

City of Falcon Heights Planning Commission

City Hall
2077 W. Larpenteur Avenue

Tuesday, February 24, 2009
7:00 p.m.

A G E N D A

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL: Gosline___ Gustafson ___ Hasegawa_____
 Noble ___ Rodich___ Salzberg_____
 Watkins___ Council Liaison Kuettel ___
 City Administrator Miller___ Staff Liaison Jones ___
 City Attorney _____
- C. AGENDA
1. Introduction of new Commissioners
 2. Election of Planning Commission Chair and Vice-Chair for 2009.
 3. Review of Planning Commission policies and standing rules.
- D. APPROVAL OF MINUTES: November 25, 2008
- E. AGENDA
4. Introduction: Potential changes to garage requirements for multi-family apartment buildings on alleys.
- E. INFORMATION AND ANNOUNCEMENTS
- F. 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.

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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 
Subject: Planning Commission Meeting on February 24, 2009
Date: February 20, 2009

The Planning Commission will meet at 7:00 p.m. on Tuesday, February 24, to take care of some annual business and to begin discussion of a potential change to the city code regarding garages on some multi-family properties.

Please think about whom you might wish to nominate for Chair or Vice-Chair for the year. Generally, these are individuals who have already been on the commission for at least a year. And do consider running yourself, if you've served a year or more. The only duty is presiding at the regular commission meetings and any public hearings that may be held before the commission. Staff will give you plenty of support!

We also have minutes from November and the annual review of commission policies and standing rules. The latter were freshly updated just last year.

The final item on the agenda is a workshop-style discussion of possible options for alternatives to our R-4 setback rules that might make it easier for owners of apartment buildings on the south side of Larpenteur between Arona and Pascal to replace their old garages - which are small and, in some cases, in poor condition. Please see the staff report for details. We recommend that you familiarize yourself with the district regulations from Chapter 13 and the maps attached to the staff report. I will have additional information for you Tuesday evening (or possible emailed earlier) including detailed parking counts for the 9 buildings involved and some "what if" maps.

Please notify staff if you are unable to attend. See you Tuesday evening!

HOME OF THE MINNESOTA STATE FAIR AND THE U OF M INSTITUTE OF AGRICULTURE



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**City of Falcon Heights
Planning Commission Minutes
November 25, 2008**

PRESENT: Commissioners Anderson, Hasegawa, Noble, and Watkins, City Council Liaison Kuettel. Also present was Staff Liaison Deb Jones.

ABSENT: Commissioners Rodich and Salzberg, both with notice

A quorum being present, the meeting was called to order by the Chair at 7:02 p.m. The Planning Commission minutes for July 22, 2008 were approved.

Reaffirm approval of the city's draft comprehensive plan prior to submission to the Metropolitan Council

Staff liaison Jones reviewed the approval process to date. The commission did approve the draft before it was sent to other jurisdictions for the six month comment period. Several changes were made as a result of feedback, most notably to the storm water plan. The storm water plan is now separate and much expanded and is included by reference in the comprehensive plan draft. In addition, other minor changes have been made to the draft. The Council has already given its approval for submission to the Metropolitan Council; the Planning Commission is being asked to add its approval for submission of the plan.

Anderson moved, Noble seconded, that the comprehensive plan be approved for submission with the changes outlined by staff. The motion was approved unanimously.

INFORMATION AND ANNOUNCEMENTS:

Council Member Kuettel commended Ms. Jones for her work on the comprehensive plan. Jones expressed her thanks for the kind words and acknowledged the many people who played a part in putting the plan together, including the Planning Commission. She thanked the commissioners for their work this past year.

ADJOURNMENT: The meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Deborah Jones, Staff Liaison

ITEM: Review of Planning Commission Policies and Procedures

SUBMITTED BY: Deborah Jones, Zoning and Planning Director

REVIEWED BY: Justin Miller, City Administrator

Background:

The attached policies and procedures documents are provided to planning commissioners for reference in support of any work that may come to the commission this year. These documents were extensively reviewed and updated last year, so no additional review or revision is requested at this time, unless the Commission sees the need for additional changes.

Staff recommends that commissioners add these documents to their code binders or computer files for future reference.

Attachments:

- Falcon Heights Planning Commission Standing Rules, February 26, 2008.
- Planning Commission Policies (Title: "B. Planning Commission") from the Falcon Heights Administrative Manual and City Policies
- Falcon Heights City Code, Chapter 2 Administration
- Sikkink's Seven Motion System

Action Requested: None

FALCON HEIGHTS PLANNING COMMISSION
PLANNING COMMISSION STANDING RULES

February 26, 2008

INTRODUCTION

In the belief that the best decisions are made by the best informed decision makers and that the public decision process is best served when the public has every opportunity to present views, the following rules are established to govern regular and special commission meetings as well as formal public hearings. There are several goals behind these rules.

1. In general, free and open discussion by all interested parties should be an essential part of the decision making process.
2. The commission process should have as little procedural overhead as possible.
3. Time is better spent on substantial matters rather than proforma matters.

MEMBERSHIP

The formal commission membership consists of seven to nine appointed commissioners. All seven to nine have one vote each and all can introduce motions. For purposes of leading the meeting, the chair, or in the absence of the chair, the vice-chair will be considered the chairperson. In the absence of the chair and vice-chair, the Commission shall name an acting chair for the duration of the meeting.

