

City of Falcon Heights
Planning Commission
23 November 1999

AGENDA

A. Call to order

Commissioners:

Treadwell, Chair
Brace
Groff
Mahrer
Middleton
Salzberg
Struck

Others:

Gehrz, Council Liaison
Hoyt, City Administrator

Knutson, City Attorney

B. Approval of minutes from July 27, 1999

C. Items for consideration

1. Consideration of proposed zoning code amendments defining schools and research institutions and eliminating schools as a conditional use from the B-2 commercial zone
2. Consideration of a proposed zoning code amendment clarifying the sideyard setback for garages on alleys
3. Next meeting date
 - Tuesday, December 14 or Tuesday, December 21
4. Regular meeting date after January 1, 2000
 - Fourth Tuesday of each month
5. Other
 - financial analysis of redevelopment options on Southeast corner
 - status of sale of Harvest States building

D. Adjourn

27 July 1999
Planning Commission Minutes

Present:

Treadwell
Brace
Groff
Middleton
Struck
Salzberg

Absent:

Mahrer

Administrator Hoyt
Attorney Knutson

The meeting was called to order at 7:00 P. M. by Chair Treadwell.

Approval of minutes from May 25, 1999.

Commissioner Brace moved approval of the minutes from May 25, 1999.
Commissioner Struck seconded the motion. The motion passed unanimously.

Public hearing on and consideration of a request to subdivide a lot at 1795 North Fairview Avenue.

Administrator Hoyt explained that the property owners, Mr. and Mrs. Busch, wished to subdivide the property at 1795 North Fairview Avenue into two lots, with the second lot being located at 1806 Lindig Street. The property owners will retain the area as open space for the current time, but may eventually choose to develop it with a single family home. The lot fronts onto a public street and is served by sewer and water. Administrator Hoyt said that the engineer reviewed the proposed subdivision and recommended approval contingent on any plans to build on the site be reviewed for drainage and sanitary sewer. Property owner Kevin Busch reiterated the family's interest in retaining the area as open space at this time. He also explained the rear lot line between the two properties was located in a way that preserved a grove of trees and a utility shed on the Lindig Street lot. Chair Treadwell opened the public hearing at 7:10 PM. There was no one to speak. Chair Treadwell closed the public hearing at 7:10 PM. Commissioner Salzberg moved approval of the subdivision at 1795 North Fairview Avenue with the condition that the engineer approve any building plans in the future. Commissioner Groff seconded the motion. The motion passed unanimously.

Public hearing on and consideration of an ordinance 99-4 amending Chapter 9-2.03 and 9-2.05 of the zoning code requiring lots to have frontage on a public street prior to development.

Attorney Knutson explained that the city's ordinances included a requirement that a lot have access to a public street prior to development, but that the zoning code section on lots did not. Commissioner Salzberg asked that the revised language under Chapter 9-2.05 of the code be revised to state 'buildable' lot. Chair Treadwell opened the public hearing at 7:17 PM. No one was present to speak. Chair Treadwell closed the public hearing at 7:17 PM. Commissioner Struck moved approval of ordinance 99-4. Commissioner Treadwell seconded the motion. The motion passed unanimously.

Public hearing on and consideration of ordinance 99-5 amending Chapter 9-16 on planned unit development.

Attorney Knutson explained that the current PUD ordinance was very inclusive with specific standards. Although this is desirable, case law demonstrates that it creates problems when the city is compelled to deny a PUD request that may meet the standards but does not meet the overall intent of the city's land use objectives. He explained that the intent of a PUD is not like a conditional use permit where specific standards must be met, but is more akin to creating a special zone for this area and, therefore, flexibility is useful. Commissioner Salzberg asked if the standards now in the ordinance would be addressed prior to a PUD application proceeding through the approval process. Commissioner Brace said that the city's process for reviewing applications prior to their formal submission would likely address these issues. Chair Treadwell opened the public hearing at 7:30 PM. No one was present to speak. Chair Treadwell closed the public hearing at 7:30 PM. Commissioner Brace moved approval of ordinance 99-5. Commissioner Groff seconded the motion. The motion passed unanimously.

Presentation of Gibbs Farm Museum plans.

Ms. Priscilla Farnham of the Gibbs Farm Museum presented the plans for the changes on Gibbs Farm including the construction of a sod house, the replacement of the community gardens with pasture area for animals and a prairie area on the property. Administrator Hoyt explained that the planning commission needed to approve the location of the sod house under the P-1/R-1 zone. After the presentation Commissioner Salzberg moved approval of the location of the sod house. Commissioner Brace seconded the motion. The motion passed unanimously.

September and October meeting combined into an October 12, 1999 meeting.

Updates.

Administrator Hoyt updated the commission on the moratorium on school uses in business zones, the St. Paul Land Use Planning Task Force and the sale of the Harvest States building to a private developer for office space.

