

**CITY OF NORTH ST. PAUL PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY, MAY 28TH, 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 Blee, Commissioner

Rick Gelbmann, Commissioner - ABSENT AND EXCUSED

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 May 7th, 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. Text Amendment - Animal Shelter

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

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

VIII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

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, July 2nd, 2020 at 6:15 p.m.

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, MAY 7, 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.

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 ABSENT AND EXCUSED

STAFF

Erin Perdu, City Planner

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Gelbmann, and seconded by Commissioner Hamm, with all present voting aye (6-0). Motion carried to adopt the May 7, 2020 Agenda.

IV. APPROVAL OF MINUTES

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

Motion to approve Minutes by Commissioner Hamm, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to approve the April 2, 2020 regular meeting minutes as submitted.

V. MEETING OPEN TO THE PUBLIC

Caller Rob Aurelius stated the meeting was available for viewing on the cable network for a few minutes, but it is no longer available.

Chair Barton stated Planning Commission meetings are not broadcast live but rather recorded and added to the website.

VI. PUBLIC HEARING

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

City Planner Erin Perdu reviewed a request for Conditional Use Permit (CUP) to allow Caring for Cats cat rescue organization to move into an existing building at 2550 7th Avenue. She added the property is in the MU-1 mixed use downtown district. She noted City Staff recommends the CUP as the use category is unclear.

Ms. Perdu stated the Zoning ordinance defines group animal boarding, animal shelters and “other” animal operations. She added these are allowed as conditional uses in the MU-3 district. She noted the City Attorney has advised a text amendment to the Ordinance to allow animal shelters to be considered as a conditional use in the MU-1 district.

Ms. Perdu stated City Staff recommends that this item be tabled to give City Staff an opportunity to draft an Ordinance text amendment allowing animal shelters as a conditional use in the MU-1 district. She added both the Ordinance text amendment and the conditional use permit request would be brought back for Planning Commission consideration. She noted a public hearing was advertised and is required at tonight’s meeting.

The applicant, representing Caring for Cats, stated the organizations takes in surrendered cats and kittens with the express purpose of getting them healthy and adopted out. She added it is not an animal boarding facility, and veterinary procedures would be conducted at TLC Veterinary Clinic in North St. Paul. She noted Caring for Cats has a purchase agreement for the building which must be completed by June 3, 2020, contingent upon City approval,

Commissioner Gelbmann asked whether the shelter can accommodate a maximum number of cats, and whether there will be staff on site 24 hours a day.

The applicant stated the current facility can accommodate 20-22 cats, but it is a smaller building. She added it is hoped that they will be able to expand in the bigger space and take in more cats for adoption. She noted there will not be staff on site 24 hours a day, and the shelter will have specific hours of opening.

Chair Barton opened the public hearing at 6:35 p.m.

There were no comments.

Chair Barton closed the public hearing at 6:36 p.m.

Commissioner Blees stated the staff report and meeting packet show two different locations for the proposed facility, with different addresses. Ms. Perdu agreed to make that clarification before this request is reviewed again.

City Council Liaison Sonnek asked whether there is delineation between a pet shop use and an animal shelter like Caring for Cats, and whether the public hearing and CUP process applies for both uses.

Ms. Perdu stated pet shops are a permitted use. She added the CUP process is recommended for the animal shelter use as it would have different impacts.

Chair Barton stated the Planning Commission's next meeting should be changed to May 28, 2020 to accommodate Caring for Cat's June 3, 2020 purchase agreement deadline.

Motion by Commissioner Stahlmann, and seconded by Commissioner Hamm, with all present voting aye (6-0). Motion carried to table the request for a Conditional Use Permit for Caring for Cats, 2550 7th Avenue.

VII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

City Planner Erin Perdu provided an update regarding potential amendments to language in the Zoning Code. She stated these include basic revisions to lot size and density to bring the Zoning Code into compliance with the Comprehensive Plan. She added minimum lot areas in the R-2 and mixed-use districts should be adjusted to allow for maximum density requirements in the Comprehensive Plan. She noted the minimum lot size in the R-2 district is proposed to be changed to 3630 square feet and 12 dwelling units per acre.

Ms. Perdu stated the mixed-use districts did not previously have a maximum density.

City Council Liaison Sonnek asked whether these changes will address issues related to townhomes that the City has had in recent years. Ms. Perdu confirmed that the changes will address lot size, but there are still some issues related to lot width to be discussed.

Ms. Perdu stated variance request records from the past 20 years are available for review, and there have been more variance requests for smaller lots related to setbacks, and in particular for porch additions. She added she would recommend flexibility in lot coverage related to porches. She noted that approvals for certain kinds of variances should be addressed in the Ordinance if they occur frequently.

Chair Barton stated the setback has been reduced to 25 feet from 30 feet, so that should address the porch setback issue. She added there have been many side yard setbacks requests for garages.

Commissioner Gelbmann asked whether the number of variances is high in comparison to other cities over a 20-year period.

Ms. Perdu stated there have been 48 variance requests over the past 20 years, and that it is not an excessive number. She added variance requests are common in cities like North St. Paul that have historically platted small lot sizes.

Ms. Perdu stated the Planning Commission had discussed reducing the minimum lot width to 40 feet. She reviewed a map highlighting lots between 50-60 feet, and lots that are 80 feet that could be split under a 40-foot minimum lot width. She stated all of these lots would be conforming if the minimum lot width were to be changed to 50 feet.

Ms. Perdu stated Commissioner Worm is not present at the meeting, and he has been an advocate of minimum lot width of 40 feet. She added her recommendation would be to consider 50-foot minimum lot width. She noted this would have an impact on the special infill housing provision, which allows building on lots that are within 10% of the minimum, or 54 feet wide.

Chair Barton requested a count of all the properties that are 50-59 feet wide, and less than 50 feet wide. Ms. Perdu agreed to provide that information.

Chair Barton stated, with regard to lot splits in the shoreland overlay districts around Casey Lake and Silver Lake, requirements for lot area and width are the same as the underlying zoning classification. She added a shoreland overlay regulation applies to shorelines, which she believes is a 75-foot minimum, but that may need to be clarified.

Commissioner Stahlmann asked about cul-de-sac lots that are pie-shaped, and whether there is accommodation related to where the lot width is measured from.

Ms. Perdu stated pie-shaped lots might not be non-conforming, even though they show up on the map.

Ms. Perdu stated there are many lots in the R-1 district that could be split if the minimum lot width were reduced to 40 feet. She added this could have significant impacts on certain neighborhoods. She requested guidance or consensus on changing the minimum lot width.

Commissioner Gelbmann stated a minimum 50-foot lot width would eliminate disruption that occurs when lots are split into 40-foot widths, creating density issues in neighborhoods.

Chair Barton stated the map does not show lots that are 100 feet wide that could be split into two 50-foot wide lots. Ms. Perdu agreed to provide that information.

There was consensus from the Planning Commission that minimum lot width of 50 feet lot is appropriate.

Ms. Perdu requested the Commission's consideration of whether the uses listed in the tables should be defined or added if there is no definition. She added the current definition of townhouse dwelling does not allow stacking of townhomes above or below, and this is outdated and could be changed.

Ms. Perdu asked whether the Commission would consider adding 2-family dwellings in the R-1 district.

Commissioner Blees asked why a 2-family dwelling is different from a townhouse dwelling.

Ms. Perdu stated duplexes are a common form of 2-family dwelling in North St Paul, but townhomes are usually thought of as rowhouses, or several dwellings in one structure, and higher in density.

Chair Barton stated the distinction between townhomes and duplexes as a type of dwelling often has to do with ownership.

Commissioner Gelbmann stated the City of Minneapolis allowed duplexes as a way to increase density in residential zones. He added combining them into one category would reduce flexibility in terms of being able to make a distinction between them. He noted duplexes are often considered more acceptable in a single-family neighborhood.

Commissioner Gelbmann asked whether there should be a distinction for coffee shops that do not qualify as a restaurant but are currently defined as a restaurant. He added this would relate to establishments that sell food or beverages for consumption off-site, immediately or in the future. Ms. Perdu agreed it is a good point to keep restaurants separate from grocery stores.

Chair Barton stated, on page 39, theater, assembly hall and concert hall were going to be combined with cultural center. She added museums are mentioned here, but also mentioned on page 38 under “indoor recreation”.

Commissioner Blees stated language related to funeral home vs. mortuary was going to be eliminated.

Ms. Perdu requested, in the interests of time, that the Commission could look through the table and provide feedback and comment before the next meeting.

Chair Barton requested that language be cleaned up so items are not listed twice. She added “medical laboratories” is listed twice.

Ms. Perdu stated City Staff felt that combining the “Use” tables made it easier to administer, by listing types of uses as well as general categories. Chair Barton stated she likes having two tables combined into one.

Ms. Perdu stated she would review the Commissioner’s comments and bring more information for further review at the next meeting.

Commissioner Stahlmann asked whether it is possible to search for something within the table. Ms. Perdu confirmed this and demonstrated the “search” option. She agreed to make sure the document will be searchable.

B. Ordinance Text Amendment: Keeping of Chickens and Bees

Planning Secretary Olivia Boerschinger reviewed text amendments to the proposed Ordinance for the keeping of chickens and bees. She added the amendments are the result of feedback and discussions with City Staff to ensure consistency with other City Ordinances. She noted some of

the changes are related to no requirement for notification for neighbors, and a registration process rather than a permit.

Commissioner Blees stated the current language indicates that the sale of eggs would be prohibited. He asked whether it will be possible to have meaningful enforcement of such a regulation.

Ms. Boerschinger stated that language relates the sale of eggs or honey to regulation by the Department of Health. She added, in terms of enforcement, that would be on a complaint basis.

Commissioner Gelbmann stated the keeping of bees is listed specifically as a hobby. He added the language prohibits the sale of eggs or honey on site, but someone could sell them somewhere else, like a farmer's market. He noted that would be beyond the scope of this Ordinance and would constitute an income-generating activity.

Ms. Boerschinger stated language could be added that a vendor license would be required for sale of eggs or honey off -site. She added the sale would not be addressed, but the "hobby" reference could be removed.

Commissioner Blees stated language should be specific to clarify that sale of honey or eggs is prohibited on-site.

Chair Barton stated "on site" could be added to the sale of eggs and honey.

Commissioner Gelbmann requested the following correction: on page 51, 2nd line from the end of Item 10, replace "of" with "or". He added, on page 50, there should be some specification regarding action that must be taken if a beehive gets infected with bugs or disease. He noted Item 7 could read, "if bees become infected with mites or other disease." Ms. Boerschinger agreed.

Chair Barton requested clarification regarding the definition of chickens on page 48 that states "or other similar or related birds".

Ms. Boerschinger agreed to get additional clarification regarding types of chickens that would be allowed. She added other cities provide that type of information in their registration materials, specifying allowable breeds or types. She noted that can be clarified in the definition, and chickens can be changed to "hens".

Commissioner Gelbmann stated some chickens are raised as pets, or for showing purposes.

Chair Barton stated, on page 49, item C2 should be amended to read "coops and runs".

Chair Barton asked whether the overall size of the chicken coop will be limited and regulated. Ms. Boerschinger stated she is unsure but agreed to check with City Staff. She added the intent is to keep the Ordinance requirements in alignment with accessory structure requirements. She added the Ordinance could include a maximum allowable size.