RULES

Agenda

1. To be considered, an item must be on the agenda and the agenda must be distributed to all the commission members and any other persons having responsibility for an item at least three working days prior to the meeting. Distribution may be made by electronic media, including the city website. An agenda can be modified with addenda by a majority vote but this should be used only for minor items or items with extreme time constraints.
2. Since there will be audience and possibly cable TV viewers not familiar with each item, the chair, or person appointed by the chair, will give a brief explanation of each item as it is addressed.

Planning Commission Standing Rules

3. The order of items on the agenda need not be followed absolutely. The chair may adjust the order in the interest of:

- a. Filling in time before a scheduled item, i.e., a public hearing.
- b. Grouping several items to best make use of consultant time.
- c. Accommodating individuals who have attended the meeting specifically to provide input on an item.

Process - Regular and Special Planning Commission Meetings

1. For these proceedings the commission will use the 'open discussion' procedure. That is, discussion is open to any member before or after a motion is made. This privilege is also extended to the city planner and any of the consultants who may have an interest in or can contribute to the item at hand.
2. At the discretion of the chair, this privilege is also extended to those members of the audience who wish to provide input. The chair may also rule out of order any input felt to be redundant, superfluous or irrelevant.
3. The chair can make liberal use of the "unanimous consent" procedure. That is, items that in the judgment of the chair are likely to be unanimously approved, can be introduced for approval with the statement "If there are no objections, ... stands approved (or denied)." If any commissioner has an objection, then the item reverts to the standard motion procedure. This "unanimous consent" procedure cannot be used for items requiring formal votes, i.e. resolutions.
4. The standard motion procedure is changed to not require a second. A motion need only be made to be considered. This also applies to amendments.
5. To eliminate confusion, only one amendment will be considered at a time and that amendment must be germane to the motion. An amendment cannot itself be amended. If a change to an amendment is deemed appropriate, the amendment should be withdrawn and reintroduced accordingly.
6. The general mode of voting will be by acclamation but with enough clarity that the individual votes can be recorded in the minutes. If in doubt, the secretary can request a clarification.

Planning Commission Standing Rules

7. The meeting will be electronically recorded and the recording will be retained for at least 6 months following approval of the minutes for that meeting and shall, if possible, be made accessible on the city website during that period. The standard retention can be extended if in the judgment of the city planner such action is warranted.
8. If the commission action is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.
9. No commission meeting will extend beyond 10:00 P.M. except by unanimous vote. This rule is not subject to the modification or suspension provisions of the Standing Rules.

Process - Public Hearings

Since a public hearing is a more formal procedure and often requires certain procedures and actions to be legal, the meeting rules are changed accordingly.

1. The primary aim of a public hearing is to take input from the public. To accomplish this in the most effective manner the chair will introduce the hearing with an explanation of the issues. This explanation will be given by the chair or a person designated by the chair. The use of explanatory visual aids is encouraged.
2. Following the explanation, input from the public will be taken. Prior to accepting input, though, the chair will state the areas where input will be appropriate, the maximum time to be allotted to any individual presenter and any other procedural rules deemed appropriate to guarantee that all concerned parties have a fair and adequate opportunity to be heard.
3. At the discretion of the chair, all individuals wishing to speak must fill out and submit an identification form and speak into a recording microphone. Individuals not wishing to speak in public may provide a written statement. The commission may take up to 15 minutes to review written statements presented at the meeting. If the commission decides to not act on the issue at the public hearing meeting, it may by majority vote extend the time where written input will be taken to a day no later than 1 week before the next meeting where a deciding vote is planned.
4. All speakers are expected to be business-like, to-the-point and courteous. Anyone not abiding by these rules will be considered out-of-order.
5. The commission will refrain from initiating a discussion during the public input phase of the hearing except to clarify points brought up. These 'point of information' requests should be held to a minimum.

6. Once the public testimony phase is complete the chair will announce the public hearing to be closed and the commission will revert back to its open discussion mode of operation. From this point on, public input will only be appropriate when solicited by the commission.
7. Voting on any motion that results from a public hearing may be by roll call if requested by a commissioner.
8. It shall be the intent of the commission to vote on the issue at the same meeting as the public hearing and as close in time to the public hearing as possible. Should it be necessary to defer voting until a later date, that procedure will be clearly explained to the audience.
9. No public hearing will extend beyond 9:30 p.m.
10. If the motion contains conditions, as may occur in conditional use or variance requests, those conditions will be conveyed in writing to the requestor.
11. If the public hearing is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.

ADOPTION/MODIFICATION/SUSPENSION

These rules with the exception of the mandatory 10:00 P.M. adjournment, can be adopted, modified or suspended in whole or in part by a 3/4 vote of the commission. If suspended, they are automatically reinstated at the next meeting. Should they be suspended or a situation occurs that is not covered by the standing rules, Sikkink's Seven Motion System (attached) will apply.

ANNUAL REVIEW

These rules will be reviewed annually in January.

INTERPRETATION

The chair will interpret the rules. However, the chair's interpretation can be appealed by any commission member and can be overruled by a majority vote.

