



PLANNING COMMISSION MEETING
ISD #15 District Office Building 4115 Ambassador Blvd.
Wednesday, December 15, 2021 at 7:00 PM

AGENDA

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. ADOPT AGENDA**
- 4. APPROVE MINUTES**
 - [A.](#) Minutes October 20, 2021
- 5. PUBLIC COMMENT**
- 6. REGULAR BUSINESS ITEMS**
 - [A.](#) Platinum Land – Concept Plan
 - [B.](#) City Acquisition of Real Property
- 7. PUBLIC HEARINGS**
 - [A.](#) East Shop Site Rezoning
 - [B.](#) 2021 Code Revisions
- 8. DISCUSSION BY PLANNING COMMISSIONERS**
- 9. ADJOURNMENT**

CITY OF ST. FRANCIS
ST. FRANCIS, MN
PLANNING COMMISSION MINUTES
October 20, 2021

1. **Call to Order:** The Planning Commission meeting was called to order at 7:00 pm by Chair Women Fairbanks.
2. **Roll Call:** Present were Deborah Humann, Colleen Sievert, Liz Fairbanks, Dustin Pavel, Tara Kelly and Alan Lauermann. Absent: Todd Gardner

Others in attendance: Kate Thunstrom- Community Development Director, Kevin Robinson - City Council, Beth Richmond – City Planner

3. **Adopt Agenda:** Motion by Pavek, second by Sievert to approve the agenda with the addendum related to the Green Valley 2nd Addition. Motion carried 6-0.
4. **Approve Minutes:** Motion by Sievert, second by Pavek to approve the September 25, 2021 minutes. Motion carried 6-0.
5. **Public Comment:**
Gene Rechtzigel, 6533 160th Street W Apple Valley, court action filed today in Civil court, Case # 02-CV-21-4908 titled in the matter of to determine boundaries and title of his land located in St. Francis next to the Green Valley 2nd development.

6. **Public Hearing:**
- a. **Green Valley Preserve 2nd Addition – Rezoning, Preliminary Plat, Subdivision, Variances**
Richmond reviewed the staff packet identifying the request and reasons for the rezoning, preliminary plat, subdivision and variance. The public hearing tonight is on the matter of the road. The road would be a temporary dead-end street that is requesting to meet rural standards. The road was location was reviewed by Anoka County and they have requested an east bound turn lane and a west bound bypass lane. Richmond had reached out to the DNR regarding the snowmobile trail and did not receive a response. The applicant is willing to continue the trail in the public right of way and through the conservation easement. A tree survey was conducted of all trees greater than 8” and quality and is working to develop with the least amount of disruption. The public benefit is required for PUD flexibility and this will be met through the passive open space by creating a cluster development and preserving the snowmobile trail.

Public Hearing Opened: 7: 19pm

- Gene Rechtzigel, 6533 160th Street W Apple Valley, Court action was filed for determination of boundary that blocks this action. Applicant is subdividing his property and must follow State of MN Statutory requirements
- Zack Stadem 19817 Juno Trail, Lakeville – his family owns property to the north and west. Plat is incorrect, fence line is questionable. Should not decide tonight per lis pen dens, under law cannot vote.

- Phil Thompson 6448 Ambassador Blvd, Request that the PC continue to make a vote tonight being mindful of the statutory deadline and the impact it will have on this project. Understands that PC members live in similar areas. Concern regarding the 10 acres and wetlands are a natural preserve.
- Rebecca Curtis 6481 Ambassador Blvd, concerns on road changes and the location by driveway. Road accidents and vehicle speed concerns.
- Jeff Tenner 23003 Springhill Road, does not follow public benefit and this project does not follow the comp plan. Tax payers paid for the plan and the city is not following it. Negative impact to the city.
- Matt Schultz 6533 160th Street W Apple Valley, concerns over safety, to close to farmland and hunting. Not good for kids or teenagers.
- Carolyn Thompson 6938 Ambassador Blvd, please follow the rules and look at the impact this project is making.
- Jeff Tenner 23003 Springhill Road, snowmobile trail is already on protected land. Would require approval by each property owner.
- Ashley Dominick 6481 Ambassador Blvd, safety in the winter and getting into driveways is a concern. Bypass land creates an unsafe approach. Get stuck now and cars are speeding. Snowmobiles will not be able to cross safely.
- Donald Slaughter 6445 Ambassador Blvd, would rather see road be residential to catch what will go into wetlands. Want to see lots at 10 acres.
- Pete Moeller 6423 Ambassador Blvd, against development, traffic issues with 14 hours creates 28 additional vehicles. Widening the road does not fix issue.
- Jun Rechtzigel 6533 160th Street W Apple Valley, Plan does not fit into the city. City is agriculture. To go against 10 acres is short sited. Applicant is cutting down trees.
- Cody (?) 6481 Ambassador Blvd, what will be done in the event of a fire call with a minimum road, concerns over safety.
- Jodi Cutis 25155 Llama Street NW, Zimmerman, does not want to see her daughter lose her yard and have them be put in danger. (handed out a copy of comments as identified in packet addendum). City wants urban for homes but rural for road. Everyone wants growth but this is not the right place for it. 2040 plan is tax payer paid for and citizen input was considered. Light pollution from south traffic. Voting no supports, the plan, rural setting, land and families.
- Jesse Jones 7038 Ambassador Blvd, questioned if large lot can be developed again. If he can do this I can. Keep it fair for everyone.

Public Hearing Closed 7:55 pm

Commission discussed the concern that the project does not meet the Comp Plan. Richmond identified that the project does meet the comp plan land density and that cluster developments are supported.

Commission discussed the difference between buildable and gross acres. Richmond explained that the old code required that there be 10 buildable acres for a lot to be split and this was updated with the last code update. The large lot

could not be split further with the current comp plan because they are already at max for gross area density.

Commission questioned the safety for fire and police access. Richmond identified that this road is adequate to handle any safety or snow issues and should have a turn around at the end for those purposes. This type of road also has ditches to handle stormwater needs.

Commission discussed Ambassador Blvd changes that are required due to the new city road. Richmond identified that no residential land will be taken from a property owner. All changes or improvements will happen in the County right of way. This was the County's addition to their road to address safety concerns.

Commission discussed the snowmobile trail. Thunstrom identified that this is not a DNR trail and at no time are property owners required by any easement or other to host the trail. The applicant is willing to continue working with the snowmobile group and keep the trail through the public right of way and ditches. This will not require any snowmobile driver to obtain permission.

Commission had concerns about hunting. Thunstrom clarified this is private property and if this property owner allows it people may hunt. Otherwise they are trespassing. This owner is choosing to develop his property.

Concerns about the possible legal case were discussed and Thunstrom asked that the Commission continue their recommendation as required. This project is still under land use statutes and until the city is served notice to stop we will continue to move forward as needed. Planning is a recommendation and that stop order would be applied to Council as the final approval/denial.

- Josh, property owner – spoke on behalf of his project. They bought this land in 2013 and already developed the property on the north side of Ambassador. He is a local owner; his kids are in the schools and has worked to be a good neighbor. When he approached the city, they started with 10 acre lots but after brainstorming and a few concepts have what was brought before Planning and Council last spring. This design keeps the rural setting and is similar to Isanti rules.

Commission discussed open space as the public benefit and if this land is open to the public. Richmond identified that the land will be owned and maintained by the City. No parking lot or trails are planned for this space, it is meant to be a passive space or greenspace. It does however hold the snowmobile trail.

Humann moved to recommend denial of the approval of the rezoning of roughly 146 acres south of Ambassador Blvd and ease of Nacre St from A-2 Rural Estate Agriculture to PUD A-2. Lauermaun 2nd. Motion failed 3-3

Fairbanks moved to recommend denial of the preliminary plat of Green Valley Preserve 2nd Addition with conditions and finding of fact as recommended by Staff. Humann 2nd. Motion failed 3-3

Fairbanks moved to recommend denial of the subdivision variance to allow a temporary dead-end street to be narrower than 32 feet wide and longer than

1,500 feet with conditions and findings of fact as recommended by Staff.
Humann 2nd. Motion failed 3-3

All motions failed without a majority of PC members in support. Planning Commission Chair chose to move items directly to Council due to deadlock of votes.

7. **Regular Business Items:**

a. **Concept Plan – Meadows of St. Francis 4th Addition**

Richmond reviewed the staff packet. Applicant is looking to rezone to a PUD and plat 7-12 units per net but this will be reviewed in the context of the full development including the 1st through 3rd phases. The applicant is looking to extend the trail along Cree street to 229th and a trail on south side should be discussed. Wetland delineation is being updated and lot 44 would become an outlot instead of a lot. Stormwater is being reviewed. For tonight’s meeting, no formal action is taken this is for input and feedback.

Commission discussed concerns over road and driveway sizes. When the 3rd addition was brought forward the idea of making the roads one way was discussed. However it was explained that as a private road that would be the developer and/or association call. The applicant is working to put the structures at 19’ from the curb. Planning Commission feels there should be guest parking with this size of driveways and narrow roads. Also is there something that can be done with outlot in back of development? It would be nice if the trails met up with the park.

8. **Planning Commission Discussion –**

- a. Thunstrom brought forward the idea for the group to go paperless. The City would supply a tablet for their term and the agenda would be emailed and posted on the city website for access eliminating the paper copy. Four were interested in a tablet, two positions are turning over and one prefers to stick with paper. The City will work on obtaining tablets for members who wish to go that direction and continue to mail to others. We will look to get people transferred by the end of the year.

9. **Adjournment:** Motion by Lauermann, second by Humann to adjourn. Motion carried 6-0. Meeting adjourned at 8:55 pm.

Website Link to Packets and Minutes for the Planning Commission:

<https://www.stfrancismn.org/meetings>

Recorded by: Kate Thunstrom

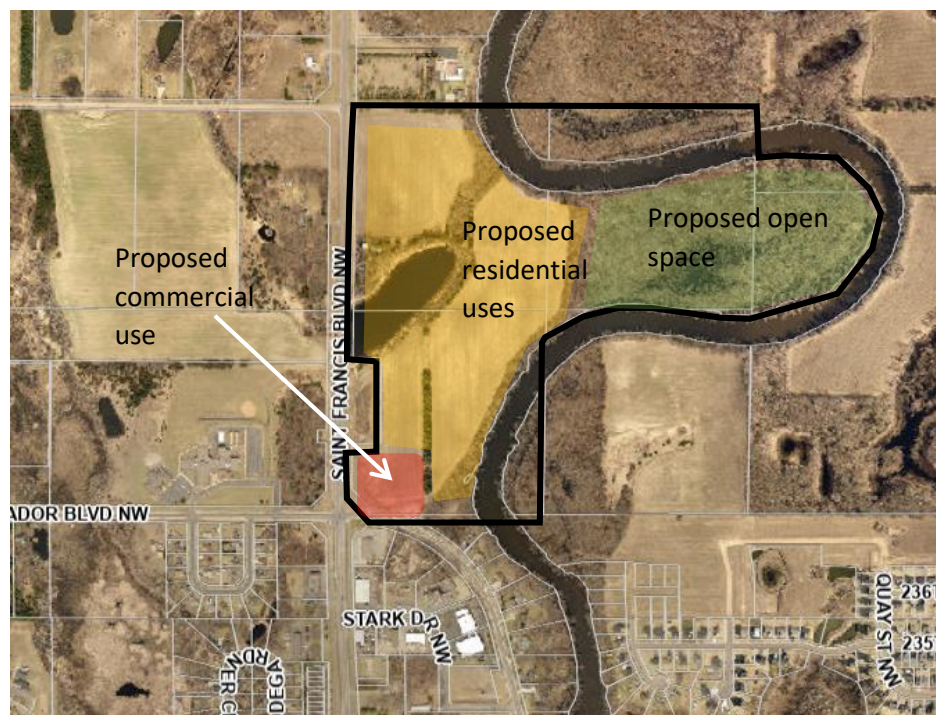
DATE APPROVED:



PLANNING COMMISSION
AGENDA REPORT

TO: St. Francis Planning Commission
FROM: Beth Richmond, Planner
SUBJECT: Platinum Land – Concept Plan
DATE: 12-15-2021
APPLICANT: Landform Professional Services on behalf of Platinum Land, LLC
LOCATION: 23925 St Francis Blvd (PINs: 29-34-24-31-0001; 29-34-24-32-0001; 29-34-24-33-0001; 29-34-24-34-0001; 29-34-24-42-0001; 29-34-24-42-0002)
COMP PLAN: Medium/High Density Residential, High Density Residential, Commercial, River Preserve
ZONING: R-3 High Density Residential and B-2 General Business

Landform Professional Services has submitted a concept plan on behalf of Platinum Land LLC for the 112-acre site east of St. Francis Blvd between 241st Ave NW and Ambassador Blvd NW. The concept includes a 2.5-acre single commercial parcel and 295 residential units. The units are broken down into 45 traditional single-family detached lots, 63 detached townhomes, 82 attached townhomes, and a 105-unit apartment building.

