**CITY OF NORTH ST. PAUL PLANNING COMMISSION**
**REGULAR MEETING AGENDA**
**THURSDAY, MAY 7TH, 2020**
**6:15 PM**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

## I. CALL TO ORDER

## II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair
Patrick Blees, Commissioner
Rick Gelbmann, Commissioner
Trisha Hamm, Commission Vice-Chair
John Monge, Commissioner
Tom Sonnek, Commission City Council Liaison
Michael Stahlmann, Commissioner
Allan Worm, Commissioner

STAFF

Erin Perdu, Planning Consultant
Olivia Boerschinger, Planning Secretary

## III. ADOPT AGENDA

## IV. APPROVAL OF MINUTES

**A.** Approval of the April 2nd, 2020 regular meeting minutes.

## V. MEETING OPEN TO THE PUBLIC

*Note: This is a courtesy extended to persons wishing to address the Commission concerning issues that are not on the agenda. This discussion will be limited to 15 minutes.*

## VI. PUBLIC HEARING

**A.** Conditional Use Permit - Caring for Cats, 2550 7th Ave

## VII. OLD BUSINESS

**A.** 2020 Zoning Updates Discussion

**B.** Ordinance Text Amendment: Keeping of Chickens and Bees

## VIII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

## IX. REPORTS FROM STAFF

## X. REPORTS FROM COMMISSIONERS

**A.** Update from City Council Liaison

## XI. ADJOURNMENT

**The next regularly scheduled Planning Commission Meeting is Thursday, June 4th, 2020 at 6:15 p.m.**

**CITY OF NORTH ST. PAUL**
**PLANNING COMMISSION**
**REGULAR MEETING MINUTES**
**THURSDAY, APRIL 2, 2020**
**6:15 P.M.**

## I. CALL TO ORDER

Chair Barton called the meeting to order at 6:15 p.m. The meeting was conducted via Zoom video conference.

## II. ROLL CALL

COMMISSION
Elaine Barton, Commission Chair
Patrick Blees, Commissioner
Rick Gelbmann, Commissioner
Trisha Hamm, Commission Vice Chair
John Monge, Commissioner
Tom Sonnek, Commission City Council Liaison
Michael Stahlmann, Commissioner
Allan Worm, Commissioner

STAFF
Erin Perdu, City Planner
City Engineer Morgan Dawley
City Manager Scott Duddeck
Olivia Boerschinger, Planning Secretary

## III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Gelbmann, and seconded by Commissioner Worm, with all present voting aye (7-0). Motion carried to adopt the April 2, 2020 Agenda.

## IV. APPROVAL OF MINUTES

A. February 27, 2020 and March 5, 2020 regular meeting minutes.

Chair Barton requested the following correction to the February 27, 2020 meeting minutes:

-Page 4 of 7, 2nd to the last paragraph, 1st sentence - replace "Mr. Barton" with "Mr. French"

Motion to approve Minutes by Commissioner Stahlmann, and seconded by Commissioner Hamm, with all present voting aye (7-0). Motion carried to approve the February 27, 2020 regular meeting minutes as amended.

Commissioner Gelbmann requested the following corrections to the March 5, 2020 meeting minutes:

-Page 3, 5th paragraph - replace "Gelbmann" with "Stahlmann"
-Page 10 of 14, 2nd to last paragraph, 3rd sentence, 4th word in City Council Liaison Sonnek's comment - "this" refers to the keeping of chickens and bees

Ms. Boerschinger agreed to clarify the section containing City Council Liaison's comment.

Motion to approve Minutes by Commissioner Gelbmann, and seconded by Commissioner Worm, with all present voting aye (7-0). Motion carried to approve the March 5, 2020 regular meeting minutes as amended.

## V. MEETING OPEN TO THE PUBLIC

John Schmahl, 2750 Chisholm Avenue, stated he joined the video meeting to see how it works, in preparation for the City Council meeting.

City Planner Erin Perdu stated the web address for accessing the meeting will be published with the meeting agenda.

## VI. PUBLIC HEARING

A. Final Planned Unit Development (Tveten 7th Street Townhomes) – 2242 7th Street N

Ms. Perdu reviewed the final Planned Unit Development (PUD) plan for the 7th Street townhomes project, on 3.4 acres of heavily wooded property across from the Urban Ecology Center.

Commissioner Worm stated the record should reflect that the property to be developed into townhomes is not across the street from the Urban Ecology Center. Ms. Perdu agreed.

Ms. Perdu stated the 18 proposed townhomes would be accessed off of a private road from 7th Street. Three additional single-family homes are proposed on 6th Street but are not included in the PUD. The PUD includes requirements for drainage utility easements around the parcel and larger easements for storm ponds as well as tree preservation. Exterior lighting is not proposed as a condition of the PUD. The landscaping plan satisfies PUD requirements, although some new trees are shown within the drainage and utility easement, and tree removal information has been requested from the applicant.

Ms. Perdu stated other items included in the PUD are screening for HVAC, and confirmation of open space area, including 2.98 acres of usable open space excluding the roadway and stormwater areas. Several of the Engineer's comments have been addressed with this new submittal.

Ms. Perdu stated the plans show that 88 trees are proposed to be removed from the site, including 40 oak trees that are 8-inch diameter at breast height. She added North St. Paul does not have requirements for tree preservation or definition of "significant tree", but breast height is a dimension used by other local governments. She noted the landscape plan meets minimum requirements; however, given the heavily wooded nature of the site and the number of large trees that will be removed, the Planning Commission could consider a condition that more trees be added for public benefit.

Ms. Perdu stated additional architectural detail has been provided to ensure that the plans meet architectural design standards. The proposed buildings would have multiple exterior finishes including stone accents, unit modulation, recessed porches and bump-outs. The cul-de-sac also creates variation.

Commissioner Gelbmann requested clarification regarding exterior lighting plans, as he did not see evidence of lighting on the exterior rear of the buildings. Ms. Perdu stated there are no lights proposed for common areas, on the street or open spaces. She added each unit will have exterior front façade lighting. She added she would ask the developer to address rear lighting.

City Engineer Morgan Dawley stated, with regard to stormwater issues, the developers have addressed all of the Engineer's comments and stormwater management verification has been provided, including additional retention. A developer's agreement will be required to define ownership and maintenance of improvements on the site; stormwater management maintenance agreements; and requirements pertaining to construction and City standards for utilities. Submitted calculations have been reviewed and approved by Ramsey Washington Metro Watershed District and City Staff.

Ms. Perdu stated City Staff recommends Planning Commission recommendation of City Council approval of the final PUD with conditions and final plat with conditions, with revised drawings showing building envelopes with required setbacks.

Commissioner Blees stated drawings submitted by the applicant shows existing trees within drainage and utility easements. He asked whether the intent is to limit trees within those areas.

Mr. Dawley stated the intent is to ensure that significant landscaping or plantings or trees will not impede drainage. He added trees should not be located within utility easements. He noted this will be reviewed at final pre-construction phase to ensure that these areas are cleared for drainage.

City Council Liaison Sonnek stated the PUD gives the City the opportunity to request that additional trees are saved, or other trees can be added. The applicant has gone above and beyond meeting the tree planting requirement. He added removal of a majority of trees from the site, including mature oak trees, will have a big impact on the neighborhood. He noted the site should be reviewed to determine if any other trees can be saved, and if not, whether there are areas where new trees could be planted.

Commissioner Blees asked whether the tree count includes only healthy trees. Ms. Perdu stated she is unsure.

Chair Barton asked whether the total amount of open space takes into account building envelopes. Ms. Perdu stated the building footprints were not subtracted from the total open space requirement, which is 500 square feet per townhome unit. She added the proposal is far in excess of that requirement. She added she could ask the developer to subtract the building footprints.

Doug Andrus, the applicant, stated the only trees that were counted were 8" diameter or bigger. Any trees that were leaning or appeared to be dead were not counted.

Chair Barton asked whether it will be possible to save additional trees or add more new trees to what is being proposed. Mr. Andrus stated they plan to save as many trees as possible. He added the trees that are proposed to be removed are near the building footprints, and any new trees would have to be added around the outside of the property, which is a drainage and utility easement. He noted he would be willing to work with the City Engineer to determine whether there are areas where new trees could be planted.

Chair Barton opened the public hearing at 7:01 p.m.

Rob Aurelius, 2271 7th Street N, stated he sent an email to City Staff. He added the plans show that the townhomes are 10 feet shallower than what was previously shown. He added everything could be shifted back. He noted he sent a plan that showed the setbacks can be 23 feet from the street.

Mr. Aurelius stated he did not see a tree plan in the online meeting materials, showing all the trees that would be removed.

Mr. Aurelius stated the plat approval document does not show that 15.5 feet of property on 6th Street has been deeded to the City, and should not be called an easement.

Mr. Aurelius stated he discovered that there are issues with the applicant having a clear title to the properties. He added an online search shows that the outlots are still owned by the original owner's family members. He noted he sent that information in an email to the City Council.

Mr. Aurelius stated, if the townhomes are shallower, they can have a respectable setback from the street that would be similar to other properties on 7th Street.

Mr. Andrus stated the building footprints have been reduced as much as possible while still ensuring that they will be saleable. He added the garages have been pushed back, and the townhomes will be 1,300 square feet on the main level.

City Council Liaison Sonnek requested clarification regarding whether the proposed townhomes will be 55 feet deep or 65 feet deep, and whether there is a discrepancy with what was approved in the plat.

Mr. Andrus stated the buildings themselves are 55 feet, but adding a deck or porch adds another 10 feet. He added there is no change from the preliminary plat to the final plat.

Mr. Andrus stated he has clear title to the properties, but online records are slow to be updated. He added he can guarantee that everything is in his name. Ms. Perdu stated this will be verified by the City Attorney when the property is recorded.

Chair Barton requested clarification regarding the deed of 15.5 feet of easement along 7th Street to the City. Mr. Dawley stated that strip of land will become part of the right of way with rights conveyed to the City at the time of plat. He added it will be considered a permanent right of way to the City in perpetuity.

Tom Wittner, 2224 Pondview Court, stated there are many mature trees on his property along the edge of the proposed development. He asked what will happen if those trees die because of damage due to construction, and who will bear the cost of removing the dead trees. He noted the trees are on his property, but their roots could be disturbed by construction, and take a few years to die.

Chair Barton closed the public hearing at 7:17 p.m.

Ms. Perdu stated proximity to neighboring trees will be considered when new trees are planted. She added she is unsure whether there is a procedure for taking into account trees on adjacent properties.

Mr. Dawley stated any damage on the development itself that is a result of construction would be the responsibility of the developer.

City Council Liaison Sonnek stated, in response to Mr. Wittner's question, he has researched this issue in the past. He added any damage to trees that occurs on a person's property is the responsibility of that homeowner, regardless of how or when the damage occurred. City Manager Scott Duddeck confirmed this.

Commissioner Blees stated, from a design standpoint, he would support a requirement that more stone be added to the building façades. City Council Liaison Sonnek agreed.

Chair Barton stated a condition could be added that would require the applicant to coordinate with the City Engineer to identify locations for additional new trees to be planted. Commissioner Blees agreed.

Commissioner Gelbmann stated additional trees would help the development fit in better with the neighborhood. He added maintaining as many trees as possible, as well as planting more trees to resume neighborhood character, will have a positive affect that outweighs the financial value of adding new trees.

Commissioner Hamm stated the applicant has agreed to meet the requirements for replacement of trees. She added, in her opinion, she does not believe it is fair to ask them to go above and beyond what is required of them, and what would be required of other applicants.

City Council Liaison Sonnek stated the PUD is designed to provide public benefit, which includes planting a required number of trees per unit. He noted, as part of a PUD plan, the developer could be required to work with City Staff on issues beyond the technical requirements.

City Council Liaison Sonnek stated, to Commissioner Blees' point, the PUD will give the City the ability to comment on exterior design aspects of the buildings of themselves and request certain changes.

City Council Liaison Sonnek stated the developers are willing to work with the City to ensure that the development fits into the neighborhood as much as possible. He added the PUD is unique as it allows for flexibility. Chair Barton agreed.

Commissioner Hamm stated additional costs will be passed down to the buyers of these homes. She added affordable housing is a significant issue in North St. Paul, which Planning Commission should be cognizant of as decisions are made.

Chair Barton stated utilities and services were not identified on the preliminary plan. Ms. Perdu stated the location of electric and utilities is not always noted on the preliminary plans. She added the City requires that all utilities must be installed underground, so locations would be required to be submitted prior to construction.

Mr. Dawley stated coordination of utilities is the responsibility of the developer, and related requirements would be included in the developer's agreement.

Chair Barton stated this issue could be addressed when the Planning Commission reviews changes in the City Code. She asked whether there is a draft development agreement document. Mr. Dawley stated the development agreement is drafted by the City Attorney at the time of final plat approval, which could be after the City Council reviews the PUD. He added City Council's conditions for approval are used to draft the developer's agreement.

Chair Barton asked whether there is information regarding the homeowner's association (HOA), and when that will be included in the preliminary and final PUD process. Mr. Dawley stated the City Attorney will work on the HOA documents when the developer's agreement is drafted and ensure that it is certified and recorded with Ramsey County.

Chair Barton asked whether the HOA will require City Council approval prior to final PUD approval.

Mr. Duddeck stated City Council approval of these documents would be requested at the same time. He added the association will begin with the developer and then rolled over to the homeowners after the homes are sold. He noted the documents will likely be reviewed at an upcoming City Council meeting.

Chair Barton asked whether the City Engineer expects to have additional comments on stormwater calculations. Mr. Dawley stated the City Engineer reserves the right to make any necessary changes, but he does not anticipate any changes. He added minor administrative changes can be made when the final documents are received by the City. He noted there is standard language in the agreements that allows City Staff to make non-substantive changes.

Chair Barton stated maybe that bullet point should be changed.

Chair Barton asked whether the Planning Commission would like to add a condition regarding saving or adding trees, requiring the developer to work with the City Engineer. Commissioner Gelbmann stated he would support that condition.

Commissioner Hamm stated she would like the condition to indicate that the developer would try to find trees that can be saved, rather than requiring them to plant new trees.

Chair Barton state the applicant can work with the City Engineer to determine if additional trees can be saved, or new trees should be added.

Commissioner Gelbmann stated he would support leaving it open for the discretion of the developer. He added it may turn out that adding trees is more cost effective. He stressed the importance of finding ways to maintain the character of the neighborhood.

City Council Liaison Sonnek suggested a condition that the developer will work with City Staff, which provides some flexibility. Commissioner Gelbmann agreed.

