

**March 7, 2024
6:30 PM**

The Planning Commission Meeting will be conducted on **March 7, 2024** at 6:30 p.m. in the City Council Chambers of City Hall, located at 2400 Margaret St., North St. Paul.

The Planning Commission also meets via interactive TV under Minn. Stat. 13D.02. Members of the public interested in attending remotely can log in with the following information:

The **March 7, 2024 Zoom meeting can be accessed:**

On Zoom at <https://tinyurl.com/NSPplanning> or

YouTube at <https://tinyurl.com/NSPYouTube>

Additional connection information is available at
<https://www.northstpaul.org/1187/Meeting-Zoom-Links>

I. Call to Order

II. Roll Call

COMMISSION

Patrick Blees, Chair

Andrew Wise, Vice-Chair

Arthur Alvarez, Jr. Commissioner

Stephanie Kane-Burback, Commissioner

Elizabeth Gadbois, Commissioner

Cameron Muhic, Commissioner

Jim Rathe, Commissioner

STAFF/LIAISONS

Jason Nordby, City Council Liaison

Brandy Howe, Community Development Director

Chris Cherne, Planning Commission Secretary

III. Adopt Agenda

IV. Approval of Minutes

A. Approval of January 4, 2024 Meeting Minutes

V. Meeting Open to the Public

- VI. Workshop Discussion**
 - A. Fence Regulations
- VII. Reports**
- VIII. Adjournment**

The next regularly scheduled Planning Commission meeting is Thursday, April 4, 2024.



**Planning Commission
Regular Meeting Minutes
January 4, 2024
6:30 PM**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

I. CALL TO ORDER

Chair Patrick Blees called the meeting to order at 6:30 PM.

II. ROLL CALL

COMMISSION

Patrick Blees, Chair

Andrew Wise, Vice-Chair

Absent

Arthur Alvarez, Jr., Commissioner

Stephanie Kane-Burback, Commissioner

Elizabeth Gadbois, Commissioner

Cameron Muhic, Commissioner

Jim Rathe, Commissioner

STAFF/LIAISONS

Jason Nordby, City Council Liaison

Absent

Brandy Howe, Community Development Director

III. ADOPT AGENDA

Blees asked for a motion to adopt the January 4, 2024 meeting agenda.

M/Rathe, S/Muhic.

Motion carried 6-0.

IV. APPROVAL OF MINUTES

A. Approval of December 7, 2023 Meeting Minutes

Blees asked for a motion to approve the December 7, 2023 meeting minutes.

M/Alvarez, S/Rathe.

Motion carried 6-0.

V. MEETING OPEN TO THE PUBLIC

There were no public comments.

VI. PRESENTATION

a. 17th and Delaware: High Pointe

Representatives from High Pointe were not present.

b. 17th and Delaware: K&T and Andrus

Representatives from K&T and Andrus presented their development proposal for the 17th Ave and Delaware Ave site. The developer stated that there is bad soil on the property and it will cost a fortune to make it buildable, thus it is not feasible for 12 lots to be developed. The developer stated their latest design fronts both 17th Ave and Delaware Ave and matches the neighborhood. Aside from the twin homes, a pond would be constructed for proper drainage. The design of the buildings would be one level with a full basement. The reason for having a basement is that the foundation of the house must reach below the bad soil on the site. The developer stated that there is a clear need for one level townhomes in North St. Paul, and the houses would run in the \$100,000 range.

The representatives stated that other plans in the packet were drafts, but the plan presented at the meeting is what they have fallen on due to a large variety of conditions. Blees asked if they have contacted Ramsey County to determine if they would approve the driveway access to 17th Ave E. The developers stated they have gotten an unofficial nod to do so. Rathe clarified that there would be two entrances off of Delaware Ave and three off of 17th Ave. Muhic stated his concern about the larger driveways at the front of the units and how that would affect appeal of the neighborhood. Muhic asked if queuing from the school would affect driveway access. Kane-Burback stated she has not seen queuing stretch as far as this location. Muhic stated he would like to see a sidewalk along Delaware Ave. The Planning Commission thanked the developer for their presentation.

VII. COMMISSION BUSINESS, ACTION ITEMS & RECOMMENDATIONS

a. Election of Chair and Vice-Chair

Chair Blees called for nominations for Chair.

Rathe nominated Blees for Chair.

There were no other nominations.