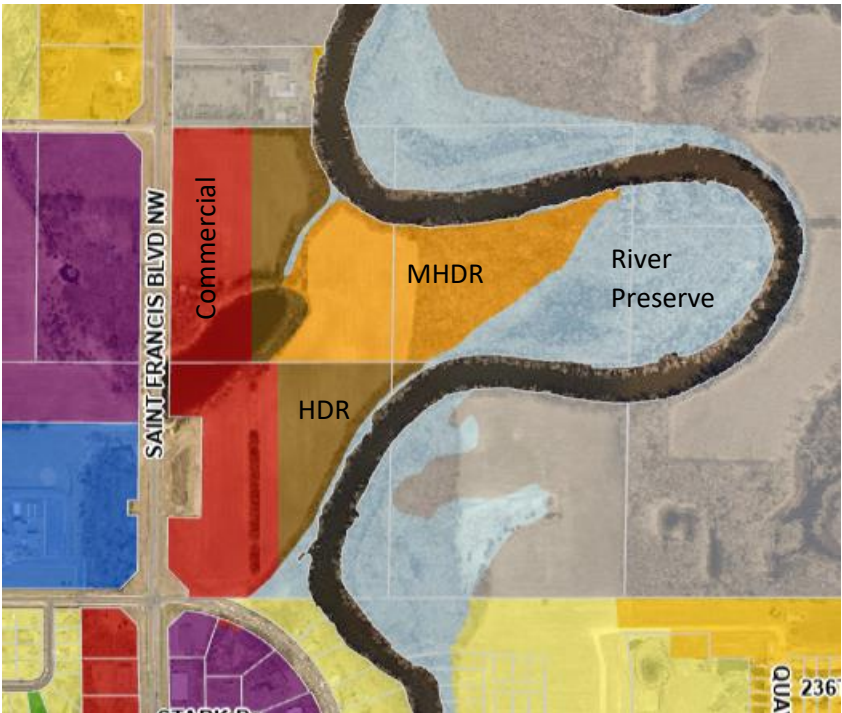


A sketch plan for this site, called “Swiss Landing” at the time, was reviewed by the Planning Commission and City Council in August and September 2019. This sketch plan also consisted of a variety of residential units and a commercial parcel. The Commission and Council were supportive of the concept at the time.

ANALYSIS OF PROPOSED CONCEPT

Comprehensive Plan

This site is guided for several different land uses in the 2040 Comprehensive Plan. The land along Hwy 47 is guided for Commercial use. To the east of the Commercial land is an area guided for High Density Residential (HDR) use. The HDR land use category is intended for denser residential uses such as townhomes and apartments and requires a net residential density of 12 to 60 acres. The land further to the east along the Rum River is guided for Medium/High Density Residential (MHDR) use which has a net density requirement of 7-12 units per acre. The remainder of the site is within the floodplain, and was therefore designated as “River Preserve” in the Comprehensive Plan.



The entirety of this site is located within the Urban Rum River Management Overlay District. This may hinder the site’s ability to reach the densities listed in the Comprehensive Plan. In the submittal materials, the applicant indicated that the gross density of the site is 4.3 units per acre. Staff is working with the applicant to determine net density of the site. If the net densities do not match the guidance for the Comprehensive Plan, a Comprehensive Plan amendment may be needed to lower the residential designation of the site as part of this development application.

Regardless of the net residential density that is determined, a Comprehensive Plan amendment will be needed to adjust the Commercial land use guidance along Hwy 47. The site is proposed to have one commercial site in the southwest corner, while the rest of the site will be used for residential. The Comprehensive Plan should be amended to reflect this.

Based on the number of units proposed, an in-depth environmental analysis such as an EAW, EIS, or AUAR is not needed.

Zoning

The site is zoned B-2 General Business along Hwy 47 and R-3 High Density Residential for the remainder of the site.



The applicant is requesting to rezone the entire site to a Planned Unit Development. The PUD tool is used to allow for flexibility in developments in exchange for high-quality, creative design, the preservation of unique or high quality natural features, the creation of a variety of life-cycle housing options, or other, similar public benefits. With the mix of uses proposed, this PUD would likely be classified as “PUD Mixed.” As part of the PUD, a Homeowners Association (HOA) would be required to maintain any common spaces within the development.

Wild & Scenic River

The entire development site is located with the Urban Rum River Management Overlay District. PUDs are permitted in this district with the DNR Commissioner’s approval. This concept has been submitted to the DNR for review and comment. Any comments received will be shared with the Planning Commission and Council as they are available. PUDs in this district must preserve open space through a variety of means such as restrictive covenants, public dedication, or the granting of scenic easements. The applicant is intended to preserve roughly 25 acres as open space/park. The applicant should specify how this space will be preserved in future submittals.

In addition to the PUD, all public roads and private and/or commercial recreation uses are considered conditional uses in this district. Therefore, the applicant will need to request approval of a Conditional Use Permit for the roads as well as for the open space area if that is intended to be private.

Dimensional Standards

There are a number of dimensional standards that the applicant would be requesting flexibility from as part of the PUD. A majority of these affect standards listed in the Urban Rum River Management Overlay District, including lot area, lot width, and front setbacks.

The maximum height allowed in this overlay district is 35'. The applicant should specify the proposed height of the apartment building to determine if variation is requested from this standard.

The maximum impervious surface allowed per lot in this overlay district is 30%. More detailed calculations will be requested as part of future submittals that will help staff evaluate consistency with this requirement.

PUDs within the City of St. Francis require a perimeter setback which matches the required setback on adjacent property. Staff will review future submittals to ensure that all proposed structures meet this requirement.

Minimum unit areas for each of the proposed residential types will be governed by Section 10-41-08 of the City Code Minimum Floor Area per Dwelling Unit. Efficiency apartments may make up no more than 10 percent of the total number of dwelling units in the building.

Topography

There is steep terrain in the northern area of the site along the south side of the Rum River. These steep grades also run northeast to southwest along the eastern portion of the site separating land within the floodplain from land outside the floodplain. This terrain runs along the rear of the proposed single-family houses. With future submittals, the site will need to be evaluated to determine if bluffs exist on the site. If so, applicable bluff setbacks would be required for any structures.

Wetlands & Floodplain

There are wetlands located on this site. A wetland delineation will be required with future submittals. Wetland buffers will be required adjacent to the existing wetlands based on the wetland class as stated in Section 10-83-00 of the City Code. Structures will be required to meet a 30' setback from the delineated edge of any wetland.

The eastern third of the site along the Rum River is located within the 100-year floodplain (elevation 902 feet). No homes are proposed within this area. The easternmost portion of the site is proposed as an open space/park with trails throughout.

Remainder Parcels

The parcels involved in this development include remnant land on the east side of the Rum River. The 10 acres of land on the north side of the river is proposed to be platted as Outlot A, while the 3.5 acres of land on the east side of the river is proposed to be platted as Outlot B. All of the land within these outlots is located within the floodplain and would be considered undevelopable. The applicant should identify how these outlots will be owned and maintained with future submittals.

Access & Streets

This site is located adjacent to a state highway (Hwy 47) and a County Road (Ambassador Blvd). Therefore, the concept was sent to MnDOT and Anoka County's Highway Department

for comment. Comments have not been received at this time. If comments are received before the meeting, they will be shared in-person at the Planning Commission meeting.

The 2019 concept plan for this site was also sent to MnDOT and Anoka County for review. MnDOT’s comments at that time included requiring right and left turn lanes at the 241st/Hwy47 intersection and recommending that the Ambassador access for the development be moved further to the east. MnDOT’s full comments from 2019 are attached and have been shared with the applicant.

Two access points are proposed for the site – one at the 241st Ave/Hwy 47 intersection and one onto Ambassador Blvd near the Ambassador/Hwy 47 intersection. The proposed Ambassador Blvd access point is closer than desirable to the existing Hwy 47 intersection. However, due to the site constraints it appears that it is depicted in the most appropriate location.

The proposed 241st street connection to Hwy 47 appears to directly oppose the existing portion of 241st Street on the west side of the highway and is supported by Staff. The applicant has been in conversation with the neighboring property owner to the north to discuss a land swap. With this swap, the applicant would gain enough land for an adequate ROW area for the northern access onto 241st, while the neighbor would receive additional land to the south of the existing property which may include access to the new road.

The Concept Plan depicts a road network which appears generally conducive to the subdivision of the property. Staff assumes that the outer (river side) through road from Ambassador Blvd to the cul-de-sac and 241st St from Hwy 47 to the cul-de-sac will be a public street and shall be designed in accordance with the City’s public street standards. Staff assumes the remaining roads serving the townhome lots will be privately maintained. These streets appear adequate to serve the development. The proposed project will not significantly increase traffic volumes beyond that which was already anticipated with the guided land use for the area. Additional review of the proposed streets will take place with further submittals.

Parking

There are different parking requirements for each residential use that is proposed. The table below shows the parking requirements for each use.

Use Type	Parking Requirement
Single-family detached	2 spaces per unit
Attached townhome	2 spaces per unit plus 0.5 space per unit for guest parking
Apartment	1.5 spaces per efficiency and 1-BR unit. 2.25 spaces per unit for 2 or more bedroom units. 1 space per unit enclosed.

Guest parking is required for attached townhomes at a rate of 0.5 spaces per unit. Future submittals should address this requirement. Parking requirements for the apartment building are based on the types of units proposed. The applicant is proposing to provide 105 enclosed spaces, which meets the requirement for one enclosed space per unit. At this time, the

proposed parking for the apartment seems sufficient, with a total of 245 spaces. Additional details on unit mix will be needed with future submittals to fully evaluate the proposed parking.

Natural Areas/Open Space

The applicant is proposing a larger open space/park with trails on the eastern third of the development. This area can be accessed off of the proposed internal public street network. This portion of the site is largely within the floodplain and would be considered undevelopable. With future submittals, the applicant should clarify the intended users of the park and the entity which will own/maintain it. Staff recommends that the Planning Commission discuss the proposed park at the meeting, and whether or not the City would accept land as park dedication in this location.

Utilities

The site is proposed to be served by City utilities. A development of this size is important in supporting the sustainable use of the City’s built infrastructure, which is large enough to accommodate this project. Trunk Sewer and Water utilities are located near the south end of the proposed development. As part of this development, the Developer shall extend the trunk utilities through the development. In accordance with City policy, the Developer will receive credit for the extra depth and oversizing of the trunk utilities.

ANTICIPATED FUTURE REQUESTS

After review, City Staff has determined that the following requests will be needed as part of this development:

- 1. Rezoning to PUD
- 2. Preliminary & Final Plats
- 3. Conditional Use Permit for public roads, private recreation space

ACTION TO BE CONSIDERED:

The Planning Commission is requested to provide feedback to the applicant on the proposed concept. Comments shared are not binding to the City nor do they constitute official assurances or representations of the City on future recommendations or approvals. The City Council will also review the concept and provide feedback at their January 3, 2022 meeting.

