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## City of Falcon Heights Planning Commission

City Hall  
2077 W. Larpenteur Avenue

April 24, 2012  
7:00 p.m.

### A G E N D A

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL:       Black \_\_\_\_ Brown \_\_\_\_ Fite \_\_\_\_ Gustafson \_\_\_\_  
                          Minns \_\_\_\_ Noble \_\_\_\_ Wartick \_\_\_\_  
                          Council Liaison Harris \_\_\_\_  
                          City Administrator Fischer \_\_\_\_ Staff Liaison Jones \_\_\_\_  
                          City Attorney \_\_\_\_
- C. Approval of the minutes for February, 2012
- D. AGENDA ITEM (tabled from February): Discussion and recommendation to the City Council on proposed front porch ordinance amendment, revised
- G. INFORMATION AND ANNOUNCEMENTS
- H. ADJOURN to workshop

**Workshop:** At the request of the City Council, the Planning Commission will explore allowing certain kinds of special events under special permit, in particular, the temporary (i.e. one day) expansion of restaurant service into outdoor space not usually part of their regular business. The City has received at least three such requests this year from local businesses, and the zoning code does not allow such events at this time. At this initial workshop (planned but not held in March due to lack of time), Commissioners will receive an orientation on the zoning issue from staff and have the opportunity to become familiar with the way some other cities handle events of this kind.

*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  
February 28, 2012**

**PRESENT:** Commissioners Black, Brown, Gustafson, Minns, Noble, Wartick, Council Member Harris, Staff Liaison Jones.

**ABSENT:** Commissioners Fite and Minns

The meeting was called to order at 7:02 p.m. by the 2011 Chair, Commissioner Black, who noted that a quorum was present.

The minutes for January, 2012, were approved by acclamation with one correction. The extraneous words "elected Commissioners" were struck out of the sentence on chair and vice-chair election.

Staff Liaison Jones introduced new City Administrator Bart Fischer, who was attending the Planning Commission for the first time.

**Public Hearing on the proposed front porch amendment**

Ms. Jones introduced the topic by giving the audience some background on the terms and concepts addressed in the ordinance. Front porches had gone out of fashion in home architecture during the period when most Falcon Heights homes were built. Styles have changed again, and now people approach the city about adding front porches or covered entries. However, most houses were built up very close to the front setback line, which means that any functional front entry or porch would have to encroach into the front setback. The city code allows certain specific encroachments into the setback, but front porches are not included. Jones explained that front porches are not prohibited. They can be built behind the setback line. They're simply not included among the things that are allowed to extend into the front setback area. The proposed code amendment would add certain kinds of front porches as allowed encroachments.

Commissioner Black reminded the audience that the City Council will make the final decision; the Commission makes a recommendation to the Council. He stated that the Commission had several workshops in 2011 to review research on ordinances in other cities regarding front porches.

Commissioner Black opened the hearing. Three people were in attendance: Melanie Leehy of 1800 Larpenteur; Kris Grangaard of 1727 Simpson; Diane Ross of 1825 Simpson. All three spoke enthusiastically in favor of allowing front porch encroachments. They cited the social benefits to neighborhoods and the added value to homes.

In response to a question from Ms. Grangaard regarding uncovered porches or decks in front of houses, Jones said that those are handled separately in our code and require a variance to encroach into the front setback. This seems to be a hold over from a time when the standards for granting a variance were much less strict, so this is something the Commission should

look at fixing. However, decks are not under consideration in the amendment under consideration.

### **Planning Commission Discussion**

Commissioner Black opened the discussion by pointing out that are two conflicting goals in operation here. He feels commissioners agree that porches are a good thing, but front setbacks exist for a reason. Allowing these structures could make our streetscapes narrower visually, in effect extending houses forward. This would definitely have an impact on the neighborhood that might not be so positive.

Commissioner Wartick expressed a similar concern about the impact on the streetscape. He raised an additional concern that front porches might be “filled in” as in many St. Paul neighborhoods, becoming an additional closed room at the front of the house.

Commissioner Brown said he favors the idea of front porches. He does not think six feet would be enough of an encroachment to have a negative impace on the streetscape. Views are already obscured by trees and bushes. If porches are required to remain open, not walled in, they can be an inviting amenity.

Commissioner Noble asked how many houses are up close to the front setback line. Jones said she didn't have an exact count but a look at aerial photos shows that “most” homes are lined up along the setback line. They might be back a few feet but not far enough to add anything “useful” between the existing front wall and the setback line. There are a few houses that are farther back, particularly on some of the very deep lots.

