



**ST. FRANCIS PLANNING COMMISSION**

**ISD #15 DISTRICT OFFICE BUILDING  
4115 AMBASSADOR BLVD.  
SEPTEMBER 19, 2012**

**7:00 PM**

**AGENDA**

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Adopt Agenda                      September 19, 2012
4. Approve Minutes                  August 15, 2012
5. Public Comment
6. Public Hearing – Temporary Structure Ordinance
7. Rules Of Order Discussion
8. General Discussion Items by Planning Commissioners
9. 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  
August 15, 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, Joel Olson, Todd Gardner, William Murray, City Council Member Steve Kane, City Planner Nate Sparks (Northwest Associated Consultants), and Planning Commission Secretary Kathy Lind.
4. **Adopt Agenda:** MOTION BY STEINKE, SECOND BY GARDNER TO ADOPT THE AUGUST 15, 2012 PLANNING COMMISSION AGENDA. MOTION CARRIED 5-0
5. **Approve Minutes:** MOTION BY OLSON, SECOND BY STEINKE TO APPROVE THE JULY 18, 2012 PLANNING COMMISSION MINUTES. MOTION CARRIED 5-0
6. **Public Hearing - Metes and Bounds Division Ordinance Amendment:**  
Metes and bounds divisions are un-platted subdivisions. In most cases, the City requires subdivisions to be platted. The current ordinance states that metes and bounds divisions are only allowed for creating one new lot provided the lot is 10 acres or more in size and 330 feet in width or less. The amendment would change this to allow for metes and bounds divisions that create new lots 10 acres or more in size and lots 300 feet or more in width. The minimum lot sizes in the Agricultural Districts are all 10 acres and 300 feet in width. The City no longer uses the 330 feet width standard.

11-03-4: METES AND BOUNDS

- A. Conveyances by metes and bounds shall be prohibited except in the following cases: eases where the subdivision procedure in Section 11-04 or where no more than one new lot is created and both lots are more than ten (10) acres in area and have a width of less than three hundred thirty (330) feet at the building setback line.
  1. A subdivision meeting the qualifications and following the procedures of an Administrative Subdivision in Section 11-04.
  2. A subdivision creating no more than one new lot and both resulting lots are 10 acres or greater in size with 300 feet or more of frontage.
- B. Division by metes and bounds creating new parcels shall follow the same procedure as established for a preliminary plat. Application requirements may be waived at the discretion of the Zoning Administrator.

The Public Hearing opened at 7:06 pm and with no public comments closed at 7:07 pm.

A MOTION BY OLSON, SECOND BY GARDNER TO RECOMMEND APPROVAL OF THE ABOVE ORDINANCE AMENDMENT AS PRESENTED BY STAFF. MOTION CARRIED 5-0

7. **Public Hearing – Zoning Enforcement Ordinance Amendment:**  
The amendments include opening up enforcement to include other designated officers of the City other than just the Zoning Administrator, allowing the City Administrator to control the

distribution of the enforcement letters, adding the administrative enforcement procedure as a possible remedy to zoning violations, and eliminating the time frame for the deadline in the ordinance. These sections will then be deferred to the Council's adopted Code Enforcement procedure and not require public hearings for further amendment.

**ST. FRANCIS ZONING ENFORCEMENT ORDINANCE  
PUBLIC HEARING REVIEW DRAFT**

**10-3-9: ENFORCEMENT:** This Ordinance shall be administered and enforced by the Zoning Administrator or other such party as designated by the City Council or City Administrator. The Zoning Administrator may institute in the name of the City of St. Francis any appropriate actions or proceedings against a violator. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator. That person shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

- A. **Enforcement Procedure.** ~~For the enforcement of the provisions of the Zoning Ordinance, the first zoning violation notice shall be sent by regular mail, and the second notice will be sent by certified mail or return receipt requested to the property owner of which the violation is taking place. A copy of the zoning violation notice shall be sent to the City Council, Planning Commission, Police Chief, and City Attorney.~~ For the enforcement of the provisions of the Zoning Ordinance, zoning violation notices shall be sent by either first class or certified mail to the property owner of which the violation is taking place. A copy of the zoning violation notice shall be sent to the City Administrator, City Clerk, Police Chief, and City Attorney. The zoning violation notice shall contain the following information:
1. A description of the violation which is taking place.
  2. A picture (if possible) of the violation which is taking place.
  3. Location and/or address of the property at which the violation is taking place.
  4. Identification of the section of the Zoning Ordinance which is being violated.
  5. Date the violation was discovered.
  6. Steps necessary to correct the violation.
  7. ~~Deadline in by which the violation must be corrected, which is at the discretion of the Zoning Administrator, but which in no case may be longer than fifty (50) days from the date the first notice is mailed.~~
- B. **Correction of the Zoning Violation.** Correction of the violation in the manner stipulated by the zoning notice violation, at any point during this enforcement process, shall deem the zoning violation notice null and void, and enforcement activity shall cease.
- C. **Failure to Correct Zoning Violation – Enforcement Remedies.** Failure to correct the zoning violation shall result in the City pursuing enforcement action following notification to the