Commissioner Gelbmann stated there should be a specific number of allowable coops in one yard.

Chair Barton stated she made notes and re-numbered the items to put them in logical order. She added she will forward her notes to Ms. Boerschinger.

Chair Barton stated, regarding Item 9, she is unsure whether the word “nuisance” is necessary. She added she would support a reference to Section 95.26 regarding the human care of animals.

Chair Barton asked whether a permit will be required if someone wants to put electricity in their coop. Ms. Boerschinger confirmed this, adding that can be clarified in the Ordinance as well as the registration process.

Chair Barton stated Item 1 refers to “coops”, which should be changed to the singular “coop”.

Chair Barton stated Item 3, regarding the initial inspection, should read “fenced in property is required”.

Chair Barton stated the City should provide educational materials in the application, related to the feeding and care of chickens.

Chair Barton stated she supports the 15-foot setback on page 51.

Commissioner Gelbmann requested clarification on the term “flyway”, and whether it is the same as “fly away”. Ms. Boerschinger agreed to check on it.

Chair Barton whether, with regard to enforcement, whether there will be a time frame during which people will need to make corrections if a valid complaint is made. She has received many comments from residents who are concerned that the Ordinance will not be enforced.

Ms. Perdu stated it is a good idea to have a section in the Ordinance that refers back to the City’s Code enforcement procedures.

Chair Barton asked whether a site plan will be required to ensure that chicken coops are placed in the correct location.

Commissioner Blees stated he looked up “flyway” and “flyaway” in the American Bee Journal, and they are interchangeable.

Commissioner Stahlmann requested a red-lined version of the proposed Ordinance for the Commission’s reference. Ms. Boerschinger agreed.

Motion by Commissioner Stahlmann, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to approve the recommended changes, and direct City Staff to make recommendations to the City Council.

City Council Liaison Sonnek thanked the Planning Commission for their consideration of this issue. He added the City has been talking about having a chicken and bee ordinance for many years. He added other communities that have similar Ordinances have indicated that they have not had any complaints.

City Council Liaison Sonnek stated there is evidence and research from many other cities who have already enacted this type of ordinance and have not had any complaints from residents. He added the evidence suggests that the City of North St. Paul should try it and if things go wrong, the Ordinance can be changed. He noted he appreciates the Planning Commission's thoughtful approach.

Chair Barton stated the first sentence on page 49 states that hens shall not be a "nuisance". She added the proposed conditions should prevent them from being a nuisance, and that sentence could be misinterpreted.

VIII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

Motion by Commissioner Monge, and seconded by Commissioner Blees, with all present voting aye (6-0). Motion carried to move the Planning Commission's June 4, 2020 meeting to May 28, 2020.

Chair Barton wished Commissioner Hamm all the best and thanked her for her service on the Planning Commission.

IX. REPORTS FROM STAFF

-None.

X. REPORTS FROM COMMISSIONERS

a. Update from City Council Liaison

City Council Liaison Sonnek stated construction projects continue to move forward. He added a special meeting of the City Council is planned for next week to finalize paperwork for the Uptown Commons apartment complex. He noted road construction at 7th and Margaret will be completed as part of that project, and the former dentist's office site will be used as a staging area for the project.

City Council Liaison stated the City Council continues to work remotely as much as possible, following State and Federal safety guidelines. He added playground equipment is still restricted from use to minimize risk for families and children.

Chair Barton stated people can still use the parks and trails. She added she is concerned that there has been no discussion at the City Council level regarding efforts to help local businesses with transitioning back to reopening for business.

City Council Liaison Sonnek stated there has been communication regarding supporting local restaurants that are offering take-out and delivery. He added the City Council voted to prorate liquor licenses so restaurants and bars will not pay for their liquor license during the months they have not been in business, and they will be able to pay for their license on a monthly bases after the prorated amount is deducted.

Commissioner Monge stated he and his neighbors found out that day that parking will be restricted on both sides of the Swan/Poplar ring for safety and emergency services access. City Council Liaison Sonnek stated that was not part of the original reconstruction plan. He agreed to contact City Manager Scott Duddeck.

Commissioner Hamm thanked the Planning Commission for the opportunity to get involved. She added she is moving to Red Wing.

Chair Barton stated the Planning Commission's next meeting is scheduled for May 28, 2020. Commissioner Gelbmann stated he is not able to attend.

XI. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Hamm, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to adjourn the meeting at 8:36 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, May 28, 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

**Agenda Information Memorandum
North St. Paul Planning Commission
May 22, 2020**

VI. PUBLIC HEARINGS

A. Text Amendment – Animal Shelter

ACTION TO BE CONSIDERED

Recommend approval of an amendment to allow Animal Shelters as a Conditional Use in the MU-1, MU-2 and MU-3 districts

FACTS

Based on recent discussions of a proposal for an animal shelter to move into the downtown area, the Planning Commission recommended that staff draft an amendment allowing this use in the Mixed Use zoning districts. Animal shelters would be allowed as a conditional use only, so that the City can review potential impacts of outdoor animal exercise areas and the like with each application.

Attached is the proposed ordinance language, removing Animal Shelters from the other animal related uses which are only allowed as conditional uses in the MU-3 district (and which have potentially larger outdoor impacts)

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the attached ordinance amendment allowing animal shelters as a conditional use in the MU-1, MU-2 and MU-3 districts by the City Council.

Table 6. Mixed Use Districts

Retail Sales and Services	MU- 1	MU- 2	MU- 3	Supplemental Regulations
Animal: Boarding Facility, Kennel, Day Care			C	X
Animal Shelter	C	C	C	X

Permitted, conditional, and interim uses in the residential districts.

1. "P" means permitted in the districts where designated.
2. "C" means allowed as conditional uses in the districts where designated, in compliance with the applicable standards.
3. "I" means allowed as interim uses in the districts where designated, in compliance with the applicable standards.
4. "X" means there are specific requirements in Section 154.010 (D) associated with a use.

MEMORANDUM

Date: 5/22/2020

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

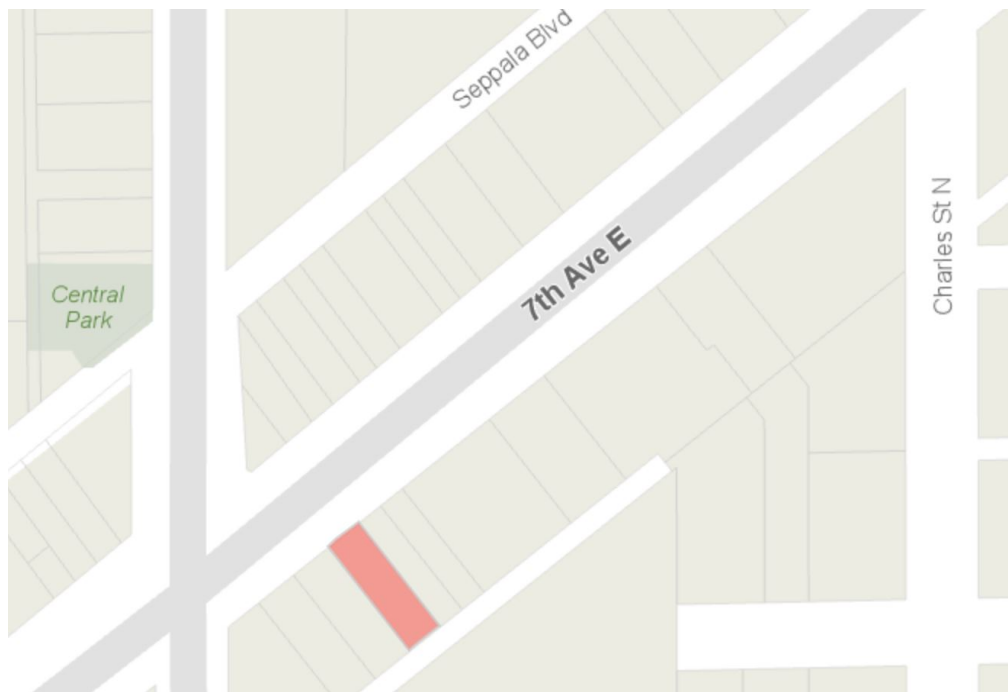
Re: Conditional Use Permit Review for Caring for Cats located at 2550 7th Ave E.

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. Concurrent with the proposed text amendment, animal shelters are now allowed as a conditional use in the MU-1 district

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 PARKWAY

City, State, Zip: MINNEAPOLIS, MN 55419

Phone Number: 612-760-1159

Email: carole.hyder@caring-for-cats.org

Are you the owner of the property? ☐ YES ☒ NO
(If no, you must supply property owner information)

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 @ lAGARAGEandGallery.com

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 10ft. 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 Description: ☐ Residential ☒ Commercial ☐ Industrial ☐ Institutional

PROPOSAL INFORMATION

SEE ATTACHED.

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.

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.

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: Curtis Hoyer

Date: 4-5-2020

Owner Signature: Don Hoyer

Date: 4-4-20

PROPOSED MEETING DATES:

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

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

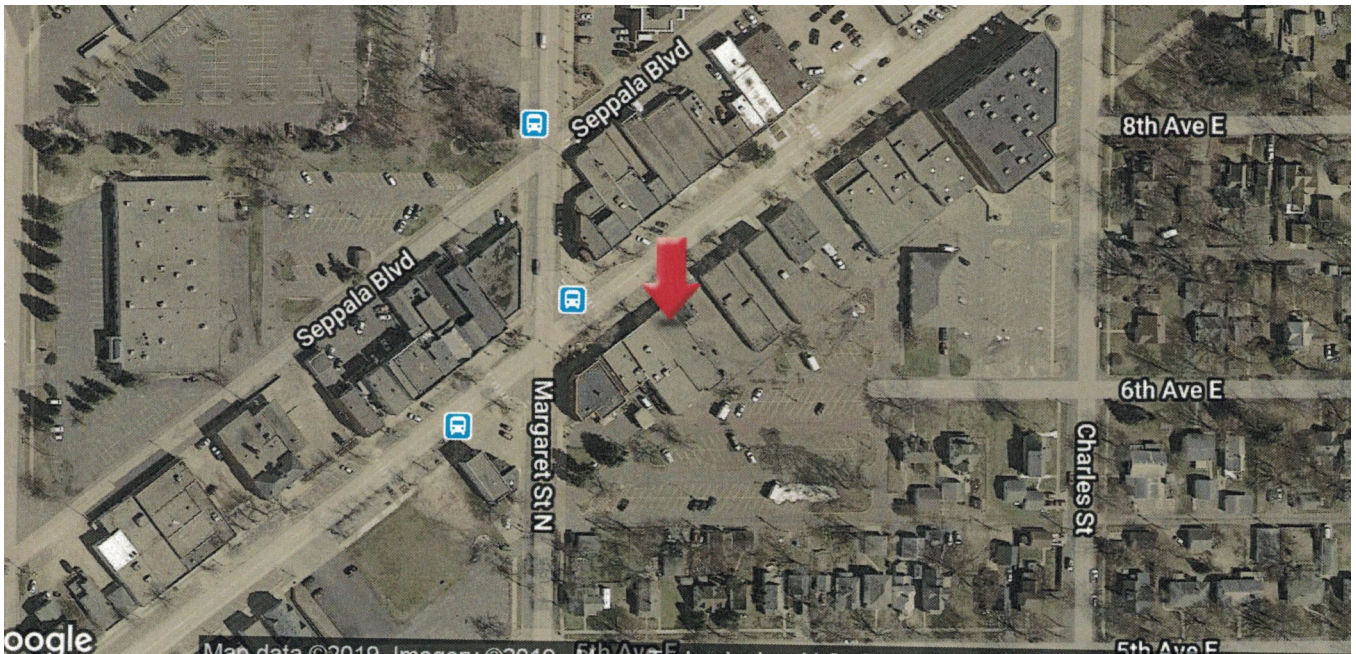
OPERATING PROCEDURES

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.

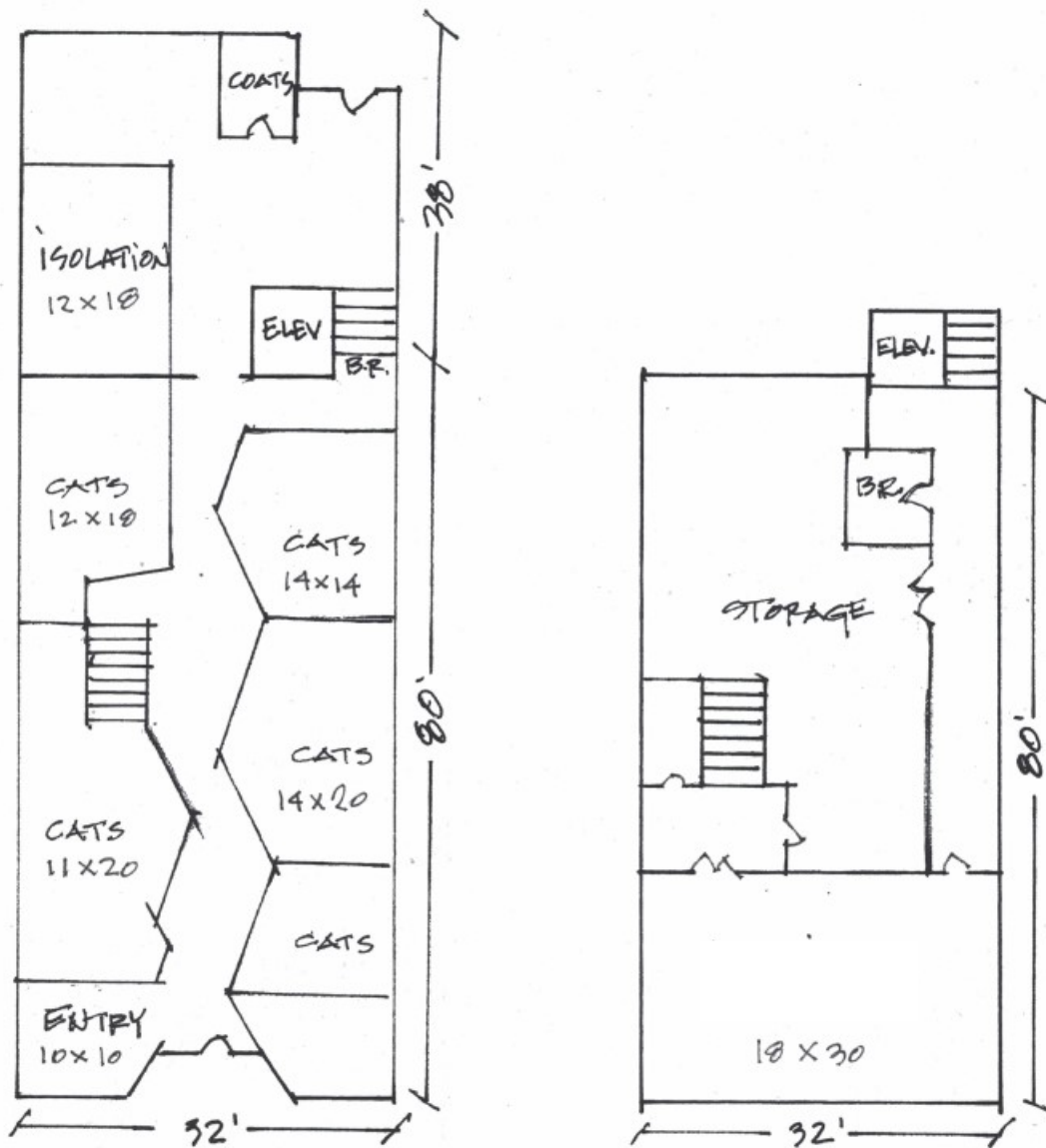
Once in the shelter, the cats can run free in a contained area, with some available cages if the cat decides it needs quiet time. They are monitored every day in terms of behavior and health problems. A team of volunteers comes in daily to clean, feed and visit the cats.

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.

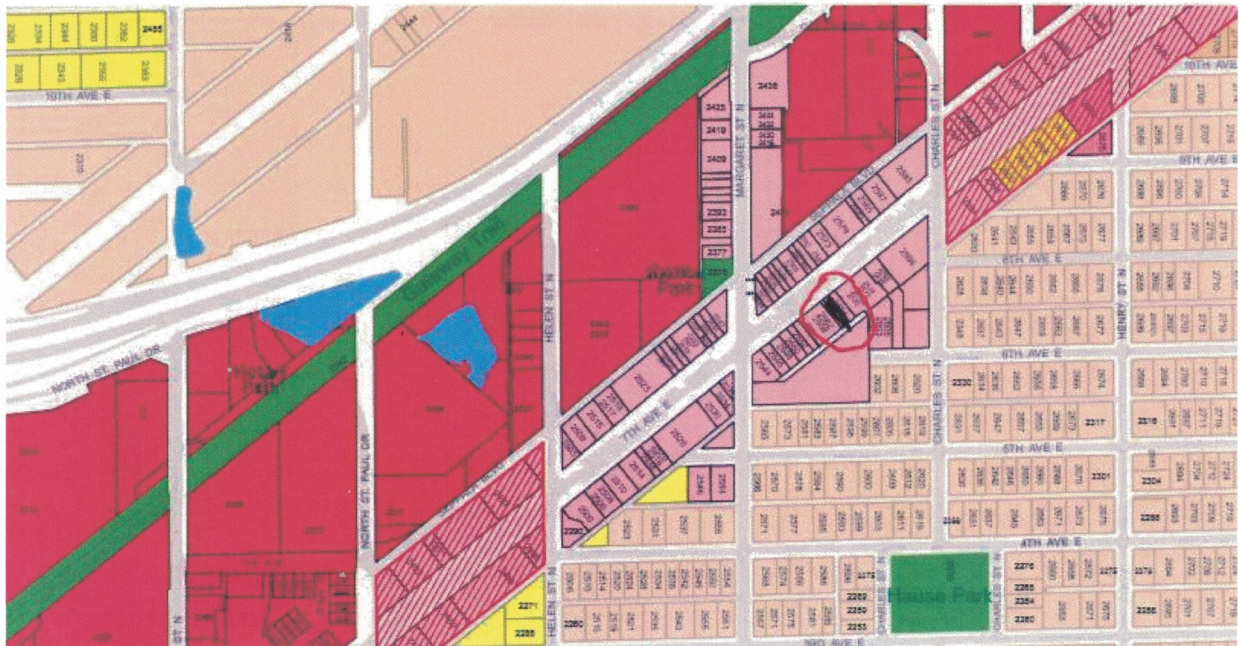
CARING FOR CATS
Zoning Application
Aerial Map



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: [Signature]
(Seller) 03/19/2020 2:53:46 PM CDT

By: [Signature]
(Buyer) 03/18/2020 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: [Signature]
(Seller) 03/19/2020 3:00:52 PM CDT

By: _____
(Buyer)

131. Its: _____
(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
May 22, 2020**

VIII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

ACTION TO BE CONSIDERED

Provide feedback on proposed use tables and housing policy questions

FACTS

This memo provides background information and recommendations on the following:

- Revised use tables and definitions based on prior discussions
- Housing policy questions:
 - Definition of “family”
 - Small lot residential/cottages
 - Special types of neighborhoods
 - Duplexes in the R1-A district
 - Townhouse issues

Sample language from comparable communities is attached for your context and consideration. Also attached is a map of R-1 lots with more than 100 ft. of frontage (which could potentially be split if lot width were reduced to 50') per your request.

Use Tables:

The use tables have been consolidated and revised per the discussion on May 7 Meeting and the complete table is attached. Existing and proposed definitions are shown in the table for your information. The actual proposed use table will not include definitions; rather, those will be amended in the Definitions section of the ordinance. A summary of the changes made since the May 7 meeting is as follows:

Residential

- Added Definition for Live/Work Uses: A dwelling unit combining residential use types with commercial- or limited industrial-use types. This use classification includes but is not limited to: office, live/work facilities, or other similar uses.
- Townhouses and Two-Family uses will be separately discussed
- PUD moved to “Other Uses”

Group Living

- No Changes From 5/7

Civic and Institutional

- “Day Care Center, Day Nursery” to remain “Day Nursery” and “Day Care Center” are distinct uses related to State Definitions.
- Alternative definition for “Institutions” A use conducted by, or a facility or structure owned or operated by, a nonprofit, religious, or charitable institution that provides educational, cultural, recreational, religious, or other similar types of public services.

Medical

- Simplified “Health – Clinic” to “clinic. Modified definition to include uses in the existing table: “Physical, Occupational or Massage Therapy” and Medical Laboratory listed.
 - New clinic definition: A facility designed and used for medical, osteopathic, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding. Includes Doctor's Offices, Dental Clinics, medical laboratories, and physical and occupational, and massage therapy facility, Chiropractic care.
- Added “Medical Cannabis Facility” reflecting State Statute.

Utility

- Cleaned up table to have one sole row.

Commercial

Lodging

- Removed “inn” for “Hotel, Inn” grouping. There is no definition for Inn.
- Short-term Rental. Added a place holder in lieu of a wider policy discussion.

Indoor Entertainment, Recreation, Food, and Beverage

- Added definition for catering. Staff recommends restricting this use in the MU-1 District, as it does not generate pedestrian activity
- Added Definition of Coffee Shop or Tea House
- Modified Definition of Cultural Center
- Modified the Definition of indoor recreation

Service or Workplace

- Added Definition of Animal Grooming: Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.
- Added and Defined Artisan Studio / Makerspace
- Added Definition of “Bank, Financial Institution”
- Added definition of “Business Sales or Services”:
- Added and defined Educational Services
- Added Definition of Contractor’s Business with Showroom or Workshop
- Added definition of Research Lab

- Added definition of Office

Retail

Definitions added:

- Farmer's Market:
- Garden Material Sales
- Grocery
- Liquor Store
- Retail Sales

Outdoor Recreation

Definitions added:

- Outdoor Recreation
- Golf Course

Automobile, Parking, Transportation

Definitions added or modified:

- Automobile Service or Repair
- Car Wash
- Automobile Sale and Rental
- Modified the existing Parking Facility definition to include private facilities

Limited Production, Processing, Storage

- Modified definition of production and processing to reflect "limited production and processing" as a use, re-categorize the definition as "limited production and processing.
- Mini-warehouse was already defined, but will be changed to "self-service storage facility" and will be added the uses. Staff recommends allowing this only as a CUP in the MU-3 District.
- Added Definition for "warehousing"

Other Uses

- Relocated PUD as it is not a "use" per say, but rather a form of approval. The development would have to correspond to uses types that are allowed in the underlying zoning district.

