD, subject to the provisions of article II of this chapter:

- (1) Extraction of minerals and associated processing activities in the C, A and HI districts, subject to requirements of Sec. 24-329.
- (2) Any conditional use in the GB, HB or LI district, provided that the use is located on a lot of record in existence on the effective date of the ordinance from which this article is derived.
- (3) Buildings owned and operated by a governmental agency for a public purpose.
- (4) Essential service utility structures or buildings, including broadcasting facilities, antennas and pipelines.
- (5) Garden nurseries and greenhouses in the RR, A and C districts.
- (6) Parks, recreational areas, wildlife areas, game refuges and forest preserves.
- (7) Level I home occupations in the RR and RT districts.
- (8) Level II home occupations in the A and C districts
- (9) New feedlots over 100 animal units or the expansion of existing feedlots over 100 animal units in the A district.
- (10) Manure storage structures in the A district.
- (11) New landfills or expansion of existing landfills.
- (12) Commercial wind energy conversion system in the A zoning district, LI district, and HI district.

A-3 Environmental Health Review
BLUE EARTH COUNTY
ENVIRONMENTAL SERVICES

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Environmental Health Section - Planning Application Reviews

Date Printed: December 23, 2013 **Permit Number:** PL2013088
Property Owner: BLUE EARTH COUNTY **Applicant:** BLUE EARTH COUNTY
Parcel Number: R01.09.18.134.001 **File ID:** PC 01-14

Application Description: Notice of intention to enact an amendment to the Blue Earth County Zoning Ordinance also known as Chapter 24. Proposed amendment will allow Level II Home Occupation as a conditional use in the Agricultural and Conservation Zoned Districts of the Urban Fringe Overlay Districts.

Septic Review

Status: Complete - Comments Received

Comments: The change in use in areas will have an impact on what size and type of septic system is or will be installed for a business. Each of the individual cases where a business is proposed will be reviewed and assessed for compliance with State and County rules. Changes at that time for the specific system will be required if necessary. This mirrors what is required on all other proposals that have a potential impact to an existing or new septic system. potterness 12/20/2013 12:28 PM

Well Review

Status: No Response

Comments:

Wetland Review

Status: No Response

Comments:
