AGENDA
PLANNING COMMISSION
WEBEX VIDEOCONFERENCE
6:00 P.M.
DECEMBER 2, 2020

All meetings of the St. Louis Park Planning Commission will be conducted by telephone or other electronic means until further notice. This is in accordance with a local emergency declaration issued by Mayor Jake Spano March 16, 2020 in response to the coronavirus (COVID-19) pandemic. This is in accordance with the local emergency declaration issued by the city council, in response to the coronavirus (COVID-19) pandemic and Governor Walz’s “Stay Safe MN” executive order 20-056.

All members of the St. Louis Park Planning Commission will participate in the November 18, 2020 planning commission meeting and planning commission study session by electronic device or telephone rather than by being personally present at the planning commission’s regular and study session meeting place at 5005 Minnetonka Blvd.

Members of the public can monitor this meeting by video and audio at https://bit.ly/watchslppc and on local cable (Comcast SD channel 17, or CenturyLink SD channel 8117 and HD channel 8617) or by calling +1-312-535-8110 meeting number (access code): 372 106 61 for audio only. Cisco Webex will be used to conduct videoconference meetings of the planning commission, with planning commissioners and staff participating from multiple locations.

Those who wish to provide comments during the public hearing at this meeting can do so by calling 952-562-2888, and calls will be taken and heard by the commission in the order received.

AGENDA

1. Call to order – Roll Call

2. Approval of minutes – November 18, 2020

3. Hearings

   3a. Miscellaneous code amendments
       Applicant: City of St. Louis Park
       Case No.: 20-29-ZA

4. Other Business: None

5. Communications

6. Adjournment
STUDY SESSION

1. Home occupations ordinance

Auxiliary aids for individuals with disabilities are available upon request. To make arrangements, please call the administration department at 952-924-2525 (TDD 952-924-2518) at least 96 hours in advance of meeting.
UNOFFICIAL MINUTES
PLANNING COMMISSION
ST. LOUIS PARK, MINNESOTA
Nov. 18 – 6:00 p.m.
COUNCIL CHAMBERS

MEMBERS PRESENT: Jim Beneke, Matt Eckholm, Courtney Erwin, Jessica Kraft, Tom Weber

MEMBERS ABSENT: Imran Dagane

STAFF PRESENT: Jacquelyn Kramer, Gary Morrison, Sean Walther

1. Call to Order – Roll Call

2. Approval of Minutes of October 21 and November 4, 2020

Commissioner Weber made a motion to approve the minutes. Commissioner Beneke seconded the motion.

The motion passed on a vote of 5-0 (Commissioner Dagane absent).

3. Public Hearings

A. Pennsylvania Park Apartments conditional use permit (CUP)
   Applicant: Patrick Juetten, on behalf of Waypoint Development
   Case Nos: 20-24-CUP

Ms. Kramer, associate planner, presented the staff report.

Commissioner Weber asked if the decision to separate the conditional use permit and the painted brick variance because staff feels the issue will be resolved or does it relate to the code and that they should be separated.

Ms. Kramer stated staff was not aware of the painted brick before the applicant applied for a conditional use permit, so they did not have time to allow for the variance. However, staff is working with the owner on this and the painted brick issue will be resolved before the project begins.

She added the CUP can be approved separate from a variance and construction would not begin before that time.
Chair Kraft opened the public hearing.

There were no callers. The applicant’s representative Mr. Ju etten stated the applicant was not aware of the painting issue until they applied for the CUP. He stated a variance will now be applied for with the city as it was difficult to remove the paint off the brick façade when they performed a test.

The Chair closed the public hearing.

Commissioner Weber made a motion, seconded by Commissioner Eckholm recommending approval of the CUP as presented.

The motion passed on a vote of 5-0 (Commissioner Dagane absent).

4. Other Business - none

5. Communications

Mr. Walther, planning and zoning supervisor, noted a study session regarding miscellaneous zoning code amendments would follow the regular meeting. He stated the council approved the Walker Lake Historic District and the Nordic Ware special permit amendment as recommended by the planning commission.

6. Adjournment

The meeting was adjourned at 6:15 p.m.

**STUDY SESSION**

The study session commenced at 6:16 p.m.

1. Miscellaneous code amendments

Mr. Walther stated the city council recently noted they see many CUP applications related to import and export of soil. The city council has asked that city staff bring forward an amendment that would reduce the number of applications that come through, especially when coupled with other applications. They also suggested staff submit other similar items to council all in one package.