property owner, with the City having the authority to carry out the following enforcement remedies or combination of remedies:

1. Withhold Permits. The City shall have the authority to withhold any permits or City approvals which are necessary until the violation is corrected to the City's satisfaction.
2. Stop Work Order. The City shall have the authority to issue a stop work order on the subject violation.
3. Abatement. The City shall have the authority to require that the violation be abated by completely removing or stopping the item or use which has been identified in the zoning violation notice.
4. Injunctive Relief. The City shall have the authority to seek an injunction in court to stop any violation of this Ordinance.
5. Civil Remedies. The City shall have the authority to institute appropriate civil action to enforce the provisions of this Ordinance, and shall recover reasonable court costs and attorney's fees which are incurred due to the enforcement of the subject violation, at the discretion of the court.
6. Assessment. The City shall have the authority to use the provisions of Minnesota State Statutes 429, assess any charge against the property benefited, and any such assessment shall, at the time at which taxes are certified to the Anoka County Auditor, be certified for collection in the manner that other special assessments are so certified.
7. Criminal Remedies. The City shall have the authority to institute appropriate misdemeanor criminal action for a violation of this Ordinance.
8. Cumulative Remedies. The powers and remedies of this section shall not be individually limited and are not exclusive. The powers and remedies of this section are cumulative and all power and remedies may apply, as well as any other remedies allowed under State law.
9. Administrative Penalties. The City shall have the authority to utilize Section 2-11 of the City Code for enforcement of the Zoning Ordinance.

- D. **Revocation.** Instead of, or in addition to any of the remedies in Subd. C., failure to comply with the conditions of a conditional use permit, interim use permit, or the ordinances of the City shall result in the conditional use permit or interim use permit being revoked by the City Council. Revocation proceedings shall require a public hearing ~~before the City Council~~, with notice and due process according to Section 10-3-3, except that the City Council may waive Planning Commission review and comment.

The Public Hearing opened at 7:09 pm and with no public comments closed a 7:10 pm

A MOTION BY STEINKE, SECOND BY MURRAY TO RECOMMEND APPROVAL OF THE ABOVE ORDINANCE AMENDMENT AS PRESENTED BY STAFF. MOTION CARRIED 5-0

**8. Public Hearing – Comprehensive Plan Amendment – Park Plan Revision**

At the July meeting, the Planning Commission discussed making some minor amendments to the City's Park Plan. The Park Plan has been adopted prior to the revised Comprehensive Plan and there were some inconsistencies with future park search areas. Additionally, City Public Works Department has noted that several City parks have had issues related to lack of use or improper use and revision some of the goals and standards for parks. Based on the review and comments at the July meeting, maps and text have been revised and brought back for the public hearing.

The revisions to the plan include the following:

*Development Capacity Study to Determine Park Needs*

A development capacity study was done as part of this analysis. Based on Comprehensive Land Use Plan designations a baseline number of residents per acre was projected for future growth areas identified. This calculation identifies the amount of land necessary to be reserved for active park land within the growth areas. The results of this study are to be incorporated into the plan in case land use changes are made so the plan can be easily amended.

*Revise Categories of Parks*

On pages 32 through 36 of the Park Plan there are several types of parks mentioned. These categories are proposed to be reduced to: Community Parks, Neighborhood Parks, and Open Space.

- Neighborhood parks are to be identified as within the urban service area only and from 3-10 acres in size of usable space. These parks are required to have adequate frontage, accessibility, connectivity, usability, and an independent service area ranging from ¼ to ½ mile in size.
- Community Parks are identified as being 20-60 acres in size and are to combine the current plan concepts of "Sports Complex" and "Community Park". The search areas for these parks will be in the Rural Service Area, on major roads, and near the edge of the City's urban growth areas.
- Open Space replaces Passive/Small Parks and incorporates the natural resource preservation aspects of the plan. It is also to become the holding zone for possible future parks.

