

**ORDINANCE NO. 325**

**CITY OF ST. FRANCIS  
ANOKA COUNTY**

**AN ORDINANCE MODIFYING DIVISIONS 2, 3, 4, 6, 7, 8, AND 9 IN THE ZONING  
CODE – 2<sup>ND</sup> READING**

THE CITY COUNCIL OF THE CITY OF ST. FRANCIS, ANOKA COUNTY, MINNESOTA,  
ORDAINS:

Changes in the following sections are denoted with an underline for new text or a ~~strikethrough for deleted language~~. Renumbering and updated references shall occur throughout the Code as needed when sections or subsections are added or deleted.

**Section 1.** Section 10-22-11 M of the St. Francis Code of Ordinances is hereby amended to read as follows:

**Micro Unit:** A mobile residential dwelling providing permanent housing within a sacred community.

**Section 2.** Section 10-23-17 S of the St. Francis Code of Ordinances is hereby amended to read as follows:

**Sacred Community:** A residential settlement established on or contiguous to the grounds of a religious institution's primary worship location primarily for the purpose of providing permanent housing for chronically homeless persons, extremely low-income persons, and designated volunteers.

**Section 3.** Section 10-31-03 Application Procedure of the St. Francis Code of Ordinances is hereby amended to read as follows:

- E. Notice of Hearing. For applications involving conditional use permits, interim use permits, zoning amendments, and PUDs the Zoning Administrator shall set a date for a public hearing. Notice of such hearing shall consist of a legal property description, a general description of the property location, and a description of the request to be published in the official newspaper at least 10 days prior to the hearing. Written notices shall be mailed not less than 10 days nor more than 30 days prior to the hearing to ~~all owners of property, according to the records available to the City within 350 feet of each parcel included in the request.~~ owners of property within 350 feet of the subject site in the Urban Service Area and within 1,000 feet of the subject property in the Rural Service Area.

**Section 4.** Section 10-31-04 Expiration of Zoning Approvals of the St. Francis Code of Ordinances is hereby amended to read as follows:

- A. Unless otherwise specified by the City Council at the time it is authorized, site plan approvals, a conditional use permit, interim use permit, or variance shall be null and void and expire if the applicant fails to implement such approvals and fulfill each and every condition attached thereto within one (1) year from the date of its authorization unless a petition for an extension of time in which to implement the approved plans has been granted by the Zoning Administrator provided that:
  - 1. The extension is requested in writing and filed with the City at least 30 days prior to the expiration of the initial request.
  - 2. The request for extension states facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the approval.
  - 3. A maximum of one (1) administrative extension shall be granted.
  - 4. The extension shall not exceed 90 days from the initial expiration date.
  - 5. There shall be no charge for the filing of a petition for an administrative extension.
- B. ~~Upon receiving a recommendation from the Planning and Zoning Commission and City staff,~~ **The** City Council may grant an extension of greater than 90 days provided that:
  - 1. The conditions described in Items A.1 through A.3, above, are satisfied.
  - 2. The extension shall not exceed one (1) year from the initial expiration date.
  - 3. The filing of a petition for extension is subject to fee requirements established by City Council resolution.

**Section 5.** Section 10-31-06 Performance Agreement is hereby added to the St. Francis Code of Ordinances and reads as follows:

- A. Performance Security. The performance agreement shall require the applicant to provide financial security to assure compliance with the agreement and conditions of the approval. The security may be in the form of a surety bond, cash escrow, certificate of deposit, irrevocable letter of credit, securities, ~~or~~ cash deposit, or other forms as deemed acceptable by the City Attorney. The security shall be in an amount determined by the City Engineer or Building Official under the direction of and approved by the Council, to cover estimated costs of labor and materials for the proposed improvements or development. The costs may include, but not be limited to, public improvements, landscaping, stormwater, grading, and wetland protection. The project can be handled in stages with prior approval of the City.
- B. Security Release. The City shall hold the security until at least partial completion of the proposed improvements or development, and if applicable, a certificate of occupancy indicating compliance with the application approval and Building Code of the City has been issued by the City Building Official. The security may be held longer to ensure performance of the installation.