Attachments:

- 1. Concept Narrative
- 2. Concept Sketch
- 3. MnDOT 2019 Concept Comment Letter



Narrative
Sketch Plan

Prepared for:
Platinum Land, LLC

November 18, 2021



SUBMITTED TO
City of St. Francis
23340 Cree Street NW
St. Francis, MN 55070



PREPARED BY
Landform Professional Services, LLC
105 5th Ave S, Suite 513
Minneapolis, MN 55401

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Variance **Error! Bookmark not defined.**

Preliminary and Final Plat **Error! Bookmark not defined.**

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Introduction

On behalf of Platinum Land, LLC, Landform is pleased to submit this application for sketch plan review to receive informal feedback on the proposed project at 23925 Saint Francis Boulevard. The site includes six parcels (PID's 29-34-24-32-0001, 29-34-24-31-0001, 29-34-24-42-0002, 29-34-24-42-0001, 29-34-24-34-0001, 29-34-24-33-0001) that total 112 acres. Our sketch plan proposes to develop the land into a mix of uses including single family, detached townhomes, attached townhomes, an apartment building and a single commercial parcel.

Sketch Plan

The proposed sketch plan attempts to find the right balance between the medium and high-density land uses the city has envisioned for this property and the design standards from the Wild and Scenic Urban Overlay District, which limits the amount of density that is possible on the site. To find that balance the proposed sketch includes a variety of uses including 45 single family homes, 63 detached townhomes, 82 attached townhomes, a 105-unit apartment building and a single commercial parcel, for a total of 295 units. The gross density of the project is approximately 4.3 units per acre.

The single-family homes are concentrated along the exterior of the site where it borders the Rum River, with the uses becoming denser as it moves away from the Rum River. The apartment building includes accessory garage parking structures to provide enclosed parking for the residents. The sketch plan also includes an open space park on the eastern peninsula with potential trail locations. The sketch plan includes various tables detailing the design standards used for each of the uses.

Summary

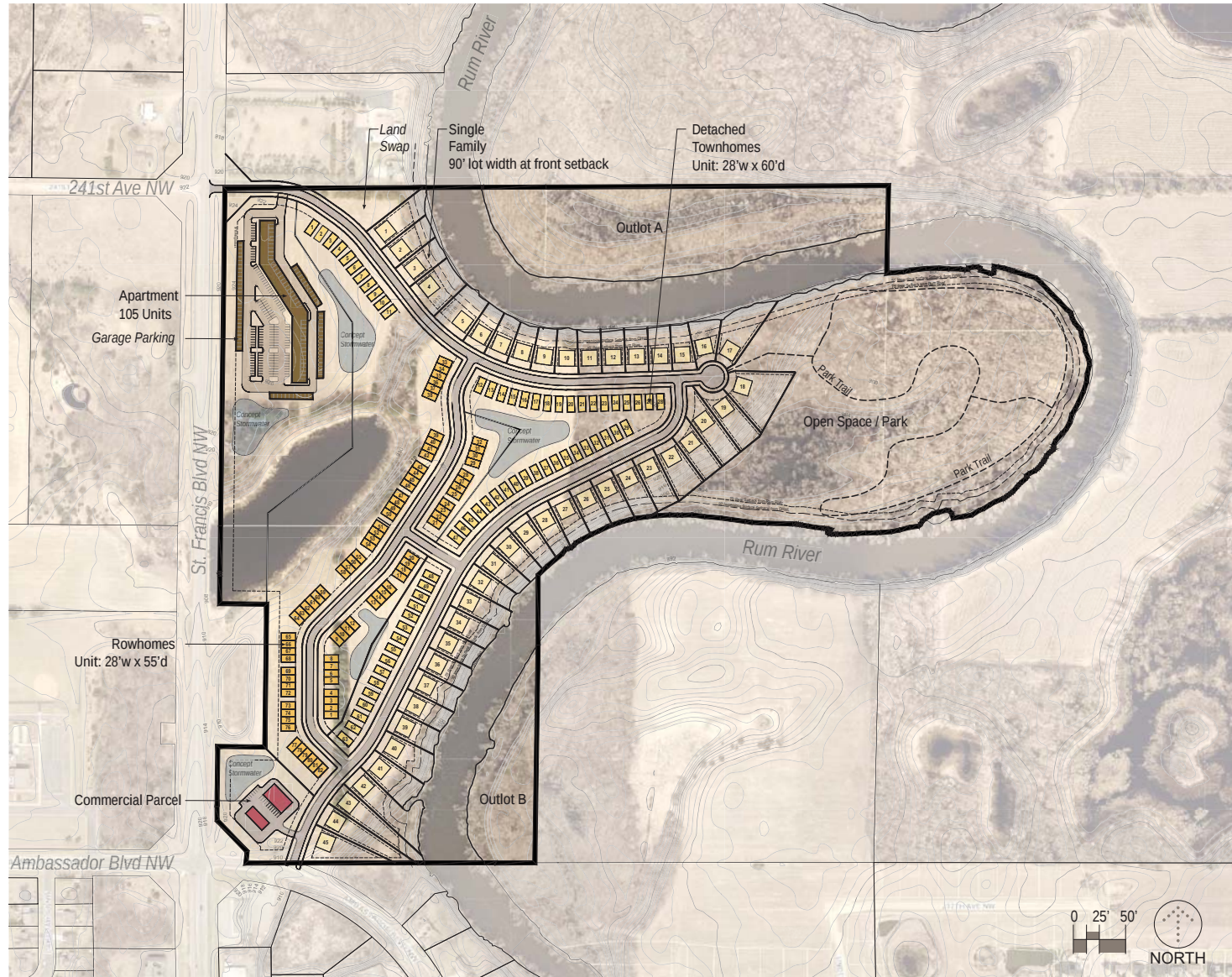
We respectfully request feedback on the proposed sketch plan so we can incorporate the comments in the design as we prepare for future submittals.

Contact Information

This document was prepared by:

Kevin Shay
Landform
105 South Fifth Avenue, Suite 513
Minneapolis, MN 55401

Any additional questions regarding this application can be directed to Kevin Shay at kshay@landform.net or 612.638.0228.



Site Information

Existing Zoning	B-2 - General Business District R-3 - High Density Residential District
Zoning Overlay District	Rum River Scenic Overlay
Future Land Use	Commercial High Density Residential (12-60 un/ac) Medium Density Residential (7-12 un/ac) Park / Open Space
Site Area - Gross	112 acres
Proposed Zoning	PUD

Lot Regulations

	Required	Provided
Lot Area - Sewered Riparian	20,000 sf	13,800 sf to 36,700 sf
Lot Area - Non-Riparian Lots	12,500 sf	12,500 sf min
Minimum Lot Width (at setback line from streets and OWHL)	90'	90' at front setback for single family
Front Setbacks - local street / county highways	35' / 50'	25' for detached and attached townhomes 30' for single family 50' from highway
Rear Setback	75' from Rum River	75'
Side Setbacks - Interior / Garage / Street	10' / 5' / 20'	10' min interior / 20' min street

Unit Data

	# Units	Concept Unit Size
Apartment	105	1,100 sf / apt (average)
Apartment Parking Provided Garage / Surface	105 / 140	15' x 25' garage size
Attached Townhomes	82	28'w x 55'd
Detached Townhomes	63	28'w x 60'd
Single Family	45	60'w x 60'd bldg pad
Total Units	295	

August 15, 2019

Kate Thunstrom, City Planner
City of St. Francis
23340 Cree Street NW
St. Francis, MN 55070

SUBJECT: Swiss Landing
MnDOT Review #S19-042
NE quad of MN 47 and Ambassador Blvd
City of St. Francis, Anoka County
Control Section: 0206

Dear Kate Thunstrom:

MnDOT has reviewed the plans submitted by Beth Richmond of the Hoisington Kogler Group on 7/29/19 for the above referenced project. Before further development, please address the following:

Right and Left Turn Lanes Required at Northerly Access Road

Right and left turn lanes are required on MN 47 at the intersection with the new northerly access road opposite 241st Avenue.

Existing traffic volume on this segment of MN 47 is 7,500 AADT (2018), and the speed limit is 55 mph. The proposed development would generate approximately 1,500 new trips per day.

Therefore, this intersection meets the thresholds for Warrant 9 of MnDOT's [Access Management Manual](#) for both right and left turn lanes from a state trunk highway to/from a public street. See page 47 of Chapter 3.

For questions, please contact Ashley Roup of MnDOT's Metro District Traffic Engineering Section at Ashley.Roup@state.mn.us or 651-234-7815.

Design Layout Required

Construction of the right and left turning lanes on MN 47 at the northerly access driveway requires a Level 2 Design Layout. (In cases such as this where a design layout is required, a MnDOT access permit is not.)

This MnDOT website provides layout design guidance and identify layout requirements: <http://www.dot.state.mn.us/metro/predesign/resources.html>. The first link under **Guidance** is helpful, as well as the **Design Resources** tab. "Please see "Common design issues" before submitting a layout and note due dates under the "Layout Approval Committee" tab."

Please contact Melissa Barnes, MnDOT's Metro District North Area Engineer, for guidance on the design layout review process. She can be reached at: at Melissa.Barnes@state.mn.us or 651-234-7716.

Relocate Access Road on Ambassador Boulevard and Add an Eastbound Turning Lane

MnDOT recommends that the City require the proposed access road onto Ambassador Blvd to be relocated further east to maximize the distance from the MN 47 intersection, and that a left turn lane be added on Ambassador Blvd eastbound into the site.

The currently proposed location of the access road to Ambassador Blvd conflicts with the existing right turn lane to northbound MN 47. Moving this access road further to the east will improve safety by providing more distance for vehicles leaving the development to prepare for the left turn to go south on MN 47. The recommended left turn lane on Ambassador Boulevard eastbound will better accommodate traffic going into the development and reduce conflicts and cut-throughs at the existing driveway for the medical office on the south side of the street. These are likely be the most frequent turning movements for vehicles leaving and entering the development.

Importantly, this segment of MN 47 is immediately adjacent to the study area for MnDOT's [Highway 47 Improvements Study](#) beginning at Ambassador Blvd and going south, which is now being performed in partnership with the City of St. Francis. With the additional traffic that will be accessing MN 47 at the Ambassador Blvd intersection, other improvements such as turning movement restrictions with median treatments may be needed to maintain and improve safety. Improvements should therefore be consistent with the solutions being developed through this study.

For questions, please contact Ashley Roup of MnDOT's Metro District Traffic Engineering Section at Ashley.Roup@state.mn.us or 651-234-7815.

Clear Zone Distance from Westerly Drainage Pond

Please provide more information about the distance of the proposed westerly drainage pond that is closest to MN 47 at the midpoint on the western side of the development, as well as the slopes at this location, to verify that this pond will be outside the roadside clear zone. For more information, see the guidance provided on this MnDOT website: <http://www.dot.state.mn.us/stateaid/clear-zone.html>.

For questions, please contact Jeff Rones of MnDOT's Metro District Design Engineering Section at Jeff.Rones@state.mn.us or 651-234-7647.

Right-of-Way Access Closures

The agricultural field access onto Ambassador Blvd will need to be closed.

The home access driveway on MN 47 where the new drainage pond is proposed could remain for the purpose of providing access for maintenance of the pond. This driveway may not, however, connect to the development's internal roads.

At the proposed location for the new northerly access road opposite 241st Avenue, the existing south driveway to Widhalm Tool and Die will need to be closed or relocated.

For questions, please contact Mike Lynch of MnDOT's Metro District Right-of-Way Office at Mike.Lynch@state.mn.us or 651-234-7558.

Drainage Permit Required

A drainage permit will be required to ensure that current drainage rates from the development to MnDOT right-of-way will not increase. Please provide computations and plans so that MnDOT may verify that the proposed development maintains or reduces drainage rates to the state right-of-way. Please include both existing and proposed site conditions. Drainage permit applications are available and should be submitted at: <https://dotapp7.dot.state.mn.us/OLPA>.

