

**City of Falcon Heights
City Hall
2077 Larpenteur Avenue West**

**Minutes
Planning Commission Meeting
Tuesday, October 27, 2020
7:00 PM**

A. CALL TO ORDER:

The meeting was called to order by Chair Larkin at 7:00 PM.

B. ROLL CALL:

Present: Larkin, Williams, Gerich, Wilson, Phillips

Absent: Kotelnicki

Present Staff Liaison: Ryan Krzos from WSB

Present Liaison: Council Liaison Gustafson

C. APPROVAL OF MINUTES:

September 22, 2020

The minutes were approved by roll call, 5-0

D. PUBLIC HEARING

1. Amendment to Chapters 54 and 113 regarding residential edible landscaping

Following Staff Liaison Ryan Krzos' description of the proposed residential edible landscaping amendment (see Request For Planning Commission Action document), questions and a discussion between commission members took place. Commissioner Wilson mentioned that the Parks and Recreation Commission are looking at adding nine more plots to their community gardens at Community Park. Chair Larkin said as well that, similar to the recent native plant code, anything that applies to R1 and R2 residential, also applies to R3 and R4.

Chair Larkin opened up the public meeting. Several Public Members were in attendance and one came forward as well as one other offered their appreciation that front yard vegetable gardens were allowed in the amendment to Chapters 54 and 113. Also, it was brought up that approximately 330 comments by residents, mostly positive, regarding the edible gardens, had been received by the City, by residents commenting largely on the website. Chair Larkin closed the public meeting. Larkin then requested comments from each Commission member, one at a time. All were in approval of the amendment. A brief discussion then took place between commission members regarding retail sales of produce from the edible vegetable gardens (and naive plants) on the home owner's property. **With a motion, a second and a vote, the Planning Commission unanimously approved recommending the ordinance, as it is written, to the City Council for their approval.**

E. INFORMATION AND ANNOUNCEMENTS

1. Vacant properties update

Chair Larkin described the draft Vacant Properties Ordinance from the subcommittee of Chair Larkin, Tom Williams and Scott Phillips. During the introduction, Chair Larkin referred to a 10-point recommendation from a City of Chicago report on Vacant Properties Registration Ordinances, and that the subcommittee addressed each of them in the draft. Chair Larkin said that the Vacant Properties Ordinance of the City of Hopkins, MN was used as the template for the Falcon Heights draft, which included: fees, monitoring of vacancy using garbage collection and water usage, and installation of an excessive gas flow valve. The fact that Falcon Heights is not associated with the Housing and Redevelopment Authority (HRA), at this time, those portions of the City of Hopkins ordinance were removed. Following Larkin's description of the proposed vacant property ordinance, a brief discussion between commission members took place. After the discussion, Chair Larkin said that the committee would likely be discussing the topic in greater detail during future meetings. Larkin recommended that the Lawyer representing the City of Falcon Heights and Staff members review the Vacant Property Registration form and draft ordinance, and recommend any changes or additions to these documents for the next Planning Commission meeting.

Dino's Drive-Through

Staff Liaison Ryan Krzos said that the City, as of the time of the Planning Commission meeting, had not received a full submittal, or any other requests regarding the Dino's drive-through window. Liaison Krzos mentioned that he believes Dino's is now considering a Pick-Up window, which does not include a speaker or sound system, instead of a drive-through window. However, at this time, conversations to finalize the process had not yet taken place between the City and Dino's. Liaison Krzos indicated that there would still be a code amendment necessary. Following Liaison Krzos' comments, a discussion of Dino's drive-through request took place between commission members. The Planning Commission will address any new proposals brought by Dino's in future meetings.

November and December Planning Commission Meetings

Chair Larkin mentioned that because of the conflict with meetings and holidays in November and December (Thanksgiving and Christmas), the Commission would be best to be flexible in planning those meetings. However, Larkin recommended that the Commission not meet on December 22nd because of how close it is to the Christmas holiday.

F. ADJOURN

Adjourned by Chair Larkin at 7:55 PM.



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	November 24, 2020
Agenda Item	Agenda D1
Submitted By	Ryan Krzos, Interim Community Development Coordinator

Item	Amendment to Chapter 113 Regarding Drive Throughs
Description	<p><u>Summary of Request</u> The City has received a request from the owner of Dino’s Mediterranean Fresh (1700 Snelling Drive) for an Ordinance Amendment related to drive-through facilities. The City’s Zoning Ordinance currently prohibits drive through facilities for any use aside from financial institutions. City staff have prepared a draft ordinance on behalf of the applicant to accommodate their facility. It should be noted that the draft provisions would still require the owner to obtain a conditional use permit, which is not a component of this request. Should the amendment be adopted the applicant would need to apply for conditional use permit review which would involve consideration at a subsequent date.</p> <p><u>Ordinance Amendment Procedures</u> Section 113-35 of the Falcon Heights City Zoning Code provides the process and requirements relating to amendments to the Code. The process involves public notification; a public hearing, review and recommendation by the Planning Commission; followed by review and consideration by the City Council. The Ordinance states that no amendment to the code shall be considered which is in conflict with the Comprehensive Plan.</p> <p><u>Background</u> On February 8, 2006, the City Council approved an interim ordinance temporarily prohibiting the granting of any permit to build a new drive-through business facility while the City undertook a study of the impact of drive-through uses in the community. A copy of that study is enclosed for reference. On July 12, 2006, the City Council received the final report on the study and voted to support changes in the Falcon Heights City Code that would limit drive-through services to financial institutions in B-2 zones as a conditional accessory use with additional zoning restrictions. On September 13, 2006 the City Council approved the Ordinance provisions that are currently in place.</p> <p><u>Current Ordinance Requirements</u> <i>Definition:</i> Drive-through facility means the use of land, buildings or structures, or parts</p>

thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be permitted only as an accessory use in combination with a bank of financial institution. A drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

Performance Standards:

Sec. 113-252 - Drive-through facilities

Drive-through facilities are prohibited except when specifically allowed by a conditional use permit in a zoning district. When allowed, all drive-through facilities must comply with the following requirements:

- (1) The drive-through facility, service window and speakers must be located at least 100 feet from a residential zoned or used property and must be visually screened from adjoining residential property.
- (2) The entrance and exit drive lanes to the drive-through facility must be at least 75 feet from a street intersection.
- (3) The lot on which the drive-through facility is located must be at least 35,000 square feet in area.
- (4) The minimum on-site stacking distance available for the drive-through must be 180 feet in length.
- (5) Drive-through facilities may only be operated between the hours of 7:00 a.m. and 8:00 p.m.
- (6) No speaker noise may be audible from adjacent residential property.
- (7) A traffic study must be completed documenting that the drive-through facility will not create traffic problems.

District Provisions

Sec. 113-178 - B-2 limited business district

(d) Conditional uses. The following uses are permitted subject to the issuance of a conditional use permit (CUP):

- (1) Drive-through facilities as an accessory use to a financial institution.

Proposed Ordinance Requirements

In response to the applicant's request City staff drafted the ordinance amendment that would allow drive through facilities as a conditional accessory use, and modifies the performance standards in a manner that would allow the applicant's facility to be able to achieve compliance. Additionally, staff drafted an additional provision that would require screening of drive through facilities. The provisions are as follows:

Definition:

Drive-through facility means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in

motorized vehicles that are in a designated stacking lane. ~~A drive-through facility may be permitted only as an accessory use in combination with a bank of financial institution.~~ A drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

Performance Standards:

Drive-through facilities are prohibited except when specifically allowed by a conditional use permit in a zoning district. When allowed, all drive-through facilities must comply with the following requirements:

- (1) ~~The drive-through facility, service window and speakers must be located at least 100/75 feet from a residential zoned or used property and must be visually screened from adjoining residential property.~~
- (2) The entrance and exit drive lanes to the drive-through facility must be at least 75/20 feet from a street intersection.
- (3) The lot on which the drive-through facility is located must be at least 35,000/20,000 square feet in area.
- (4) The minimum on-site stacking distance available for the drive-through must be 180 feet in length/5 stacking spaces.
- (5) Drive-through facilities may only be operated between the hours of 7:00 a.m. and ~~8:00 p.m./9:00 p.m.~~
- (6) No speaker noise may be plainly audible from adjacent residential property.
- (7) A traffic study must be completed documenting that the drive-through facility will not create traffic problems.
- (8) A 10-foot buffer area with screen planting and/or an opaque wall or fence 6 feet in height shall be required between the drive-through lane and any property line adjoining a public street or residentially zoned property or property in residential use and approved by the Zoning Administrator.

District Provisions

Sec. 113-178 - B-2 limited business district

(d) Conditional uses. The following uses are permitted subject to the issuance of a conditional use permit (CUP):

- (1) Drive-through facilities as an accessory use to a financial institution.

Sec. 113-179 - B-3 Snelling and Larpenteur community business district

((d) *Conditional uses.* The following uses are permitted subject to the issuance of a conditional use permit (CUP):

- (15) Drive-through facilities as an accessory use to a financial institution or eating establishment.

Comprehensive Plan Guidance

The term "drive through" is not specifically stated in the Comprehensive Plan. As such, one must look at the broader goals and policies to assess whether expanding provisions for drive throughs is consistent with the document.

A number of the relevant goals and policies are provided below for reference. A digital copy of the plan is provided on the City website:
<https://www.falconheights.org/government/community-development-planning-and-zoning>

General Land Use Goals:

2. To minimize land use and traffic intrusions that adversely impact established neighborhoods.

General Land Use Policies:

8. Permit only compatible businesses adjacent to residential uses and in mixed commercial/residential development, and place special conditions upon business uses to assure compatibility when appropriate.

Commercial/Business Land Use Goals

- 2. To ensure maximum compatibility with adjacent neighborhoods.
- 3. To ensure access and safety for pedestrians and those using non-motorized transportation
- 4. To improve the image and function of the Larpenteur Corridor and the commercial core at Snelling/Larpenteur.
- 5. To improve access, traffic circulation and on-site parking for the Commercial Core at Snelling/Larpenteur.

Commercial/Business Land Use Policies

7. Maximize land use compatibility by requiring buffering, screening and landscaping between new commercial uses and residential areas and, wherever possible, between existing commercial uses and residential uses to minimize conflict

In discussion regarding the future direction of the business oriented land uses, the Plan states the following intentions: “create an attractive, easily accessible, walkable and visually secure commercial area for retail customers. minimize adverse impacts on adjacent residential areas...”