*Revise Park Search Areas*

The Park Search Areas in the current plan were based on the growth models from the previous Comprehensive Plan. The revised search areas are focused on the above assumptions and the current land use plan. See the attached map for the updated version.

The public hearing opened at 7:13 pm and with no public comments closed at 7:14 pm.

A MOTION BY OLSON, SECOND BY STEINKE TO RECOMMEND APPROVAL OF THE ABOVE COMPREHENSIVE PLAN AMENDMENT AS WRITTEN BY STAFF. MOTION CARRIED 5-0

**9. Temporary Sign Ordinance Discussion**

Starting in June of 2010 and continuing until a public hearing in March of 2011, the Planning Commission held several meetings where the sign ordinance was discussed. The principal purpose behind the amendments was to incorporate content neutrality into the ordinance whereby the City is regulating sign size, location, and duration rather than content. Also, included in the

amendments were updates to the non-conforming sign section made necessary by a statutory change and temporary sign regulations, as the City had received some complaints about illegal temporary signs and found enforcement difficult.

The ordinance amendments went into effect on January 1, 2012. Since that time, the City has largely gotten compliance on the temporary signs. There are some business owners who brought complaints forward to the Chamber of Commerce regarding the new temporary sign regulations. The Chamber invited City Staff to a meeting to hear these complaints. At the meeting the Chamber of Commerce asked that the City Staff discuss their issues with the ordinance with the Planning Commission.

### **TEMPORARY SIGN ORDINANCE COMPLAINTS**

The complaints lodged by business owners at the meeting were that the duration of time allowed for the display of temporary signs was not long enough, the permitting process was too expensive, and that the size allowed was too small. The current ordinance allows for temporary signs up to 32 square feet in size to be displayed up to 120 days per year for a permit fee of \$25. The permit can be for the full year or for one period of time for display. Previously, the City did not require a permit for temporary signs and allowed their display for a period of time of up to 10 days. Below is a refresher of the Planning Commission's discussion on these topics and a succinct summarization of a complaint received regarding each:

#### *Duration of Time*

The Planning Commission reviewed several area ordinances regarding the duration of time allowed for the display of temporary signage. This was the primary issue with the previous incarnation of the sign ordinance as the 10 day period was difficult to enforce and difficult to comply with unless you owned your own sign, as the sign companies typically rent in greater durations of time than 10 days. Discounting the ordinances that prohibited all temporary signs, the ordinances reviewed by the Planning Commission ranged from allowing 14 days to 120 days per year of display for temporary signage with 60 and 90 days being the most common. The Planning Commission chose to select the longest period of time in use in a known area ordinance which was for 120 days per year.

Temporary sign ordinances have the time allowance in order to separate temporary signage from permanent signage. Permanent signs are required to meet the building code, as they are permanent features on the parcel. Temporary signs do not and all temporary structures are limited in durations of time as they are not permanently safely fastened to the ground. Permanent signage has its own set of rules and regulations in the ordinance.

Some business owners at the Chamber of Commerce meeting felt 120 days per year of signage was too limited. The golf course wanted to display signage for the duration of the golf season. A tenant at the City Centre felt that year round signage would be appropriate because of limited advertising availability for businesses in the area.

### *Size of Sign Allowed*

While reviewing area ordinances, the Planning Commission noted that there were mostly two sizes of temporary signs allowed, 32 square feet and 48 square feet, plus one city that allowed 50 square feet. The Planning Commission recommended 32 square feet in area since it matched standards currently in place in the ordinance for similar signs, was consistent with several known temporary signs in use at the time, and also matched the size allowed by the area city using the 120 day allowance.

Size allowances are important, as temporary signage can sometimes obstruct views of traffic if too large. As the popular temporary signs in use transition from the trailer based changeable letter signs to the black signs with neon lettering, many cities have been allowing up to 48 square feet in size. Elk River, Princeton, and Albertville have semi-recently made this change. These signs usually come in 24, 32, and 48 square foot sizes.

A business owner at the Chamber meeting expressed that the 48 square foot sign would be preferable to the 32 square foot sign for visibility from Highway 47.