**Section 6.** Section 10-35-02 Variance Procedures of the St. Francis Code of Ordinances are hereby amended to read as follows:

- B. Planning and Zoning Commission Review. The Planning and Zoning Commission shall hold an application review, preceded by mailed notice to all property owners within 350 feet of the subject property in the Urban Service Area and within 1,000 feet of the subject property in the Rural Service Area, in consideration of granting the variance request.

**Section 7.** Section 10-37-03 PUD Procedure of the St. Francis Code of Ordinances is hereby amended to read as follows:

D. Preliminary Plan Stage

3. Review and Action on the Preliminary Plan

- d. The Planning and Zoning Commission shall hold a public hearing on the Preliminary Plan. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least 10 days prior to the hearing. The City shall mail written notification of the Preliminary Plan to property owners located within 350 feet of the subject site in the Urban Service Area and within 1,000 feet of the subject site in the Rural Service Area. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

**Section 8.** Section 10-41-12 Septic System Setback of the St. Francis Code of Ordinances is hereby added to read as follows:

**10-41-12 Septic System Setback**

Unless otherwise determined by the Zoning Administrator, all structures shall be set back from individual septic systems in accordance with MPCA requirements.

**Section 9.** Section 10-43-02 Uses of the St. Francis Code of Ordinances is hereby amended to read as follows:

A. Table 10-43-1 Principal Use Table – Residential Districts

Use Type	Zoning District			
	RR	R-1	R-2	R-3
Public, Social, or Health Care				
Place of worship	PS	PS	PS	PS
<u>Sacred community</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>

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

Use Type	Zoning District			
	RR	R-1	R-2	R-3
<u>Sacred community</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>

**Section 10.** Section 10-44-02 Principal Uses in Business Districts of the St. Francis Code of Ordinances is hereby amended to read as follows:

A. Table 10-44-1 Principal Use Table – Business and Industrial Districts

Use Type	Zoning District				
	B-1	B-2	BPK	I-1	I-2
Public, Social, or Health Care					
Place of worship	PS	PS			
<u>Sacred community</u>	<u>PS</u>	<u>PS</u>			
Arts, Entertainment, or Recreation					
Commercial recreation, indoor	<u>P</u>	P	P		
Utilities					
Telecommunication structure or tower		<u>C</u>	PS	PS	PS

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

Use Type	Zoning District				
	B-1	B-2	BPK	I-1	I-2
<u>Sacred community</u>	<u>PS</u>	<u>PS</u>			

**Section 11.** Section 10-62-05 Sacred Community is hereby added to the St. Francis Code of Ordinances and reads as follows.

**10-62-05 Sacred community.**

Any sacred community use shall meet all requirements listed in MN Stat 327.30.

**Section 12.** Section 10-68-05 Compost Structures and Firewood Piles of the St. Francis Code of Ordinances is hereby amended to read as follows:

- A. Compost structures and firewood piles shall be considered accessory uses but not buildings, shall be limited to rear yards, ~~shall be subject to setback and other requirements of this Ordinance,~~ and shall not exceed six (6) feet in height. In the Urban Service Area, firewood piles shall not exceed one (1) cord in measurement.

**Section 13.** Section 10-68-21 Sacred Community is hereby added to the St. Francis Code of Ordinances and reads as follows.

**10-68-21 Sacred community.**

Any sacred community use shall meet all requirements listed in MN Stat 327.30.

**Section 14.** Section 10-71-03 Waste, Refuse, and Recyclable Material of the St. Francis Code of Ordinances is hereby amended to read as follows:

- d. *Abandoned, Unlicensed, or Inoperable Vehicles.* Passenger automobiles and trucks not currently licensed by the State, or which are because of mechanical deficiency incapable of movement under their own power, parked or stored outside for a period in ~~exceed~~ **excess** of 30 days, and all materials stored outside in violation of City Code provisions are considered refuse or junk and shall be regulated in the manner provided for by the Chapter 8 of the City Code, Public Protection.

