



ST. FRANCIS PLANNING COMMISSION

**ISD #15 DISTRICT OFFICE BUILDING
4115 AMBASSADOR BLVD.
FEBRUARY 20, 2013**

7:00 PM

AGENDA

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Adopt Agenda February 20, 2013
4. Approve Minutes November 21, 2012
5. Public Comment
6. Election of Officers

PUBLIC HEARING

7. Ordinance Amendment – Residential Accessory Buildings

DISCUSSION ITEMS

8. Ordinance Amendment – Nuisance Code
9. Ordinance Amendment – Noise Ordinance
10. General Discussion Items
11. Adjournment

There may be a quorum of St. Francis Council Members present at this meeting.

**CITY OF ST. FRANCIS
ST. FRANCIS, MN
PLANNING COMMISSION MINUTES
November 21, 2012**

1. **Call to Order:** The Planning Commission meeting was called to order at 7:00 pm by Chairman Rich Skordahl.
2. **Roll Call:** Present were Chairman Rich Skordahl, Commission Members , Ray Steinke, William Murray, Greg Zutz, Roni Ronyak, Joel Olson, City Planner Nate Sparks (Northwest Associated Consultants), and Planning Commission Secretary Kathy Lind.
3. **Adopt Agenda:** MOTION BY RONYAK, SECOND BY ZUTZ TO ADOPT THE NOVEMBER 21, 2012 PLANNING COMMISSION AGENDA. MOTION CARRIED 6-0
4. **Approve Minutes:** MOTION BY RONYAK, SECOND BY STEINKE TO APPROVE THE SEPTEMBER 19, 2012 PLANNING COMMISSION MINUTES. MOTION CARRIED 6-0
5. **Public Comments:** None
6. **Public Hearing – Ponds Club House PUD Amendment:**
City Planner, Nate Sparks reviewed the background and the proposed amendment changes as follows:

BACKGROUND

The Ponds Golf Course was created as a Planned Unit Development. The property owners would like to adjust a lot line within the PUD in a manner inconsistent with the original PUD, necessitating a Minor PUD Amendment.

PUD AMENDMENT

The original PUD intended to have the clubhouse on one parcel with a commercial use on the parcel to the west. The two uses were intended to share a parking lot and an access point. The parking lot was placed on the parcel that is intended for the commercial use but the commercial use has yet to be established.

Since the time of the development, the ownership of the two parcels has been transferred to separate entities. The owner of the clubhouse parcel would now like to adjust the lot line to place the parking lot on the same parcel as the clubhouse. This necessitates a change in the PUD.

The future commercial parcel (Parcel 1 on the applicant's sketch) will now have to access through the clubhouse parcel (Parcel 2). The original arrangement was created due to two sites having only one access point. The appropriate easements will be required to be filed to ensure there is access.

The PUD will still allow the ability for the two uses to share the parking lot. At the time of development of the future commercial parcel (Parcel 1), the two entities will need to work together on this arrangement.

There is also a cart path for use by golfers on the northern edge of this property which is being added to the clubhouse property (Parcel 2).

PUD REVIEW

The Planning Commission shall consider possible effects of the proposed PUD amendment. Its judgment shall be based upon, but not limited to, the following factors:

- A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
- B. The proposed use is or will be compatible with present and future land uses of the area.
- C. The proposed use conforms with all performance standards contained in this Ordinance.
- D. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
- E. Traffic generation by the proposed use is within capabilities of streets serving the property.

RECOMMENDATION

If the Planning Commission finds that the amendment of the PUD to allow for the lot line adjustment is acceptable, it would be appropriate to recommend approval with the following conditions:

- 1. The proper easements shall be provided to allow for access to Parcel 1 through Parcel 2.
- 2. No additional access points to 229th Ave are being granted by this approval.
- 3. Parcel 2 is not allowed as a separate parcel and shall be joined to Lot 2, Block 1 of the Clubhouse at Ponds Golf Course.
- 4. All comments by the City Engineer shall be addressed.

Public hearing opened at 7:07 pm with no public comment the Public hearing closed 7:08 pm

A MOTION BY OLSON, SECOND BY RONYAK TO RECOMMEND APPROVAL OF THE ABOVE ORDINANCE AMENDMENT AS PRESENTED BY STAFF.
MOTION CARRIED 6-0

7. Sign Ordinance Discussion:

At a previous Planning Commission meeting, the Chamber of Commerce President requested that this commission re-evaluate the sign ordinance amendment regarding the overall permit procedure and increasing the size of the signs for those businesses on highway frontage. City Administrator wants the Planning Commission to review the sign ordinance and make a final recommendation to city council.

