

ORDINANCE NO. 497, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING VARIOUS SECTIONS OF CHAPTER 10 (ZONING ORDINANCE) OF THE HASTINGS CITY CODE PERTAINING TO:

ADOPTION OF THE DOWNTOWN MASTER PLAN

BE IT ORDAINED by the City Council of the City of Hastings as follows:

I. HASTINGS CITY CODE CHAPTER 10 IS AMENDED AS FOLLOWS.

SECTION 10.05. APPLICATION OF DISTRICT REGULATIONS

SUBD. 5 ACCESSORY BUILDING AND STRUCTURE REQUIREMENTS

- 8) The sidewall height of accessory structures shall be limited to 10 feet, unless architectural elements are incorporated such as exterior materials change or building offset to reduce the massiveness and starkness of the wall.
- 9) The height of any accessory structure shall not be taller than the primary structure

SECTION 10.09. PARKING AND LOADING REQUIREMENTS.

SUBD. 7. MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS.

a) General

~~(6) Existing structures and uses within the DC and RMU Zoning Districts prior to the adoption of the Downtown Master Plan (May 5, 2003) shall be considered in conformance with the minimum parking and loading requirements of this section, provided the use and intensity is unchanged. Parking and loading requirements for any intensification of an existing building or use, or construction of a new building shall be determined by a proof of parking study. When a study is required, the Urban Land Institute's 1983 publication, *Shared Parking Standards*, the Institute of Transportation Engineers *Shared Parking Standards Planning Guidelines (1995)*, or equivalent study shall be used to determine the number of spaces needed for a single or shared use. Existing commercial structures and uses within the "Downtown" Overlay District shall be exempt from meeting off-street parking requirements. However, those properties with existing parking shall not be reduced unless in conformance with all requirements of Section 10.08. Furthermore, all new construction or alterations of a structure that increase its size and capacity shall satisfy all requirements of Section 10.09. The City Council may, at its discretion, grant exceptions within the "Downtown" Overlay District due to existing limitations including, but not limited to, the existing built area.~~

SECTION 10.10. DISTRICT USE REGULATIONS.

SUBD. 1. ZONING DISTRICTS. The City is hereby divided into the following use districts:

- a) A Agriculture.
- b) R-1 Low Density Residence.
- c) R-2 Medium Density Residence.
- d) NC Neighborhood Conservation
- e) OSR Open Space Residence
- f) R-3 Medium-High Density Residence.
- g) R-4 High Density Residence.
- h) ~~R-5 High Density Residence~~ RMU Residential Mixed Use.
- i) R-6 Manufactured Home Park Residence.
- j) C-1 General Commerce.
- k) C-2 Highway-Auto-Specialized Commerce.
- l) C-3 Community Regional Commerce.
- m) DC Downtown Core District
- n) C-4 Regional Shopping Center.
- o) O-1 General Office.
- p) I-1 Industrial Park
- q) I-2 Industrial Park Storage/Service
- r) P-I Public Institution.
- s) VSO Vermillion Street Overlay District

SECTION 10.13A. R-2 - MEDIUM DENSITY RESIDENCE.

(Section unchanged, except for numbering)

SECTION 10.13B. NC – NEIGHBORHOOD CONSERVATION.

SUBD. 1. INTENT. The intent of the NC District is to provide standards that protect the residential character of single family areas surrounding the downtown. This District is intended to provide regulations that promote traditional neighborhood design. Residential neighborhoods surrounding the downtown incorporate many traditional neighborhood design features such as alleys, carriage houses, front porches, period sensitive housing design, sidewalks, and traditional street lighting. Preserving and enhancing traditional neighborhood design is the goal of this District.

SUBD. 2. USES PERMITTED.

- a) Same as permitted in the R-1 Low Density Residence District, and R-2 Medium Density Residence District.
- b) Accessory living quarters in accordance with the City of Hastings Building Code.

SUBD. 3. USES BY SPECIAL PERMIT.

- a) Same as permitted by Special Use Permit in the R-2 Medium Density Residence District.

SUBD. 4. BUILDING AND SITE DESIGN

Approvals granted through building permit, site plan, special use permit, or planned residential development shall require conformance with the Neighborhood Conservation District Standards of the *Original Hastings Design Guidelines* as adopted by the City Council.

SECTION 10.13C OSR – Open Space Redevelopment District

SUBD. 1. INTENT. The intent of the OSR District is to provide standards that allow existing single and two family patterns to continue, but anticipate larger scale redevelopment of areas that may be the result of public improvement projects such as commuter rail, street systems, and storm water treatment facilities. Attached housing areas that result from redevelopment should be designed in a manner to connect open spaces to adjacent greenway\preserve areas along Lake Isabel.