**Section 15.** Section 10-73-02 Fence of the St. Francis Code of Ordinances is hereby amended to read as follows:

D. District Standards:

1. In the RR, R-1, R-2, and R-3 Districts, fencing shall be restricted to a height of six (6) feet for side and rear yards and a height of four (4) feet within the front yard setback. All fences shall be residential in nature such as wrought iron, vinyl, split-rail, or board and picket. Fencing extending beyond the front- or street-facing façade of any structure shall be ornamental in character and may not be chain link. Barbed wire, electric, and other agricultural fences may be used in the RR District in conjunction with a legally permitted use in Section ~~8-3-3 of the City Code, Animals and Fowl Keeping, Transporting, Treatment, Housing~~ **10-68-11 Keeping of Animals or Fowl.**
2. In the A-1, A-2, and UR Districts, all fencing for non-agricultural purposes shall be no taller than six (6) feet in height.
3. In the B-1 and B-2 Districts, fencing is not allowed between the principal structure and any public right-of-way. Fences shall be no greater than six (6) feet in height. Fences no greater than four (4) feet in height may be permitted with a Conditional Use Permit in front of the principal structure.
4. In the BPK, I-1, and I-2 Districts, fences shall be no greater than eight (8) feet in height. Fences greater than four (4) feet in height shall not be placed in the front yard. Fences greater than eight (8) feet in height may be permitted with a Conditional Use Permit when meeting all district setbacks.
5. Fences up to sixteen (16) feet in height may be allowed in any district provided the fence is used as an enclosure for a tennis or sport facility.
6. Erosion control fences are permitted in all districts in conjunction with a permitted activity.
7. It is unlawful for any person to erect or maintain a barbed wire fence upon his or her property, which fence is less than six (6) feet above the ground and within three (3) feet of a sidewalk or public right-of-way except in those areas in which the owners are permitted to keep, stable or board animals under the provisions of the City Code.

**Section 16.** Section 10-73-04 Required Landscaping is hereby added to the St. Francis Code of Ordinances and reads as follows:

- E. Landscape Guarantee. All new plants shall be guaranteed for twelve (12) months from the time all planting has been completed and a certificate of occupancy has been issued. All plants shall be alive, of good quality, with no signs of stress, and disease free at the end of the warranty period or they shall be replaced. Any replacements shall be warranted for 12 months from the time of replacement. Prior to the issuance of a Certificate of Occupancy, the City may require a Performance Bond, with a corporation approved by the City as surety thereon, or other guarantee acceptable to the City, in an amount to be determined by the City, ~~but for not less than one and one-half (1½) times and no more than two (2) times the amount estimated by the City as the cost of completing said landscaping and screening.~~

**Section 17.** Section 10-83-04 Wetland Management Plan of the St. Francis Code of Ordinances is hereby amended to read as follows:

Every applicant for a building permit with 20,000 square feet or more of land disturbance, subdivision approval, or a permit to allow for excavation, filling, grading, or other such activity, when adjacent to, abutting, or on a parcel containing a wetland, must submit a Wetland Management Plan to the City Engineer for review and approval. At a minimum these pollution abatement control practices must conform to those in the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas."

- A. The Wetland Management Plan and the Grading Plan. The wetland management plan measures and limits the area of disturbed surface and identifies the location of buffers. All land disturbance activities and buffers shall be marked on the approved grading plan, and identified with flags, stakes, signs, fences, etc. on the development site before work begins.
- B. Inspections of the Wetland Management Plan Measures. At a minimum such inspections shall be done monthly to assure protection of the wetland and surrounding buffer.
- C. Minimum Requirements of the Wetland Management Plan.
  - a. This plan is a supplement to the required Stormwater Pollution Prevention Plan. The requirements of the SWPPP are identified in Part 10-82-00 of this Ordinance.
  - b. Phasing of construction: time frames and schedules for the construction in the vicinity of the wetlands.
  - c. A map of the existing wetlands and existing native buffers.
  - d. A site construction plan that includes the proposed land disturbing activities, stockpile locations, erosion and sediment control plan, construction schedule, and the plan for the maintenance and inspections of the wetland management plan's measures.
  - e. Designate the site's areas that have the potential for serious erosion problems that may impact the wetlands on or adjacent to the site.
  - f. Permanent stabilization: The plan shall establish the manner in which buffer areas will be stabilized after construction is completed, including buffer width and type of vegetation, specifications, time frames or schedules, and maintenance procedures.

