



CITY OF SAINT ANTHONY VILLAGE
PLANNING COMMISSION MEETING AGENDA

Tuesday, August 16, 2022 at 7:00 PM

[Join Meeting via Zoom](#)

There is also a dial-in option available. Members of the public who wish to attend the meeting may do so in person.

I. Call To Order

II. Pledge Of Allegiance

III. Roll Call

IV. Approval Of Agenda

V. Approval Of Minutes

A. Approval Of PC Meeting Minutes

Documents:

[PC 07-19-2022.PDF](#)

VI. Public Hearing

A. Code Amendments: Animals, Natural Landscape, Right Of Way Management And Fences

Steve Grittman, City Planner, presenting.

Documents:

[COVER MEMO.PDF](#)
[FENCE-BUS BENCH-ANIMALS ETC CODE REVISIONS TABLE \(VER6\).PDF](#)
[NOTICE - PUBLIC HEARING CODE TEXT AMENDMENTS.PDF](#)

VII. Staff Reports

VIII. Other Business

IX. Community Forum

Individuals may address the Planning Commission about any City business item not included on the regular agenda. Speakers are requested to come to the podium, sign their name and address on the form at the podium, state their name and address for the Clerk's record, and limit their remarks to five minutes. Generally, the Planning Commission will not take official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct the matter to be scheduled on an upcoming agenda.

X. Information And Announcements

Next Meeting: September 20th

XI. Adjournment

If you would like to request special accommodations or alternative formats, please contact the City Clerk at 612-782-3313 or email city@savmn.com. People who are deaf or hard of hearing can contact us by using 711 Relay.

**Our Mission is to be a progressive and welcoming Village that is walkable,
sustainable and safe.**

1 CITY OF ST. ANTHONY
2 PLANNING COMMISSION MEETING
3 JULY 19, 2022
4 7:00 p.m.
5

6 **CALL TO ORDER.**

7
8 Chair Socha called the meeting to order at 7:00 p.m.
9

10 **PLEDGE OF ALLEGIANCE.**

11
12 Chair Socha invited the Commission and the audience to join her in the Pledge of Allegiance.
13

14 **ROLL CALL.**

15
16 Commissioners Present: Chair Socha, Commissioners Erickson, Gaveske, Hendrickson,
17 Kuykendall, Morita and Rude.
18

19 Absent: None.
20

21 Also Present: City Planner Stephen Grittman and Assistant City Manager Nicole
22 Miller.
23
24

25 **I. APPROVAL OF THE JULY 19, 2022 PLANNING COMMISSION MEETING**
26 **AGENDA.**

27
28 Motion by Commissioner Morita, seconded by Commissioner Rude, to approve the July 19,
29 2022, Regular Planning Commission Meeting Minutes.
30

31 **Motion carried 7-0.**
32

33 **II. APPROVAL OF THE MAY 17, 2022, REGULAR PLANNING COMMISSION**
34 **MEETING MINUTES.**

35
36 Motion by Commissioner Rude, seconded by Commissioner Morita, to approve the May 17,
37 2022, Regular Planning Commission Meeting Minutes.
38

39 **Motion carried 7-0.**
40

41 **III. PUBLIC HEARING.**

42 **A. Code Amendment Request – Fence Height**

43
44 Chair Socha opened the public hearing at 7:04 p.m.
45

46
47 Mr. Grittman stated the applicant (Mr. Mark Tomas 3308 Skycroft Drive) is proposing that
48 the City amend the current fence regulations to allow an increase in residential fence height.
49 The amendment would alter fence height throughout the zoning districts or land uses to which

1 it is effective. In this case, the relevant land uses are single family residential parcels in the R-
2 1 zoning district.

3
4 The current fence ordinance has a number of issues, related to permit processing, code
5 consistency (including consistency with building code), and technical or practical aspects
6 including measurement. The City's Code Review Committee has separately been
7 contemplating a series of amendments to the fence regulations for these reasons. While a
8 number of those amendments are likely to come forward with other code amendment
9 recommendations, this resident is seeking amendments to the height regulations as a separate
10 application. The applicant's request specifically relates to the section of the fence code
11 relating to height.

12
13 The section of the code was provided for Commission review.

14
15 When this code was written, fences of more than 6 feet in height required a building permit,
16 with review and permitting through the Building Official. The revised building code has
17 changed this height to 7 feet. One of the reasons for this change is an acknowledgement that
18 fence construction often occurs over uneven terrain, and a fence that uses 6 feet tall material
19 (a commonly available dimension) is often a few inches more than 6 feet above the ground
20 below it. Many types of fence construction include post design where the tops of the posts
21 extend a few inches above the top line of the fence panel. These conditions have been
22 prevalent for many years. Technically, such fences were required to obtain building permits,
23 be reviewed by building inspection staff, and be inspected by the building official. In practice,
24 this was not happening, whether in St. Anthony or most of any other locality when these
25 variations were only a few inches above the 6 foot mark. The writers of the Building Code
26 amended that code from 6 feet to the 7 feet now in force.

27
28 The taller dimension accommodates the variations noted (terrain and post design), with the
29 understanding that the majority of such fences utilize fence panels of 6 feet.

30
31 To remedy this conflict, staff believes that an amendment to the existing code is appropriate.
32 Although the applicant has suggested that the fence height be increased to 6 feet, 6 inches,
33 staff recommends the 7 feet dimension used by the Building Code. A redline code was
34 provided to the Commission.

35
36 The applicant noted in his application materials that other nearby communities have amended
37 their fence regulations to make this change or something similar. These include Columbia
38 Heights, New Brighton, Fridley, and Roseville. It is the planning staff's experience that many
39 other communities have adopted similar changes. To construct a fence over 7 feet would
40 require a building permit and variance.

41
42 A letter from another resident was presented to the Commission and noted he was not in favor
43 of the change in height. He suggested this be moved to another date and the height maximum
44 be lowered.