Please submit the following documents with the drainage permit application:

1. A grading plan showing existing and proposed contours.
2. Drainage area maps for the proposed project showing existing and proposed drainage areas. Any off-site areas that drain to the project area should also be included in the drainage area maps. The direction of flow for each drainage area must be indicated by arrows.
3. Drainage computations for pre- and post-construction conditions during the 2-, 10-, 50-, and 100-year rain events.
4. Time of concentration calculations.
5. An electronic copy of any computer modeling used for the drainage computations.

MnDOT's drainage permits checklist is attached for your convenience.

For questions, please contact Mark Fairbrother of MnDOT Metro District Water Resources Engineering at 651-234-7528 or Mark.Fairbrother@state.mn.us.

Permits

In addition to the drainage permit required above, removal of the existing private driveway on MN 47 at Widhalm Tool and Die, and the removal or change of use at the existing residential driveway at the future pond site, at will require a MnDOT permit or permits.

Further, any other work within or affecting the MN 47 right-of-way will require an appropriate MnDOT permit. Permit forms are available and should be submitted at: <https://dotapp7.dot.state.mn.us/OLPA>.

Please contact Buck Craig of MnDOT's Metro District Permits Section at 651-234-7911 or Buck.Craig@state.mn.us for related questions.

Pedestrians and Bicycles

There are bicycle/pedestrian paths on both sides of MN 47 to the south of Ambassador Blvd, as well as connecting that intersection with the school facilities just to the west. Also, the City of St. Francis is planning to develop a trail heading east on Ambassador Blvd in the future. Because of the current and anticipated bicycle and pedestrian infrastructure immediately adjacent to the planned development, as well as the previously mentioned [Highway 47 Improvements Study](#), MnDOT strongly recommends that internal sidewalks and/or trails be included throughout the site and that they be connected to the local sidewalk and trail system.

For related questions, please contact Cameron Muhic of MnDOT's Metro District Multimodal Planning Section at 651-234-7797 or Cameron.Muhic@state.mn.us.

Review Submittal Options

MnDOT's goal is to review proposed development plans and documents within 30 days of receipt. Electronic file submittals are typically processed more rapidly. There are four submittal options:

1. Email documents and plans in PDF format to metrodevreviews.dot@state.mn.us. Attachments may not exceed 20 megabytes per email. If multiple emails are necessary, number each message.
2. Upload PDF file(s) to MnDOT's external shared internet workspace site at: <https://mft.dot.state.mn.us>. Contact MnDOT Planning development review staff at metrodevreviews.dot@state.mn.us for access instructions and send an email listing the file name(s) after the document(s) has/have been uploaded.
3. Mail, courier, or hand deliver documents and plans in PDF format on a CD-ROM compact disc to:
MnDOT – Metro District Planning Section
Development Reviews Coordinator
1500 West County Road B-2
Roseville, MN 55113
4. Submit printed documents via U.S. Mail, courier, or hand delivery to the address above. Include one set of full-size plans.

You are welcome to contact me at 651-234-7795 with questions.

Sincerely,



Digitally signed by David Elvin
DN: cn=David Elvin
Date: 2019.08.15 15:41:43 -05'00'

David Elvin, AICP
Principal Planner

Copied by Email:

Melissa Barnes, North Area Engineer
Shelia Kauppi, North Area Manager
Brian Kelly, Water Resources
Mark Fairbrother, Water Resources
Jeff Rones, Design
Buck Craig, Permits
Mike Lynch, Right-of-Way
Ashley Roup, Traffic Engineering
Cameron Muhic, Multimodal Planning
Russell Owen, Metropolitan Council
Beth Richmond, Hoisington Koegler Group



PLANNING COMMISSION
AGENDA REPORT

TO: Planning Commission
FROM: Kate Thunstrom, Community Development Director
SUBJECT: City Acquisition of Real Property
DATE: December 15, 2021

OVERVIEW:

The City of St. Francis is looking to acquire a property for the purpose of a road expansion. The City has the opportunity to purchase the property with the intent to create a second access to future development on the 3731 Bridge Street property.

PID: 32-34-24-31-0020
Address: 23115 Ambassador Blvd NW
Structures: Housing structure, no garage or detached buildings
Occupancy: Property currently vacant 6+ years
Property Zoning: R1 – Single Family Low Density
Lot Size: 0.31 Acres

Council reviewed and approved the acquisition December 6, 2021

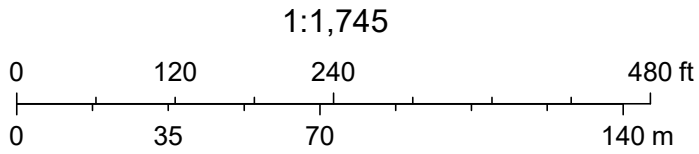
ACTION TO BE CONSIDERED:

Planning Commission is requested to review and provide comments regarding the acquisition as it relates to the consistency with the Comprehensive Plan and determine whether the purchase will comply with the Comprehensive Plan.

Attachments:
Site overview with proposed road concept



December 8, 2021





**PLANNING COMMISSION
AGENDA REPORT**

TO: St. Francis Planning Commission
FROM: Beth Richmond, Planner
SUBJECT: East Shop Site Rezoning
DATE: 12-08-2021 for 12-15-2021 meeting
LOCATION: East of Rum River and south of Bridge St (PINs 32-34-24-43-0040 and 32-34-24-43-0041)
COMP PLAN: Commercial
ZONING: R-3 High Density Residential

OVERVIEW:

Staff is proposing to rezone the site known as the “East Shop Site” along the east side of the Rum River south of Bridge Street from R-3 High Density Residential to B-1 Central Business District.



When the zoning map was updated earlier this year, this site was zoned R-3 High Density Residential. However, the Comprehensive Plan guides this area for Commercial use as this site is located within the City’s downtown corridor. To bring the zoning map into compliance with the Comprehensive Plan, Staff recommends rezoning this site to the B-1 Central Business District.

The L-shaped parcel on the west and south sides of the site is currently split into two zoning districts following the land use designations for the area in the Comprehensive Plan. The northern “leg” of the “L” is currently zoned R-3 and is proposed to be rezoned to B-1 to comply with the Comprehensive Plan’s guidance for the site. The southern “leg” of the “L” is currently guided for low density residential use and is zoned R-1 Urban Low Density Detached Residential. The southern leg is not proposed to be rezoned.

ACTION TO BE CONSIDERED:

Staff recommends that the Planning Commission rezone the site known as the “East Shop Site” from R-3 to B-1.

Suggested Motion: “Move to recommend approval of the rezoning of the East Shop Site from R-3 to B-1 as presented by Staff.”

Attachment:

1. Anoka County Parks Department Comment Letter dated December 7, 2021



PLANNING COMMISSION
AGENDA REPORT

TO: St. Francis Planning Commission
FROM: Beth Richmond, Planner
SUBJECT: 2021 Code Revisions
DATE: 12-15-2021

OVERVIEW:

The City adopted an updated zoning code in April 2021. After working with the updated Code for roughly a year, Staff is proposing several housekeeping revisions for Planning Commission and City Council consideration. These revisions include changes to the Definitions, Site Plan Review, Principal Uses, Accessory Uses, and Use-Specific Standards sections of the Code. Each requested revision is explained in more detail below. Proposed Code additions are underlined and in **red**. Proposed Code deletions are ~~struck through~~.

CODE REVISIONS

Definitions

Staff determined that the following definitions should be added or revised in the zoning code. The “significant tree” term is something that is used in the Code but was not defined. The suggested definition below was taken from model codes from around the area and provides an objective explanation for what a significant tree is as developers plan projects and develop landscaping plans.

Attached townhouse or rowhouse previously was defined as a single residential unit located within a larger residential structure containing no more than eight units. That definition was too broad, however, as it could also apply to townhomes and duplexes. Staff is suggesting to clarify this definition that townhomes may include between 3 and 8 units.

(10-22-17) Tree, significant: A healthy tree which measures a minimum of eight (8) inches in diameter four and one-half (4.5) feet above the ground for hardwood deciduous trees, measures a minimum of 12 inches in diameter four and one-half (4.5) feet above the ground for softwood deciduous trees, or measures greater than eight (8) feet in height for coniferous trees. Invasive trees are not considered significant. Some examples of significant deciduous trees include but are not limited to:

Hardwood: elm, birch, oak, maple (hard); and

Softwood: poplars/aspen, silver maple, willow.

(10-23-04) Dwelling, attached townhouse or rowhouse: A single residential unit which is located within a larger residential structure containing ~~no more than~~ between three and eight units and which is separated from the adjoining dwelling unit(s) by a common wall. Each dwelling unit may be located on

its own individual lot or on a common lot containing all of the attached units, and each dwelling unit shall have separate and individual front and rear entrances.

Site Plan Review

The current procedure for site plan review does not distinguish between principal and accessory buildings, meaning that new industrial accessory buildings would need to go through a review process with the Planning Commission and City Council. Staff feels this is overly arduous, and recommends clarifying that new construction or significant changes to principal buildings is when review by the Planning Commission and Council would be required. Review of accessory structures should only require an administrative review to ensure that the accessory structure does not impact larger site requirements such as parking. See the proposed text changes below:

10-32-02. - Review required.

The following cases shall require a site plan review procedure, as described in this Section:

- A. New construction of multiple unit residential, commercial, industrial or institutional principal buildings;
- B. Modifications, additions, or enlargements to multiple unit residential, commercial, industrial, or institutional principal buildings which increase the gross floor area more than 25 percent;
- C. Modifications to multiple unit residential, commercial, industrial, or institutional buildings which alter the design or materials of any single exterior building wall more than 25 percent;
- D. Changes in use of leasable space in single or multi-tenant buildings where a change of tenant intensifies the use of the space or requires additional off-street parking; or
- E. Expansion of off-street parking related to modifications, additions, or enlargements to the gross floor area of an existing building.
- F. New construction or modifications of accessory buildings greater than 200 SF.

10-32-03.E Approving Authority:

- 1. Site plan review applications that are described by Subsections 10-32-02.A and B shall be referred to the Planning and Zoning Commission and City Council for discussion, review, and formal comment.
 - a. The review shall follow the procedure established in Section 10-31-03 without the requirement for a public hearing.
 - b. The City Council shall take action directing staff to issue the site plan approval or deny the application.
- 2. The Zoning Administrator shall have the authority to administer a decision for site plan review applications described by Subsections 10-32-02.C-~~EF~~, however, the Zoning Administrator shall also have the authority to refer the site plan request to the Planning and Zoning Commission and City Council, as described in Item 1, above.

Principal Uses

The principal uses listed in the following table are proposed to be changed. Rural event center is proposed to be changed to an interim use. The use-specific standards for this use in Section 10-63-05 discuss obtaining an interim use permit, and so the use table is proposed to be updated to reflect this.

Standards were created for the animal boarding, shelter, or daycare center use when the Code was adopted earlier this year. At the time, these standards only applied to this use when it was located in the Urban Reserve (UR) District. Staff is proposing to amend the Code to apply those standards to the A-2 district as well as the UR district.

Table 10-42-1 Principal Uses, Agriculture Districts

Use Type	Zoning District		
	A-1	A-2	UR
Animal boarding, shelter, or daycare center		P- <u>PS</u>	I
Rural event center		<u>PS</u> -I	

Accessory Uses

Keeping of Animals, Bees, and Chickens

Regulations for the accessory uses of animals, bees, and chickens are currently spread between Chapters 8 and 10 of the City Code. This can be challenging for property owners trying to navigate the requirements for these types of uses, and hard for Staff to administer. Staff is proposing to clean up these regulations by moving the use standards to the zoning code and leaving the licensing information in Chapter 8.

Staff is proposing to revise the accessory use table to allow the keeping of animals and bees in the R-2 district. While there are still lot size requirements to ensure that this use only occurs on larger lots, this allows the larger residential lots on the edges of the urban service area the ability to have these animals, which was what was intended when the regulations for bees and chickens were originally written.

The standards below only reflect the proposed changes to Chapter 10 Zoning. The proposed changes to Chapter 8 are provided in an attachment for your review.