On motion by Muhic, seconded by Rathe, with all present voting aye (6-0), motion carried to close the nominations for Chair.

On motion by Alvarez, seconded by Gadbois, with all present voting aye (6-0), motion carried to elect Patrick Blees as the 2024 Chair of the Planning Commission.

Chair Blees called for nominations for Vice-Chair.

Alvarez nominated Wise for Vice-Chair.

There were no other nominations.

On motion by Rathe, seconded by Muhic, with all present voting aye (6-0), motion carried to elect Andrew Wise as the 2024 Vice-Chair of the Planning Commission.

b. Consideration of Proposals for 17th and Delaware Property

Howe presented the proposals for the 17th Ave and Delaware Ave property. The City received unsolicited interest from three parties. To fairly evaluate the proposals, the City issued an RFP in May 2023. The City received two complete proposals, and both parties were invited to speak to City Council in July 2023. At the August 2023 meeting, the City Council reviewed the proposals and directed staff to look into using the site for student-built housing. Staff provided the presentation to City Council in November. At that the November 2023 meeting, Council decided to not move forward with the student-built housing program at that site and instead to look into selling the property to a developer. Both K&T and Andrus and High Pointe Group were invited to present at the January 4, 2024 Planning Commission meeting.

Howe stated the site is 2.4 acres and is located in the R-1 Single Family zoning district. The site is across the street from Richardson Elementary. The first proposal from K&T and Andrus is to build 5 twin structures across 10 lots. One acre would be developed, and 1.5 acres would be used as greenspace. High Pointe's proposal consists of 6 twin structures across 12 lots. 1.5 acres would be developed, and 1 acre would be used as greenspace. Howe reviewed the housing goals of the Comprehensive Plan. K&T and Andrus meets the zoning ordinance. High Pointe's proposal has a density that is a bit higher than



what is allowed in the district. Because both proposals are twin unit projects the flexibility of a PUD can be utilized and would be an appropriate approach for either proposal.

Blees asked Howe to clarify the density, and stated that it looks like the project with 12 units is less dense than the project with 10 units. Howe stated the calculated density accounts for the space that would actually be developed. Alvarez asked what criteria the City follows when determining what proposals to recommend approval. Howe responded that the Planning Commission looks at how the proposals fit within the broad goals of the Comprehensive Plan such as providing and offering more choices of housing within the City. This property was previously noted as a unique opportunity for medium density.

Muhic stated that he likes the High Pointe plan in terms of the driveways and the size of the units. However, K&T and Andrus showed up to the meeting, and that weighs heavily. Blees agreed. Alvarez stated if High Pointe has not done this investigative work into the property and the City would require it, then they might pull out. Alvarez indicated that he was previously employed by High Pointe, and he will abstain from voting.

Blees called for a motion to make a recommendation to City Council.
On motion by Rathe, seconded by Gadbois, with Muhic, Kane-Burback, Rathe, Blees and Gadbois voting aye and Alvarez abstaining (5-0-1), motion carried to recommend to City Council approval of the K&T and Andrus proposal due to the thorough investigation by the developer and consideration of a number of options for development.

VIII. REPORTS

Blees welcomed new members Kane-Burback, Gadbois and Alvarez to the Planning Commission.

Howe stated there will be an open house on January 23 and 24 at City Hall for commissioners and City Council to meet with and speak to City staff and departments.

IX. ADJOURNMENT

Blees asked for a motion to adjourn the meeting at 7:22 PM.

M/Rathe, S/Alvarez.

Motion carried 6-0.

The next regularly scheduled Planning Commission Meeting is Thursday, February 4, 2024 at 6:30 PM.

Members, please notify any planned absences to:

Chris Cherne
Planning Commission Secretary
651-747-2440
chris.cherne@northstpaul.org

**To**

Planning Commissioners

Date

March 7, 2024

Agenda Placement #

Workshop Discussion

Subject

Fence Regulations

Background/Facts

The North St. Paul zoning ordinance was last updated in 2015. The 2015 update focused on implementing the Comprehensive Plan, Redevelopment Master Plan, Living Streets Plan, and Downtown Design Manual to promote sustainable development practices and insert smart growth and form-based principles into the ordinance. Key changes from the 1999 to the 2015 ordinance included the establishment of mixed-use districts in lieu of commercial and industrial districts. The intent of the zoning 2024 update is not to discard the carefully considered policy direction set in 2015. This update will be focused on improving organization, clarity, and usability; addressing issues that were not identified in the earlier update; eliminate contradictory and unnecessary standards; streamline the procedures; and implement the updated Comprehensive Plan and Redevelopment Master Plan (both adopted after the 2015 zoning code).