Conclusion

Since drive-throughs are not specifically mentioned in the Comprehensive Plan; the decision on the proposed Ordinance is a policy matter at the discretion of the City policy making bodies. The Planning Commission should discuss whether the Ordinance as proposed would create situations where the goals and policies of the plan are not contradicted.

Attachments	<ul style="list-style-type: none">• Draft Ordinance 20-XX Chapter 113 Drive Through Facilities• Draft Summary Ordinance 20-XX Chapter 113 Drive Through Facilities• 2006 Drive Through Facilities Zoning Study by Cornejo Consulting
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	<ul style="list-style-type: none">• Public Comments received as of October 20, 2020
Action(s) Requested	Staff request a Public Hearing on the draft ordinance and a recommendation to the City Council.

ORDINANCE NO. 20-XX

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 113
OF THE FALCON HEIGHTS CITY CODE**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1 Section 113-3 is amended as follows. Deletions are shown with a ~~striketrough~~.

Sec. 113-3 - Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drive-through facility means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. ~~A drive-through facility may be permitted only as an accessory use in combination with a bank of financial institution.~~ A drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

SECTION 2 Section 113-179 is amended as follows. Additions are shown with an underline, and deletions are shown with a ~~striketrough~~.

Sec. 113-179 - B-3 Snelling and Larpenteur community business district

(d) *Conditional uses.* The following uses are permitted subject to the issuance of a conditional use permit (CUP):

- (15) Drive-through facilities as an accessory use to a financial institution or eating establishment.

SECTION 3 Section 113-252 is amended as follows. Additions are shown with an underline, and deletions are shown with a ~~striketrough~~.

Sec. 113-252 - Drive-through facilities

Drive-through facilities are prohibited except when specifically allowed by a conditional use permit in a zoning district. When allowed, all drive-through facilities must comply with the following requirements:

- (1) The drive-through facility, service window and speakers must be located at least ~~100~~75 feet from a residential zoned or used property ~~and must be visually screened from adjoining residential property.~~
- (2) The entrance and exit drive lanes to the drive-through facility must be at least ~~75~~20 feet from a street intersection.
- (3) The lot on which the drive-through facility is located must be at least ~~35,000~~20,000 square feet in area.
- (4) The minimum on-site stacking distance available for the drive-through must be ~~180 feet in length~~5 stacking spaces.
- (5) Drive-through facilities may only be operated between the hours of 7:00 a.m. and ~~8:00 p.m.~~9:00 p.m.
- (6) No speaker noise may be plainly audible from adjacent residential property.
- (7) A traffic study must be completed documenting that the drive-through facility will not create traffic problems.
- (8) A 10-foot buffer area with screen planting and/or an opaque wall or fence 6 feet in height shall be required between the drive-through lane and any property line adjoining a public street or residentially zoned property or property in residential use and approved by the Zoning Administrator.

SECTION 4 Section 113-315 is amended as follows. Deletions are shown with a ~~strikethrough~~. Successive sub-sections are re-numbered as appropriate.

Sec. 113-315 - Design and maintenance of off-street parking areas

- (r) *Off-street parking requirements.* Off-street parking spaces required (one space equals 350 square feet) shall be as follows unless the city determines, based upon a professional analysis of parking for any specific use, that a reasonable parking ratio for such use should be otherwise:
- (11) ~~Drive in food or fast food establishments. One space for each 15 square feet of gross floor space in the building allocated to drive in operation, plus additional space as may be determined by the zoning administrator based upon advice from the planning commission. Drive-through lanes for food pick-up must be able to stack eight cars on site without interfering with the site parking.~~

SECTION 5 This ordinance shall be effective upon its passage and a summary published in the official newspaper.

ADOPTED this **##** day of **MONTH**, 2020, by the City Council of the City of Falcon Heights, Minnesota.

Moved by:

Approved by: _____

Randall Gustafson
Mayor

GUSTAFSON ___ In Favor Attested by: _____
LEEHY
MIAZGA ___ Against Sack Thongvanh
WEHYEE City Administrator
ANDREWS

DRAFT

SUMMARY ORDINANCE NO. 20-XX

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 113
OF THE FALCON HEIGHTS CITY CODE
CONCERNING DRIVE THROUGH FACILITIES**

This ordinance amends Chapter 113 of the Falcon Heights City Code concerning drive through facilities. The amendment allows drive throughs as a conditional accessory use to restaurants and modifies performance standards for drive through facilities within the City.

A printed copy of the entire ordinance is available for inspection by any person during the City Administrator/Clerk's regular office hours.

APPROVED for publication by the City Council of the City of Falcon Heights, Minnesota this _____ day of _____, 202_.

CITY OF FALCON HEIGHTS

BY: _____
Randall C. Gustafson, Mayor

ATTEST:

Sack Thongvanh, City Administrator

Drive-through Facilities Zoning Study

Falcon Heights, Minnesota



Prepared for:
City of Falcon Heights, Minnesota



Prepared by:
Dan Cornejo
CORNEJO CONSULTING
COMMUNITY PLANNING + DESIGN

July 7, 2006

Drive-through Facilities Zoning Study

Falcon Heights, Minnesota

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Attachments

- A. Survey of Falcon Heights Business Parcels
- B. Survey of Zoning Regulations for Drive-through Facilities

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Drive-through Facilities Zoning Study

Falcon Heights, Minnesota

1. Introduction

Over the past 20-25 years, drive-through facilities have emerged as part of new or retrofitted restaurants, dry cleaners, photo processing outlets, pharmacies, liquor stores, banks and financial institutions, and, more recently, coffee shops. Many early drive-through operations were located on interstate freeway interchanges. Early development of such facilities in metro areas began in outer suburban locations, usually on freeway interchanges or on major arterial roads. However, now it is difficult to find many communities (rural, suburban, or urban) that do not have one or more drive-through facilities. And, more recently, “curbside takeout” or “curbside pick-up” from so-called casual dining restaurants has become one of the fastest growing areas in the restaurant industry.

Even though drive-through facilities are permitted in all B-zoned properties in Falcon Heights (in some cases, only as a Conditional Use), there are currently no drive-through facilities in Falcon Heights.

On February 8, 2006, the Falcon Heights City Council adopted an Interim Ordinance temporarily prohibiting the issuance of building permits and zoning approvals for drive-through businesses. In that Interim Ordinance, a Drive-through business is defined as:

A business that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles, excluding gasoline service stations.

It is intent of that Interim Ordinance to allow the City of Falcon Heights time to complete an in-depth study concerning changes in official controls for drive-through businesses, and in the interim to protect the planning process and the health, safety, and welfare of the citizens of the community.

2. Purpose of this Study

The purpose of this study is to:

1. Clarify the City’s interest in addressing the development impacts of sites with drive-through facilities;

2. Establish standards and criteria for the design of sites with drive-through facilities, integrating operational elements, site design, building design, with a focus on assisting this issue in making a positive contribution to the surrounding context and pedestrian streetscape; and
3. Make recommendations for any needed zoning code amendments.

3. Study Process

The primary tasks for this study were as follows:

Task 1: Analysis of Issues

A. Analyze the following drive-through facilities issues:

1. Traffic (access, egress, and pedestrian safety).
2. Quality of life issues, such as noise, compatibility with residential uses, glare from car lights, and litter.
3. Lot coverage and drainage.

B. Survey requirements and regulations in other cities.

Task 2: Site Survey and Documentation

Conduct site visits to all B-zoned properties in Falcon Heights, and work closely with City staff to document property characteristics and map these properties.

Task 3: Presentation and Participation at Community / City Council Meetings

The City desired to sponsor several opportunities for the community, including property owners of B-zoned properties, to investigate these issues and make recommendations about the City's land use controls in these areas. To accomplish this, the City, in collaboration with the consultant, scheduled the following meetings, in the consultant presented his findings, solicited feedback, and participated in the discussion. These meetings were facilitated by a neutral third-party, Aimee Gourlay from the Mediation Center at Hamline University.

Meeting 1: Discussion of issues, concerns, and observations. Formulation of needed data collection. (Thursday, April 13)

Meeting 2: Discussion of data collected, formulation of policy recommendation. This meeting also included requests for further information and additional data collection. (Thursday, May 11).

Meeting 3: Development of draft policy options for City Council. (Thursday, June 8).

City Council Meeting: Consultant presentation of study findings, including a summary of community feedback, and recommendations. (Wednesday, July 12).

Task 4: Prepare Report and Recommendations

Preparation of this final report on findings and recommendations on proposed zoning code amendments, including design guidelines (1) to assist applicants in making informed decisions when developing site plan / conditional use / variance permit applications, and (2) to guide staff, the Planning Commission, and the City Council in evaluating and making decisions on those applications.

4. City Policy Context

Comprehensive Plan

Several sections of the Falcon Heights Comprehensive Plan provide expressions of the type and character of commercial uses desired in the community.

With regard to the Snelling/Larpenteur Commercial Core, the Background section of the Comprehensive Plan states that the northeast quadrant (and southwest) quadrants will remain relatively stable.

The Commercial / Business Areas section of the Land Use Element states that it is the intention of the Plan that the Snelling/Larpenteur Commercial Core maintain its mixed use character, that it be substantially upgraded and redeveloped, as appropriate, to improve its commercial viability as a community retail area and accessibility while meeting standards of design that are consistent with the City's goals. Further, it states that it is the intent of the City that the core provide limited retail trade, business services, and offices to satisfy the needs of the immediately surrounding community and complement the adjacent residential areas. Some uses which draw from a larger market area may be permissible provided that they do not have the potential for negative impacts on adjacent residential property (emphasis mine.)

City Code (Chapter 9 Planning and Development)

"B" zoning in Falcon Heights is restricted primarily to collector and arterial streets. See Falcon Heights Zoning Map on the following page and in Attachment A.

Because most of the B-zoned properties are located on major roadways (Snelling and Larpenteur Avenues), this situation creates unique challenges in access to these sites due to high traffic counts. Also, most of these B-zoned properties are adjacent to residentially-zoned and residentially-used properties, creating unique challenges for compatibility and quality of life considerations.