Table 10-43-2 Accessory Use Table – Residential Districts

Use Type	Zoning District			
	RR	R-1	R-2	R-3
Keeping of animals or fowl	PS	PS	<u>PS</u>	
Keeping of bees	PS	PS	<u>PS</u>	
<u>Keeping of chickens</u>	<u>PS</u>	<u>PS</u>		

10-68-10 Keeping of Animals or Fowl

~~The keeping of animals and/or fowl shall meet the standards listed in Section 8-3-3 of the City Code, Animals and Fowl – Keeping, Transporting, Treatment, Housing.~~

- A. Farms as defined in the City Code are exempt from the provisions of this Section.

- B. It is unlawful for any person to keep, stable, board, or harbor horses, colts, ponies, mules, goats, sheep, cattle, pigs, and other farm-type animals, mink, ducks, pigeons, geese, and other fowl, whether owned or not, unless the person has sufficient contiguous real estate to house and enclose said animals or fowl.
- C. All points of housing and fence enclosures in which animals or fowl are kept must be at least 100 feet from any residential structure used for human habitation or well.
- D. A sturdy wood, metal or electrical fence must keep the animals and/or fowl confined.
- E. No animals or fowl mentioned in Item B above may be kept on a parcel of real estate smaller in area than five (5) acres, except for the keeping of pigeons and doves as specified in Item E below. In determining such real estate parcel size and number of animals or fowl, one (1) acre thereof shall be considered as being used for residence, lawns, etc., and shall be excluded. The area used for the on-site sewage treatment system, including the alternate drain field location, shall not be used to keep animals. In addition to the above minimum area requirements, at least one (1) acre of pasture must be available for one (1) animal other than fowl and at least one (1) acre for each additional animal other than fowl kept on the premises.
- F. No more than 20 fowl of any type may be kept on such five (5) acre parcels with one (1) acre additional required for each additional ten fowl. The keeping of racing and fancy pigeons/doves shall be permitted on parcels of land as small as two and one-half (2½) acres in size in the rural service area of the City. The keeping of pigeons and doves for competitive racing and sporting purposes shall be limited to a maximum of one hundred fifty (150) birds.
- G. Pasture fences or animal or fowl enclosures must be at least ten (10) feet inside the property lines unless fences on the line are agreed to in writing by adjoining property owner or owners. Such line fence agreement must be renewed in writing when a new adjoining owner takes over.
- H. Animal and fowl manure and other waste shall not be allowed to accumulate to create offensive odors. Accumulations of manure and other waste shall be removed at such periods as will insure that no objectionable aroma exists and the premises shall not be allowed to become unsightly or harbor rodents, flies, or insects.
- I. Properties that do not conform with this Section shall be considered as non-conforming uses. Non-conforming uses shall be brought into compliance with this Section within five (5) years from the effective date of this and the above Subdivisions; however, this provision shall only apply to real estate area, and number of animals, and location of fences and enclosures, and shall in no way allow any change or any increase in such prior use, and upon death or disposition of any animals or fowl so held under prior use, same shall not be replaced; and any discontinuance of such prior use for a period of one month longer shall be deemed a cessation of such use and a use thereafter shall be completely controlled by all of the provisions of this Section.
- J. It is unlawful for any person to treat any animal as herein defined, or any other animal, in a cruel or inhumane manner.

- K. It is unlawful for any person to keep any animal in any structure infested by rodents, vermin, flies or insects.
- L. It is unlawful for any person to allow any animal, as herein defined, or any other animal under his control, to run at large.

10-68-11 Keeping of Bees

~~The keeping of bees shall meet the standards listed in Section 8-3-6 of the City Code, Keeping of Bees.~~

~~8-3-6. Keeping of bees.~~

- A. Bees shall not be kept on parcels smaller than two and a quarter (2.25) acres in size or within a PUD as identified by Code.
- B. No parcel shall have more than one (1) hive or colony housing structure not to exceed three (3) feet in size in any dimension unless it is an agricultural use.
- C. All hives shall be of the removable frame type.
- D. All hives shall be kept 100 feet from any property line.
- E. Hives shall be kept in a manner that does not create a nuisance to neighbors or general public. Hives found to be unattended, damaged, infected or abandoned shall be deemed a nuisance.
- F. Properties of all sizes are encouraged to register their hive with the City for the purpose of Emergency Management.

10-68-12 Keeping of Chickens

- A. Definitions listed in Section 8-3-2 pertaining to the keeping of chickens shall apply to the following standards.
- B. On parcels of five (5) acres or more, the use standards for the Keeping of Animal and Fowl within Section 10-68-10 shall apply.
- C. On parcels of less than five (5) acres, the following standards for raising, harboring, maintaining, and keeping of chickens shall apply:
 - 1. The keeping of roosters is prohibited.
 - 2. The butchering of chickens on-site is prohibited.
 - 3. On properties of less than 2.5 acres, no more than five (5) chickens shall be kept on the permitted premises.
 - 4. On properties of 2.5 acres or more, no more than 10 chickens shall be kept on the permitted premises.
 - 5. Chickens must be confined on the permitted premises at all times in a chicken coop or chicken run, and may not be kept in any part of the principal dwelling, garage, front yard, or side yard.
 - 6. All chicken grains and feed must be stored in a rodent proof container.
 - 7. The use of chickens for cockfighting is prohibited.

8. Fowl manure and other waste shall not be allowed to accumulate to create offensive odors. Accumulations of manure and other waste shall be removed at such periods as will insure that no objectionable aroma exists and the premises shall not be allowed to become unsightly or harbor rodents, flies, or insects.
 9. It is unlawful for any person to treat a chicken in a cruel or inhumane manner.
 10. It is unlawful for any person to keep a chicken in a coop or run infested by rodents, vermin, flies, or insects.
- D. Coop and Run
1. All chickens shall be provided access to both a coop and run.
 2. A coop and run is exempt from accessory structure maximums as may be established in Chapter 10 of City Code.
 3. All fencing and electrical work associated with a chicken coop or run shall be consistent with applicable building and zoning codes, and all appropriate permits and/or licenses shall be obtained prior to construction.
 4. Any chicken coop or run shall be set back at least 15 feet from the property line, and shall be located closer to the principal dwelling on the permitted property than to any principal dwelling on adjacent properties.
 5. Any coop or run shall be set back at least 25 feet from the following features:
 - a. A delineated wetland edge;
 - b. The top of a bank of a pond, filtration basin, or infiltration basin.
 2. Chicken coops shall have a maximum footprint area of 10 square feet per chicken, and a minimum footprint area of five (5) square feet per chicken.
 3. Chicken runs shall have a maximum footprint area of 20 square feet per chicken, and a minimum footprint area of 10 square feet per chicken.
 4. The coop shall be elevated a minimum of 12 inches off the ground, and may not exceed a height of six (6) feet as measured from the ground.
 5. No coop or run shall be located in any form of easement or right-of-way.
 6. Both the coop and run shall be completely enclosed and rodent proof.
 7. The coop shall provide adequate protection from the elements and shall be winterized if chickens are being kept between November 1st and April 30th of any given year.
 8. Once an owner is finished raising chickens or if a permit is revoked, the coop and run shall be removed from the property.
- E. No person shall own, harbor, or keep within the City a hen chicken unless a valid permit for such chicken has been obtained pursuant to the provisions in Section 8-3-2 of the City Code.

Accessory Uses – Business and Industrial Districts

Staff is proposing some changes to the accessory use table for Business and Industrial Districts. First, Staff is proposing to remove accessory structures as a Permitted with Standards use in the B-1, B-2, BPK, and I-1 districts. These districts are all within the urban service area of the City. Accessory structures would still be permitted in the I-2 district.

Second, staff is proposing to remove compost structures and firewood piles as an allowable accessory use for these districts. These are not uses that would be expected in these districts.

Finally, a new use, “uses incidental to the principal use,” is proposed to be permitted in each of these districts. This would allow for supporting accessory uses to be placed on the same parcel as a principal commercial or industrial use. For example, indoor storage may be a use incidental to a principal retail use. Staff has received several inquiries about this type of accessory use in the last few months and thought it would be prudent to discuss an update to the Code.

Table 10-44-2 Accessory Use Table – Business and Industrial Districts

Use Type	Zoning District				
	B-1	B-2	BPK	I-1	I-2
Accessory structure	PS	PS	PS	PS	PS
Antenna, accessory and secondary use	PS	PS	PS	PS	PS
Compost structures and firewood piles	PS	PS	PS	PS	PS
Drive-thru establishment		PS			
Mobile food unit	PS	PS	PS		
Off-street parking and loading facilities	PS	PS	PS	PS	PS
Outdoor dining	PS	PS			
Solar energy system, accessory	PS	PS	PS	PS	PS
Taproom	P	P	P		
Temporary/seasonal outdoor sales		PS	PS	PS	
<u>Uses incidental to the principal use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Accessory Agricultural Buildings

Staff would like to clarify the provisions in the Code relating to accessory agricultural buildings which are currently regulated as “accessory structures” in the Code. These buildings are protected by State Statute, and so Staff is proposing separate out these buildings as their own specific use with regulations and standards that are consistent with State Statute.

Accessory Use Table (Tables 10-42-2 and 10-42-3)

Use Type	Zoning District			
	A-1	A-2	UR	RR
Accessory agricultural buildings	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>

10-68-01 Accessory agricultural building

As defined in Minn. Statutes 326.103, Subd. 3, accessory agricultural buildings on agricultural land are exempt from the all of the requirements of this Section except:

- A. Per Minn. Stat. 326B.103 subd. 3, agricultural accessory buildings are exempt from the State Building Code.
- B. In conjunction with the construction of an agricultural accessory building, the property owner shall execute an agricultural building awareness form. Said form shall certify that the accessory building and the premises shall only be used for agricultural purposes.
- C. ~~Proposed accessory building(s) which meet the definition of the term "agricultural building" in Minnesota Statutes, Sec. 326B.103, Subd. 3 may be exempt from the requirement to obtain a building permit but are subject to all standards to this Section with exception of size restrictions and total square footage restrictions.~~ A site plan must be submitted and approved from the City prior to commencing construction. on any accessory building which qualifies as an agricultural building.
- D. Accessory agricultural buildings shall not be erected within 50 feet of a neighboring property.

Use-Specific Standards

Staff is recommending changes to the use-specific standards for accessory structures and short-term vacation rentals.

10-68-03 Accessory Structure

As Staff has utilized the Code throughout the year, several clarifications to the use-specific standards for accessory structures have been discussed. First, Staff is proposing to clarify that there shall be no accessory structures on non-residential property in the urban service area. This would still permit accessory structures on residential land and on land zoned I-2, since this district is entirely located outside of the urban service area.

Second, Staff is proposing to require all residential homes, regardless of their location in the rural or urban service area, to have a garage of no less than 440 square feet which is a standard two-car garage.

The proposed revisions are listed below.

- A. Application. Any accessory structure which requires a building permit or which is 30 inches or more in height shall be subject to setback, floor area and other requirements of this ~~Ordinance~~Section.
- B. Time of construction. No detached accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. ~~Agricultural buildings on farm properties are exempt from the requirements of this Section.~~
- C. Building permits.
 - 1. Detached accessory buildings not exceeding 200 square feet in floor area shall be allowed without issuance of a building permit, but shall comply with all other provisions of this Ordinance.
 - 2. Detached accessory buildings greater than 200 square feet in floor area shall require a building permit. The Building Official shall review the site plan and construction drawings to

determine compliance with the Building Code and other applicable ordinances, laws, and regulations.

- 3. In conjunction with the issuance of a building permit for a detached accessory structure in the Rural Service Area, the property owner shall execute a home occupation awareness form. Said form shall certify that the detached accessory structure and the premises on which it is located, will not be used for the purposes of a Home Occupation without first obtaining the required approvals.
- ~~4. In conjunction with the construction of an agricultural accessory building, the property owner shall execute an agricultural building awareness form. Said form shall certify that the accessory building and the premises shall only be used for agricultural purposes.~~

D. Exterior building standards.

Architectural details for accessory buildings are to be the same or similar as for the principal building based upon (but not limited to) the following criteria:

- 1. Scale and detailing.
- 2. Roof pitch orientation and slope.
- 3. Overhang depth and details.
- 4. Window and exterior door proportion and types.
- 5. Building material. Detached accessory structures in the Rural Service Area may, however, be finished with baked enamel siding.
- 6. Exterior color.