Mr. Morrison, assistant zoning administrator, explained several items including:
reducing redundancy in the application and fee process, clarifying window transparency and code compliance in both new and existing buildings, prohibiting sign illumination in residential areas, adding a land use description of marijuana dispensary, allowing amendments to older PUD’s that were approved by resolution, adjusting and clarifying what is included in bright accent color limitations, and allowing restaurants with intoxicating liquor in the C-1 neighborhood commercial district as a CUP.

Commissioner Weber asked about the illuminated signs and how it relates to illuminated flags.

Mr. Walther stated there are federal regulations related to the U.S. flag adding they are not allowed to be restricted in size and must be lit in some circumstances. He added there are also some exemptions related to political signs during an election season as well.

Chair Kraft noted the bright accent colors and how that would be changed, adding it seems subjective and hard to enforce.

Mr. Morrison stated it is somewhat ambiguous and subjective and staff continues to work on this. He states staff will suggest small incremental changes but also allow more flexibility as seems to be the will of the commission and council based on discussions during recent applications.

Mr. Walther added there are ways to define specific colors and how bright and intense they are but it is subjective on what is welcome or not.

Commissioner Weber asked if the painted signs now allowed count toward the 5% or if that should be clarified also.

Mr. Morrison stated the painted signs are treated as a wall sign and are included in the calculation of the bright accent colors of the exterior building materials.

Commissioner Weber asked if the concern on bright colors is with residential or commercial buildings. Mr. Morrison stated it applies to both residential and commercial.

Chair Kraft stated it could go up to 10% and she is not sure about regulating the actual color as it seems more challenging. Commissioner Weber agreed.

Commissioner Weber stated he is comfortable with all the noted amendments and would support going forward with them.
Mr. Morrison stated staff will come back with more information at the December meeting.

The meeting was adjourned at 6:43 p.m.
Planning commission:
Meeting date: December 2, 2020
Agenda item: 3a

3a Miscellaneous zoning code amendments

Case Number: 20-29-ZA
Applicant: City of St. Louis Park
Owner: N/A
Review Deadline: 60 days: N/A 120 days: N/A
Recommended motions: Chair to close the public hearing.
Motion to recommend approval of the ordinance pertaining to the miscellaneous zoning code amendments.

Summary of request: Periodically staff proposes an ordinance to amend various sections of the zoning code for the purpose of making changes that are consistent with current policy, correcting errors and making clarifications. Staff presented these items to the planning commission in study session on November 4, 2020. The commission provided comments and asked directed staff to proceed with the public hearing. The following is a list of items included in this amendment:

1. Section 1 of the proposed ordinance. Creating a process amending planned unit developments established prior to February 27, 2015. On February 27, 2015, the city adopted the current PUD ordinance that establishes PUDs by creating a PUD zoning district. Prior to this, PUDs were established through a permit process similar to a conditional use permit. These PUDs continue to exist as approved. The draft ordinance proposes to create a process by which these PUDs can be amended so that the developments and businesses that operate under the PUDs can adapt and grow under current market conditions.

The ordinance proposes a process for a “major amendment” which requires a public hearing before the planning commission and action by the city council. A major amendment includes amendments that increase demand for required parking, decrease yards, increase floor area ratios, increase ground floor area ratios, increase signage, increase building height, increase density, require amendments to covenants or agreements required by the PUD, or changes to the PUD if it is within the FEMA flood hazard area.

It also proposes a process for “minor amendment” which does not require a public hearing or planning commission review. It goes directly to the city council. A minor amendment includes any amendment not considered a major amendment or administrative amendment.

The proposed amendment process is similar to the amendment process used for conditional use permits and special permits.

2. Section 2 of the proposed ordinance. This section corrects an incorrect code reference and eliminates correction deadlines that expired years ago. Additionally, cities authority to enforce correction deadlines such as this, often referred to as sunset provisions, was
repealed by the state several years ago. Therefore, this provision is not enforceable and those uses that do not meet code are allowed to continue as legally, non-conforming uses.

3. Section 3 of the proposed ordinance. Requiring a conditional use permit for excavation only if the work does not already require review through other city permitting processes. This change will reduce redundancy in review process and application fees. The city reviews grading for all activities that require permits such as a building permit, CUP or PUD. It is unnecessary to require a separate permit for this review. A separate permit, however, will continue to be required for grading or excavation for activity that does not require a separate permit such as re-grading large open space areas.

4. Section 4 of the proposed ordinance adds PUDs that were approved prior to February 27, 2015 and special permits to the list of permits subject to the enforcement provisions. This section also corrects an inconsistency between the title and body of the paragraph to clarify that the permits are revoked after two years of inactivity, not one.

5. Section 5 of the proposed ordinance adds Office to the list of zoning districts where temporary outdoor nurseries/farmers markets can operate.