Motion by Commissioner Blees, and seconded by Commissioner Gelbmann, with all present voting aye (7-0). Motion carried to recommend City Council approval of final Planned Unit Development plan for 7th Street townhomes with 6 conditions, including an additional condition:
-The applicant shall work with the City Engineer to determine if additional trees can be saved or more trees can be added.

Motion by Commissioner Worm, and seconded by Commissioner Monge, with all present voting aye (7-0). Motion carried to recommend City Council approval of final plat for 7th Street townhomes with two conditions: the building envelope shall be shown, and payment of park dedication fees.

Mr. Duddeck stated the final PUD plan for the 7th Street townhomes is scheduled to be reviewed by the City Council at their April 21, 2020 regular meeting.

## VII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

Ms. Perdu reviewed proposed zoning changes related to the future land use plan, to change existing zoning districts so densities prescribed in the Comprehensive Plan would be allowed in potential development. She added the Planning Commission reviewed a memo a few months ago that presented an overview of this and other changes to the Zoning Code. She noted the memo addressed current minimum lot sizes in all zoning districts; Comprehensive Plan future land use categories; and density ranges prescribed in the Comprehensive Plan.

Ms. Perdu stated the maximum density in the R2 district is 7.3 units per acre to reach minimum lot size, which would need to be decreased to comply with the Comprehensive Plan. She added the R3 District does not need to be changed. She noted mixed use districts do not have a minimum lot size or density requirements for residential components, so that would have to be added to meet Comprehensive Plan density requirements.

Ms. Perdu stated the meeting packet contains a map showing potential zoning changes that could be made to bring the zoning map into compliance with the Comprehensive Plan. The Metropolitan Council has confirmed that the City does not need to proactively rezone the areas adjacent to the downtown area. She added these areas could be left R1 and rezoned as they are developed. She noted there is no reason to proactively rezone them all.

City Council Liaison Sonnek asked whether a developer would have to petition to rezone property, and whether the areas should be proactively rezoned if it will be done eventually anyway.

Ms. Perdu confirmed a developer would need to file for a rezoning application.

Mr. Duddeck stated it would be possible to proactively rezone the properties, to ensure that the zoning fits the Comprehensive Plan, and remove the requirement that developers must get the property rezoned.

Ms. Perdu stated it would not be a problem to rezone the R1 areas to R2. Single family uses that are already in those areas would be nonconforming. She added there are some parcels that are shown as Transitional Mixed Use, which would require further review. She noted, however, it could be done.

City Council Liaison Sonnek stated the impact might be different for different neighborhoods. He added it would make sense to do a little more impact analysis.

Commissioner Gelbmann expressed concern that what the Planning Commission would end up doing a mini Comprehensive Plan, when one has already been completed. He added the Comprehensive Plan would not need to be changed if the areas are not rezoned.

Ms. Perdu agreed to provide more information for the Planning Commission's review.

Ms. Perdu stated a reviewed of the minimum lot width issue has been requested by the Commission and initiated by Commissioner Worm. The minimum lot width in the R1 and R2 zoning districts is 60 feet. She showed a map with properties that do not meet minimum lot width, using County GIS data. She added she believes this is an under-estimate, as there are non-conforming lots that do not show up on the map.

Ms. Perdu stated Commissioner Worm has suggested changing to a 40-foot lot width minimum, as that is the lot width platted in many of the City's older neighborhoods. She requested the Planning Commission's consideration of modifying the minimum lot width to capture nonconformities, or to divide residential zoning into R1A and R1B, to accommodate neighborhoods with larger lot widths.

Commissioner Blees stated changing the lot width and area minimum requirements would be easier than changing the zoning Code. Ms. Perdu agreed. She added the benefit of creating a new district is that it would be beneficial for maintaining character of different neighborhoods. She noted, if that is not a concern, it would be easier to modify the R-1 standards.

Chair Barton asked how many lots are 50 feet wide or less. Ms. Perdu stated she does not have that data, but she can find that out.

Chair Barton stated it would make sense to have separate standards in the City's older neighborhoods that have 40-foot lot widths. She added the map does not include the majority of lots that are 60 feet wide.

Ms. Perdu stated another issue that should be considered is whether a new minimum lot size, which would result in a small total lot square footage, could have an impact on neighborhoods that have larger lot sizes, which could potentially be split into two lots.

Commissioner Worm stressed the importance of keeping it simple throughout the City and making a 40-foot lot width the standard. He added there are no lots smaller than that in the City. Ms. Perdu agreed. She added she can provide data regarding prevailing lot depth in neighborhoods with a majority of 40-foot wide lots.

Chair Barton stated there have been single family lot splits in recent years. She added it may be worth considering two R1 districts, since more detail is available with GIS mapping.

City Council Liaison Sonnek asked whether there are any problems with having non-conforming properties. Ms. Perdu stated there are some restrictions on non-conforming lots when a structure is destroyed and rebuilt. She added she has heard that sometimes there are issues with mortgage lenders when modifications are being requested.

City Council Liaison Sonnek asked why the minimum lot width was changed to 60 feet.

Mr. Duddeck stated the 60-foot lot width was introduced when property owners with 3 adjacent lots wanted to do a lot split. It was determined that 60 feet was acceptable for splitting larger lots into two lots.

Commissioner Worm thanked Ms. Perdu for bringing this issue to the Planning Commission.

Mr. Duddeck stated, with regard to lot square footage, that the majority of 120-foot long lots are 130 feet deep, including the rear alley.

## VIII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

-None.

## IX. REPORTS FROM STAFF

-None.

## X. REPORTS FROM COMMISSIONERS

a. Update from City Council Liaison

City Council Liaison Sonnek thanked the Planning Commission and residents who were able to figure out technology and attend this video meeting.

City Council Liaison Sonnek stated he is proud of how the City has responded to the challenges presented by coronavirus, and Mr. Duddeck's management of City Staff and efforts to keep people as safe as possible. He added the Fire and Police Departments have taken precautions in approaching emergency situations.

Mr. Duddeck thanked City Council Liaison Sonnek for his positive comments. He added the goal is to keep day-to-day operations and services running smoothly while making adjustments to protect City Staff. He noted the Police and Fire Departments have daily video conference calls, and he has weekly video calls with the County Manager as well as other City Managers, to keep each other updated and share information and resources.

Mr. Duddeck stated efforts are underway to set up some local resources for vulnerable people in the community who may need additional services. He added local churches are coordinating efforts to bring resources together to be distributed as needed.

Mr. Duddeck stated development projects and street reconstruction projects will move forward, including pre-construction meetings for Anchor Drive, McKnight Road reconstruction, 7th avenue reconstruction from 1st to 3rd Street. He added other development projects include the storage facility and apartment development on the Anchor Block property, and finalization of agreements for the downtown area development.

City Council Liaison Sonnek asked when there will be a groundbreaking for the new apartment building. Mr. Duddeck stated that will happen within the next 30 days.

Commissioner Monge asked when the Lake Avenue project will be completed. Mr. Duddeck stated road restrictions will be lifted after May 1, 2020, after which construction will continue.

Commissioner Worm stated he did not receive the meeting packet via email. Ms. Boerschinger stated she would send some test emails to Commissioner Worm to get it figured out.

Chair Barton thanked City Staff for putting the meeting together, adding the video format worked very well.

## XI. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Worm, and seconded by Commissioner Hamm, with all present voting aye (7-0). Motion carried to adjourn the meeting at 8:33 p.m.

**The next regularly scheduled Planning Commission Meeting is Thursday, May 7, 2020 at 6:15 p.m.**

Members, please notify any planned absences to:

Olivia Boerschinger
Planning Commission Secretary
651-747-2400
Olivia.boerschinger@northstpaul.org

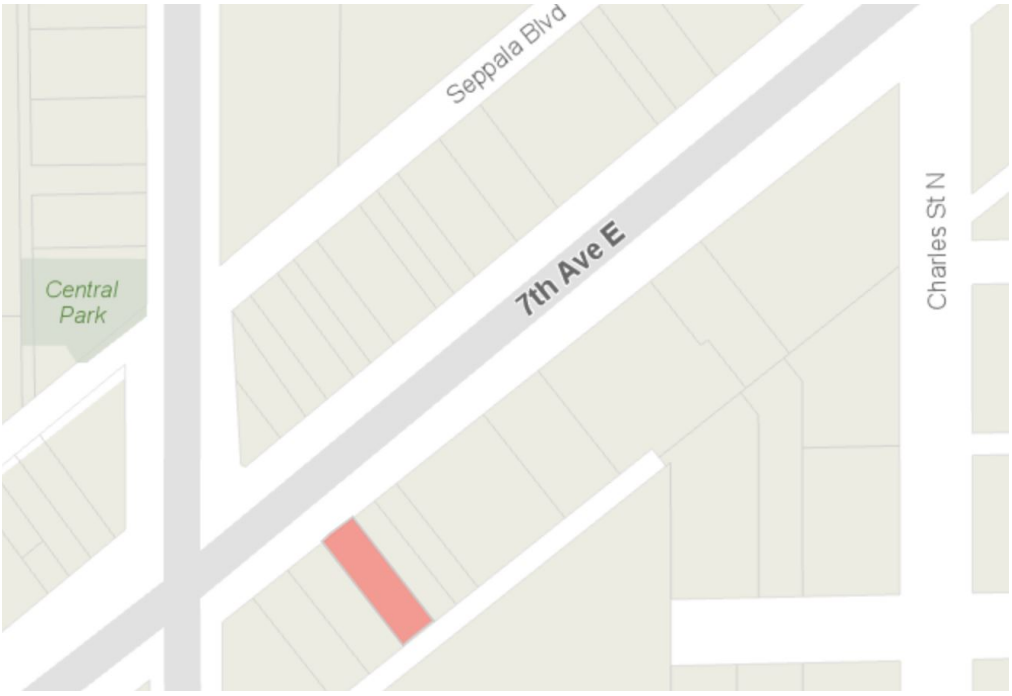
**MEMORANDUM**

Date: 5/1/2020
To: Planning Commissioners
From: Erin Perdu, AICP, City Planner
Olivia Boerschinger, AICP Candidate, Community Development
CC: Scott Duddeck, City Manager
Debra Gustafson, Administrative and Community Services Director
Re: Conditional Use Permit Review for Caring for Cats located at 2550 7th Ave E.

**BACKGROUND**

The applicant is requesting approval of a Conditional Use Permit to allow the operation of a Cat Shelter and Rescue. The Conditional Use Permit is necessary to allow the operation of this type of use within MU-1 district of the City of North St. Paul. The applicant, Caring for Cats, already operates within North St. Paul at 2131 Division St. and has required licenses required to operate as a cat shelter at the existing location. The cat rescue would care for cats and kittens that are surrendered and shelter them until adopted by an appropriate family.

The Planning Commission is asked to make a recommendation to the City Council to approve or deny a Conditional Use Permit for Caring for Cats located at 2550 7th Ave E.



**FINDINGS**

**Conditional Use Permit Review**

Standards for the review and approval of Conditional Use Permits are found in Chapter 154.004 Section F of the City Code are listed below in italics. Staff comments on each of the review criteria follow.

2. *Standards.* The City Council may grant a conditional use permit after considering the recommendation of the Planning Commission and if the use at the proposed location is complaint with the following finding:

*i. The use is consistent with the general purpose and intent of the Comprehensive Plan;*

The 2040 Comprehensive Plan guides this property to be within the Downtown Mixed Use district. The Downtown Mixed Use land use (MU-1) was created to "sustain and enhance the viability of the Downtown in terms of preserving its small-town and pedestrian-friendly atmosphere…". The proposed use provides a unique business to the mix of existing businesses to the City's downtown district, providing variety to the area. The use contributes to the small-town, pedestrian-friendly atmosphere by providing a new family-friendly use to the downtown district with a distinctive experience for pedestrians to view cats when walking along 7th Avenue. Additionally, volunteer opportunities are available for community members interesting in further engagement with Caring for Cats.

The shelter is developing plans to be a LEED certified building. One of the City's goals stated in the 2040 Comprehensive plan was to focus on energy conservation and energy-related emission reductions. A strategy to meet this goal is to encourage new developments to consider green-building design and conserve valuable energy and environmental resources. Although the proposed use is not new development, the applicant's plan to have a LEED Certified building is consistent with the general purpose and intent of the Comprehensive Plan.

*ii. The use will not adversely affect the health, safety, or general welfare of the city;*

The proposed CUP will not create adverse effects on the general heal, safety, or general welfare of the City based on the nature of its use or location.

*iii The use is compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the city;*

Land uses surrounding the property on all sides are Retail and other Commercial land uses presently (Downtown Mixed Use, MU-1) and are guided to remain Retail and other Commercial in the future, making the use compatible.

*iv. The use or appearance of the use is compatible with adjacent properties;*

Based on the description of the request from the applicant, this CUP appears to be compatible with adjacent properties. It abuts others commercial uses in the downtown district and will not create visual blight.

*v. The use can be adequately supported by public urban services including the water supply, transportation system and capacity, police and fire protection, utilities, and sanitary waste disposal and storm water disposal systems;*

The proposed use will be part of an established commercial building. The proposed use will not burden public urban services.

*vi. The use will not create an excessive burden on existing parks, schools, and other public facilities which serve or are proposed to serve the area;*

There will not be an increase in demand for parks, schools, or other public facilities.

*vii. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned land;*

The proposed use is over 150 feet away from the nearest residentially zoned properties, separated by a large public parking lot used by a variety of downtown businesses. The proposed use will not be conducted outside. This increases the compatibility of the proposed use with the residentially zoned properties.

*viii. The use is in harmony with the general purposes and intent of this chapter and the zoning district in which the applicant intends to locate the proposed use;*

The use allows the applicant to operate a commercial business/organization in a location that is currently permitted retail and commercial uses and allowed through the processes of this chapter.

*ix. The use will not create an intrusion or excessive noise, glare, or general unsightliness; and*

The proposed use will not create excessive noise, glare, or general unsightliness.

3. *Conditions.* In permitting a new conditional use, the City Council may impose, in addition to the requirements set forth in the chapter, conditions considered necessary or appropriate to protect public health, safety, and general welfare of the city.

The zoning code contains additional standards for the “Animal Boarding Facility” use. The supplemental regulations do not apply to this operation, as there are no outdoor facilities and no behavioral impacts from the sheltering of cats.

**RECOMMENDED ACTION**

Based on the findings described, staff recommends the following action:

1. **Approval** of the Conditional Use Permit as the application meets the requirements as set forth by City Code Chapter 154.004.