Commissioners then got into an involved discussion regarding whether or not the proposed amendment grants more scope for encroachment into side setback than the Commission perhaps intended. Commissioner Brown said he would prefer that the amendment not allow any encroachment into side setbacks.

Commissioner Wartick said he does not favor allowing extension of houses into the setback and he feels this is what will happen with this amendment. He felt covered entries could be allowed but the amendment as proposed is too broad. Commissioners Noble and Gustafson and Council Member Harris also expressed reservations with the language as stated.

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As discussion continued, Commissioners realized that they were returning to questions that they should have addressed in the workshop process. Noble moved that the matter be tabled to allow the Commission more time to work on these questions. The motion passed.

Jones reminded the Commission and the audience that the required public hearing has been held and another public hearing would not be required as long as the Commission does not end up recommending something substantially different. Several Commissioners expressed thanks to the people from the community who showed up to speak at the hearing.

**Information and Announcements:**

Council Member Harris announced the upcoming women's safety workshop at City Hall. She said she attended a similar workshop and what she learned allowed her to avoid an assault. Jones reminded people to call and register.

City Administrator Fischer said he had enjoyed meeting the Planning Commission.

**ADJOURNMENT:** The meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Deborah Jones, Staff Liaison



**The City That Soars!**

## REQUEST FOR PLANNING COMMISSION ACTION

|                     |  |
|---------------------|--|
| <b>Meeting Date</b> | April 24, 2012   |
| <b>Agenda Item</b>  | 1  |
| <b>Title</b>        | Ordinance amending the Falcon Heights zoning code to allow certain front porch encroachments |
| <b>Submitted By</b> | Deborah Jones, Staff Liaison   |

|                            |   |
|----------------------------|---|
| <b>Description</b>         | An ordinance is proposed to amend the City Code to allow limited encroachment of open front porches into required front yards in residential zones.   |
| <b>Background</b>          | <p>At the request of the City Council in 2011, the Planning Commission undertook an exploration of whether to add front porches of some kind as permitted encroachments into required front yards in residential zones. Falcon Heights currently does not include this type of structures as an allowed encroachment into front setback. An ordinance was proposed, based on a model from another city, to define porches and allow them on a limited basis.</p> <p>In February, 2012, the Planning Commission held a public hearing on the proposed ordinance. The hearing was attended by three community members who supported the principle of front porches as amenities that improve neighborhoods.</p> <p>In the ensuing discussion, Commissioners found that the specific limits in the proposed ordinance raised new questions about side setbacks and concerns that the amendment as written might open the door to some unintended consequences. In particular, there seemed to be scope for very large porches in some cases, and some Commissioners were concerned that the amendment would result in a significant narrowing of the visual streetscape and a negative impact on neighborhood character.</p> <p>Commissioners voted to table action on the amendment in order to discuss these concerns. At a workshop in March, after careful discussion, new language was proposed that removes any chance of side yard encroachment and limits the square feet of front yard encroachment that would be allowed. No new hearing is required. The revised amendment is presented for Planning Commission action.</p> |
| <b>Budget Impact</b>       | None  |
| <b>Attachment(s)</b>       | <ul style="list-style-type: none"> <li>Proposed ordinance amending Chapter 113 (original and revised versions)</li> </ul>   |
| <b>Action(s) Requested</b> | <ul style="list-style-type: none"> <li>Make a recommendation to the City Council</li> </ul>   |

ORDINANCE NO. \_\_\_\_\_

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

**AN ORDINANCE AMENDING CHAPTER 113 OF  
THE CITY CODE CONCERNING PORCHES**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

**SECTION 1.** Section 113-3 of the Falcon Heights City Code is amended by adding the following definition:

Porch means a roofed, open area attached to a building with direct access to and from the building to which it is attached.

**SECTION 2.** Section 113-241 of the Falcon Heights City Code is amended by adding Subsection (b)(5) to provide as follows:

- (5) Porches with open railings which do not have walls, doors, windows or screens and which do not extend above the roof line of the building to which they are attached may encroach into the required front yard six feet if they are a minimum of five feet from any interior side lot line, nine feet from any side yard line abutting a street, and 24 feet from any front lot line.