SUBD. 2. USES PERMITTED.

- a) Same as permitted in the R-1 Low Density Residence, and R-2 Medium Density Residence District.

SUBD. 3. USES BY SPECIAL PERMIT.

- a) Same as permitted by Special Use Permit in the R-2 Medium Density Residence District
- b) Planned Residential Development per Section 10.14, Subd. 2e, provided residential densities do not exceed that of the Comprehensive Plan Land Use District..

SUBD. 4. BUILDING AND SITE DESIGN

Approvals granted through building permit, site plan, special use permit, or planned residential development shall require conformance with the Open Space Redevelopment District Standards of the *Original Hastings Design Guidelines* as adopted by the City Council.

SECTION 10.16 R-5 – HIGH DENSITY RESIDENTIAL RMU - RESIDENTIAL MIXED-USE DISTRICT

SUBD. 1. INTENT. The intent of the R-5 RMU zone is to encourage the development of higher density multiple family dwellings and limited commercial activities adjacent to the downtown area to support the activities in the Downtown Core District, to serve as a transitional district from commercial to lower density residential districts, provide an area for restricted commercial activities and to provide a variety of housing types to satisfy individual preferences and financial capabilities.

SUBD. 2. USES PERMITTED.

- a) Multiple family dwellings.
- b) Library, public and private schools, and similar uses of a public service nature.
- c) Accessory uses incidental to the foregoing principle uses including, but not limited to, garages, and recreational facilities.
- d) Home Occupations in accordance with Section 10.12, Subd. 2.
- e) Planned Residential Developments in accordance with Section 10.14, Subd. 2

- f) Commercial activities are permitted but limited to the first floor of the building, and shall not exceed 50 percent of the entire structure.

Sec. 10.16, Subd. 2 (e) was approved on 10/21/02

SUBD. 3. USES BY SPECIAL PERMIT.

- a) Multiple family dwellings greater than 40 feet in height as measured by the Uniform Building Code.
- b) Neighborhood Commercial subject to the site plan review requirements of Section 10.27.

SUBD. 5. BUILDING AND SITE DESIGN

Approvals granted through building permit, site plan, special use permit, or planned residential development shall require conformance with the *Original Hastings Design Guidelines* as adopted by the City Council.

SECTION 10.20A. C-3 COMMUNITY-REGIONAL COMMERCE.

(Section unchanged, except for numbering)

SECTION 10.20B. DC Downtown Core District

SUBD. 1. INTENT. The intent of the Downtown Core District is to create a vibrant mixed –use core with an aesthetic character that is distinctly different than other areas of the community and mix of uses arranged in a manner that encourages pedestrian movement and accessibility. The Downtown Core District focuses on the vertical integration of uses requiring certain uses to integrate residential housing above street level businesses. These high density residential developments have historically contributed to the life-cycle housing mix available in and around the downtown. Maintaining historical residential housing densities is also a contributor to downtown commerce and street level activity. Maintaining the historic distribution of business and density of housing is essential to protect municipal and private investment. Planning efforts to secure a transit center in the downtown will further the objectives maintaining and enhancing a pedestrian scale core. Careful design of buildings, public, and private spaces is also a primary focus in the Downtown Core District which shall be guided by the Original Hastings Design Guidelines as adopted by the City Council. The guidelines establish design criteria for building fronts that are bases on street types.

SUBD. 2. USES PERMITTED.

- a) Commercial retail and service establishments that have floor areas of less than 15,000 square feet on any single level including, but not limited to, the following:
 - (1) Retail and service establishments excluding automobile repair.
 - (2) Offices.
 - (3) Entertainment and amusement services.
 - (4) Lodging services including hotel and motel.
- b) Public and semi-public buildings.
- c) Private Clubs.
- d) Residential dwellings provided they are located above the first floor level.
- e) Automobile parking lots subject to following conditions:

- (1) Parking lots shall not have frontage or driveway access points on streets with an east\west orientation, if an alternate access to the property is available.
- (2) Parking lots may front on street with a north\south orientation when a landscape buffer is provided along the perimeter of the parking areas in accordance with Sect. 10.09.
- (3) Every attempt shall be made to locate parking lots internally within a block to allow building to front on street corridors.
- (4) Existing alleys should be utilized whenever practical to facilitate orderly access and use of land.
- f) Churches
- g) Accessory uses incidental to the foregoing principal uses.