Generally, the purpose and intent sections of the B-zoning districts are as follows (see Attachment A for full text excerpts):

B-1 Neighborhood Convenience District

To provide for small scale consumer goods stores and limited service establishments; intended to serve the surrounding neighborhood rather than the entire community.

B-2 Limited Business District

To provide for office and limited service, employment and institutional uses which are freestanding in nature, require large sites, and are or can be made compatible with adjacent land uses. This district is not intended to accommodate retail or wholesale business.

B-3 Snelling and Larpenteur Community District

To provide retail sales and services that only serve the surrounding neighborhoods' and community's needs. This district is designed to be accessible to retail customers from the nearby neighborhoods, to be compatible with neighborhood character, and to minimize the blighting influences on the surrounding residential neighborhoods. 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.



- B-1: Neighborhood Convenience District
- B-2: Limited Business District
- B-3: Snelling and Larpenteur Community Business District
- Falcon Heights Town Square (PUD)
- Parcels
- City Boundary

Subdivision 2 Definitions defines Drive-In as follows:

Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where the service to the automobile's occupants is offered regardless of whether service is also provided within a building. This shall include, but not necessarily be limited to, the following: car and truck wash, drive-in banking, restaurants where some of all customers may consume their food and/or beverages in an automobile, restaurants providing carryout or delivery service, service stations, parcel pick-up, and similar uses.

5. Description of B-zoned Properties

Falcon Heights has 27 B-zoned parcels: Eight (8) are zoned B-1; eight (8) are zoned B-2; and eleven (11) are zoned B-3. Some of these parcels are single and isolated, and others are part of consolidations. They are located as shown on the map on the previous page.

Roughly one-fourth of the parcels are small (under 20,000 sq. ft.); most of these are zoned B-1. Another one-fourth of the parcels are between 20,000 and 30,000 sq. ft. The balance range from 50, 530 sq. ft. up to 548,000 sq. ft.

Each of these parcels is described fully in Attachment A, along with two charts at the end of that Attachment that list all of the properties by current occupant, address, Property Identification Number (PIN), width and depth, and total area. The first chart lists the properties by location, and the second one lists the properties with respect to size, from smallest to largest.

6. Issues, Concerns, and Policy Directions

Attendees at the three community meetings expressed a range of concerns about drive-through facilities, from noise (from speaker box, patrons ordering), traffic both on and off site, pedestrian safety, hours of operation, lighting (glare from circling cars), effect on property values, and trash and loitering.

The main messages from this input can be summarized as follows;

- Severely restrict the locations of drive-through facilities, but don't necessarily prohibit them. Regulate all types of drive-through facilities, including "curbside take-out."
- Reduce the negative impact on residential uses. Retain livability, quality of life, and neighborhood character. Consider a minimum distance between drive-through operation and adjacent residentially-zoned or residentially-used properties. Consider a minimum lot size to ensure sufficient space on-site to

incorporate measures to improve compatibility with adjacent and nearby residential uses.

- Where a drive-through facility is permitted, make it a Conditional Use, with specific and clear guidelines for the site plan review.
- Nearby residents should NOT hear noise from the speaker box.
- Traffic should NOT overflow into the surrounding neighborhood. Retain, or increase minimum vehicle stacking requirements, and ensure that the stacking lane(s) do not interfere with parking or maneuvering aisles. Consider a larger minimum distance between driveways and street intersections.
- Keep pedestrians safe, both on and off site. Improve the quality of the public realm and pedestrian environment.
- Limit hours of operation.
- Shield glare from car lights.

7. Survey of Regulations in Other Cities

A survey was conducted of the zoning regulations for drive-through facilities in nineteen (19) other communities in the Twin Cities metro area and in nine (9) other cities in the U.S. These cities were selected by the consultant and City staff.

Categories of regulations studied were: Use (Permitted or Conditional), Distance Requirements, Minimum Lot Sizes, Open Space, Stacking Lanes, Hours of Operation, Noise, and Lighting.

A chart of the “Survey of Zoning Regulations for Drive-through Facilities” can be found in [Attachment B](#).

Findings can be summarized as follows:

- Use. Most jurisdictions that allowed drive-through facilities (either as a primary or accessory use) permitted them only as a Conditional Use, with a required Site Plan Review provision.
- Distance Requirements. Many jurisdictions required minimum distances not only from adjacent residential, but also from schools, churches, institutions, and public recreation areas. One required a minimum distance (1,320 ft.) from another drive-through. Several had minimum distances between the speaker box and/or the pick-up window and residential uses. Most minimum distance requirements ranged from 20 ft. to 500 ft.

- Minimum Lot Size. Several of the cities surveyed had a minimum lot size requirement, ranging from 10,000 sq. ft. to 30,000 sq. ft.
- Open Space. Generally, cities did not have landscaping requirements that were specifically related to drive-through facilities. However, one city surveyed, Sacramento, California, does have the requirement for a 6 ft. high masonry sound wall when the drive-through facility site is contiguous to a residentially-zoned or use property.
- Stacking Lanes. Requirements ranged from “Adequate stacking” to “Stacking for 10 cars.” Stacking for 6 to 8 cars (roughly 180 ft.) seemed to be the norm.
- Hours of Operation. Several jurisdictions limited hours of operation as a condition of approval, with 7:00 am to 10:00 pm being the norm.
- Noise. Some jurisdictions required that noise (from electronic devices or speaker boxes) not be audible from nearby residentially used property, while others specified decibel levels that should not be exceeded (50-60 dBA).
- Lighting. Most jurisdictions had no site or parking lot lighting regulations for drive-through facilities in addition to those normally required the primary use. However, several required that the glare from cars in parking lot maneuvering aisles and stacking lanes be shielded from adjacent property.

8. Policy Options

Based on the input and advice received from the three community meetings, my analysis of the survey of drive-through regulations in other cities, and my consideration of the intent and thrust of the Falcon Heights Comprehensive Plan, as well as the purpose and intent sections of all three Business Districts in the City Code, the following policy options are presented (see also the chart on the following page):

- All three options prohibit drive-through facilities in the B-1 District.
- Two options offer approaches that allow drive-through facilities as accessory uses in B-2 and B-3 Districts, but with varying specificities for the regulatory categories.
- Option #1 permits drive-through facilities as an accessory use in the B-2 and B-3 Districts only for banks or financial institutions.
- Option #2 permits the drive-through facilities only for banks and financial institutions in the B-2 District and for all uses in the B-3 District. Option #2 incorporates requirements that are more restrictive than those in Option #1.

- The Option #3 calls for the prohibition of drive-through facilities in all Business Districts.

These three options are presented in the chart below:

Policy Options for Drive-through Regulations			
	Option #1	Option #2	Option #3
Business Zones	PROHIBITED in B-1; B-2, B-3 (see below)	PROHIBITED in B-1; B-2, B-3 (see below)	PROHIBITED in all zones
Permitted Use	PROHIBITED	PROHIBITED	
Conditional Use with Site Plan Review	Drive-through accessory use for ONLY BANKS	Drive-through accessory use for ONLY BANKS in B-2; for ALL USES in B-3	
Distance Req. - building, speaker, service window	50 ft. from residential.; not in required yard	100 ft. from residential.; not in required yard	
Distance Req. - driveway	20 ft. from intersection	75 ft. from intersection	
Minimum Lot Size	>20,000 sq. ft.	>30,000 sq. ft.	
Stacking Spaces	8 spaces / 180 ft.; no interference with parking; not in required yard	8 spaces / 180 ft.; no interference with parking; not in required yard	
Hours of Operation	7:00 am to 10:00 pm	7:00 am to 10:00 pm	
Noise	<50 dBA	Not audible from residential	
Lighting	No glare onto adjacent property	No glare onto adjacent property	
Traffic Impact Study	Required	Required	

9. Conclusions and Recommendations

The overriding sentiment expressed during the community meetings was that the pedestrian character of the residential areas, defined by the sense of safety in the public realm, was at the core of why people lived in Falcon Heights. Further, most of the attendees advised that the few business districts that exist should be developed in such a manner that they serve primarily the local residential neighborhoods, and that their character should be “local” in the types of goods and services offered, and in design and site layout. The businesses should be compatible not only with the immediately adjacent properties, but compatible with the surrounding area, especially in terms of vehicle access, circulation, and shared parking arrangements.

This point of view is supported by the direction laid out in the Comprehensive Plan, and reinforced by the intent and purpose statements for all three of the Business Districts

permitted in the City Code. Further, these existing policy statements acknowledge that the Falcon Heights community lies between larger urban centers (i.e., Saint Paul and Roseville) that provide many opportunities for “regional shopping” and car-oriented suburban environments.

Therefore, I recommend that the City of Falcon Heights adopt Option #3 and amend its zoning regulations to prohibit all drive-through facilities.

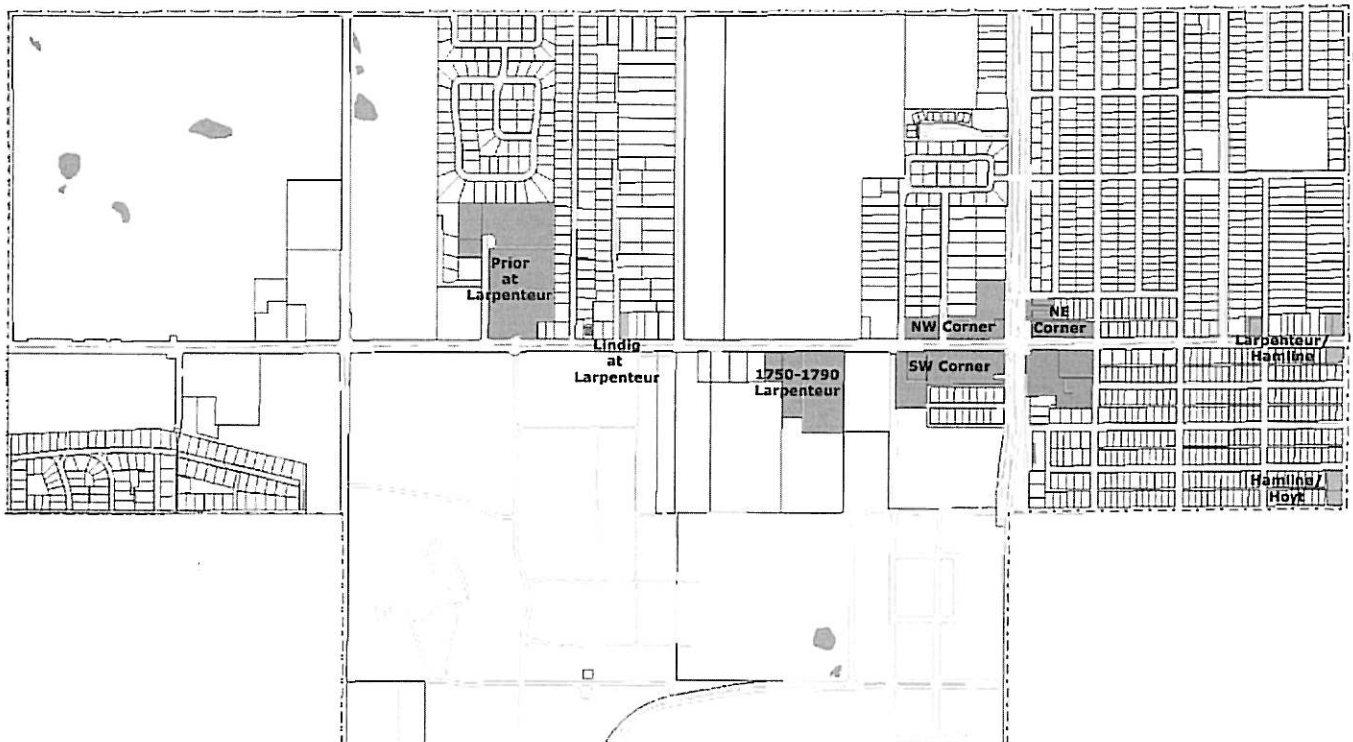
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



