



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

PLANNING COMMISSION MEETING

City Hall - Council Chambers

January 22, 2008 – 6:00 p.m.

A. CALL TO ORDER

B. ELECTION OF CHAIRPERSON

C. APPROVAL OF MINUTES

- **November 19, 2007 regular meeting**

D. PUBLIC HEARINGS

- **Consider amendments to Appendix B – Zoning Ordinance of the Bayport City Code**

E. OLD BUSINESS

F. NEW BUSINESS

- **Consider approval of 2008 application due dates and meeting calendar**

G. GENERAL INFORMATION

H. OPEN FORUM

I. ADJOURNMENT

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
November 19, 2007
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Chairperson Mabie called the regular Bayport Planning Commission meeting of November 19, 2007, to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Chairperson Tom Mabie, Commissioners David Levy, Jennifer Schneider, Judith Seeberger and Ron Wolfe

Commissioners Absent: None

City Staff Present: City Administrator Mike McGuire, City Engineer Barry Peters, City Council Liaison Sharon Ridgway, and Assistant City Administrator/Planner Sara Taylor

APPROVAL OF MINUTES

It was moved by Commissioner Schneider and seconded by Commissioner Wolfe to approve the August 20, 2007 meeting minutes as presented. Motion carried.

PUBLIC HEARINGS

Consider a draft to the city's comprehensive plan: Engineer Peters noted the city's comprehensive plan was last updated in 1999, with minor revisions in 2002. The purpose of this meeting is to review the current process, provide an overview of the comprehensive plan document and take public comment that will be reported to the City Council. The city held the required public open house on November 10, 2007, and the City Council will consider a recommendation to forward the plan to adjoining municipalities. Final approval of the new comprehensive plan must be completed by September 2008. If major recommendations are proposed by the adjoining municipalities during their review process, the plan would be brought back for further Planning Commission consideration. Engineer Peters reviewed the proposed plan in detail, noting there are no significant changes anticipated in land use.

Planning Commissioners voiced the following comments/concerns with the proposed plan:

- Questioned the accuracy of the population projections, particularly beyond 2010.
- Questioned the increase in low density residential housing, given the fact that the city is landlocked and the Inspiration development has its own land use category.
- Questioned the 1,100 employment increase at Andersen Corporation.

Administrator McGuire stated that the figures were provided by the Metropolitan Council, and the city will have the opportunity to comment on the numbers.

- Questioned whether the land use map reflected accurate commercial usage since some properties operate under conditional use permits. *Staff will verify the land use status.*
- Recommended that the open space in the Inspiration development be indicated as a natural features buffer zone, since it is in a Minnesota land trust. Currently, the space is designated as residential.

- Questioned whether future changes anticipated because of the new St. Croix River Bridge should be included in the land use map. *Staff did not feel this would have an impact; however staff will follow-up on a proposed trail.*
- Correction needed on the number of units in Inspiration – should be 328, not 358 – on the land use table on page 8.
- Recommended rewording sentence regarding available land for industrial development on page 12.
- Questioned whether it is the city’s goal to limit growth as stated on page 12.
- Questioned whether the city must use 2000 census information, which reflects an extremely low median home value, and whether Bayport housing values remain at the lower end of the market spectrum on page 12.
- Questioned what the historical nature of the city is and whether further definition should be included.
- Recommended adding a design standard for residential areas regarding environmental concerns, e.g., impervious surface, rain gardens, etc.
- Discussed options for relieving traffic congestion caused by Andersen Corporation workers and recommended adding language that the city is exploring safety alternatives for students crossing Highway 95 near Andersen Elementary School. It was suggested adding this to the “Capacity and Safety Issues” section on page 21.
- Recommended revising statements on page 23-24 regarding no development west of Bayport
- Recommended adding a statement to encourage adjoining communities to work together to add bicycle/pedestrian trails.
- Correctly reflect Lakeside Park, not Central Park (throughout document).
- Recommended rewording “annexation possibilities” on page 27.
- Recommended adding residents north of Lakeside Park as having their own water well service on page 29.
- Recommended adding information on the water treatment plant for TCE on page 29
- Recommended adding stormwater management practices to page 31.
- Recommended removing information on spot peak discharges to the MCES plant and required follow-up action on page 37.
- Recommended adding rain gardens to surface water management plan on page 38.
- Recommended adding trails in Inspiration to Existing Parks & Trails Map on page 40.

No comments were made by the public at the hearing.

It was moved by Commissioner Schneider and seconded by Commissioner Seeberger to close the public hearing. Motion carried.

It was moved by Commissioner Seeberger and seconded by Commissioner Wolfe to recommend to the City Council to approve, with comments discussed, a draft of the updates to the city’s comprehensive plan.

A copy of the proposed changes will be distributed to the Planning Commissioners the week of November 25th.