City of North St. Paul
2400 Margaret Street
North St. Paul, MN 55109
Phone (651) 747-2407
www.northstpaul.org

# ZONING & LAND USE APPLICATION

Escrow: $1,000 min. (code 1.2044)

Application Fee: $500.00 (code 1.3290)

## APPLICATION FOR CONDITIONAL USE PERMIT

The conditional use permit process must be scheduled through the Community Development Planning and Zoning Department. The lead-time for submittals shown on this application is necessary to allow City staff and consultants time to review and comment on documents provided. Additional lead-time will be required if the City determines that the potential impacts require more detailed study, or if review by other agencies is required. Incomplete application submittals will not be forwarded to the appropriate Commission or Council until all required information has been provided.

## APPLICANT INFORMATION

Applicant Name: CAROLE J. HYDER
Company (if applicable): CARING FOR CATS
Address: 901 W. MINNEHAHA PARWAY
City, State, Zip: MINNEAPOLIS, MN 55419
Phone Number: 612-760-1159
Email: carole.hyder@caring-for-cats.org.

Owner Name: DELTA J. HOWARD
Company (if applicable): LA' GARAGE & GALLERY
Address: 2550 7th AVE E.
City, State, Zip: N. St. PAUL MN
Phone Number: 651-295-1510
Email: del@lagaragegallery.com

Are you the owner of the property? ____YES ✓ NO
(If no, you must supply property owner information)

## PROPERTY INFORMATION

Street location of property (address): 2550 7TH AVE, EAST, NORTH ST. PAUL, MN 55109
Parcel Identification Number (PID) (see Ramsey County website): 122922420029
Legal description of property: EASTERLY 10 ft. OF LOT 5 & ALL OF LOT 6, BLOCK 14, 2ND ADDITION TO NSP
Present zoning of property (see City website): MIXED USE
Size of property (acreage): 0.10 ACRES
Title information: ✓ Abstract ____Torrens
Property Desciption: ____ Residential ✓ Commercial ____ Industrial ____ Institutional

## PROPOSAL INFORMATION

SEE ATTACED.

Application is hereby made for Conditional Use Permit to conduct the following: _____
Applicable Zoning Code Section (reference Zoning Code, see City website): _____

On a separate sheet of paper, please answer the following questions in full detail:

1. Provide a project description.
2. Is the proposal consistent with the general purposes and intent of the Comprehensive Plan?
3. Will the proposal adversely affect the health, safety, or general welfare of the City?
4. Is the proposal compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the City?
5. Is the proposal or appearance of the proposal compatible with adjacent properties?
6. Is the use adequately supported by public urban services including the water supply, transportation system and capacity, police and fire protection, utilities, and sanitary waste disposal and storm water disposal systems?
7. Will the proposal create an excessive burden on existing parks, schools, and other public facilities which serve or are proposed to serve the area?
8. Will the use be sufficiently compatible or separated by distance or screening from adjacent residentially zoned land?
9. Is the use in harmony with the general purposes and intent of this Chapter and the zoning district in which the applicant intends to locate the proposed use?
10. Will the use create an intrusion of excessive noise, glare, or general unsightliness?
11. If applicable, is the proposed use consistent with officially adopted City plans and overlays?

## NOTE TO APPLICANT

All completed application and accompanying materials are due 30 days prior to the scheduled Planning Commission meeting (if applicable). The purpose of this submittal requirement is to allow for:

1. Plan distribution to the City staff, consultants, and applicable government entities.
2. Project review time and generation of staff reports.
3. Project meetings between City staff and applicants.
4. Meeting materials preparation and distribution.

The North St. Paul City Codes guide and enable development activities within the City by ensuring proper and well-coordinated projects. The land use application is the mechanism that allows the City to examine proposed land uses to ensure compatibility with the City Codes, design and development standards, and the surrounding land uses and natural environments. The review is intended to ensure positive growth for the community. All applications are reviewed individually and are evaluated based on their own merit. Each land use request has an associated checklist of required items. Applicants are encouraged to participate in an initial meeting with City staff prior to submitting a formal land use application. The initial meeting is an opportunity to informally discuss the conceptual idea of the proposed project in an effort to reduce delays. Participation in the initial meeting does not provide approval, or guarantee approval of the project. The City shall not accept plans, drawings, or other information related to the project except upon submittal of a formal application. The City reserves the right to reject an incomplete application.

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## APPLICATION FEE STATEMENT

There may be additional expenses pertaining to project review that is the responsibility of the applicant. All applicable fees must be paid when submitting land use applications and accompanying materials. All fees, which are set annually by City Ordinance, help cover costs incurred by the City to review the application. The City of North St. Paul often uses consulting firms to assist in the review of projects. Please refer to the City's Fee Schedule for information on planning review fees and other applicable costs.

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## REVIEW REQUIREMENTS

Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of submission to determine if an application is complete and/or if additional information is required to complete the review. Once complete, a formal 60-day review period begins. The City has the ability to extend the review period for an additional 60 days, if necessary, due to insufficient information or scheduling difficulties. Please review the corresponding checklist that goes with the request. All applications must be received by the deadline(s) attached hereto. Failure to submit by the date given may result in a delay of the review by the Planning Commission and City Council.

---

## ACKNOWLEDGEMENT

**I certify that all information submitted is true and correct and I fully understand that all information and a complete application must be submitted at least 30 days prior to a Planning Commission meeting to ensure review by the Planning commission on that date. By signing this form, I hereby acknowledge the receipt of the checklist and procedure for the project to be submitted for consideration. It is my responsibility to check all applicable ordinances pertaining to the application, comply with all ordinance requirements, and submit all required materials. All permit requests should be submitted in a timely manner so as not to cause project delays.**

Applicant signature: Carla Hyder Date: 4-5-2020

Owner Signature: [signature] Date: 4-4-20

**PROPOSED MEETING DATES:**

Design Review Commission: _____ Planning Commission _____ Parks & Rec Commission _____
Environmental Advisory Commission _____ City Council _____

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## FOR OFFICE USE ONLY

Date submitted: _____ Date complete: _____ If incomplete, date letter sent to applicant: _____
Date of public hearing: _____ Publication date: _____ Date notice sent to adjoining properties: _____
Amount fee paid: _____ Date fee paid: _____ Receipt #: _____ File #: _____

Planning Commission action: _____ Recommend approval: _____ Recommend denial: _____
Date applicant/property owner notified of Planning Commission action: _____

City Council action: _____ Recommend approval: _____ Recommend denial: _____
Date applicant/property owner notified of City Council action: _____

Date filed with Ramsey County Recorder office: _____

# Caring for Cats – Application Submittals

NAME/ADDRESS OF OWNER: Del and Carolyn Howard,
DATE OF PLAN PREPARATION: June 2020
DATES AND DESCRIPTIONS OF ALL REVISIONS: Final approval of design: July 2020 - Lower level completed with elevator – September 2020; Upper level - November 2020; Move-In – December 2020
NAME OF PROJECT: Relocation of Caring for Cats shelter

LOCATION OF ALL ADJACENT BUILDINGS – Attached

PARKING AND LOADING SPACES – Street parking in front of the building is public. In the back of the building there is a city lot capable of parking over 200 cars. At any one time, the shelter would occupy approximately 5 of those spaces. Parking is not designated to a specific business. The shared alley is used for loading and unloading as needed.

PROVISIONS OF STORAGE AND DISPOSAL OF WASTE, GARBAGE, RECYCLABLES – One 3-yard dumpster is positioned at the back corner of the building----there is currently no recycling container. The service is provided by Walters Recycling and Refuse of Blaine, MN

FLOOR AND ROOM PLAN - Attached

LOCATION MAP – Attached

PROOF OF OWNERSHIP - Attached

NAMES AND ADDRESSES OF OWNERS OF LAND WITHIN 350 FEET – Separate Excel file

OPERATING PROCEDURES

A cat(s) or kitten(s) is surrendered to the shelter through our intake coordinator. The feline is taken to a veterinary clinic for examination, shots, and to be spayed or neutered. If a cat is deemed “unadoptable” due to special needs or behavior issues, the shelter will attempt to place the cat in a home that is part of the shelter’s foster network.

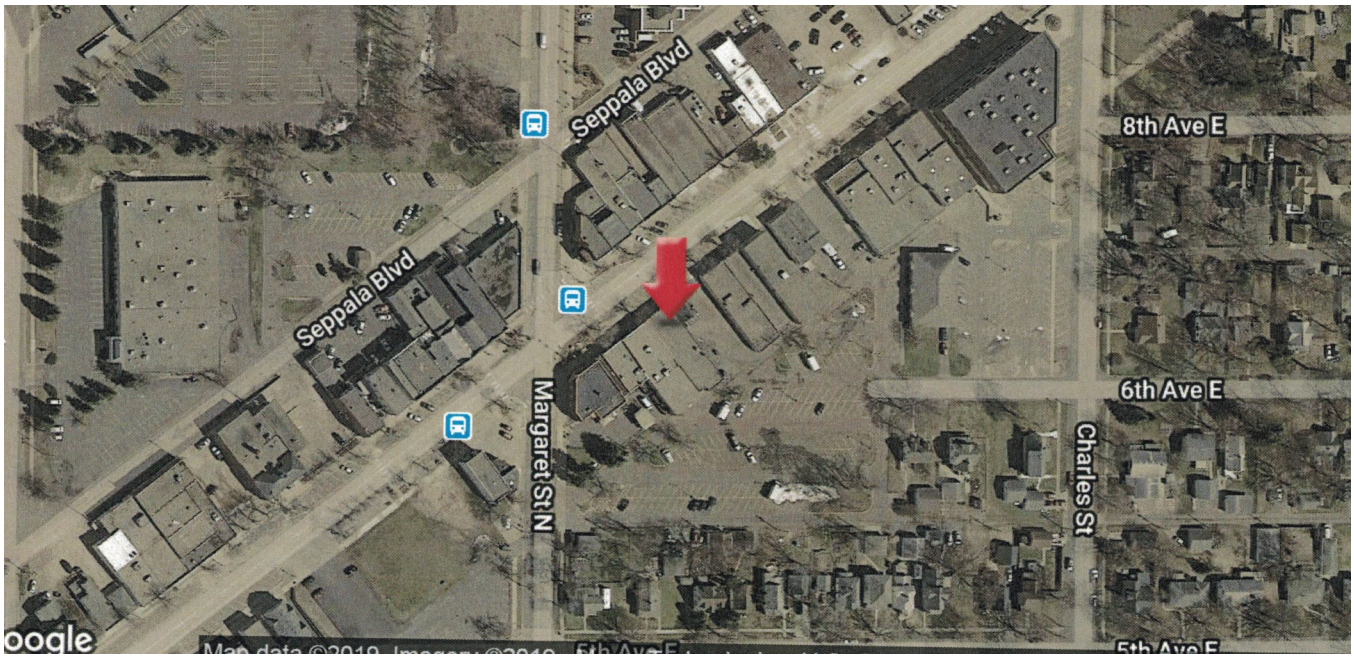
Once in the shelter, the cats can run free in a contained area, with some available cages if the cat decides it needs quiet time.  They are monitored every day in terms of behavior and health problems.  A team of volunteers comes in daily to clean, feed and visit the cats.

Once a cat has been selected, an adoption counselor determines the specifics of the prospective home situation----whether they own or rent, the number of children, the number of other pets----in order to assure that the cat will be a good match.