**SECTION 3. Effective Date.** This ordinance shall take effect from and after its passage.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: \_\_\_\_\_  
Peter Lindstrom, Mayor

ATTEST:

\_\_\_\_\_  
Justin Miller, City Administrator/Clerk

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- (5) Porches with open railings which do not have walls, doors, windows or screens and which do not extend above the roof line of the building to which they are attached may encroach into the required front yard six feet if they are a minimum 24 feet from any front lot line. The encroachment into the front yard may not exceed 50 square feet.

**SECTION 3. Effective Date.** This ordinance shall take effect from and after its passage.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: \_\_\_\_\_  
Peter Lindstrom, Mayor

ATTEST:

\_\_\_\_\_  
Bart Fischer, City Administrator/Clerk



**The City That Soars!**

## REQUEST FOR PLANNING COMMISSION ACTION

|                     |  |
|---------------------|--|
| <b>Meeting Date</b> | April 24, 2012   |
| <b>Agenda Item</b>  | Workshop   |
| <b>Title</b>        | Orientation on zoning issues regarding "special" or limited events |
| <b>Submitted By</b> | Deborah Jones, Staff Liaison                                       |

|                            |   |
|----------------------------|---|
| <b>Description</b>         | The Commission will receive information from staff on earlier Council workshop discussions set in motion by requests from businesses in the City. Staff will provide background and research materials.   |
| <b>Background</b>          | <p>The City has been approached by three food service related businesses - Stout's Pub, The Coffee Grounds, and Dino's Gyros - inquiring whether these businesses would be allowed to host some variation of tented event, such as a "beer garden", on a limited basis. That is, they are interested in doing this as a one-time or occasional or annual event.</p> <p>The city code does not make any provision for this type of event. The city attorney confirms that it is not allowed. Many cities have special event ordinances to allow events under special permits.</p> <p>The City Council discussed the matter in earlier workshops and has been receptive to the idea of asking the Planning Commission to study the issue and make a recommendation.</p> |
| <b>Budget Impact</b>       | Unknown   |
| <b>Attachment(s)</b>       | <ul style="list-style-type: none"> <li>• City of Plymouth special event ordinance provided as a model</li> <li>• Portions of the Falcon Heights code which already address some events in the Plymouth ordinance</li> </ul>   |
| <b>Action(s) Requested</b> | <ul style="list-style-type: none"> <li>• None at this time.</li> </ul>  |



## **City of Plymouth – Event Ordinance (Administrative Permit)**

21455.11. USES BY ADMINISTRATIVE PERMIT: Subject to applicable provisions of this Section, performance standards established by this Chapter, and processing requirements of Section 21025, the following are uses allowed in the C-1 District by administrative permit as may be issued by the Zoning Administrator:

Subd. 8. Temporary events and outdoor sales subject to the following criteria:

(a) Special Promotional Events (except Carnivals).

(1) Such activity is directed towards the general public and includes grand openings, business events, craft shows, flea markets, mechanical and animal rides, and outdoor display of materials.

(2) The event shall not exceed the period specified in the administrative permit and in no case shall exceed three (3) consecutive calendar days per event.

(3) There shall be no more than two (2) special events per calendar year per property. However, each tenant in a multi-tenant building shall be permitted one (1) special event per year. Multi-tenant buildings with less than five (5) lease-spaces shall be considered as a single property for purposes of this provision.

(b) Carnivals.

(1) The applicant must submit an amusement license application as required by Section 1100 of the City Code.

(2) The event shall not exceed the period specified in the administrative permit and in no case shall exceed seven (7) consecutive calendar days per event.

(3) There shall be no more than one (1) carnival per calendar year per property.

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(c) Outdoor Sales, including but not limited to transient merchants and transient produce merchants (excluding Christmas Tree Sales):

(1) Such activity is directed towards the general public and includes warehouse sales, sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, sales of fireworks, seasonal merchandise sales (except Christmas trees), and transient merchant and transient produce merchant sales.

(2) The following specific standards shall apply to all proposed temporary outdoor sales activities allowed by this paragraph and by City Code business licensing provisions in addition to other applicable building and safety code requirements as determined by the Zoning Administrator.

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a. The maximum total time for temporary outdoor sales activities shall be the period specified in the administrative permit and, in no case, shall exceed ninety (90) days per calendar year per property.

b. There shall be no more sales activities than those specified in the administrative permit and, in no case, shall there be more than ten (10) sales activities per year per property

c. Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Temporary sales on unpaved landscaped areas is prohibited.

d. Sales of fireworks shall also be regulated by Section 1110 of the City Code.

