

City of Falcon Heights
Planning Commission
City Hall
2077 W. Larpenteur Avenue

Tuesday, August 22, 2006
7:00 p.m.

A G E N D A

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL: DeLeo____ Lukermann____ Lageson____
Mercer-Taylor____ Rodich____ Ryan____
Tracy____ Council Liaison Kuettel____
City Administrator Miller____ Staff Liaison Jones____
City Attorney____
- C. PUBLIC HEARING: Ordinance Amending the Falcon Heights City Code
Concerning Drive-through Facilities
- D. AGENDA ITEM 1: Consideration of drive-through ordinance and recommendation
to the City Council
- E. AGENDA ITEM 2: Recommendation to City Council on zoning chapter of
recodification draft
- F. APPROVAL OF MINUTES: July 25, 2006
- G. INFORMATION AND ANNOUNCEMENTS
- H. ADJOURN

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CITY OF
FALCON HEIGHTS

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MEMORANDUM

To: Members of the Planning Commission
CC: Justin Miller, City Administrator;
Laura Kuettel, Council Liaison
From: Deb Jones, Staff Liaison *DJ*
Subject: **Planning Commission Meeting on August 22, 2006**
Date: August 18, 2006

Tuesday's meeting is especially significant. A quorum will be required for two important votes.

First, an ordinance amending the zoning chapter is up for your consideration, with a public hearing scheduled. The proposed ordinance concerning drive-throughs is the culmination of six months of study in which most of you have been involved. The Council made its wishes very clear by vote on July 12, so it is unlikely you will need to make any changes, unless you spot some "unintended consequence" that has not been taken into account. Note that the definition in Section 1 excludes uses related to automobile/gasoline service stations, so these businesses are not affected. Staff recommends that you review the consultant's final report (on the web, if you don't have a copy) before the hearing, and the Council minutes of July 12 (also on the website). *We apologize for not including a copy in this packet due to some problems with the City Hall photocopying machine. Please contact me if you need us to provide a paper copy.*

We have moved the minutes to end of the agenda, so you can take care of the drive-through issue right at the beginning.

The second item on your agenda is your recommendation to the Council on adoption of the zoning chapter of the recodification draft. Because of the large volume of notes it was not possible to get feedback in time for your packets. However, you are not required to recommend a "final" draft, just "make a recommendation" and send it on to the Council – which makes your task a lot simpler than we anticipated last month! Please see the staff report for more information. Also, please read through the attached list and note anything I may have left out or anything that needs further comment. This is still a work in progress, even after it leaves your hands!

Justin will be there, and Andrea Poehler from the City Attorney's office will join us again.

Your packet documents will also be posted on the website, like last month.

http://falconheights.govoffice2.com/index.asp?Type=B_LIST&SEC={745191BF-90F2-4385-AC3B-58F8FA0D2987}

This section is temporarily private. You can log on using the following:

Username: plancomm Password: variance

You might want to bring your copy of Chapter 9 to the meeting, for reference!

With two such important vote, we must have a quorum. Please let Staff know if you are unable to attend. And don't hesitate to contact me if you have any questions or concerns before the meeting.



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**City of Falcon Heights
Planning Commission Minutes
August 22, 2006**

PRESENT: Commissioners Lageson, Rodich, Ryan, Tracy, Mercer-Taylor, Council Liaison Kuettel, City Attorney Andrea Poehler, Staff Liaison Jones.

ABSENT: Lukermann, DeLeo

The meeting was called to order at 7:03 p.m. by acting chair Beth Mercer-Taylor in the absence of the Commission Ryan, who arrived a few minutes later.

MINUTES: The minutes for May 23, 2006, were approved.

PUBLIC HEARING: Variance Request for 1564 Burton Street

Zoning and Planning Coordinator Jones presented the staff report. 1564 Burton Street is located at the south end of the narrow block between Coffman and Burton, Folwell and Hoyt in the University Grove neighborhood. The property is one of only three residential lots in the city with three street frontages, in this case, front, south side and rear. The dwelling, a modern frame house originally designed by Ralph Rapson, is set at an angle on the lot, with a tuck-under garage facing Burton. At some time in the past the original lot was significantly reduced in area to allow the extension of Coffman Street from Folwell to Hoyt. The principle structure encroaches into setback on both the Burton (west/front) and Coffman (east/rear) sides. The owner is presently building an addition onto the north side of the house where there is a limited amount of buildable space.