45

1 Commissioner Rude asked about a building permit over 7 feet high and is the review the same
2 for both permits. Mr. Grittmann a zoning permit would be required for a fence under 7 feet.
3
4 Commissioner Hendrickson asked if inspections are not happening because the building code
5 does not align with the City Code. Mr. Grittmann noted anything under 7 feet is not under the
6 building inspector's jurisdiction.
7
8 Chair Socha stated she built a fence two years ago and no inspection was required. Mr.
9 Grittmann stated inspections are not part of this request. Cities have various requirements as far
10 as inspections.
11
12 Commissioner Erickson asked about the change in height and asked if 7 foot fence panels are
13 common and Mr. Grittmann stated prefab panels are normally 6 foot. Mr. Grittmann stated if a
14 fence exceeds 7 feet a building permit is required.
15
16 Commissioner Kuykendall stated the wording addresses front fences but side and back yard
17 fences were not addressed. If someone has a six foot panel, based on the grade it could be up
18 to 7 feet.
19
20 Commissioner Rude stated materials normally come in 2 foot increments. A building permit
21 does not come before the Planning Commission for approval. If the request is for a fence
22 higher than 7 foot a variance would be required along with a building permit.
23
24 Mr. Rob LaFleur is the person that wrote the letter that the Commission had before them. He
25 thinks 7 foot fences are contrary to being welcoming and also limits what can be seen as to
26 what is going on in the neighborhood. Lots in St. Anthony are smaller than neighboring
27 communities and having a 7 foot fence around a smaller lot is not welcoming. A 5 foot fence
28 would be more welcoming. He participated via zoom.
29
30 Ms. Maggie Tomas, resident of St. Anthony, is in favor of having a fence up to 7 feet. A fence
31 with 6 foot posts and 6 foot panels may go above 6 feet high. To be straight at the top the
32 additional height would be needed. Most fencing contractors suggest a 6 foot fence that is
33 made attractive and may be higher than 6 feet. She participated via zoom.
34
35 Commissioner Morita asked if this request is not approved, the requester could still construct
36 a 7 foot fence with a variance.
37
38 Commissioner Rude stated the Code Committee is addressing this code. Is this something that
39 should be considered when addressing that entire section of the code. He suggested this be
40 tabled and considered with the rest of the fence code. Mr. Grittmann stated this was on the list
41 that the Code Committee is addressing. It could be held over for a meeting or two.
42
43 Chair Socha stated the Commission needs to make a formal recommendation to the City
44 Council on this request. This could be discussed when looking at this again in the future.
45
46

1 Commissioner Hendrickson stated the applicant had requested less than a 7 foot height. She
2 stated the code could be revised giving a little wiggle room without going to a 7 foot height.
3 She asked if there were any disadvantages to doing this. Mr. Grittmann stated it is very
4 common to have decorative post caps on fence posts. It's more of a practical matter.

5
6 Chair Socha referred to Mr. LaFleur's comment regarding safety. She stated it is difficult to
7 see over a 6 foot fence so she does not see a difference between 6 or 7 feet. Dogs are
8 generally not able to jump over a 6 foot fence. It is a good idea for homeowners to be able to
9 contain large dogs and a 6 foot fence should be sufficient. She does not want to consider a
10 lower fence. She suspects there are a large number of fences that are currently over 6 feet
11 which would make a number of fences out of compliance. She is in favor of supporting this
12 request either at the 6 foot or 7 foot height.

13
14 Commissioner Morita stated to custom build fences to accommodate changes in terrain is not
15 feasible. Residents should be able to build fences with standard materials and he is in favor of
16 the request.

17
18 Commissioner Rude stated he has concerns about material selection and maintenance. He
19 believes the code needs to be more specific on maintenance of a wooden fence. He feels there
20 is a lot more to discuss regarding fences. He would like to table this and would prefer 6.5 feet.

21
22 Commissioner Morita stated that is not what the request consists of and this is what the
23 Commission needs to address at this time. Chair Socha stated she agrees with Commissioner
24 Morita.

25
26 Commissioner Erickson stated he is in favor of the proposal with the inclusion of the post
27 caps.

28
29 Chair Socha stated she has heard from Commissioners as to whether 6.5 feet or 7 feet. She
30 feels this may need further discussion.

31
32 Commissioner Rude stated he does not understand why this makes a difference. Mr. Grittmann
33 stated the building code allows for this.

34
35 Commissioner Morita stated he would like to stick to 7 feet height.

36
37 Commissioner Erickson stated he agrees and it would be more cost effective to be able to use
38 standard building materials.

39
40 Commissioner Kuykendall stated he has a sloping yard with a fence that has to slope. It
41 doesn't mean all fences will be built at 7 feet. It allows for changes in grade to be considered.
42 When considering building materials custom materials can be very spendy. He is in favor of 7
43 feet from a practical standpoint. People try to do what is right, although some people will not.
44 He believes an inspection process needs to be added. Chair Socha stated she agrees. Lot lines
45 are very difficult to figure out. She would like this brought to planning staff or administration
46 for an inspection process when other factors are discussed.

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Commissioner Rude suggested neighbor buy-in be needed when considering putting in a fence.

Chair Socha closed the public hearing at 7:44 p.m.

Staff recommends approval of an amendment to the fence regulations as identified in the report, with the following findings:

- A. The current fence regulations related to height are inconsistent with the regulations of the Building Code.
- B. The current fence permitting practices are not consistent with the procedures required by the code.
- C. The current height regulations for residential fences do not comport with common construction practices, nor account for inconsistencies in grade or terrain.
- D. The amendment would be consistent with current practice, with the language of the Building Code, and the practices of many other nearby communities.

Mr. Grittmann reviewed staff has reviewed for consistency with related codes, including the building code, and practical issues related to construction styles, permitting, city review, and common building practices, both in St. Anthony and nearby communities. Staff recommends approval of the amendment increasing the maximum height of residential fences and establishing clearer standards for measurement.