City of Falcon Heights
Study on Drive-Through Businesses
May 11, 2006

Attachment A

Survey of Falcon Heights Business Parcels (B-1, B-2, and B-3)



-  B-1: Neighborhood Convenience District
-  B-2: Limited Business District
-  B-3: Snelling and Larpenteur Community Business District
-  Falcon Heights Town Square (PUD)
-  Parcels
-  City Boundary

“B-1” Neighborhood Convenience District, Purpose and Intent (9-8.01, Subd. 1),
“B-2” Limited Business District, Purpose and Intent (9-9.01, Subd. 1), “B-3” Snelling and
Larpenteur Community Business District, Purpose and Intent (9-10.01, Subd. 1)

...

PART 8. "B-1" NEIGHBORHOOD CONVENIENCE DISTRICT

9-8.01 "B-1" Neighborhood Convenience District

Subdivision 1. Purpose and Intent. The purpose of the neighborhood convenience business district is to provide for small scale consumer goods stores and limited service establishments which deal directly with the customer by whom the goods and services are consumed. The maximum business size limit is 5,000 square feet. Some business areas may be further restricted by zoning regulations to avoid adverse impacts on residential neighborhoods. The district is primarily intended to serve the surrounding neighborhood rather than the entire community. It is designed to be accessible to retail customers from the nearby neighborhoods, to be compatible with the character of the neighborhoods, and to minimize the blighting influence on surrounding residential neighborhoods by limiting and controlling of the uses that are permitted.

...

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

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

Subdivision 1. Purpose 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.

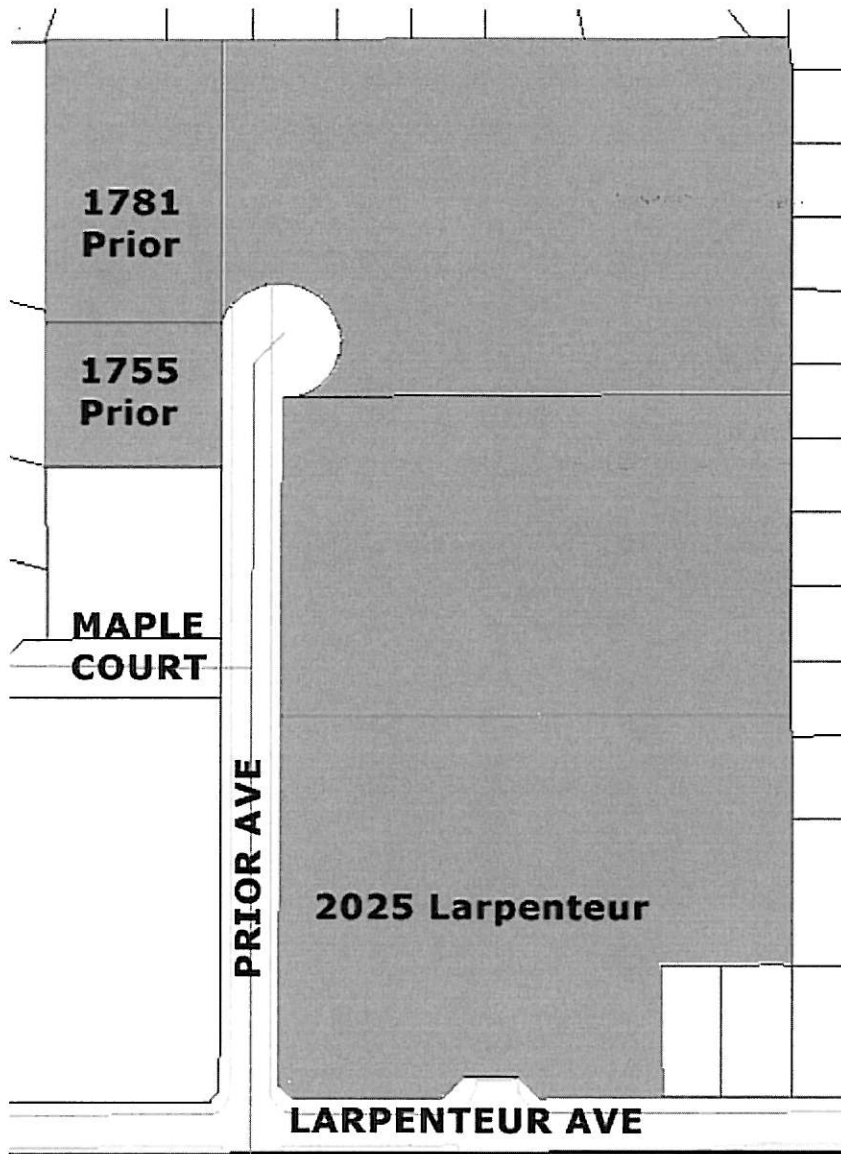
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PART 10. "B-3" SNELLING AND LARPEUR COMMUNITY BUSINESS DISTRICT

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.



2025 Larpenteur (B2)

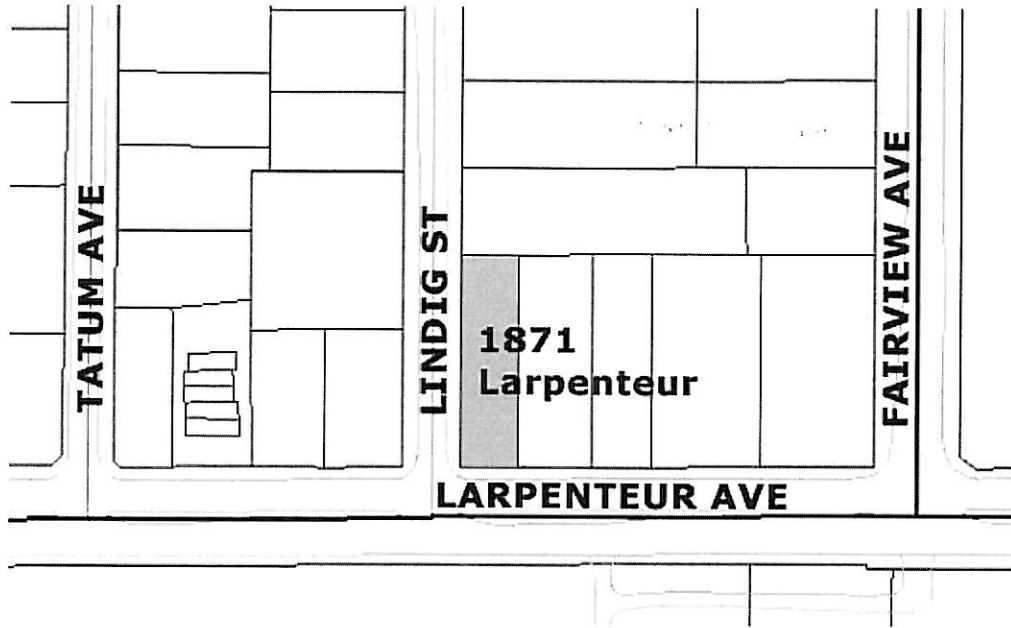
PIN#: 162923340080,
 162923340078,
 162923340094
 Width: 515 ft.
 Depth: 1317 ft.
 Area: 548,357 sq. ft.

1755 Prior (B2)

PIN# 162923330021
 Width: 145 ft.
 Depth: 177 ft.
 Area: 25,665 sq. ft.

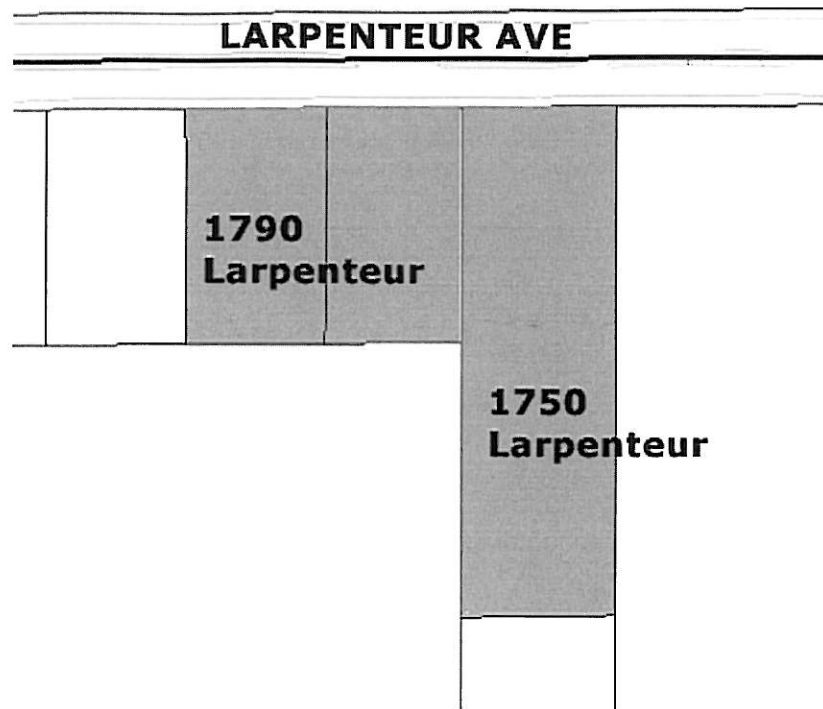
1781 Prior (B2)

PIN# 162923330020
 Width: 287 ft.
 Depth: 177 ft.
 Area: 50,887 sq. ft.