The applicant wishes to build an enclosed three-season porch, 14 feet wide and 10 feet deep, on the front of the house cantilevered over an existing patio adjacent to the lower-level front entry. The proposed porch would encroach an additional 5.5 feet into the required front yard beyond the existing encroachment of 8 feet at the southwest corner of the house. The area of the encroachment is already occupied by the patio, a significant architectural feature. The owner believes that the porch was part of the original design of the house, although it was never built. The existence of a sliding glass door opening from the living room on the upper level directly over the patio appears to support this claim.

The staff findings of fact indicate that no detriment or impairment would result from granting the variance. The applicant's property is severely restricted as to buildable area because of the three street frontages. The staff found that that hardship would result if the letter of the chapter were carried out and recommended approval.

Commissioner Mercer-Taylor asked if the addition has gone through the additional University Grove approval process. Ms. Jones said the owner would address that.

Commissioner Ryan opened the public hearing.

Todd Hegg, applicant, of 1564 Burton, came to the podium and verified that he has applied for University Grove approval. In answer to a question from Commissioner Tracy he said that the addition will be supported by two metal posts. They would be set just outside of the retaining wall in order to permit new footings to be poured.

There being no one else who wished to speak, the hearing was closed.

DISCUSSION AND ACTION: Variance at 1564 Burton

A brief discussion followed. Commissioner Ryan said that it is necessary to acknowledge that there are ways to address the window hazard issue without a variance, but he still feels it is reasonable to approve of the request. There were some questions and discussion about the original lines of the lot and the complicated platting of the University Grove, which is complicated. The property in question may have lost 10 to 40 feet of the original back yard.

Lageson moved, Tracy seconded, that the Commission recommend approval of the variance. There was no additional discussion. Motion passed unanimously.

The final decision will go to the City Council in August.

PUBLIC HEARING: Recodification of the City's Zoning Code

Before the hearing was opened Ms. Jones said that the draft of the chapter has been available on the City website and at the front desk for people to read. She said that the recodification is essentially a reorganization and "intense editing" of the chapter we already have, bringing it up to date with all the new ordinances that have been passed over the last thirteen years and bringing it into line with state statute. No significant policy changes are anticipated in this process.

Commissioner Lageson asked if the required notice of the hearing was published. Ms. Jones said that was her understanding.

Commissioner Ryan opened the public hearing.

Wendy Noble of 1539 Crawford Avenue brought to the Commissioners' attention a copy of the published notice of the hearing in the Roseville Review.

There being no one else who wished to speak, the hearing was closed.

Discussion on Recodification Draft

Commissioners had some questions about how to pick out the changes. Ms. Jones pointed out the formatting indicates which old text has been deleted (strike-through) or added (underline). There was further discussion on procedure. Ms. Mercer-Taylor said that her understanding is that new ordinances that are passed during this process don't need to be incorporated until after recodification. Ms. Jones said that is true. She added that when the Planning Commission began reviewing the zoning chapter two years ago in preparation for recodification Staff had probably been too ambitious in including potential policy changes, not realizing that merely reorganizing and updating the existing code would be such a large task. Now, with work in progress, it makes more sense to deal with policy changes separately, is being done "in parallel" with the drive-through issue. However, if there items that the Planning Commission wants to include in this process, they can certainly make a recommendation.

In response to a question from Commissioner Rodich, Jones confirmed that all of the other chapters of the draft are being reviewed by the Council, which will hold a separate hearing on the entire code eventually. She pointed out that, although the zoning chapter is number 113, every existing chapter is followed by at least three "empty" chapters held in reserve for future ordinances.