Motion by Commissioner Morita, seconded by Commissioner Gaveske, to approve the request for an amendment to the fence regulations and direct staff to prepare an ordinance for City Council consideration with language that the fence cap be included in the 7 foot height.

Motion carried 1(Rude)-6.

IV. STAFF REPORTS.

Mr. Grittmann stated the Doran Group has applied for building permits for their second phase. There is more to come. The Bremer Bank project is under construction. The senior housing on Stinson is wrapped with some exterior being put on. They hope to occupy sometime during the winter.

V. OTHER BUSINESS.

A. R-1 Zoning Amendment Updates

Mr. Grittmann reviewed in May, the Planning Commission began a discussion about the potential pros and cons of altering setbacks on Single Family lots in the Village. The Commission requested additional information as to the actual “as-applied” impacts of changes.

1 In researching the issue further, there are scant examples of mature neighborhoods where
2 these kinds of setback changes can be seen. A number of similar regulations apply in various
3 areas for newer construction, but the visuals do not provide any reasonable comparisons.
4

5 A few existing neighborhoods in St. Anthony have been examined to gain (and illustrate) a
6 clearer understanding of how reduced setbacks might be applied, especially given the
7 restraints on impervious surface coverage that will limit any additional construction.
8 Illustrations showing a couple of short segments of Pahl Avenue in the south portion of the
9 City and a short segment of Penrod Lane in the north area near the New Brighton boundary.
10 The materials include a clip of the aerial photo, along with a graphic of several of the lots on
11 the relevant street. The graphic is paired with some lot data, which we have estimated from
12 the aerial photos – thus these are not exact, but should provide a reasonable representation of
13 the options for the various parcels. Some of the lots have small opportunities for expansion if
14 the setbacks were modified. The lots along Pahl Avenue take advantage of access from the
15 alley to the rear. Their front yard setbacks have some flexibility. A change in setbacks would
16 allow for some expansion to the front of the property.
17

18 The graphic example identifies lot size for each neighborhood clip, impervious surface
19 amounts, and potential expansion areas if the front setbacks were reduced from 30 feet to 20
20 feet. Some of the lots cannot take full advantage of the additional encroachment due to
21 impervious surface limitations. The houses along the Penrod block range from 22 feet to 25
22 feet, with some up to 30 feet in depth. A reduction to 20 feet would not seem to be a
23 significant change in this area. The Pahl Avenue lots are typically 25 feet to 30 feet in front
24 yard depth, which the St. Anthony Boulevard homes typically range from 30 feet to 35 feet.
25 There are exceptions on all blocks to the primary range, and corner side yard setbacks are
26 almost always reduced in depth. The Penrod area has homes which are closer to the street.
27 The homes along St. Anthony Boulevard have very few opportunities for expansion.
28

29 Mr. Grittmann asked the Commission if there was any interest in modifying the setbacks. If
30 there is interest some code language could be developed and brought back to the next
31 Planning Commission meeting.
32

33 Chair Socha asked how much community engagement was there about not being able to
34 expand. Mr. Grittmann stated staff has not reached out in any way to canvass thoughts from the
35 community. He does receive some calls asking about expansion plans. Some along Silver
36 Lake Road were asking about side yard expansions.
37

38 Commissioner Hendrickson stated last time a number of options were reviewed. She agrees
39 with Mr. Grittmann that there may be more opportunities for side yard expansion. She would
40 prefer to see changes to the rear or side setback rather than the front.
41

42 Commissioner Erickson stated he agrees with Commissioner Hendrickson. He did not have a
43 chance to drive past the neighborhoods. The impervious requirement would not allow for
44 large expansions. He would be opposed to changing the front setback.
45

1 Commissioner Morita stated if changes are not made, residents may be tearing down existing
2 homes and building very large homes. He is supportive of looking into options of expanding
3 existing homes. Mr. Grittmann stated there are guidelines as to the height of new construction.
4
5 Commissioner Rude stated he would not mind seeing new houses. He agrees expansion in the
6 rear yard would be acceptable. He is hesitant about the side yards on the more square yards.
7
8 Chair Socha stated the total current setback is 15 feet on both sides. It would be 5 feet on one
9 side and 10 feet on the other side. There is a 15 foot separation between homes.
10
11 Commissioner Hendrickson stated the corner lots are where the side setbacks are most
12 affected. Mr. Grittmann stated on corner lots the front is supposed to be 30 feet and the side is
13 supposed to be 30 feet. Mr. Grittmann asked if these setbacks could be more flexible.
14
15 Commissioner Gaveske stated it would make sense to be more flexible on the corner lots as
16 that would make a big difference. Commissioner Morita stated he agreed.
17
18 Mr. Grittmann stated one thing that was considered on the front setback would be reducing 30
19 feet to 25 feet as the minimum would not create a big impact. Most of the neighborhoods have
20 homes up to the 30 feet setback.
21
22 Commissioner Gaveske stated it would be nice to allow expansion in the front as an larger
23 entry.
24
25 Chair Socha stated she is not opposed to expansion in the front yard setback. She would like
26 to gain resident input. She would consider the front yard setback being flexible.
27
28 Commissioner Morita stated if adjustments were made and it did not include changes to the
29 front yard setback, residents could make a variance request if they wanted to expand in the
30 front yard. Mr. Grittmann stated each case would need to be reviewed. He is supportive of staff
31 continuing investigation of side and rear setback flexibility.
32
33 Commissioner Rude asked why the corner lots were 30 feet. Mr. Grittmann stated the codes
34 were developed in the 1950's and 1960's. The thought was all houses would be setback 30
35 feet and all codes were written that way. A number of communities have softened that corner
36 side setbacks. Commissioner Rude believes on corners there are two front yards. Mr. Grittmann
37 stated one is a front yard and one is a side yard.
38
39 Commissioner Gaveske stated she appreciates the clarification on the corner lots.
40
41 Chair Socha stated the consensus of the Commission was interest in being flexible on the
42 setbacks and requested staff to come back with some proposed language on the rear yard and
43 side yards.
44
45 Mr. Grittmann will develop some code language and show some examples.
46

1 Commissioner Gaveske asked if the garage setback should be addressed. Mr. Grittman stated
2 the plan was to retain the same garage setback.