1871 Larpenteur (B1)

PIN#: 162923340022
Width: 57 ft.
Depth: 215 ft.
Area: 12,255 sq. ft.



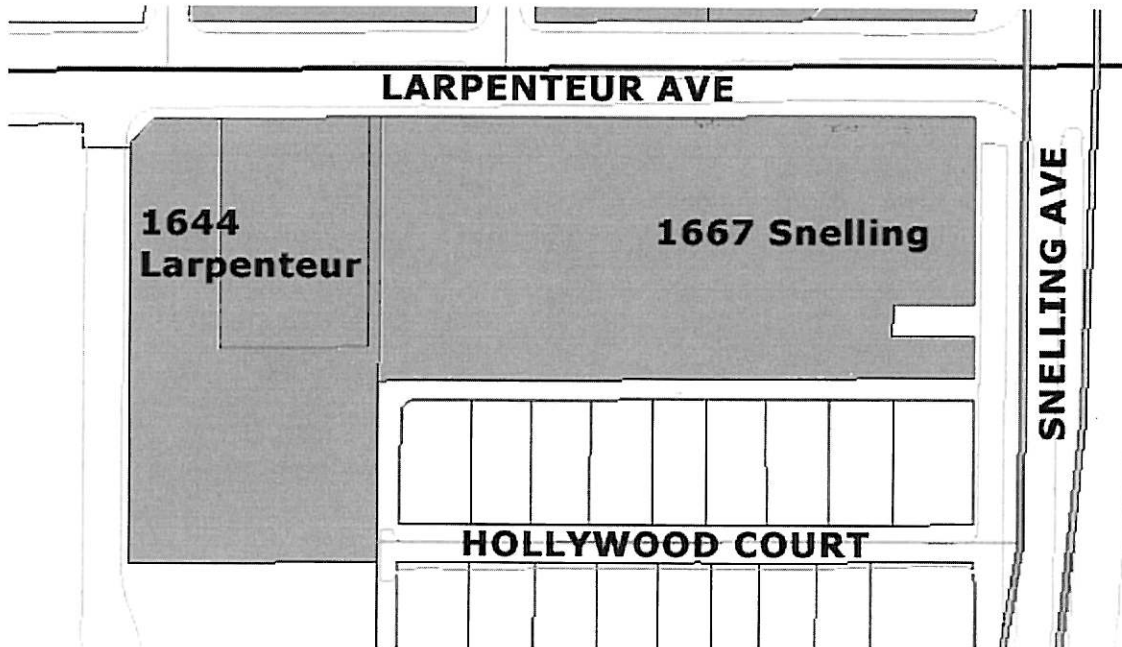
1790 Larpenteur (B2)

PIN#: 212923120005, 212923120006
Width: 283 ft.
Depth: 241 ft.
Area: 67,954 sq. ft.

1750 Larpenteur (B2)

PIN#: 212923120007
Width: 158 ft.
Depth: 638 ft.
Area: 81,893 sq. ft.

Total Area: 149,847 sq. ft.



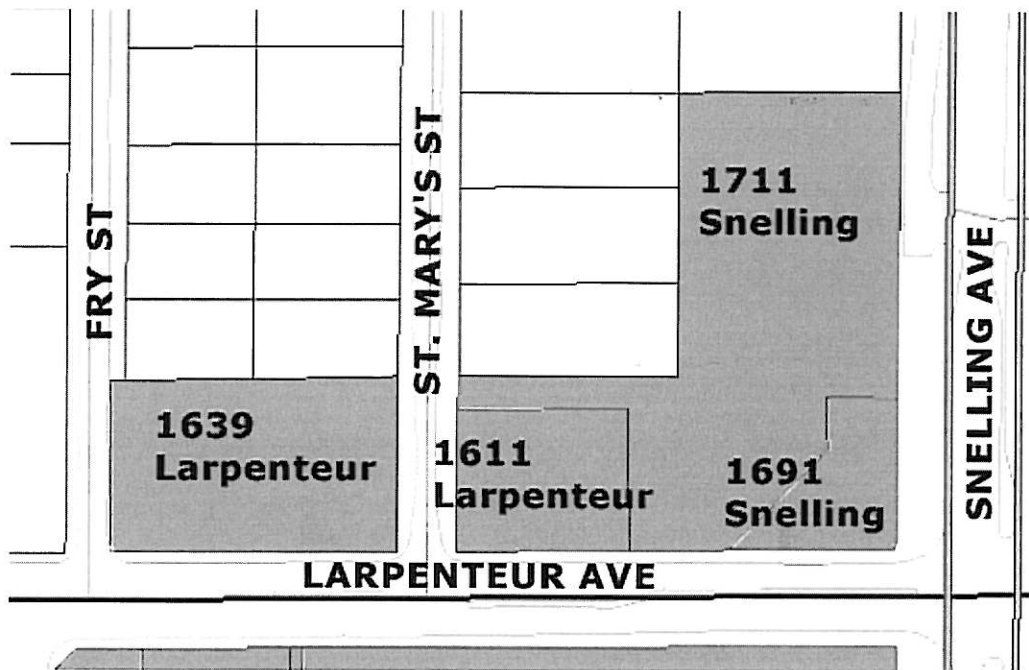
1667 Snelling (B3)

PIN#: 212923110030
Width: 273 ft.
Depth: 607 ft.
Area: 162,479 sq. ft.

1644 Larpenteur (B3)

PIN# 212923110028, 212923110029
Width: 250 ft.
Depth: 500 ft.
Area: 112,385 sq. ft.

Total Area: 274,864 sq. ft.

**1639 Larpenteur (B3)**

PIN#: 162923440047
 Width: 201 ft.
 Depth: 174 ft.
 Area: 50,530 sq. ft.

1611 Larpenteur (B3)

PIN#: 162923440074
 Width: 175 ft.
 Depth: 144 ft.
 Area: 25,265 sq. ft.

1711 Snelling (B3)

PIN#: 162923440073
 Width: approx. 462 ft.
 Depth: approx. 225 ft.
 Area: 91,476 sq. ft.

1691 Snelling (B3)

PIN#: 162923440067
 Width: 172 ft.
 Depth: approx. 100 ft.
 Area: 16,553 sq. ft.



1533 Larpenteur (B3)

PIN#: 152923330136, 152923330140
Width: approx. 482 ft.
Depth: 126 ft.
Area: 73,445 sq. ft.

1700 Snelling (B3)

PIN#: 152923330105, 152923330139
Width: 107 ft.
Depth: 218 ft.
Area: 23,547 sq. ft.



1407 Larpenteur (B1)

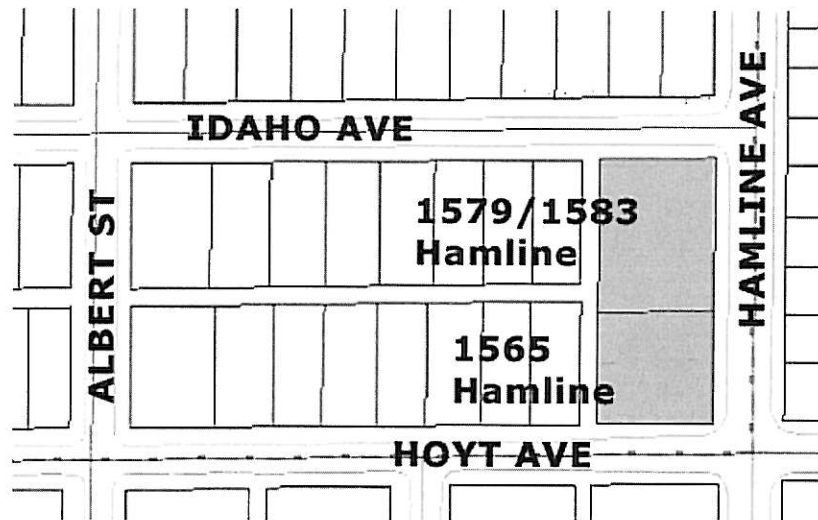
PIN#: 152923340061, 152923340061
 Width: 139 ft.
 Depth: 207 ft.
 Area: 21,780 sq. ft.

1347 Larpenteur (B1)

PIN#: 152923340132, 152923340020
 Width: 146 ft.
 Depth: 172 ft.
 Area: 25,265 sq. ft.

1350 Larpenteur (B1)

PIN#: 222923210001
 Width: 136 ft.
 Depth: 121 ft.
 Area: 16,553 sq. ft.



1579/1583 Hamline (B1)

PIN#: 222923210181
Width: 157 ft.
Depth: 118 ft.
Area: 18,295 sq. ft.

1565 Hamline (B1)

PIN#: 222923210161
Width: 112 ft.
Depth: 118 ft.
Area: 13,068 sq. ft.

