

CHAPTER 10 ZONING

10-31-04 Expiration of Zoning Approvals

- 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, t~~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.

Public Hearing Standards

10-31-03 Application Procedure.

- 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.

10-35-02 Variance Procedures

- 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.

10-37-03 PUD Procedure

- 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.

11-35-05 Preliminary Plat Procedures

E. Public Hearing and Planning and Zoning Commission

- 2. Notice and Hearing. The Planning and Zoning Commission shall hold a public hearing on the proposed preliminary plat. 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 proposed preliminary plat 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.

Sacred Settlements

10-22-11 M.

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

10-23-17 S.

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.

10-43-02 Uses

Tables 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>

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>

10-44-02 Uses

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>			

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>			

10-68-21 Sacred community.

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

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.

10-44-02 Principal Uses in Business Districts

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
Commercial recreation, indoor	<u>P</u>	P	P		
Telecommunication structure or tower		<u>C</u>	PS	PS	PS

10-68-05 Compost structures and firewood piles

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.

10-71-03 Waste, refuse, and recyclable material.

- 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.

10-73-02 Fence

D. District Standards:

1. 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. 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. 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. 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. 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. 6.Erosion control fences are permitted in all districts in conjunction with a permitted activity.
7. 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.

10-83-04 Wetland management plan.

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.
 - 1. 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.
 - 2. Phasing of construction: time frames and schedules for the construction in the vicinity of the wetlands.
 - 3. A map of the existing wetlands and existing native buffers.
 - 4. 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.
 - 5. Designate the site's areas that have the potential for serious erosion problems that may impact the wetlands on or adjacent to the site.
 - 6. 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.
 - ~~7. 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.

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

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

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

Wetland Classes	Minimum Buffer Width
High Priority Wetlands	25 feet
Moderate Priority Wetlands	20 feet
Low Priority Wetlands	16.5 feet
Use Wetlands	16.5 feet

- 8. ~~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.

- a. Buffer averaging may be used with City Council approval.
- b. Detailed buffer design shall be site specific.
- c. 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.
- d. The applicant and/or property owner shall maintain the buffer strip.
- e. Drain tiles on the development site shall be identified and rendered inoperable.
- f. Buffer strips may be made into perpetual conservation easements.
- g. Buffer strips shall be marked as such with permanent signs.

10-91-02 Prohibited Signs

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.

Letter of Credit Amounts

10-31-06. Performance Agreement.

- 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 acceptable by the City Engineer or Building Official. 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.

10-73-04.E. Required landscaping.

- 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.

CHAPTER 11 SUBDIVISION

Metes and Bounds

11-31-04 Metes and bounds.

Conveyances by metes and bounds may only be allowed in the following cases: shall be prohibited except in the following cases:

- A. A subdivision meeting the qualifications and following the procedures of Administrative Adjustment in Part 11-32-00.

- B. A subdivision creating no more than one (1) new lot and both resulting lots are 10 acres or greater in size with 300 feet or more of frontage. Divisions by metes and bounds creating new parcels shall follow the same procedure as established for a preliminary plat. Application requirements may be waived at the discretion of the Zoning Administrator.
- ~~C. Divisions by metes and bounds creating new parcels shall follow the same procedure as established for a preliminary plat. Application requirements may be waived at the discretion of the Zoning Administrator.~~

11-32-01 Administrative Adjustment Applicability

An administrative adjustment application shall be submitted to the City when any of the following apply:

- A. An applicant is proposing to relocate a property line(s) without increasing or decreasing the number of parcels and where all parcels meet Code requirements;
- B. Lot combination; or
- ~~C. Conveyance by metes and bounds as specified in Section 11-31-04.~~
- D. In the case of a request to divide a base lot, which is a part of a recorded plat upon which has been constructed a two- to four-unit dwelling, townhouse, or rowhouse, where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or structure to be in violation of this Ordinance, Chapter 10 of the City Code, Zoning, or the State Building Code.
- E. The subdivision of multiple tenant commercial and industrial buildings in conformance with any applicable provisions of the St. Francis Zoning Ordinance.

11-33-04 Minor Subdivision

11-33-04 Procedure.

- A. Application. A development application form with required fees shall be submitted to the City of St. Francis.
- B. The Zoning Administrator shall review the application and plans and refer them to City Staff for review.
- C. Additional Notice. Minor subdivision of land abutting upon any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review of the Minnesota Department of Transportation and/or County Highway Department. Written notice and a copy of the proposed administrative subdivision shall be filed with the Minnesota Department of Transportation and/or County Highway Department for review and comment. Final action on ~~an administrative~~ a minor subdivision shall not be taken until the minimum 30 day review period has elapsed or until all referenced parties have signed off, whichever first occurs.
- D. The City Council shall review and approve, approve conditionally, or deny the minor subdivision application.
- E. The City Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.
- F. Following the decision by the City Council, the Zoning Administrator shall notify the applicant in writing of the Council's action and reasons thereof.
- G. Recording.

1. If the administrative minor subdivision is approved by the Zoning Administrator, the applicant shall record the deed, and the accompanying survey, in the Office of the County Recorder within 60 days after the date of approval or as approved by the Zoning Administrator, otherwise the approval of the administrative minor subdivision shall be considered void.
2. When the land for which the administrative minor subdivision abuts a State highway, County road, or County highway, a certificate or other evidence showing submission of the administrative minor subdivision to the Minnesota Department of Transportation and/or County Highway Department shall be filed with the County Recorder of Deeds, with the administrative minor subdivision.

CHAPTER 4 BUILDING REGULATIONS AND PERMITS

4-4-2 Location outside manufactured home parks.

- A. It is unlawful for any person to park any manufactured home or recreational camping vehicle, as defined herein or in any other provisions of the City Code, on any street, alley or highway, or other public place, or on any tract of land owned by any person, occupied or unoccupied within the City, except as provided in this Section or other City Code provisions. No manufactured home which does not meet the standards set out herein shall be permitted within the City unless the same was located herein on the effective date of this Subparagraph.
- B. Emergency stopping or parking is permitted on any street, alley, or highway for not longer than three (3) hours subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or City Code provisions for that street, alley or highway.
- C. It is unlawful for any person to park or occupy any manufactured home or recreational camping vehicle on the premises of any occupied dwelling, or any lot which is not a part of any occupied dwelling, either of which is situated outside of an approved manufactured home park; except:
 1. The parking of manufactured homes in accordance with Minnesota Statute 462.357 subd. 1.
 2. The parking of only one manufactured home unoccupied is permitted, providing no living quarters shall be maintained or any businesses practiced in said manufactured home while such manufactured home is so parked or stored. Said manufactured home shall maintain a setback distance of at least ten (10) feet from other buildings, alleys and property lines, thirty-five (35) feet from City streets, and seventy-five (75) from all other highways.