3

4 **VI. COMMUNITY FORUM.**

5

6 No one appeared to address the Planning Commission.

7

8 **VII. INFORMATION AND ANNOUNCEMENTS.**

9

10 Commissioner Rude stated he read two articles. One was for a food truck ordinance. The other
11 was in NE Minneapolis where there was a project that was a mess and a lawsuit was brought
12 against the 2040 plan. There was a push for high density and this would lock lower income
13 individuals into being renters rather than being able to afford a single family home. Mr.
14 Grittman stated it was more an environmental issue. It will be interesting to see what
15 Minneapolis does with their plan.

16

17 Chair Socha stated she was under the impression that high density helps diversity.

18

19 Commissioner Rude stated the premise was rental does not allow people to build wealth. Mr.
20 Grittman stated owners stay in their homes longer than renters which creates community.

21

22 Mr. Grittman asked the Commission if they would be interested in receiving articles such as
23 this. Chair Socha stated that would be helpful.

24

25 Mr. Grittman stated food trucks were discussed in a Council workshop and it was determined
26 it was in need of further study.

27

28 **VIII. ADJOURNMENT.**

29

30 Motion by Commissioner Morita, seconded by Commissioner Erickson, to adjourn the
31 meeting at 8:35 p.m.

32

33

Motion carried 7-0.

34

35 Respectfully submitted,

36 Debbie Wolfe

37 *TimeSaver Off Site Secretarial, Inc.*



MEMORANDUM

To: St. Anthony Village Planning Commission
From: Stephen Grittman, City Planner
Date: August 11, 2022
Meeting Date: August 17, 2022
NAC Project No. 323.02 – 22.01

BACKGROUND AND ANALYSIS

As the Commission is likely aware, a committee of staff has been reviewing the City Code to address various aspects of the language, looking for updating needs, and incorporating staff experience with permitting issues, property owner questions, and code enforcement experience. In the prior round of these amendments, the Commission reviewed (and the City Council adopted) regulations related to Swimming Pools, Dumpsters, Natural Landscapes, Non-commercial Signs, and a variety of other inconsistencies that had been ongoing issues for staff.

This memorandum provides a second round of updates to the table-form list of proposed City Code and Zoning Code amended language for Planning Commission consideration. Staff noticed a public hearing for the August Planning Commission meeting to formally consider the proposed language, and make any final edits or recommendations, prior to sending the material on to City Council for consideration.

The topics covered in this version include Animals; a brief supplement to the previously approved Natural Landscapes language; extensive updates to the regulations relating to Fences; use of the Public Right of Way; and regulations relating to Bus Benches.

Two other sections that are being studied but brought forward at a later date will be Brewery-Taprooms (holding until the City can review on-sale “Growlers” before finalizing), and Food Trucks. The City approved the inclusion of Brewery-Taprooms as a commercial use in its update to that zoning district, but alcohol licensing requirements necessitate some additional study. Food Trucks have a number of possible impacts, and additional review is being conducted prior to formalizing ordinance options.

The table includes the original language in black, the proposed changes in redline. Text that is proposed to carryover from the existing code is referenced in the second column. The third column includes changes to each of the proposed sections highlighted as noted above. The fourth column provides some commentary explaining the purpose of the changes (or in a few cases, why no change is proposed).

As with the prior set of amendments, we are not expecting to address the boundaries of any zoning districts with this material. The changes have arisen from staff experience with various permitting or construction issues, and various code enforcement activities.

The last section addresses bus benches, which is a new section of Code. The language is developed from other various sources, and is proposed here due to the occupation of the public right of way, and the observance that in some cases, there have been maintenance issues in the right of way which has raised problems for (especially) sidewalk snow maintenance. Since these benches serve an advertising purpose for their sponsors, but can raise issues for public pedestrian circulation and/or maintenance problems, staff is bringing this forward for consideration.

This material codifies the regulation of Bus Benches that are placed by private vendors on public right of way at bus stops in the city. This is an aspect of the City's right of way management, not technically a zoning code element, although a few changes to the Sign section of the code will need to accompany this section, included after the Bench Section below. They are usually located on main roadways, and often on sidewalks.

Staff has found that these benches can generate significant income for the bench owners through leasing advertising space on the bench. Staff has also found that neither Metro Transit nor the right of way owners (usually Hennepin and Ramsey Counties) do not regulate these benches in their rights-of-way. This licensing process will allow the city the opportunity to ensure that any such benches are properly placed and maintained. It further provides for appropriate insurance of those occupying the right of way, and requires a clause indemnifying the city in the event of a liability claim.

The benches serve a public purpose in that persons utilizing scheduled transit often rely on them as both markers and rest while waiting for their ride. Because these benches provide advertising, they become a de facto sign. As such, the proposed regulations provide for size, location, and various other requirements to ensure that they serve their public purpose, but do not become a nuisance.

The Planning Commission is asked to provide comments and thoughts on the proposals at the upcoming meeting and public hearing, after which staff will prepare formal ordinance amendments for consideration by the City Council.

The Comprehensive Plan material below is carried over from the original staff memo as background for the Public Hearing.

PLANNING COMMISSION ACTION

- 1. Staff recommends approval of the proposed amendments to the City Code as reflected in the attached ordinance redline version, with final comments and edits from the Commission following the public hearing.**

Alternative Motions

2. Motion to recommend denial of the amendments, based on findings to be identified as a part of the discussion following the public hearing.
3. Motion to table action on the amendments and continue the public hearing, to allow for further research and editing as directed by the Commission.