The process to update the zoning ordinance will take many months to complete. The Planning Commission will serve as the task force that reviews draft amendments and provides policy recommendations to City Council. Initially, this project was intended to be completed over many months culminating with the adoption of a complete update to the zoning ordinance. Staff have revised our approach given workload and shifting projects and priorities. The new plan is to review specific regulations and bring forward amendments in a more bite-sized approach that can be more easily accomplished with workload priorities.

Recommended Action

N/A

Attachments

1. Fence Regulations - PC work session

Respectfully submitted,

Brandy Howe, Community Development Director

City of North St. Paul

Planning Commission Report

From: Brandy Howe, Community Development Director
Meeting Date: March 7, 2024
Agenda Item: Zoning Ordinance Update Fences



INTRODUCTION

The following table presents the text from the existing zoning ordinance as it relates to the regulation of fences. The numeric references below are for organizational purposes of this document, with the exception of the ordinance reference at the beginning of each section. It is staff's intent that these regulations be presented to the Planning Commission for discussion in a workshop setting in March with draft regulations to be drawn up by staff at a later date.

Existing Ordinance	Commentary
Section 1. Definitions Related to Fences (§ 154.003) 1.1 FENCE. Any partition, structure, wall or gate erected as a divider, marker, barrier or enclosure and located along the boundary, within the required yard, or elsewhere on the property. Fence height shall be measured from the normal grade adjacent to the fence line. 1.2 BUFFER. The use of land, such as: topography (difference in elevation), space, fences or landscape plantings, to screen or partially screen a use of property from another use or property, and thus reduce undesirable effects such as: sight, light, noise, dust and other nuisances. 1.3 FARM FENCE. A fence as defined by M.S. § 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this chapter. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this chapter. 1.4 SCREENING. The use of plant materials, fences or earthen berms to partially conceal the separate land use from the surrounding land use. 1.5 TRELLIS. A framework over which vines and plants may grow that is not a pergola. A freestanding trellis or a trellis attached to and supported by a building extending out from the building more than five feet shall be considered a fence.	1.1 Rules, such as height and permitted locations should not be in the definition but moved to standards. 1.3 Definition relates to the floodplain overlay zoning district.
Section 2. Fence Regulations (§ 154.010(A)11) 2.1 Fences and walls. Fences, walls and hedges may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements of this section. The owner shall be responsible for properly locating all property lines before construction of any fence. 2.2 All zoning districts. 1. Height and location. Fences and walls not exceeding a height of six and one-half feet may be erected anywhere on a lot, except in the required front yard where the maximum height shall not exceed three and one-half feet.	2.1 Add language that owners shall secure a permit to construct a fence. 2.2.1 Allow fences in front yard up to 4 feet, which is

2. Fences must be installed so that the more finished side faces the adjacent property. If the fence has posts on one side, the posts shall be placed on the inside side of the fence. 3. Fences or walls shall comply with the vision clearance triangle requirements of § 154.010(F)(8)(a). 2.3 Nonresidential or mixed-use districts. 1. Fences shall not be allowed, unless absolutely necessary for a functional reason and requires approval of the Zoning Administrator or when otherwise specifically allowed within the supplemental regulations. When allowed, only decorative fencing material shall be used such as painted wrought iron or anodized metal fencing. 2.4 Residential districts. 1. Materials. Materials shall be compatible with the residential character of this district. Decorative wood and wrought iron fences are preferred. Prohibited materials are: chicken wire, barbed wire, plastic webbing or netting, snow fences and fences made of makeshift, flimsy materials or other materials which are made from paper, twine, rope, tin and the like (except when used during construction or for traffic control or police security).	consistent with dimensions for standard retail fence panels. 2.3 Establish standards for fences in mixed-use districts for consistency with land uses (see Section 4). Other comments. 1. Fences in easements. 2. Maintenance standards. 3. Temporary fences. 4. Provisions for connecting to a neighbor's fence.
Section 3. Non-Encroachments (§154.010(A)5(e)) 3.1 A wall, fence or hedge may occupy part of the required front, side or rear yard subject to meeting traffic sight distance requirements.	3.1 This section isn't necessary and can be addressed by Section 2, Fence Regulations
Section 4. Land Use Regulations Related to Fences 4.1 Day Nurseries and Nursery Schools. (§ 154.010(B)2(a)) Shall provide 40 square feet of outside play space per pupil and such space shall be adequately fenced. 4.2 Animal boarding facility, kennel, shelter, day care, and grooming (commercial). (§ 154.010(D)4) Any outdoor portion of an animal boarding facility, kennel, shelter, daycare, or grooming facility shall be screened from view from adjacent property by a solid fence, hedge or similar plant material not to exceed six and one-half feet in height. 4.3 Automobile sales and rental. (§ 154.010(D)7) A solid fence or wall and hedges or similar plant type of six and one-half feet in height shall be erected and at least a five foot wide landscaped strip shall be provided along all property lines of the site to be used for the sales lot which abut residential districts. 4.4 Automotive service station/convenience store. (§ 154.010(D)8) A fence of acceptable design not over six and one-half feet in height or under four feet which is at least 90% opaque shall be constructed along the property line when said use abuts property residentially used or in one of the residential	4.1-4.7 Cross reference Fence Regs to ensure location of fence and corresponding height do not exceed standards based on lot placement.