CARING FOR CATS

Zoning Application

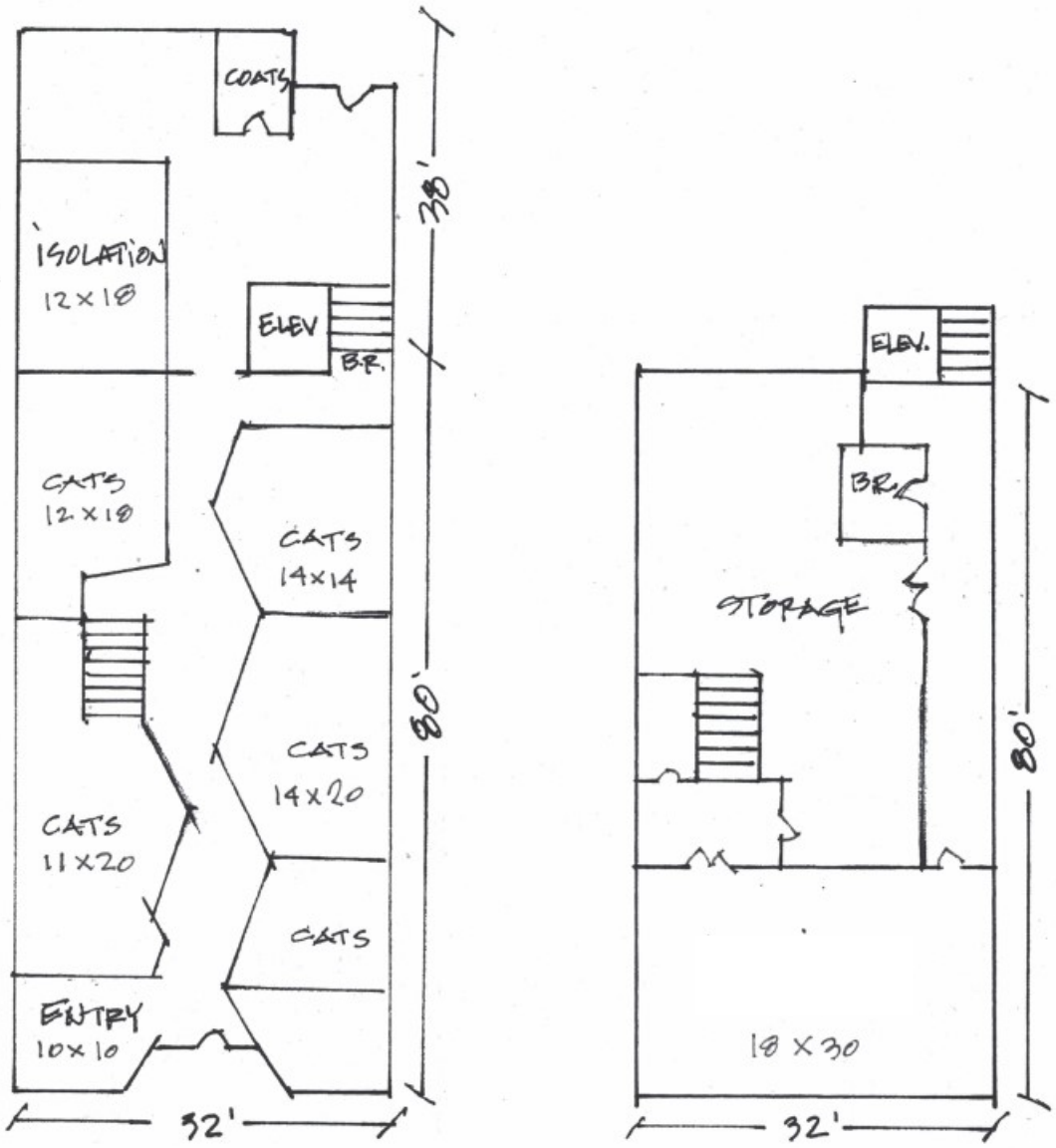
Aerial Map



CARING FOR CATS

Zoning Application

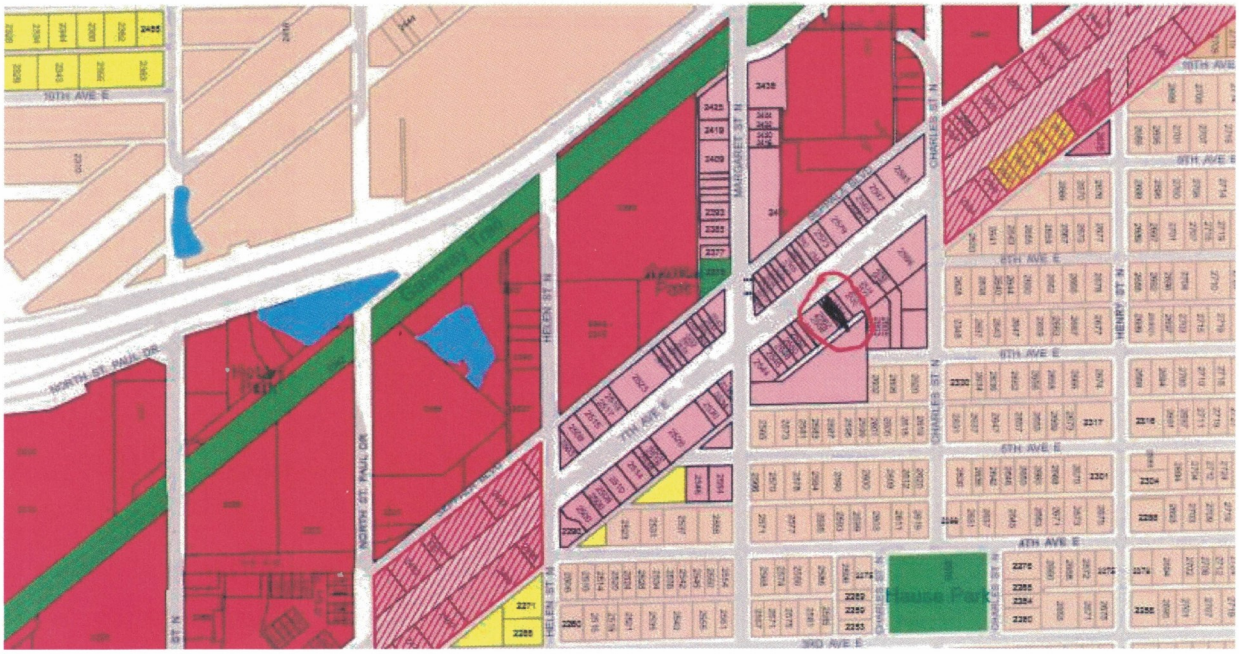
Proposed Floor Plan



CARING FOR CATS

Zoning Application

Location Map



CARING FOR CATS

Zoning Application

Proof of Ownership

**ADDENDUM TO COMMERCIAL PURCHASE AGREEMENT: DUE DILIGENCE**

116. Page 4

117. Property located at 2550 7th Ave E North Saint Paul MN 55109.

118. **D. BUYER INVESTIGATIONS:** This Purchase Agreement ☒ **IS** ☐ **IS NOT** contingent upon Buyer's investigations
-----(Check one.)-----
119. of the Property for Buyer to satisfy himself/herself/itself with respect to the physical condition of the Property and
120. the feasibility and suitability of the Property for Buyer's intended purpose. Any Buyer investigations shall be
121. completed within 75 days of Final Acceptance Date of this Purchase
122. Agreement. All Buyer investigations shall be at Buyer's sole cost and expense.

| 123. **SELLER** | **BUYER** |
|---|---|
| 124. _____ (Business Entity or Individual Name) | Caring for Cats, Inc (Business Entity or Individual Name) |
| 125. By: _____ (Seller) 3/19/2020 2:53:46 PM CDT | By: Carole Hyder (Buyer) 3/18/2020 7:23:29 PM CDT |
| 126. Its: owner (Title) | Its: Executive Director (Title) |
| 127. 03/19/2020 (Date) | 03/18/2020 (Date) |

| 128. **SELLER** | **BUYER** |
|---|---|
| 129. _____ (Business Entity or Individual Name) | _____ (Business Entity or Individual Name) |
| 130. By: Carolyn J Howard (Seller) 3/19/2020 3:00:52 PM CDT | By: _____ (Buyer) |
| 131. Its: Owner (Title) | Its: _____ (Title) |
| 132. 03/19/2020 (Date) | _____ (Date) |

133. **THIS IS A LEGALLY BINDING CONTRACT BETWEEN BUYER(S) AND SELLER(S).**
134. **IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN APPROPRIATE PROFESSIONAL.**

MN-ACPA:DD-4 (8/19)

# Caring for Cats - Proposal Information

Application is hereby made for Conditional Use Permit to open a cat shelter.
Applicable Zoning Code Section: MU – 1 Downtown; Mixed Use District

1. Provide project description
   *Remodel the interior of the existing building (La Garage & Gallery) to accommodate Caring for Cats shelter, where cats and kittens are surrendered, cared for and held until adopted to an appropriate family.*

2. Is the proposal consistent with general purpose and intent of the Comprehensive Plan?
   *Absolutely. First, having an animal shelter on the main street of the historical North St. Paul area provides a unique family experience. Second, it will contribute to the "small town feel"---a goal outlined in the City Plan. Additionally, studies have shown that people feel better when they're around animals, whether as a full-time pet or just visiting a shelter----see https://www.catster.com/lifestyle/cat-behavior-cats-therapy-anxiety-depression-in-kids-children and https://www.webmd.com/hypertension-high-blood-pressure/features/6-ways-pets-improve-your-health#1.*

   *Caring for Cats will also be contributing to the growth of the community through volunteer opportunities at the shelter as hours change and extend to meet the needs of the neighborhood.*

   *Finally, the shelter is drawing up plans to have a LEED certified building, a rare approach in the animal shelter world. By doing so, it will create more traffic to the area as other businesses and animal shelters see first-hand how this environmentally-friendly method has been integrated.*

3. Will the proposal adversely affect the health, safety, or general welfare of the City?
   *There will be no adverse effects in the community.*

4. Is the proposal compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the City?
   *Per a discussion with Robert Dew, the Caring for Cats board of directors sees the presence of a cat shelter as a way to provide more traffic to 7th Avenue East. Pedestrians walking by during the shelter's open hours could stop in to spend time with cats and possibly adopt. In speaking with owners of other businesses in the area, this particular section of North St. Paul is a community, not just an association of unrelated endeavors. All efforts to continue that synergy are part of the Caring for Cats focus as well.*

5. Is the proposal or appearance of the proposal compatible with adjacent properties?

*Adjacent properties appeal to a diverse population, all of whom could benefit from the presence of a place where animals are safely cared for and welcomed by visitors.*

6. Is the use adequately supported by public urban services including the water supply, transportation system and capacity, police and fire protection, utilities, and sanitary waste disposal and storm water disposal system?
   *Yes.*

7. Will the proposal create an excessive burden on existing parks, schools, and other public facilities which serve or are proposed to serve the area?
   *No.*

8. Will the use be sufficiently compatible or separated by distance or screening from adjacent residentially zoned land?
   *There will be no infringement on adjacent buildings or land.*

9. Is the use in harmony with the general purposes and intent of this Chapter and the zoning district in which the application intends to locate the proposed use?
   *Introducing the presents of a cat shelter can speak to another aspect of people's reasons for being on 7th Avenue East. In contrast to shopping for other services, such as tax preparation, insurance coverage or flowers, or having a meal at one of the establishments nearby, pedestrians can experience the enjoyment of being in the presence of exuberant kittens or embraced by an older gentle feline----helping to bring a different aspect to their visit to the area.*

10. Will the use create an intrusion of excessive noise, glare, or general unsightliness?
    *Not at all.*

11. If applicable is the proposed use consistent with official adopted City plans and overlays?
    *As a result of the above-mentioned conversation with Robert Dew, the 7th Avenue East area is heading toward future changes, embracing businesses that will meet the needs of those moving into recently-built townhomes, senior center and future apartments planned for this area. This diversification can easily embrace a place where cats and kittens can be seen, appreciated and potentially adopted. Also, Caring for Cats will be actively providing volunteer opportunities from the neighborhood for those who are interested in being part of a unique, no-kill, all-volunteer shelter.*

Agenda Information Memorandum
North St. Paul Planning Commission
April 30, 2020

## VII. OLD BUSINESS

### A. 2020 Zoning Updates Discussion

## ACTION TO BE CONSIDERED

Provide feedback on proposed changes to lot standards, densities and use tables

## FACTS

Density

- As discussed at the last meeting, changes to minimum lot size/area required per dwelling unit need to be made in the R-2, MU-1, MU-2 and MU-3 districts.
- The area per dwelling unit needs to decrease in the R-2 District from 5,967 sf. to 3,630 sf. to accommodate the comprehensive plan maximum density of 12 units per acre in Medium Density Residential.
- Currently, the Mixed Use districts do not have any minimum or maximum density standards for residential uses. The following minimum lot area per dwelling units are proposed to match the comprehensive plan maximum densities (22 units per acre in the MU-1 and MU-2 and 40 units per acre in MU-3):
    - MU-1 and MU-2: 1,980 sf. per dwelling unit
    - MU-3: 1,089 sf. per dwelling unit
- Actual proposed ordinance language to this effect is attached.

Patterns of Variances

- Attached is a map of the locations and descriptions of all variance requests since 1999.
- The map was produced with the intent of illustrating patterns in the location and nature of the requests
- We can make the following observations:
    - Most variance requests are related to setbacks (30 out of 48)
    - Of the 10 front setback variances, 6 of those were for porches (enclosed and unenclosed)
    - In general, more variances are clustered in areas where the lots are non-conforming with regard to size or width

Lot Standards (size and width)

- The Commission discussed standards for lot size and width at the last meeting from the perspective of neighborhood character and the numbers of nonconforming lots.
- Maps of non-conforming lot sizes and lot widths are attached, with lots color coded by the extent of the non-conformity.
- *Width:* For lot width, lots in bright red are less than 50 ft. in width and lots in dark blue are greater than 80 ft. in width. The blue lots are indicative of lots that could be split (based on width) if the minimum lot width were reduced to 40 ft.

    - The majority of lots that are non-conforming with regard to width are between 50 and 59 ft. wide
    - If the Planning Commission wishes to adjust the minimum lot width to account for historic platted lots, reducing the width to 50 ft. would bring the vast majority of lots into conformance without greatly increasing the number of lots that could potentially be split.
- *Size:* For lot size, lots shaded with red polka dots are lots that are more than twice the current minimum lot size. These are lots that could potentially be split (purely based on their size). The lots outlined in blue are non-conforming with regard to lot size (smaller than the size required).
    - Generally, there is a pattern of lots that are smaller than the required size clustered in certain neighborhoods. However, there is still a fair scattering of these non-conforming lots in many areas of the City.
    - Reducing minimum lot sizes are likely to result in more lots that could be split
- *Combined Impacts:* Finally, we have included a map showing lots that could be split if lot size remains the same and the lot width is reduced to 40 ft. These parcels show the potential impact on neighborhoods if the standards are changed (note, we did not take into account the actual locations of existing homes on these lots; therefore, it is likely that the number of lots that would be split is much lower).

Use Tables

- We have examined the current use tables (one for the residential districts and one for the mixed-use districts) for opportunities to consolidate, update and simplify the lists of uses.
- First, we have checked all of the uses to ensure that those that require a definition are actually defined in the ordinance. Where they are not, or where we would suggest revisions, they are marked in the attached table.
- Next we reviewed the list for uses that should be updated. For these, we have suggested a revised definition in the table. There are several definitions that we suggest be removed or combined with others, which are also marked in the table.
- We have also included a list of new uses that should be added to the use tables, based on inquiries that have been made to City Staff and state statute changes (like for medical cannabis)
- Finally, have proposed a reorganization of the use tables, combining them into one (rather than separating them between residential districts and mixed use districts). This proposed table is attached for your reference. Here we combine all uses (organized by category) and all zoning districts into a clear table indicating what is permitted, conditional, interim, and/or with supplemental standards. Several recommendations are made on uses that could be combined, eliminated or added.