Code Section No.	Existing Text to Remain as is	Proposed Text (redlined)	Issue/Discussion
<p>Animals</p> <p>§ 91.06</p>		<p><u><i>Domesticated animals means house pets such as dogs, cats, and birds, or other common pets kept in small containments which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the city. In addition, the term "domestic animals" includes birds (other than chickens, ducks and geese) and rabbits normally sheltered outside the home.</i></u></p> <p><u><i>Farm animals means cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the state, and/or which are kept for agricultural purposes or food production.</i></u></p> <p><u><i>Wild Animal: Any animal which is not a domesticated animal as defined herein, or which is not naturally tame or gentle, but is of a wild nature or disposition, or which would constitute a danger to human life or property. The term includes animals and birds, the keeping of which is licensed by the State or federal government, such as, wolves, raptors, and pheasants. By way of example and not of limitation, the term includes: ducks, pheasants, geese, turkeys, birds of prey, squirrels, chipmunks, raccoons, coyotes, weasels, wild ferrets, sheep, goats, swine, monkeys, chimpanzees and deer.</i></u></p>	<p>This section adds definitions for 3 classes of animals: Domesticated, Farm, and Wild.</p> <p>The current regulations in code address how “domestic” animals are regulated, but have no definition.</p> <p>A few farm animals are listed as being prohibited, but the list is not very inclusive, so the ordinance creates a definition, and a list that is more inclusive. (Chickens would continue to be treated as they currently are: prohibited, but with the allowance by Council permit).</p> <p>Finally, a definition for wild animals is created, and then a series of provisions to regulate/prohibit the feeding of such animals is new text. An exception made for songbirds and a few other specific situations.</p>

<p>§ 91.56</p>		<p>KEEPING OF CERTAIN ANIMALS. No person may keep swine, cattle, horses, goats <u>farm animals or wild animals as defined in this Code</u>, nor more than 2 dogs or 3 dogs allowed under § 91.01 through 91.05 or fowl, within the city nearer than 500 feet to any human habitation or platted land, without approval of the City Council. The City Council may, before approving or denying any request for approval, request a report from the Health Officer concerning the effect on public health.</p>	<p>The current language allows 2 dogs, or a “kennel” license for 3 dogs. No change is proposed in that language. Cats (addressed by some city’s codes), are not subject to these limitations.</p>
<p><u>§ 91.57</u></p>		<p>KEEPING OF CERTAIN ANIMALS. FEEDING OF WILD ANIMALS. <u>1)) No person shall intentionally feed wild animals within the City. Intentional feeding means the provision of any grain, fruit, vegetables, nuts, salt licks, or any other food that attracts wild animals.</u> <u>a) Living food sources such as trees and other live vegetation shall not be considered food for wild animals.</u> <u>2) Feeding Songbirds. The feeding of songbirds is permitted under the following conditions:</u> <u>a) Feeding is done from a bird feeder that is designed to prevent other wild animals from feeding and is placed at least 5 feet above the ground.</u> <u>b) The bird feeder does not become an attractive nuisance to other wild animals.</u> <u>c) Songbird feeding occurs on private property owned or controlled by the person responsible for the feeder.</u> <u>3) Exemptions.</u> <u>a) Specific to Section 91.57(2a), persons that cannot physically place materials 5 feet or higher from the ground, must place feeder at the highest point</u></p>	

		<p><u>physically possible and must comply with the other standards contained in Section 91.57(2).</u></p> <p><u>b) Snakes (less than four (4) feet in length), gerbils, hamsters, guinea pigs mice, turtles, fish (not prohibited by Minnesota DNR) and birds (not prohibited by Minnesota DNR) kept inside of a residence and within a restrictive cage or habitat</u></p> <p><u>c) Animal Species otherwise allowed and/or licensed by the City.</u></p> <p><u>d) The provisions of Section 91.57 shall not apply to the employees or agents of the City, County, the State, the Federal government or veterinarians who in the course of their official duties have wild animals in their custody or under their management.</u></p>	
§ 91. 57 <u>58</u>		INTERFERENCE WITH CITY PERSONNEL. No person may in any manner molest, hinder, or interfere with any person employed by the city to capture and impound dogs or other animals while the person is within the course and scope of employment.	This section is renumbered, with no text changes.
Gardens and Yards			
§150.094 (E)		(E) Yard cover. Every yard of premises on which a dwelling stands must be covered by lawns and/or ground cover of vegetation, gardens, hedges, shrubbery, <u>rock or wood mulch, or related decorative materials consistent with those commonly available at home and garden stores</u> , and must be maintained. Once an area has been converted to turf grass the land owner shall not allow the turf grass to exceed the height of 6 inches or be allowed to go to seed. No land owner may permit or maintain on the land any growth of weeds, grass, brush or other rank vegetation to exceed the height of an average height greater than 6 inches, any	This proposal cleans up a reference that should have been removed from the Code as a part of the prior round of updates. That Code established a setback requirement of 3 feet from adjoining property; and it has been the City's policy to allow/promote pollinator-friendly plantings in the right of way. This change deletes the conflicting language. Additional language will help limit the encroachment and extent of natural landscapes in the setback or public areas.