**City of Falcon Heights
Administrative Manual and City Policies
Section II: Commissions**

B. PLANNING COMMISSION

1. Purpose. The commission shall be the city planning agency authorized by Minnesota Statutes, Section 462.354, Subd. 1, which includes guiding future development of land, services, and facilities to ensure a safe, pleasant and economical environment for residential, commercial, and public activities; and to promote the public health, safety, and general welfare of the community by:
 - a. establishing community objectives and policy;
 - b. making recommendations to the council regarding petitions and applications for rezoning, special use permits, etc.
 - c. reviewing and making recommendations on all matters relating to or affecting the physical development of the city.

2. Composition & Qualifications. The commission shall consist of not less than seven nor more than nine members to be appointed by the mayor and approved by the council as follows:
 - a. Members of the commission shall be appointed according to their ability to contribute to and perform the functions, powers and duties imposed upon the commission.
 - b. Members of the commission shall be eligible voters residing within the city.

3. Terms, Vacancies, Oaths. The term of office of all commission members shall be three years. Except for appointments to fill a vacancy, an appointment in any year shall be deemed effective as of January 1 of such year for purposes of computing the term. No member shall serve more than two consecutive three year terms or more than eight consecutive years on the Planning Commission and until an existing term of office expires.

Members shall hold office until their successors are appointed. All members shall serve without compensation, but may be reimbursed for expenses as authorized and approved by the city council.

4. Removal. Commission members shall be subject to removal for cause, by a four-fifths vote of the city council. Failure to attend meetings regularly shall be one basis for removal.
5. Organization, Officers. Each commission shall elect a chairperson from among its appointed members for a term of one year. The commissions may create and fill such other offices as determined necessary.
6. Meetings, Records, Reports. The commissions shall hold scheduled meetings, not less than one per calendar quarter. They shall adopt rules for the transaction of business and shall keep written public records of resolutions, recommendations and findings. On or before February 15 of each year, the commissions shall submit to the council work reports for the preceding calendar year.
7. Commission's Duties. In fulfillment of its purpose the commission's duties and responsibilities shall be to:
 - a. exercise duties given planning agencies by law and any duties conferred upon it by the zoning code and by the city council.
 - b. periodically, but at least once every two (2) years, review the comprehensive plan, any additions or amendments, and any capital improvement program the council has adopted to implement the plan; and if deemed necessary, revise the comprehensive plan, adopt the amendments or the new comprehensive plan, amend the capital improvement program, and make recommendations to council.

Chapter 2
ADMINISTRATION*

* **State Law References:** Statutory cities, Minn. Stats. ch. 412.

Article I. In General

Secs. 2-1--2-18. Reserved.

Article II. City Council

Sec. 2-19. Election and term of office.
Sec. 2-20. Salaries.
Sec. 2-21. Workers' compensation.
Secs. 2-22--2-45. Reserved.

Article III. Officers and Employees

Secs. 2-46--2-63. Reserved.

Article IV. Departments

Secs. 2-64--2-84. Reserved.

Article V. Finance

Sec. 2-85. Fees and charges.
Secs. 2-86--2-113. Reserved.

Article VI. Boards and Commissions

Sec. 2-114. City commissions.
Sec. 2-115. Duties, membership, terms, officers and meetings.
Sec. 2-116. Human rights commission.
Sec. 2-117. Park and recreation commission.
Sec. 2-118. Planning commission.
Secs. 2-119--2-139. Reserved.

Article VII. Background Checks

Sec. 2-140. Purpose; procedures.

ARTICLE I.

IN GENERAL

Secs. 2-1--2-18. Reserved.

ARTICLE II.

CITY COUNCIL*

* **State Law References:** City council generally, Minn. Stats. § 412.191.

Sec. 2-19. Election and term of office.

(a) *City elections.* The regular city elections shall be held on the first Tuesday after the first Monday in November in each odd-numbered year.

(b) *Terms of mayor and councilmembers.* The terms of offices of mayor and the four city councilmembers shall be four years. The councilmember terms shall be staggered with two seats open each election.

(Code 1993, § 2-1.01(A), (B))

State Law References: City elections and terms of office, Minn. Stats. § 412.02 et seq.

Sec. 2-20. Salaries.

(a) *Salary of mayor.* The salary of the mayor shall be \$450.00 per month.

(b) *Salaries of city councilmembers.* The salary of each city councilmember shall be \$300.00 per month.

(Code 1993, § 2-1.01(C), (D); Ord. No. 0-99-08, 11-3-1999)

State Law References: Authority to fix salaries of governing body, Minn. Stats. § 415.11.

Sec. 2-21. Workers' compensation.

Pursuant to Minn. Stats. § 176.011, subd. 9, the elected officials of the city are hereby included in the coverage of the Minnesota Workers' Compensation Act (Minn. Stats. ch. 176). (Code 1993, § 2-1.01)

Secs. 2-22--2-45. Reserved.

ARTICLE III.

OFFICERS AND EMPLOYEES*

* **State Law References:** City officers and employees generally, Minn. Stats. § 412.111 et seq.; municipal officers and employees, Minn. Stats. ch. 418; vacancies, resignations and removals from public office, Minn. Stats. ch. 351.

Secs. 2-46--2-63. Reserved.

ARTICLE IV.

DEPARTMENTS

Secs. 2-64--2-84. Reserved.