**ATTACHMENTS**

Revised lot standards tables
Map of variance requests
Map of lot sizes
Map of lot widths
Map of potential lot splits
Table of use definitions
Revised use table

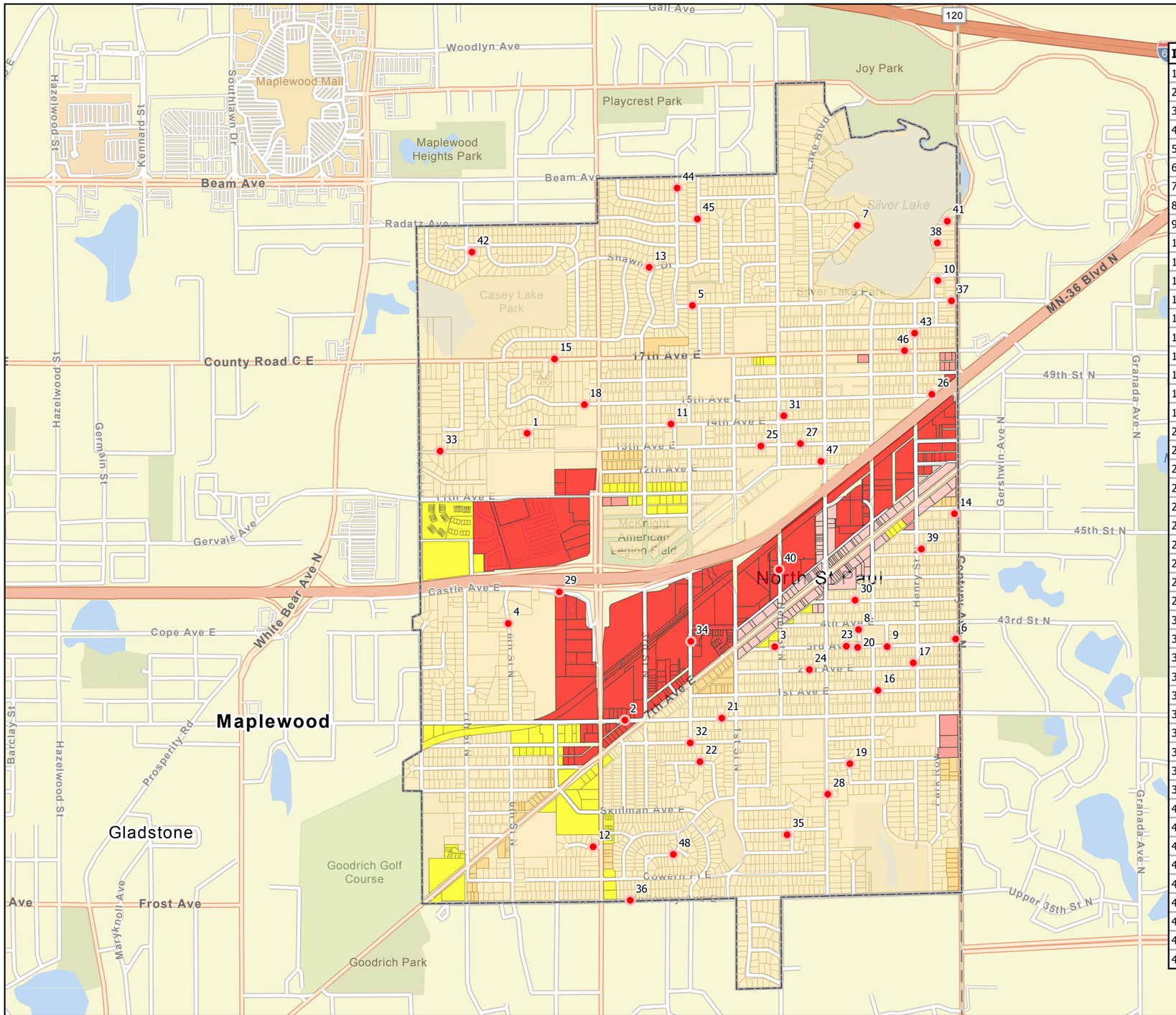
List of parcels for zoning change

TABLE 4: RESIDENTIAL DISTRICT LOT REQUIREMENTS

| District | Minimum Lot Area | Minimum Lot Width | Setbacks | | |
|---|---|---|---|---|---|
| | | | Front Yard | Rear Yard | Side Yard |
| **R-1** Single Family Residential District | **7,920 sq. ft. per dwelling unit** Institutions: 10,000 sq. ft. Manufactured Houses (Home Parks): 5,000 sq. ft. per dwelling unit | 60 ft. | 25 ft. | 25 ft. | Internal Lot: 6 ft. Corner Lot: 15 ft. Senior Housing: Internal Lot: 15 ft. Corner Lot: 15 ft. |
| **R-2** Mixed Residential District | **3,630 sq. ft. per dwelling unit** Institutions: 10,000 sq. ft. Manufactured Houses (Home Parks): 3,630 sq. ft. per dwelling unit | | | | |
| **R-3** Multiple Family Residential District | **1,980 sq. ft. per dwelling unit** Required total lot area shall not be less than the minimum lot area per dwelling unit multiplied by the number of units. Senior Housing: 1,800 sq. ft. per dwelling unit Institutions: 10,000 sq. ft. Manufactured Houses (Home Parks): 5,000 sq. ft. per dwelling unit | 80 ft. | | | Internal Lot: 15 ft. Corner Lot: 15 ft. |

TABLE 7: MIXED USE DISTRICT LOT REQUIREMENTS

| District | Minimum Lot Size | Lot Width | Minimum Lot Area Per Dwelling Unit | Front Yard Setback | Side Yard Setback | Rear Yard Setback | Maximum Height |
|---|---|---|---|---|---|---|---|
| **MU-1** Downtown Mixed-Use District | 0 sq. ft. | 20 ft. | 1,980 sf. | 0 ft. | 0 ft. When abutting a Residential District 20 ft. | 0 ft. | Three (3) stories or 35 ft. New mixed use buildings with residential units above nonresidential, office or service uses may be up to four (4) stories or 50 ft. |
| **MU-2** Transitional Mixed-Use District | 15,000 sq. ft. | 65 ft. | 1,980 sf. | 30 ft. | Interior Lot: 15 ft. Corner Lot: 30 ft. | 30 ft. | Three (3) stories or 35 ft. |
| **MU-3** Corridor Mixed-Use District | 35,000 sq. ft. | 120 ft. | 1,089 sf. | 25 ft. | 0 ft. | 0 ft. | Five (5) stories or 55 ft. |




| ID | Meeting Date | Address | Variance |
|---|---|---|---|
| 1 | Apr-99 | 2162 14th Avenue East | Corner side yard variance |
| 2 | Apr-99 | 2297 South Avenue East | Detached garage size variance |
| 3 | Jul-99 | 2483 3rd Avenue East | Lot depth, front yard setback, side yard setback |
| 4 | May-01 | 2289 6th Street North | Side yard setback for family room addition |
| 5 | May-01 | 2387 19th Avenue | Detached garage size variance |
| 6 | Apr-01 | 2739 3rd Avenue East | Detached garage size and setback |
| 7 | Aug-01 | 2614 Swan Avenue | Side yard setback variance for remodeling |
| 8 | Apr-02 | 2275 Charles Street | Lot width and garage size |
| 9 | Aug-01 | 2642 3rd Avenue East | Front yard setback variance for front porch |
| 10 | Dec-02 | 2734 Park Row | Front yard setback for porch |
| 11 | Apr-02 | 2355 14th Avenue East | Front yard setback |
| 12 | Dec-02 | 2255 Ryan Court East | Rear yard setback for 4-season porch |
| 13 | May-03 | 2329 Shawnee Drive | Front yard setback for attached garage |
| 14 | Feb-03 | 2734 10th Avenue East | Lot size, street side yard |
| 15 | Jul-03 | 2199 17th Avenue East | Rear yard setback for 4-season porch |
| 16 | Jul-03 | 2633 1st Avenue East | Side yard setback for detached garage |
| 17 | Sep-03 | 2677 2nd Avenue East | Street side yard setback for detached garage |
| 18 | Oct-02 | 2240 East 15th Avenue East | Side yard setback variance for addition |
| 19 | Jun-04 | 2597 Belmont Lane East | Front yard setback variance for porch |
| 20 | Nov-05 | 2604 3rd Avenue East | Lot width |
| 21 | Mar-06 | 2423 South Avenue East | Addition to non-conforming house |
| 22 | Jun-06 | 2387 Eldridge Avenue East | Rear yard setback for deck |
| 23 | Feb-06 | 2585 3rd Avenue East | Side yard setback |
| 24 | Jul-06 | 2541 2nd Avenue East | Size variance for detached garage |
| 25 | Aug-06 | 2474 13th Avenue East | Front yard setback for porch |
| 26 | Sep-06 | 2705 15th Avenue East | Front yard parking to exceed 40%; 6-foot high fence in front yard |
| 27 | Jul-07 | 2525 13th Avenue East | Minimum lot size; front yard setback |
| 28 | Aug-08 | 2050 Margaret Street North | Front yard fence height |
| 29 | Oct-03 | 2199 State Highway 36 | Outside storage during holiday season |
| 30 | Apr-08 | 2599 5th Avenue East | Minimum lot width |
| 31 | Sep-08 | 2505 14th Avenue East | Front yard setback; rear yard setback |
| 32 | May-09 | 2380 Burke Avenue East | Height variance for detached garage |
| 33 | Jul-09 | 2047 13th Avenue East | Front yard setback for covered porch |
| 34 | Oct-09 | 2266 2nd Street North | Setback variance to place business sign |
| 35 | Sep-10 | 2005 Helen Lane | Side yard setback for garage addition |
| 36 | Oct-09 | 2297 Holloway Avenue East | Lot area; minimum lot frontage; side yard setback |
| 37 | Jun-11 | 2736 19th Avenue | SFD on non-conforming lot; side yard setback |
| 38 | May-11 | 2785 Division Street North | SFD on non-conforming lot |
| 39 | Jun-11 | 2689 8th Avenue East | Side yard setback to build deck on corner sideyard |
| 40 | Feb-13 | 2365 Helen Street North | Open space requirement |
| 41 | May-13 | 2813 Division Street North | Fence height in front yard |
| 42 | Sep-16 | 2094 Mesabi Avenue | Side and rear setbacks |
| 43 | Nov-13 | 2667 Henry Street North | Side yard setback for covered entry |
| 44 | Jun-11 | 2864 Chippewa Avenue North | Side yard setback to build mud room and garage addition |
| 45 | Dec-18 | 2827 2nd Street North | Garage |
| 46 | Jan-19 | 2663 17th Avenue East | Lot size, lot width |
| 47 | May-19 | 2557 12th Avenue East | Lot size, frontage, side yard setback |
| 48 | Jun-99 | 2010 Memory Lane | Second accessory building |

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

NORTH ST.PAUL extraordinary.

# Existing Variances

City of North St. Paul



- Variance Records
- R1- Single Family Residential
- R2- Mix Residential
- R3- Multiple Family Residential
- MU1- Downtown Mix Use
- MU2- Transistional Mix Use
- MU3- Corridor Mix Use

N

0 0.5 Miles

1 inch = 1,584 feet

wsb

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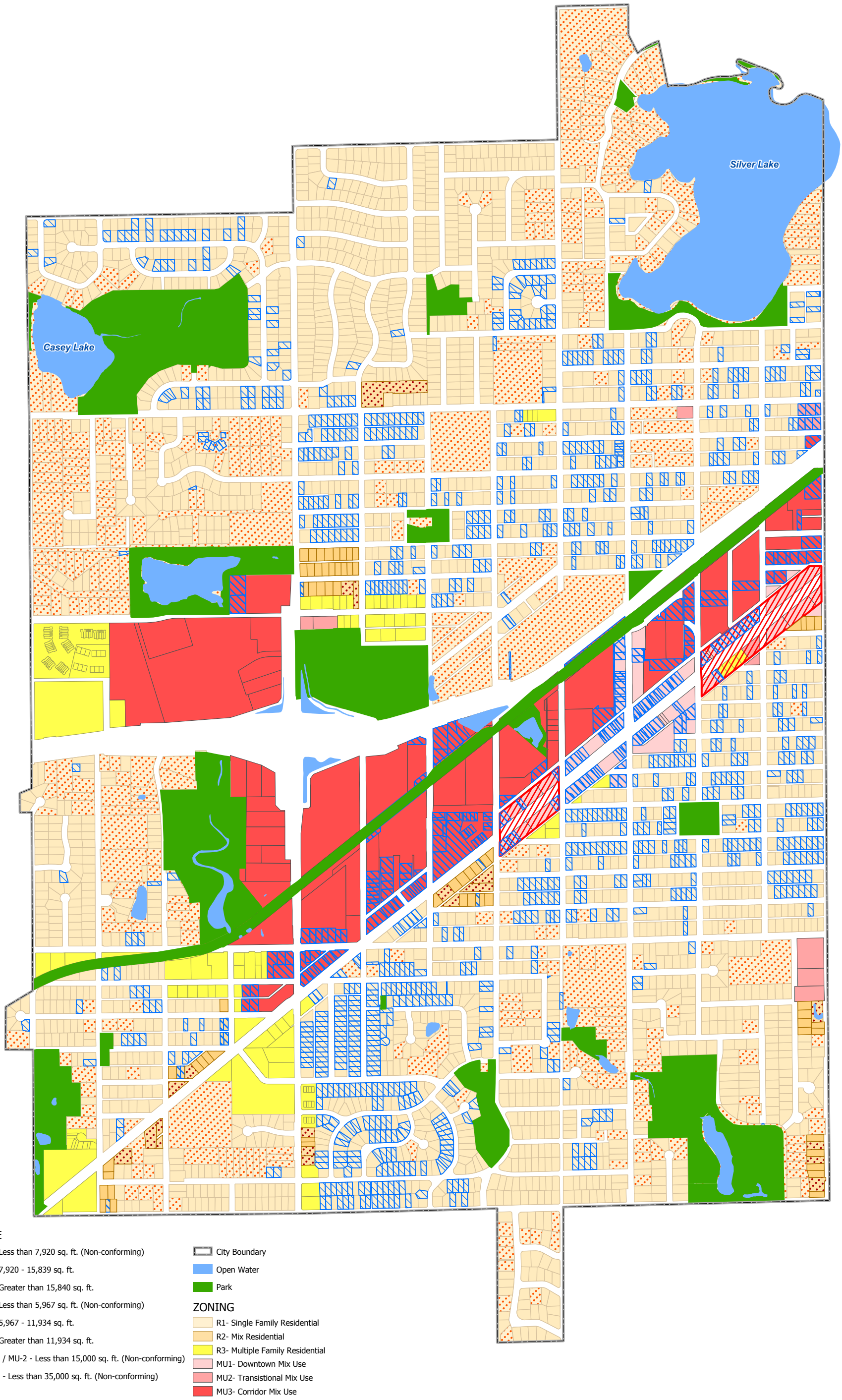


NORTH ST. PAUL
extraordinary.