Accessory Uses

Definitions added or modified:

- Dependency Living Arrangement
- Renamed "Ground Source Heat Pump Systems" to "Geothermal System" which corresponds to the definition
- Yard Sale
- Modified Home Occupation definition to not include yard sales.

- Bulk Storage
- Changed Tennis court to sport court, and defined it as such

Housing Policy-Based Discussion:

Use of Family in Zoning Definitions/Regulations

Current Definition: **FAMILY.** One or more persons related by blood, adoption, or marriage, including foster children and household servants, living and cooking together as a single housekeeping unit;

- a number of persons, but not exceeding three, living together as a single housekeeping unit though not related by blood, adoption or marriage;
- or a number of persons, including no more than two adults, living together as a single housekeeping unit where the minor household members are the natural, adoptive or foster children of one of the household members.

According to the Census Bureau's 2018 American Community Survey, nonfamily households make up 37.8% of the households in North St. Paul. Most are individuals living alone, but 234 households are instances where the householder shares the home with people to whom they are not related. In the Metro, 9,041 of 1.3M households (0.65%) consist of four-plus nonfamily households.

Other Definitions of Family:

- Minneapolis: Family: A "family" is an individual or two (2) or more persons related by blood, marriage, domestic partnership as defined in Chapter 142 of the Minneapolis Code of Ordinances, or adoption, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit, living together as a single housekeeping unit in a dwelling unit and also including roomers, provided that the family plus the roomers shall not exceed a total of five (5) persons; provided further that the limit of five (5) persons shall not apply where the entire group living in the dwelling unit consists of persons related by blood, marriage or adoption including foster children and domestic servants.
- St. Louis Park: Family means one of the following: (1) Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care. (2) Up to four people not so related, living together as a single housekeeping unit. (3) Any group of people living together as a single housekeeping unit, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency or for other reasons. (4) Any individual, who is the owner, living and maintaining a common household and using a common cooking and kitchen facility.
- Maplewood: Family means one of the following, living together as a single housekeeping unit: (1) An individual or a group of persons not to exceed five, who are not related by blood, marriage, foster children, or adoption; (2) Two persons related by blood, marriage, foster children, or adoption and not more than three unrelated persons; or (3) Three or more persons related by blood, marriage, foster children, or adoption and not more than two unrelated persons.

- Roseville: FAMILY: Family shall mean one of the following: (a) Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care; (b) up to four people not so related, living together as a single housekeeping unit; (c) any group of people living together as a single housekeeping unit, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency, or for other reasons; or (d) any individual, who is the owner, living, and maintaining a common household and using a common cooking and kitchen facility.
- Bloomington: FAMILY. One or more persons related by blood, marriage or adoption, including foster children and domestic partners and civil unions recognized under Minnesota law, or a group of not more than four persons (excluding personal care attendants, in accordance with Minnesota Rules Rule 9505.0335), occupying a dwelling unit. This definition of family includes a functional household as defined in § 14.568 of the city code, as well as those persons renting rooms.

Recommendation: Staff recommends the adoption of a new definition of family, with one change to the existing language:

- **FAMILY.** One or more persons related by blood, adoption, or marriage, including foster children and household servants, living and cooking together as a single housekeeping unit;
 - a number of persons, but not exceeding ~~three~~ four, living together as a single housekeeping unit though not related by blood, adoption or marriage;
 - or a number of persons, including no more than two adults, living together as a single housekeeping unit where the minor household members are the natural, adoptive or foster children of one of the household members.

Incentives for Affordable Housing: Should the City Include Zoning incentives for affordable units?

- Typical categories of Bonuses:
 - Building Height
 - Parking Requirements
 - Lot Coverage
 - Setbacks

Alternative Neighborhoods: Should North St. Paul consider allowances for tiny houses and other alternatives like co-ops or pocket neighborhoods in some way *other* than a PUD (or specifically in a PUD);

- Other Communities allow alternatives via CUP or by-right (full Ordinance examples are included in an appendix):

Requirement	Kirkland	Rochester	Duluth	Minneapolis
Type	Cottage Development.	Cottage Development	Cottage Home Park	Cottage Development
Approval	Administrative	Admin/CUP	CUP	CUP
Density	2x underlying Zoning, .35 FAR	1 DU per 1,500 sf lot area	Not Specified	Not Specified
Size	4 – 24 Units	No Min/Max		
Overall Lot Size	No Min	1 ac		10,000 sf min or 650 sf per bed
Parking	1 space per unit (<700 sf units); 1.5 spaces per unit (700-1,000 sf units); 2 spaces per unit (>1,000 sf units)	1 per unit min. 2 per unit max	Underlying SF standards	None Required. Bicycle parking is required.
Separation	From Other Cottage Devls: 1 to 9 units: 500'; 10-19 units 1,000'	6' internal building separation	None Specified	None Specified
Setbacks	Front 20' Other 10'	Front 20'; side 10'; Rear 20'	Underlying Reqs	Underlying Reqs
Unit Size	Not Specified	1,000 sf per unit max	Not Specified	Not Specified
Common Building	Allowed as accessory use	Not Specified	Not Specified	Required (at least 500 sf) for shared facilities if not in each unit, must be within 200' from units
Lot Coverage	50%	Not Specified	Not Specified	Not Specified
Open Space	400 sf per unit; extensive placement requirements	10% of site as shared landscape area	Required	40% of site (1/2 can be parking)
Unit Orientation	Extensive Standards	Not Specified	Entry of each unit toward front	Not Specified
Ownership	Condominium Rental or Ownership	Required as Condominium	Not Specified	Not Specified
Utilities	Not Specified	Not Specified	Each unit w own service	Not Specified

Flexibility for Residential Rehab/Improvement: Should the City develop ways to allow reduced setbacks, lot coverage, flexibility in rehabilitating/updating existing homes on small lots?

Example: in Minneapolis and Duluth the side setbacks vary in the R-1 District depending on the lot width:

Minneapolis	Duluth
Lot width less than 42 ft.: 5	General 6 ft.
Lot width 42 ft.—51.99 ft.: 6	Lots with 50 ft or less of frontage, but more than 25 ft: Combined width of side yards must be at least 12 ft., with no side yard less than 3 ft. wide
Lot width 52 ft.—61.99 ft.: 7	Lots with 25 ft or less of frontage
Lot width 62 ft.—84.99 ft.: 8	Combined width of side yards must be at least 8 ft., with no side yard less than 3 ft.
Lot width 85 ft.—99.99 ft.: 10	
Lot width 100 ft. or greater: 12	
Minimum interior side yards greater than eight (8) feet shall apply only to principal structures	

Special Infill Housing: Is Special Infill Housing needed/desired with the reduction to minimum lot and width?

- If minimum lot area is reduced to 50 ft, a special infill housing CUP could theoretically allow a 45 ft lot.

Two-family Uses: Should North St. Paul allow Two-Family Uses in the R-1 District?

Below is a summary of communities' allowances for two-family uses. The minimum lot areas were included for reference. Additionally, the district where two-family uses was allowed was also included with the minimum lot size for reference. Lastly, the appendix includes the supplemental standards for two-family homes

Community	Two-Family in R-1? (min lot size)	Low Density District where permitted (min lot size for 2F)
Maplewood	Not P in R-1 (10,000 sf)	P in R-2 (12,000 sf)
Roseville	Not P in LRD-1 (11,000 sf)	P in LDR-2 (4,8000 sf per unit)
Golden Valley	Not P in R-1 (10,000 sf)	P in R-2 (10,000 sf)
Robbinsdale	Not P in R-1 (6,000 sf, 50 ft width)	Conditional in R-2 (6,000 sf)
South St. Paul	Not P in R-1A (7,000 sf)	P in R-2 (15,000 sf)
Richfield	Not in R-1 (10,000 sf)	P in MR-1 (10,000 sf)
Bloomington	Permitted in R-1 (15,000 sf)	
Minneapolis	Permitted in R-1 (6,000 sf)	
Janesville, WI	CUP in R-1 (10,000 sf)	

Townhouse Discussion:

The city should revisit the definition:

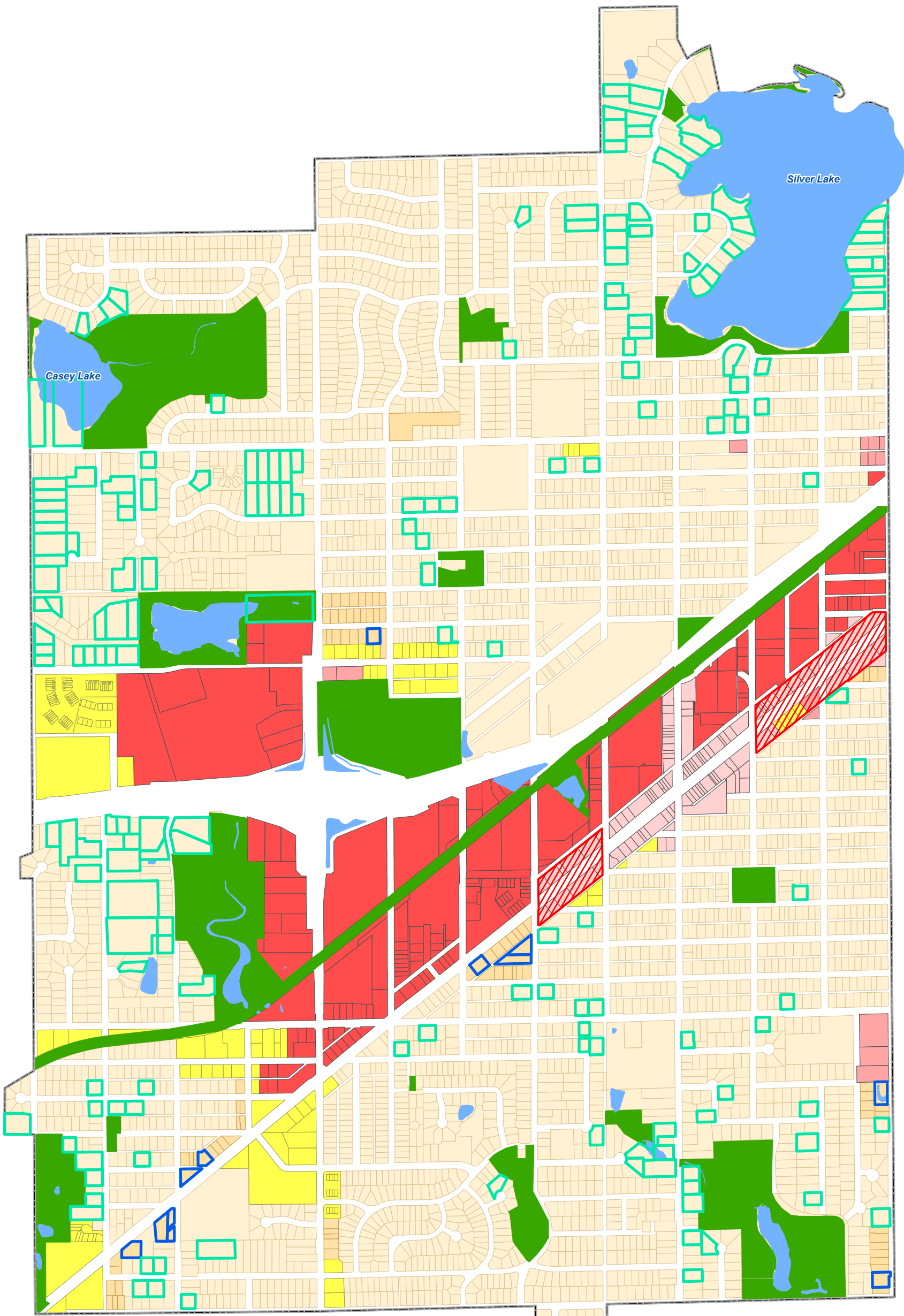
- **DWELLING, TOWNHOUSE.** A residence structure that is a single-family dwelling unit constructed in a group of two or more similar single-family dwelling units, with no other unit above it or below it,

with each unit extending from the foundation to the roof, with each unit having a private entrance, and designed for not more than one family.