ARTICLE V.

FINANCE

Sec. 2-85. Fees and charges.

Fees and charges imposed or required by the city shall be as established by resolution, except as to such fees and charges as are required by state law to be established by ordinance. Any fee or charge fixed by ordinance as of the adoption date of this Code shall continue in full force and effect even though not published in this Code until altered by resolution or ordinance as provided in this section.

Secs. 2-86--2-113. Reserved.**ARTICLE VI.****BOARDS AND COMMISSIONS****Sec. 2-114. City commissions.**

The city council has established the following commissions:

- (1) Planning commission.
- (2) Human rights commission.
- (3) Park and recreation commission.

(Code 1993, § 2-4.01; Ord. No. 98-02, § 1, 4-8-1998)

Sec. 2-115. Duties, membership, terms, officers and meetings.

- (a) *Role of commissions; commissions composition.*

- (1) The commissions are designed to serve in an advisory capacity to the city council.
- (2) The city commissions shall consist of not less than seven and not more than nine members. The majority of members shall be residents of the city, unless otherwise designated in the administrative manual.

(b) *Specific duties.* Specific duties for each commission are included in the administrative manual.

- (c) *Terms, vacancies, oaths.*

- (1) The term of office of all commission members shall be three years. Except for appointments to fill a vacancy, an appointment in any year shall be deemed effective as of January 1 of such year for purposes of computing the term. No member shall serve more than two consecutive three-year terms unless otherwise specified in the administrative manual.

(2) Members shall hold office until their successors are appointed. All members shall serve without compensation, but may be reimbursed for expenses as authorized and approved by the city council.

(d) *Removal.* Commission members shall be subject to removal with or without cause, by a four-fifths vote of the city council. Failure to attend meetings regularly shall be one basis for removal.

(e) *Chairperson; officers.* Each commission shall elect a chairperson from among its appointed members for a term of one year. The commissions may create and fill such other offices as determined necessary.

(f) *Meetings, records, reports.* The commissions shall hold scheduled meetings, not less than one per calendar quarter. They shall adopt rules for the transaction of business and shall keep written public records of resolutions, recommendations and findings. On or before February 15 of each year, the commissions shall submit to the council work reports for the preceding calendar year.

(Code 1993, § 2-4.02)

State Law References: Minnesota Open Meeting Law, Minn. Stats. ch. 13D.

Sec. 2-116. Human rights commission.

The purpose of the human rights commission is to secure for all citizens equal opportunity in employment, housing, public accommodations, public services and education and full participation in the affairs of this community by advising the council on long range programs to improve community relations in the city.

(Code 1993, § 2-4.03)

Sec. 2-117. Park and recreation commission.

The park and recreation commission shall serve in an advisory capacity to the city council on all policy matters relating to public parks and facilities and recreation programs.

(Code 1993, § 2-4.04)

Sec. 2-118. Planning commission.

(a) The commission shall be the city planning agency authorized by Minn. Stats. § 462.354, subd. 1.

(b) The duties of the planning commission are:

(1) To guide future development of land, services, and facilities;

(2) To ensure a safe, pleasant and economical environment for residential, commercial, and public activities; and

- (3) To promote the public health, safety, and general welfare of the community.
 - (c) These duties are to be carried out by:
 - (1) Establishing community objectives and policy;
 - (2) Making recommendations to the council regarding petitions and applications for rezoning, special use permits, etc.;
 - (3) Reviewing and making recommendations on all matters relating to or affecting the physical development of the city.
- (Code 1993, § 2-4.05; Ord. No. 98-02, § 3, 4-8-1998)

Secs. 2-119--2-139. Reserved.

ARTICLE VII.

BACKGROUND CHECKS

Sec. 2-140. Purpose; procedures.

The purpose of this article is to authorize the City of Falcon Heights acting through a police department to conduct computerized criminal history and driver's license history background checks on employees, applicants for employment, volunteers and applicants for city licenses and other city approvals. The city may conduct comprehensive background investigations, including but not limited to accessing data through other automated and non-automated sources and contacting references. The city may periodically conduct a driver's license inquiry upon employees or volunteers where possession of a valid driver's license is an essential qualification of the position. Before the investigation is undertaken, the person must authorize the police department in writing to undertake the investigation and to release the information to the city administrator, and other city staff as appropriate. Should the city reject an applicant's request for employment due, partially or solely, to the applicant's prior conviction of a crime, subject to the exception set forth in Minn. Stats. § 364.09, the city administrator shall notify the applicant in writing of the following:

- (1) The grounds and reasons for the denial;
 - (2) The applicable complaint and grievance procedure set forth in Minn. Stats. § 364.06;
 - (3) The earliest date the applicant may reapply for employment; and
 - (4) All competent evidence of rehabilitation will be considered upon reapplication.
- (Ord. No. 06-05, § 1, 12-13-2006)