OLD BUSINESS - None

NEW BUSINESS - None

GENERAL INFORMATION

1. Administrator McGuire noted that St. Croix Prep is proposing to build a new K-12 school in Baytown Township, directly west of Inspiration. The City of Bayport would be asked to provide city sewer and water.

OPEN FORUM - None

ADJOURN

It was moved by Commissioner Levy and seconded by Commissioner Schneider to adjourn the meeting at 7:26 p.m. Motion carried.

MEMORANDUM

DATE: January 15, 2008

TO: Planning Commission (January 22nd meeting)
Mike McGuire, City Administrator

FROM: Sara Taylor, Assistant City Administrator/Planner

SUBJECT: Public hearing to consider amendments to Appendix B – Zoning Ordinance of the Bayport City Code

A. BACKGROUND

Over the past few months, staff has been working on updating certain sections of the city's zoning ordinance to be consistent with other communities and common zoning practices in the metropolitan area, as well as correct minor grammatical errors and clarify text. The following is a list of the proposed sections to be amended:

- Section 301 – Definitions (building height, setback)
- Section 505 – Conditional Use Permits (application)
- Section 507 – Planned Unit Development (application)
- Section 508 – Amendments (application)
- Section 509 – Permits (moving permits)
- Section 702 – Principal Building (completion of improvements)
- Section 703 – Accessory Buildings and Structures (area, setbacks, completion of improvements)
- Section 712 – Parking (motor vehicle sales establishments)
- Section 724 – Noise Control (duration of sound)
- Section 727 – Signs (definitions, regulations)
- Section 729 – Livestock (small birds and fowl)

B. STAFF COMMENTS

The existing text for these sections is listed below, along with the amended text, as recommended by staff. A reason for why the text is recommended for amendment is also included.

Section 301 – Definitions (building height, setback)

- (1) **Existing text:** *Building height.* The vertical distance between the lowest grade level at the building line and the uppermost point on the roof
- Proposed text:** *Building height.* The vertical dimension, measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story, in the case of a flat roof, to the deck line of a mansard roof and to the average height between the top plate and ridge of a gable, hip, or gambrel roof.
- Reason for change:** The existing text is inconsistent with surrounding communities, which use the average grade to measure the height to the average midpoint of the roof.

(2) **Existing text:** *Height measurement.* The height of all buildings shall be measured from the highest elevation of the finished grade adjoining the structure to the highest point on the structure

Proposed text: None - delete text in its entirety.

Reason for change: The existing definition is inconsistent with the definition for building height and is unnecessary.

(3) **Existing text:** *Setback* The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

Proposed text: *Setback* The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by ordinance, with the exception of permitted encroachments on required yards, as listed in section 602.03 of this ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

Reason for change: Section 602.03 lists permitted encroachments into setback requirements for certain structural, architectural, or accessory components. i.e. eaves, awnings, chimneys, etc.

Section 505 – Conditional Use Permits (application)

(1) **Existing text:** 505.03 Application. (11) A map showing all principal land use within 300 feet of the parcel for which the application is being made, required by planning commission.

The application form shall be accompanied by an accurate list showing the names and the mailing addresses of the record owners of all the property within a minimum of 300 feet of the property for which the conditional use permit is sought, verified as to accuracy by the applicant

Proposed text: 505.03 Application. (11) A map showing all principal land use within 350 feet of the parcel for which the application is being made, required by planning commission

The application form shall be accompanied by an accurate list showing the names and the mailing addresses of the record owners of all the property within a minimum of 350 feet of the property for which the conditional use permit is sought, verified as to accuracy by the applicant.

Reason for change: The public hearing process requires that notification be mailed to all property owners within 350 feet of the subject property. To be consistent, all maps and mailing address should include properties within 350 feet.

Section 507 – Planned Unit Development (application)

(1) **Existing text:** 507.04. General concept review. (5)(d) Neighboring landowners The applicant shall submit a licensed abstractor's certificate showing the names and addresses of the record owners of all property located within a minimum of 300 feet of all the contiguous property in which the applicant has legal or equitable property interest.

Proposed text: 507.04. General concept review. (5)(d) Neighboring landowners. The applicant shall

submit a licensed abstractor's certificate showing the names and addresses of the record owners of all property located within a minimum of 350 feet of all the contiguous property in which the applicant has legal or equitable property interest

Reason for change: The public hearing process requires that notification be mailed to all property owners within 350 feet of the subject property. To be consistent, all maps and mailing address should include properties within 350 feet.

(2) **Existing text:** 507.06. Requirements of general development plan. (3) The names of all property owners within 300 feet of the development site shall be shown on the map attached thereto.

Proposed text: 507.06. Requirements of general development plan. (3) The names of all property owners within 350 feet of the development site shall be shown on the map attached thereto.