6. Section 6 of the proposed ordinance adds a definition of marijuana dispensary. The definition clarifies that this use is distinct from other land uses described in the code. It also clarifies that the zoning ordinance currently does not permit marijuana dispensaries. It also positions the code for future amendments if the city chooses to allow the use in certain districts or with any conditions.

7. Section 7 of the proposed ordinance clarifies how the city measures the height of accessory buildings, including ADUs. It also establishes an exemption for dormers allowing them to occupy up to 50% of a side of a building.

8. Section 8 of the proposed ordinance adds a side yard requirement for ADUs that was inadvertently deleted from the ordinance that was recently approved. It is consistent with how the code was presented to the planning commission and city council.

9. Section 9 of the proposed ordinance adds restaurants with intoxicating liquor license as a CUP in the C-1 Neighborhood Commercial district.

10. Section 10 of the proposed ordinance adds language to prohibit illuminated signs on residential properties with four or fewer dwelling units.

11. Section 11 of the proposed ordinance increases the maximum percentage of bright accent colors from five percent to ten percent. It also improves the definition of bright accent colors. It is still somewhat subjective, and applicants may appeal staff’s interpretation to the Board of Zoning Appeals.

12. Section 12 of the proposed ordinance clarifies that existing buildings are subject to the transparency requirements and they cannot reduce the existing windows to the extent that
the buildings no longer comply with the transparency requirements or reduce their present level of compliance.

Next Steps: The ordinance is scheduled for a first reading on December 21, 2020.

Attachments: Draft ordinance
Excerpts of November 4, 2020 planning commission study session minutes.

Prepared by: Gary Morrison, assistant zoning administrator
Reviewed by: Sean Walther, planning and zoning supervisor

Ordinance No. ____-20

Ordinance regarding miscellaneous zoning amendments

The City of St. Louis Park does ordain:

Whereas, the city, from time-to-time, updates and clarifies provisions of the zoning ordinance, and

Whereas, the City Council has considered the advice and recommendation of the planning commission (case no. 20-29-ZA), and

Now, therefore be it resolved that the following amendments shall be made to the City Code:

Section 1. Chapter 36, Section 36-32 Planned Unit Development (PUD) District of the St. Louis Park City Code is hereby amended to add the following underlined text to the list of land use descriptions.

(e) Status of planned unit developments established prior to February 27, 2015. Planned unit developments approved prior to February 27, 2015 are either permitted, permitted with conditions, conditional uses, or nonconforming uses under the provisions of this chapter. This section establishes the status of planned unit developments approved under the previous ordinance based upon the five categories described in this subsection and sets forth procedures for the termination, and in some cases conversion, of planned unit developments.

(1) Planned unit developments now permitted or permitted with conditions. Planned unit developments issued for land uses which, under this chapter, are now permitted or permitted with conditions uses in the zoning district in which the property is located are hereby continued in full force and effect. The owner of property subject to a continued planned unit development may request termination of the planned unit development by providing the city with a letter requesting termination. Upon receipt of a letter requesting termination, the city shall issue a written termination to the applicant which shall be recorded on the title to the property by the city. The owner of the property shall sign an assent form provided by the city wherein the owner agrees to indemnify and hold harmless the city for any actions or consequences arising from termination of the
planned unit development. Upon termination of the planned unit development, the land use shall be governed by the regulations of this ordinance, and other applicable ordinances. Once a planned unit development is declared terminated, it may not be reinstated.

(2) **Planned unit developments now conditional uses.** Planned unit developments issued for land uses which, under this chapter, are now conditional uses in the zoning district in which the property is located are hereby continued in full force and effect. The holder of a continued planned unit developments may request the city to verify compliance of the property with the terms and conditions of the continued planned unit development. A holder of a planned unit development requesting such verification shall submit such plans and other documentation necessary to demonstrate to the zoning administrator that the property complies with the terms and conditions of the continued planned unit development. Upon a satisfactory demonstration of compliance with the conditions of the continued planned unit development, the zoning administrator shall issue a certificate of zoning compliance stating that the property complies with the terms and conditions of the continued planned unit development. The certificate of zoning compliance shall be recorded on the title of the subject property by the city.

The holder of a continued planned unit development may request the city to convert the planned unit development to a conditional use permit under the terms of this chapter, provided the property meets all conditions and requirements of this ordinance and other applicable city ordinances. The procedure for converting a continued planned unit development to a conditional use permit shall be the same as that procedure required for adoption of a conditional use permit as specified in section 36-33(d).

(3) **Planned unit developments now nonconforming uses.** A land use which was permitted by planned unit development and which is now a nonconforming land use in the district in which it is located, may continue to operate as defined in the planned unit development. It cannot, however, be expanded or intensified unless rezoned into a new planned unit development zoning district or the use is otherwise altered to confirm to current code.