Commissioner Rodich said he felt unprepared to make a recommendation this evening and asked if it be possible to take more time. Jones said it would probably delay it from the Council's last August

meeting to the first September meeting. Councilmember Kuettel pointed out that the Commission has already had two months to work on this and should move ahead.

Commissioner Ryan brought up the alternate variance language that was offered by Ms. Poehler last month and suggested that it be added in before approval. Several commissioners said they thought the new wording made the variance standards much clearer both for commissioners and for the public. Ms. Poehler said she found this language in the Lakeville code, which seemed to be the clearest. It could easily be fit into the draft. The suggested definitions for “undue hardship” and “variance” would be inserted into the definition section.

There were questions about deletions in the variance section. Ms. Poehler thought they were eliminated to reflect actual procedures and because they repeat provisions that are made elsewhere, but that will be checked.

Mr. Lageson asked for clarification on the definition of domestic pets. This needs to be cross-referenced with the chapter on animals. He also asked about incorporating a definition of drive-throughs. Ms. Jones said that is part of a separate process, but it could be combined if the timing works out; otherwise it will be part of the first supplement. Mr. Lageson also noted a needed addition to the definition of firearms.

Mr. Ryan said he felt the Commission was not prepared to make a recommendation this evening, but if commissioners could turn in all their notes and concerns in advance of the next meeting so the work can be finished up next month. Ms. Mercer-Taylor said that the Commissioners should set themselves a deadline. August 11, a Friday, was suggested. Ms. Jones said that the original received from Municipal Code is in PDF format; they have asked for changes to be made on one master paper copy.

Councilmember Kuettel brought up the issue of permeable pavements, a new technology, which the Commission has touched on before. According the City Attorney no city allows this yet, and it has implications both for stormwater runoff policy and lot coverage policy. The consensus was that this is more of the kind of complex policy change that should be done later, possibly as part of the comprehensive planning.

The deadline for comments and concerns was moved to 8 a.m. on Monday, August 14. An email reminder will be sent by staff.

The Commission voted to approve a motion by Mr. Lageson that the recodification be tabled until August.

INFORMATION AND ANNOUNCEMENTS:

Councilmember Kuettel reported on the Council’s July 12 action on drive-throughs and summarized the elements of the proposed new ordinance. The vote was 3 – 2, with the two dissenting council members in favor of outright prohibition of drive-throughs. This matter will now come back to the Planning Commission in August for a formal hearing and official recommendation.

Mr. Lageson asked why the matter did not come to the Planning Commission first. Ms. Jones replied that the original interim ordinance came from the Council and the study was initiated by the Council, so this has been a Council project up to now. The final report of the consultant will be made available on the City website. The consultant recommended prohibition of all drive-throughs but the Council chose to support a less restrictive option.

Mr. Lageson reminded all that the Ice Cream Social is this coming Thursday night at Community Park at 6:00 p.m.

Ms. Mercer-Taylor announced that she is participating in HourCar, a "car share" system which allows people to reserve and use a common car and possibly eliminate a second care. It is working out well. She and her family have found it convenient and economical.

ADJOURNMENT

The Planning Commission meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Deborah Jones, Staff Liaison

ITEM: Proposed Ordinance Amending City Code on Drive-through Businesses

SUBMITTED BY: Deb Jones, Zoning & Planning Coordinator

REVIEWED BY: Justin Miller, City Administrator
Roger Knutson, City Attorney

SUMMARY:

On February 8, 2006, the City Council approved an interim ordinance prohibiting for a period of up to twelve months 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 on the community. The progress and results of the study have previously been made available to the Planning Commission.

On July 12, 2006, the City Council received a final report on the study. In consideration of the stated purposes of the business zones in Falcon Heights, the report recommended prohibition of drive-through business in Falcon Heights. (Existing service stations would not be affected.) The Council voted to support a less restrictive change that would limit drive-throughs to banks and financial institutions in B-2 with additional restrictions on setback, lot size, etc. Their intention is summarized in the proposed ordinance:

- Addition of a definition of “drive-through” and deletion of the definition for “drive-in” (9-1.01 subd. 2)
- Special requirements for drive-through facilities where they are allowed (9-13.08)
- Change to wording of drive-through as a conditional use in B-2 (9-9.01 subd. 3a)
- Deletion of drive-through as a conditional use for financial institutions in B-3 (9-10.01 subd. 3b)

As required by Minnesota statute, the Planning Commission must hold a public hearing on this proposed change to the zoning chapter and make a recommendation to the City Council.