Reason for change: The public hearing process requires that notification be mailed to all property owners within 350 feet of the subject property. To be consistent, all maps and mailing address should include properties within 350 feet.

Section 508 – Amendments (application)

(1) **Existing text:** 508.03 Application. (11) A map showing all principal land use within 300 feet of the parcel for which application is being made, if required by planning commission. The applicant shall supply proof of ownership of the property for which the amendment is requested consisting of an abstract of title or registered property certificate, certified by a licensed abstractor, together with any unrecorded documents whereby the petitioners acquired legal or equitable ownership. The application form shall be accompanied by an accurate list showing the names and the mailing addresses of the record owners of all the property within a minimum of 300 feet of the property for which the amendment is sought, verified as to accuracy by the applicant.

Proposed text: 508.03 Application. (11) A map showing all principal land use within 350 feet of the parcel for which application is being made, if required by planning commission. The applicant shall supply proof of ownership of the property for which the amendment is requested consisting of an abstract of title or registered property certificate, certified by a licensed abstractor, together with any unrecorded documents whereby the petitioners acquired legal or equitable ownership. The application form shall be accompanied by an accurate list showing the names and the mailing addresses of the record owners of all the property within a minimum of 350 feet of the property for which the amendment is sought, verified as to accuracy by the applicant.

Reason for change: The public hearing process requires that notification be mailed to all property owners within 350 feet of the subject property. To be consistent, all maps and mailing address should include properties within 350 feet.

Section 509 – Permits (moving permits)

(1) **Existing text:** 509.02 Moving permits (2) Prior to the moving of any structure into or within the City of Bayport, the applicant shall provide the city with written acknowledgement from the owners of at least 75 percent of the land parcels within a radius of 300 feet of the boundaries of the land on which the building or structure is located. This acknowledgement must state that the applicant has reviewed the proposed plans with

each landowner and that the landowner has the right to object or comment about the plans to the city.

Proposed text: 509.02 Moving permits. (2) Prior to the moving of any structure into or within the City of Bayport, the applicant shall provide the city with written acknowledgement from the owners of at least 75 percent of the land parcels within a radius of 350 feet of the boundaries of the land on which the building or structure is located. This acknowledgement must state that the applicant has reviewed the proposed plans with each landowner and that the landowner has the right to object or comment about the plans to the city.

Reason for change: To be consistent with other notification processes in the zoning ordinance, the radius for acknowledgement should include properties within 350 feet.

Section 702 – Principal Building (completion of improvements)

(1) **Existing text:** None

Proposed text: 702.07 The final exterior finish for an addition, alteration, or improvement to the exterior of a principal building shall be substantially completed within 6 months from the time the building permit was issued for the project.

Reason for change: The proposed text will specify a timeframe for when exterior work must be completed, to avoid unsightly conditions and incomplete work.

Section 703 – Accessory Buildings and Structures (area, setbacks, completion of improvements)

(1) **Existing text:** 703.01 Types of accessory buildings (1) Storage or tool sheds. A one-story accessory building of less than 160 square feet gross area with a maximum roof height of 12 feet. No door or other access opening in a storage or tool shed shall exceed 28 square feet in area.

Proposed text: 703.01 Types of accessory buildings. (1) Storage or tool sheds. A one-story accessory building of less than 120 square feet gross area with a maximum roof height of 12 feet. No door or other access opening in a storage or tool shed shall exceed 6 feet in width and a total of 32 square feet.

Reason for change: The reference to 160 square feet is a typo. It should read 120 square feet, as referenced elsewhere in the zoning ordinance and building code. To eliminate the potential for vehicle storage, the maximum opening shall be limited to 6 feet

(2) **Existing text:** 703.05. No accessory building used or intended for the storage of passenger automobiles shall exceed 1,000 square feet of gross area nor shall any structure exceed one story in height except when said garages are located in business, industrial or planned unit developments. On parcels of 20,000 square feet in area or less, no detached garages shall exceed 1,000 square feet in gross floor area.

Proposed text: 703.05. The total aggregate area of residential accessory buildings per lot, attached and detached, shall not exceed the lesser of 1,000 square feet or 10% of the total lot area. In addition, the height of such structure shall not exceed the lesser of one story, up to a maximum of 17 feet, or the height of the principal structure on the lot, except when said structures are located in business, industrial or planned unit developments.

Reason for change: The existing text is inconsistent with the chart of permitted uses of accessory buildings in section 703.02. The proposed text will make both sections consistent with one another, as well as current practice and interpretation.