8. General Discussion Items by Planning Commission: None

9. Adjournment: MOTION BY STEINKE, SECOND BY MURRAY TO ADJOURN MEETING AT 7:15 P.M. MOTION CARRIED 6-0

Kathy Lind, Zoning Secretary

Date

PLANNING MEMO

TO: St. Francis Planning Commission
Matt Hysten, City Administrator

FROM: Nate Sparks, City Planner

DATE: February 13, 2013

MEETING DATE: February 20, 2013

RE: Urban Residential Accessory Buildings Ordinance

BACKGROUND

Through some building permit reviews, potential issues with the zoning ordinance were noticed by City Staff. To correct these issues, the proposed ordinance amendment was drafted.

PROPOSED ORDINANCE AMENDMENT

For each urban residential parcel, the ordinance allows for once accessory building (attached or detached) plus an additional 200 square foot shed. The ordinance also states that detached accessory buildings are allowed up to 20 feet in height. This has created issues whereby very tall and skinny “watchtower” type buildings could be inadvertently allowed. The second shed was intended to be a single car garage or garden shed type building and thus a reduced height limitation is proposed at 16 feet. This change requires a slight modification of the building height definition, as well. The proposed changes are attached in the review draft.

10-2-2: Building Height Definition

This is proposed to be changed to a more standard definition that measures from the grade at the time of construction.

10-18-6-B: Urban Service Area – Area, Number, and Height Limitations

The changes to this section clarify that the primary accessory building shall be the garage as required by Section 10-19-9, which is the City’s parking ordinance. It then intends to clarify that in addition to an attached or detached garage, which has the same size limitations, one can also have a secondary shed up to 200 square feet in size. The detached garages may be 20 feet tall but detached sheds may only be 16 feet tall. It also clarifies that certain standards are a reference to only residential buildings and not commercial, industrial, or institutional. The Planning Commission may want to consider whether or not to revisit other uses standards at a later time, as the only real standard is that they cannot be greater than 20 feet tall.

10-18-7-B-2 & 3: Detached Building Setbacks

This clarified that detached accessory buildings cannot be in front of the principal structure. It also adds a building to building setback in all residential districts of 10 feet. This prevents buildings from being placed back to back or too together close for maintenance in between.

10-8-9: Compost Structures & Firewood

The change here is to simply delete the reference to “square footage” as it is most likely not the intent to tell somebody with a firewood pile that it cannot be outside unless they reduce the size of their garage. Additional changes to this section may be warranted in the future.

10-19-9: Required Parking

This section has been reduced to allow for detached garages in the future.

RECOMMENDED ACTION

The Planning Commission should review the draft changes and decide if any further amendments are necessary for the final draft to be forwarded to the City Council.

**ST. FRANCIS PLANNING COMMISSION
RESIDENTIAL ACCESSORY BUILDING ORDINANCE
February 20, 2013 Public Hearing Draft**

~~Deleted Language~~

Added Language

Chapter 2 – Definitions

BUILDING HEIGHT: ~~The vertical distance to be measured from the average ground level prior to construction at the building line corners to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof or to the mean distance of the highest point on a pitched or hip roof.~~ The vertical distance from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Chapter 18 – Accessory Buildings

10-18-6-B:

B. Urban Service Area:

1. Attached and ~~detached~~ accessory structures ~~private residential garages~~ shall not exceed eight hundred forty (840) square feet in size, except that the minimum square footage can be increased to one thousand (1,000) square feet, provided that the accessory structure does not exceed eighty (80) percent of the foundation foot print of the principal structure.
2. All new and relocated ~~single family residential~~ homes shall be constructed with an accessory structure meeting the minimum standards required in Section 10-19-9. For one and two family dwelling units, said accessory structure shall have a minimum floor area of at least four hundred forty (440) square feet.
3. Residential properties within the Urban Service Area may have one detached accessory structure, not to exceed two hundred (200) square feet in size, in addition to ~~an attached accessory structure~~ private residential garage. This second detached accessory building shall not exceed 16 feet in height.
4. ~~Properties with an existing detached accessory structure that serves as the primary accessory structure for the property are subject to the same size limitations as that of a structure with an attached accessory structure, including the provision of one additional detached accessory structure, not to exceed two hundred (200) square feet in size.~~

5. Residential properties with detached accessory structures that subsequently construct an attached accessory structure, shall deduct the square footage of the detached structure from the allowable square footage, less two hundred (200) square feet.
6. Unless otherwise permitted, all detached accessory buildings shall not exceed twenty (20) feet in height or the height of the principal structure, whichever is less.