		<p>accumulation of dead weeds, grass or brush, or any noxious weeds or plants as defined by the Minnesota Department of Agriculture. Gardens (pollinator, vegetable, flower, rock, etc.) are permitted types of yard cover, and must be maintained. and not encroach on other property or the right of way.</p>	
<p>Fences</p>			
<p>§ 150.071</p>		<p><u>BUILDING ZONING PERMITS REQUIRED.</u> A building zoning permit is required for the construction or alteration of a fence, and for any additions to a fence. The permit must be obtained in the name of the owner of the property on which the fence is or will be located. Applications must be made on forms provided by the city. The applicant must provide the Building Inspector with a set of plans and specifications for the fence. Permit fees must be paid in accordance with Ordinance 33.061 of the City Code.</p>	<p>This change corrects the application process and permitting, which is no longer a building permit under that separate code. The zoning ordinance regulations fences, so a zoning permit is the proper avenue.</p>
<p>§ 150.072</p>		<p>REQUIREMENTS. (A) <i>Location.</i> Any fence constructed or altered after 6-3-1982 must be located entirely upon the private property of the owner to whom the building permit was issued. Ownership of the permit fence passes with ownership of the property. The fence must be setback a distance from the owner’s property line sufficient to avoid encroachment onto adjoining private or public property or a public right-of-way. <u>The applicant represents that the fence will be entirely on the property of the fence applicant. At its sole discretion, the city may require the applicant for the permit to locate and mark the property line abutting the public property by having a registered surveyor place permanent survey pins or stakes on the property line.</u></p>	<p>Add the requirement for survey data to the location section, as it applies to any fence permit (not just when the fence is adjacent to the public right of way as in (B) below).</p>

		<p>If the survey information is not available and the applicant elects not to establish the property line by survey, the permit will not be issued unless the applicant signs an affidavit stating that the applicant is the owner of the premises upon which the fence exists or is to be located.</p>	
		<p>(B) <i>Abutting public property.</i> If a fence is or is to be adjacent to a street, alley, public right-of-way, or other public property, the city may require the applicant for the permit to locate and mark the property line abutting the public property by having a registered surveyor place permanent survey pins or stakes on the property line. If the survey information is not available and the applicant elects not to establish the property line by survey, the permit will not be issued unless the applicant signs an affidavit stating that the applicant is the owner of the premises upon which the fence exists or is to be located.</p>	<p>This section is deleted, with the elimination of the building permit requirement, and the inclusion of the property line notes in (A) above.</p>
		<p>(C) <i>Fence size.</i> All fence and wall heights shall be measured from the finished grade, except that the height of a railing, wall, fence, or screening affixed to a deck constructed on the ground but raised above ground level, will be measured from the elevation of the raised deck for that portion which is affixed to the raised deck. The grade at the fence line shall not be altered in any way that artificially increases the maximum permitted height of the fence. <u>Required fence height shall be measured and applied only at each post, and no section of fence between posts shall exceed the height of the <i>higher</i> of the two posts between which such fence is constructed.</u></p>	<p>These sections are under separate consideration by the City Council due to a pending application. The Commission may consider this and move it forward, or await action on the pending application.</p> <p>This addition specifies measurement requirements. Because land can fluctuate, there is a potentially infinite number of locations for fence measurement. By restricting the measurement locations to the posts only, planning, construction, and enforcement of fence regulations is simplified. The proposed language specifies that the fence</p>

			<p>sections may not exceed the height of the post(s) to which it is attached.</p> <p>These clauses also accommodate fences constructed on a slope, in which the manufactured fence panels can be installed without running afoul of the height regulations as the ground falls away to the next (lower) post location.</p>
		<p>(C)(1) Residential Uses.</p> <p>a. Front Yards. No fence, fence post, or post cap shall be over four (4) feet <u>fifty-two (52) inches</u> in height within a required front yard setback.</p> <p>b. Side Yards. No fence, fence post, or post cap shall be over six (6) seven (7) <u>seven (7)</u> feet in height. A fence up to six (6) feet in height shall be allowed on corner lots along the corner side behind the nearest front corner of the principal building.</p> <p>c. Rear Yards. No fence, fence post, or post cap, shall be over six (6) seven (7) <u>seven (7)</u> feet in height.</p>	<p>Height is changed here to accommodate the fluctuations noted above by allowing a slight increase over current height limitations, again to accommodate slope, and to acknowledge that posts (and ornamental post caps) will often extend above the top line of the fence itself.</p> <p>Further, the change from 6 feet to 7 feet incorporates the building code change that increased the height threshold for when a building permit is required for fences and other structures.</p>
<p>150.072 C.2, C.3, D, and E.</p>		<p>C. (2) Commercial/Industrial Uses.</p> <p>a. Front Yards. No fence shall be over six (6) seven (7) <u>seven (7)</u> feet in height within a required front yard setback. Fences may extend to a total height of eight (8) with a security arm for barbed wire if a conditional use permit is obtained.</p> <p>b. Side Yards. No fence shall be over six (6) seven (7) <u>seven (7)</u> feet in height. Fences may extend to a total height of eight (8) with a security arm for barbed wire if a conditional use permit is obtained.</p> <p>c. Rear Yards. No fence shall be over six (6) seven (7) <u>seven (7)</u> feet in height. Fences may extend to a total height of eight (8) with a security arm for</p>	<p>This section incorporates the changes from 6 feet to 7 feet heights into the Commercial District. No changes are proposed to Industrial or Recreational fencing standards. Sight visibility at intersections is likewise retained as currently stated.</p>

		<p>barbed wire if a conditional use permit is obtained.</p> <p>d. Exemption. <u>Through the approval of a conditional use permit (CUP),</u> Ffence heights as listed above in §150.072, C, 2, a-c may be increased for the following types of fencing</p>	
§ 150.073	<p>CONSTRUCTION AND MAINTENANCE.</p> <p>Every fence must be constructed in a substantial manner and of substantial material, reasonably suitable for the purpose for which the fence is intended as listed in the criteria below. Any fence which is dangerous by reason of its construction or state of disrepair or is otherwise injurious to public safety, health, or welfare is hereby declared to be a nuisance.</p>		
		<p>(A) Fences and walls shall be constructed in a manner and of such materials that do not adversely affect the appearance of the neighborhood or adjacent property values. Fences shall not be constructed from poultry netting (chicken wire), <u>non-prefabricated</u> welded wire, snow fence, branches, or materials originally intended for other purposes, unless upon the showing of a high degree of architectural quality achieved through the use of such materials and prior approval is granted by the Zoning Administrator or other Authorized Agent.</p>	<p>Staff discussed the prohibited materials portion of this section, acknowledging that some (particularly the welded wire) were commonly available as fencing material within wood framing or other options. Apart from this note, and because this element has not otherwise been a significant issue, no other changes are proposed.</p>
	<p>(B) Fences and walls hereafter erected shall be durable, weather resistant, rust proof, and easily maintained.</p>		
		<p>(C) Fences shall have structural supports (posts/footings) as required by the Building Official to</p>	<p>This change replaces “Building Official” review (which does not occur) with general language.</p>