SUBD. 3. USES BY SPECIAL PERMIT.

- a) Outdoor patio areas for entertainment, dining, and recreational activities
- b) Small animal clinics, excluding establishments with outside runs and non-patient overnight boarding.
- c) Towers as regulated by Section 10.05 Subd. 12 of this chapter.
- d) Residential dwellings on the first floor level provided the dwelling is accessory to a commercial use, less than 50% of the first level floor area and is located in the rear of the building with a separate outside entrance.

SUBD. 4. BULK STANDARDS

a) <u>Minimum Lot Width</u>	<u>22 feet</u>
b) <u>Minimum Lot Depth</u>	<u>80 feet</u>
c) <u>Maximum Building Height</u>	<u>47 feet</u>
d) <u>Minimum Residential Density</u>	<u>14 dwelling units per acre</u>
e) <u>Minimum Floor Area Ratio for Non-Residential Uses (vertically mixed buildings)</u>	<u>1.5</u>

SUBD. 5. BUILDING AND SITE DESIGN

Approvals granted through building permit, site plan, special use permit, or planned residential development shall require conformance with the *Original Hastings Design Guidelines* as adopted by the City Council.

SECTION 10.25A. PI - PUBLIC INSTITUTION.

(Section unchanged, except for numbering)

SECTION 10.25B. VSO – VERMILLION STREET OVERLAY DISTRICT.

SUBD. 1. INTENT. The intent of the Vermillion Street Overlay District is to preserve the character of existing residential and religious buildings while allowing conversions of their use to accommodate residential, institutional, and commercial activities. Preservation of building and site character elements are critical to ensure this corridor maintains its vitality, and traditional character. Conversions of structures to uses other than the original are based on performance criteria as defined in this section. This District recognizes that because each building and site

has its own unique design characteristics, some structures will have greater conversion potential than others.

SUBD. 2. USES PERMITTED

All permitted uses identified in the underlying zoning district shall be permitted uses in the VSO District.

SUBD. 3. USES BY SPECIAL PERMIT

All uses by special permit identified in the underlying zoning district shall be uses by special permit in the VSO District in addition to the following:

- a) Commercial activities in residential buildings. Use conversion shall meet all requirements of the adopted Building Code.
- b) Commercial activities in buildings previously used for institutional or religious purposes.
- c) Professional Offices in Residential Districts.
- d) Mixed residential use of commercial structures.

Limited disruption or change to the inherent character of the building, site, and corridor shall be predominant criteria in determining approval of a special use permit in the VSO District.

SUBD. 4. USES PROHIBITED

The following uses shall be prohibited in the VSO District:

- a) Assembly, storage, and manufacturing activities.
- b) Outside sales

SUBD. 5. SITE PLAN REVIEW

Any building site construction or alteration shall be subject to the Site Plan Review Procedure as stipulated in Section 10.27 (as amended). In addition to the requirements of Section 10.27, review of site plans within the VSO District shall be subject to the following:

- a) The existing building and site character shall be maintained consistent with the *Original Hastings Design Guidelines*, as adopted by the City Council.

SECTION 10.26. RESIDENTIAL DISTRICT LOT REGULATIONS.

It is unlawful to erect or alter any building within the City unless the following minimum lot and yard areas are provided and maintained in connection with such building.

DISTRICT	A	R-1	R-2, NC & OSR	R-3	R-4	R-5-RMU	R-6
<u>MINIMUM LOT AREA</u>	10 acres	9000 other*	7000-one 9700-two other *	5000	2500	500 <u>12 d.u.</u> <u>per acre</u>	2500
<u>WIDTH AT SETBACK</u>	150	75	50-one 66-two	--	--	--	--
<u>FRONT</u>	20	20	20	20	20	5	15
<u>INTERIOR SIDE-b</u>	10	10	7	7	1/2bldg. height	1/4bldg. 5 height-g	
<u>CORNER</u>	10	10	10	10	10	5	10
<u>SIDE-c & d</u>							
<u>REAR-b & d</u>	20	20	20	20	20	1/2bldg. height-g	5
<u>HEIGHT</u>	25-e	25-e	25-e	25-e	25-e	40-f	25-e

* Minimum lot area requirements for other uses and all other districts not listed above shall be determined by the City during site plan review. The Community Development Director may, at her/his discretion, determine setbacks for accessory structures.