### *Sign Permit & Fee*

Since monitoring the duration of display of every temporary, portable sign in the City had proven to be too difficult, the Planning Commission recommended going to a permit based system. Property owners are required to submit a permit stating when they would be displaying temporary signage and the City would only need to confirm the date of removal to ensure compliance. Since this inspection would cost the City taxpayers money, a nominal user fee was associated with the permit of \$25 to help defray the costs of administration. By comparison, some area cities are charging: Elk River \$30 with a \$100 deposit, Big Lake \$250 annual fee plus a \$100 escrow, Coon Rapids \$50, Robbinsdale \$50, East Bethel \$40, and Ramsey \$25. The fee is generally at the low end of the range found in Cities in the general vicinity. The permit can be annual fee or for each use at the determination of the permit holder.

A business owner at the Chamber meeting felt that the permit fee was an unnecessary tax on business.

### *Other Concerns*

Some cities have separate ordinances written that allow for non-profits to place signage on a limited basis outside of the confines of a temporary sign ordinance. A comment was made that St. Francis should explore a similar exemption.

Joe Raus, the St. Francis Area Chamber of Commerce president spoke on behalf of chamber members and local businesses regarding the complaints listed above. The Commission members requested the Nate Sparks look into:

1. Duration of time. Check to see if we can base the duration of time the temporary sign can be displayed based on the zone it is located in.
2. Size of sign allowed. Check to see if the size of sign can be determined based on a sliding scale by area or by speed limit in the area the sign will be placed.
3. Off premise signs. Can there be an exemption for non-profits.

**10. General Discussion Items by Planning Commissioners:** None

**11. Adjournment:**

MOTION BY STEINKE, SECOND BY MURRAY TO ADJOURN MEETING AT 8:30 P.M.  
MOTION CARRIED 4-0

\_\_\_\_\_  
Kathy Lind, Zoning Secretary

\_\_\_\_\_  
Date

Draft



## **PLANNING REPORT**

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

**FROM:** Nate Sparks, City Planner

**DATE:** September 11, 2012

**MEETING DATE:** September 19, 2012

**RE:** Public Hearing - Temporary Structures Ordinance Amendment

### **BACKGROUND**

The City Ordinance regarding habitation in temporary structures during construction activities is in need of review. The City has had some issues in the past with getting the temporary structures removed from the site after the building permit has been closed. Also, some potential applicants have expressed that the procedure is unclear and confusing. Thus, this amendment is seeking to create clearer expectations procedurally and for financial securities.

### **PROPOSED ORDINANCE AMENDMENTS**

The practice of the City is to have temporary occupancies in temporary structures reviewed by the Council prior to being permitted. Therefore, the ordinance is proposed to be amended to clearly state this procedure and provide the Council with some general review criteria. The role of Staff will be to advise the Council on this review. It is currently not proposed to go to the Planning Commission as these uses are generally based on emergency conditions, however such a process may be considered. Also included in the proposed amendments is to require access to the temporary dwelling unit to be provided by a permitted drive and that an escrow for removal is required and set by the fee schedule and reviewed by the Council on a case-by-case basis.

### **RECOMMENDED ACTION**

The Planning Commission should review the draft ordinance amendments and provide a recommendation for the City Council.

**10-17-11: TEMPORARY STRUCTURES HABITATION:**

- A. **Purpose:** The purpose of this Section is to provide for the erection of ~~or~~ and habitation in temporary structures (not including model homes/temporary real estate offices or temporary classroom structures for use by a public or private institution) needed for emergency purposes or for temporary use during the construction of a permanent structure.
  
- B. **Procedure:** ~~The Building Official City Council may approve a temporary occupancy in a temporary structure if a building permit is issued for the repair or construction of a permanent structure. A fee and deposit shall be submitted by an applicant as set by the City's fee schedule. The deposit shall be returned upon affirmation by the Building Official that the temporarily occupied structure has been removed. Non-compliance shall result in forfeiture of the deposit and shall in no way grant any rights to the violator to keep said temporary structure on said property, nor shall any violator be immune to punishment under the terms of this Ordinance.~~

**Application.** The property owner and present or potential occupants of a single family property may apply for a permit allowing for habitation in a temporary structure during the construction or repair of a single family dwelling unit when a valid building permit has been issued for such work on the site by supplying the following information:

- 1. Properly filled out application form accompanied by the fee established in the fee schedule.
  
  - 2. Site and Building Plan that includes the following information:
    - a. Proposed Location of the temporary structure in relation to all existing buildings on the site, property lines, and right-of-ways.
  
    - b. Utility plan depicting the provision of water and sewer services to the proposed temporary dwelling unit.
  