		<u>ensure that the fence will continue to be structurally sound.</u>	
		(D) Fences and walls shall be constructed of new or like new materials. <u>Like new materials used shall require prior approval is granted by the Zoning Administrator or other Authorized Agent prior to issuance of the required zoning permit.</u>	Amending this section to clarify the use of materials that may require additional review.
		(E) The finished appearance of fences and walls shall be constructed with the higher quality finish directed toward the exterior of the property outward <u>toward adjoining property or public right of way</u> if the visual quality of the fence or wall is not the same on both sides.	Minor change to clarify intent.
	(F) The framing and posts of wood, chain link, picket, stockade, and decorative metal fences shall face the inside of the parcel area fenced. The side of the fence considered to be the face (facing as applied to fence posts) shall face the abutting property.		
	(G) No more than two (2) types of related fencing materials shall be used in any fence and wall.		
		(H) Both sides of any fence or wall shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. <u>Property owners should take due care in selecting maintenance-free fence materials, or in placement of fence location, in areas where ongoing maintenance activities may require access through adjoining property or is otherwise restricted.</u>	This addition reinforces the caution to fence builders that maintenance should be considered and will continue to be a requirement, despite conditions that could restrict maintenance requirements.

		(I) The property owner is responsible for providing proof of property line location.	Deleted, covered in 150.072 (A) and (B).
		(I) Where permitted, temporary fences used for site protection during construction shall be no less than four (4) feet in height, shall be secured and/or anchored in such a way as ensure upright position, and shall be constructed so as to prohibit a 4-inch sphere from passing through any portion of the temporary fence.	Added text to address height and construction of temporary construction fences (created by a prior amendment to swimming pool protection fencing).
	(J) Retaining walls shall not be placed within any drainage, utility or ponding easements unless also reviewed and approved by the City Engineer.		
Depositing of Snow and/or debris on public ROW			
§ 94.15		OBSTRUCTIONS PROHIBITED. No person, except under a proper building permit issued by the <u>City Manager</u> or otherwise permitted in this code , shall obstruct or encumber any sidewalk, street, avenue, alley, lane, or other public way in the city with <u>yard clippings, leaves</u> , stone, brick, sand, lumber, or other material or property. <u>Consistent with Minnesota Statute 160.2715 Section (a) subdivision (1) which advises that pushing / blowing snow from driveways and sidewalks onto public roads may be punishable as a misdemeanor, no person shall plow, shovel or blow or permit the plowing, shoveling or blowing of snow onto any sidewalk, street, avenue, alley, lane, or other public way in the city. except as permitted in this code.</u>	These two sections relate to use of the public right-of-way, and clarify prohibition to obstruct or deposit materials in the right of way consistent with the relevant statutory sections for each.

§ 96.02		<p>ELECTION TO MANAGE THE PUBLIC RIGHTS-OF-WAY Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects, pursuant Minn. Stat. 237.163 subd. 2(b), to manage rights-of-way within its jurisdiction.</p> <p><u>Except as specifically authorized by this Chapter, no person shall deposit or permit to be deposited onto the traveled portion of any public street or alley, leaves, grass, sand or similar materials, nor shall any person plow, shovel or blow or permit the plowing, shoveling or blowing of snow onto the traveled portion of any public street or alley. Violation of this provision shall constitute a petty misdemeanor. This provision shall not apply to any person who is in the process of constructing or maintaining a yard or drive provided that the materials are immediately removed from the street. Nothing in this section is intended to exempt any person from the requirement for permit under this Chapter.</u></p>	<p>Adding a specific prohibition to blowing leaves, grass, snow, etc. into the public street or alley. This prohibition applies to the traveled portions of streets or alleys only, not the “boulevard” or easement areas.</p>
Bus/Transit Benches			
Section 96.03 – Definitions		<p><u>Bus/Transit Bench</u> - A bench maintained on a publicly dedicated street or right-of-way for the convenience and comfort of persons waiting for buses or other vehicles.</p>	
Section 96.38 – Bus/Transit Benches		<p><u>Purpose. The purpose of this section is to regulate the placing and maintenance of bus/transit benches in public rights of ways in order to control location, appearance, proliferation and traffic safety.</u></p>	
		<p><u>A) License Required: No bench may be placed or maintained in a public right of way without securing a License from the City Manager, or designee thereof, and the payment</u></p>	

		<p><u>of an annual license fee as established in Section 33.061.</u></p>	
		<p><u>B) Application: Applications for licenses shall be made to the City Manager. The application shall contain the following:</u></p> <p><u>(1) Scale drawing showing the size and location details of the bus/transit bench relative to all other objects on the property including the layout of applicable adjacent roadways, intersections, traffic signage, sidewalks, trails, utility poles, fences and other objects in the vicinity.</u></p> <p><u>(2) Written consent of the road authority, as defined in Minnesota State Statutes 160.02, if the City of Saint Anthony Village is not the road authority.</u></p> <p><u>(3) Detailed plans and specifications of the proposed bench including the general nature of the advertising matter, if any, to be posted thereon and total surface area intended as signage not to exceed 12 square feet using the front, or seating side surface only of the bench backrest.</u></p> <p><u>(4) General liability Certificate of Insurance from an insurance company rated "A" by A.M. Best Company and authorized to do business in the State of Minnesota, naming the City as additional insured in the minimum amount of one million dollars (\$1,000,000) for any and all claims arising out of the use or existence of a bus/transit bench. The certificate shall provide for automatic notification of the City with a minimum thirty (30) days advanced notice in the event of cancellation.</u></p> <p><u>(5) An executed hold harmless agreement from the licensee, protecting the City from any and all claims arising out of the use, existence and potential removal of the bus/transit bench.</u></p>	
		<p><u>C) Bus/Transit Stops: A bench shall only be placed at a bus/transit stop on an established bus route.</u></p>	