Reference Definitions:

- Maplewood: Dwelling, townhouse means a residence for one family that is attached either horizontally or vertically to at least two other residences, each with a private outside entrance.
- Oakdale: Townhouse: A single structure consisting of three (3) or more dwelling units having separate entrances the first story at the ground level with no other dwelling units or portions thereof directly above or below.
- Roseville: TOWNHOUSE: A form of one-family attached dwelling
- Golden Valley: Townhouse: A common interest community consisting of single-family attached units comprised of two or more dwelling units, contiguous to each other, only by the share of one common bearing wall. No single townhouse structure shall contain in excess of eight dwelling units and each dwelling unit shall have separate and individual front and rear entrances.
- Robbinsdale: Subd. 120. "Townhouse" means single family attached unit in structures housing three or more dwelling units, contiguous to each other only by the sharing of one common bearing wall, such structures to be of the town or row house type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight dwelling units and each dwelling unit shall have separate and individual front and rear entrance.
- South St. Paul: Dwelling, townhouse, means a residential building containing two or more dwelling units with at least one common wall, each dwelling unit so oriented as to have all exits directly to the out-of-doors.
- Richfield: Subd. 42. "Dwelling, townhouse." A building used for occupancy by three (3) or more families living independently of each other. Each dwelling unit is attached horizontally in a linear arrangement with private front and rear entrances at ground level and has a totally exposed front and rear wall to be used for entry, light, and ventilation. Dwelling units may be individually owned and an association fee may be paid for maintenance of yard and common areas.
- Bloomington: TOWNHOUSE/ROWHOUSE. A building or group of buildings that include three or more dwelling units on a site where the dwelling units are configured in a side by side fashion and share at least one common wall but are not vertically stacked.
- West St. Paul: TOWNHOUSE. A dwelling unit attached to other dwelling units by common walls. The dwelling units are side by side with common walls extending from the foundation to the roof without any portion of one dwelling unit located over any portion of another. Each dwelling unit has a separate entrance from outside the building.
- Is the Open space requirement of 500 sf. per unit adequate?
 - Maplewood: Not Found
 - Oakdale: Not Found
 - Roseville: No Standards
 - Golden Valley: Not Found
 - Robbinsdale: 4,200 sf lot area; no specific req for Open Space
 - South St. Paul: Common: 25 percent of the total development area
 - Richfield: Not Found
 - Bloomington: 20% of townhouse development sites must be used for accessible landscaped open space
 - West St. Paul: 5,500 sf lot area; no specific req for Open Space
- 154.010 (D) (45):
 - Should a garage be required?
 - Should there be public road access to all units?
- 154.010 (E)(4)(b)

- Restricts townhouse units to 5 in a row in any one building
 - Maplewood: number not found
 - Oakdale: 4-8
 - Roseville: No Standards
 - Golden Valley: 2-8
 - Robbinsdale: 3-8
 - South St. Paul: up to 8
 - Richfield: No Standards
 - Bloomington: 2-6
 - West St. Paul: 3-8
- Is diversity requirement too restrictive?
- Table 6: should they be allowed in MU-1 and MU-2?



- R-1: Lot Size >15,840 sq. ft. & Frontage >100 ft. (Count=186)
- R-2: Lot Size >11,934 sq. ft. & Frontage >100 ft. (Count=11)
- City Boundary
- Open Water
- Park

ZONING

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



NORTH ST. PAUL
extraordinary.

R-1 and R-2 Parcels Potential Lot Split North St. Paul, MN 35 of 58



0 1,000
Feet



P: Permitted C: Conditional Use I: Interim Use X: See Section 154.010 (D) for requirements	R-1	R-2	R-3	MU-1	MU-2	MU-3	Supplemental Regulations		Suggested Definition	Existing Definition	Comment
RESIDENTIAL											
Household Living											
Single Family Dwelling	P	P	P							A residence structure that is free-standing (detached) and designed for or occupied by one family only.	
Two Family Dwelling		P	C							A residence structure, commonly referred to as a duplex, designed for or occupied by not more than two families, with separate housekeeping and cooking facilities for each.	Warrants further Discussion
Multiple Family Dwelling			P			P	X			A residence structure designed for or occupied by three or more families, either wholly (attached) or partially (detached), with separate housekeeping and cooking facilities for each.	
Townhouse Dwelling		P				P	X			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, with each unit extending from the foundation to the roof, with each unit having a private entrance, and designed for not more than one family.	Warrants further Discussion
Live/Work Unit				C	C	C			A dwelling unit combining residential use types with commercial- or limited industrial-use types. This use classification includes but is not limited to: office, live/work facilities, or other similar uses.		
Manufactured Housing (Home Parks)	C	C	C							One or more contiguous parcels of land under a single management which have been designed and developed in such a manner as to provide individual manufactured home sites for two or more manufactured homes and includes any building, structures, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park as defined in M.S. § 327.	
Modular Building	P	P	P								
Special Infill Housing	C	C	C				X			Quality housing which may be suitable in development or redevelopment of parcels.	
											Relocated PUD to Other Uses
Group Living											
Lodging House			P		C	C				Any dwelling other than a hotel or motel where lodgings are provided for compensation for one or more persons, not to exceed eight, pursuant to previous arrangements for definite periods of time.	
Assisted Living and/or Memory Care Facility			C			C	X			A facility registered with the Minnesota Department of Health (DOH) where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management.	
Residential Unit over Nonresidential Use				P	P	P					
Senior Housing			C	C		C	X			A residential housing development, excluding nursing homes and exclusive of any unit occupied by a caretaker, consisting of units meeting the following requirements: 1) The units are designed for occupancy by individuals over 55 years of age or by a couple with one or both members over 55 years of age; 2) The property owner shall record a covenant to run with the land executed in a form approved by the city which restricts the use of the property to occupancy by senior citizens; 3) Developments which do not consist of townhouses shall provide a lounge or other inside community rooms equal in aggregate size to a minimum of 15 square feet for each dwelling unit.	
Senior Housing with Services			C	C		C	X			Nursing home, assisted living, and memory care for individuals 55 and older, as defined by M.S. § 144(D) and 144(G), as they may be amended from time to time	
State Licensed Residential Facility (serving six or fewer persons)	P	P	P	C	C	C	X			A state-licensed and mandatory residential facility occupied by persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a	

State Licensed Residential Facility (serving from 7- 16 persons)			P	C	C	C			limited period of time.	
P: Permitted C: Conditional Use I: Interim Use 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						Any non-publicly owned parcel of land designed, intended to be used, or used for the burial of deceased persons or animals. For purposes of this code, a burial lot and columbarium shall be included in the definition of cemetery.	Removed Mortuary
Day Care Facility and Day Nursery	C	C	C	C	C	C	X		A facility which provides one of the following services: Care of a child outside the child's own home for gain or otherwise, on a regular basis for any part of a 24-hour day; or care for adults offering a program less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services.	
Institutions	C	C	C	C	C	C	X	A use conducted by, or a facility or structure owned or operated by, a nonprofit, religious, or charitable institution that provides educational, cultural, recreational, religious, or other similar types of public services.		
Municipal Administrative Building, Fire Station or other Public Safety or Service Facilities	P	P	P	P		P	X			
School, Elementary or Secondary	C	C	C	P	P	P	X		Public or private schools which provide an educational program for one or more grades between kindergarten and grade 12 and which are commonly known as elementary schools, grade schools, middle schools, junior high schools, or high schools.	
Public Park or Playground and Open Space	P	P	P			P				
Community Garden	I	I	I						Any parcel of land, utilizing either individual or shared lots on private or public land. The land may produce fruit, vegetables, and/or ornamentals.	
MEDICAL										
Clinic				P	P	P		An establishment principally engaged in providing therapeutic, preventative, corrective, healing and health-building treatment services on an outpatient basis by physicians, dentists and other practitioners with no overnight boarding. Includes Doctor's Offices, Dental Clinics, medical laboratories, and physical and occupational, and massage therapy facility, Chiropractic care.		
Hospital						P	X		An establishment where patients are admitted for medical, surgical, or psychiatric treatment for outpatient and/or inpatient, overnight accommodation.	
Animal or Veterinary Hospital or Clinic						P			An establishment for the routine examination, medical, or surgical treatment and care of domestic animals, generally with overnight boarding facilities for animals in care.	

Medical Cannabis Facility						C		A facility involved in medical cannabis, including a medical cannabis manufacturer, medical cannabis distribution facility, and medical cannabis laboratory		Other related definitions: 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 distribution facilities are prohibited from operating drive-throughs. 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.
UTILITY										
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	C	C	C	P	P	P	X		Overhead or underground electric, gas, steam or water distribution systems and structures for collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fiber alarm boxes, police call boxes and accessories in connection therewith but not including buildings	
P: Permitted C: Conditional Use I: Interim Use X: See Section 154.010 (D) for requirements	R-1	R-2	R-3	MU-1	MU-2	MU-3	Supplemental Regulations			
COMMERCIAL										
Lodging										
Bed and Breakfast Establishment					P	P	X		A commercial facility usually with a private residence therein, providing housing and feeding of transients.	
Hotel					C	P			An establishment containing rooming units providing temporary lodging accommodations to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building, and which may provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel shall not include any use which could be defined as a motel.	
Short-term rental										
Indoor Entertainment, Recreation, Food, and Beverage										
Adult Uses						C	X			
Brewery, Micro-Brewery, Micro-Distillery, Micro-Winery, or Tap Room				P	P	P			A small scaled on or off-sale liquor business, located in a building where the primary use is for restaurant, retail, or tasting room, and which specializes in producing limited quantities of wine, beer, or other alcoholic beverages.	
Catering				P	P	P		A facility in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.		Limit in the MU-1 District. Does not generate pedestrian activity

Revised Use Table

Club or Lodge				P	C	C	X			An establishment in which a limited group of people are organized to pursue common social or fraternal goals, interests, or activities, and usually characterized by certain membership restrictions, payment of fees or dues, regular meetings and a constitution or bylaws.	
Coffee Shop or Tea House				P	P	P			An establishment engaged principally in the sale of coffee, tea, and other nonalcoholic beverages for consumption on the premises or for carry out, which may also include the sale of a limited number of food items.		
Cultural Center				P	P	P			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.		
Indoor Recreation				P	P	P	X		A commercial recreational land use conducted entirely within a building, including arcade, arena, athletic and health clubs, bowling alley, community center, conference center, exhibit hall, gymnasium, movie theater, pool or billiard hall, skating rink, swimming pool, tennis court and the like.		
Restaurant				P	P	P			An establishment that involves the preparation of food and drink, served to and consumed by patrons primarily on the premises or for carry out.		
Service or Workplace											
Animal Boarding Facility						C	X			Any lot or premises on which dogs, cats, and/or other household pets are kept, boarded, or raised for sale or adoption. Also known as 'Animal Day Care', 'Animal Kennel', or 'Animal Shelter.'	
Animal Grooming				P	P	P	X		An establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.		
Artisan Studio / Makerspace				P	P	P			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.		
Bank, Financial Institutions				P	P	P	X		A financial institution, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. Does not include payday loan business.		
Business Sales or Services				P	P	P			Establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; personnel and employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; copying and printing; travel; office supply; and similar services.		
Personal Services				P	P	P			Establishments providing nonmedically related services, including salons, spas (with or without massage), barber shops, garment tailoring or repair, laundry and dry cleaning establishments, body art establishments, and post offices. These uses may also include accessory retail sales of products related to the services provided.		