    - c. Structural floor plan depicting the size and location of rooms and facilities within the temporary dwelling unit.
- 
- C. **Special Requirements:**
    - 1. Site Plan Required: No permit shall be issued for a temporary structure unless a site plan pursuant to Chapter 9 of this Ordinance has also been approved if applicable, or unless a building permit has been issued for a new structure, addition or remodeling of an existing structure on the property that includes a site plan depicting the location of the temporary dwelling unit.

2. ~~Termination of Permit: The administrative permit shall terminate nine (9) months from its date of issuance, or within thirty (30) days after a certificate of occupancy has been issued by the Building Official for the permanent structure, whichever occurs first, unless a different time schedule is approved as part of the permit. If circumstances exist to warrant an extension, the permit may be extended for an additional ninety (90) days by the Building Official~~

The Council may grant temporary occupancy for a period not to exceed 90 days. Upon finding by the Building Official of substantial progress, the Building Official may administratively extend this period of time an additional 90 days. Any extensions beyond this time period may only be approved by Council action if sufficient conditions warrant such an extension.

3. ~~Setbacks: Temporary structures may not be placed in a required building setback area, provided that no such structure may be placed within thirty (30) feet of a public right-of-way or obstruct the traffic visibility triangle required by Section 10-16-7 of this Ordinance.~~
4. State Building Code: All applicable requirements of the State Building Code shall be met.
5. Water and Sewer: Provisions for water and sewer servicing the temporary structures shall be subject to the review and approval of the Building Official and City Council.
6. Security Measures: Security measures such as lighting shall be implemented subject to the review and approval of the Zoning Administrator.
7. Off-Street Parking. Off-street parking shall be provided subject to the provisions of Chapter 19 of this Ordinance.
8. Signage. Any signage shall conform to the provisions of Chapter 23 of this Ordinance.
9. Escrow. The property owner shall submit a financial guarantee to ensure the structure will be removed upon termination of the permit. The amount of the guarantee shall be established by the City's fee schedule and as may be modified by the City Council.
10. Access. The temporary structure shall only be accessed through permitted access driveways.

D. Review Procedure. Upon acceptance and review of the application by the Building Official and/or the Zoning Administrator, the application shall be placed on the agenda of the next available Council meeting for review. The Council shall review the application and review the request based on the following:

1. The applicant has the sufficient space available on site for locating the temporary structure.
2. The applicant is providing adequate financial guarantees to ensure the removal of the temporary structure.
3. The temporary structure has adequate utilities and sanitary facilities.
4. The temporary structure is suitable for the purpose intended.
5. The structure will not negatively impact public health and safety on neighboring properties.



## **PLANNING MEMO**

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

**FROM:** Nate Sparks, City Planner

**DATE:** September 11, 2012

**MEETING DATE:** September 19, 2012

**RE:** Rules Of Order Regarding Distribution Of Materials

### **BACKGROUND**

At a previous Planning Commission meeting, the Commissioners requested a future discussion on the procedure regarding the rules of order for the distribution of materials at public meetings.

### **RULES OF ORDER**

The “rules of order” are the general rules of conduct by which the Planning Commission follows during meetings. These are the rules that state the chair runs the meeting and that those who wish to speak are to be recognized by the chair and so forth. These rules also extend to situations involving public comment whether it is oral or written.

### **DISTRIBUTION OF MATERIALS**

In the public hearing notice published in the paper, it states that testimony may be given at the Planning Commission meeting. It also states that the public may send in written testimony and gives the address of City Hall for such purposes. If a letter is received before the Planning Commission packet goes out, it will most likely be placed in the packet. If it is received afterwards, City Staff will generally bring it to the Planning Commission meeting.

If the testimony is received verbally by a Planning Commissioner, the Commissioner can discuss the information at the meeting with the other Commissioners. If a Commissioner receives written testimony, then the Commissioner should contact City Staff to see if it has been received in time to go out in the packet. If the Commissioner is bringing the materials to the meeting, the materials should be given to the Chair and then distributed at the discretion of the Chair. A Commissioner may also motion to have the Chair distribute the materials. This keeps the flow of information on the record.

In many cases, a citizen may bring information to the meeting to pass out to the Commissioners. This information should be taken in by City Staff and given to the Chair following the same procedure as stated above. In some cases, the information may be too much to review at the meeting or not germane to the proceedings and the Chair would be in charge of deciding how to handle this information with Commissioners being able to make motions regarding possible actions.

#### **POLICIES & PROCEDURES**

Some cities develop written policies and procedures regarding this matter. The Planning Commission may wish to discuss drafting such a policy for future reference.