(f) **General conditions for continued planned unit development.** All land uses subject to a continued planned unit development are subject to the following general conditions:

(1) Any property covered by a continued planned unit development shall comply with all provisions of the planned unit development. If it is subsequently determined that a property is not in compliance with the provisions of the continued planned unit development, the holder of the continued planned unit development shall take whatever actions are necessary to bring the property into compliance with the conditions and provisions set forth in the planned unit development. Failure to bring the planned unit development into compliance within 12 months of written notification of noncompliance by the city shall be grounds for termination of the continued planned unit development. The procedure to be followed in terminating the planned unit development shall be that specified in subsection 36-38(a)(8). Upon termination of the continued planned unit development, the use shall be subject to the provisions of
Article VI of this chapter pertaining to nonconformities and all other applicable provisions of this chapter, including the regulations for the district in which the use is located.

(2) If the property is damaged or destroyed and the cost to repair such damage or destruction exceeds 60 percent of the assessor's market value of the structure at the time of the damage, the property shall be brought into compliance with this chapter.

(3) Property covered by a continued planned unit development may be expanded, altered or modified, subject to all of the following:

a. Any nonconformities existing on the site shall be brought into greater or complete compliance with other provisions of this chapter to the extent reasonable and possible, except that greater or complete compliance will not be required with the following provisions:
   1. Lot area.
   2. Lot width.
   3. Required yards.
   5. Floor area ratio.
   6. Ground floor area ratio.
   7. Density.

b. The expansion, alteration or modification may be permitted when it is consistent with the comprehensive plan and shall follow the procedures outlined below:

1. **Major Amendment.** A major amendment to a continued planned unit development is required when the proposed changes or modifications will have an effect on required parking, required yards, floor area ratios, ground floor area ratios, signage, building height, density, covenants or agreements required by the continued planned unit development, or changes to the continued planned unit development issued in the FW, FF or FP districts. A major amendment shall follow the same process required for an initial CUP application.

2. **Minor Amendment.** Any amendment to a continued planned unit development not considered a major amendment as defined above may be approved by the City Council. The minor amendment shall follow the same process as an initial CUP application, except that a public hearing and planning commission review is not required.

**Section 2.** Chapter 36, Section 36-37(d) General conditions for continued special permit uses of the St. Louis Park City Code is hereby amended to delete the strikethrough text, add the following underlined text, and renumber accordingly.

(1) Any property covered by a continued special permit shall comply with all provisions of the special permit which were in effect on December 31, 1992. If it is subsequently
determined that a property is not in compliance with the provisions of the continued special permit, the holder of the continued special permit shall take whatever actions are necessary to bring the property into compliance with the conditions and provisions set forth in the special permit. Failure to bring the special permit into compliance within 12 months of written notification of noncompliance by the city shall be grounds for termination of the continued special permit. The procedure to be followed in terminating the special permit shall be that specified in subsection 36-33(b)(5). Upon termination of the continued special permit, the use shall be subject to the provisions of Article VI of this chapter pertaining to nonconformities section 36-401 and all other applicable provisions of this chapter, including the regulations for the district in which the use is located.

(2) The property shall comply with all provisions of this chapter which require compliance with certain provisions by a certain date, including the dates listed in subsection 36-36-2(i)(7), subsection 36-36(k), subsections 36-406(f) and (h).

Section 3. Chapter 36, Section 36-79 Grading; filling and land reclamation; excavation and mining, of the St. Louis Park City Code is hereby amended to add the following underlined text.

(c) Permit not required. A conditional use permit for filling, land reclamation, mining or excavation is not required when the activity has been reviewed and approved in conjunction with construction or activity approved under a building permit, conditional use permit or planned unit development.

Section 4. Chapter 36, Section 36-38(a) of the St. Louis Park City Code pertaining to enforcement is hereby amended to delete the strikethrough text and add the following underlined text.

(8) Abandonment, revocation and cancellation of permit or variance. If the zoning administrator determines that any holder of an existing planned unit development approved before February 27, 2015, a special permit, variance, or conditional use permit has violated any of the conditions or requirements imposed as a condition to approval of the permit or variance, or has violated any other applicable laws, ordinances, or enforceable regulation, the planned unit development, special permit, variance or conditional use permit granted by the city may be revoked and canceled by the following process:

a. The zoning administrator shall notify the holder in writing of the violation. The notice shall be given in person or by United States Postal Service addressed to the address of the applicant stated on the original application. Notice shall also be served upon the occupant of the premises for which the planned unit development, special permit, conditional use permit or variance was issued or, if no occupant can be found, notice shall be posted in a conspicuous place upon such premises. Notice shall be effective on the date of mailing, personal service or posting.
b. The notice shall state that after the expiration of ten days from the date of the notice, the planned unit development, special permit, conditional use permit or variance is terminated without further action or proceeding.

