

City of Falcon Heights Planning Commission

City Hall
2077 W. Larpenteur Avenue

Tuesday, May 24, 2016
7:00 p.m.

A G E N D A

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL: Chair Larkin ____ Alexander ____
 Murphy ____ Bellemare ____
 Williams ____ Schafer ____
 Council Liaison Harris ____ Staff Liaison Moretto ____
- C. APPROVAL OF MINUTES for April 26, 2016
- D. PUBLIC HEARING
 - 1. Ordinance Amendment - Building Heights O16-01
- E. AGENDA
- F. INFORMATION AND ANNOUNCEMENTS
 - 1. Discussion – Public Notice Procedures (Commissioner Murphy)
- G. ADJOURN

If you have a disability and need accommodation in order to attend this meeting, please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30 p.m. at 651-792-7600. We will be happy to help.

**City of Falcon Heights
Planning Commission Minutes
April 26, 2016**

PRESENT: Commissioners Bellemare, Schafer, Larkin, Murphy, Williams, Staff Liaison Moretto, Council Liaison Harris

ABSENT: Commissioners Alexander

The meeting was called to order at 7:15 p.m. by Chair Larkin.

The minutes of the March 22nd, 2016 meeting of the Planning Commission were approved.

AGENDA:

1. Zoning Review

Staff presented and explained the need for a zoning review process for projects that could violate zoning code. Staff requested feedback from the Planning Commission regarding a verification process that ensures that codes are not violated. There was concern that this might add additional steps that might not be necessary and that we should address issues that are called to our attention when there is a complaint. It was recommended that staff develop a form and that the commission revisit this issue later in the summer.

INFORMATION AND ANNOUNCEMENTS:

Building Heights Ordinance hearing next month.

Commissioner Murphy presented his concerns regarding the methods that are used to notify residents of a public hearing. The commissioner's position was that notice should go to all residents and not just the owners. The commissioner requested this be put on a future Planning Commission agenda. Staff recommended consulting with the City Administrator on the issue.

Community Forum: None

ADJOURNMENT: The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Paul Moretto
Community Development Coordinator

John Larkin
Chair – Planning Commission



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	May 24, 2016
Agenda Item	Public Hearing for Ordinance O16-01
Title	Zoning Code Amendment: Building Heights
Submitted By	Paul Moretto, Staff Liaison

Description	Requesting the Planning Commission review for consideration attached ordinance O16-01 removing building height as a conditional use.
Background	<p>Building height as a conditional use was implemented in Falcon Heights in 1993 through ordinance O-93-07 as an ongoing process of recodification in the early 1990's. The staff notes and findings for using a conditional use permit in this context are unclear and such methods for exceeding the height limitations are unorthodox.</p> <p>This issue came to the attention of staff through regular review of zoning code. This part of code was reviewed by Paul Moretto, Community Development Coordinator, Roger Knutson, City Attorney, and Sack Thongvanh, City Administrator and a recommendation to remove this section was advanced.</p> <p>The Planning Commission has held discussions on this topic during regular meetings and it was concluded that there was an issue with this section of the code as it currently stands. It was recommended that staff look into this issue.</p> <p>Staff has come to the conclusion that this section of the code requires amending and that buildings height as a conditional use should be removed.</p>
Budget Impact	None
Attachment(s)	<ul style="list-style-type: none"> • O16-01
Action(s) Requested	Staff recommends Planning Commission APPROVAL of ordinance O16-01 removing building height as a conditional use permit.

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. O16-01

**AN ORDINANCE AMENDING CHAPTER 113 OF THE
FALCON HEIGHTS CITY CODE, THE ZONING
ORDINANCE, CONCERNING HEIGHT LIMITATIONS**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Section 113.243 of the Falcon Heights City Code is amended to provide as follows:

Sec. 113-243. - Height limitations.

(a) *Exemptions.*

- (1) Height limitations shall not apply to belfries, cupolas and domes, monuments, public and public utility facilities, silos, barns, church spires, chimneys, smokestacks, flagpoles, and parapet walls extending not more than four feet above the limiting height of the building.
- (2) Height limitations shall not apply to rooftop structures such as mechanical equipment, elevator shaft and equipment enclosures and similar structures, provided said exceptions do not exceed ten feet in height above the roofline and the area does not exceed 15 percent of the roof area.
- (3) Height limitations shall not apply to private T.V. or radio reception antennae extending more than ten feet above the limiting height of the building. Any T.V. or radio transmission or reception device or structure not attached to the principal building shall require a conditional use permit.

- (b) *Airport.* No structure shall violate the limits and provisions of the airport plan of the Metropolitan Development Guide.

SECTION 2. Effective Date. This ordinance shall be effective immediately upon passage and publication.

ADOPTED this _____ day of _____, 2016, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom, Mayor

ATTEST:

Sack Thongvanh, City Clerk/Administrator

394.26 PUBLIC HEARINGS.

Subdivision 1. [Repealed, 1974 c 571 s 51]

Subd. 1a. **When required.** In addition to public hearings required by section 375.51 prior to the adoption by ordinance of any comprehensive plan or amendments thereto or of any official control or amendment thereto, public hearings shall be held before any conditional use permit, interim use permit, variance, or proposal for a subdivision is approved or denied by the responsible authority, and in circumstances where a public hearing is otherwise required by sections 394.21 to 394.37. Such public hearings may be continued from time to time and additional hearings may be held.

Subd. 2. **Notice.** Notice of the time, place, and purpose of any public hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the county, at least ten days before the hearing, except that notice of public hearings in connection with the adoption by ordinance of any comprehensive plan or amendments thereto or adoption or amendment of any official controls shall be given in the manner provided by section 375.51, subdivision 2. In addition to the requirements of section 375.51, subdivision 2, written notice of public hearings on all official controls and amendments thereto shall be sent to the governing bodies of all towns and all municipalities located within the county. Written notice of public hearings regarding the application of official controls to specific properties, including but not limited to conditional uses, variances, interim uses, zoning regulations, and subdivision regulations, shall be sent to all property owners of record within 500 feet of the affected property in incorporated areas. In unincorporated areas, the written notice shall be sent to property owners as follows:

(a) in the case of variances, to owners of record within 500 feet of the affected property;

(b) in the case of conditional uses and interim uses, to owners of record within one-quarter mile of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners;

(c) in the case of all other official controls, including but not limited to zoning regulations and subdivision regulations, to owners of record within one-half mile of the affected property.

Written notice shall also be given to the affected board of town supervisors, and the municipal council of any municipality within two miles of the affected property.

Subd. 3. [Repealed, 1974 c 571 s 51]

Subd. 3a. **Who runs hearing.** The board may assign responsibility to conduct public hearings for one or more purposes to the planning commission, board of adjustment or any official or employee of the county, except as provided in section 375.51.

History: 1959 c 559 s 6; 1963 c 692 s 4; 1974 c 571 s 20-22; 1976 c 177 s 1; 1980 c 477 s 1; 2008 c 331 s 4