(3) **Existing text:** 703.11. All accessory buildings, including detached residential garages, shall have a minimum five-foot setback, measured from eave dripline, from interior rear or side lot lines, providing a ten-foot separation to adjacent buildings on abutting lot is maintained. "Interior lot line" means any side or rear lot line that is common with the side or rear lot line of an adjacent lot. Accessory buildings on lake or stream frontage lots may be located between street and principal structures provided that physical conditions of the lot would require such a location, as determined by the zoning administrator. Accessory buildings shall not be permitted within 20 feet of any public right-of-way except when a lot abuts an alley, an accessory building with a vehicle entrance door on the side of the building opposite the alley or on the side of the building that is perpendicular to the alley, may be permitted a seven-foot minimum setback, measured to eave dripline, from the alley right-of-way. All accessory buildings including detached residential garages shall have a minimum seven-foot setback from the alley right-of-way, measured from the eave dripline.

Proposed text: 703.11. All accessory buildings, including attached and detached residential garages, shall have a minimum 5 foot setback, measured from the eave dripline, from interior rear or side lot lines, providing a 10 foot separation to adjacent buildings on abutting lot is maintained. "Interior lot line" means any side or rear lot line that is common with the side or rear lot line of an adjacent lot.

A residential garage that is attached to the principal structure and contains living space or a potential habitable area above the garage may be set back 5 feet from interior rear or side lot lines, measured to the foundation wall of the structure, provided the living space

Section 724 – Noise Control (duration of sound)

(1) **Existing text:** 724.02 Measurement of noise. Any activity not expressly exempted by this section which creates or produces sound regardless of frequency exceeding the ambient noise

10 minutes - 2 hours	70 db	60 db	50 db
In excess of 2 hours	60 db	50 db	40 db

Reason for change: The existing text included a typo of 6:00 p.m. instead of 8:00 p.m., resulting in a gap of time that did not specify noise restrictions for a 24 hour period. In addition, certain noises that are regulated under the noise pollution control standards set forth by the Minnesota Rules chapter 7030 governed by the Minnesota Pollution Control Agency are not subject to the chart and therefore the text was amended to recognize this regulation.

Section 727 – Signs (definitions, regulations)

(1) **Existing text:** Due to the mass, the existing text that is proposed for amendments is not included in this document. Please refer to this section in Appendix B – Zoning of the Bayport Municipal Code in the paper form or online through the link on the city’s website to compare the existing text with the proposed text. The existing text is proposed to be replaced in its entirety with the text delineated below.

Proposed text: **727.01 Purpose.** The purpose of this section is to protect and retain the natural and scenic beauty of the roadsides within the City of Bayport. By the construction of public roads, the public has created views to which the public retains a right-of-way view, and it is the intent of these standards to prevent the taking of that right.

727.02 Permit required. Except as otherwise provided in this ordinance, no temporary or permanent sign shall be erected, constructed, altered, rebuilt or relocated until a sign permit or conditional use permit for the sign has been issued. The application for a sign permit shall be accompanied by a fee, per the schedule in Appendix D of this Code.

Any sign erected without first obtaining a permit shall be removed by the property owner and /or property manager within 10 days after written notice from the city unless a permit for the sign is applied for and approved by the city within the 10 day period. However, no permit will be required under this ordinance for the following signs:

- (1) Real estate sale signs, provided they comply with all other regulations set forth in this ordinance.
- (2) Political signs, provided they comply with all other regulations set forth in this ordinance.
- (3) Directional and warning signs, provided they comply with all other regulations set forth in this ordinance.

727.03 Definitions. As used in this section, the following words and phrases shall have the meanings indicated:

(1) ***Sign.*** A display, illustration, structure or device which directs attention to an object, product, place, activity, person, institution, organization or business.

(2) ***Sign, advertising.*** A sign that directs attention to a business or profession or to a commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached. Advertising signs shall not be located closer than 300 feet to any other sign on the same side of a street or highway.

(3) ***Sign area.*** The entire area within a continuous perimeter enclosing the face(s) of such sign.

(4) Sign, business. A sign that directs attention to a business or profession or to the commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

(5) Sign, construction. A sign that specifies that a site is temporarily under construction and the contractor responsible for the construction on the site. A construction sign is allowed in all zoning districts, provided it does not exceed 32 square feet in area and it is removed when the project is substantially completed.

(6) Sign, directional. A sign that is considered to be temporary to direct traffic and individuals to a specific temporary event, up to a maximum area of 2 square feet, and 3 feet in height above grade. Such signs may include those for a garage sale, yard sale, open house, or special event. Signs may only consist of the sign face and a stake to post the sign. No other attachments, such as balloons, reflectors, streamers, pennants, etc. are allowed. Signs may only contain name of the event, address, date, and hour(s) and may only be posted 2 hours prior to the event and must be removed within 2 hours after the event, on a daily basis. Directional signs may be placed in the street right-of-way, but no closer than 3 feet to the curb or street edge, as long as the sign does not interfere with traffic or visibility of motorists and/or pedestrians. Signs may not be placed on street sign posts or utility posts.