**Non-Conforming Lots - Minimum Lot Size**
**North St. Paul, MN**



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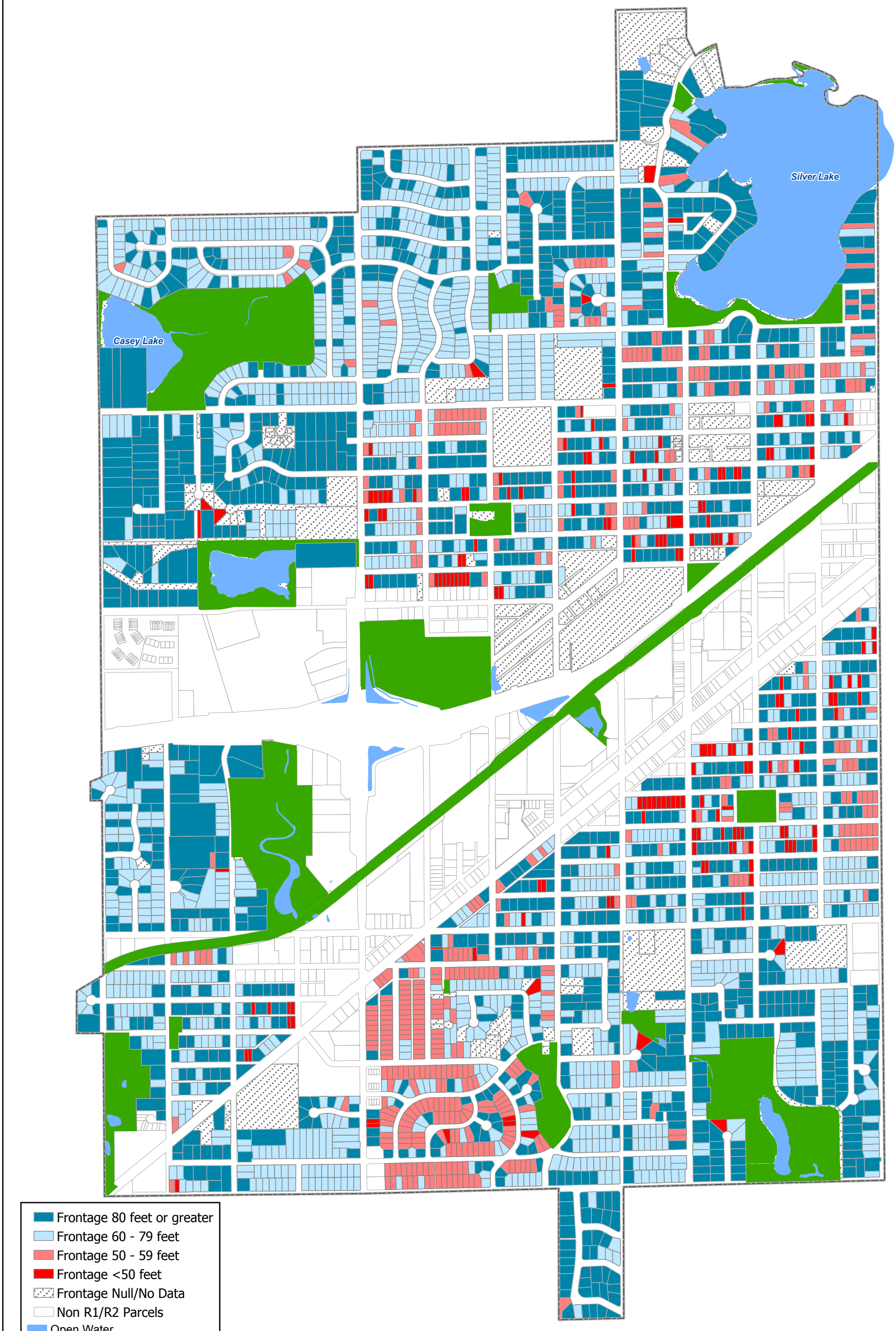


NORTH ST. PAUL
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**R1 & R2 Lots - Frontage Data**
**North St. Paul, MN**



N
0 1,000 Feet

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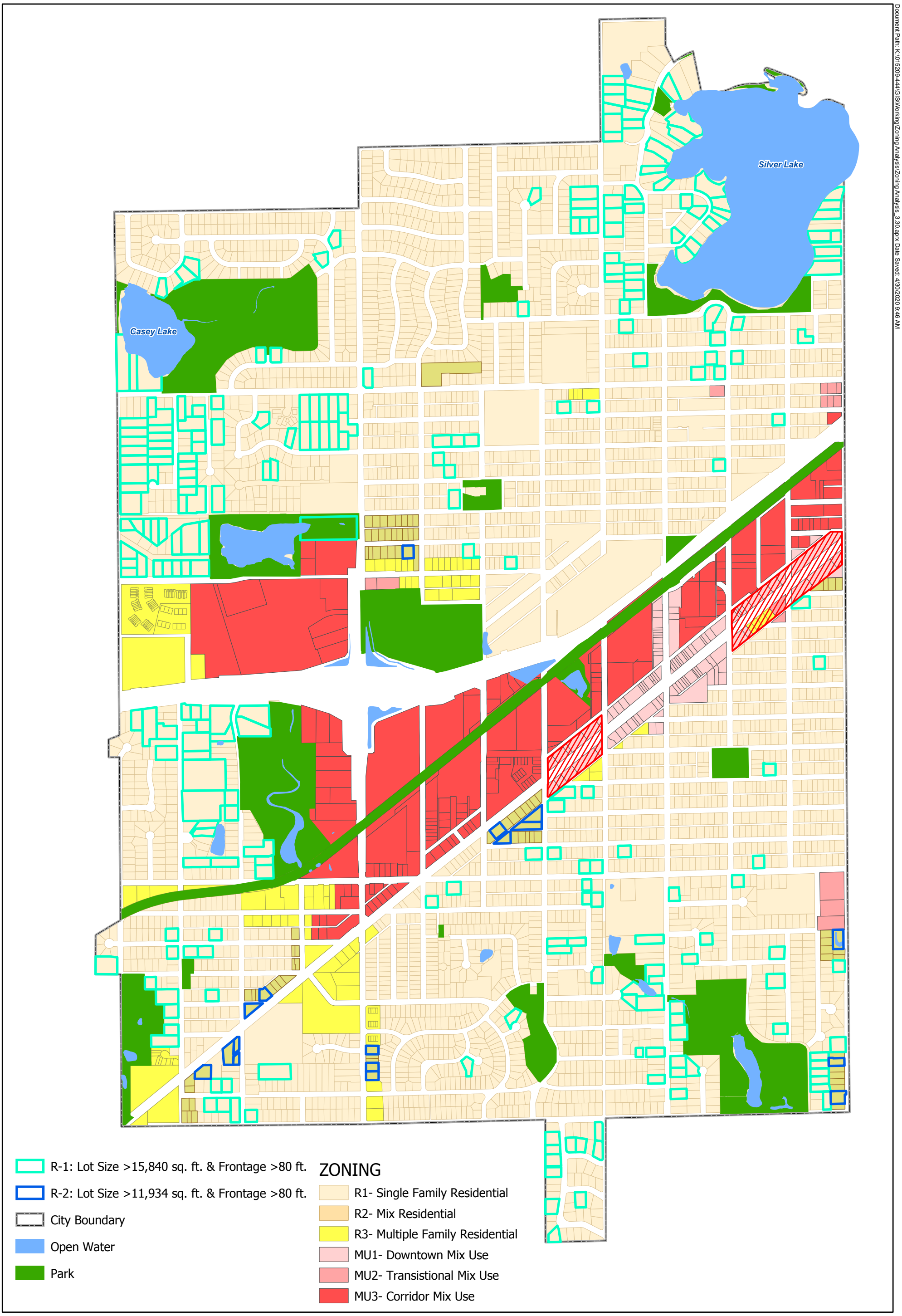


NORTH ST. PAUL
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**R-1 and R-2 Parcels**
**Potential Lot Split**
**North St. Paul, MN**



N
0 1,000 Feet

wsb

| NORTH ST. PAUL'S EXISTING TABLE | | | | | | | |
|---|---|---|---|---|---|---|---|
| | R-1 | R-2 | R-3 | Supplemental Regulations | | | |
| Mortuary, Funeral Home | | | P | | Funeral home | | List "funeral home" first. Does "mortuary" need to be defined? |
| Seasonal Business | I | I | I | | NO, Outdoor Sale Event? | | Combine this with the definition of Outdoor Sale Event |
| **Commercial Recreation, Entertainment and Lodging** | **R-1** | **R-2** | **R-3** | Supplemental Regulations | | | |
| Outdoor Recreation | C | C | C | X | No | | Recreational uses conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, firing ranges, water parks, amusement parks, and similar uses. |
| Golf Course | C | C | C | X | No, probably not needed | | |
| **Residential - Family Living** | **R-1** | **R-2** | **R-3** | Supplemental Regulations | | | |
| Manufactured Housing (Home Parks) | C | C | C | | Yes | | |
| Modular Building | P | P | P | | Yes | | |
| Multiple Family Dwelling | | | C | X | Yes | | |
| Planned Unit Development | P | P | P | | Yes | | |
| Single Family Dwelling | P | P | | | Yes | | |
| Special Infill Housing | C | C | C | X | Yes, revisit | Quality housing which may be suitable in development or redevelopment of parcels. | Redefine and/or provide more guidance on what is intended |
| Townhouse Dwelling | | P | P | X | Yes, revisit | A residence structure that is a single-family dwelling unit constructed in a group of two or more similar single-family dwelling units, with no other unit above it or below it, each unit extending from the foundation to the roof, each unit having a private entrance, and designed for not more than one family | Remove restriction on "above or below" construction; examine supplemental regulations on maximum number of units in a building |
| Two Family Dwelling | | P | P | | Yes, revisit | A residence structure, commonly referred to as a duplex, designed for or occupied by not more than two(2) families, with separate housekeeping and cooking facilities for each | Definition ok; consider whether to allow in the R-1 district |
| **Residential - Group Living** | **R-1** | **R-2** | **R-3** | Supplemental Regulations | | | |
| Assisted Living and/or Memory Care Facility | | | C | X | Yes | | |
| Lodging House | | | P | | Yes | | |
| Senior Housing | | | C | X | Yes | | |
| Senior Housing with Services | | | C | X | Yes | | |

| | R-1 | R-2 | R-3 | Supplemental Regulations | Is it Definied? | Current Definition | Suggested Definition or Action |
|---|---|---|---|---|---|---|---|
| State Licensed Residential Facility (serving six or fewer persons) | P | P | P | X | Yes | | |
| State Licensed Residential Facility (serving from 7- 16 persons) | | | P | | Yes | | |
| **Civic and Institutional** | **R-1** | **R-2** | **R-3** | Supplemental Regulations | | | |
| Cemetery | C | C | C | | Yes | | |
| Day Care Center, Day Nursery | C | C | C | X | Yes, yes | | |
| Institutions | C | C | C | X | No | | A facility that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, or tax-exempt organization. |
| Municipal Administrative Building, Fire Station or other Public Safety or Service Facilities | P | P | P | X | No, probably not needed | | |
| Schools, Public and Private | C | C | C | X | Schools defined as elementary or secondary | | Consider including:<br>School, college or university<br>School, trade or business |
| Public Park or Playground and Open Space | P | P | P | | Yes | | |
| **Utility Uses** | **R-1** | **R-2** | **R-3** | Supplemental Regulations | | | |
| Essential Service Structure, including but not limited to buildings such as Telephone Exchange | C | C | C | X | Yes - essential services | | |
| Substations, Booster or Pressure Regulating Stations, Wells and Pumping Stations and Elevated Tanks | | | | | | | |
| **Agricultural Uses** | **R-1** | **R-2** | **R-3** | Supplemental Regulations | | | |
| Community Garden | I | I | I | | Yes | | |

TABLE 6: MIXED USE DISTRICTS (PERMITTED, CONDITIONAL & INTERIM USES)

| Offices | MU-1 | MU-2 | MU-3 | Supplemental Regulations | | | |
|---|---|---|---|---|---|---|---|
| Artist, Photographer Studio, etc. | P | P | P | | No | | Artist's studio: Work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft |
| Insurance Office, Real Estate Office, Sales Office | P | P | P | | No, why distinguish? | | Remove this line and "combine" these terms with "office" |
| Office | P | P | P | X | No | | Administrative, executive, professional, research, or similar organizations, and laboratories providing direct services to consumers, having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use. |
| **Medical Facilities** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Clinic - Health | P | P | P | | Yes - Clinic | | Clinic - medical or dental instead of "health" |
| Hospital | | | P | X | Yes | | |
| Medical Laboratory | P | | P | | No - needed? | | Combine uses: "Laboratory or research" - A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. |

| | R-1 | R-2 | R-3 | Supplemental Regulations | Is it Definied? | Current Definition | Suggested Definition or Action |
|---|---|---|---|---|---|---|---|
| Physical, Occupational or Massage Therapy | P | P | P | | No | | Combine with personal services?<br>Consider separating massage with regard to physical therapy v. massage as part of a spa or salon |
| Animal or Veterinary Hospital or Clinic | | | P | | Yes | | |
| | | | | | | | |
| **Retail Sales and Services** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Animal: Boarding Facility, Kennel, Shelter, Day Care | | | C | X | Yes | | |
| | | | | | | | |
| | | | | | | | |
| **Offices** | **MU-1** | **MU-2** | **MU-3** | **Supplemental Regulations** | | | |
| Animal Grooming | P | P | P | X | No | | Is this needed? Broaden to include pet stores? Veterinary clinics? |
| Auction Rooms | P | P | P | | No | | Combine use and create Retail Sales category? |
| Bank, Financial Institutions | P | P | P | X | No | | Combine use into Personal Services? |
| Business Sales and Services | P | P | P | | Yes | | |
| Body Art Establishment | P | P | P | X | Yes | | |
| Contractor's Business with Showroom or Workshop | | | P | | No | | Contractor's shop: An enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area. |
| Drive-In or Self-Service Business | C | P | P | X | Yes | | |
| Dry Cleaning, Commercial Laundry | P | P | P | | Yes, No | | Is a commercial laundry facility an industrial use? Does NSP really intend to allow such a use in these MU-districts? |
| Farmer's Market | P | P | P | | No | | The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale. |
| Furniture and Household Goods Sales | P | P | P | | No | | Combine use and create Retail Sales category? |
| Garden Center | C | C | P | X | No | | Combine garden center, greenhouse, nursery - "garden materials sales" |
| Greenhouse, Nursery | C | C | P | X | Nursey - No<br>Greenhouse - yes | | Combine garden center, greenhouse, nursery - "garden materials sales" |
| Retail Sales and Service Uses | P | P | P | X | No - revisit | | Separate retail and service uses? |
| Grocery Store and Produce Store | P | P | P | | No | | Combine: Grocery, food, or beverage sales<br>Any establishment selling food or beverages for consumption off-premises either immediately or with further preparation. Such establishments may include, but not be limited to, supermarket, grocery store, bakery, candy store, butcher, delicatessen, convenience store, and similar establishments. |
| Laundromat, Self-Service | P | P | P | | Yes | | |
| Liquor Store | P | P | P | | No | | Combined with grocery, food, or beverage sales |
| Mortuary, Funeral Home | C | C | C | | Funeral home | | |
| Package Delivery Service | | | P | | No | | Combine? Why only permitted in MU-3? |
| Payday Loan Business | | | C | | check | | Can this be combined? |
| Photocopying | P | P | P | | No | | Combine use into Personal Services? |