ATTACHMENTS:

1. An Ordinance Amending the Falcon Heights City Code Concerning Drive-through Facilities
2. Excerpts of existing code affected by proposed ordinance
3. Legal notice of public hearing
4. Letter sent July 31 to owners of business properties in Falcon Heights. (Mailed notice is not required for code amendment; this was sent as a courtesy.)

In addition to the documents attached to this report, it is recommended that Commissioners review all the documents related to the study, especially the final report from Dan Cornejo, planning consultant. These documents are available on the City’s website, or copies can be obtained from staff.

ACTION REQUESTED:

1. Hold a public hearing on the proposed code amendment.
2. Vote on a recommendation to the City Council.

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
FALCON HEIGHTS CITY CODE
CONCERNING DRIVE – THROUGH FACILITIES**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 9, Section 9-1.01 subd. 2 of the Falcon Heights City Code is amended by deleting the definition of “Drive-In” and inserting the following definition:

Drive-through Facility. 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 or 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. Chapter 9 of the Falcon Heights City Code is amended by adding section 9-13.08 to read:

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

- a. The drive-through facility, service window and speakers, must be located at least 100 feet from a residential zoned or used property.
- b. The drive lane to the drive-through facility must be at least 75 feet from an intersection.
- c. The lot on which the drive-through facility is located must be at least 30,000 square feet in area.
- d. The minimum on-site stacking distance available for the drive-through must be 180 feet in length.

- e. Drive-through facilities may only be operated between the hours of 7:00 am and 8:00 pm.
- f. No speaker noise may be audible from adjacent residential property.
- g. A traffic study must be completed documenting that the drive-through facility will not create traffic problems.

SECTION 3. Section 9-9.01 subd. 3a of the Falcon Heights City Code is amended to read:

- a. Drive-through facility as an accessory use to a financial institution.

SECTION 4. Section 9-10.01 subd. 3b of the Falcon Heights City Code is deleted.

SECTION 5. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED this _____ day of _____, 2006, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Susan L. Gehrz, Mayor

ATTEST:

Justin Miller, City Administrator/Clerk

Existing zoning code affected by proposed drive-through ordinance
Falcon Heights Planning Commission
August 22, 2006

SECTION 1

CHAPTER 9. PLANNING AND DEVELOPMENT
PART 1. PURPOSE, INTERIM RULES AND DEFINITIONS

...

9-1.02 Rules and Definitions

...

Subdivision 2. Definitions.

...

~~58. Drive-In. 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 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 or 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.~~

Drive-through Facility. 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 or 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

PART 13. SPECIAL PROVISIONS

Section 2 of the proposed ordinance adds a new section 9-13.08 to Part 13 (Special Provisions), following 9-13.09 (Private Automobile Repair and Reconditioning).

SECTION 3

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

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

...

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.~~

a. Drive-through facility as an accessory use to a financial institution.

SECTION 4

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

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

...

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.

...



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FALCON HEIGHTS

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email: mail@ci.falcon-heights.mn.us
website: www.ci.falcon-heights.mn.us

Phone - (651) 792-7600
Fax - (651) 792-7610

July 31, 2006

Dear Property Owner:

On July 12, the City Council voted to support changes to the Falcon Heights zoning code that would impose new restrictions on new drive-through businesses in the City. As required by Minnesota statute, the Planning Commission will hold a public hearing on this proposed change to the City's zoning code at its regular meeting on **Tuesday, August 22, 2006, at 7:00 p.m.** Following the hearing the Planning Commission will make a formal recommendation to the City Council. The City Council will hold a final vote on the new ordinance(s) in September.