(7) Sign, flashing. An illuminated sign which has a light source not constant in intensity or color at all times or which produces moving effects through the use of illumination while such sign is in use. Only flashing signs giving time, date, temperature, weather or similar public service information shall be permitted. Signs giving off intermittent, rotating or directional light which may be confused with traffic, aviation, or emergency signaling are prohibited. All signs and displays using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached. No electrically illuminated signs shall be permitted in a residential district.

(8) Sign, illuminated. A sign which is lighted with a constant artificial light source. Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public street or way. No illuminated signs or their support structure shall be located closer than 25 feet to a roadway surface or closer than 10 feet to a road right-of-way line or property line, notwithstanding more restrictive portions of this section. All signs and displays using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached. No electrically illuminated signs shall be permitted in a residential district.

(9) Sign, inside. A sign painted, attached by adhesive, or otherwise attached directly to or visible through windows and glass portions of doors. The regulations contained within this ordinance do not apply to inside signs.

(10) Sign, monument. A sign which is affixed to or engraved into a rock, stone, or boulder that rests directly upon the ground without support.

(11) Sign, motion. A sign that has revolving parts.

(12) Sign, multifaced. A sign that includes text or graphics on more than 1 side. For the purpose of calculating square footage, each side of the sign shall be counted. The total sum of all sides must not exceed the maximum square footage allowed for the sign by the ordinance.

(13) Sign, nameplate. A sign which states the name and/or address of the business, industry or occupant of the site and is attached to said building or site. In commercial and industrial zoning districts, a nameplate sign that includes the name of the business and street address shall be required per building. In single-family residential zoning districts, principal buildings and accessory structures shall be required only to display the street address. For multi-family dwellings or developments consisting of 3 or more units, 1 nameplate sign shall be erected at each main entrance to the development, with a maximum of 70 square feet per sign, and a maximum of 4 signs per development. Each dwelling unit shall be required to display the street address.

(14) Sign, pedestal. A freestanding sign usually erected by one or more poles, braces, or posts, which is solidly affixed to the ground.

(15) Sign, political. Political signs are allowed in any district on private property, with the consent of the owner of the property. Such signs must be removed within 7 days following the date of the election or elections to which they apply.

(16) Sign, projecting. A sign that projects out from the building to which it is attached. Except for marquee signs, signs shall in no case project from a building or structure to any point within 2 feet of a line drawn perpendicularly upward from the property line and no projecting sign shall be less than 9 feet above the sidewalk or the ground level, notwithstanding more restrictive portions of this section.

(17) Sign, real estate. A sign offering property (land and/or buildings) for sale, lease or rent. Real estate sales signs may be placed in any yard providing such signs are not closer than 10 feet to any property line. Real estate development sales signs may be erected for the purpose of selling or promoting a single-family or multiple-family residential project of 10 or more dwelling units, provided signs do not exceed 100 square feet in area, only 1 such sign is erected on each road frontage with a maximum of 3 signs per project, signs are removed when the project is 80 percent completed, sold or leased, and signs are not located closer than 100 feet to any existing residence.

(18) Sign, roof. A sign erected upon or above a roof or parapet of a building. Roof signs are not allowed by this ordinance in any zoning district.

(19) Sign, shopping center or industrial park. A business sign designating a group of more than 3 businesses, shops, or offices.

(20) Sign structure. The supports, uprights, braces and framework of the sign.

(21) Sign, temporary or seasonal. A sign placed on a lot or parcel of land for a period not to exceed 35 days out of any calendar year. The applicant shall pay the fee for temporary or seasonal signs as required by the fee schedule in Appendix D of this Code. Temporary or seasonal permits shall be issued for 1 week time periods only, and the applicant shall pay a separate fee for each sign and each week. No applicant shall receive more than 5 temporary or seasonal sign permits for any calendar year.

(22) Sign, wall. A sign attached to or erected against the wall of a building.

(23) Sign, warning. A sign which warns the public of a danger or hazard in the immediate vicinity and is obviously not intended for advertising purposes.

727.04 Permitted signs in residential districts.

(1) Types of signs allowed: Construction, directional, monument, nameplate, political, real estate, temporary, and wall.

(2) Number and size of each type of sign allowed per lot frontage:

Type	Number allowed	Size not to exceed
Construction	1	32 sq ft
Directional/temporary	2	2 sq ft
Monument	1	16 sq ft
Nameplate	1	3 sq ft
Political	1 for each candidate	16 sq ft
Real estate	1	16 sq ft
Wall	1	16 sq ft

No more than 32 square feet of total sign display area will be permitted at any one time in developed areas, with a 4 foot maximum for any dimension, except as otherwise restricted by this section. No sign shall be so constructed as to have more than 2 surfaces.