| | R-1 | R-2 | R-3 | Supplemental Regulations | Is it Defined? | Current Definition | Suggested Definition or Action |
|---|---|---|---|---|---|---|---|
| Post Office | P | P | P | | No | | Combine? |
| Seasonal Business | I | I | I | | No | | Outdoor only? What is this meant to incorporate? |
| Secondhand Goods Sales | P | P | P | | No | | Combine use and create Retail Sales category? |
| Small Appliance Repair | P | P | P | | No | | Combine use into Personal Services? |
| Sporting Goods Store, Bait Shop | P | P | P | | No | | Combine use and create Retail Sales category? |
| Tobacco Sampling | | | | | No | | Remove? Or re-title? |
| **Food and Beverages** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | Combine these items: Food, Beverage, and Indoor Entertainment with the following:<br>Restaurant or café<br>Brewery or Micro-distillery |
| Catering | P | P | P | | No | | Combine / not needed |
| Coffee Shop, Tea House | P | P | P | | No | | Combine / not needed |
| Restaurant | P | P | P | | Yes | | |
| Restaurant-Tavern | P | P | P | | No | | Combine / not needed |
| Brewery, Micro-Brewery, Micro-Distillery, Micro-Winery, | P | P | P | | Yes | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| **Offices** | **MU-1** | **MU-2** | **MU-3** | **Supplemental Regulations** | check | | |
| Tap Room | | | | | | | |
| **Commercial Recreation, Entertainment and Lodging** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Bed and Breakfast Establishment | | P | P | X | yes | | |
| Health/Sports Club | P | P | P | | No | | Combine - Recreation, commercial indoor |
| Hotel, Inn | | C | P | | Hotel - yes<br>Inn - no | | Remove "Inn" |
| Indoor Recreation | P | P | P | X | No | | Recreation, commercial indoor: A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium,<br>library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court. |
| Lodge, Private Club, Reception Hall | P | C | C | X | Yes "Club or lodge" | | Just put "club or lodge" |
| Outdoor Recreation | | | C | X | No | | Recreation, commercial outdoor: Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities. |
| Golf Course | | | C | X | No | | A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses. |
| Adult Uses | | | C | X | Yes | | |

| | R-1 | R-2 | R-3 | Supplemental Regulations | Is it Definied? | Current Definition | Suggested Definition or Action |
|---|---|---|---|---|---|---|---|
| Theater, Assembly Hall, Concert Hall | P | P | P | | No | | Combine? Cultural Center: A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, cultural centers, or interpretive sites, but does not include commercially-operated theatres. |
| **Automobile Service** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Automobile Body Shop or Automobile Repair Station | | | C | X | No | | Automobile service or repair: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service. |
| Automobile Sales and Rental | | | C | X | No | | Move to retail category? |
| Automobile Service Station/Convenience Store | C | C | C | X | "Service station" | | Rename to gas station? |
| Car Wash | | | C | X | No | | Combine with service or repair? |
| **Parking, Storage and Display Facilities** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Parking Facility, Private | P | P | C | | No | | Combine public and private parking facility: A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed. |
| Parking Facility, Public | P | P | C | | Municipal | | Combine parking facility |
| **Transportation** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Taxicab or Limousine Business | P | P | P | | No | | Combine with services? |
| **Limited Production, Processing and Storage** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Artisan Workshop | P | P | P | | No | | An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items. |
| Laboratory, Research and Development | P | P | P | | No | | Can't combine with "medical laboratory" because medical lab is not permitted in MU-2.<br>This category could be moved to "office" category or redefined to distinguish R&D facilities (industrial) v. office facilities |
| Limited Production and Processing | P | P | P | X | No | | Small-scale assembly, disassembly, ffabrication, manufacturing, cleaning, servicing, packaging. |

| | R-1 | R-2 | R-3 | Supplemental Regulations | Is it Definied? | Current Definition | Suggested Definition or Action |
|---|---|---|---|---|---|---|---|
| Printing and Publishing | | | P | | No | | Combine to Business Support Services? An establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, business equipment and furniture sales or rental, or protective services. This term includes but is not limited to an employment agency, photocopy center, commercial photography studio, or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research, and real estate. |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| **Offices** | **MU-1** | **MU-2** | **MU-3** | **Supplemental Regulations** | | | |
| Warehousing/Storage | | | P | X | No | | Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production. |
| Warehousing as Primary Use of Space | | | | | No | | Remove? This creates confusion with self-storage facilities |
| Wholesale Establishment | P | P | P | | Yes | | |
| **Other Uses** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Uses determined by the Community Development Department to be of similar scale, impact and character. | P | P | P | | | | |
| **Residential - Family Living** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Multiple Family Dwelling | | | P | X | Yes | | |
| Planned Unit Development | P | P | P | | Yes | | |
| Townhouse Dwelling | | | P | X | Yes | | |
| Live/Work Unit | C | C | C | X | No | | A dwelling unit combining residentialuse types with commercial- or limitedindustrial-use types. This use classification includes but is not limited to: office, live/work facilities, or other similar uses. |
| Residential Unit over Nonresidential Use | P | P | P | | No | | Not needed |
| **Residential - Group Living** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Assisted Living and/or Memory Care Facility | | | C | X | Yes | | |
| Lodging House | | C | C | X | Yes | | |
| Senior Housing | C | | C | X | Yes | | |
| Senior Housing with Services | C | | C | X | Yes | | |
| State Licensed Residential Facility (serving six or fewer persons) | C | C | C | X | Yes | | |
| State Licensed Residential Facility (serving from 7-16 persons) | C | C | C | | Yes | | |
| **Civic and Institutional** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |

| | R-1 | R-2 | R-3 | Supplemental Regulations | Is it Definied? | Current Definition | Suggested Definition or Action |
|---|---|---|---|---|---|---|---|
| Day Care Center, Day Nursery | C | C | C | X | Yes, yes | | |
| Institutions | C | C | C | X | No, Religious institution | | What is the intent?<br>Institution: A facility that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, or tax-exempt organization. |
| Municipal Administrative Building, Fire Station or other Public Safety or Service Facilities | P | | P | X | Not defined, probably doesn't need definition | | |
| | | | | | | | |
| Schools, Public and Private | P | P | P | X | Schools defined as elementary or secondary (k-12) public private | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| **Offices** | **MU-1** | **MU-2** | **MU-3** | **Supplemental Regulations** | | | |
| Public Park or Playground and Open Space | | | P | | Yes; public park, public open space | | |
| | | | | | | | |
| **Utility Uses** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| | | | | | | | |
| Essential Service Structure, including but not limited to buildings such as Telephone Exchange Substations, Booster or Pressure Regulating Stations, Wells and Pumping Stations and Elevated Tanks | P | P | P | X | Essential services are defined | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| **Agricultural Uses** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Community Garden | I | I | I | | Yes | | |
| | | | | | | | |
| | | | | | | | |
| **Accessory Uses and Structures** | **MU-1** | **MU-2** | **MU-3** | Supplemental Regulations | | | |
| Accessory Buildings and Structures | | | P | X | Yes | | |
| Ground Source Heat Pump Systems | P | P | P | | "Geothermal system" | | |
| Solar Energy Systems | P | P | P | X | Yes | | |
| Temporary Outdoor Events | P | P | P | X | "Outdoor sale event" | | |
| Temporary Outdoor Events (greater than 45 days) | C | C | C | X | "Outdoor sale event" | | |
| Vending Machines | P | P | P | | No | | Remove? Doesn't seem needed |
| Wind Energy Systems (excess height) | C | C | C | X | Yes | | |
| Wind Energy Systems | P | P | P | X | Yes | | |
| Day Care Facility (serving 12 or fewer persons) | P | P | P | | "Day care center" | | |
| Day Care Facility (serving from 13 through 16 persons) | P | P | P | | "Day care center" | | |
| Group Family Day Care serving 14 or fewer children | P | P | P | | Yes, revisit | | |
| Home Occupation | P | P | P | X | Yes | | |
| Outdoor Storage | C | C | C | X | Yes | | |
| Rain Garden | P | P | P | X | No | | Is this necessary? Doesn't seem needed |
| Bulk Storage (liquid) | | | P | X | No | | Bulk storage of flammable or combustible liquids or gases for use in industrial processes. |
| Communication Structures | P | P | P | X | Yes | | |
| Outdoor Seating | P | P | P | X | Yes | | |
| Outdoor Display | P | P | P | X | Outdoor sales and display | | |


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| | R-1 | R-2 | R-3 | Supplemental Regulations | Is it Definied? | Current Definition | Suggested Definition or Action |
|---|---|---|---|---|---|---|---|
| **NEW USES TO ADD TO TABLE** | | | | | | | |
| Self service storage facility | | | | | | | A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities. |
| Makerspace/Artisan Manufacturing | | | | | | | An establishment where hand-tools, mechanical tools and electronic tools are shared or individually used for the manufacture of artisan finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods, food and bakery products; non-alcoholic beverages; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing. |
| Medical cannabis | | | | | | | Medical cannabis shall mean the definition for same provided under Minn. Stat. § 152.22, subd. 6, as may be amended. |
| Medical cannabis distribution facility | | | | | | | Medical cannabis distribution facility shall mean a facility operated by a medical cannabis manufacturer for purposes of distributing medical cannabis in accordance with Minn. Stat. § 152.29, subd. 1(a), as may be amended, and the requirements of the commissioner of the Minnesota department of Health or other applicable state law |
| Medical cannabis laboratory | | | | | | | Medical cannabis laboratory shall mean an independent laboratory permitted to test medical cannabis produced by a medical cannabis manufacturer in accordance with Minn. Stat. § 152.29, subd. 1(b), as may be amended, and the requirements of the commissioner of the Minnesota department of health or other applicable state law |
| Medican cannabis manufacturer | | | | | | | Medical cannabis manufacturer shall mean the definition for same provided under Minn. Stat. § 152.22, subd. 7, as may be amended. |

| P: Permitted<br>C: Conditional Use<br>I: Interim Use<br>X: See Section 154.010 (D) for requirements | R-1 | R-2 | R-3 | MU-1 | MU-2 | MU-3 | Supplemental Regulations | FLAG FOR REMOVAL OR CHANGE |
|---|---|---|---|---|---|---|---|---|
| **RESIDENTIAL** | | | | | | | | |
| **Household Living** | | | | | | | | |
| Single Family Dwelling | P | P | P | | | | | |
| Two Family Dwelling | | P | C | | | | | |
| Multiple Family Dwelling | | | P | | | P | X | |
| Townhouse Dwelling | | P | | | | P | X | |
| Live/Work Unit | | | | C | C | C | | Is this "household living" or "group living"? |
| Manufactured Housing (Home Parks) | C | C | C | | | | | |
| Modular Building | P | P | P | | | | | |
| Special Infill Housing | C | C | C | | | | X | |
| Planned Unit Development | P | P | P | P | P | P | | |
| **Group Living** | | | | | | | | |
| Lodging House | | | P | | C | C | | |
| Assisted Living and/or Memory Care Facility | | | C | | | C | X | |
| Residential Unit over Nonresidential Use | | | | P | P | P | | |
| Senior Housing | | | C | C | | C | X | |
| Senior Housing with Services | | | C | C | | C | X | |
| State Licensed Residential Facility (serving six or fewer persons) | P | P | P | C | C | C | X | |
| State Licensed Residential Facility (serving from 7- 16 persons) | | | P | C | C | C | | |

| P: Permitted<br>C: Conditional Use<br>I: Interim Use<br>X: See Section 154.010 (D) for requirements | R-1 | R-2 | R-3 | MU-1 | MU-2 | MU-3 | Supplemental Regulations | |
|---|---|---|---|---|---|---|---|---|
| **CIVIC & INSTITUTIONAL** | | | | | | | | |
| Cemetery | C | C | C | | | | | |
| Day Care Center, Day Nursery | C | C | C | C | C | C | X | Rename to "Day care facility" - use consistent definitions (see Accessory Uses) |
| Institutions | C | C | C | C | C | C | X | |
| Municipal Administrative Building, Fire Station or other Public Safety or Service Facilities | P | P | P | P | | P | X | |
| Schools, public and private | C | C | C | P | P | P | X | |
| Public Park or Playground and Open Space | P | P | P | | | P | | |
| Community Garden | I | I | I | | | | | |
| **MEDICAL** | | | | | | | | |
| Health - Clinic | | | | P | P | P | | Simplify to "Clinic" |
| Hospital | | | | | | P | X | |
| Medical Laboratory | | | | P | | P | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Physical, Occupational or Massage Therapy | | | | P | P | P | | Remove/combine with Clinic |
| Animal Hospital or Clinic | | | | | | P | | |
| **UTILITY** | | | | | | | | |
| Essential Service Structure, including but not limited to buildings such as Telephone Exchange | C | C | C | | | | X | |
| Substations, Booster or Pressure Regulating Stations, Wells and Pumping Stations and Elevated Tanks | C | C | C | | | | X | |
| Essential Service Structure, including but not limited to buildings such as Telephone Exchange Substations, Booster or Pressure Regulating Stations, Wells and Pumping Stations and Elevated Tanks | | | | P | P | P | X | |
| **P: Permitted<br>C: Conditional Use<br>I: Interim Use<br>X: See Section 154.010 (D) for requirements** | **R-1** | **R-2** | **R-3** | **MU-1** | **MU-2** | **MU-3** | **Supplemental Regulations** | |
| **COMMERCIAL** | | | | | | | | |
| **Lodging** | | | | | | | | Added Group: Lodging |
| Bed and Breakfast Establishment | | | | | P | P | X | |
| Hotel, Inn | | | | | C | P | | |
| | | | | | | | | ADD: Short Term Rentals? |
| **Indoor Entertainment, Recreation, Food, and Beverage** | | | | | | | | Added Group |
| Adult Uses | | | | | | C | X | |
| Brewery, Micro-Brewery, Micro-Distillery, Micro-Winery, | | | | P | P | P | | |
| Catering | | | | P | P | P | | |
| Coffee Shop, Tea House | | | | P | P | P | | Remove: combine with restaurant |
| Health/Sports Club | | | | P | P | P | | Remove: combine with indoor recreation |
| Indoor Recreation | | | | P | P | P | X | |
| Lodge, Private Club, Reception Hall | | | | P | C | C | X | |
| Restaurant | | | | P | P | P | | Update to "Restaurant, Café" |
| Restaurant-Tavern | | | | P | P | P | | Remove: Combine with restaurant |
| Tap Room | | | | | | | | Not P or C anywhere, remove? |
| Theater, Assembly Hall, Concert Hall | | | | P | P | P | | |
| **Service or Workplace** | | | | | | | | |
| Animal: Boarding Facility, Kennel, Shelter, Day Care | | | | | | C | X | Simplify: "Animal Boarding" |
| Animal Grooming | | | | P | P | P | X | |
| Artist, Photographer Studio, etc. | | | | P | P | P | | Combine with "Artisan workshop" or change to "Artist Studio or Workshop" |
| Bank, Financial Institutions | | | | P | P | P | X | Business Services (sales will be below in retail) |
| Business Sales and Services | | | | P | P | P | | |
| Body Art Establishment | | | | P | P | P | | |
| Contractor's Business with Showroom or Workshop | | | | | | P | | |
| Drive-In or Self-Service Business | | | | C | P | P | X | Combine: Laundromat, Dry Cleaning, Commercial Laundry |
| Dry Cleaning, Commercial Laundry | | | | P | P | P | | Combine with "Office" ? |
| Insurance, Real Estate, Sales Office | | | | P | P | P | | Combine: Laundromat, Dry Cleaning, Commercial Laundry |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Laundromat, Self-Service | | | | P | P | P | |
| Mortuary, Funeral Home | | | P | C | C | C | |
| Office | | | | P | P | P | X |
| Package Delivery Service | | | | | | P | |
| Payday Loan Business | | | | | | C | |
| Photocopying | | | | P | P | P | |
| Post Office | | | | P | P | P | |
| Small Appliance Repair | | | | P | P | P | |
| **P: Permitted<br>C: Conditional Use<br>I: Interim Use<br>X: See Section 154.010 (D) for requirements** | **R-1** | **R-2** | **R-3** | **MU-1** | **MU-2** | **MU-3** | **Supplemental Regulations** |
| **Retail** | | | | | | | |
| Auction Rooms | | | | P | P | P | |
| Farmer's Market | | | | P | P | P | |
| Furniture and Household Goods Sales | | | | P | P | P | |
| Garden Center | | | | C | C | P | X |
| Greenhouse, Nursery | | | | C | C | P | X |
| Grocery Store and Produce Store | | | | P | P | P | |
| Liquor Store | | | | P | P | P | |
| Retail Sales and Service Uses | | | | P | P | P | X |
| Seasonal Business | I | I | I | I | I | I | |
| Secondhand Goods Sales | | | | P | P | P | |
| Sporting Goods Store, Bait Shop | | | | P | P | P | |
| Tobacco Sampling | | | | - | - | - | |
| **Outdoor Recreation** | | | | | | | |
| Outdoor Recreation | C | C | C | | | | X |
| Golf Course | C | C | C | | | | X |
| **Automobile, Parking, Transportation** | | | | | | | |
| Automobile Body Shop or Automobile Repair Station | | | | | | C | X |
| Automobile Sales and Rental | | | | | | C | X |
| Automobile Service Station/Convenience Store | | | | C | C | C | X |
| Car Wash | | | | | | C | X |
| Parking Facility, Private | | | | P | P | C | |
| Parking Facility, Public | | | | P | P | C | |
| Taxicab or Limousine Business | | | | P | P | P | |
| **P: Permitted<br>C: Conditional Use<br>I: Interim Use<br>X: See Section 154.010 (D) for requirements** | **R-1** | **R-2** | **R-3** | **MU-1** | **MU-2** | **MU-3** | **Supplemental Regulations** |
| **LIMITED PRODUCTION, PROCESSING, STORAGE** | | | | | | | |
| Artisan Workshop | | | | P | P | P | |
| Laboratory, Research and Development | | | | P | P | P | |