The proposed changes to the zoning code are the result of a process that began February 8 when the City Council approved an interim ordinance temporarily prohibiting the creation of new drive-through businesses in Falcon Heights and authorizing a study of the impact of drive-through uses on the community. The study had two purposes:

1. To clarify the city's interest in addressing the development impacts of sites with drive-through facilities.
2. To 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.

The study included research on ordinances in other cities and on all potential sites in Falcon Heights (that is, all properties zoned for business). A letter was sent on March 21 to all residents, property owners and businesses inviting their participation at three community meetings in April, May and June. On July 12 the City's planning consultant presented his final report and recommendation. After discussion of options, the Council voted in support of initiating changes to the City Code that would limit new drive-through businesses to banking and similar financial institutions, as a conditional use, with additional zoning requirements including minimum lot size, minimum distance from residential property and street intersections, noise and lighting restrictions, and other requirements. New drive-throughs would be prohibited outright in B-1 zones. Details of the proposed new ordinance will be available on the City website.

We encourage and welcome your input and participation because this change to our zoning code will affect all business properties in the City. If you are unable to attend the hearing, and would like to comment on the issue, please call or write to me at City Hall or send an email.

Warmest regards,

Justin Miller
City Administrator
651/792-7611

justin.miller@ci.falcon-heights.mn.us



CITY OF FALCON HEIGHTS, MINNESOTA

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN, that the Falcon Heights Planning Commission will meet on August 22, 2006, at approximately 7:00 p.m. at Falcon Heights City Hall, 2077 Larpentour Avenue West, Falcon Heights, Minnesota 55113, to consider amendments to the city's zoning ordinance concerning drive-through businesses.

All persons who desire to speak on this issue are encouraged to attend and will be given an opportunity to be heard at this meeting. Additional information can be obtained by contacting the City of Falcon Heights at (651) 792-7600.

Dated: August 3, 2006.



Justin Miller, City Administrator/Clerk
City of Falcon Heights, Minnesota

ITEM: Recodification Zoning Code Draft - Action

SUBMITTED BY: Deb Jones, Zoning & Planning Coordinator

REVIEWED BY: Justin Miller, City Administrator

EXPLANATION:

Summary: Staff and commissioners have had several months to review the draft submitted to the City by Municipal Code Corporation. The accumulated list of questions, concerns and possible changes is attached. The Planning Commission's next task is to make a recommendation to the City Council.

According to the City Attorney, the Planning Commission is not required to approve a final draft. All that is required by Minnesota statute is that the Commission "make a recommendation" to the Council on adopting the draft.

The recommendation may (for example) state that the Commission recommends adoption of the draft zoning code, provided the points raised by the Commission and Staff, and the points that may be raised by the Council, are addressed. According to the City Attorney this will be sufficient under Minnesota law, and the Planning Commission will not have to re-approve the draft when the changes have been incorporated.

The attached list of notes incorporates all the items submitted by commissioners and staff to date. Some of the items may reflect policy changes that should be deferred until after recodification is complete. They are included for information for the Council and for future reference. It is not necessary to approve some "final" version of this list as part of the Commission's recommendation. Commissioners may add, delete or change items before or after making a recommendation, and the Council will make further changes during their review.

ATTACHMENTS:

1. Expanded table of contents for Chapter 113
2. List of questions, possible changes and concerns regarding Chapter 113

[Commissioners should bring their copies of the draft to the meeting.]

ACTION REQUESTED:

1. Vote on a recommendation to the City Council concerning adoption of the zoning chapter draft.
2. Advise staff on any additions, deletions or changes to the list of notes.