(3) Height: The top of the sign shall not exceed 8 feet above the average grade. Directional signs shall not exceed 3 feet above the average grade.

(4) Setback: Any sign over 1.5 square feet shall be set back at least 10 feet from any lot line.

727.05 Permitted signs in commercial districts.

(1) Type of signs allowed: Business, construction, directional, flashing, illuminated, monument, motion, nameplate, pedestal, political, projecting, real estate, shopping center/industrial park for more than 3 businesses, temporary, and wall. Advertising signs allowed by conditional use permit only on lots having frontage of 150 feet or more.

(2) Number and size of each type of sign allowed per lot frontage

Type	Number allowed	Size not to exceed
Advertising	1 with a CUP	2 sq ft of sign per 1 lineal ft of lot frontage
Business	1	2 sq ft of sign per 1 lineal ft of lot frontage
Construction	1	32 sq ft
Directional	2	2 sq ft
Flashing	1	2 sq ft of sign per 1 lineal ft of lot frontage
Illuminated	1	2 sq ft of sign per 1 lineal ft of lot frontage
Monument	1	2 sq ft of sign per 1 lineal ft of lot frontage
Motion	1	2 sq ft of sign per 1 lineal ft of lot frontage
Nameplate	1	100 sq ft
Pedestal	1	2 sq ft of sign per 1 lineal ft of lot frontage
Political	1 for each candidate	35 sq ft
Projecting	1	2 sq ft of sign per 1 lineal ft of lot frontage
Real estate	1	35 sq ft
Shopping center	1	2 sq ft of sign per 1 lineal ft of lot frontage
Temporary	2	35 sq ft
Wall	1	2 sq ft of sign per 1 lineal ft of lot frontage

No sign shall exceed 200 square feet in area. Where a location is a corner lot, the sign area allowed may be increased by 1 square foot of sign area per lineal foot of public right-of-way along a side lot line.

(3) Height: The top of the sign shall not exceed 35 feet above the average grade or building ridge line. Monument signs shall not exceed 12 feet above the average grade. Directional signs shall not exceed 3 feet above the average grade.

(4) Setback: Any sign over 6 square feet shall be set back at least 10 feet from any lot line, notwithstanding more restrictive portions of this section. In no case shall any part of a sign be closer than 2 feet to a vertical line drawn at the property line. All signs over 100 square feet shall be set back at least 50 feet from any residential district.

727.06 Permitted signs in industrial districts.

(1) Type of signs allowed: Advertising (on lots with more than 150 feet of lot frontage), business, construction, directional, flashing, illuminated, monument, motion, nameplate, pedestal, political, projecting, real estate, shopping center/industrial park for more than 3 businesses, temporary, and wall.

(2) Number and size of each type of sign allowed per lot frontage:

<u>Type</u>	<u>Number allowed</u>	<u>Size not to exceed</u>
Advertising	1	2 sq ft of sign per 1 lineal ft of lot frontage
Business	1	2 sq ft of sign per 1 lineal ft of lot frontage
Construction	1	32 sq ft
Directional	2	2 sq ft
Flashing	1	2 sq ft of sign per 1 lineal ft of lot frontage
Illuminated	1	2 sq ft of sign per 1 lineal ft of lot frontage
Monument	1	2 sq ft of sign per 1 lineal ft of lot frontage
Motion	1	2 sq ft of sign per 1 lineal ft of lot frontage
Nameplate	1	100 sq ft
Pedestal	1	2 sq ft of sign per 1 lineal ft of lot frontage
Political	1 for each candidate	35 sq ft
Projecting	1	2 sq ft of sign per 1 lineal ft of lot frontage
Real estate	1	35 sq ft
Shopping center	1	2 sq ft of sign per 1 lineal ft of lot frontage
Temporary	2	35 sq ft
Wall	1	2 sq ft of sign per 1 lineal ft of lot frontage

No sign shall exceed 200 square feet in area. Where a location is a corner lot, the sign area allowed may be increased by 1 square foot of sign area per lineal foot of public right-of-way along a side lot line.

(3) Height: The top of the sign shall not exceed 35 feet in height above the average grade or building ridge line. Monument signs shall not exceed 12 feet above the average grade. Directional signs shall not exceed 3 feet above the average grade

(4) Setback: Any sign over 10 square feet shall be set back at least 10 feet from any lot line, notwithstanding more restrictive portions of this section. In no case shall any part of a sign be closer than 2 feet to a vertical line drawn at the property line. All signs over 100 square feet shall be set back at least 50 feet from any residential district

727.07 Permitted signs in planned unit development districts.

(1) The type, number, size, height and setback shall be regulated as specifically authorized by the terms of the planned unit development permit or according to the zoning district most appropriate to the principal use involved.