		<u>D) Location: A bench shall be placed parallel to and no nearer than three (3) feet from the roadway curb or the edge of the roadway where no curb exists and shall not obstruct a pathway.</u>	
		<u>E) Number: No more than one bus/transit bench, located outside of a shelter, may be placed at a single established bus/transit stop location.</u>	
		<u>F) Proximity to Other Benches: No bus/transit bench may be placed within 300 feet of any other bench on the same side of the roadway from which service is to be delivered.</u>	
		<u>G) Materials: A bus/transit bench shall be constructed of durable materials including, but not limited to concrete, wood, plastic, or combination thereof, with colors limited to whites, earth tones of subdued greens, grays, browns, reddish-browns, and golds.</u>	
		<u>H) Construction and Size: The bus/transit bench shall be of sufficient weight or shall be secured in a manner to minimize the potential of accidental tipping or vandalism. No bus/transit bench shall be fastened, secured, or anchored to any property of the City, County or public utility. Size limitations of bus/transit benches shall be; Height – 42 inches maximum, Width – 30 inches maximum and Length – seven feet maximum.</u>	
		<u>I) Structure Maintenance: When directed by the Code Official, Licensee shall within forty-eight (48) hours remedy any report of refuse and litter issues. Within 72 hours of a snow fall or other weather event, removal of ice and snow in a manner such that each bench shall be fully accessible to and from any sidewalk or roadway adjacent to the bus/transit bench shall be achieved. Licensee shall inspected benches monthly for any grass or weeds in excess of six (6) inches, graffiti,</u>	

		<u>damaged or broken parts and shall remedy deficiencies within 48 hours after being discovered or reported.</u>	
		<u>J) Revocation of License: The City Council may revoke a license for failure to comply with the conditions of the license by three (3) affirmative votes.</u>	
		<u>K) Removal: At the request of the City, a bench shall be removed within thirty days of notice, at the permittee's sole expense, if:</u> <u>1) to permit right of way improvements or maintenance,</u> <u>2) the location of the bench is a safety hazard or if it interferes with pedestrian or vehicular traffic on the right of way,</u> <u>3) if the bus stop location is removed from service or</u> <u>4) the license issued by the City is allowed to expire or is revoked. The licensee shall incur the cost of removal within thirty (30) days of notice to remove. Licensee shall make repairs to the vacated space within the right-of-way to make it visibly consistent with the surrounding space. If licensee fails to remove the bench within the prescribed time, the City shall remove licensee's bench and hold at the City Public Works facility for no less than thirty (30) days, after which time the bench may be disposed of. All costs for removal, disposal and remediation of ground shall be payable to City by licensee.</u>	
		<u>L) Advertising Matter: Advertising matter may be displayed only on the front (roadway side) surface of the backrest of bus/transit bench and shall not exceed 12 square feet in surface area. Advertisements for liquor or beer, tobacco, political advertisements, obscene, immoral or illegal matter is prohibited on all transit bench signs. No advertising matter on any transit bench may display the words "Stop", "Look", "Drive In", "Danger" or any other word, phrase or symbol, reflective material, or illumination device,</u>	

		<u>which might interfere with, mislead or distract traffic.</u>	
155.03 DEFINITIONS.		<u>Bus/Transit Bench Sign: A bench maintained on a publicly dedicated street or right-of-way for the convenience and comfort of persons waiting for buses or other vehicles, which may include off-premise advertising content, not to exceed 12 square feet in surface area.</u>	
155.22 PROHIBITED SIGNS.		<u>(20) Off-premise signs; with the exception of bus/transit bench signs as defined in Section 96.03</u>	
155.23 SIGNS REQUIRING NO PERMITS.		<u>(D) Signs affixed on benches at public bus stops or signs within bus/transit benches as defined in Section 96.03.</u>	



NOTICE OF A PUBLIC HEARING

August 16, 2022, 7:00 p.m.

City Hall, 3301 Silver Lake Road, St. Anthony, MN 55418

Notice is hereby given that the City of Saint Anthony Village Planning Commission will hold a public hearing to solicit public response to the following City Code text amendments: Sections §91 regarding Keeping of Animals, §94 regarding Natural Landscape, §96 regarding Right of Way Management, §150 regarding Fences and Section §155 regarding Bus/Transit Bench Sign. These amendments have been proposed by the City of St. Anthony Village, which is the applicant.

The Planning Commission agenda and packet item relating to this application will be made available prior to the meeting online at www.savmn.com.

Ways to Comment:

Online

Those persons having an interest are encouraged to attend via Zoom. The link to participate via Zoom can be found at <https://savmn.com/Calendar.aspx?EID=1607>

In Person

The public is welcome to attend in person at the City of Saint Anthony Community Center, 3301 Silver Lake Road, in the Council Chambers at 7:00 p.m.

Written

Written comments may be taken at the St. Anthony Village City Hall, 3301 Silver Lake Road, St. Anthony Village, Minnesota 55418 until the date of the public hearing.

Comments can also be conveyed via email, to planner@savmn.com until the date of the public hearing.

Questions?

Questions may be directed to the City Planner at 763-957-1100.

The Planning Commission will make a recommendation regarding the proposed request to the City Council for their meeting to be held on September 13, 2022 at 7:00 p.m. at City Hall.

Steve Grittman
City Planner