districts; said fence shall be adequately maintained. Application of this provision shall not require a fence within the required front yard. 4.5 Car wash. (§ 154.010(D)12) Solid screening shall be erected and maintained alongside rear yards. The screening required by this section shall consist of a solid fence or wall not less than six and one-half feet in height and/or such additional or equivalent visual barriers, including plantings, as required and approved by the city. Vacuuming facilities shall not be located along public streets and shall be completely screened from public streets and adjacent property. 4.6 Day care center, day nursery. (§ 154.010(D)14) A fence of acceptable design not over six and one-half feet in height may be required to be constructed along the property line when said use abuts property residentially used or in one of the residential districts; said fence shall be adequately maintained. 4.7 Residential pools and spas. (§ 154.010(D)36) A structure or safety fence at least four feet in height shall completely enclose the pool.	
Section 5. Architectural Requirements Related to Fences (§ 154.010(E)3(a)) 5.1 Equipment and service area screening. If an outdoor storage, service or loading area is visible from adjacent residential uses or an abutting public street or public walkway, it shall be screened by a decorative fence, wall or screening of plant material at least six feet in height. Fences and walls shall be architecturally compatible with the primary structure.	5.1 Cross reference Fence Regs.
Section 6. Screening Standards Related to Fences (§ 154.010(F)7) 6.1 <i>Screening.</i> Screening shall be provided along the side and rear of property boundaries between commercial, mixed-use, or industrial districts and residential districts. Screening shall consist of: 1. A solid wall, solid fence, or hedge with year-round foliage six and one-half feet in height, except that within the front yard setback, screening shall not exceed three and one-half feet. 2. Height of the screening shall be measured from natural or approved grade. 3. Berms and retaining walls shall not be used to increase grade relative to screening height.	6.1 Cross reference Fence Regs
Section 7. Off-Street Parking Standards Related to Fences (§ 154.010(J)3(a)iv.) 7.1 General standards for commercial, industrial, institutional and attached residential uses. Buffer fences and planting screens. Off-street parking and loading areas near or adjoining residence districts shall be screened by a buffer fence of adequate design or a planted buffer screen; plans of such screen or fence shall be submitted for approval as part of the required site plan, and such fence or landscaping shall be installed as part of the initial construction.	7.1 Cross reference Fence Regs

PROPOSED AMENDMENTS

Section 1. Amend the definition for “fence” in Section §154.003 of the zoning ordinances.

FENCE. Any partition, structure, wall, or gate erected as a divider, marker, barrier, or enclosure, ~~and located along the boundary, within the required yard, or elsewhere on the property. Fence height shall be measured from the normal grade adjacent to the fence line.~~

Section 2. Amend Section §154.010(A)(11) of the zoning ordinances pertaining to the regulation of fences and walls.

§ 154.010(A)(11) FENCES AND WALLS.

11. Fences and walls. Fences, walls, and hedges may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements of this section. ~~The owner shall be responsible for obtaining a fence permit and properly locating all property lines before construction of any fence.~~

(a) All zoning districts.

i. Location.