Remove?

Combine garden center, greenhouse, and nursery

Combine garden center, greenhouse, and nursery

Simplify to "Retail Sales"

Remove. This is part of "Retail Sales" category

Remove. This is part of "Retail Sales" category

Remove. Not permitted anywhere

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Limited Production and Processing | | | | P | P | P | X |
| Printing and Publishing | | | | | | P | |
| Warehousing/Storage | | | | | | P | X |
| Warehousing as Primary Use of Space | | | | - | - | - | |
| Wholesale Establishment | | | | P | P | P | |
| **OTHER USES** | | | | | | | |
| Uses determined by the Community Development Department to be of similar scale, impact and character. | | | | P | P | P | |
| **P: Permitted<br>C: Conditional Use<br>I: Interim Use<br>X: See Section 154.010 (D) for requirements** | **R-1** | **R-2** | **R-3** | **MU-1** | **MU-2** | **MU-3** | **Supplemental Regulations** |
| **ACCESSORY USES & STRUCTURES** | | | | | | | |
| Accessory Buildings and Structures | | | | | | P | X |
| Ground Source Heat Pump Systems | | | | P | P | P | |
| Solar Energy Systems | | | | P | P | P | X |
| Temporary Outdoor Events | | | | P | P | P | X |
| Temporary Outdoor Events (greater than 45 days) | | | | C | C | C | X |
| Vending Machines | | | | P | P | P | |
| Wind Energy Systems (excess height) | | | | C | C | C | X |
| Wind Energy Systems | | | | P | P | P | X |
| Day Care Facility (serving 12 or fewer persons) | | | | P | P | P | |
| Day Care Facility (serving from 13 through 16 persons) | | | | P | P | P | |
| Group Family Day Care serving 14 or fewer children | | | | P | P | P | |
| Home Occupation | | | | P | P | P | X |
| Outdoor Storage | | | | C | C | C | X |
| Rain Garden | | | | P | P | P | X |
| Bulk Storage (liquid) | | | | | | P | X |
| Communication Structures | | | | P | P | P | X |
| Outdoor Seating | | | | P | P | P | X |
| Outdoor Display | | | | P | P | P | X |

What about Accessory Uses in the R-districts? No table for that - need to update

**MEMORANDUM**

Date: 5/1/2020
To: Planning Commissioners
From: Olivia Boerschinger, AICP Candidate, Community Development
CC: Scott Duddeck, City Manager
Debra Gustafson, Administrative and Community Services Director
Re: Keeping of Chickens and Bees Ordinance Recommendation

## BACKGROUND

City Manager Scott Duddeck has requested that the Keeping of Bees and Chickens ordinance return for consideration by Planning Commission and City Council. Revisions were made to the original proposed text that reflect discussion and feedback from the March Planning Commission meeting.

## ANALYSIS

The original proposed ordinance was drafted after reviewing the ordinances of sixteen municipalities, particularly those adjacent to North St. Paul and those with similar population size or similar lot sizes to North St. Paul. The original proposal was revised to reflect feedback from the previous discussion. Highlights of the revisions are below:

Chickens

- Consistent use of 'hen' rather than 'chicken' as roosters are prohibited.
- Coop and run must comply with a minimum fifteen (15) foot setback from all property lines
- Maximum height of coops is fifteen (15) feet, to align with accessory structure ordinance
- Slaughter is prohibited
- Sale of eggs is prohibited
- No notification to neighbors when registration is submitted, to align with dog kennel ordinance update
- Registration (rather than permit) is required, which includes application with site plan and initial inspection to ensure compliance with code

Bees

- Front entrance of all hives must face into the registrant's property
- Hives must be located at least fifteen (15) feet from all property lines
- Sale of honey is prohibited
- No notification to neighbors when registration is submitted, to align with dog kennel ordinance update
- Registration is required, which includes an application with site plan and initial inspection to ensure compliance with code

## RECOMMENDED ACTION

Staff recommends that the Planning Commission make a motion to recommend the proposed ordinance additions regarding Keeping of Bees and Chickens to the City Council for approval.

**CITY OF NORTH ST. PAUL**

**ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE
NORTH SAINT PAUL CITY CODE OF ORDINANCES
TITLE IX, CHAPTER 95
PERTAINING TO THE KEEPING OF CHICKENS AND BEES**

**SECTION 1**. Title IX, Chapter 95, Section 95.01 of the North St. Paul City Code is hereby amended as follows. The underlined text shows the proposed additions to the ordinance and the ~~struck out~~ text shows deleted wording:

**§ 95.01 DEFINITIONS**

***CHICKEN.*** A domesticated bird (of the species Gallus domesticus or various similar or related birds) that serves as a sources of eggs and/or meat.

***COOP.*** The structure for the keeping or housing of chickens,

***HEN***. A female chicken,

***ROOSTER.*** A male chicken,

***RUN.*** A fully enclosed area attached to a coop where hens can roam.

***COLONY.*** An aggregate of bees consisting principally of workers, but having, when perfect, one queen, drones, brood, combs and honey.

***HIVE.*** The receptacle inhabited by a colony that is manufactured for that purpose.

***HONEYBEE.*** All life stages of the common domestic honey bee, *apis mellifera*. African subspecies and Africanized hybrids are not considered to be honeybees for the purposes of this Chapter.

***FARM ANIMALS.*** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, ***FARM ANIMALS*** shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, ~~poultry (chickens~~, turkeys, fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, ~~bees~~, and other animals associated with a farm, ranch or stable.

**SECTION 2.** Title IX, Chapter 95, Section 95.23 of the North St. Paul City Code is hereby amended with the additions as follows. The underlined text shows the proposed additions to the ordinance and the ~~struck out~~ text shows deleted wording:

**§ 95.23 EXOTIC PETS/NON-DOMESTIC ANIMALS/FARM ANIMALS.**

No person shall harbor any exotic pets, non- domestic pets, or farm animals, nor build, maintain or use a structure for the keeping of such animals within the city limits. Exceptions include those animals in subsections below, and shall not be kept within the City without first registering with the City.

(A) KEEPING OF CHICKENS.

a. Intent. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime and intent of this ordinance to permit the keeping and maintenance of hens in a clean and sanitary manner that does not create a nuisance and is not detrimental to the public health, safety and welfare of the residents of the City.
b. Registration Required. No person shall keep, maintain, or otherwise care for hens within the City without first registering with the City.
c. Conditions. The keeping of hens is permitted, pursuant to a registration issued under this section, subject to the following conditions:
    i. All premises in which hens are kept or maintained shall be kept reasonably clean from filth, garbage, and any substances which attract rodents, A coop and its surroundings, including any run, must be cleaned frequently enough to control odor. Feces shall not be allowed to accumulate in a way that creates an unsanitary condition or causes odors detectible on another property.
    ii. Coops shall be constructed and maintained so as to be predator and rodent- proof and must be maintained in good condition and working order.
    iii. All grains and other hen food shall be kept in rodent proof container.
    iv. Hens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent properties and must be kept in a coop. An exception may be made for hens under (4) months in age to be temporarily kept in an accessory structure to facilitate the regulation of their temperature.
    v. All coops and runs shall be located in the rear yard and shall be at least fifteen (15) feet from all property lines. Coops and runs may not be located in the front yard. Portable coops and runs are allowed, but must be identified on the required site plan and shall comply with the setback requirements of this provision.
    vi. A coop shall provide a minimum of four (4) square feet of floor space per hen. Coops shall not exceed fifteen (15) feet in height.
    vii. In no case shall the number of hens on the property exceed six (6).
    viii. Hens must be contained within the coop or run whenever unattended, but when attended by the owner, may be allowed in a yard completely fenced by a fence at least four (4) feet in height. Hens must be confined to the owner's premises at all times, may not roam at large, and must be secured inside a coop from sunset to sunrise each day.
    ix. Keeping of hens shall be subject to nuisance regulations in Section 95.26 and the Nuisances, Chapter 98 or the City Code.
    x. Roosters are prohibited.
    xi. Breeding is prohibited.
    xii. Slaughtering is prohibited.
    xiii. Sale of eggs is prohibited.
    xiv. Dead hens must be disposed of according to the Minnesota Board of Animal Health rules.
d. Registration Process:

i. An applicant shall complete a registration form provided by the City. The registration shall include a description of all coops. The applicant must also provide a site plan depicting the property and showing the location, size and setbacks of the coop and run from all property lines.

ii. Applicants who are not the owner of record of the property where hens will be kept shall provide evidence of the property owner's consent to the keeping of hens on the property.

iii. An initial inspection of the coop, fence and property is require to verify compliance with this ordinance and the site plan submitted with the registration prior to moving hens on to the property.

e. Right of Entry for Inspection: City Staff may enter and inspect any property for which a hen registration has been processed following notice to the property owner at any reasonable time for the purpose of ensuring compliance with this section. It shall be deemed a violation of this section for any person to resist, impede, or hinder City Staff or their designee in the performance of their duties in inspecting any chicken-related materials.

(B) KEEPING OF BEES

a. Certain Beekeeping Permitted: It is the purpose and the intent of this section to permit the keeping of honeybees as a hobby, subject to the regulations contained hereinafter. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime, and that gentle strains of honeybees can be maintained within populated areas without causing a nuisance if carefully managed. It is the purposed and intent of this section to permit the keeping of bees in such ways that is not a nuisance or detrimental to the public health, safety, or welfare.

b. Registration Required: No person shall keep, maintain, or otherwise care for bees within the City without first registering with the City.

c. Conditions: The keeping of honeybees is permitted pursuant to a permit issued under this section, subject to the following conditions:

i. No more than four (4) colonies may be kept on any one property.

ii. Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. Each hive structure shall not exceed twenty (20) cubic feet in volume.

iii. A convenient source of water shall be available within ten (10) feet of the hives at all times that the colonies remain active outside of the hive. An adjacent lake or pond shall not constitute an acceptable convenient source of water.

iv. No wax comb or other material that might encourage robbing by other bees shall be left exposed outdoors. Such materials shall be stored in sealed insect-proof containers or placed within a building.

v. Beekeeping equipment shall be maintained in good condition and unused beekeeping equipment shall be protected to prevent occupancy by swarming honeybees.

vi. Hives shall be continuously managed to provide adequate living space for their resident honeybees to control swarming.

vii. In any instance in which a colony exhibits unusually aggressive behavior, it shall be the duty of the registrant to promptly take appropriate action to address the behavior.

viii. Hives must be located at least fifteen (15) feet from all property lines. Hives may not be located in a front yard.

ix. The front entrance of all colony hives must face into the registrant's property

x. A flyaway barrier shall shield any part of a property line that is within twenty (20) feet from a hive. The flyaway barrier shall be six (6) feet in height and shall consist of a wall, fence, dense vegetation or a combination thereof such that the bees will fly over, rather than through to reach the hive. If the adjoining property is undeveloped, with no trails of sidewalks located within twenty (20) feet of the property line, a flyaway barrier is not required.

xi. Sale of honey is prohibited.

d. Registration Process:

i. An applicant shall complete a registration form provided by the City. The application shall include a site plan depicting the property and show the location, size, and type of the hives.

ii. Applicants shall complete a beekeeping training course prior to registration approval. Proof of completion of the required training course shall be provided at the time of registration. The curriculum of the beekeeping course shall be similar to that of the beekeeping courses offered by the University of Minnesota, Century College, or the Three Rivers Park District.

iii. Applicants who are not the owner of record of the property where honeybees will be kept shall provide evidence of the property owner's consent to the beekeeping activity on the property.

iv. An initial inspection of the property, hive(s), water source, and flyaway barrier is required to verify compliance with this ordinance and the site plan submitted with the registration prior to bringing bees on to the property.

e. Right of Entry for Inspection: City Staff may enter and inspect any property for which a beekeeping permit has been issued following notice to the property owner at any reasonable time for the purpose of ensuring compliance with this section.

**SECTION 3.** This Ordinance shall become effective upon the approval of the City Council. The City Clerk is hereby directed to publish this ordinance as required by law.