Respectfully submitted

By: _____
Susan Hoyt
City Administrator and Recording Secretary

Item: 1

Date: 11/23/99

ITEM: Consideration of proposed zoning code amendments related to the definition of schools and the research facilities and elimination of Schools from the B-2 commercial zone

SUBMITTED BY: Susan Hoyt, City Administrator
Diana Billings, planner, DSU (analysis, proposed definitions)

REVIEWED BY: Roger Knutson, City Attorney

EXPLANATION/DESCRIPTION:

Summary and action requested. The planning commission is being asked to consider proposed amendments to the zoning code definitions of schools and other related clarifications. These recommendations are the result of an analysis done by the city's planning consultant after the city council adopted a moratorium on school uses in the city's three commercial zones, B-1, B-2 and B-3 on June 9, 1999. The moratorium was adopted after receiving inquiries about a school use for the Harvest States office structure. Although schools are not a permitted or conditional use in the B-1, neighborhood commercial district, and the B-3, community business district, the council determined that it was timely to carefully define uses like dance schools in the B-3 zone and to evaluate the necessity of keeping schools as a conditional use in the B-2, limited business district, given the extensive area of the city already devoted to educational uses through Falcon Heights elementary school, the University of Minnesota and Gibbs Farm. Limiting education uses also reduces the number of tax exempt uses that may locate here in Falcon Heights. Forty – three per cent of the city's market value is tax exempt. Originally the moratorium was scheduled to expire on January 1, 2000. The moratorium was extended into the new year, if necessary. However, it is always in the city's best interest to end moratoriums as soon as reasonable for the benefit of property owners and/or potential buyers and tenants.

Summary of recommended changes to the zoning code (see attachments)

Essentially, the recommendations make only one change in what is now an allowed land use and that is the elimination of colleges, academies, schools in the B-2 zone. This proposed change would really only impact the Hewlett Packard and the Hermes property because these are the only properties that are likely able to truly accommodate a school type of use from a parking, access, open space and building size perspective in this zone. There have been no inquiries about schools at these locations.

Schools remain a conditional use in the R-1 zone, which is the zone that covers the majority of land area that is not controlled by the U or the State Fair. The moratorium does not cover schools as a conditional use in an R-1 zone nor is it recommended to limit this in the R-1 zone.

Specifics:

- Definitions: add educational institutions, school and studio to the zoning code. (use studio for dance school, karate, etc.)
- Minor change in language in the R-1 single family residential zone to incorporate new definition of schools and thereby eliminate terms of parochial and public. (Schools remain a conditional use in an R-1 zone; the study is limited to commercial zones.)
- Eliminate colleges and academies and schools as a conditional use in the B-2 zone, add studios for dance, etc.
- Add research laboratory not operated by a school or educational institution in the B-2 zone.
- Refine definition for public owned buildings in B-2 zone to city owned community facilities (relates to city hall).
- Replace school for dance etc. with only studio for dance etc. in the B-3 zone.

Background to proposed zoning code amendments.

- The city's land use decisions made through zoning must be based upon some logic about the allocation of land uses.
- Falcon Heights has 19.5% of its total area in educational uses (U of M, Gibbs Farm and Falcon Heights Elementary School), there is no need to add more educational in the commercial zone to the area already allowed in the city.

- The area allocated to educational uses in Falcon Heights is much higher than nearby suburban cities in Ramsey County including Arden Hills (4.7%) of which has Northwest College and Bethel College.
- The city has limited commercial area, 1.8% of total land area in city, for maintaining commercial services for residents and neighbors and the commercial area should not be further devoted to already prevalent educational uses.
- State statute identifies an underlying principle of zoning codes is to preserve a city's tax base. Statute 462.351 *Municipal planning will assist in developing lands more wisely to serve citizens more effectively , will make the provision of public services less costly and will achieve a more secure tax base. ..* Eliminating schools as a conditional use in the B-2 zone will indirectly help with this principle. This is not the primary reason that the city would use to adopt this change in the B-2 zone.
- The only commercial area in the city where a school is a conditional use is in the B-2 zone. (No schools of any type are permitted in B-1 and only dance schools (studios) are permitted in B-3). However, only two properties in this zone, Hermes and Hewlett Packard, are very well configured for school use. A request for a conditional use permit for a school with 9 students in the office building on Prior was feasible, but very challenging from a land use perspective. Several conditions were required. The school never obtained the lease for this site and, therefore, never opened.

ATTACHMENTS:

- 1 Zoning map
- 2 Land allocation in educational institutions in Falcon Heights and nearby suburbs
- 3 Recommendations on zoning code amendments from planning consultant
- 4 Commercial B-2 and B-3 zoning codes