**(d) Outdoor Christmas Tree Sales.**

(1) Such activity is directed towards the general public and consists of the outdoor sales of cut evergreen trees, boughs, wreaths and other natural holiday decorations and related products.

(2) The following specific standards shall apply to all proposed outdoor Christmas tree sales allowed by this paragraph and by City Code business licensing provisions in addition to other applicable building and safety code requirements as determined by the Zoning Administrator.

a. The maximum total time for sales activities shall be the period specified in the administrative permit and, in no case, shall exceed forty-five (45) days per calendar year per property.

b. There shall be no more than one (1) sales activity per year per property, which shall be in addition to any special events or other outdoor sales permitted on the property.

c. Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Sales on unpaved landscaped areas is prohibited.

(e) General Standards applying to all temporary events and outdoor sales.

(1) The event or sale shall be accessory to or promoting the permitted or conditional use approved for the site.)

(2) Tents, stands, and other similar temporary structures may be used, provided they are clearly identified on the submitted plan and provided that it is determined by the Zoning Administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.

(3) The submitted plan shall clearly demonstrate that adequate off-street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the Zoning Administrator who shall consider the nature of the event and the applicable parking requirements of Section 21155. Consideration shall be given to the parking needs and requirements of other occupants in the case of multi-tenant buildings. Parking on public right-of-way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the Police Chief, at the petitioner's expense.

(4) Signage related to the event or sale shall be in compliance with the temporary sign standards of Section 21155 and shall be allowed for the duration of the event. The Zoning Administrator may authorize special signage for purposes of traffic direction and control; the erection and removal of such signage shall be the responsibility of the applicant.

(5) The approved permit shall be displayed on the premises for the duration of the event.

(6) All activity related to the event or sale must take place within the time permitted in the administrative permit. No buildings, equipment or materials may be erected or displayed prior to the start date identified in the permit application and all structures, equipment and displays must be removed by the end date identified in the administrative permit.

(7) Not more than one (1) such event or sale shall be allowed per property at any given time.

## ARTICLE IV.

### HOLIDAY TREE LOTS

#### Sec. 14-73. Restrictions that govern issuance of license.

The following restrictions shall govern the issuance and continued validity of a holiday tree sales license:

- (1) Such license shall be granted only in a district in which such activity is authorized by chapter 113, zoning, or for an existing nursery or garden store.
- (2) Adequate off-street parking shall be provided on the site or adjacent thereto.
- (3) In the event the site is to be artificially illuminated, all lighting shall be directed to not create a glare on the traveled portion of any public street and so as not to shine upon any residentially used property.

(Code 1993, § 5-1.03(B)(3))

#### Sec. 14-74. Information to be provided by applicant for license.

The applicant shall provide the address and the parking to be provided on the property or adjacent property.

(Code 1993, § 5-1.03(B)(2))

### Chapter 113

*Sale, sidewalk*, means the selling of goods by a business proprietor just outside of the public customer entrance of the proprietor's business where the merchandise sold outside is similar to what is ordinarily sold inside the abutting business and the sales are managed and operated by the abutting business proprietor.

#### (B -1)

(f) *Other requirements*. All uses shall in addition to all other requirements comply with the following standards:

- (1) No bars on doors or windows during business hours.
- (2) No automatic interior or exterior security lock doors or doors that require request for entry or exit during business hours.
- (3) No exterior storage of merchandise except for nursery stock associated with a florist.
- (4) No exterior sales of merchandise except for a three-day period twice a year as a sidewalk sale or for merchandise associated with a florist.

**(B-2)**

(f) *Other requirements.* All uses shall in addition to all other requirements apply the following standards:

- (1) No bars on doors or windows during business hours.
- (2) No automatic interior or exterior security lock doors or doors that require request for entry or exit during business hours.
- (3) No exterior storage of merchandise except for nursery stock associated with a garden supply store or florist.
- (4) No exterior sales of merchandise except for nursery stock associated with a garden supply store or florist.

**(B-3)**

(f) *Other requirements.* All uses shall, in addition to all other requirements, apply the following standards:

- (1) No bars on doors or windows during business hours.
- (2) No automatic interior or exterior security lock doors that require request for entry or exit during business hours.
- (3) No exterior storage of merchandise.
- (4) No exterior sales of merchandise except twice a year for three days at a time as a sidewalk sale.