Business Property Data – Falcon Heights

Current Occupant	Address	PIN(s)	Width	Depth	Area
Prior (B2)					
TCCU	2025 Larpenteur	162923340080, 162923340078, 162923340094	515	1317	548,357
Knutson	1781 Prior	162923330020	287	177	50,887
Hort Soc	1755 Prior	162923330021	145	177	25,665
CCM (B1)					
	1871 Larpenteur	162923340022	57	215	12,255
Hermes (B2)					
	1790 Larpenteur	212923120005, 212923120006	283	241	67,954
	1750 Larpenteur	212923120007	158	638	81,893
			<i>Hermes Total:</i>		<i>149,847</i>
TIES (B3)					
	1667 Snelling	212923110030	273	607	162,479
	1644 Larpenteur	212923110028, 212923110029	250	500	112,385
			<i>TIES Total:</i>		<i>274,864</i>
NW corner (B3)					
Bucks	1639 Larpenteur	162923440047	201	174	50,530
Chianti Grill	1611 Larpenteur	162923440074	175	144	25,265
Warner	1711 Snelling	162923440073	approx. 462	approx. 225	91,476
Amoco	1691 Snelling	162923440067	172	approx. 100	16,553
NE Corner (B3)					
Falcon Crossing	1533 Larpenteur	152923330136, 152923330140	approx. 482	126	73,445
Dino's	1700 Snelling	152923330105, 152923330139	approx. 107	218	23,547
Larpenteur/Hamline (B1)					
Martinizing	1407 Larpenteur	152923340061, 152923340061	139	207	21,780
Awad Clinic	1347 Larpenteur	152923340132, 152923340020	146	172	25,265
Super America	1350 Larpenteur	222923210001	136	121	16,553
Hamline/Hoyt (B1)					
Blomberg	1579/1583 Hamline	222923210181	157	118	18,295
Auto Repair	1565 Hamline	222923210161	112	118	13,068

Businesses by lot area: smallest to largest

Current Occupant	Zone	Address	Pin(s)	Width	Depth	Area
CCM	B1	1871 Larpenteur	162923340022	57	215	12,255
HH Auto Repair	B1	1565 Hamline	222923210161	112	118	13,068
Amoco	B3	1691 Snelling	162923440067	172	approx. 100	16,553
Super America	B1	1350 Larpenteur	222923210001	136	121	16,553
Blomberg	B1	1579/1583 Hamline	222923210181	157	118	18,295
Martinez	B1	1407 Larpenteur	152923340061, 152923340061	139	207	21,780
Dino's	B3	1700 Snelling	152923330105, 152923330139	107	218	23,547
Chianti Grill	B3	1611 Larpenteur	162923440074	175	144	25,265
Awad Clinic	B1	1347 Larpenteur	152923340132, 152923340020	146	172	25,265
Hort Soc	B2	1755 Prior	162923330021	145	177	25,665
Bucks	B3	1639 Larpenteur	162923440047	201	174	50,530
Knutson	B2	1781 Prior	162923330020	287	177	50,887
Hermes (west)	B2	1790 Larpenteur	212923120005, 212923120006	283	241	67,954
Falcon Crossing	B3	1533 Larpenteur	152923330136, 152923330138	approx. 482	126	70,132
Hermes (east)	B2	1750 Larpenteur	212923120007	158	638	81,893
Warner	B3	1711 Snelling	162923440073	approx. 462	approx. 225	91,476
TIES (west)	B3	1644 Larpenteur	212923110028, 212923110029	250	500	112,385
Hermes (total)	B2	1790 Snelling	212923120005, 212923120006, 212923120007			149,847
TIES (east)	B3	1667 Snelling	212923110030	273	607	162,479
TIES (total)	B3	1667 Snelling	212923110030, 212923110028, 212923110029			274,864
TCCU	B2	2025 Larpenteur	162923340080, 162923340078, 162923340094	515	1317	548,357

NOTES: The "approx" measures are lots with non-rectangular shapes, where the measurement given corresponds with either the dimension of the greater part of the lot or a "perceptual" frontage (in the case of the most irregular parcels, such as the BP station).

Attachment B: Survey of Zoning Regulations for Drive-through Facilities

Falcon Heights Drive-through Study - Cornejo Consulting - July 7, 2006

Minnesota

	Permitted or Cond.?	Distance Req.	Min. Lot Size	Open Space	Stacking Lanes	Hours	Noise	Lighting
Falcon Heights	B-2: Bank (Cond.) B-3: Eating (Permitted) Bank (Cond.) Site Plan Review	driveway 20 ft. from street ROW		25% landscaped	8 cars			
Arden Hills	Special Use Permit in B-2, B-3, B-3; Site Plan Review	400 ft. from school, church, pub. rec. area, residential; 1320 ft. from another drive-through; electronic device 50 ft. from lot line	>24,000 sq. ft.	20 ft. from front lot line; 10 ft. from side lot line; 15 ft. from rear lot line				
Edina	Acc. Use in PCD-2, PCD-3, PCD-4; Site Plan Review				Financial: 3 cars Car Wash: 25cars Acc. Car Wash: 2 cars All other uses: 4 cars			
Little Canada	Cond. Use Permit in B-2, B-3, B4; Site Plan Review	Not less than 5 ft. from resid. Dist.						Hooded
Maplewood	BC Bus. Com'l Dist. SC Shopping Ctr Dist.							
Minneapolis	B4C, B4S, C2, C3S, C4 Site Plan Review		>12000 sq. ft.		Bank Teller 4 cars Restaurant 6 cars			
Minnetonka	B-1-2-3 Bank (Cond.) B-2-3 Eating (Cond.)	100 ft. from resid.			6 cars			PA system not audible from resid.

No. St. Paul	Cond. Use in B-2, B-3; Site Plan Review	200 ft. from school, church, or pub. rec. area 400 ft. from resid.	>30,000 sq. ft.	10% landscaped	3 cars for banks	Req. as condition of approval	>300 ft. from resid. 65-70 dBA	No glare on adjacent prop.
Oakdale	C-2 Permitted Use					6 am to 11 pm if within 100 ft. of resid.		
Plymouth	Cond. Use in C-2, C-3, C-4; Site Plan Review	300 ft. from resid.		Screen all elements of drive-through	Pharmacy: 5 cars All other: 10 cars	7 am to 10 pm	Not audible from resid.	Screen glare from stacking lights
Red Wing	Cond. Use in B-2, B-2a		>10,000 sq. ft.		Fast Food: 4 cars Banks: 4 cars Car Wash: 4-5 cars All other: 3 cars			No glare on adjacent prop.
Richfield	Cond. Use in C-2, C-3, MU-R, MU-C	20-30 ft. from resid. 150 ft. (window, order station, ext. loudspeaker) from resid.			4 cars		50-60 dBA	
Roseville	Cond. Use in B-1B, B-2, B-3, B-6/PUD, SC Site Plan Review							
St. Anthony	Cond. Use in C District							
St. Louis Park	Cond. Use in C-1, C-2, PUD	100 ft. from resid., schools, churches, institutions			6 cars		PA system not audible from resid.	
Saint Paul	Cond. In OS, B1, B2 Perm. In B3, B4, B5	60 ft. from resid. 60 ft. from intersec. To the side or rear		6 ft. buffer area w. planting and fence 5 ft. green strip	>180 feet	Limited as necessary	Satisfy State regs.	
Wayzata	Cond. Use in C-2 (banks) C-3, C-4 (banks, restaurants)			Screen headlights	Adequate stacking; provide bypass lane		Not audible bet. 10 pm and 7 am	
West St. Paul	Cond. Use in B-2, B-3, B-4	Not in front yard or setback area		5 ft. landscaped screen				Not visible from public ROW or resid.
White Bear Lake	Cond. Use in B-3							

Outside Minnesota									
East Lansing MI	Cond. Use in B-1 (banks, dry cleaners); Cond. Use in B-2 (rest.); Prohibited in B-3	>400 from resid.						Reflected away from adjacent streets and resid.	
Evanston IL	Special Use in B-2, C-1, C-2, D-1, D-3, D-4, O-1						<50 dBA		
Oak Park IL	Permitted in B-1, B-2, C; Special Use in B-3, B-4								
Overland Pk KS	Permitted in CP-2	200 ft. (order box, pick-up window, drive-in stall) from resid.	Adequate car stacking						
Pasadena CA	Cond. Use; Site Plan Review	500 ft. from park, school, another fast food				Req. Hours of Operation Plan			
Sacramento CA	Cond. Use in several zones	>25 ft. from driveway							
Santa Monica CA	Cond. Use in C-4; Architectural Review			6 ft. high masonry wall screen from resid.					
Wheaton IL	Special Use in C-2, C-3, C-4; Site Plan and Architectural Review				10,000 sq. ft.				
Whitefish Bay WI	Cond. Use in Silver Spring Drive Business District, and only if less than half of sales are from drive-through operations; Site Plan and Architectural Review								
						7 am -10 pm	30 ft. from resid.; <50 dBA	Not create a nuisance for adjacent resid.	
						7 am -10 pm	<55 dBA		

Public Comments as of 11/20/20

This message is in response to the communication received about the request made by Dino's for an amendment to allow a drive-through. I'm disappointed that we are revisiting this request. The neighbors voiced their opinions and made clear their feelings about this a number of years ago - those have not changed. The addition of a drive-through at this location would bring an unwanted change to the personality of this residential neighborhood. Close as we are to the business district, this would be a distraction totally out of character with the surrounding homes.

At the time of the last request, we did manage to get a stop sign stating "No Right Turn" onto Crawford. I can tell you that it is basically ignored by a large percentage of the vehicles leaving the Dino's parking lot. While I realize they are not in a position to monitor this, I feel that if this amendment is approved, any promises made about noise, lighting, and additional traffic will also be ignored. Crawford is already used as a cut-through for vehicles gaining access to Snelling. The addition of a drive-through will only increase that traffic.

I find it interesting that the hearing on this matter lands on the day before a holiday, during a pandemic that demands social distancing and a populace exhausted from a fractious election. I hope that a light turnout from the citizenry will not be construed as a lack of interest on our part.

I appreciate your taking the time to consider these comments on what I believe would be a poor decision for Falcon Heights. The statement at the bottom of your stationery says "Families, Fields and Fair." I don't see a drive-through fitting into any of those areas.

Jean McPherson

Asbury Street



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	November 24, 2020
Agenda Item	Agenda E1
Submitted By	Ryan Krzos, Interim Community Development Coordinator

Item	Amendment to Chapter 105 Regarding Vacant Buildings
Description	<p>Staff has prepared the attached Ordinance relating to vacant buildings. The draft Ordinance is based off of the Planning Commission subcommittee’s recommendation to model the provisions on the City of Hopkins’ Ordinance.</p> <p>The draft Ordinance was shared with other members of the City Administration including the City Administrator and City Attorney for their review and comment. The City Attorney’s office provided a document with recommended provisions included as an attachment. The highlighted sections are those that are recommended to be incorporated into the Ordinance. The City Attorney also suggests contemplating the other provisions as deemed useful or appropriate.</p> <p>Staff also reached out to the City of Hopkins to request that they share their insight on how the ordinance is being implemented. Hopkins staff has not been able to provide comments.</p> <p>Accordingly, staff finds that this additional input is necessary before proceeding with the final ordinance amendment adoption process.</p>
Attachments	<ul style="list-style-type: none"> • Draft Ordinance 20-XX Chapter 105 Vacant Buildings • Suggested vacant building provisions from City Attorney’s office.
Action(s) Requested	Staff is providing an update on the proposed Ordinance and is requesting additional discussion.