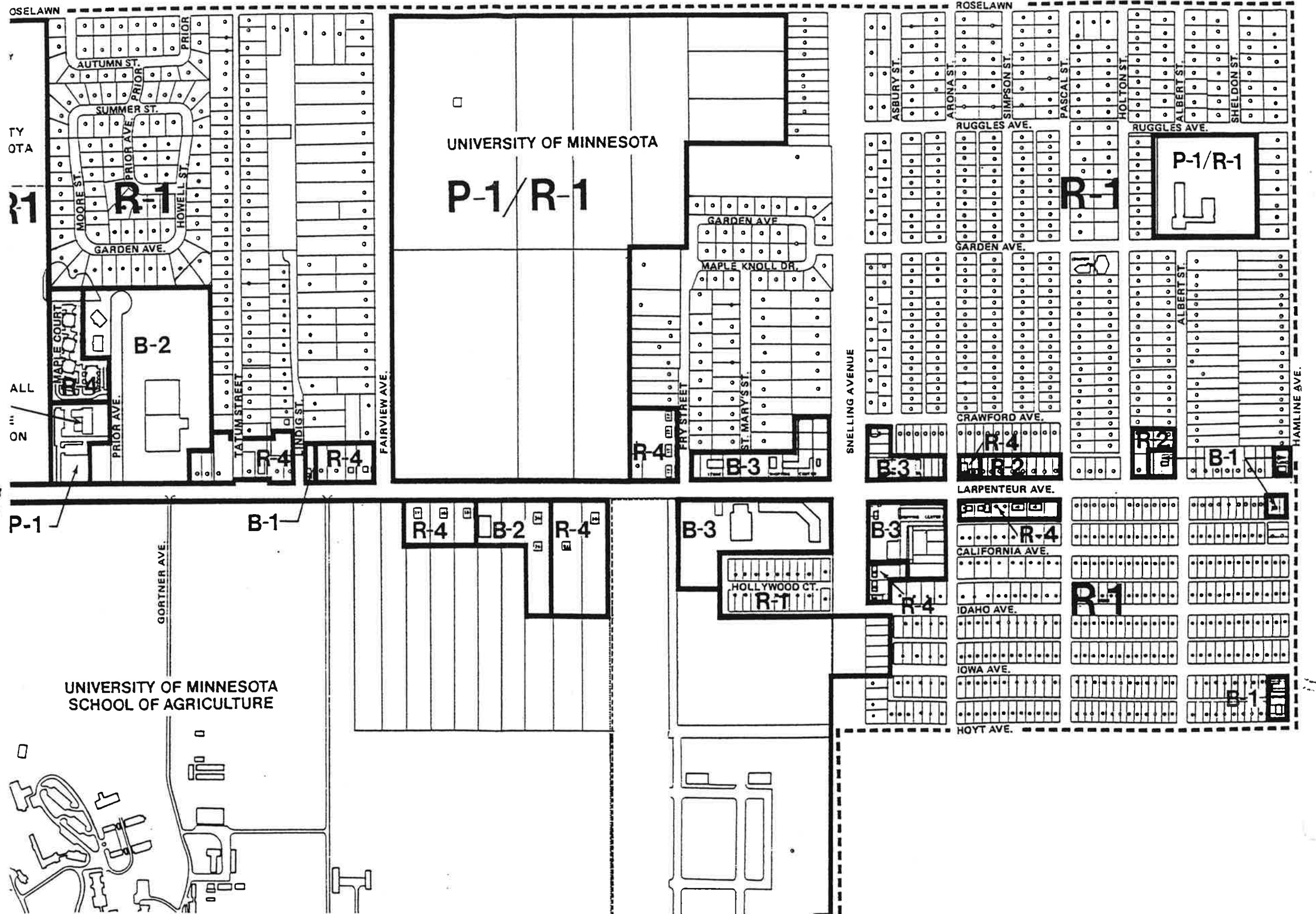
ACTION REQUESTED:

- 1 Report from city administrator
- 2 Comments on legal basis for zoning code change from city attorney
- 3 Questions and discussion
- 4 If prepared, schedule a public hearing for December 14 or December 21 or if necessary a January date on the proposed amendments. Further modifications can be made at this meeting.

6/99

MAP OF BUSINESS ZONES

LARPELLEUR
EAST



Land Use Comparison
Land Dedicated to Schools, Colleges and Museums
City of Falcon Heights vs. Other Twin Cities Suburbs

| | <u>Acres</u> | <u>Percent of Total Land Area in the City</u> |
|----------------|--------------|-----------------------------------------------|
| Shoreview | 67 | less than 1% |
| Roseville | 214 | 2.5% |
| New Brighton | | |
| Arden Hills | 290 | 4.7% |
| Moundsview | 43 | 1.7% |
| St. Anthony | | |
| Little Canada | 79 | 2.8% |
| Falcon Heights | 284 | 19.5% |

City of Falcon Heights
Land Use Analysis
Schools, Colleges and Museums

| | <u>Acres</u> |
|---------------------------------------|--------------|
| Total land area of the City: | 1,461 |
| Land area of the State Fair: | 288 |
| Area of Falcon Heights School: | 8.8 |
| Area of Gibbs Farm: | 7.5 |
| Area of U of M (minus golf course): | 268 |
| Total land area devoted to education: | 284 |

Total land area devoted to education as a percentage of the city's total land area: 19.5%

Total land area devoted to education as a percentage of the city's total land area minus the State Fair: 24.2%

Total existing commercial land area as a percentage of total land area in the city: 1.8%

Land area in Falcon heights outside of the U of M and the State Fair:

| | |
|----------------------|-------|
| Total area: | 517 |
| Percentage of total: | 35.4% |



INCORPORATED

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MEMORANDUM

DATE: November 16, 1999

TO: Susan Hoyt, City Administrator
City of Falcon Heights

FROM: Diana Billings, PLANNER, DAHLGREN, SHARDLOW AND UBAN

RE: Zoning Recommendations

Following is a summary of the zoning changes recommended to address schools in Falcon Heights.