Chapter 113 notes

1. Definitions: Add “drive-through” at this stage?
2. Definitions, p. 167: It should be made clear whether or not animals normally considered farm animals, such as chickens or pigs, can be kept as pets in the City.
3. Definitions, p. 171: Any refinement needed in definition of Eating Establishments?
4. Definitions, p. 172: Def of “firearm” is out of alphabetical order. Also, please include “or electronic mechanism” in “by means of” clause.
5. Definitions, page 173, note 98: Are we required to allow large group homes as a conditional use? Do we need a general group home definition also?
6. Definitions, page 175 Lot, through or double frontage: This appears to be an error. Our original #132 should be restored or combined with this. FH has no waterfront lots.
7. Definitions, p. 179: “Schools, proprietary” has been omitted. Why?
8. Definitions, p. 180: Need clarification on multi-faced signs – Does each face count or not? (See #69 below.)
9. Page 184 – Additions and enlargements to a nonconforming building or structure for conforming use: If an addition follows the existing non-conforming building line, is that considered an increase of nonconformity? Or does the encroachment into setback have to increase for it to be in increase of nonconformity?
10. Page 184 – Escrow for relocation of building: Is this affected by HF 3477, May 11, 2006?
11. Page 187 – Zoning administrator: Many of these duties are in fact delegated to other staff. Is there a need to mention that in the code?
12. Pages 188-189 – Amendments: This section seems to have been narrowed from the original. It looks like the portions that have been removed are related to rezoning rather than amendments to the code? Is this the case? If so, is rezoning covered elsewhere?
13. Page 189 – 60 day provisions: (d) and (f) appear to contradict each other. Paragraph (d) seems to require greater than 60 days if the planning commission has not made a recommendation, but (f) states a maximum of 60 days.
14. Page 189 – 2/3 majority: What is two-thirds majority of 5? Since the Council is 5 people, can't we be specific?
15. Page 189 – Fees and costs: escrow again
16. Page 190 – Variances: The Planning Commission would like to adopt language more like the sample provided by Andrea Poehler, as well as “undue hardship” definition. What about variance definition? Is the language in the sample more in keeping with State law? (Roger has mentioned in the past that our variance ordinance was not consistent with present state law.)
17. Page 190 – Variances, termination: Can we add language that terminates any unused variances that may be outstanding in the City that have been unused for at least a year? (In other words, make the time limit apply to past variances as well as future variance.)
18. Page 191 – Variances (b) and (c): There is no footnote explaining why these sections have been struck out. Were they eliminated as unnecessary? Please explain.
19. Page 193 – public hearing for CUP: Is it OK to delete this? What is the basis for deletion?

20. Page 194 – CUP findings, industrial uses: Look up. Was this deleted because we have no industrial zones, so it's irrelevant?
21. Page 195 – CUP action: Denial must be by resolution. Approval also?
22. Page 197 – Zoning map: Since we have changed the zoning of some parcels, is it necessary to get a new zoning map approved? Does this happen as part of the comp plan process? Part of the recodification? What is the procedure?
23. Page 198 – R-1 uses: Is there any reason not to remove the agriculture use from R-1? If kept, should it perhaps be conditional? Does the permitted use (a)(2) contradict the conditional use (c)(4)?
24. Page 199 – Off-street parking as conditional use: We need clarification on this. Is this aimed at situations like the Awad clinic, a business whose parking lot extends onto a parcel that is R-1 (but not used for a residence)? Or is it meant to apply also to all residences that are adjacent to business properties? Does this wording need to be made clearer?
25. Page 201 – Permitted encroachments on required yards in R-2 “As permitted in the R-1 district”: There is no provision for permitted encroachments in the R-1 section. Should this refer elsewhere? (e.g. 113-241 – page 218-219)
26. Page 203 – Conditional uses in R-4: No mention of townhouses and multi-family buildings. These uses seem to be misplaced to (d) and (e) respectively. Is this an error or intentional? If intentional, please explain.
27. Page 203 – Accessory uses in R-4: Why is conversion and enlargement listed as both a conditional use and accessory use?
28. Page 204 – minimum requirements in the chart: What exactly does this apply to? Townhomes? Less intense uses (one or two-family detached?) How does it apply to multi-family structures? Is there a way to make the intent clear without this chart, since the requirements are the same for both rows? This has been moved from the obsolete R-3 section and doesn't seem to make sense in this context.
29. Page 208 – Interim use in B-2: Shouldn't (2) be under Farmer's Market, say, as e? This isn't exactly a “use.”
30. Page 208 – B-3 purpose and intent: Specifies the 4 quadrants of Snelling and Larpenteur intersections. Since SE corner is now PUD, do we need to change this?
31. Page 212 – P-1 Public Land: What do we need to add to allow the Christmas Tree sales by the Lions that we now allow? No uses are specified at all.
32. Page 217 – Utility structures: At this time we are not requiring permits for sheds under 120 square feet; should we begin to do so? Apparently this is inconsistent with the building code, which is our authority for requiring permits. The building code doesn't require them for sheds under 120 square feet.
33. Page 218 – height of detached buildings: Should be be more particular? Instead of “detached buildings” (which could include garages, provided for elsewhere) should we specify “detached utility structures? Or is that unnecessary because of the context.
34. Page 218 – Compost structure requirements: We have not issued any “permitted accessory use permits” in at least the last 5 years – possibly because we have had no compost structures over 25 square feet. Is this permit obsolete? Can we simplify and simply restrict compost structures to under 25 square feet?