ORDINANCE NO. 20-XX

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 105
OF THE FALCON HEIGHTS CITY CODE**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1 In Chapter 105 – Buildings and Building Regulations of the City Code of Falcon Heights, Article VI – Vacant Properties is added as follows:

ARTICLE VI – VACANT PROPERTIES

Sec. 105-120 - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affiliated entities means two entities owned, managed, or controlled by one or more individuals or entities in common or an entity and an individual, when that individual owns, manages, or controls any part of the entity.

Enforcement officer means the city manager or his designees. *Lot* has the same meaning as provided in city zoning regulations. *Owner* includes any individual, entity, or affiliated entities.

Vacant lot means:

- (1) A lot in any R zoning district containing a building with one to four dwelling units, as that phrase is defined in city zoning regulations, which is unoccupied for 90 or more consecutive days as a dwelling or which is illegally occupied; or
- (2) An unimproved lot in any R zoning district located within 500 feet of a lot described in subsection (1) of this definition where both lots are owned by the same owner.

Sec. 105-121 - Applicability, scope and intent.

The provisions of this article are an exercise of the city's general police and regulatory powers and not an exercise of statutorily delegated zoning authority. All vacant property or vacant properties are subject to this article without exception, regardless of when the property was acquired.

Sec. 105-122 - Inspections; access.

The enforcement officer may inspect or cause to be inspected any premises in the city for the purpose of enforcing and assuring compliance with this article. Upon the request of the enforcement officer, an owner shall provide access to all interior portions of any vacant property or suspected vacant property in order to permit a complete inspection.

Sec. 105-123 - Recordkeeping.

The enforcement officer shall maintain a current list, updated monthly, of all vacant properties which have become known to the enforcement officer.

Sec. 105-124 - Cumulative remedies.

Nothing in this chapter shall be deemed to abolish or impair existing remedies available to the city under this Code, other city ordinances or state law.

Sec. 105-125. - Penalties and enforcement.

Violation of any provision of this article and providing false information to the enforcement officer under this article are misdemeanors, punishable as provided in section 1-7. In addition, the city may bring an action in a court of appropriate jurisdiction to enjoin a violation of this article.

Sec. 105-126 - Presumption that property is vacant.

Discontinuance of trash removal or failure to use a minimum of 50 gallons of water per month shall constitute rebuttable presumptions that the property is a vacant property. It shall be the responsibility of the owner of such a property to establish that it is not a vacant property.

Sec. 105-127. - Owner's responsibility for securing and maintaining vacant property.

The owner and any subsequent owner of vacant property shall keep vacant property secured and safe and the buildings and grounds properly maintained in compliance with all state and local laws, ordinances, and codes.

Secs. 105-128—105-134 -

Reserved.

Sec. 105-135 - Required; form.

(a) The owner of a vacant property located within the city shall register the property with the

enforcement officer. The registration shall be submitted on forms provided by the enforcement officer and shall include the following information supplied by the owner:

- (1) A description of all vacant property or vacant properties owned by the owner within the city;
 - (2) The names and addresses of the owner;
 - (3) The names and addresses of all known lienholders and all other parties with an ownership interest in the properties;
 - (4) The period of time each vacant property is expected to remain vacant; and a plan and timetable for returning the vacant property to appropriate occupancy or use;
 - (5) The owner shall also execute an authorization appointing the city police department an agent of the owner for the purpose of making a demand to depart therefrom pursuant to this article.
- (b) Subsequent owners of a vacant property shall register or re-register the vacant property with the enforcement officer within 30 days of any transfer of any ownership interest in a vacant property.

Sec. 105-136 - Fees.

The following fees are imposed to defray the costs of registering, monitoring, and inspecting vacant properties, and otherwise enforcing the requirements of this section:

- (1) *Single or distant properties.* The owner of a single vacant property or vacant properties not within 500 feet of one other shall pay a registration fee of \$**TBD** per vacant property the first calendar year the properties become vacant properties and \$**TBD** each subsequent calendar year the properties remain vacant properties, unless an exemption under this article applies.
- (2) *Adjacent and nearby properties.* The owner of two or more vacant properties located within 500 feet of each other shall pay for the first calendar year the properties become vacant properties, a registration fee of \$**TBD** per vacant property and \$**TBD** per vacant property for each subsequent year the properties remain vacant properties. The records of the city assessor shall be deemed sufficient for determining the location and distance of properties from one another.
- (3) *Time of payment; proration; renewal.* The first annual fee shall be paid at the time of registration and shall be prorated for the initial year of registration based on the number of days in the calendar year after the vacant property is required to be registered. The annual fees for subsequent years shall be paid on or before January 1 of each subsequent year.
- (4) *Delinquent fees.* All delinquent fees shall be paid prior to any transfer of an ownership

interest in any vacant property. If the fees are not paid prior to any transfer, the new owner of the vacant property shall pay the annual fee no later than 30 days after the transfer of ownership.

- (5) *Late registration.* If an owner fails to register within 30 days of notice from the city, the owner shall be liable for a registration fee of three times the amount otherwise due for the vacant properties.
- (6) *Notice of fees due.* Following registration, the enforcement officer or designee shall provide written notice to the owners of fees due and the due date.
- (7) *Collection of fees; special assessments.* All of the fees and other amounts payable under this article are a debt owed to the city and, if unpaid, shall be collected by special assessment under the authority in M.S.A. § 429.101. Action under this section does not preclude any other civil or criminal enforcement procedure.

Sec. 105-137 - Exemption and exceptions.

- (a) Vacant property owned by the city is exempt from the vacant property registration and fee requirements of this article.
- (b) Vacant property for which the owner possesses a valid building permit for remodeling the dwelling located thereon or for construction of a new dwelling on such vacant property is exempt from the vacant property registration and fee requirements of this article.
- (c) Registration is required, but the vacant property registration fee shall be waived, for:
 - (1) All dwelling units that possess a valid rental license issued pursuant to this chapter that is actively marketed as "for rent" in a newspaper or in an online listing at a fair market value rental rate based upon market rental rates for comparable properties. It is the obligation of the vacant property owner to produce evidence of active marketing to claim this exemption. In the event that the rental license lapses, is suspended, or revoked, this exemption shall no longer apply, the vacant property in question shall be subject to the registration fees provided for above and shall immediately be due and owing.
 - (2) All homes being actively marketed as "for sale" at a reasonable price by a licensed real estate broker or by the owner. It is the obligation of the vacant property owner to produce evidence of active marketing at a reasonable price to claim this exemption. A home which is listed on the MLS (multiple listing service) or similar listing service is presumptively being actively marketed. An asking price not greater than 150 percent of the taxable market value, as determined by county property tax records, is presumptively a reasonable price.
 - (3) Vacant properties subject to a valid development agreement or redevelopment agreement with the city.
 - (4) Single vacant properties for which the owner executes a valid affidavit on a form

provided by the city averring that the owner intends to resume occupancy of the vacant property as a dwelling within 180 days; provided, however, that failure to actually resume use of the vacant property as a dwelling within 180 days will result in imposition of the waived registration fee.

- (5) Vacant property for which the registration fee has already been paid for the current calendar year.

SECTION 2 Sections 105-115 through 105-119 are added as follows. Additions are shown with an underline, and deletions are shown with a ~~strikethrough~~.

ARTICLE V – ELECTRICAL REGULATIONS

Secs. 105-115—105-119 -

Reserved.

SECTION 3 This ordinance shall be effective upon its passage and a summary published in the official newspaper.

ADOPTED this ___ day of _____, 202_, by the City Council of the City of Falcon Heights, Minnesota.

Moved by:

Approved by: _____

Randall C. Gustafson
Mayor

GUSTAFSON
LEEHY
MIAZGA
WEHYEE
ANDREWS

___ In Favor
___ Against

Attested by: _____

Sack Thongvanh
City Administrator

SUMMARY ORDINANCE NO. 20-XX

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 105
OF THE FALCON HEIGHTS CITY CODE
CONCERNING VACANT BUILDINGS**

This ordinance amends Chapter 105 of the Falcon Heights City Code concerning vacant buildings. The amendment establishes registration procedures for vacant residential buildings within the City.

A printed copy of the entire ordinance is available for inspection by any person during the City Administrator/Clerk's regular office hours.

APPROVED for publication by the City Council of the City of Falcon Heights, Minnesota this _____ day of _____, 202_.

CITY OF FALCON HEIGHTS

BY: _____
Randall C. Gustafson, Mayor

ATTEST:

Sack Thongvanh, City Administrator

_____ - Registration and regulation of vacant buildings.

Subdivision 1. Policy. The purpose of this subsection is to protect the public health, safety, and welfare by establishing a program for the identification and regulation of vacant buildings within the City. This subsection also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with the same.

Subd. 2. Findings.

(a) Vacant buildings have become a major cause of and source of blight in residential and non-residential neighborhoods, especially when the owner or responsible party of the building fails to actively maintain and manage the building to ensure they do not become a liability to neighborhoods and the community.

(b) Vacant buildings may attract transients, homeless people, trespassers, and criminals, including drug abusers. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals, creates a risk of fire, explosion, or flooding for the vacant building and adjacent properties.

(c) Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass.

(d) Vacant buildings that are boarded up to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values.

(e) There is a substantial cost to the City for monitoring vacant buildings regardless of whether those buildings are boarded or not. This cost should not be borne by the general taxpayers of the community but rather these costs should be borne by those who are responsible for vacant buildings. It is a responsibility of property ownership to prevent property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare.

Subd. 3. Adoption of State Law. Minnesota State Statute 463.251, in its entirety, and any future amendments to said statute are adopted by reference.

Subd. 4. Definitions. The following definitions shall apply in the interpretation and enforcement of this subsection:

(a) Compliance Official means the City Administer or the City Administer's designee.

(b) Building means a building or structure designed for business use or human use or occupancy.