10-18-7-B-2: Detached Building Setbacks:

2. Urban Service Area:
 - a. All Lots. No accessory building shall be located in front of the principal structure or within a drainage or utility easement. Accessory buildings must maintain setbacks of five (5) feet from the side property line and ten (10) feet from the rear property line.
 - b. Street Side Yard. Detached accessory structures may be located twenty (20) feet from a street side yard on corner lots, provided the structure does not have access to the public right-of-way on the side yard.
3. Except in Commercial and Industrial Districts, all detached accessory buildings shall maintain a ten (10) foot setback to the principal structure and other detached accessory buildings on the parcel.

10-18-9: COMPOST STRUCTURES AND FIREWOOD PILES: Compost structures and firewood piles shall be considered accessory uses but not buildings, shall be limited to rear yards, and shall be subject to setback, ~~square footage~~ and other requirements of this Ordinance and shall not exceed six feet in height.

Chapter 19 – Parking

Section 10-19-9: Parking Supply Requirements

One and Two Family Residence	A four hundred forty (440) square foot attached garage shall be constructed at the same time as the principal structure. For lots of record established after the effective date of this Ordinance, all site plans for single family homes shall provide for the location of a three (3) stall attached garage, whether or not construction is intended.
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PLANNING MEMO

TO: St. Francis Planning Commission
Matt Hylan, City Administrator

FROM: Nate Sparks, City Planner

DATE: February 13, 2013

MEETING DATE: February 20, 2013

RE: Nuisance Ordinance

BACKGROUND

Nuisances are general activities that potentially annoy, endanger, or harm the general public. It is common for Cities in Minnesota to have a list of specific nuisances in their code, as well as a general definition of a nuisance. The St. Francis City Code currently just has the general definition. This ordinance amendment is intended to add the specific nuisances into the code. For this purpose a general nuisance ordinance from the League of Minnesota Cities has been prepared for review.

GENERAL NUISANCE ORDINANCE

Attached for your review is a general nuisance ordinance that is common in area cities. Nuisance ordinances generally have three sections:

- Nuisances affecting public health
- Nuisances affecting morals and decency
- Nuisances affecting peace and safety

The second section is sometimes omitted but has been included for discussion purposes.

RECOMMENDED ACTION

The Planning Commission should review the draft ordinance and decide if any further amendments are necessary for the final draft to be forwarded to the City Council.

Nuisance Ordinance
Planning Commission Review Draft
February 20, 2013

8-2-6: PUBLIC NUISANCES. No person shall create, commit, or maintain a public nuisance. No person shall willfully omit or refuse to perform any legal duty relation to the removal of a public nuisance. No person shall rent or permit to be used any premises, building, or portion thereof, knowing that it is intended to be used for committing or maintaining a public nuisance. No person shall willfully prevent, hinder, oppose, or obstruct a public official in the performance of his duties in carrying out the provisions of this Section or in removing or abating a public nuisance.

A. The following are hereby declared to be nuisances affecting health:

1. The exposed accumulation of decayed or unwholesome food or vegetable matter.
2. All diseased animals running at large.
3. All ponds or pools of stagnant water.
4. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death.
5. Accumulation of manure, refuse, or other debris.
6. Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors.
7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances.
8. All noxious weeds, poisonous vegetation such as poison ivy, and other rank growths of vegetation upon public or private property.
9. Weeds, grass, brush, or plants constituting a fire hazard.
10. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities.
11. All public exposure of people having a contagious disease.
12. The depositing or accumulation of refuse, sewage, waste, garbage, rubbish, poisonous, or injurious substances at unlicensed properties.

13. Any offensive trade or business as defined by statute not operating under local license.

B. The following are hereby declared to be nuisances affecting morals and decency:

1. All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law.
2. Betting, bookmaking, and all apparatus used in those occupations.
3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.
4. All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place.
5. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

C. The following are hereby declared to be nuisances affecting peace and safety:

1. All trees, hedges, fences, signs, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection.
2. All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.
3. Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person.
4. All unnecessary and annoying vibrations.
5. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law.
6. Radio aerials or television antennae erected or maintained in a dangerous manner.
7. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk.

8. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance.
9. The allowing of rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk.
10. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way.
11. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
12. Wastewater cast upon or permitted to flow upon streets or other public properties.
13. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulation.
14. Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.
15. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.
16. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance.
17. The depositing of garbage or refuse on a public right-of-way or on adjacent private property.
18. Reflected glare or light from private exterior lighting exceeding the requirements of Section 10-16-8.
19. All other conditions or things that are likely to cause injury to the person or property of another.