SIKKINK'S SEVEN MOTION SYSTEM

General Rules for a Simplified System of Parliamentary Procedure

1. The purpose of this decision making system is to allow efficient decision making that represents a majority position. Any motion, request, discussion or proposal, which seems to have as its purpose unreasonable delay, manipulation, or the goal of serving individual ends rather than group ends, can be ruled out of order by the chair. Such a ruling by the chair will be subject to the motion called appeal.
2. Free and open discussions are valued in this decision making system. For that reason, most motions are discussable and the motion to restrict discussion requires a 2/3 vote in order to pass. In recognizing persons for discussion, the chair first recognizes the person who made the motion, next recognizes other persons and always recognizes a person who has not spoken over a person who has already participated in the discussion. As far as possible, the chair should try to alternately recognize persons representing different viewpoints.
3. In examining the chart on the following page, you will note that five of the seven motions are amendable. However, only one amendment at a time may be considered. As soon as that amendment is passed or defeated, another amendment may be proposed.
4. The number in front of the motion listed indicates the rank of each motion. Thus, #1 – General motions are lowest in rank, and #7 – Restrict Debate motions are highest in rank. Two rules apply:
 - (1) You usually cannot consider two motions of the same rank at the same time, and
 - (2) If a motion of one rank is being considered, a motion of the same rank or lower rank is usually out of order, but a motion of higher rank is in order.

While these rules generally apply, the chair may allow some flexibility in certain circumstances. These situations almost always occur with motions #5, 6 and 7. For example, if #7 - "Restrict Discussion" is being discussed and a member wants a secret ballot vote on the matter, Request, while lower in rank, could be used to accomplish this purpose. The chair is allowed to make all decisions on exceptions, but all such decisions are subject to appeal.

Important Note: The previous page and the chart below are taken verbatim from the existing Administrative Manual of the City of Falcon Heights, now in revision. Please note that in the chart, the motions were put in order of rank from highest (#1) to lowest (#7), the reverse of the text on the previous page. This discrepancy will be corrected in the revision.

Motion	Purpose	Applies To What Situations	Needs Recognition	Needs Second	Can Be Discussed	Amendable	Vote Required
1. Restrict Discussion	To stop or limit discussion	All discussable motions	Yes	Yes	Yes	Yes	2/3
2. Appeal	To let the group vote on a chair's decision	To decision of the chairperson	No	Yes	Yes	No	Majority
3. Request	Not a motion but a way to question, challenge, or seek help	Any appropriate situation	No	No	No	No	Chair decides subject to appeal
4. Postpone	To delay action on any general motion to a future time	General motions	Yes	Yes	Yes	Yes	Majority
5. Refer	To have a general motion studied by a committee	General motions	Yes	Yes	Yes	Yes	Majority
6. Meeting Termination	To recess during a meeting or to end a meeting	Made to recess or adjourn	Yes	Yes	Yes	Yes	Majority
7. General	To bring up business for majority decisions by the group	For doing business	Yes	Yes	Yes	Yes	Majority

ITEM: Garages in R-4 properties with alleys

SUBMITTED BY: Deborah Jones, Zoning and Planning Director

REVIEWED BY: Justin Miller, City Administrator

Background:

R-4 is the zoning designation for multi-family properties that are not otherwise classified (i.e. P.U.D or P-1/R-1). The city has many shapes and sizes of multi-family properties and buildings, but the row of apartment houses on Larpenteur between Arona and Pascal share some characteristics that set them apart from other multi-family properties in the city.

- The buildings are relatively old. All were built in the late 1940s, except 1466 Larpenteur, which was constructed in 1964. These buildings predate our present zoning code.
- All of the buildings are on alleys. No other apartment building properties in the city have alleys
- None of the buildings has sufficient off-street parking to meet the requirements of our present city code or the needs of residents
- All of the lots are small by present standards, ranging from 5552.8 square feet (the size of a small single-family lot in the Northome neighborhood) to 12196.8 square feet (a "double" single family lot). All of them are below the minimum 12,500 square feet required in the R-4 district.

The city has been approached by some owners of these properties who want to replace small or dilapidated garages next to the alley with new garages. The present city code requires setback distances that make it impossible to replace or build detached garages that meet zoning requirements and provide much useful parking. Many variances would be required for the new garages that have been proposed. A simpler approach would be to amend the code to allow detached garages behind these buildings, on the alley, to be built with setbacks comparable to the R-1 properties behind them on California. Staff requests that the Commission discuss the issue and come up with suggestions for amending the code, if appropriate.

Attachments:

- Falcon Heights City Code, Chapter 113, Sections 113-174 through 113-176 (District regulations for R-1, R-2 and R-4)
- Falcon Heights Zoning Map
- Map showing R-4 properties with and without alleys, city-wide
- Map of the block of Larpenteur between Arona and Pascal
- 2006 aerial photo of the block of Larpenteur between Arona and Pascal

Remember that the City Code is online, if you need to look up other sections.

Actions Requested:

- Informally discuss detached garage options for these properties
- Provide direction to Staff and the City Attorney for drafting of a code amendment, if appropriate, to be taken up formally at a future meeting.

Sec. 113-174. One-family R-1 residential district.