35. Page 218 – Garage conversion: This year a resident with a non-conforming driveway (leading to an “ex-garage”) was very upset when the street was re-done and her curb cut was not restored. Do we need to put something into the code to make clear that curb cuts will not be maintained for these driveways? Or is this covered by the (n) Street access for alley property, immediately below?
36. Page 218 – Minimum setback (r): This applies to accessory buildings in this context, right?
37. Page 218 – Application of yard setbacks: This seems unclear. (s)
38. Page 218 – Detached garage condition (u): Add the words “when accessed off an alley.” (This is in the 2001 ordinance but omitted from the draft.)
39. Page 219 – Encroachments: In paragraph (a) the distanced from driveway provision does not make sense because such features as steps, sidewalks, off-street parking etc. are often connected to driveways. What is the intention? Does it make sense to have this provision for some of these encroachments, such as flues, lintels, cornices, eaves, and not others? If paragraph (a) is really covering two different classes of encroachments, perhaps they should be treated separately.
40. Page 219 – Encroachments: We need to include basement egress window wells in a or f and specify that they must not extend to a distance less than three feet from any property line. The driveway clearance should also apply.
41. Page 219 – Type in (2)? Should this say “In side and rear yards...”?
42. Page 220 – Fences 6d: In practice we allow 6 foot fences from the front building line to the rear property line. Do we need to change this provision to reflect that?
43. Page 221 – Handheld telephones, etc: Why is this provision here, in the section on “Height limitations”? Does this make sense under current technology, especially with the wide use of cellular phones?
44. Page 227 – Ground-mounted antennas (e): shouldn’t this read “shall be limited to the minimum height necessary to obtain an acceptable signal”?
45. Page 231 – Parking in R-1 and R-2: Should there be provision to prohibit or limit the parking of storage containers (or PODs) on the public right of way? Do we need a similar provision for dumpsters? Or are these policy issues that should be deferred to a later time, with more study?
46. Page 234 – Underground parking credits: Is this consistent with current “best practices”?
47. Page 235 – Lot coverage for vehicle surface: Were the examples in the existing code removed as unnecessary?
48. Page 236 – Parking restrictions: There are exceptions to this in the R-1 zone (winter parking and storage of recreation vehicles). Should there be a reference to those exceptions here?
49. Page 236 – Design and maintenance of off-street parking areas: Some of these provisions duplicate earlier provisions specific to residential zones. Why? Is this section meant to apply to business zones or all zones? Can we state some of these restrictions generally for all parking instead of repeating them several times?
For example: surfacing, lighting, etc.
50. Page 238 – Paragraph (11): Sentence regarding drive-through lanes for food pickup may be deleted as result of Council action on drive-throughs. Should it be taken out now or extended to any drive-through use?