~~g. Buffer widths shall be dependent on the priority of the wetland as addressed in the "Wetland Standards" Amendment to the Upper Rum River Watershed Management Organization (URRWMO) Watershed Management Plan. The priority of the wetland is determined by the MnRAM criteria provided in the Amendment.~~

- ~~i. A copy of the referenced Amendment will be made available upon request.~~
- ~~ii. A summary of the Wetland Classifications are provided below.~~

<del>Wetland Classes</del>	<del>Purpose</del>
<del>High Priority Wetlands</del>	<del>Wetlands that highly serve both water quality treatment and wildlife habitat target functions</del>
<del>Moderate Priority Wetlands</del>	<del>Wetlands that highly serve one of the two above reference target functions</del>
<del>Low Priority Wetlands</del>	<del>Wetlands that do not highly perform either of the target functions</del>
<del>Use Wetlands</del>	<del>Wetlands created for stormwater management</del>

~~iii. A summary of the required buffer widths are provided below.~~

<del>Wetland Classes</del>	<del>Minimum Buffer Width</del>
<del>High Priority Wetlands</del>	<del>25 feet</del>
<del>Moderate Priority Wetlands</del>	<del>20 feet</del>
<del>Low Priority Wetlands</del>	<del>16.5 feet</del>
<del>Use Wetlands</del>	<del>16.5 feet</del>

~~h. **A minimum 16.5 foot perennially vegetated buffer is required at the boundary of any wetland on or adjacent to a site.** Buffer widths for wetlands on or adjacent to a site shall meet or exceed the above mentioned criteria. At the minimum a 16.5 foot wide protective buffer strip of, ~~if~~ possible, predevelopment vegetation shall surround all wetlands. Native vegetation is recommended.~~

- ~~i. **Buffer averaging may be used with City Council approval.**~~
- ~~ii. Detailed buffer design shall be site specific.~~
- ~~iii. For newly constructed buffers site specific design criteria should follow common principles and the example of nearby natural areas. The site should be examined for existing buffer zones and mimic the nearby slope structure and vegetation as much as possible. Buffer design and protection during construction should do any or all of the following: slow water runoff, trap sediment, enhance water filtration, trap fertilizers, pesticides, pathogens, heavy metals, trap blowing snow and soil, and act as corridors for wildlife. How much stress is put on these functions will determine the buffer zone's final configuration. The Minnesota Department of Natural Resources requires permits when vegetation is introduced downgrade of a water's "ordinary high water~~

mark." The Minnesota Department of Natural Resources' area hydrologist defines the ordinary high water mark. Planting permits are obtained from the Minnesota Department of Natural Resources' regional fisheries office.

- iv. The applicant and/or property owner shall maintain the buffer strip.
- v. Drain tiles on the development site shall be identified and rendered inoperable.
- vi. Buffer strips may be made into perpetual conservation easements.
- vii. Buffer strips shall be marked as such with permanent signs.

**Section 18.** Section 10-91-02 Prohibited Signs of the St. Francis Code of Ordinances is hereby amended to read as follows:

The following signs are prohibited within the City:

- A. Sign attached to any tree, public sign or utility poles.
- B. Sign constructed of a material not of a permanent nature.
- C. Projecting sign. Projecting signs shall project no further than two (2) feet from the wall to which they are anchored. No sign, or portion thereof, shall project over public property.
- D. Roof sign.
- E. Sign which by reason of position, movement, shape, illumination or color would constitute a traffic hazard to oncoming traffic.
- F. Sign noticeably moving as a result of normal wind pressure.
- G. Sign containing obscene ~~language or graphics.~~ content.
- H. Abandoned signs for which no legal owner can be found.
- I. Search-lights.
- J. Signs imitating or resembling official traffic or governmental signs or signage.
- K. Signs placed on vehicles or trailers which are parked or placed for the primary purpose of displaying said sign except for portable signs or lettering on buses, taxis, or vehicles operating during the normal course of business.
- L. Any sign placed within 30 feet of any intersection that may obstruct motorist or pedestrian visibility.
- M. Signs which blink, flash, or are animated.

**Section 19.** This Ordinance shall take effect and be enforced from and after its passage and publication according to law.

Approved and adopted by the City Council of the City of St. Francis this 5<sup>th</sup> day of February, 2024.

SEAL

CITY OF ST. FRANCIS

By: \_\_\_\_\_  
Joseph Muehlbauer, Mayor



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Attest: Jennifer Wida, City Clerk

DRAFTED BY:

**HKGi**

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