RECOMMENDATION

- ◆ Clearly define and differentiate between different types of schools
- ◆ Prohibit all schools in the city's commercial districts

For the purpose of this recommendation, schools do not include dance, music, art, photography, interior design, etc. studios. These should be defined separately.

Following are the steps required to implement these recommendations:

Definitions

Based upon the City's unique and extensive mix of public land uses, it is important to clearly define and differentiate between all public uses, particularly schools. From a land use planning perspective, there are two main categories of schools. The first includes elementary, middle, and secondary schools. The other includes post-secondary schools. From a planning perspective, whether a school is public or private is not as relevant as the type itself (elementary, middle, secondary, post secondary). Therefore, it is not necessary to separately define public versus private schools.

Elementary, Middle and Secondary Schools

Elementary schools are typically less intensive uses than middle or high schools, generating less traffic, requiring less parking, occupying less space, etc. However, given the existing zoning districts in Falcon Heights, it is probably not necessary to separately define each of these types. Most likely, all three types would to be allowed in each of the city's four residential districts and none of them would be allowed in the city's commercial districts. Following is a unified definition derived from the city of Plymouth's ordinance with some minor modifications made (in italics or strikeout) for clarity:

School: A building used for the purpose of elementary, *middle (junior high) or secondary (high school) education, public or private*, which meets all the requirements of compulsory education laws of the State of Minnesota, ~~and not providing residential accommodations.~~

Post-Secondary Schools

It is very important to separately define post-secondary schools from elementary, middle, and secondary schools. Clearly, post-secondary schools have significantly different planning implications. Traffic, parking and noise are important considerations as is the availability of housing and employment. The districts in which these types of uses are appropriate may be quite different from those for elementary, middle and secondary schools.

The definition for "educational institutions" in The New illustrated Book of Development Definitions provides a clear, concise definition as follows:

Educational Institution: A college or university authorized by the state to award degrees.

Again, it is probably not important to differentiate between *public or private post-secondary schools*.

Studios

Schools or studios for dance, music, art, photography, interior design, etc. are not included in either of the above definitions. Since these uses may be appropriate in districts where neither schools or educational institutions are permitted, a separate definition is needed. Following is the definition used by St. Louis Park with some minor modifications made (in italics or strikeout) for clarity and to conform with the types of uses currently permitted under "studios" in Falcon Heights:

Studio: A facility where the practice or study of the visual and audio arts occurs. *This may include dance, music, art, photography or interior design.* ~~printing, sculpturing, photography, recording, radio and television studios. This use also includes dance studios and studios for the martial arts. This use~~

does not include large industrial photography or printing processes. *These uses are separate from "schools" and "educational institutions" as defined in this ordinance.*

Proprietary Schools

Proprietary schools, by definition in State Statute, are not included in either the definition of "schools" or "educational institutions" offered above. Some proprietary schools could possibly fall under the definition of "studio" above.

Proprietary schools include trade, correspondence, business and social training schools operated for a profit or charging tuition which do not, among other criteria, meet the state's compulsory education requirements or offer degrees. Some examples would include beauty colleges, model schools, and travel schools. Should the city decide to allow for these types of schools within the city, particularly within any of its commercial districts, the following definition could be used:

Proprietary School:

Any private business, trade, correspondence or social training school operated for a profit or charging tuition that meets the state's definition of a proprietary school.

ZONING CHANGES NEEDED

The following zoning changes are needed to implement the above steps:

- ◆ Add the following definitions to Chapter 9-1.02 of the city's code.
 - 193. Educational Institution: A college or university authorized by the state to award degrees.
 - 194. School: A building used for the purpose of elementary, middle (junior high) or secondary (high school) education, public or private, which meets all the requirements of compulsory education laws of the State of Minnesota.
 - 195. Studio: A facility where the practice or study of the visual and audio arts occurs. This may include dance, music, art, photography or interior design. This use does not include large industrial photography or printing processes. These uses are separate from "schools" and "educational institutions" as defined in this ordinance.

Note: Proprietary schools could be added if desired. Also, as shown above, these definitions are simply added at the end of the of the definitions section of the ordinance. the definitions. They should be inserted in the correct alphabetical order relative to the other definitions when the ordinance is recodified.

- ◆ Change 9-4.01 (One Family R-1 District) Subdivision 2.b as follows:
 - b. ~~Public and parochial schools~~ Schools - provided no buildings shall be located within fifty (50) feet of any lot line of an abutting lot in an "R" use district. Any fence erected around a play area shall be not less than fifteen (15) feet from a street line when said fence would be across the street from an "R" use district.
- ◆ Change 9-9.01 (B-2 Limited Business District) Subdivision 3 (Conditional Uses) as follows:
 - c. ~~Colleges and academics.~~
 - k. ~~Schools or studios~~ Studios for dance, music, art, photography or interior design as defined in this Ordinance.