51. Page 239 – Mobile food vendors (28): Since this use is not legal in any zone of the City, shouldn't we eliminate this provision?
52. Page 239 – Food delivery restaurants (29): We have run into some confusion in figuring out what standard to apply to restaurants that have both dine-in and delivery. Can we clean this up somehow?
53. Page 241 – Temporary Use permit (113-346): Is this the basis for the temporary parking permits issued to dumpsters? Are PODs covered somehow? Can we introduce restrictions on storage here instead of the parking section (see note 43 above)?
54. Page 242 – Principal building (b): Should this read “basement with unfinished **interior**” not “exterior”?
55. Page 242 – Principal building (e): Is this animal provision sufficient? Should there be a limit here on numbers, or is this covered sufficiently in Chapter 10?
56. Page 242 – Principal building: In previous sections, paragraphs at this level are titled. Why not this section and following sections?
57. Page 242 – Exterior storage (b) exceptions and (d) garbage: Should we add closed refuse containers provided they are not visible from the street (except on collection day)? This would be more in keeping with actual practice and would eliminate the ambiguity (enclosed building **or** closed container) in (d).
58. Page 243 – Environmental pollution: Can (a) be eliminated since 1/1/1989 is long past? Or do we need to have a new date in here? What is the purpose of (a) at this time? See also 113-372, 113-375, 113-377.
59. Page 245 – Hazardous materials: Because the compliance deadline and the enactment of the chapter from the original code are from times long past, what is the purpose of retaining this language here? Do we still need any date-dependent language in this section?
60. Page 245 – 113-380 Dwelling in commercial industrial districts: Is the term “commercial industrial” appropriate, since Falcon Heights has no industrial districts at this time. Would it be sufficient to say “business districts” or “non-residential districts”?
61. Page 245-246 – Dwelling in commercial industrial districts: There seem to be some contradictions/inconsistencies in this section, for instance between (b) and (g). Is this section appropriate for Falcon Heights?
62. Page 248 – Service stations (c): Effective date of chapter – is this necessary since the original reference is of a date long before the present and, presumable, all existing stations would be in compliance by this time.
63. Page 251 – Tennis courts: This section implies that a building (zoning) permit is required, yes? (But CUP for non-private courts only)
64. Page 252 – Clearcutting (c) certificate of compliance: This seems vague. Who issues the certificate? What are the conditions the owner must comply with? Is this a policy issue the Planning Commission needs to examine in more depth? Is there any state statute or standard that should/could be referenced here?
65. Page 254 – Deleted Subdivision 26. General (environmental): Footnote says not needed and that standards would have to be adopted by ordinance. Are there appropriate standards we need to adopt by ordinance? Should this provision or something similar be in Chapter 22 Environment?

66. Page 255 – 113-416 (b)(5) Election signs: Has a word been left out of this paragraph or an extra word inserted? It doesn't quite make sense.
67. Page 225 – 113-416 (d) Expiration of permit: Here we impose a time limit for the erection of a sign under a permit. We do not have a similar time limit for other kinds of building permits in our code. Do we need such a limit on other kinds of permits? Or is this covered by the Minnesota building code? Or is it not an issue at all?
68. Page 256 – Removal of obsolete and nonconforming signs: This seems to be inconsistent with our ordinance on non-conformities. Should this section be eliminated, or are there still conditions under which the city may order the removal of a sign? Is it good for obsolete signs, whether or not they are conforming? Also, which ordinance is meant by the reference "ordinance from which this section is derived"? Is it the original ordinance that established this measure in our old code, or would it be the ordinance adopting the new code, or something else?
69. Page 260 – Temporary signs: Do we need to specify a time limit on temporary signs? When does a "temporary" sign become de facto permanent? Can we allow temporary signs without a permit provided a reasonable time limit is observed?
70. Page 261 – Ground signs: Are "monument signs" meant to fit into this category? We have several in the city, and they do not seem to fit (the bottom of the sign being at least 30 inches above ground). It is unclear whether they are even allowed in 113-450. It is also unclear what height limit should apply. Do we need to add a category in Division 3 to accommodate these signs?
71. Page 263 – Multifaced signs: The way we have been interpreting this provision is that we do not count both sides of a two-sided sign against the allowed square footage, but if the sign has more than two sides, this provision governs the maximum total area of all sides. Is that correct? And do we need to be more clear about it, here or elsewhere? (See #7 above)

Zoning Code Draft: Structure

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