E. Area, number and height limitations. Accessory structures shall comply with the following area, number and height limitations:

- 1. *Rural Service Area.*
 - a. Attached accessory structures shall not exceed 840 square feet in size, except that the maximum square footage can be increased, provided that the accessory structure size does not exceed 80 percent of the above-ground square footage of the principal structure.
 - b. All new and relocated residential homes shall be constructed with an accessory structure or garage meeting the minimum standards required in Section 10-72-09. Said accessory structure shall have a minimum floor area of at least 440 square feet.
 - c. Detached accessory structures shall be limited as follows:

Lot Size	Accessory Structure Limits	
Less than 1 acre	Total detached square footage	600
	Maximum number of detached buildings	1
	NO POLE BUILDINGS ALLOWED	
	Maximum sidewall height	10 feet

Lot Size	Accessory Structure Limits	
1 acre but less than 2½ acres	Total detached square footage	1,200
	Maximum number of detached buildings	1
	POLE BUILDINGS ALLOWED	
	Maximum sidewall height	12 feet
2½ but less than 5 acres	Total detached square footage	1,500
	Maximum number of detached buildings	2
	POLE BUILDINGS ALLOWED	
	Maximum sidewall height	14 feet
5 acres but less than 10 acres	Total detached square footage	4,000
	Maximum number of detached buildings	2
	POLE BUILDINGS ALLOWED	
	Maximum sidewall height	16 feet
10 acres and larger	Total detached square footage	5,000
	Maximum number of detached buildings	2
	POLE BUILDINGS ALLOWED	
	Maximum sidewall height	18 feet

2. Urban Service Area.

- a. Attached and detached private residential garages shall not exceed 840 square feet in size, except that the minimum square footage can be increased to 1,200 square feet, provided that the accessory structure does not exceed 80 percent of the above-ground square footage of the principal structure.
- b. All new and relocated residential homes shall be constructed with an accessory structure or garage meeting the minimum standards required in Section 10-72-09. For one and two unit dwelling units, said accessory structure shall have a minimum floor area of at least 440 square feet.
- c. Residential properties within the Urban Service Area may have one (1) detached accessory structure in addition to a private residential garage. The structure shall not to exceed 250 square feet in size. On properties that have no less than one half (1/2) acre of buildable land, the detached accessory structure, may be up to 500 square feet in size. This second detached accessory building shall not exceed 16 feet in height.
- d. 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.
- e. No accessory buildings shall be allowed on non-residential property in the urban service area.
- f. Unless otherwise permitted, all detached accessory buildings shall not exceed 20 feet in height or the height of the principal structure, whichever is less.

3. General Standards and Conditions, All Districts.

- a. PUD Districts in rural areas: total accessory structure square footage shall not exceed 1,200 square feet per lot or as otherwise identified in the Development Agreement.
- b. Temporary, hoop, carport, tarpaulin or similar types of non-permanent structures are not permitted.
- c. Semi-trailers, truck boxes, rail boxes, box cars, and similar are prohibited.
- d. Moving storage containers, Portable on demand storage (PODS) units or similar type units may be allowed with city approval for up to 30 days within an 18-month period.
- e. No structures shall be located within a drainage, utility or any other publicly owned easement.
- ~~f. Proposed accessory building(s) which meet the definition of the term "agricultural building" in Minnesota Statutes, Sec. 326B.103, Subd. 3 may be exempt from the requirement to obtain a building permit but are subject to all standards to this Section with exception of size restrictions and total square footage restrictions. A site plan must be submitted and approved from the City prior to commencing construction on any accessory building which qualifies as an agricultural building.~~

F. Setbacks.

- 1. *Attached Buildings/Garages:* An attached garage or accessory structure shall be considered an integral part of the principal building and shall conform to district setback requirements.
- 2. *Detached Buildings:*
 - a. *Rural Service Area:*
 - i. Lots Less Than One (1) Acre. 25 feet from the side and rear property lines.
 - ii. Lots One (1) Acre and Larger. 25 feet from the side and rear property lines.
 - iii. All detached accessory structures in the Rural Service Area shall be placed no closer to the front property line than the principal structure, except when the principal structure has a front yard setback of at least 150 feet. In that case, the detached accessory structure may be located closer to the front property line than the principal structure, but shall maintain at least a 75 foot front yard setback off a City street and a 100 foot front yard setback off of a County or State road.
 - ~~iv. Accessory agricultural buildings shall not be erected within 50 feet of a neighboring property.~~
 - b. *Urban Service Area:*

- i. *All Lots.* No accessory building shall be located in front of the principal structure. Accessory buildings must maintain setbacks of five (5) feet from the side property line and 10 feet from the rear property line.
- ii. *Street Side Yard.* Detached accessory structures shall be located no closer than 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.
- iii. Except in Commercial and Industrial Districts, all detached accessory buildings shall maintain a 10 foot setback to the principal structure and other detached accessory buildings on the parcel.

10-68-18 Short-Term Vacation Rentals (STVR)

Staff is proposing to require that all STVRs in the City obtain a rental license through Chapter 4 of the City Code. Requiring a rental license allows the City to know where these uses are in the City, and also provides a way for the City to stop the use if it becomes a nuisance by revoking the permit. The proposed use standards for STVRs are below:

- A. All STVRs shall obtain a rental license in accordance with Chapter 4-6 Rental Housing Licensing of the City Code.
- B. Number of guests. The maximum number of overnight guests will be limited to two (2) times the number of bedrooms rented plus one (1).
- C. Events. Events are not allowed to be hosted by transient guests on the premises. An event means a gathering on the premises of more than three un-registered transient guests. Events hosted by the property owner are allowed, but must abide by all applicable City ordinances and policies.
- D. Dwelling requirements.
 - 1. The dwelling must be connected to city sewer and water or must be served by a compliant septic system capable of meeting the needs of the maximum allowable number of people staying on the property at one time
 - 2. Rooms used for sleeping shall have an egress windows and smoke detectors.
 - 3. The guest(s) must have access during their entire stay to a full bathroom, including sink, toilet, and tub or shower.
 - 4. Accommodation of guests is not allowed in recreational vehicles, tents, temporary structures, accessory structures, fish houses, or similar structures. Accommodation of guests in accessory dwelling units (ADUs) is permitted.
- E. Parking.
 - 1. All guest parking must be accommodated on improved surfaces on the premises. No on-street parking is allowed for guests.

- 2. At a minimum, parking shall be provided at the following rate:
 - a. 1 space for each 1-2 bedroom rental
 - b. 2 spaces for each 3 bedroom rental
 - c. Spaces equal to the number of bedrooms minus one for each 4 and 4+ bedroom rental
- F. In short term vacation rentals where the property owner resides on the premise, additional off-street parking for personal use must be provided at a rate of one parking space per two bedrooms not dedicated to the guest use.
- G. Proximity of assistance. If not residing on the property, the property owner or a manager/representative must be located within 30 miles of the property. The property owner shall maintain with the City the name, address, phone number, and email for the local contact or managing agent for the property.
- H. Guest records. A guest record must be maintained, including the name, address, phone number, and vehicle license plate information for all guests. This record must be provided to the City within 48 hours of a request for the guest record.
- I. Guest disclosures. The property owner must disclose in writing to their transient guests the following rules and regulations. This disclosure shall be conspicuously displayed in the home:
 - 1. The name, phone number and address of the owner, operating lessee or managing agent/representative.
 - 2. The maximum number of guests allowed at the property.
 - 3. The maximum number of vehicles allowed at the property and where they are to be parked.
 - 4. City nuisance ordinances requirement that noise levels be reduced between 10 p.m. and 7 a.m. and that this will be enforced by the St. Francis Police Department.
 - 5. Property rules related to use of outdoor features, such as decks, patios, grills, recreational fires, saunas and other recreational facilities.
 - 6. No events are allowed to be hosted on the premises.
- J. Garbage. All garbage must be kept in rubbish containers that are stored out of view of a public street.
- K. Signage. No signage pertaining to the short-term vacation rental is allowed on the property.

ACTION TO BE CONSIDERED:

Staff is requesting that the Planning Commission hold a public hearing and review the proposed changes to the Code. If the Planning Commission is supportive of the proposed changes, Commissioners may act to recommend approval of the changes to the City Council.

Suggested Motion:

Move to recommend approval of the revisions to the City Code as presented by Staff.

Attachment:

1. Proposed revisions to City Code Chapter 8 Section 3: Animals

Chapter 8 Revisions

8-3-1 Dog Licensing and Registration

A. *Definition.* For the purpose of this Section:

1. **Owner** means the license holder or any other person or persons, firm, association, or organization or corporation owning, keeping, possessing, having an interest in, having care custody or control of or harboring a dog. Any person keeping or harboring a dog for five (5) consecutive days shall for the purposes of this Section be deemed an owner thereof.
2. **Own** means to have a property interest in, or to, harbor, feed, board, keep or possess.
3. **Dangerous Animal** means a dog which has caused damage to property or injury to a person, or which animal, by its actions, exhibits a propensity for causing imminent danger to persons.
 - a. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
 - b. Killed a domestic animal without provocation while off the owner's property; or
 - c. Been found to be a potentially dangerous, and after the owner was noticed that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
4. **Dog** means both male and female and includes any animal of the dog kind.
5. **Potentially Dangerous Dog** shall mean any dog that:
 - a. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
 - b. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or,
 - c. Has a known propensity, tendency or disposition to attack unprovoked, causing injury, or otherwise threatening the safety of humans or domestic animals.
6. **Proper Enclosure** shall mean securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage or other structure that would allow the dog to exit of its own violation, or any house or structure in which windows are open or in which doors or window screens are the only obstacles that prevent the dog from exiting.
7. **Substantial Bodily Harm** shall mean bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

- B. *Running at Large Prohibited.* It is unlawful for the owner of any dog to permit such animal to run at large. Any dog shall be deemed to be running at large with the permission of the owner if off the property of its owner and not under restraint. For the purposes of this Section, "under restraint" means the animal is controlled by a leash not exceeding six (6) feet in length, or at

heel beside a person of suitable age and discretion, and obedient to that person's commands, or effectively confined within a motor vehicle, building or enclosure. A dog shall not be deemed to be running at large if engaged in wild game or animal hunting, or when engaged in obedience training, and under the control of its owner or a responsible person.

C. *License Required and Number of Dogs Restricted.*

1. *Licenses.* It is unlawful for the owner of any dog, six (6) months of age or more, to fail to obtain a license therefore from the City. All dogs kept, harbored, or maintained in the City of St. Francis shall be licensed and registered. Applications for licenses shall be made to the Police Department upon forms provided by the Police Department. Said application shall require the owner, among the other information required by the Police Department, to supply the name, age, predominant breed, sex, color and markings of each dog sought to be licensed. In addition, when the applicant or owner has been convicted of a violation to Section 8-3-1.L of this Code relative to the dog sought to be licensed, the application shall require proof of public liability insurance as set forth in Section 8-3-1.S of this Code. Upon submission of the application and a certificate of evidencing compliance with the terms and provisions of the license fee, the Police Department shall issue a license, which license shall be effective until the rabies vaccination has expired.

2. *Number of Dogs Allowed.*

- a. Three dogs over the age of three (3) months on properties less than 5 acres.
- b. Four dogs over the age of three (3) months on properties 5 acres or greater.
- c. Properties located within the Urban Service Area of the City shall be limited to a maximum of two dogs housed outside of the principle structure.
- d. Additional dogs with an approved Kennel License in accordance with standards in [Chapter 6](#) and [Chapter 10](#).

D. *License Issuance, Term and Renewal.* Every owner or keeper of a dog shall cause the same to be vaccinated by a licensed veterinarian with anti-rabies vaccine at least once in every twenty-four (24) month period prior to the time such dog shall reach the age of six (6) months and at least once every twenty-four (24) months thereafter.