- ◆ Change 9-10.01 (B-3 Snelling and Larpenteur Community Business District) Subdivision 2 (Permitted Uses) as follows:

- y. ~~Schools and studios~~ Studios for art, photography (~~SIC 722~~), dance (~~SIC 791~~), music and interior design *as defined in this Ordinance.*

Note: Is it desirable to be specific about the SIC codes? If not, then eliminate them. If yes, these same SIC should apply to the B-2 district? They could either be added to the definition or inserted into the language for each district in which studios are allowed.

OTHER CONSIDERATIONS

Research Laboratories

There is the potential for research laboratories to be operated through a school entity, particularly a university. It is important to differentiate between laboratories that are part of a school from commercial research and/or development facilities. This can be accomplished through how the City defines research laboratories in its zoning ordinance. Following is the definition for "research laboratories" from The New illustrated Book of Development Definitions which has been modified (in italics or strikeout) for clarity that could be used by Falcon Heights:

Research Laboratory: An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development. *This definition shall not include research laboratories operated by a school or educational institution as defined in this Ordinance. Research laboratories that are integral components of either schools or educational institutions shall be defined as schools.*

Other Public Uses

In the B-2 District, publicly owned and operated buildings and uses are listed as a permitted use. If this is not clearly differentiated, this use could *potentially* be construed to include schools. For clarity, the following change is recommended.

- ◆ Change 9-9.01 (B-2 Limited Business District) Subdivision 2 (Permitted Uses) as follows:
 - d. City ~~Publicly owned and operated buildings and uses~~ community facilities provided there shall be no unscreened outdoor storage of materials, supplies or equipment or trucks and trailers exceeding a capacity of one and one-half (1 ½) tons.

APPENDIX A DEFINITIONS

Before determining whether or not a particular use is appropriate for any given district, it is important to first have a clear definition of the use. Following are definitions from other cities' ordinances and the Revised Book of Development Definitions for school, studios and laboratories as well as related or similar uses.

A. Other Cities' Ordinances

Many cities' ordinances have clear definitions for schools, studios, laboratories and other uses that could be useful in refining the B-2 District language for Falcon Height's. Following are some of the definitions used by other cities.

Minnetonka

"Educational Institution or Facility - A public or private elementary middle, secondary, post-secondary or vocational school having a course of instruction meeting the compulsory education requirements of the Minnesota board of education." [Section 300.02, Page 7]

"Public Building - A structure sheltering or enclosing a government activity or use." [Section 300.02, Page 13]

Oakdale

"Public Land or Use: Land owned or operated by municipal, school district, county, state or other governmental units." [Section 25-8, Page 9]

"Research: Medical, chemical, electrical, metallurgical or other scientific research conducted in accordance with the provisions of this ordinance." [Section 25-8, Page 9]

Mankato

"School. A public or private facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary, junior high schools, and high schools." [Page 13]

Plymouth

"Public Uses: Uses owned or operated by municipal, school districts, county, state or other governmental units." [Section 21005-20]

"School: A building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota, and not providing residential accommodations." [Section 21005-22]

“School, Private: Any building or group of buildings, not operated by a public agency or unit of government, the use of which meets compulsory education laws of the State of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher education and which use does not secure the major part of its funding directly from any governmental source.” [Section 21005-23]

“School, Public: Any building or group of buildings, the use of which meets compulsory education laws of the State of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher education which secures all or the major part of its funding from governmental sources and is operated by a public agency or government unit.” [Section 21005-23]

“Semi-Public Use: Uses owned by private or private non-profit organizations which are open to some, but not all, of the public.” [Section 21005-23]

St. Louis Park

“Education/Academic” [Section 14:5-3 © (3)]

“Public - Neighborhood or district based education service normally provided to persons through young adult age; the use may include evening or off hour service to adults in the community. This use generally includes an accessory food service and some retail facilities to serve students and faculty.”

“Private - Community or regional based education service normally provided to persons through young adult age; facilities similar to public education facilities above.”

“Business/Trade Schools - a facility serving adults and sometimes high school age persons which provides specialized education to develop a skill to prepare for a specific job. Equipment or processing which simulate an industrial or commercial work setting may be included.” [Section 14:5-3 (d) (8)]

“Studio - a facility where the practice or study of the visual and audio arts occurs; may include printing, sculpturing, photography, recording, radio and television studios. This use also includes dance studios and studios for the martial arts. The use does not include large industrial photography or printing processes.” [Section 14:5-3 (d) (30)]

B. The New Illustrated Book of Development Definitions by Harvey S. Moskowitz and Carl G. Lindbloom.

“College: An educational institution authorized by the state to award baccalaureate or higher degrees.” [Page 61]

“Educational Institution: a college or university authorized by the state to award degrees. Note: The term as defined is applicable only to colleges and universities. Elementary, middle and high schools are defined under schools. The reason for purposely limiting the definition is to recognize the significant difference in impacts between the two types of facilities...” [Page 101, 102]

“Government Agency: Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.” [Page 127]