(9) **New construction required within two years.** All variances and conditional use permits shall be revoked and canceled after one two years has elapsed from the date of the adoption of the resolution granting the variance or conditional use permit if a new structure or alteration or substantial repair of an existing building is required by the conditional use permit or variance and the holder has failed to complete the work within that year, unless a valid building permit authorizing such work has been issued and work is progressing in an orderly way.

**Section 5.** Chapter 36, Section 36-82(b)(7)b. of the St. Louis Park City Code pertaining to temporary uses is hereby amended to delete the strikethrough text and add the following underlined text.

b. The temporary use shall be located in the C-1 district, C-2 district, O district, M-X district, PUD district, in a public park or closed right-of-way as approved by the city.

**Section 6.** Chapter 36, Section 36-141(d) of the St. Louis Park City Code pertaining to land use definitions is hereby amended to add the underlined text as follows and renumber accordingly.

(19) **Marijuana dispensary means a** dispensary location where patients or consumers can access cannabis in a legal and safe manner. Users get assistance from experts (bud tenders) who find an optimal dosage and recommend the delivery method to achieve optimal results when using medical cannabis.

**Section 7.** Chapter 36, Section 36-162(d) of the St. Louis Park City Code pertaining to accessory structures is hereby amended to add the following underlined text.

(3) **Height.**

a. Accessory buildings – Shall not exceed 15 feet in height. The maximum height may be increased to 24 feet where the primary exterior materials of the accessory building match the primary exterior materials of the principal building and the roof pitch matches a roof pitch of the principal building, and provided the wall height shall not exceed 9 feet from the building ground floor to the highest top plate of the exterior non-gable end walls. Dormers are exempt from the height measurement if the combined width of the dormers is less than 50% of the side of the building they are located on.

**Section 8.** Chapter 36, Section 36-162(e)(7) of the St. Louis Park City Code pertaining to accessory dwelling units is hereby amended to delete the strikethrough text, add the following underlined text and renumber accordingly.
7. Accessory dwelling units that are detached from the principal residential structure shall comply with the regulations for accessory structures in Division 4 Residential District Regulations, and must comply with the following additional requirements:
   a. Detached accessory dwelling units shall be located a minimum of 15 feet from any rear lot line unless the rear lot line is adjacent to an alley, in which case it may be located five (5) feet from the rear lot line.
   b. Detached accessory dwelling units located less than six (6) feet from the principal dwelling is subject to the same side yard as required for the principal dwelling. Detached accessory dwelling units located six (6) feet or more from the principal dwelling shall be located a minimum of five (5) feet from any side property line.
   c. Detached accessory dwelling units shall have a minimum of 200 square feet of floor area.
   d. Balconies and decks above the ground floor shall not face an interior side yard or a rear yard not abutting an alley. Rooftop decks for an accessory dwelling unit shall not be allowed.

Section 9. Chapter 36, Section 36-193(d) of the St. Louis Park City Code pertaining to the C-1 Neighborhood Commercial District is hereby amended to add the underlined text as follows.

(10) Restaurants with intoxicating liquor license. The conditions are as follows:
   a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
   b. Buildings shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution or community center.
   c. Separate pedestrianways shall be constructed to allow for the separation of pedestrian and vehicular movements within the parking lot.
   d. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located, and conditions of approval may be added as a means of satisfying this requirement.

Section 10. Chapter 36, Section 36-362 of the St. Louis Park City Code pertaining to sign regulations is hereby amended to add the following underlined text:

(12) Illuminated signs at residential properties with four or fewer dwelling units.

Section 11. Chapter 36, Section 36-366(b)(1) of the St. Louis Park City Code pertaining to architectural design is hereby amended to delete the strikethrough text and add the following underlined text:
d. No building may display more than fifteen percent of any elevation surface in bright, high-intensity or pure tone accent primary or secondary colors. No fluorescent or neon colors shall be used on any exterior elevation surface.