E. *Adoption of Fees.* All fees for the impounding and maintenance of a dog, including penalties for the late application, may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the Council by Resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Clerk/Treasurer and open to investigation during regular business hours.

F. *Tag Required.* All licensed dog owners shall provide proof of a tag thereto evidencing a current license. Upon application, a duplicate for a lost tag will be issued by the City. Tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owners leaving the City prior to expiration of the license period.

G. *Dog Pound.* Any dog found in the City without a license tag, running at large, or otherwise in violation of this Section, shall be placed in the Dog Pound, and an accurate record of the time of such placement shall be kept on each dog. Every dog so placed in the Dog Pound shall be held

for redemption under Section 8-3-1.I of this Code by the owner for at least five (5) regular business days. A "regular business day" is one during which the pound is open for business to the public for at least four (4) hours between 8:00 AM and 7:00 PM. Impoundment records shall be preserved for at least six (6) months and shall show: (1) the description of the dog by specie, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the dog was seized; (3) the date of seizure; (4) the name and address of the person from whom any dog three (3) months of age or over was received; and (5) the name and address of the person to whom any dog three months of age or over was transferred. If unclaimed, such dog shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the dog, or a statement by the dog's owner after seizure specifies that the dog should not be used for research, such dog shall not be made available to any such institution but may be destroyed after the expiration of the five (5) day period.

- H. *Notice of Impounding.* Upon the impounding of any dog, the owner shall be notified by the most expedient means, or if the owner is unknown, written notice shall be posted for five (5) days at the City Hall describing the dog and place and time of taking.
- I. *Redemption of Dog Release from Dog Pound.* Dogs shall be released to their owners, as follows:
 - 1. If such dog is owned by a resident of the City, after a license is obtained, if unlicensed, and payment of the impounding fee, maintenance, and immunization fee and proof of ownership.
 - 2. If such dog is owned by a person not a resident of the City, after immunization of any such animal for rabies, and payment of the immunization fee, impounding fee and maintenance.
- J. *Seizure by a Citizen.* It is lawful for any person to seize and impound a dog so found running at large and shall within six (6) hours thereafter notify the Police Department of said seizure. It shall be the duty of the Police Department to place said dog in the City Pound. If the name of the owner of such dog so seized is known to the person who first takes such dog into custody, he or she shall inform the Police Department of the name of the owner, and the address if known.
- K. *Immobilization of Dogs.* For the purpose of enforcement of this Section any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching a dog.
- L. *Disturbing the Peace/Other Unlawful Acts.* It is unlawful for the owner of any dog to:
 - 1. Fail to have the license tag issued by the City; or
 - 2. Own a dangerous dog, or
 - 3. Interfere with any police officer, or other City employee, in the performance of their duty to enforce this Section; or
 - 4. Own, keep, have in possession, or harbor any an animal that causes annoyance or disturbance to persons or the neighborhood by yapping, wailing, barking, howling, or crying for a continuous period of 30 minutes or longer. Such yapping, wailing, barking, howling, or crying must also be audible off of the owner's or caretaker's premises. Any person violating this subdivision, who upon first requested by a police officer or the

animal control officer to stop or prevent the annoyance, and refuses to comply with the request maybe issued a citation or arrested in accordance with Minnesota Rules of Criminal Procedure.

M. *Rabies Control—Generally.*

1. Every Animal which bites a person shall be promptly reported to the Chief of Police and shall thereupon be securely quarantined at the direction of the Chief of Police for a period of fourteen (14) days, and shall not be released from such quarantine except by written permission of the City. In the discretion of the Chief of Police, such quarantine may be on the premises of the owner or at the veterinary hospital of their choice. If the animal is quarantined on the premises of the owner, the City shall have access to the animal at any reasonable time of study and observation of rabies symptoms. In the case of the stray animal or in the case of an animal whose ownership is not known, such quarantine shall be at the animal pound, or at the discretion of the Chief of Police the animal may be confined in a veterinary hospital designated by him. The owner of the animal shall be responsible for all costs associated with the quarantine of the animal.
2. The owners, upon demand made by the Chief of Police or by any other City Employee empowered by the Council to enforce this Section, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for the purpose of supervised quarantine. The expenses of the quarantine shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in this Section and upon compliance with licensing provisions set forth in this Section.
3. When an animal under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the City shall immediately send the head of such animal and rabies data report to the State Health Department for pathological examination and shall notify all persons concerned of the results of such examination.
4. The City shall issue such proclamation and take such action when rabies is suspected or exists as is required by Minnesota Statutes.

N. *Reports of Bite Cases.* It is the duty of every physician, or other practitioner, to report to the Chief of Police the names and addresses or persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

O. *Animals in Heat.* Except for controlled breeding purposes, every female animal in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female cannot come in contact with other animals.

P. *Nuisances.* Keeping, maintaining, or harboring a dog that has been permitted to run loose or has caused damage to or loss of private property belonging to a person other than the thereof and members of the owners household on three (3) or more occasions within a period of twelve (12) consecutive months constitutes a nuisance. The following events shall be considered in determining whether or not there has been a violation of this Section which constitutes a nuisance:

1. Conviction under Section 8.05, Subd. 2, involving the permitting of a dog to run loose.

2. Payment to a person by or on behalf of the owner for damages to or destruction of private property or for personal injury.
 3. An acknowledgement by the owner or keeper of an animal that it has caused such damage or personal injury.
 4. Records of the City of St. Francis or any other City which show impoundment of the dog for the immediate preceding twelve (12) month period.
- Q. *Abatement.* Such nuisance shall be abated by the owner or keeper of such animal by the disposition of the animal within fourteen (14) days after receipt of notice to the owner or keeper thereof. "Disposition" shall mean the destruction of the animal or its permanent removal from the City. Said notice shall be sent by the Chief of Police or his designate by registered mail. If the owner or keeper of the animal fails to comply within the above-specified period, the animal control office is authorized and directed to capture and immediately dispose of such animal. The owner or keeper of the dog shall immediately make the animal available to the animal control officer.
- R. *Appeals.* Any owner who feels aggrieved by the order of the Chief of Police may request a hearing before the City Council by filing an appeal with the City Clerk within fourteen (14) days after receipt of the notice. The appeal shall be filed in such form as the City shall provide. On the filing of such appeal, no further action shall be taken until the matter has been heard. Upon receipt of the request, the City Clerk shall place the matter before the Council at its next regular meeting. The owner may appear, with counsel if he/she chooses, and present evidence in opposition to the order. Following such hearing the Council shall make a determination of facts and shall, based upon such determination, affirm, repeal, or modify the Chief's order. The Council shall also establish a date for compliance with the order as affirmed or modified, which date shall be not less than five (5) days thereafter. Upon expiration of the time limit, the animal control officer shall abate the nuisance.
- S. *Insurance Required.* Evidence of a surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the City in the sum of at least \$50,000.00, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$50,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog must be filed with the City Clerk each year upon renewal of the dog license in the following instances:
1. Nuisance Abatement. For a period of two (2) years after having been ordered to abate any nuisance pursuant to this Section.
 2. Conviction of failure to restrain an attack by a dog pursuant to this Section, where the Court failed to order destruction of the dog.
 3. Where the dog has been declared dangerous pursuant to this chapter.
- T. *Failure to Restrain an Attack by an Animal.* It shall be unlawful for an owner to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other domestic animal. Violation of this Section shall be a misdemeanor. The Court upon a finding of the defendant's guilt hereunder, is authorized to order, as part of the disposition of the case, that

the animal be destroyed based on written order containing one or more of the following findings of fact:

1. The animal is dangerous as defined in the Subd. 1; or,
 2. The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent unprovoked injury to persons or other domestic animals. If the Court does not order the destruction of the dog, the Court shall, as an alternative, order the defendant to provide, and show proof to the Court of insurance as set forth in the Subd.
- U. *Destruction of Dangerous Animals.* The Chief of Police or his designate shall have authority to order the destruction of dangerous dogs as defined in Section 8-3-1.A of this Code.
- V. *Appeals.* If an owner requests a hearing within five (5) days of the receipt of the Declaration of Dangerous Dog classification for determination as to the dangerous nature of the dog, the City Clerk shall place the matter before the City Council at its next meeting. Notice of the Declaration of Dangerous Dog classification shall be sent by certified mail or posting of such notice on owner's last known residence if the owner(s) cannot be found. The owner may appear with counsel if he/she chooses, and present evidence in opposition of the designation of the animal as dangerous. Following the hearing, the Council shall make a determination of facts and shall make such order as it deems proper. If such hearing cannot be held within the statutory fourteen (14) days, the owner must either comply with the terms of the Statute Section 347.50-347.54 or keep the dog at a licensed kennel in a confined pen until the hearing is held. If the Declaration of Dangerous Dog is upheld, the dog shall remain at a licensed kennel in a secured, confined pen until the dog is either destroyed or all of the dangerous dog requirements of the state statute and local ordinances are complied with and a license is issued by the Police Department. If the Council concludes that the dog is dangerous and the owner does not immediately comply with the requirements of the dangerous dog statute, the Council may order the animal control officer to take the dog into custody for destruction. If the dog is ordered into custody for destruction, the owner shall immediately make the dog available to the animal control officer and failure to do so shall be a misdemeanor.
- W. *Harboring a Dangerous Animal.* Any person who harbors an animal after it has been found to be dangerous and ordered into custody for destruction pursuant to this Subd. shall be guilty of a misdemeanor.
- X. *Stopping an Attack.* If any Police Officer or animal control officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means he/she deems appropriate to bring the attack to an end and prevent further injury to the victim.
- Y. *Removal of Excrement.* It is unlawful for any person who owns or had custody of a dog to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property unless such person immediately removed the excrement and places it in a proper receptacle. The provisions of this Section shall not apply to seeing-eye dogs under control of a blind person or dogs while being used in City Police activity.
- Z. *Animal Control Officer.* There is hereby established the position of Animal Control Officer. He/She shall be appointed by the City Council. Nothing contained herein shall prevent the City Council from contracting with a person to provide such services.

AA. *Duties of Animal Control Officer.* The Animal Control Officer shall perform the following duties:

1. Capture, seize and deliver to any designated pound any dog found: running at large within the City; unlicensed; or not wearing the metal tag provided for in this chapter.
2. Pick-up and dispose of the carcasses of every dead animal.
3. Investigate all cases of animal bites reported to him/her and supervise the quarantine of any such animal to assure that it is kept under observation for a period of ten (10) days.
4. Investigate all reports of dangerous or potentially dangerous dogs referred to him/her, complete the dangerous/potentially dangerous animal form and refer the same to the County Auditor, report to the Chief of Police weekly on the activities of the Animal Control Officer within the City.

BB. *No Interference with Officer.* It shall be unlawful for any person to molest or in any way interfere with any peace officer, animal control officer, or any of their duly authorized assistants, or with any duly authorized agent while engaged in performing work under the provisions of this chapter.

8-3-2 Chickens

A. *Findings.* The Council finds that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this Section to permit the limited keeping and maintenance of chicken hens for eggs and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety and welfare of the community.

B. *Definitions.* For the purposes of this Section:

1. **Chicken** means a domesticated bird that serves as a source of eggs or meat.
2. **Coop** means a structure for the keeping or housing of chickens.
3. **Hen** means a female chicken.
4. **Rooster** means a male chicken.
5. **Run** means a fully enclosed and covered area attached to a coop where the chicken(s) can roam unsupervised.