(c) Owner means those shown to be the owner or owners on the records of the Ramsey County Department of Property Taxation; those identified as the owner or owners on a vacant building registration form, a holder of an unrecorded contract for deed, a mortgagee or

vendee in possession, a mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, other person, firm or corporation in control of the freehold of the premises or lesser estate therein. An owner also means any person, partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in the property or building. This includes any partner, officer, or Director of any partnership, corporation, association or other legally-constituted business entity. All owners shall have joint and several obligations for compliance with the provisions of this subsection.

(d) Responsible party means an owner, occupant, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property upon which the building is located. Any party having a legal or equitable interest in the property. Responsible party may include, but is not limited to, a realtor, service provider, mortgagor, leasing agent, management company or similar person or entity.

(e) Vacant building means a building or structure in which no person or persons actually and currently conducts a lawful business or lawfully resides or lives in any part of the building on a permanent, non-transient basis in accordance with City code; or, is occupied by unauthorized persons for any amount of time.

(f) Premises means any real property and any appurtenant building or structure.

(g) Dwelling means the building or part of a building used by an individual as a place of residence on either a full-time or a part-time basis. A dwelling may be a part of a multi-dwelling or multi-purpose building, or a manufactured home as defined in this code or State Statutes.

Subd. 5. Vacant building registration.

(a) Application. The owner or responsible party must register a vacant building with the City no later than 90 days after the building becomes vacant. The registration must be submitted on a form provided by the City and shall include the following information supplied by the owner:

- (1) The name, address, telephone number, and email address, if applicable, of each owner or the owner's representative;
- (2) The names, addresses, telephone numbers, and email addresses, if applicable, of all known lien holders and all other parties with any legal interest in the building;
- (3) The name, address, telephone number, and email address of a local agent, maintenance company, or person responsible for managing or maintaining the property;
- (4) The legal description, tax parcel identification number, and street address of the premises on which the building is situated;
- (5) A description of the premises, including the common address of the property;

- (6) The date the building became vacant, the period of time the building is expected to remain vacant, and a property plan and timetable for returning the building to appropriate occupancy or use and for correcting code violations and nuisances, or for demolition of the building;
- (7) The status of water, sewer, natural gas and electric utilities;
- (8) The owner must notify the compliance official of any changes in information supplied as part of the vacant building registration within 15 days of any change;
- (9) If the property is abandoned or the owner or responsible party fails to complete the registration process, the property will be administratively registered as a vacant property.

(b) Property plan. The property plan identified in subsection ____, subd. 5(a)(6) must meet the following requirements:

- (1) General provisions. The plan must comply with all applicable regulations and meet the approval of the compliance official. It must contain a timetable regarding use or demolition of the property. The plan must be submitted with the Vacant Building Application.
- (2) Maintenance of building. The plan must identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application. Any repairs, improvements or alterations to the property must comply with the applicable building codes and City regulations.
- (3) Plan changes. If the property plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the compliance official.
- (4) Demolition required. If a building has remained vacant for a period of 365 consecutive days, and the compliance official has not approved an alternative schedule in the property plan, the owner may be required to demolish the building in accordance with City code and State Statutes 463.15-463.26.

(c) Non-compliance and notification. If the owner does not comply with the property plan or maintain or correct nuisance items, the City may commence abatement and recover its costs for correction of those items in accordance with City code and State Statutes. In the case of an absent owner and ongoing nuisance items, the City need not provide notice of each abatement act to the owner. A single notice by the City to the owner that it intends to provide ongoing abatement until the owner corrects the items will be sufficient notice.

(d) Exemption for snow-birds; neighborhood. Those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season in excess of 90 sequential calendar days, and have the intent to return within 180

days, are exempt from the registration requirement as follows. Exemption as a "snowbird" will be granted with proper verification and a local agent contact or a no fee vacant building registration form with applicable contact information provided to the City.

(e) Fees. The owner must pay an annual registration fee. The registration fee will be in an amount adopted by resolution by the City Council. The amount of the registration fee shall be reasonably related to the administrative costs for registering and processing the registration form and for the costs of the City in monitoring the vacant building site. The fee must be paid in full prior to the issuance of any building permits or licenses, with the exception of a demolition permit.

(f) Assessment. If the registration fee is not fully paid within 60 days following the annual registration due date, or within 60 days after any appeal becomes final, the City Council may certify the unpaid cost against the property in accordance with the process set forth in this code.

(g) Issuance of permit. Upon completion of the registration process and payment of the fee, the City will issue a Vacant Building Permit to the owner. The owner must securely post the permit on the vacant building on a side or rear entrance door that is not generally visible from the public street. If no side or rear entrance door is available, the permit must be securely posted on another available entrance door on that vacant building.

Subd. 6. Change of ownership. A new owner(s) must register or re-register a vacant building within 15 days of any transfer of an ownership interest in a vacant building. The new owner(s) must comply with the approved property plan and timetable submitted by the previous owner. Any proposed changes in the property plan must be submitted and approved by the compliance official.

Subd. 7. Inspections. The compliance official may inspect any vacant building in the City for the purpose of enforcing and assuring compliance with this chapter and other applicable regulations. Upon the request of the compliance official, an owner or responsible party must provide access to all interior portions of the building and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available to provide access to the interior of the building, the City may use any legal means to gain entrance to the building for inspection purposes. Prior to any re-occupancy, a vacant building must be inspected by the City and found to be in compliance with the City Code and all other applicable regulations. All application and re-inspection fees must also be paid prior to any re-occupancy of the building. All such fees are set by Resolution of the City Council.

Subd. 8. Maintenance of vacant buildings. The owner must comply with and address the following items in the property plan:

(a) Appearance. All vacant buildings must be so maintained and kept that they appear to be occupied.

(b) Securing. All vacant buildings must be secured from outside entry by unauthorized persons or pests. Security must be by the normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows must remain locked. There shall be at least one (1) operable door into every building and into each housing unit. Exterior walls and roofs must remain intact without holes. Vacant buildings shall be boarded when the building can no longer be secured against intrusion by the closing and locking of doors and windows in accordance with this chapter.

- (1) Architectural (cosmetic) structural panels. Architectural structural panels may be used to secure windows, doors and other openings provided they are cut to fit the opening and match the characteristics of the building. Architectural panels may be of exterior grade-finished plywood or Medium Density Overlaid plywood (MDO) that is painted to match the building exterior or covered with a reflective material such as plexi-glass to simulate windows.
- (2) Temporary securing. Untreated plywood or similar structural panels or temporary construction fencing may be used to secure windows, doors and other openings for a maximum period of 14 days.
- (3) Artistic board-up. With prior approval of the compliance official, artistic options may be utilized to secure a vacant building.
- (4) Emergency securing. The compliance official may take steps to immediately secure a vacant building at his or her discretion in emergency circumstances.

(c) Fire safety. Owners of vacant buildings must comply with the Minnesota State Fire Code

(d) Plumbing, electrical, lighting, heating. Owners of vacant buildings must comply with applicable City and state code provisions for the maintenance, repair or removal of plumbing, electrical, lighting, and heating facilities or equipment.

(e) Termination of utilities. The compliance official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. Prior to the termination of any utility service, written notice must be given to the owner if possible, or posted directly at the property, unless an imminent hazard exists because of the utility. No utility may be restored until consent is given by the compliance official. Utilities may be discontinued at the request of the owner or responsible party as part of the approved vacant building property plan. The compliance official may authorize immediate termination of utilities at his or her discretion in emergency circumstances.

(f) Owners of vacant buildings must comply with City Zoning code with respect to signage on the property.

(g) Exterior maintenance. The owner must comply with all applicable property maintenance regulations and City codes including, but not limited to, the following:

- (1) Public nuisances. The owner must eliminate any activity on the property that constitutes a public nuisance as defined by City code.
- (2) Grass and weeds. Any weeds or grass must be no greater than six (6) inches in height.
- (3) Exterior structure maintenance. The owner must maintain the vacant building in compliance with City code and building codes as determined to be necessary by the code official.
- (4) Abandoned or junk vehicles. The owner must remove abandoned and junk vehicles from the property. The City may impound such vehicles consistent with the requirements of the City code.
- (5) Storage and disposal of refuse. The storage and disposal of refuse must comply with the requirements of the City code.
- (6) Animals. The owner must ensure that all animals are removed from the property and handled in a humane manner.
- (7) Diseased, dead or hazardous trees. The owner must remove diseased, dead or hazardous trees or branches from the property in accordance with the City code.
- (8) Graffiti. The owner must remove all graffiti from the property in accordance with City code.
- (9) Abandoned pools. Swimming pools must be maintained, drained, emptied, and/or secured in accordance with City code.
 - (i) Removal of garbage and refuse. The owner of any vacant building, or vacant portion thereof, must remove all garbage, refuse, rubbish, swill, filth, or other materials from the vacant building and the property upon which the building is located.
 - (j) Police and fire alarm systems. The owner must properly maintain all alarm systems in any vacant building or portion thereof in operating condition; or, discontinue their service unless such service is required by code.
 - (k) Loitering and/or criminal activities. Loitering or engaging in criminal activities is not allowed in the vacant building or on the real property upon which the vacant building is located. The owner or responsible party must not allow these activities and take immediate actions to eliminate these conditions once notified by the City.
 - (l) Emergency abatement. The compliance official may authorize immediate abatement of any public nuisance or maintenance item if, in the discretion of the compliance official, emergency circumstances exist that present an imminent threat to the public health and safety.

(m) Other codes. A plan for compliance with all applicable provisions of City code and other applicable regulations.

Subd. 9. No Occupancy or trespass. No person may trespass, occupy or reside in, on a temporary or permanent basis, any vacant building without the owner's consent.

Subd. 10. Vandalism or removal of items prohibited. No person may vandalize or remove items from a vacant building or the property upon which it is located, including, but not limited to, appliances, fixtures, electrical wiring, copper, or other similar items without the owner's consent.

Subd. 11. Appeal. Any person or responsible party aggrieved by a decision under sections of this chapter may appeal to the City Council. The appeal must be in writing, must specify the grounds for the appeal, and must be submitted to the compliance official within ten (10) business days of the decision that is basis of the appeal.

Subd. 12. Penalties. Any person or responsible party who violates any provision of this subsection is subject to a misdemeanor penalty and any administrative fees as provided under City code and this subsection. Imposition of such penalties, however, is not deemed to impair other remedies or civil penalties available to the City under this code or state law.