Section 12. Chapter 36, Section 36-366(b)(8) of the St. Louis Park City Code pertaining to architectural design is hereby amended to add the following underlined text:

(8) Ground floor transparency. The following façade design guidelines shall be applicable to all ground floor street-facing facades in the C-1, C-2, and MX Districts, and retail, service, and restaurant uses in O and BP Districts:

a. Window paintings and signage shall cover no more than 10 percent of the total window and door area.

b. Visibility into the space shall be maintained for a minimum depth of three (3) feet. Display of merchandise is allowed within this three (3) feet.

c. Interior storage areas, utility closets and trash areas shall not be visible from the exterior of the building.

d. No more than 10 percent of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material including window painting and signs. The remaining 90 percent of window and door area shall be highly transparent, low reflectance windows with a minimum 60 percent transmittance factor and a reflectance factor of not greater than 0.25.

e. Buildings, and additions to existing buildings, shall maintain a minimum of 50 percent ground floor transparency on the front façade, and 20 percent on all other ground floor street facing facades. Buildings which expand the gross square footage of the building by more than 50 percent shall bring the entire building into compliance with these transparency requirements.

f. The city acknowledges a degree of flexibility may be necessary to adjust to unique situations. Alternatives that provide an increase in pedestrian vibrancy and street safety including but not limited to public art and pedestrian scale amenities may be considered and may be approved by the Zoning Administrator, unless the development application requires approval by city council, in which case the city council shall approve the alternate transparency plan.

Section 13. This ordinance shall take effect January 29, 2021.
Regular meeting meeting of December 2, 2020 (Item No. 3a)
Title: Miscellaneous zoning code amendments

Melissa Kennedy, City Clerk

Soren Mattick, City Attorney
The study session commenced at 6:25 p.m.

2. Home occupations

Mr. Morrison presented the report. He noted this is a priority discussion topic in the 2020 work plan for the commission and for the city council.

He noted several previously raised topics for discussion lifting the prohibition on barbers/hairdressers as a home occupation allowing one or more outside employees, allowing home occupations in accessory buildings, allowing them occupy more than 10% of the principal building, and allowing residents of ADUs to conduct home occupations in the ADU they occupy.

Mr. Morrison stated discussion about the uses and character of the residential neighborhood should also be discussed to provide context for other decisions.

Commissioner Weber asked if the registration of land use requirement applies to people working from home now during the pandemic, such as home offices. Mr. Walther stated the registration of land use is required only when there are customers or students that come to the home. It does not apply to a home office if people living there are using the office.

Commissioner Eckholm asked about machinery and/or equipment uses within the home. He stated this may need to be re-worded to be more permissive.

Commissioner Weber noted the animal handling occupation and asked if this would be allowed as long as they stay within the city’s allowable three animal/pet limit. Mr. Morrison stated this can be discussed further.
Commissioner Weber stated there would seem to be many examples of people who would be surprised they are breaking city rules with their home occupation. He stated he thinks about this being a first interaction with the city and the impression that would leave for them.

Mr. Morrison stated staff typically will not contact the person unless a city staff person witnesses the violation. Mr. Walther added, in practice, staff is not out doing house calls and aggressively searching for these types of violations but noted the city does regularly receive complaints from neighbors about home occupations that run afoul of the rules. A common one is car repair service; there are multiple cars being repaired or stored outside on a property in various states of repair.

Commissioner Weber asked if the city has specified the language in the ADU ordinance that says the actual ADU is actually used primarily or only for the home occupation. Mr. Walther stated this was one of the reasons raised by city council for having this discussion. He stated right now it is a bit grey in this area as to how to interpret the code, so more clarity will need to come of this.

Commissioner Beneke stated he is unclear as to what he would want to do with the ADU/home occupation, and this warrants more discussion.

Chair Kraft stated she is in alignment with most of what has been discussed. She would have concerns with noises or odors but has no concerns about barber/beauty salons, daycares, or a 3D printer in a house.

Commissioner Weber would also support some research into barber/beauty salons, as it serves a path of entry into business ownership, especially for communities that may not have access to commercial space. Commissioner Beneke added he agrees with this idea in general.

Commissioner Dagane agreed with the comments made in the discussion as well and would have concerns also with what kind of business it was and traffic issues.

Mr. Walther stated this topic will be researched further and brought to the council for input before the discussions are concluded with the commission. This will allow the commission to discuss after council and incorporate council comments in their deliberation.

1. Miscellaneous zoning amendments

This topic will be brought back at the next study session since there was not time to consider it at this meeting.

2. Communications
Commissioner Lynette Dumalag resigned from the commission and has been appointed to the city council to represent the 2nd ward after Anne Mavity’s resignation from the city council.

The meeting was adjourned at 8:05 p.m.
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1 Home occupations

Recommended motions:
No action is required at this time. The purpose of this report is to discuss proposed amendments to the home occupation rules prepared by staff.

Summary of request: The city council added a review of home occupations as a priority discussion topic in 2020. Also, planning commission included it in the 2020 work plan. Staff has drafted text amendments to the zoning code based on the commission’s discussion at the November 4, 2020 study session.

The drafted amendments include:

- Allow barbers/hairdressers.