727.08 Permitted signs by a conditional use permit.

(1) Where a use is permitted in a zoning district by conditional use permit, the sign for that use shall require a conditional use permit unless the sign is otherwise provided for in this ordinance without a permit. The type, number, size, height, setback, and terms shall be regulated as specifically authorized by the terms of the conditional use permit or according to the zoning district most appropriate to the principal use involved.

(2) Displays, lights directed skyward, pieces of sculpture, fountains or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to an object, product, place, activity, person, institution, organization or business shall require a conditional use permit.

727.09 Restrictions in all zoning districts.

(1) No sign shall be allowed that

(a) prevents egress from any door, window or fire escape

(b) tends to accumulate debris as a fire hazard

(c) is attached to a standpipe or fire escape

(d) constitutes a hazard of health, safety or general welfare of the public

(e) by reason of position, shape, movement, color or any other characteristic, interferes with the proper functioning of a traffic sign or signal, constitutes a traffic hazard, or interferes with traffic control

(f) contains any indecent or offensive picture or written matter

(g) is painted directly on the outside wall of a building, fence, tree, stone or other similar object

(2) No sign, other than temporary directional or warning signs, shall be erected within the public right-of-way of any street or way or other public property. Such signs shall be removed by the city without notice.

(3) Except for more restrictive subsections of this sign section, no sign that exceeds 100 square feet in area shall be erected or maintained which would prevent any traveler on any street from obtaining a clear view of approaching vehicles on the same street for a distance of 500 feet; be closer than 300 feet to a national, state or local park, historic site, picnic or rest area, church or school; be closer than 100 feet to residential structures; partly or totally obstruct the view of a lake, river, rocks, wooded area, stream or other point of natural and scenic beauty.

727.10 Design, construction and maintenance.

(1) Sign design shall compliment the building and/or property on which it will be erected, as well as surrounding properties.

(2) The soil used for the dug-in type of anchor or post support shall be carefully placed and thoroughly compacted. The anchors and supports shall penetrate to a depth below ground greater than that of the frostline.

(3) Signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws of not less than 3/8 inch in diameter, which shall be embedded at least 2 inches. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings with walls of wood.

(4) Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed or structurally improved by the property owner and/or manager within 10 days after written notice from the city.

Reason for change:

A majority of the amendments relate to simplifying, clarifying, and reorganizing text, to make the ordinance easier to follow and understand. Other amendments relate to eliminating obsolete terms or sections that are not consistent with current practice.

Section 729 – Livestock (small birds and fowl)

(1) **Existing text:** 729.01. Hazards and nuisances. On parcels of less than 40 acres which are not part of a larger crop producing commercial agricultural farm, the keeping of horses, cattle or other domestic farm animals on a site with less than two acres of existing grazable land per animal is hereby declared to be a nuisance. No domestic farm animals shall be placed on any site of less than five acres.

729.02. Grazable acres. Grazable acreage shall be defined as open, non-treed acreage currently providing enough pasture or other agricultural crops capable of supporting summer grazing at a density of one animal unit, or its equivalent, per two acres. For purposes of these regulations, the following animal equivalents apply

	Animal units
One slaughter steer or heifer	1
One horse	1
One mature dairy cow	1.4
One swine over 55 pounds	0.4
One sheep	0.1
One turkey	0.018
One chicken	0.01
One duck	0.2

729.03. The keeping of domestic farm animals in greater density than allowed by section 729.01 shall require a conditional use permit. To obtain such permit, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise or other nuisances. The applicant must have a Minnesota Pollution Control Agency feedlot permit for the proposed use.

Proposed text: 729.01. Hazards and nuisances. Keeping of livestock or a domestic farm animal, as defined by the chart in section 729.02, on any site less than 5 acres, with less than 2 acres of existing grazable land per animal is hereby declared to be a nuisance. Keeping of a small bird or fowl, including a chicken (hen), turkey, duck, or pigeon, but excluding caged, indoor household birds, such as a parrot, finch, cockatoo, or canary, without first obtaining a permit is hereby declared to be a nuisance.

729.02. Grazable acres. Grazable acreage shall be defined as open pasture acreage capable of supporting summer grazing at a density of one animal unit, or its equivalent, per 2 acres. For purposes of these regulations, the following animal equivalents apply:

Type of livestock or domestic farm animal	Animal units
1 slaughter steer or heifer	1
1 horse	1
1 mature dairy cow	1.4
1 swine over 55 pounds	0.4
1 sheep	0.1
1 elk	1
1 bison	1