Revised Use Table

Educational Services				P	P	P		A business, professional, or other specialty school. This term includes, but is not limited to, a school offering instruction in music, art, dance, martial arts, computer use or programming, and cosmetology.		
Contractor's Business with Showroom or Workshop						P		An establishment providing general contracting, building/site maintenance, or building construction services. Outdoor storage of equipment and materials shall be consistent with the requirements of this Ordinance.		
Drive-In or Self-Service Business				C	P	P	X		A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait.	Should they be conditional in all districts to address any traffic or compatibility issues?
Lab, Research				P	P	P		A building or group of buildings in which are located facilities for technological or 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.		
Funeral Home			P	C	C	C			A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. For purposes of this code, a FUNERAL HOME may not include a crematory but may include a columbarium.	
Office				P	P	P	X	Administrative, executive, professional, or similar organizations, providing direct services to consumers provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, academic instruction, engineering, interior design, graphic design, or legal services.		
P: Permitted C: Conditional Use I: Interim Use X: See Section 154.010 (D) for requirements	R-1	R-2	R-3	MU-1	MU-2	MU-3	Supplemental Regulations			
Retail										
Farmer's Market				P	P	P		The seasonal selling or offering for sale at retail of 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.		
Garden Material Sales				C	C	P	X	A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, plant nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.		
Grocery				P	P	P		Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.		
Liquor Store				P	P	P		Establishments that sell alcoholic beverages for off-premises consumption.		
Retail Sales				P	P	P	X	A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.		
Outdoor Recreation										

Revised Use Table

Outdoor Recreation	C	C	C				X	A commercial recreation facility that is primarily an open air facility, such as baseball fields, swimming pools, skating rinks, golf driving ranges, or miniature golf facilities.		
Golf Course	C	C	C				X	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.		
Automobile, Parking, Transportation										
Automobile Service or Repair						C	X	General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.		
Car Wash						C	X	An establishment where the principal use includes washing, drying, polishing, or vacuuming of an automobile or other motor vehicle done by service personnel, the driver, or by automated machinery.		
Automobile Sales and Rental						C	X	Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail, rental, or wholesale sales.		
Automobile Service Station/Convenience Store				C	C	C	X		Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries or minor automobile accessories. Services offered may include the installation of tires, batteries and minor accessories; minor automobile repairs; and greasing or washing of individual automobiles.	
Parking Facility				P	P	C		A commercial parking facility owned and operated by the city or by a private entity, designed to accommodate the off street parking of motor vehicles. Such parking may be located in a structured parking facility, a surface lot or a combination thereof.	MUNICIPAL PARKING FACILITY. A commercial parking facility owned and operated by the city, and designed to accommodate the off street parking of motor vehicles as a capital improvement. Such parking may be located in a structured parking facility, a surface lot or a combination thereof.	
P: Permitted C: Conditional Use I: Interim Use 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										
Limited Production and Processing				P	P	P	X	Small-scale assembly, disassembly, fabrication, manufacture, cleaning, servicing, packaging, sorting or other handling of goods or materials, either as an intermediate input for further production or processing, or for final sale, use or consumption.		Production and processing already defined
Self-Service Storage Facility						C		A building or group of buildings in a controlled-access, screened, and secured compound that contains individual compartmentalized and controlled-access storage spaces of varying sizes which are leased or rented for storage purposes on an individual basis.		"Mini-Warehouse"
Warehousing						P	X	A facility for the storage, packing, and crating of materials or equipment within an enclosed building or structure awaiting shipment to other premises.		Edit to "Warehousing"
Wholesale Establishment				P	P	P			A business establishment engaged primarily in selling to retailers for resale.	
OTHER USES										
Uses determined by the Community Development Department to be of similar scale, impact and character.				P	P	P				

Revised Use Table

Planned Unit Development	P	P	P	P	P	P			A large area of land under unified control that is planned and developed as a whole through a single development operation or programmed series of development phases, in accord with the master plan for the purpose of encouraging design flexibility, mix of land uses, housing types, density, sustainability and creativity in land planning. The development may include streets, sidewalks, utilities, buildings, open space and other site features and improvements.	Moved from Residential
P: Permitted C: Conditional Use I: Interim Use 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	P	P			P	X		A structure detached from a principal structure, incidental and subordinate to the principal structure or use, including, but not limited to garages and storage sheds	
Accessory Dwelling Unit	C	C	C				X		Also known as a "granny flat," "mother-in-law apartment" or "carriage house" - is a self-contained living unit that can be located within the walls of an existing or newly constructed home, or that can be an addition to an existing home. It can also be a freestanding structure on the same lot as the main house.	
Dependency Living Arrangement	P	P	P					A living arrangement which permits a person with a physical or mental disability to live in a temporary separate living area within a single-family dwelling unit or permits a relative or paid attendant of a person with such a disability to live in a temporary separate living area within a single-family dwelling unit. Such living area may include a separate bath and separate kitchen facilities which permit a degree of independence. Ingress and egress for such a living area is from within the principal dwelling unit.		
Portable Storage Units	P	P	P				X		A non-permanent, non-habitable, self-contained structure designed for temporary placement on and subsequent removal from a parcel for the purpose of facilitating off-site storage.	
Temporary Buildings for storage of construction materials and equipment	P	P	P				X			Inherently defined in the description
Geothermal Energy Systems	P	P	P	P	P	P			A system that uses the relatively constant temperature of the stored energy of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system. Also called a ground source heat pump system.	
Solar Energy Systems	P	P	P	P	P	P	X		A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.	
Wind Energy Systems	C	C	C	P	P	P	X		An electrical generating facility that consists of a wind turbine, feeder line(s), associated controls and may include a tower.	
Wind Energy Systems (excess height)				C	C	C	X			
Temporary Outdoor Events	P	P	P	P	P	P	X			Defined in the Supplemental Regulations: Events include, but not limited to: Christmas tree sales, pumpkin sales, church, neighborhood or community events, traveling carnivals, and promotional events.
Temporary Outdoor Events (greater than 45 days)				C	C	C	X			
Composting	P	P	P							
Yard Sales	P	P	P				X	The sale or offering for sale to the general public of over five items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building.		

Day Care Facility (serving 12 or fewer persons)	P	P	P	P	P	P				
Day Care Facility (serving from 13 through 16 persons)	P	P	P	P	P	P				
Group Family Day Care serving 14 or fewer children	P	P	P	P	P	P				
Home Occupation	P/I	P/I	P/I	P	P	P	X	An occupation, profession, activity, or use conducted for financial gain or profits on a residential property that is clearly secondary to the residential use of the dwelling not including a yard sale.		
Rain Garden	P	P	P	P	P	P	X			
Surface Parking	P	P	P							
Outdoor Storage				C	C	C	X		Permanent storage of goods, materials, equipment, or fleet or service vehicles outside of an enclosed building.	
Bulk Storage (liquid)						P	X	Bulk storage of flammable or combustible liquids or gases for use in industrial processes.		
Communication Structures	P	P	P	P	P	P	X		A structure that is intended to support equipment used to transmit or receive telecommunications signals. Examples of such towers include monopoles and lattice steel structures.	
Outdoor Seating				P	P	P	X		A commercial seating area for business patrons.	
Outdoor Display				P	P	P	X		Land devoted to the display of goods, products or merchandise for sale, rent, lease or trade where such goods are not enclosed within a building. This can also include the selling of goods or products outside.	
Sport Court	P	P	P			P		An outdoor play surface intended for use in sports. This term includes outdoor tennis courts, basketball courts, volleyball courts, and similar uses		
Residential Swimming Pools and Hot Tubs	P	P	P			P	X		SWIMMING POOL. Any basin or tank, above ground level or below ground level, containing an artificial body of water sufficiently deep for swimming. HOT TUB. A tub or small pool, usually made of wood or fiberglass, in which heated water is maintained for recreational or therapeutic activities, including, but not limited to Jacuzzis, whirlpools and spas.	

APPENDIX – EXAMPLE ORDINANCES

EXAMPLE ORDINANCES: ALTERNATIVE NEIGHBORHOODS:

- Cottage Development: Kirkland WA
 - Administrative Permit
 - Max Unit Size: 1,500 sf
 - Density: No more than 2 time the max number of detached DUs in underlying Zoning
 - Max FAR: .35
 - Size: Min 4 units, Max 24 units
 - Separation: 1 to 9 units: 500'; 10-19 units 1,000'
 - No min Lot size
 - Parking: 1 space per unit (<700 sf units); 1.5 spaces per unit (700-1,000 sf units); 2 spaces per unit (>1,000 sf units)
 - Setbacks: Front: 20' other 10'
 - Lot Coverage: 50%
 - Height: 25'-27', accessory: 1 story, 18'.
 - Tree Retention Plan
 - Common Open Space: 400 sf
 - Min 64 sf covered porch, min 7' dimension on all sides
 - ADUs Not permitted

1. Cottage Projects

a. Orientation of Dwelling Units

Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to “turn its back” on the surrounding neighborhood.

- 1) Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented to the common open space.
- 2) Each dwelling unit abutting a public right-of-way (not including alleys) shall have an inviting facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one (1) public right-of way, the City shall determine to which right-of-way the inviting facade shall be oriented.

b. Required Common Open Space

Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

- 1) Each area of common open space shall be in one (1) contiguous and usable piece with a minimum dimension of 20 feet on all sides.
- 2) Land located between dwelling units and an abutting right-of-way or access easement greater than 21 feet in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.
- 3) Required common open space may be divided into no more than two (2) separate areas per cluster of dwelling units.
- 4) Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
- 5) Fences may not be located within required open space areas.
- 6) Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.
- 7) Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:
 - a) The open space shall be located so that it will be surrounded by cottages or two/three-unit homes on at least two (2) sides;
 - b) At least 50 percent of the units in the development shall abut a common open space.A cottage is considered to “abut” an area of open space if there is no structure between the unit and the open space.
- 8) Surface water management facilities shall be limited within common open space areas. Low Impact Development (LID) features are permitted, provided they do not adversely impact access to or use of the common open space for a variety of activities. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.

c. Shared Detached Garages and Surface Parking Design

Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

- 1) Shared detached garage structures may not exceed four (4) garage doors per building, and a total of 1,200 square feet.
- 2) For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
- 3) Shared detached garage structures and surface parking areas must be screened from public streets and adjacent residential uses by landscaping or architectural screening.
- 4) Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.
- 5) Surface parking areas may not be located in clusters of more than four (4) spaces. Clusters must be separated by a distance of at least 20 feet.