- (a) *Scope.* The provisions of this section apply to the R-1 one-family residential district.
- (b) *Permitted Uses.* Within any R-1 one-family residential district, no structure or land shall be used except for one or more of the following uses: one-family detached dwellings.
- (c) *Conditional Uses.* Within any R-1 one-family residential district, no structure or land shall be used for the following uses except by conditional use permit:
 - (1) Public parks and playgrounds.
 - (2) Schools, provided no buildings shall be located within 50 feet of any lot line of an abutting lot in an R use district. Any fence erected around a play area shall be not less than 15 feet from a street line when said fence would be across the street from an R use district.
 - (3) Municipal buildings and structures, excluding storage of maintenance equipment and trucks over 1 1/2 tons, stockpiling of aggregate and open storage of material, but including firefighting apparatus, provided these shall not be located within 30 feet of any lot line of an abutting lot in an R use district.
 - (4) Essential service structures, provided no building shall be located within 50 feet from any lot line of an abutting lot in an R use district. The architectural design of service structures should be compatible to the neighborhood in which they are to be located.
 - (5) Golf courses, country clubs, tennis clubs, public swimming pools serving more than one family.
 - (6) Off-street parking: when the proposed site of the off-street parking abuts on a lot which is in a B district and subject to those conditions set forth in article VI, division 2, subdivision II, and such other conditions as found necessary by the council to carry out the intent of this chapter. However, such off-street parking shall be permitted as a conditional use in any R-1 one-family use district for church parking purposes.
 - (7) Room and/or board for up to four persons.
 - (8) Home occupations not meeting the definitions and requirements of section 113-391.
- (d) *Permitted accessory uses.* No accessory structures or use of land shall be permitted except for one or more of the following uses:
 - (1) Home occupations meeting the definitions and requirements of section 113-391.
 - (2) Private tennis courts, provided no portion of the paved or fenced area is within a required front yard or less than ten feet from a property line.
 - (3) One private garage or carport and parking space as regulated in section 113-240.
 - (4) Private automobile repair or reconditioning as regulated in section 113-250.
 - (5) Gardening and other horticultural uses where no retail sale of products is conducted on the premises.
 - (6) Keeping of domestic pets as required in the Code.
 - (7) Signs as provided in subsection (g) of this section.

- (8) Decorative landscape features and fences as regulated herein.
 - (9) Accessory buildings other than detached private garages as regulated herein. The design and placement of the accessory buildings must be approved by the planner as being in harmony with the surrounding residential neighborhood.
 - (10) Buildings temporarily located for purposes of constructing on the premises for a period not to exceed the time necessary for such construction (approved by zoning administrator).
 - (11) One compost area, or one compost structure as defined in section 113-240(l), of leaves, grass clippings, and plant trimmings (not including fruits and vegetables) not to cover more than 25 square feet in area and five feet in height in the rear yard. A larger composting area requires a permitted accessory use permit. The compost shall be maintained according to accepted composting practices for the residential yard.
 - (12) Garage and residential boutique sales limited to four sales each calendar year per residential unit, not to exceed ten consecutive days or two consecutive weekends each.
- (e) *Lot area, height, lot width and yard requirements.*
- (1) No structure or building shall exceed two stories or 25 feet in height aboveground level, whichever is lesser in height, except as provided in section 113-243.
 - (2) A side yard abutting a street shall be at least 20 percent of the width of the lot.
 - (3) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth in this section and section 113-241.

TABLE INSET:

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
10,000 sq. ft.	75 feet interior lot, 90 feet corner	30 feet	5 feet	30 feet

Flexibility may be provided by allowing the side yard to be decreased to a minimum of three feet if a maintenance easement is recorded on the deeds of all affected properties. (No fences or significant landscaping could be installed in the easement areas).

- (f) *Off-street parking and loading.* As provided in article VI, division 2 of this chapter.
 - (g) *Signs.* As provided in section 113-449.
 - (h) *Swimming pools.* As permitted in section 113-382.
- (Code 1993, § 9-4.01; Ord. No. 0-89-12, 7-26-1989; Ord. No. 0-89-16, 11-8-1989; Ord. No. 0-91-2, 1-23-1991; Ord. No. 0-91-13, § 2, 11-27-1991; Ord. No. 0-99-09, § 3, 12-15-1999; Ord. No. 00-01, 6-3-2000)

Sec. 113-175. One- and two-family R-2 residential district.

- (a) *Scope.* The provisions of this section apply to the R-2 one- and two-family residential district.
- (b) *Permitted uses.* No structure or land shall be used except for one or more of the following uses:
 - (1) One- or two-family detached dwellings.

- (2) All permitted uses in the R-1 district.
 - (c) *Conditional uses.* Conditional uses shall be as permitted in the R-1 district.
 - (d) *Permitted accessory uses.* No accessory structures or use of land shall be permitted except for one or more of the following uses: all accessory uses as permitted in the R-1 district.
 - (e) *Lot area, height, lot width and yard requirements.* The following minimum requirements shall be observed subject to any additional requirements, exceptions or modifications as set forth herein:
 - (1) One-family building as required in the R-1 district.
 - (2) Two-family building as required for a one-family building except that any building with two families shall have a minimum lot area of 12,500 square feet.
 - (f) *Off-street parking and loading.* As provided in article VI, division 2 of this chapter.
 - (g) *Signs.* As provided in section 113-449.
 - (h) *Swimming pools.* As permitted in section 113-382.
 - (i) *Permitted encroachments on required yards.* As permitted in the R-1 district.
- (Code 1993, § 9-5.01; Ord. No. 0-93-07, § 6, 7-28-1993)

Sec. 113-176. R-4 medium density multiple-family residential district-apartment buildings.