“Public Administration: Legislative, judicial, and regulatory activities of federal, state, local and international government agencies.” [Page 210]

“Public Areas: Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.” [Page 210]

“Public Building: Any building, structure, facility, or complex used by the general public, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, public eating places, schools, and theaters; business buildings, such as offices; and factories and industrial buildings.” [Page 210]

“Research Laboratory. An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development. Note: Research laboratories may imply physical activities usually associated with “wet” labs or places with running water, gases, special ventilation devices, chemicals, special heating and electrical or electronic equipment, or use of animals or human subjects under controlled conditions. Research facilities usually include pilot plant operations, and development ordinances usually permit a certain percentage of the floor area (25 percent, for example) for pilot plant use.” [Page 223]

“School: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge. Note: The above definition includes business schools, trade schools, schools of dance and the martial arts, as well as academic institutions. Local ordinances can further define the kinds of schools that might be allowed in specific areas, for example, only elementary and secondary schools in residential areas...” [Page 237]

“School, Elementary: any school licensed by the state and that meets the state requirements for elementary education.” [Page 237]

“School, Parochial: A school supported and controlled by a church or religious organization.” [Page 237]

“School, Private: Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.” [Page 238]

“School, Secondary: Any school licensed by the state that is authorized to award diplomas for secondary education.” [Page 238]

“School District: A district that serves as a unit for state financing and administration of elementary and secondary schools.” [Page 238]

“Studio: (1) The workshop of an artist, sculptor, photographer, or craftsman; (2) a place for radio or television production; and (3) a place where movies are produced. Note: The studio for radio or television broadcasting is only that part of the station from which the signal originates. It could be an office or home and is often separate and some distance from the transmitter and antennas. From a zoning perspective, the local ordinance should clearly identify the type of studio being permitted. Workshops of craftsmen, for instance, would be appropriate for residential areas, as would small studios for radio production. Large scale television or movie production studios clearly belong in nonresidential areas.” [Page 269]

“Vocational School: A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.” [Page 295]

4-B-2
B-3

9.01

PART 9. "B-2", LIMITED BUSINESS DISTRICT

9-9.01 "B-2", Limited Business District

Subdivision 1. Puroose and Intent. The primary purpose of the limited business district is to provide for office and limited service, employment and institutional uses which are freestanding in nature, require larger sites and are or can be made to be compatible with adjacent land uses. It is also intended to accommodate certain existing businesses for the purpose of maintaining them as conforming uses. Except where current retail or wholesale businesses are specifically listed, the limited business district is not intended to accommodate retail or wholesale businesses. The district is designed to minimize the blighting influence on the surrounding residential neighborhoods by limiting and controlling the uses that are permitted.

Subdivision 2. Permitted Uses. No structure or land shall be used except for the following uses:

- a. Financial institutions with hours open to the public from 8 a.m. to 6 p.m. Monday-Friday and 8 a.m. to noon on Saturdays. An automatic teller machine may operate for 24 hours a day.
- b. Medical offices and clinics.
- c. Offices, business and professional.
- d. Publicly owned and operated buildings and uses provided there shall be no unscreened outdoor storage of materials, supplies or equipment or trucks and trailers exceeding a capacity of one and one-half (1 1/2) tons.

Subdivision 3. Conditional Uses. The following uses are permitted subject to the issuance of a conditional use permit (C.U.P.):

- a. Bank drive-in facilities as an accessory use to a financial institution, with hours open to the public identified in the conditional use permit.
- b. Churches.
- c. Colleges and academies.

- d. Child care facilities and nursery schools subject to licensing by the State of Minnesota.
- e. Florist, garden supply and garden wholesale stores.
- f. Funeral homes and mortuaries.
- g. Limited fabricating and processing of a product in conjunction with any permitted use when such products are wholly processed within a building and such use is deemed appropriate and consistent with the character of the district and environs. Where such uses consist of more than one principal building, plans for such development shall be submitted as a planned unit development (P.U.D.).
- h. Historical buildings, museums, art institutes and galleries.
- i. Radio and television broadcasting and cable television studios (SIC 483 and 484) excluding external antenna systems.
- j. Research centers and laboratories excluding medical waste processing facilities.
- k. Schools or studios for dance, music, art, photography or interior design.
- l. Veterinary clinics with no animal boarding.

Subdivision 4. Permitted Accessory Uses. Any accessory use permitted in Chapter 9, Section 8.01.

Subdivision 5. Other requirements. All uses shall in addition to all other requirements comply with the following standards:

- a. No bars on doors or windows during business hours.
- b. No automatic interior or exterior security lock doors or doors that require requesting entry or exit during business hours.
- c. No exterior storage of merchandise except for nursery stock associated with a garden supply store or florist.
- d. No exterior sales of merchandise except for nursery stock associated with a garden supply store or florist.

PART 10. "B-3" SNELLING AND LARPENTEUR COMMUNITY BUSINESS DISTRICT

9-10.01 "B-3", Snelling and Larpenteur COMMUNITY Business District

Subdivision 1. Purpose and Intent.