6) The design of carports must include roof lines similar and compatible to that of the dwelling units within the development.

d. Low Impact Development

The proposed site design shall incorporate the use of low impact development (LID) strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

- 1) Preservation of natural hydrology.
- 2) Reduced impervious surfaces.
- 3) Treatment of stormwater in numerous small, decentralized structures.
- 4) Use of natural topography for drainageways and storage areas.
- 5) Preservation of portions of the site in undisturbed, natural conditions.
- 6) Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

e. Two/Three-Unit Homes and Carriage Units within Cottage Projects

Two/three-unit homes and carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.

f. Variation in Unit Sizes, Building and Site Design

Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.

- 1) Projects should include a mix of unit sizes within a single development.
- 2) Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

g. Private Open Space

Open space around individual dwellings should be provided to contribute to the visual appearance of the development, and to promote diversity in landscape design.

h. Pedestrian Flow through Development

Pedestrian connections should link all buildings to the public right-of-way, common open space and parking areas.

■ Cottage Development – Rochester, MN:

- Permitted with Admin Permit in R-2X DT infill Low density Residential. Allowed in other zoning districts through Restricted CUP process.
- Subd. 8 Cottage Development: The following regulations apply to cottage development:
 1. The maximum project size for a cottage development is one acre.
 2. Cottage development projects must be organized as condominium developments meeting all requirements of State law, and individual lots or portions of the project may not be subdivided for sale.

3. Cottages shall have no more than 1,000 square feet of gross floor area.
 4. Project density shall not exceed 1 dwelling unit per 1,500 square feet of lot area.
 5. A shared landscaped area containing a minimum of 10 percent of the project area shall be provided.
 6. Each dwelling structure shall be separated from other dwelling units by a minimum of 6 feet.
 7. Zoning district lot and setback requirements shall apply to the project site as a whole, but not to individual dwellings.
 8. If the zoning district allows duplexes, attached dwellings, or single-family attached dwellings, a cottage development may include those dwelling types.
 9. Access drives within a cottage development shall be constructed to city standards.
 10. The applicant shall submit a site plan identifying individual cottage development sites, streets, parking areas, stormwater facilities, common areas, and any other features required to be identified by this LDM or state condominium law.
- Cottage Home Park – Duluth, MN
 - Special Use in most R Districts
 1. Development standards. All dwelling units within a cottage home park shall be subject to setback, height, off-street parking, and other regulations appropriate for one-family dwellings in the applicable zone district that the cottage home park is located, except as provided within this section;
 2. Minimum lot area and lot frontage. Dwelling units shall meet the minimum lot area and lot frontage requirement for multi-family, townhome, or two family developments of the applicable zone district that the home park is located, whichever is smaller or least;
 3. Principal entrance. Each dwelling unit shall have a principal entrance facing the front lot line. Exceptions to the requirement of a dwelling unit having a principal entrance facing the front property line may be made by the Land Use Supervisor, but only if the unit has a porch or deck on the front façade and the primary entrance is within 10 feet of the front façade;
 4. Common open space or amenity area. Cottage housing developments shall provide common open space or an amenity area which is centrally located, equally accessible from, and at the disposition of all dwelling units;
 5. Connectivity and access. Sidewalks or multi-use paths must be provided to ensure pedestrian access from each individual dwelling unit to the front property line or public street;
 6. Subdivision. Approval of a cottage home park does not negate to the need for subdivision review and approval, where applicable.
 7. Utility Connections. Cottage home parks must provide separate sewer and water services for each dwelling unit as required by the city engineer.
 - Intentional Community Cluster Developments: Minneapolis

- Cluster development.
 - (1) Any application for cluster development approval shall include a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.
 - (2) All land proposed for cluster development shall be platted or replatted into one or more lots suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.
 - (3) The cluster development shall meet the minimum lot area and lot width requirements of the zoning district. There shall be no minimum lot area or lot width requirements for individual lots within the cluster development.
 - (4) Yards of at least such minimum width as required by the zoning district shall be maintained along the periphery of the cluster development. Yards for individual lots within the cluster development shall not be required. The distance between principal buildings within the cluster development shall be not less than ten (10) feet.
 - (5) Not less than forty (40) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient pedestrian access shall be provided to such common space for dwellings not adjoining such space. Common space shall include but is not limited to landscaped yards, recreation areas, wetlands, waterbodies and common parking facilities. However, not more than one-half (½) of required common space shall consist of such parking facilities, driveways and private roadways. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.
 - (6) New construction shall comply with the applicable requirements of Chapter 530, Site Plan Review. Principal structures with one (1),

two (2), or three (3) dwelling units shall comply with the site plan design standards for single-, two-, and three-family dwellings and shall be subject to the applicable general standards for residential uses of Chapter 535, Regulations of General Applicability and the building bulk requirements for single-, two-, and three-family dwellings of the zoning district in which the cluster development is located. Walls facing the designated common space shall be subject to the minimum window requirements for walls facing a public street, public sidewalk, public pathway, or on-site parking lot. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

- (7) In the R1, R1A, R2 and R2B Districts, the following standards shall apply:
 - a. Not more than three (3) dwelling units shall be allowed in each principal structure.
 - b. The width of each principal structure shall not exceed thirty-five (35) feet.
- (8) Any cluster development which includes a manufactured home park shall be first allowed in the R2 District.
- (9) In the R1, R1A, R2, R2B, R3, R4, and OR1 Districts, a maximum lot area requirement shall be as approved by conditional use permit.
- (10) Notwithstanding any provision to the contrary, intentional community cluster developments shall be subject to the following additional development standards. Where these standards conflict with the standards above, the more specific standards below shall apply to intentional community cluster developments.
 - a. Intentional community cluster developments shall be allowed as a conditional use in any zoning district where both cluster developments and intentional communities are allowed. In any zoning district where one of the uses is not allowed, intentional community cluster developments shall not be allowed.
 - b. All units in an intentional community cluster development shall be subject to site plan review standards for any building or use containing four (4) or more new additional dwelling units or rooming units.
 - c. An intentional community cluster development that includes rooming units without kitchens or restrooms shall

provide a common building on the same zoning lot that provides a shared kitchen, toilets, showers, and gathering space. The common building shall be the nearest structure to the front lot line and shall not count toward the common space requirement for cluster developments. Safe and convenient pedestrian access shall be provided to the common building for dwellings and rooming units not adjoining such space. Such access shall not exceed two hundred (200) feet as measured from the door of each unit within the development.

- d. Where required, the common building shall have a minimum gross floor area of five hundred (500) square feet and a minimum width of eighteen (18) feet.
- e. The minimum gross floor area and minimum width of an individual dwelling unit or rooming unit in an intentional community cluster development shall be as approved by the conditional use permit authorizing the use, subject to requirements in the building code.
- f. A minimum lot area of six hundred fifty (650) square feet per bed shall be provided in the R1, R1A, R2, and R2B Districts and a minimum lot area of three hundred twenty-five (325) square feet per bed shall be provided in all other districts where intentional community cluster developments are allowed, provided that in no instance shall the minimum lot area be less than ten thousand (10,000) square feet.
- g. The operator shall submit a management plan for the facility and a floor plan and site plan showing sleeping areas, emergency exits, bathing and restrooms, storage, security, and crime prevention through environmental design.
- h. Intentional community cluster developments shall not be required to provide off-street vehicle parking or loading. One (1) bicycle parking space per four (4) beds shall be provided. Not less than ninety (90) percent of the required bicycle parking shall meet the standards for long term bicycle parking.
- i. Sufficient storage shall be provided for each dwelling unit or rooming unit. Such storage shall be separate and distinct from the habitable area of the units to prevent outdoor storage of personal belongings.

- j. Intentional community cluster developments may include manufactured or prefabricated structures as approved or permitted by the building code.
- k. Except for minimum lot area, the city planning commission may approve alternatives to requirements for intentional community cluster developments where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of the requirements.

EXAMPLE ORDINANCES: TWO—FAMILY USES

Bloomington Two-family Uses in R-1

(a) Purpose. The following standards are intended to accommodate two-family dwellings within predominantly single-family dwelling areas while protecting the public health, safety and general welfare of the community.

(b) Review and approval. Two-family dwellings must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit. Because groupings of two-family dwellings have higher levels of neighborhood impact than stand alone, infill two-family dwellings, approval of groupings of two-family dwellings warrants a higher level of review and discretion. Plans for groupings of two-family dwellings may only be approved when a rezoning to a planned development overlay zoning district has first been approved by the City Council. Two-family dwellings qualify as a grouping when the parcel on which a two-family dwelling is proposed within 500 feet of a parcel occupied by an existing or proposed two-family dwelling, measured along existing or proposed public streets.

(c) Standards.

(1) Zoning district. Two-family dwellings must be located within the R-1 and R-4 Residential Zoning Districts.

(2) Site size. Two-family dwelling sites must have an area of at least 15,000 square feet for interior lots and 18,000 square feet for corner lots.

(3) Site width. Two-family dwelling sites must be at least 100 feet in width for interior lots and 120 feet in width for corner lots and must meet the median lot width requirements of city code § 21.301.01.

(4) Setbacks. Two-family dwelling garage and living space must meet the following minimum setback requirements from property lines:

Front 50 feet

Side adjacent to street 50 feet

Side not adjacent to street 10 feet

Rear 30 feet

(5) Floor area. Two-family dwellings must have at least 960 square feet of living area per unit.

(6) Garages. Two-family dwellings must have at least two attached garage spaces per unit. Two-family dwelling garages must be at least 484 square feet per unit and must not exceed 900 square feet per unit. When a two-family dwelling is on a corner lot adjacent to two local streets as classified by the Comprehensive Plan, the garage for each unit must face a separate street. The height of the garage must not exceed the height of the two-family dwelling. Garage door openings, measured from the floor to the trim covering the door header must not exceed eight feet in height.

(7) Garage frontage. Two-family dwelling garage doors facing a public or private street is limited to 40% of the structure width facing the same street.

(8) Height. Two-family dwelling structure height must meet the height limits of city code § 21.301.10.

(9) Landscaping. Two-family dwellings must submit a landscape plan prior to building permit issuance that includes at least two trees per unit located within the front yard and at least one shrub per 1,000 square feet of developable landscaping area as defined in city code § 19.52(c)(2)(C).

(10) Recreational vehicles. Recreational vehicles on two-family dwelling unit sites must meet the requirements of city code § 21.301.13 and are limited to one recreational vehicle per unit stored outside.

(11) Storage. See city code § 21.301.16(a) for storage requirements.

(12) Accessory buildings. Accessory buildings on two-family dwelling sites are limited to one per unit, must not exceed 120 square feet per building and must meet the standards of city code § 21.301.19.

(13) Attachment required. The two units in a two-family dwelling must have a common wall of at least ten feet in length or be oriented in an over/under relationship.

(14) Home businesses. Type I home businesses are allowed within two-family dwelling units subject to the standards of city code § 21.302.13. However, Type II home businesses as defined in § 21.302.13 are not allowed within two-family dwelling units.

(15) Utilities. Two-family dwellings are prohibited on sites not served by municipal sewer and water. Utility connections must satisfy the requirements of city code §§ 11.12 and 11.34.