- (a) *Scope.* The provisions of this section apply to the R-4 medium density multiple-family residential district.
- (b) *Permitted uses.* All permitted uses in the R-2 district.
- (c) *Conditional uses.* No structure or land shall be used for the following uses except by conditional use permit, except that multifamily dwellings shall not exceed 12 per acre:
 - (1) Any conditional use permitted in the R-1 and R-2 districts.
 - (2) Conversion or enlargement of existing homes to accommodate one-, two-, three- or four-dwelling units.
 - (3) Large group homes as defined in this chapter.
 - (4) Townhouses. See performance standards as permitted in article VI, division 3 of this chapter.
 - (5) Buildings containing two or more dwelling units not exceeding 12 dwelling units per acre.
- (d) *Permitted accessory uses.* The following uses shall be permitted accessory uses:
 - (1) All accessory uses as permitted in the R-1, R-2 districts.
 - (2) Conversion or enlargement as required by terms of a conditional use permit.
- (e) *Lot area, height, lot width and yard requirements.*
 - (1) See performance standards as permitted in article VI, division 3 of this chapter (or as required by conditional use permit).
 - (2) No structure or building shall exceed three stories, or 30 feet, whichever is lesser in height, except as provided in section 113-243.

- (3) A side yard abutting on a street shall not be less than 30 feet in width, and when a side yard of a multiple-family structure abuts a single family residence, the side yard shall not be less than 20 feet.
- (4) The following minimum requirements shall be observed subject to additional requirements except as a modification set forth in this section and section 113-241.

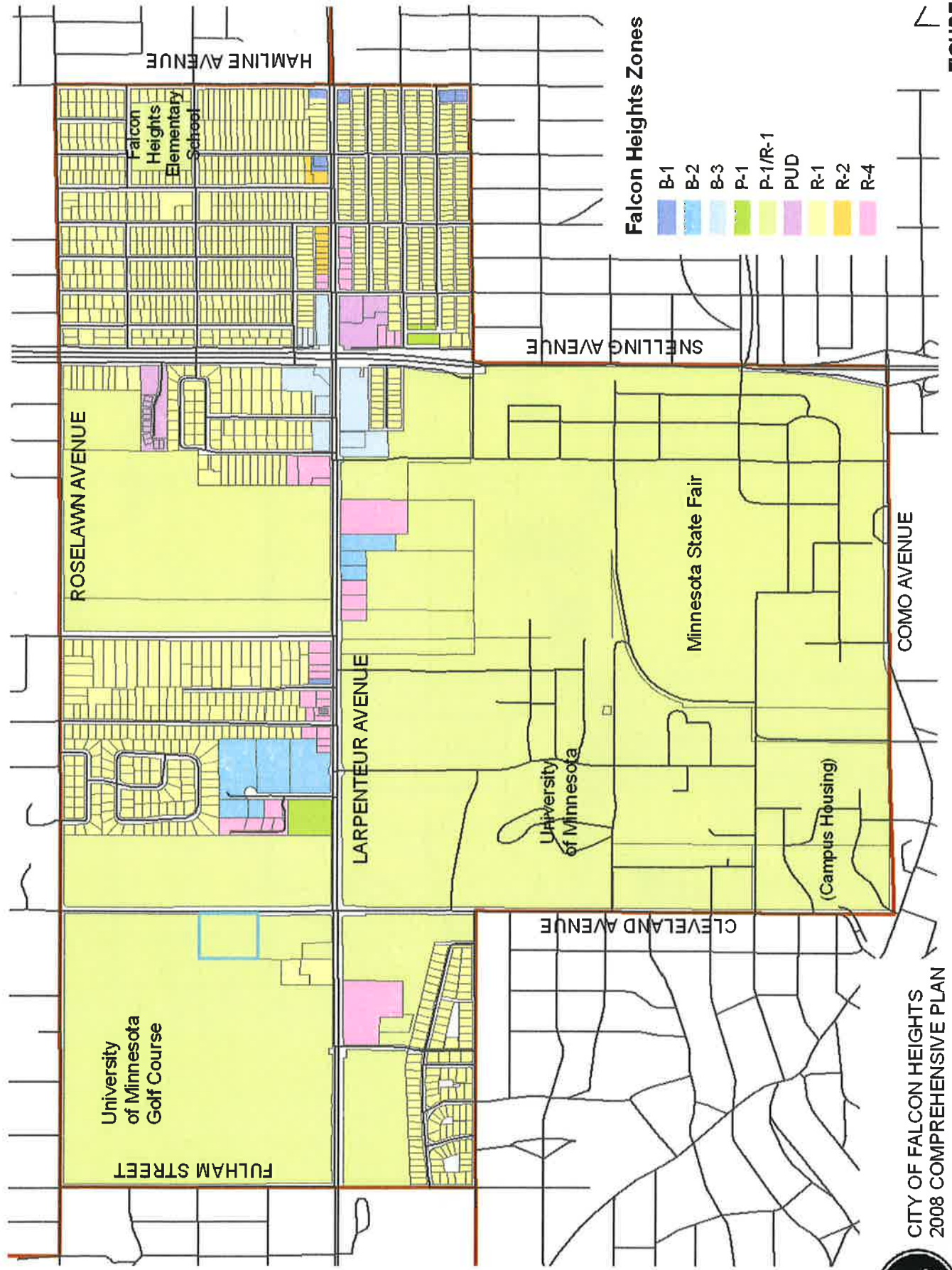
TABLE INSET:

Lot Area*	Lot Width	Front Yard	Side Yard	Rear Yard
12,500 sq. ft.	90 feet	30 feet	10 feet or 1/2 the height of the building, whichever is greater	30 feet

*Lot area for single-family residence may be reduced to 10,000 square feet.