- Allow one outside employee to work at the property where the home occupation is based. The employee may work at a home occupation conducted by the occupant of either the principal or accessory dwelling. The draft does not allow an employee at both home occupations for those instances when a home occupation is conducted by the occupants of both the principal dwelling and accessory dwelling.

- Allow home occupations to be conducted in accessory buildings. The draft code was amended to allow the use of accessory buildings with the condition that the property meets parking requirements. The condition is necessary to preserve garage parking spaces if they are needed to meet the off-street parking minimum requirements.

- Allow a home occupation to occupy more than 10% of the home. Section 36-115(e) defines an accessory use as a secondary use that occupies less than 25% of the building area. To be consistent with this provision, staff proposes to increase the maximum allowed floor area for home occupations from 10% to 25%. The size limit for a home occupation conducted by the occupant of the principal dwelling will be based on the size of the principal dwelling unit, regardless of whether the home occupation is conducted in the principal dwelling or an accessory building or both.

- Allow residents of accessory dwelling units to conduct home occupations. The draft code allows the occupants of both the principal dwelling and the ADU to each conduct their own home occupations. As drafted, home occupations conducted by the occupants of the ADU are limited to 25% of the ADU. Furthermore, the draft ordinance limits the number of outside employees that do not reside on the property to no more than one outside employee per lot. The home occupation conducted in the ADU cannot have an employee if there is a home occupation with an employee conducted in the principal dwelling and vice versa.

Allow equipment that is not typically present in a residential household, provided it has no negative impacts on adjacent residential properties, is small enough in scale so as to not infringe on the residential character of the home does not result in undue impacts to public infrastructure. The draft code proposes to eliminate the provision limiting equipment to
which is normally found in a home. Instead, the ordinance relies on the other provision that prohibits nuisance impacts such as noise, smells, vibrations, etc. The equipment is permitted if its use is not perceptible to adjacent properties. Home occupations conducted in apartments, condominiums, townhomes or other dwelling units sharing a common wall will have a harder time meeting this requirement, and therefore, will be subject to greater limitations as to the equipment allowed.

Staff further considered the planning commission’s interest in exploring allowing pet walking and grooming activities if the number of pets at the home does not exceed the number currently allowed for a residence. The city currently allows up to three adult dogs. Any number of puppies are allowed up to four months of age. There are no limits on cats, rabbits or other domesticated pets. Staff has concerns about allowing animal handling and professional grooming as a home occupation. The current draft ordinance was not amended to allow this use. Professional grooming and animal handling facilities are prepared to handle animals with varying dispositions. Including this use and added risk into a residential setting puts neighbors at risk that may encounter the animal while it is outside. Additionally, dogs in new settings are very likely to bark at noises and people in the area, predictably resulting in a nuisance situation.

Staff seeks additional feedback from the commission on the proposed draft to the home occupations ordinance. As noted at the November 4, 2020 study session discussion, staff also proposes moving the home occupation regulations from each of the residential zoning districts to a new subsection in the general residential district regulations section of the zoning ordinance. This section contains regulations that apply to all residential districts, including rules for accessory structures, accessory dwelling units, vehicle parking and other miscellaneous residential regulations.

Commissioners are asked to review the draft below to prepare for further discussion on this topic.

**Next Steps:** Depending on the discussion, staff will conduct additional research and/or incorporate the planning commission comments into the proposed ordinance. This may return for additional planning commission discussion or go to city council for study session discussion before beginning a formal process to adopt any regulatory changes.

**Attachments:** Summary of current home occupations rules
Excerpt if November 4, 2020 planning commission minutes

**Prepared by:** Gary Morrison, assistant zoning administrator
**Reviewed by:** Sean Walther, planning and zoning supervisor
Summary of current home occupation rules

Home occupations are described as commercial uses in the following section 36-142.(d)(14): Home occupation is an occupation, profession or activity conducted in a dwelling unit, which is clearly an incidental and subordinate use to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood.

The following is repeated in the list of accessory uses allowed in each of the residential zoning districts of the code.