(16) Subdivision. The City Council may approve the subdivision of two-family dwellings and the lot upon which the two-family dwelling is located or is proposed to be constructed to allow separate ownership of each unit of the two-family dwelling subject to the following standards:

(A) Each of the lots created by the subdivision must be equal in area or as near equal in area as is reasonably possible;

(B) Each lot so created must contain at least one-half of the minimum land area requirement for a two-family dwelling;

(C) Except for setbacks along the common property line, all other setback and yard requirements must be met;

(D) The subdivision of the lot must be accomplished by plat in accordance with the subdivision regulations of the city code including required public hearings for plat approval;

(E) A maintenance agreement must be recorded with the county for each parcel created that contains an agreement by each property owner to:

(i) Continually maintain all portions of the building's exterior with materials and finish that are accepted by the State Building Code as appropriate to the application and the location;

(ii) Use matching exterior materials on the entire building with respect to material type, color and texture;

(iii) Properly maintain the approved landscaping plans, screening plans and any approved storm water management plan for the properties; and

(iv) Provide adequate maintenance and repair of all common walkways, driveways, and, if allowed, common sewer and water facilities.

(F) All outstanding violations of the city code, if any, must be corrected prior to approval of the final plat by the city or a surety (cash, bond or letter of credit) must be deposited with the city to assure correction.

(17) Building Code compliance. Two-family dwellings must meet current State Building Code provisions, including, but not limited to, fire resistance and sound insulation standards between units.

(18) Storm water. To mitigate the impacts of increased storm water runoff rates and volume, two-family dwellings must meet the following storm water standards:

(A) Erosion and sediment control must meet the requirements of Chapter 16;

(B) Impervious surface area must not exceed 45% of the two-family dwelling site area; and

(C) If impervious surface area exceeds 35% of the two-family dwelling site area, storm water management plans meeting the requirements of Chapter 16 of the city code and the city's comprehensive surface water management Plan must be approved by the City Engineer or designee prior to issuance of a grading, foundation, or building permit.

Janesville, WI allows two-family uses as a Conditional Use in the R-1 District:

Two-family dwellings on any lot containing 10,000 square feet or more upon approval of a conditional use permit by the Plan Commission following the procedures outlined in Section 42-272 and subject to the exceptions outlined in Subsection (b)(1)b.9.(viii) of this section which follows. In reviewing the appropriateness of lots for two-family dwelling construction, the Plan Commission may consider the following location criteria:

- (i) Corner lots;
- (ii) Lots fronting on through arterial streets as those are identified by Chapter 10 of the Janesville Code of General Ordinance or on those streets identified by the City Engineer as future through arterial streets;
- (iii) Lots that are contiguous to land zoned for more intensive residential, commercial, or industrial development or other property not used for single-family residences, such as schools and churches;
- (iv) Lots identified as appropriate for two-family dwellings shall generally not exceed 20 percent of all the lots in the final plat;
- (v) Lots located adjacent or opposite areas in which two-family dwellings have been expressly prohibited by public or private restrictions should be discouraged as locations for two-family dwellings;
- (vi) Generally, no more than two two-family dwellings should be located adjacent each other. Adequate spacing should occur between clusters of two-family dwellings to avoid concentration of such type of dwelling;
- (vii) For any conversion of an existing single-family home to a two-family dwelling, the razing of an existing single-family home for the purpose of redeveloping a site or sites with a two-family dwelling, or the redivision of an existing residential lot for the purpose of creating new development sites for the construction of two-family dwellings, the architectural compatibility of the proposed structure or structures with existing buildings in the surrounding area may also be considered;

EXAMPLE ORDINANCES: TOWNHOUSES

Bloomington § 21.302.08 TOWNHOUSE STANDARDS.

- (a) Purpose. The following standards are intended to accommodate townhouse developments while protecting the public health, safety, and general welfare of the community.
- (b) Review and approval. Townhouse developments must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit.
- (c) Standards.
 - (1) Zoning district. Townhouses must be located within the R-3, R-4, RM-12, or RM-24 residential zoning district.
 - (2) Setbacks. See city code § 21.301.02 for setback requirements, which vary by zoning district.
 - (3) Minimum units per townhouse development. Three.
 - (4) Units per building.
 - (A) Minimum number of units per building: Two;
 - (B) Maximum number of units per building: Six.
 - (5) Floor area. Townhouses must meet the floor area requirements of city code § 21.301.01(c)(3).

(6) Site size. Townhouse development sites must meet the minimum land area requirements of city code § 21.301.01(c)(1), which vary by zoning district.

(7) Separation between buildings. A minimum of 20 feet must separate residential buildings within a townhouse development.

(8) Height. Townhouse structure height must meet the height limits of city code § 21.301.10.

(9) Attachment required. Each unit in a townhouse development must have at least one common wall of at least ten feet in length configured in a side by side fashion, not vertically stacked.

(10) Articulation.

(A) Townhouse developments are subject to the following articulation regulations:

(i) Units attached in a single building must be compatible in design, color scheme, and palette of materials.

(ii) Location of window openings on a façade visible from a public street must be placed to avoid large blank wall surfaces.

(iii) Any building containing more than three units with common walls must be designed so that the front façade and roofline of each attached unit is visually distinct from the other through staggering or offset in design.

(11) Garages.

(A) Garage doors, when fronting public streets, must not exceed 50% of the structure width.

(B) Garages, when fronting public streets, must be recessed from the building face or porch façade by a minimum of four feet.

(C) To avoid parked vehicles encroaching into streets, townhouse driveway depth must be less than ten feet or greater than 20 feet. Driveway depth is measured from the garage door to the property line when adjacent to public streets and from the garage door to the private street when adjacent to private streets.

(D) Where two-car garages for two different units are adjacent to one another, the garage faces for the two units must be offset relative to each other as measured from the street by a minimum of four feet.

(E) Garage door openings, measured from the floor to the trim covering the door header must not exceed eight feet in height.

(12) Access points. The number of public street curb cuts to service a townhouse development must be minimized where feasible by sharing driveways and linking parking lots.

(13) Open space and impervious surface.

(A) At least 20% of townhouse development sites must be used for accessible landscaped open space; and

(B) Impervious surface area must not exceed 80% of the townhouse development site area.

(14) Storm water. To mitigate the impacts of storm water runoff rates and volume, townhouse developments must meet the following storm water standards:

(A) Erosion and sediment control must meet the requirements of Chapter 16 of the city code and the city's comprehensive surface water management plan; and

(B) Storm water management plans must meet the requirements of Chapter 16 of the city code and the city's comprehensive surface water management plan.

(15) Landscaping. Townhouse development landscaping must meet the landscaping requirements of § 19.52.

(16) Utilities. Townhouse developments are prohibited on sites not served by municipal sewer and water. Utility connections must satisfy the requirements of city code §§ 11.12 and 11.34.

(17) Building Code compliance. Townhouse developments must meet current Minnesota State Building Code provisions, including but not limited to fire resistance and sound insulation standards between units.

(18) Accessory buildings. Accessory buildings on townhouse development sites must meet the standards of city code § 21.301.19.

(19) Exterior storage. See city code § 21.301.16(a) for exterior storage requirements.

(20) Subdivision. The City Council may approve the subdivision of townhouse dwellings and the lot upon which the townhouse dwelling is located or is proposed to be constructed to allow separate ownership of each unit of the townhouse dwelling subject to the following standards:

(A) The subdivision of the lot must be accomplished by a plat in accordance with the subdivision regulations of the city code, Chapter 22;

(B) A homeowner's association must be established and a maintenance agreement must be recorded with Hennepin County for each parcel created that contains an agreement by each property owner to:

(i) Continually maintain all portions of the building's exterior with materials and finish that are accepted by the Minnesota State Building Code as appropriate to the application and the location;

(ii) Use compatible exterior materials on the entire building with respect to material type, color and texture;

(iii) Properly maintain the approved landscaping plans, screening plans and any approved storm water management plan for the properties; and

(iv) Provide adequate maintenance and repair of all common walkways, driveways, and, if allowed, common sewer and water facilities.

(C) Outstanding violations of the city code, if any, must be corrected prior to approval of the final plat by the City or surety (cash, bond or letter of credit) must be deposited with the City to assure correction.

(21) Home businesses. Type I home businesses are allowed within townhouse dwelling units subject to the standards of city code § 21.302.13. However, Type II home businesses as defined in § 21.302.13 are not allowed within townhouse dwelling units.

(Ord. 2015-5, passed 1-26-2015; Ord. 2015-28, passed 11-2-2015; Ord. 2015-33, passed 11-16-2015; Ord. 2019-2, passed 1-7-2019)

South St. Paul

(i) Townhouses. Townhouse developments and twin houses consist of the placing of common wall residential dwelling units in compact groupings. Townhouse developments and twin houses shall be permitted in such residential districts as permit multiple dwellings of comparable size and number.

(1) Standards. Townhouse developments shall conform to all requirements pertaining to multiple-family dwellings, except such as would not be capable of being fulfilled because of the nature of wall-to-wall construction of dwelling units, and the following additional standards:

a. In addition to common open green space, each unit shall have an area specifically designed and developed for outdoor living and individual family enjoyment and privacy, as contrasted to more standard multiple-family dwellings.

b. Each development shall have family or private recreation areas specifically designed to accommodate the needs of the occupants.

c. Not less than 25 percent of the total development area shall be useable open space designed and developed for common use by the occupants of the development for recreation and other common usage participation, which shall be protected by covenants in recordable form and recorded with city and county.

d. Any room in a dwelling unit used as a study or similar room capable of being converted into a bedroom shall be counted as a bedroom for the purposes of this chapter.

e. No townhouse development shall be permitted to exceed the following percentages in dwelling unit types:

One-bedroom units 70 percent

Two-bedroom units 50 percent

Three-bedroom units 50 percent

Three plus-bedroom units 25 percent

f. No building within a townhouse development shall be closer than 60 feet to any single-family use or district.

g. Each dwelling unit shall be provided at least two off-street parking spaces, at least one of which shall be fully enclosed, and an additional 1½ off-street parking spaces for guests. Guest parking shall be located within 100 feet of each dwelling unit.

h. The storage of boats, campers, trailers, or any similar items shall be permitted only in a designated location on the site and shall contain one-half parking space per dwelling unit, which storage site shall be fenced, screened, and have lockable space.1.No dwelling unit shall be utilized for any purpose other than occupancy by one family, unless specifically authorized by conditional use permit.2.The architectural features may be varied among each dwelling unit, but the total effect shall be such as shall fit into the architectural style common in the neighborhood.

(2) Landscaping. In addition to the landscaping required by other provisions, townhouse developments shall be additionally landscaped by the planting of trees, shrubs, flowers, or vines in areas facing other residential developments, so designed and maintained as always to present a pleasing appearance.

(3) Plans and legal documents. Plans to satisfy all the requirements of this Code shall be submitted with the application for a building permit, together with all legal documents as may be required by the city

attorney to ensure that the required public rights are appropriately provided for. Such documents as the city attorney shall require shall be in recordable form and shall be recorded with the city and county upon the issuance of a conditional use permit, at the expense of the owner of the development. Such documents shall also contain provisions satisfactory to the city attorney setting forth the responsibility for the payment of taxes and assessments and all platting requirements of the city subdivision regulations and such other requirements as the city attorney may impose to facilitate the identification of areas of ownership and responsibilities by county and city administering officials. This requirement shall apply to all buildings containing more than one dwelling unit.