~~C. *Keeping of Chickens.* The raising, harboring, maintaining, and keeping of Chickens within the City of St. Francis shall be limited to properties within following zoning classifications: A-1, A-2, A-3, R-R, R-1, and R-2; as determined by [Chapter 10](#) of City Code.~~

- ~~1. On parcels of less than five (5) acres, the provisions within [Section 8-3-2](#) shall apply.~~
- ~~2. On parcels of five (5) acres or more, the Animal and Fowl provisions within [Section 8-3-3](#) shall apply.~~

~~D. *In General.*~~

- ~~1. The keeping of roosters is prohibited.~~
- ~~2. The butchering of chickens on-site is prohibited.~~
- ~~3. On properties of less than 2.5 acres, no more than five (5) chickens shall be kept on the permitted premises.~~
- ~~4. On properties of 2.5 acres or more, no more than ten (10) chickens shall be kept on the permitted premises.~~

- ~~5. Chickens must be confined on the permitted premises at all times in a chicken coop or chicken run, and may not be kept in any part of the principal dwelling, garage, front yard, or side yard.~~
- ~~6. All chicken grains and feed must be stored in a rodent proof container.~~
- ~~7. The use of chickens for cockfighting is prohibited.~~
- ~~8. Fowl manure and other waste shall not be allowed to accumulate to create offensive odors. Accumulations of manure and other waste shall be removed at such periods as will insure that no objectionable aroma exists and the premises shall not be allowed to become unsightly or harbor rodents, flies, or insects.~~
- ~~9. It is unlawful for any person to treat a chicken in a cruel or inhumane manner.~~
- ~~10. It is unlawful for any person to keep a chicken in a coop or run infested by rodents, vermin, flies, or insects.~~

~~E. Coop and Run.~~

- ~~1. All chickens shall be provided access to both a coop and run.~~
- ~~2. A coop and run is exempt from accessory structure maximums as may be established in [Chapter 10](#) of City Code.~~
- ~~3. All fencing and electrical work associated with a chicken coop or run shall be consistent with applicable building and zoning codes, and all appropriate permits and/or licenses shall be obtained prior to construction.~~
- ~~4. Any chicken coop or run shall be set back at least fifteen (15) feet from the property line, and shall be located closer to the principal dwelling on the permitted property than to any principal dwelling on adjacent properties.~~
- ~~5. Any coop or run shall be set back at least twenty five (25) feet from the following features:

 - ~~a. A delineated wetland edge;~~
 - ~~b. The top of a bank of a pond, filtration basin, or infiltration basin.~~~~
- ~~6. Chicken coops shall have a maximum footprint area of ten (10) square feet per chicken, and a minimum footprint area of five (5) square feet per chicken.~~
- ~~7. Chicken runs shall have a maximum footprint area of twenty (20) square feet per chicken, and a minimum footprint area of ten (10) square feet per chicken.~~
- ~~8. The coop shall be elevated a minimum of twelve (12) inches off the ground, and may not exceed a height of six (6) feet as measured from the ground.~~
- ~~9. No coop or run shall be located in any form of easement or right of way.~~
- ~~10. Both the coop and run shall be completely enclosed and be rodent proof.~~
- ~~11. The coop shall provide adequate protection from the elements and shall be winterized if chickens are being kept between November 1st and April 30th of any given year.~~
- ~~12. Once an owner is finished raising chickens or if a permit is revoked, the coop and run shall be removed from the property.~~

~~F. Permit. No person shall own, harbor, or keep within the City a hen chicken unless a valid permit for such chicken has been obtained pursuant to the following provisions.~~

- ~~1. A permit shall be obtained prior to any chickens being introduced to a site. All permits will remain in effect until voluntarily cancelled or revoked. Valid permits may be revoked~~

by the City if this section is repealed in its entirety or is modified. Permits are non-transferrable.

2. Permit application fees are due upon submittal of the permit application. The fee will be established yearly by ordinance.
3. No permit shall be issued to a rental property unless the property owner provides written consent to the application. For properties located within a managed community with a Home Ownership Association (HOA), the association management must provide written consent to the application.
4. *Application.* Any person desiring a permit under this Section shall make written application on a form prescribed by the City which shall contain, at a minimum, the following information:
 - a. A scaled drawing (site plan) showing the location, size, and dimensions of the coop & run. The site plan shall include the proposed distances between the coop & run from neighboring homes and other structures on the subject property, neighboring property lines, and applicable required setbacks.
 - b. The maximum number of chickens to be kept on site.
 - c. A detailed feces and waste removal plan.
 - d. An agreement by the applicant that the premises may be inspected by the city at all reasonable times to ensure compliance with all applicable conditions.
 - e. Statements that the applicant will at all times keep their chickens in accordance with all of the conditions prescribed by the City (or modification thereof), and that failure to obey such conditions will constitute a violation of the provisions of this Section and will be grounds for cancellation of the permit.
5. *Site Visit Required.* An inspection of the property, coop, and run is required prior to the initial issuance of a permit.
6. *Permit Allotment.* A maximum of twenty (20) permits will be issued citywide for properties that are less than 2.5 acres in size; there is no maximum on the number of permits for properties that are 2.5 acres or greater.
7. *Permit Conditions.* If granted, the permit shall be issued and shall state the conditions, if any, imposed upon the property for the keeping of chickens under the permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the City deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety.
8. *Denial or Revocation.* The City may deny or revoke any permit, permit application, or renewal application if it deems the applicant is:
 - a. Unable or unwilling to fulfill or comply with the provisions of [Section 8-3-2](#);
 - b. Submitting inaccurate or incomplete permit information;
 - c. Failing to meet the conditions of an issued permit;
 - d. Creating a nuisance; or
 - e. If the public health and safety would be unreasonably endangered by the granting or renewing of such a permit.

- a. Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all chickens being owned, kept, or harbored by such person, and no part of the permit fee shall be refunded.
9. *Complaints.* If a complaint regarding a chicken permit is received, the permit holder shall consent to an inspection of the property to demonstrate that all minimum standards and conditions of the permit are being met. Refusal to consent to an inspection shall be grounds for revocation of the permit.

8-3-3 Animals and fowl—Keeping, transporting, treatment, housing

- A. ~~Except for chickens which may be allowed on limited acreage in accordance with [Section 8-3-2](#), it is unlawful for any person to keep, stable, board, or harbor horses, colts, ponies, mules, goats, sheep, cattle, pigs, and other farm-type animals, mink, chickens, ducks, pigeons, geese, and other fowl, whether owned or not, unless the person has sufficient contiguous real estate to house and enclose said animals or fowl.~~
- B. ~~All points of housing and fence enclosures in which animals or fowl are kept must be at least one hundred (100) feet from any residential structure used for human habitation or well.~~
- C. ~~A sturdy wood, metal or electrical fence must keep the animals and/or fowl confined.~~
- D. ~~No above mentioned animals or fowl may be kept on a parcel of real estate smaller in area than five (5) acres, except for the keeping of pigeons and doves as specified in Section 8-3-1.E of this Code. In determining such real estate parcel size and number of animals or fowl, one (1) acre thereof shall be considered as being used for residence, lawns, etc., and shall be excluded. The area used for the on-site sewage treatment system, including the alternate drain field location, shall not be used to keep animals. In addition to the above minimum area requirements, at least one (1) acre of pasture must be available for one animal other than fowl and at least one (1) acre for each additional animal other than fowl kept on the premises.~~
- E. ~~No more than twenty fowl of any type may be kept on such five (5) acre parcels with one (1) acre additional required for each additional ten fowl. The keeping of racing and fancy pigeons/doves shall be permitted on parcels of land as small as two and one-half (2½) acres in size in the rural service area of the City. The keeping of pigeons and doves for competitive racing and sporting purposes shall be limited to a maximum of one hundred fifty (150) birds.~~
- F. ~~Pasture fences or animal or fowl enclosures must be at least ten (10) feet inside the property lines unless fences on the line are agreed to in writing by adjoining property owner or owners. Such line fence agreement must be renewed in writing when a new adjoining owner takes over.~~
- G. ~~Animal and fowl manure and other waste shall not be allowed to accumulate to create offensive odors. Accumulations of manure and other waste shall be removed at such periods as will insure that no objectionable aroma exists and the premises shall not be allowed to become unsightly or harbor rodents, flies, or insects.~~
- H. ~~Farms as defined in the City Code are exempt from the provisions of this Section.~~
- I. ~~Properties that do not conform with this Section shall be considered as non-conforming uses. Non-conforming uses shall be brought into compliance with this Section within five (5) years from the effective date of this and the above Subdivisions; however, this provision shall only apply to real estate area, and number of animals, and location of fences and enclosures, and shall in no way allow any change or any~~

~~increase in such prior use, and upon death or disposition of any animals or fowl so held under prior use, same shall not be replaced; and any discontinuance of such prior use for a period of one month longer shall be deemed a cessation of such use and a use thereafter shall be completely controlled by all of the provisions of this Section.~~

~~J. It is unlawful for any person to violate any provisions of this Section.~~

~~K. It is unlawful for any person to treat any animal as herein defined, or any other animal, in a cruel or inhumane manner.~~

~~L. It is unlawful for any person to keep any animal in any structure infested by rodents, vermin, flies or insects.~~

~~M. It is unlawful for any person to allow any animal, as herein defined, or any other animal under his control, to run at large.~~

8-3-4~~3~~ Animal waste

A. Definitions. For the purpose of this Section:

1. **Owner** means any person who harbors, feeds, boards, possesses, keeps or has custody of an animal.
2. **Animal** means a dog, cat or other animal.

B. Unlawful Acts. It is unlawful for any owner to:

1. Suffer or permit an animal to defecate upon public property, or the private property of another, without immediately removing the excrement and disposing of it in a sanitary manner.
2. Suffer or permit an animal to be upon public property, or the private property of another, unless such animal is in the custody of a person of suitable age and discretion having in his/her possession equipment and supplies for excrement removal.
3. Permit animal excrement to accumulate for a period in excess of seven (7) days on premises occupied by him/her without removal and sanitary disposal.

8-3-5~~4~~ Non-domestic animals

A. Non-domestic animals shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

1. Any member of the large cat family (family felidae) including but not limited to; lions, tigers, cougars, lynx, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
2. Any naturally wild member of the canine family (family canidae) including but not limited to; wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
3. Any cross breed such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
4. Any member or relative of the rodent family including but not limited to; any skunk (whether or not de-scented), raccoon, squirrel, or prairie dog, but excluding those members otherwise defined or commonly accepted as domesticated pets.

5. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including but not limited to; rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 6. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart.
- B. Animals such as Bears, Elk, Caribou, and Buffalo may be permitted within the City upon the issuance of a Conditional Use Permit. A Conditional Use Permit for keeping the above described animals shall not be considered on properties of less than five (5) acres in size.
 - C. It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the time of adoption of this Code shall have thirty days in which to remove the animal from the City after which time the City may impound the animal as provided for in this Section.
 - D. An exception shall be made to the prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific laboratory, educational facilities, or a licensed show or exhibition.
 - E. Impounding. Any unlicensed animal running at large is hereby declared a public nuisance. Any police officer may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. In the case the owner is unknown, the officer shall post notice at the City office that if the dog or other animal is not claimed within the time specified, it will be sold or otherwise disposed of. Except as otherwise provided in this Section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal including dogs and cats running at large.
 - F. Animals Presenting a Danger to Health and Safety of the City. If the reasonable belief of any person or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may destroy the animal in a proper and humane manner. Otherwise the person or officer may apprehend the animal and deliver it to the pound for confinement under § 100.05. If the animal is destroyed, the City shall charge the animal owner for the actual cost of disposing of the animal. If the animal is found not to be a danger to the health and safety of the City, it may be released to the owner or keeper in accordance with § 100.05, Subd. 3.

8-3-6 Keeping of bees

- ~~A. Bees shall not be kept on parcels smaller than two and a quarter (2.25) acres in size or within a MLPUD/PUD as identified by Code.~~
- ~~B. No parcel shall have more than one hive or colony housing structure not to exceed three (3) feet in size in any dimension unless it is an agricultural use.~~
- ~~C. All hives shall be of the removable frame type.~~
- ~~D. All hives shall be kept one hundred (100) feet from any property line.~~
- ~~E. Hives shall be kept in a manner that does not create a nuisance to neighbors or general public. Hives found to be unattended, damaged, infected or abandoned shall be deemed a nuisance.~~

~~F. Properties of all sizes are encouraged to register their hive with the City for the purpose of Emergency Management.~~