- (f) *Off-street parking and loading.* As provided in article VI, division 2 of this chapter.
 - (g) *Signs.* As provided in section 113-449.
 - (h) *Swimming pools.* As permitted by the R-1 district.
- (Code 1993, § 9-7.01; Ord. No. 0-93-07, § 7, 7-28-1993)

City of Falcon Heights Zoning 2006



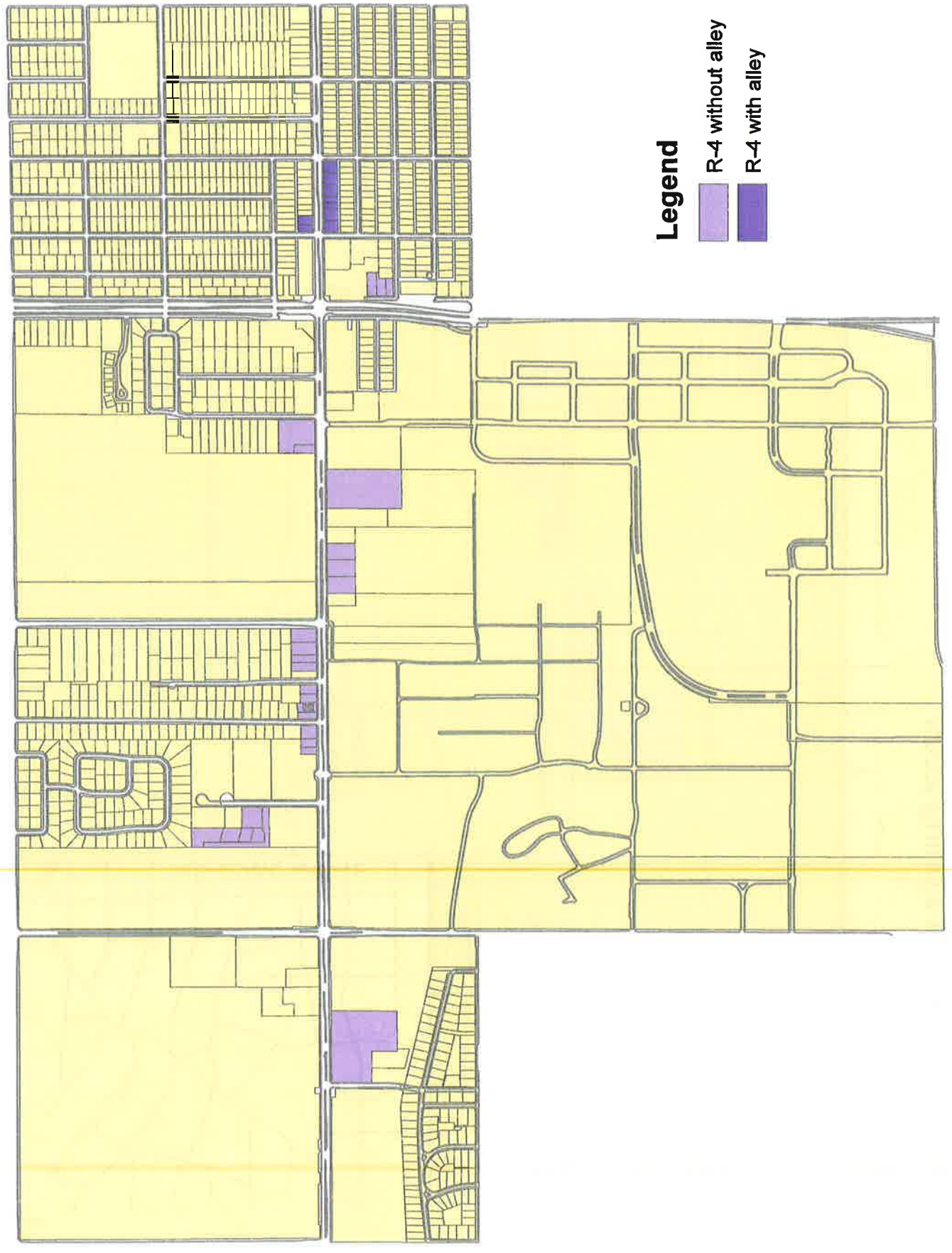
Falcon Heights Zones

- B-1
- B-2
- B-3
- P-1
- P-1/R-1
- PUD
- R-1
- R-2
- R-4



FIGURE 6

Falcon Heights R-4 (Multi-Family) Properties



Legend

- R-4 without alley
- R-4 with alley

R-4 Properties with Alleys - Close up

Falcon Heights



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (February 2, 2009), The Lawrence Group (February 2, 2009) for County parcel and property records data; February 2009 for commercial and residential data; April 2006 for color aerial imagery.

Aerial Photo Unselected - R-4 with alleys

Falcon Heights



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