Home Occupations Home occupations complying with all of the following conditions:

a. A registration of land use is required for any home occupation established after July 12, 2019, that has customers or students coming to the site.

b. The home occupation and structure housing the home occupation meets all applicable fire and building codes, as well as any other city, county, state, or federal regulations.

c. The home occupation is clearly incidental and subordinate to the residential use of the property and does not change the character of the property.

d. The floor area of the home occupation cannot exceed 25% of the total floor area of the principal dwelling unit. If the home occupation is conducted by the occupant of an accessory dwelling unit, then it is limited to 25% of the floor area of the accessory dwelling unit. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.

e. The No portion of the home occupation may be conducted within any attached or detached accessory building if the property complies with the minimum required parking for the property.

f. Operation of the home occupation is not apparent from the public right-of-way.

g. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the occupation.

h. All material or equipment is stored within an enclosed structure.

i. The home occupation does not produce nuisance noise, odors, smoke, heat, glare, vibration, or electrical interference beyond the residential lot occupied by the home occupation.

j. No person is employed at the residence One person who does not legally reside at the property in the home may be employed at a home occupation occurring in either the principal dwelling or the accessory dwelling unit.

k. Persons do not come to the location of the home occupation to be dispatched to other locations, or to pick-up or drop-off equipment, materials, or supplies.

l. Sale of products related to the home occupation is allowed with the following conditions:
   i. Products are shipped to and from the premises; or
   ii. Product sales occur off-site at a permissible location; or
   iii. Customers visit the premises by appointment only; or
   iv. Products are sold on the premises at garage sales as regulated by this chapter.

m. No more than one non-illuminated wall sign up to two square feet in area is used to identify the home occupation.

n. The home occupation does not include any of the following uses: auto body/painting, motor vehicle sales, motor vehicle service and repair, small engine repair, massage, medical/dental office, animal handling, beauty shop and barbershop, restaurant, firearm
sales, currency exchange, payday loan agency, sexually-oriented business or high-impact sexually oriented business.
EXCERPT OF OFFICIAL MINUTES
PLANNING COMMISSION
ST. LOUIS PARK, MINNESOTA
NOVEMBER 4, 2020 – 6:00 p.m.
COUNCIL CHAMBERS

MEMBERS PRESENT: Jim Beneke, Imran Dagane (arrived 6:25 p.m.), Matt Eckholm, Jessica Kraft, Tom Weber (arrived 6:30 p.m.)

MEMBERS ABSENT: Courtney Erwin

STAFF PRESENT: Jennifer Monson, Gary Morrison, Sean Walther, Mara Hynek

STUDY SESSION

The study session commenced at 6:25 p.m.

2. Home occupations

Mr. Morrison presented the report. He noted this is a priority discussion topic in the 2020 work plan for the commission and for the city council.

He noted several previously raised topics for discussion lifting the prohibition on barbers/hairdressers as a home occupation allowing one or more outside employees, allowing home occupations in accessory buildings, allowing them occupy more than 10% of the principal building, and allowing residents of ADUs to conduct home occupations in the ADU they occupy.

Mr. Morrison stated discussion about the uses and character of the residential neighborhood should also be discussed to provide context for other decisions.

Commissioner Weber asked if the registration of land use requirement applies to people working from home now during the pandemic, such as home offices. Mr. Walther stated the registration of land use is required only when there are customers or students that come to the home. It does not apply to a home office if people living there are using the office.

Commissioner Eckholm asked about machinery and/or equipment uses within the home. He stated this may need to be re-worded to be more permissive.

Commissioner Weber noted the animal handling occupation and asked if this would be allowed as long as they stay within the city’s allowable three animal/pet limit. Mr. Morrison stated this can be discussed further.
Commissioner Weber stated there would seem to be many examples of people who would be surprised they are breaking city rules with their home occupation. He stated he thinks about this being a first interaction with the city and the impression that would leave for them.

Mr. Morrison stated staff typically will not contact the person unless a city staff person witnesses the violation. Mr. Walther added, in practice, staff is not out doing house calls and aggressively searching for these types of violations but noted the city does regularly receive complaints from neighbors about home occupations that run afoul of the rules. A common one is car repair service; there are multiple cars being repaired or stored outside on a property in various states of repair.

Commissioner Weber asked if the city has specified the language in the ADU ordinance that says the actual ADU is actually used primarily or only for the home occupation. Mr. Walther stated this was one of the reasons raised by city council for having this discussion. He stated right now it is a bit grey in this area as to how to interpret the code, so more clarity will need to come of this.

Commissioner Beneke stated he is unclear as to what he would want to do with the ADU/home occupation, and this warrants more discussion.

Chair Kraft stated she is in alignment with most of what has been discussed. She would have concerns with noises or odors but has no concerns about barber/beauty salons, daycares, or a 3D printer in a house.

Commissioner Weber would also support some research into barber/beauty salons, as it serves a path of entry into business ownership, especially for communities that may not have access to commercial space. Commissioner Beneke added he agrees with this idea in general.

Commissioner Dagane agreed with the comments made in the discussion as well and would have concerns also with what kind of business it was and traffic issues.

Mr. Walther stated this topic will be researched further and brought to the council for input before the discussions are concluded with the commission. This will allow the commission to discuss after council and incorporate council comments in their deliberation.

The meeting was adjourned at 8:05 p.m.