The district applies only to the four quadrants of the Larpenteur and Snelling intersection. The district is designed to provide retail sales and services that only serve the surrounding neighborhoods' and community's needs. Retail sales and services that serve a larger geographic area are available in larger, nearby business districts in adjacent cities. By limited and controlling the uses that are permitted, the district is designed to be accessible to retail customers from the nearby neighborhoods and the community, to be compatible with the character of the neighborhoods and overall community, and to minimize the blighting influence on the surrounding residential neighborhoods.

Furthermore, the district provides for and encourages compact centers for retail sales and services by grouping businesses into patterns of workable relationships that complement each other. The district is designed to be easily accessible to users. It excludes highway oriented and other high traffic volume businesses that would tend to disrupt the cohesiveness of the shopping center or its circulation patterns and shared parking arrangements.

Subdivision 2. Permitted Uses. No structure or land shall be used except for the following uses (SIC = Standard Industrial Classifications from the Office of Management and Budget, SIC Manual, 1987):

- a. Auto parts and accessory stores.
- b. Apparel and accessory stores (SIC 56).
- c. Beauty and barbershops (SIC 723 & 724).
- d. Bowling alley
- e. Coin and philatelic (stamp) store.
- f. Computer programming and data processing services (SIC 737).

- g. Eating establishments (SIC 5812).
- h. Financial institutions and insurance establishments with hours open to the public no earlier than 8 a.m. and no later than 6 p.m. An automatic teller machine may operate 24 hours a day.
- i. Food stores (SIC 54) excluding the outdoor sales of produce, meat and seafood.
- j. Hardware stores (SIC 5251).
- k. Home furnishing, appliance and equipment stores (SIC 57).
- l. Laundry, laundromat and dry cleaning establishments (SIC 7212, 7215 and 7219).
- m. Mailing, reproduction, commercial art, photography and stenographic services (SIC 733).
- n. Medical and dental offices and clinics (SIC 801-804).
- o. Miscellaneous retail establishments (SIC 59) including antique stores but excluding fuel dealers (SIC 598) and gun shops.
- p. Motion picture theaters (SIC 7832).
- q. Offices, business and professional.
- r. Office supply and art supply stores, retail.
- s. Paint and wallpaper stores, retail (SIC 523).
- t. Personal service establishments as follows: tax return preparation services, diet centers, costume and dress suit rental stores, photography services.
- u. Physical fitness facilities.
- v. Precious metal dealer with a precious metal dealer license.
- w. Printing and duplicating shops provided not more than six employees are employed on the premises at one time (SIC 7334).
- x. Public and essential service uses.
- y. Schools and studios for art, photography (SIC 722),

dance (SIC 791), music and interior design.

z. Therapeutic massage enterprise (see 5-3.08 for license).

z1. Video rental stores (SIC 784).

Subdivision 3. Conditional Uses. The following uses are permitted subject to the issuance of a C.U.P.

a. Animal grooming and pet stores provided there shall be no boarding of animals on the site.

b. Bank drive-in facilities as an accessory use to a financial institution with hours open to the public as identified in the conditional use permit.

c. Basement storage of goods not sold on the premises provided that the space is completely finished and ready for use, is sprinklered, has elevator access, provides two pedestrian accesses, has an existing loading dock or area that does not conflict with adjacent residential areas or entry to businesses and is approved by the city fire marshal.

d. Car washes which are accessory to the principal use and meet the requirements for service stations, Section 9-14.01, Subdivision 17.

e. Child care and nursery school facilities subject to licensing by the State of Minnesota.

f. Charitable gambling establishments as a principal use in accordance with the city's licensing requirements, Chapter 5, Section 3 of the city code.

g. Custom manufacturing of handmade goods that are sold on the premises provided the manufacturing operation is incidental to a retail operation.

h. Drinking establishments, bars and taverns (SIC 5813) subject to the city's licensing requirements, Chapter 5, Section 3 of the city code.

i. Gun shops are a conditional use on the northwest corner of Snelling and Larpenteur as long as the following conditions exist:

- 1) A minimum of 1,000 from any residential zone except for a minimum of 150 feet from any residential zone when the residential zone is buffered by a separate commercial facility.

- 2) A minimum of 750 feet from any park.
- 3) A minimum of 1,000 feet from any public or private preschool, elementary or secondary school or church.
- 4) The firearms dealers security standards as mandated by Minnesota Statute 624.7161 and 624.7162 are met.

j. Hotels and motels by P.U.D. (SIC 701).

k. Motor fuel or service stations subject to the design and performance standards as specified in Section 9-14.01, Subdivision 17 of this code.

l. Multi-family housing by Planned Unit Development.

m. Satellite communications dishes as an accessory use.

n. Second hand goods store, as defined in the zoning code.

o. Veterinary clinics with no boarding of animals on the site and no external runs.

Subdivision 4. Permitted Accessory Uses.

a. Any accessory use permitted in Chapter 9, Section 8.01.

b. Limited repair and service operations which are incidental to a principal use.

c. One pool table per 2,000 square feet of area excluding area devoted to bowling lanes and one video or electronic game per 300 square feet of area excluding area devoted to bowling lanes are permitted accessory uses to a bowling alley.

d. The limited sale of used merchandise is allowed as an accessory use, but only if the following conditions are met:

(i) The sale of used merchandise must be clearly incidental to the sale of new merchandise of the same general type.