FOOTNOTES:

- a. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such structures, but in no case shall the front yard setback be less than 10 feet.
- b. In the R-1 District, an accessory structure (garage, shed, open deck, etc.) shall be no closer than five feet to the rear or adjacent interior side lot line.
- c. In the R-2 District, an accessory structure (garage, shed, open deck, etc.) shall be no closer than five feet to the rear or adjacent interior side lot line.
- d. Garages facing the street/alley R.O.W. shall be setback at least 20 feet.
- e. Buildings over 25 feet in height shall require one-half (1/2) foot additional setback for each additional one foot of building height on the required minimum side yard.
- f. Except as allowed by Section 10.15, Subd. 3.
- g. The maximum setback required shall be 15 feet but in no case less than five feet.

ALL OTHER SECTIONS SHALL REMAIN UNCHANGED

II. VIOLATION A MISDEMEANOR

Every person who violates a section, subdivision, paragraph, or provision of this chapter when they perform an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor.

This ordinance was adopted by the Hastings City Council on this 7th day of July, 2003.

City of Hastings

/s/
Michael D. Werner, Mayor

/s/
Melanie Mesko Lee,
Administrative Assistant/City Clerk

(SEAL)

Document Drafted By:
City of Hastings (JWH)
101 East 4th Street
Hastings, Minnesota 55033

Hastings, Minnesota
July 7, 2003

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday July 7, 2003 at 5:30 PM, in the Volunteer Room at the Hastings City Hall, 101 East 4th, Street, Hastings, Minnesota.

Members Present: Mayor Mike Werner, City Councilmembers Hazlet, Hicks, Riveness, Moratzka, Schultz, Yandrasits

Members Absent: None

Staff Members Present: City Administrator Dave Osberg
Administrative Assistant/City Clerk Melanie Mesko Lee
City Attorney Shawn Moynihan
Planning Director John Hinzman
HRA Director John Grossman

Approval of Minutes

Mayor Werner asked if there were any corrections or additions to the minutes of the regular meeting of June 16, 2003 or the special meeting of June 23, 2003. Hearing none, the minutes were approved as presented.

Council Items to be Considered

Moved by Councilmember Hicks, seconded by Councilmember Yandrasits to add Request to Grade South Oaks 2nd Addition Prior to Preliminary Plat Approval as Item #9 of the Consent Agenda.

7 Ayes; Nays, none.

Consent Agenda

Councilmember Yandrasits requested that Item #7—Approve 2003 Rivertown Days Agreement, be moved to Administration for discussion.

Moved by Councilmember Yandrasits, seconded by Councilmember Hicks, to approve the Consent Agenda as amended.

7 Ayes; Nays, None.

1. Pay Bills As Audited
2. Resolution—Approve Renewal of Gambling Premises Permit for Knights of Columbus
3. Accept Retirement Notifications
 - a. Pat Orman
 - b. Mary Jo Anderson
4. Appoint Planning Commissioner—Greg Schmitt
5. Resolution-Award Contract—2003 Sealcoat Program
6. 2003 Budget Adjustments
7. Approve 2003 Rivertown Days Agreement
8. Authorization to Hire Part-Time Clerical Staff
9. Approve 2003 Rivertown Days Agreement

Copy of resolutions on file.

Public Hearing—Liquor License Fees

Mayor Werner opened the public hearing at 7:03 p.m.

Sara Udig, RJ's Tavern, stated opposition to the fee increase. She said that the City had not complied with the 30-day notification requirement by state statute and that the costs of running an establishment with a liquor license are already high, citing insurance costs. Ms. Udig also stated that the Department of Public Safety, Alcohol & Gambling Enforcement (AGE) told her that the City could not increase the fees after the license year had started.

Administrative Assistant/City Clerk Mesko Lee stated that the City did comply with the notification requirement; the City Council ordered a public hearing for July 7 on June 3, 2003 and staff sent out notification after that was ordered. She also stated that the proposed fees are comparable to surrounding communities and communities of similar size. Mesko Lee also stated that the information provided to her by AGE does not prohibit cities from changing license fees during a license year as long as the notification requirements have been met.

Phil Biermaier, Papa Charrito's, questioned when the notices were sent out. Mesko Lee stated that the notifications were mailed out the week of the June 3 Council meeting at which the City Council ordered the public hearing.

Hearing no further public comments, Mayor Werner closed the public hearing at 7:05 p.m.

Resolution—Approve 2003/2004 Liquor License Fees

Moved by Councilmember Yandrasits, seconded by Councilmember Hazlet to approve the fee increase as presented, from \$2,900 to \$3,400 annually for an on-sale liquor license.