1 goat	0.4
1 llama/ostrich	1

729.03. Permit requirements.

- (1) *Livestock and domestic farm animals* The keeping of domestic farm animals in greater density than allowed by section 729.01 shall require a conditional use permit. To obtain such permit, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise or other nuisances. The applicant must have a Minnesota Pollution Control Agency feedlot permit for the proposed use.
- (2) *Small bird and fowl*. The keeping of small birds or fowl on any site shall require a permit. The duration of the permit is January 1 – December 31 of each year. The annual fee for such permit shall be \$25.00 for up to 2 birds/fowl, which must be paid at the time of application. The city zoning administrator may grant a permit pursuant to this section and the following conditions:
- (a) the applicant shall make written application and agree to adhere to all conditions under which the permit was granted (failure to adhere will result in refusal/revocation)
 - (b) the applicant adheres to a minimum of one inspection of the premises on an annual basis (failure to adhere will result in refusal/revocation)
 - (c) the applicant has received written consent of at least 80% of the property owners within 100 feet of the property for which the permit is sought and can consistently provide this written consent as often as the city deems necessary
 - (d) at no time shall there be more than any combination of 2 birds or fowl on any single or two-family property (no birds or fowl are allowed on any property that contains 3 or more dwelling units)
 - (e) the conditions under which the bird or fowl will be kept and cared for does not constitute a nuisance or health/safety concern
 - (f) the bird or fowl will at no time be contained within a dwelling unit
 - (g) the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive fecal accumulation, odor, noise or other nuisances

The city's zoning administrator or animal control officer may refuse or revoke any permit at any time for unsanitary or unfit conditions

Reason for change: The city received a petition from a resident requesting the ordinance be changed to allow chickens on sites less than 5 acres. Although a relatively new idea, many urban communities are allowing property owners to raise chickens as a source of sustainable, healthy food and/or maintain as pets. The proposed text is modeled after an ordinance created by the City of Minneapolis, which allows small birds and fowl on similar sized lots within residential neighborhoods. Please refer to the attached petition which was referred to the Planning Commission by the City Council.

C. STAFF RECOMMENDATION

If the Planning Commission feels the proposed amendments are appropriate, staff suggests the Planning Commission make a recommendation for City Council consideration. The City Council will consider the request at its meeting on February 4, 2008.

11/28/07

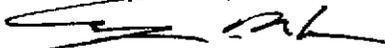
Dear Bayport Council Members,

Recently, Bayport police officers stopped by and informed us that our two pet hens were in violation of Bayport ordinance and deemed a nuisance under our present code. We were asked to remove them within ten days and we have complied. I've met with Chief Laura Eastman and City Administrator, Mike McGuire to discuss the action and reviewed the current code with them. After subsequent conversations with Sara Taylor to consider our options, Lois and I have decided to ask the Council to amend the current code in a manner that would permit limited and responsible pet hen ownership for town residents.

Towns and cities in Minnesota and across the U.S. have done just that. The few households in these towns that decide to keep these interesting and likeable pets purchase permits, are well regulated and must meet nuisance guidelines on par with other responsible pet ownership (cats, dogs, rabbits, ferrets, birds, etc.)

We miss Hoogan and Moonan, the "girls", as we called them, who are temporarily (we hope) staying with our relatives. Quite frankly, we miss the two fresh eggs they provided us each day. Our neighbors who abut our property agree. These hens are quiet, sociable pets that do not pose a nuisance, noise or otherwise

Sincerely,



Corey Mohan

Resources

Ordinance that permits hens in Minneapolis

http://www.animallaw.info/statutes/stusmnodchanhassen_minneapolis.htm#s70

Amended code to permit hens in St. Paul

St. Paul

<http://www.ci.stpaul.mn.us/depts/dsi/pdf/Animals/KeepingofAnimalsPermitRules.pdf>

Amended code to permit hens

Bloomington, IN

<http://www.bloomington.in.gov/code/>

Resource site for those interested in urban chickens

<http://pathtofreedom.com/pathproject/simpleliving/chickens.shtml>



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

DUE DATES AND MEETINGS FOR PLANNING AND ZONING APPLICATIONS IN 2008

<i>Due date for application/fees</i>	<i>Planning Commission Meeting</i>	<i>City Council Meeting</i>
Friday, December 21, 2007	Tuesday, January 22	Monday, February 4
Friday, January 18	Tuesday, February 19	Monday, March 3
Friday, February 15	Monday, March 17	Monday, April 7
Friday, March 21	Monday, April 21	Monday, May 5
Friday, April 18	Monday, May 19	Monday, June 2
Friday, May 16	Monday, June 16	Monday, July 7
Friday, June 20	Monday, July 21	Monday, August 4
Friday, July 18	Monday, August 18	Monday, September 8
Friday, August 15	Monday, September 15	Monday, October 6
Friday, September 19	Monday, October 20	Monday, November 10
Friday, October 17	Monday, November 17	Monday, December 1
Friday, November 14	Monday, December 15	January 2009

*All meetings will be held at 6:00 p.m. at City Hall, unless otherwise noted.
For further information regarding planning and zoning applications or related matters, call Sara Taylor at 651-275-4404.*