(ii) The used merchandise which is sold on the premises must be acquired by the owner of the principal use only on a "trade-in" basis from customers trading in used merchandise at the time they purchase new merchandise of the same general

ITEM 2
Date: 11/23/99

ITEM: Consideration of a zoning amendment clarifying the
sideyard setback for garages on alleys

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and action requested. The planning commission is being asked to consider adding language to the zoning code which will clarify that a new garage on an alley with access off the alley (not perpendicular to the alley) may retain the same sideyard setback, if the setback is less than 5 feet, as the existing garage if it remains in the new garage remains in the rear 30 feet of the lot. Although this situation has not arisen, it is an oversight in the code, which allows people to build new garages at the same sideyard setback as the existing garage for garages with access not off of alleys. Garages with access perpendicular to an alley may have a 1 foot sideyard setback and a 1 foot rearyard setback.

Proposed language.

9-2.04 subd. 1 c

- (3) *the garage meets all of the following:*
- (i) *is detached from the principal structure;*
 - (ii) *is accessed off an alley;*
 - (iii) *is replacing an existing garage that is located less than five feet from the side lot line*
 - (iv) *is located in the rear 30 feet of the lot*

If all of the conditions of section 9-2.04 subd. 1 c(3) are met, the replacement garage can be located at the same side yard setback as the existing garage except the garage shall not be located less than 2 feet from the side lot line.

ATTACHMENT:

- 1 Section 9 – 2.04 1 c (1) and (2) of zoning code
- 2 Diagram with example

ACTION REQUESTED:

- 1 Explanation by city administrator
- 2 Discussion
- 3 If prepared, schedule public hearing for December 14 or December 21

Subdivision 1. Restrictions. A lot of record existing upon the effective date of this chapter which does not meet the requirements of this chapter as to area or width may be utilized for single family detached dwelling purposes provided it is zoned residential and the measurements of such area or width are within sixty six and two thirds (66 2/3%) percent of the requirements of this chapter, but said lot of record shall not be more intensively developed unless combined with one (1) or more abutting lots or portions thereof so as to create a lot meeting the requirements of this chapter.

Subdivision 2. P.U.D. Except in the case of Planned Unit Developments as provided for hereinafter, not more than one principal building shall be located on a lot.

9-2.04 Accessory Buildings and Structures

Subdivision 1. General

a. No accessory building shall be constructed on a lot prior to the time of construction of the principal building or land use to which it is accessory.

b. An accessory building shall be considered as an integral part of the principal building if it is located less than twelve (12) feet from the principal building with respect to firewall and other requirements of the building code. (Amended by Ordinance O-90-01, January 10, 1990.)

c. Accessory buildings, other than garages, in a residential district may be located not less than five feet from an interior side or rear lot line unless the accessory structure is located in the rear twenty percent of the lot, in which case they can be located not less than one foot from the interior side or rear lot line (overhangs may not extend into the one foot side or rear yard setback).

Garages in a residential district must be set back at least five feet from an interior side or rear lot line unless:

- (1) the garage meets all of the following:
 - (i) is located on an alley, and is accessed from the alley or from a public street abutting an alley on a corner lot;

garages →

see next page

- (ii) is located in the rear 28 feet of the lot, and
 - (iii) is oriented such that the vehicular access door is perpendicular to the alley; or
- (2) the garage meets all of the following:
- (i) is detached from the principal structure,
 - (ii) is accessed from a driveway off of a public street, not an alley,
 - (iii) is replacing an existing garage that is located less than five feet from the side lot line; and
 - (iv) is located a minimum of five feet to the rear of the principal structure on the nearest adjoining property that is closest to the garage; or is located at least 10 feet from any portion of the principal structure on the nearest adjoining property.

new → (3)

If all the conditions of section 9-2.04 subd. 1 c. (1) are met, the garage can be located not less than one foot from an interior side or rear lot line.

If all of the conditions of section 9-2.04 subd. 1 c. (2) are met, the garage can be located at the same side yard setback as the existing garage that is being replaced, except that the new garage shall not be located less than two feet from the side lot line. The replacement garage does not have to be in the same location as the existing garage.

new → If a"

The corner side yard setback for accessory buildings, including garages, shall adhere to the setback requirement for principal buildings as described in Section 9-4.01, Subd. 4(b) (20% of the lot width). The rear yard and interior side yard setbacks shall be those required for garages and accessory buildings on interior lots. Lots smaller than 75 feet wide shall have a minimum corner side yard setback requirement ~~not~~ less than 15 feet. Garages on these lots may be located closer than 15 feet from the corner side lot line if the vehicular access door does not face the side street. In no case shall a garage or other accessory building be located within the corner side yard. (Amended by Ordinance 0-89-12, 7/26/89) See Figure 1.

Proposed setback - retain existing
if 2 feet or greater