7 Ayes; Nays, none.

Copy of resolution on file.

Public Hearing—City Code Amendment #2003-38: Downtown Master Plan Zoning

Mayor Werner opened the public hearing at 7:15 p.m.

Planning Director Hinzman stated that no rezoning requests are to be considered as part of this action; Council is asked only to consider text changes to the zoning code.

Bess Freeman, 522 Lea Street, read a petition signed by many of the residents of "East Hastings" opposed to the rezoning and requesting that their section be removed from the plan.

Clarence Chapman, 614 East 3rd Street, stated opposition to the plan.

Pete Likes, 3000 East 4th Street, stated opposition to the plan.

Ryan Berg, 703 East 2nd Street, stated opposition to the plan.

Hearing no further public comments, Mayor Werner closed the public hearing at 7:05 p.m.

Second Reading—City Code Amendment #2003-38: Downtown Master Plan Zoning

Councilmember Yandrasits stated that while she supports the plan, it is clear that the residents east of the railroad tracks are opposed to it applying to them.

The Council discussed how to modify the plan to exempt the "East Hastings" residents opposed to the master plan provisions.

Moved by Councilmember Yandrasits, seconded by Councilmember Moratzka to approve the Downtown Master Plan Zoning ordinance amendment, with the exception of any portion east of the railroad tracks.

7 Ayes; Nays, none.

7:36—7:41 p.m.—Five Minute Recess

Public Hearing—Designation of 502 West 7th Street as Heritage Preservation Site

HRA Director Grossman stated that the HPC has recommended this property for designation. The property owners, Patrick and Susan Mancino, oppose the designation. The Planning Commission recommended denial of the designation. The State Historic Preservation Office does not support designation.

Mayor Werner opened the public hearing at 7:41 p.m.

Susan Mancino, 502 West 7th Street, read a statement opposing the designation.

Hearing no further public comments, Mayor Werner closed the public hearing at 7:52 p.m.

Designation of 502 West 7th Street as Heritage Preservation Site

Councilmember Yandrasits stated her support in recognizing the work that has gone into the evaluation of this property for designation. She stated that this type of designation contributes to the value of a property as well as the neighborhood, and that she would not support the denial of the designation.

Councilmember Riveness stated that while he agrees with the intent of Councilmember Yandrasits' statement, he feels that the designation is not appropriate due to the mistiming of the designation consideration and the issuance of a building permit.

HRA Director Grossman stated that of the approximately 60 properties identified in 1994 as potential HPC sites, there are approximately 15-20 left to be considered.

Moved by Councilmember Riveness, seconded by Councilmember Moratzka to deny the designation of 502 West 7th Street as a Heritage Preservation Site
6 Ayes; Nays, one, Councilmember Yandrasits voting against.

Resolution—Minor Subdivision/Variance #2003-45: 1908A Eddy Street

Moved by Councilmember Schultz, seconded by Councilmember Hazlet to approve the resolution as presented.

7 Ayes; Nays, none.

Copy of resolution on file.

First Reading (Continued)—Ordinance Amendment: Chapter 10.23-24—Industrial Park Uses

Moved by Councilmember Yandrasits, seconded by Councilmember Hicks to approve the first reading as presented.

7 Ayes; Nays, none.

Approve Temporary Provisions for Outdoor Social and Concert for July 18, 2003—Coliseum Bar & Grill

This item was removed from the agenda on request of the applicant.

Request for RV and Trailer Parking Variance

Moved by Councilmember Yandrasits, seconded by Councilmember Schultz to deny the request for a variance to the City's parking ordinance.

7 Ayes; Nays, none.

Approve 2003 Rivertown Days Agreement

Councilmember Yandrasits expressed concern over local businesses being penalized by the vendor requirement in the agreement. She requested that staff work with the Chamber of Commerce and the Downtown Business Association to clarify how this provision impacts local downtown businesses.

Moved by Councilmember Yandrasits, seconded by Councilmember Schultz to approve the 2003 Rivertown Days Agreement as presented.


Comments from Audience:

George Werner, owner of The Coliseum Bar & Grill, requested Council consideration of adopting a 2:00 a.m. bar closing time as permitted by state statute.

Adjournment

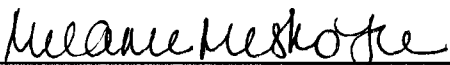
Moved by Councilmember Schultz, seconded by Councilmember Moratzka to adjourn the meeting at 8:25 p.m.

7 Ayes; Nays, None.



Mayor

ATTEST



City Clerk