PLANNING MEMO

TO: St. Francis Planning Commission
Matt Hylan, City Administrator

FROM: Nate Sparks, City Planner

DATE: February 13, 2013

MEETING DATE: February 20, 2013

RE: Noise Ordinance

BACKGROUND

During the construction season in 2012, there were several incidents whereby construction activity had been occurring during the overnight hours. The City had few ordinances to address this situation. A general noise ordinance has been prepared in order to hopefully avoid this situation in the future.

GENERAL NOISE ORDINANCE

The general noise ordinance is based on a League of Minnesota Cities sample ordinance and was modified for the City of St. Francis. Section A discusses certain general noise offenses that are prohibited. Section B establishes times for certain noises to be allowable such as noise related to construction activities. Section C allows the City to require “noise impact statements” for certain proposed uses that may have an impact on neighboring properties for consideration by the Council.

EXCESSIVE VEHICLE NOISE

The Minnesota Department of Transportation has created a template ordinance to allow for Cities to restrict noise from semi-trucks using engine brakes. These brakes can create a loud staccato noise but are considered by the DOT to be an important safety feature. If the City were to ever wish to issue a citation for engine braking near residences, this ordinance is required. This is a common component of some noise ordinances.

RECOMMENDED ACTION

The Planning Commission should review the draft ordinance and decide if any further amendments are necessary for the final draft to be forwarded to the City Council.

**NOISE ORDINANCE
PLANNING COMMISSION DRAFT
February 20, 2013**

8-2-7: NOISE VIOLATIONS.

A. Prohibited Noises. The following are declared to be nuisances affecting public health, safety, peace or welfare:

1. Any distinctly and loudly audible noises that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value (this general prohibition is not limited by any specific restrictions provided in this ordinance).
2. All obnoxious noises, motor vehicle or otherwise, in violation of Minnesota Rules, Chapter 7030, as may be amended from time to time, are hereby incorporated into this ordinance by reference.
3. The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.
4. The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
5. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle.
6. The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

B. Hourly Restriction of Certain Operations.

1. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 AM and 10:00 PM on any weekday or between the hours of 9:00 AM and 9:00 PM on any weekend or holiday. Snow removal equipment is exempt from this provision.

2. Refuse Hauling. No person shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 AM and 10:00 PM on any weekday or between the hours of 9:00 AM and 9:00 PM on any weekend or holiday.
3. Construction Activities. It is unlawful for any person to engage in or permit construction activities creating audible noise off-site involving the use of hand held tools including but not limited to tools such as hammers, saws, wrecking bars; or electrical, diesel, or gas-powered tools including but not limited to saws, drills, or sanders except between the hours of 7:00 a.m. and 9:00 p.m. on any weekday and Saturday or between the hours of 9:00 a.m. and 8:00 p.m. on any Sunday or holiday. Operations and acts performed exclusively for emergency work to preserve the safety, welfare or public health of the citizens of the city or for emergency work necessary to restore public service or to eliminate a public hazard shall be exempt.
4. Radios, Music Devices, Paging Systems, and the Like. The operation of any device referred to in Section 8-2-5.A.6 of this Ordinance between the hours of 10:00 PM and 7:00 AM in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

C. Noise Impact Statements. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested.

CHAPTER 7, SECTION 6 **EXCESSIVE VEHICLE NOISE**

7-6-1 Definitions. For the purpose of this ordinance, the following phrases are defined as follows:

Engine retarding brake. A Dynamic Brake, Jake Brake, Jacobs Brake, C Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

Abnormal or excessive noise. A distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value, (b) noise in excess of that permitted by Minnesota Statutes Section 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order, or (c) noise in excess of that permitted by Minnesota Statutes Section 169.693 and

Minnesota Rules parts 7030.1000 through 7030.1050, as this statute and these rules may be amended from time to time, which establish motor vehicle noise standards.

7-6-2: Adoption by Reference. Minnesota Statutes Sections 169.69 and 169.693 (motor vehicle noise limits) and Minnesota Rules parts 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference.

7-6-3 Excessive Vehicle Noise.

A. It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.

B. It shall be unlawful for the operator of any truck to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the city which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.

7-6-4 Signing. Signs stating "VEHICLE NOISE LAWS ENFORCED" may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" shall be installed on a state highway without a permit from the Minnesota Department of Transportation. The provisions of this ordinance are in full force and effect even if no signs are installed.

7-6-5 Amendments. It is the intention of the City Council that all future amendments to any statutes and rules referenced or adopted by reference in this ordinance are also referenced or adopted by reference as if they had been in existence at the time this ordinance was adopted.

7-6-6 Penalty. Anyone found in violation of this section shall be guilty of a petty misdemeanor.