1. Fences and walls may be erected in any district anywhere on a lot, provided due consideration has been given to utilities and easements.
2. The owner shall be responsible for obtaining a fence permit and properly locating all property lines before construction of any fence.
3. Fire hydrant and Utility Clear Zone. An area three feet in radius around all fire hydrants, fire hose connections and utility boxes must be kept free of any fencing that could impede access to or use of the hydrant, fire hose connection or utility box.
4. Easements. All fences located in recorded easements are the sole risk of the property owner; and the cost of any removal, relocation, or placement of said structures caused by any activity permitted in said easements is the sole responsibility of the property owner.

ii. Height, and location.

1. Fences and walls shall not exceeding a height of six and one-half feet may be erected anywhere on a lot in rear or side yards.
2. Fences and walls, except shall not exceed a height of four feet in the required front yard, where the maximum height shall not exceed three and one-half four feet.

iii. Materials.

1. Prohibited materials include chicken wire, barbed wire, plastic webbing or netting, fences made of makeshift, flimsy materials or other materials which are made from paper, twine, rope, tin, and the like (except when used during construction or for traffic control or police security).
2. Fences must be installed so that the more finished side faces the adjacent property. If the fence has posts on one side, the posts shall be placed on the inside side of the fence.

iv. Construction and Maintenance.

1. The property owner is responsible for verifying that no conflicts exist with utilities prior to installation of fencing.
2. Every fence shall be constructed in a workmanlike manner of substantial materials widely accepted in the fencing industry and reasonably suited for the purpose for which the fence is intended.
3. No fence may be connected with that of a neighbor's unless the owner of the adjoining property agrees, in writing, that the fence may be connected. This agreement shall be submitted at the time of zoning permit application.

4. All fences must be kept in good repair and appearance on both sides of the fence by its owner. Fences shall not be in a condition of disrepair or constitute a public or private nuisance. The property owner is responsible for maintaining the area between the property line and the owner's fence.
- v. Temporary or Seasonal Fences: Temporary or seasonal fences (such as snow fences, erosion control fences, fences to protect newly seeded areas and the like) are allowed without a permit provided:
 1. No such fence may be left in place for more than six (6) months without written city approval.
 2. Any such fence must be removed within fifteen (15) days of the city providing written notice to the landowner that the city has determined the fence no longer serves its originally intended, temporary or seasonal purpose.
- iii.vi. Vision Triangle. Fences or walls shall comply with the vision clearance triangle requirements of §154.010(F)(8)(a).
- ~~(b) Nonresidential or mixed-use districts.~~
 - ~~i. Fences shall not be allowed, unless absolutely necessary for a functional reason and requires approval of the Zoning Administrator or when otherwise specifically allowed within the supplemental regulations. When allowed, only decorative fencing material shall be used such as painted wrought iron or anodized metal fencing.~~
- ~~(c) Residential districts.~~
 - ~~i. Materials. Materials shall be compatible with the residential character of this district. Decorative wood and wrought iron fences are preferred. Prohibited materials include are: chicken wire, barbed wire, plastic webbing or netting, snow fences and fences made of makeshift, flimsy materials or other materials which are made from paper, twine, rope, tin and the like (except when used during construction or for traffic control or police security).~~

Section 3. Eliminate Section §154.010(A)(11) of the zoning ordinances pertaining to the regulation of fences and walls.

~~A wall, fence or hedge may occupy part of the required front, side or rear yard subject to meeting traffic sight distance requirements.~~

Section 4. Amend §154.010(B)2(a) related to Day Nurseries and Nursery Schools.

- (a) Shall provide 40 square feet of outside play space per pupil and such space shall be adequately fenced according to the provisions of §154.010(A)(11).

Section 5. Amend §154.010(D)4 animal boarding facility, kennel, shelter, day care, and grooming (commercial).

4. Any outdoor portion of an animal boarding facility, kennel, shelter, daycare, or grooming facility shall be screened from view from adjacent property by a solid fence, hedge or similar plant material not to exceed six and one-half feet in height. Fences shall adhere to the provisions of §154.010(A)(11).

Section 6. Amend §154.010(D)7 related to automobile sales and rental.

7. A solid fence or wall and hedges or similar plant type of six and one-half feet in height shall be erected, and at least a five-foot-wide landscaped strip shall be provided along all property lines of the site to be used for the sales lot which abut residential districts. Fences shall adhere to the provisions of §154.010(A)(11).

Section 7. Amend §154.010(D)8 related to automotive service station/convenience store.

8. A fence ~~adhering to the provisions of §154.010(A)(11) of acceptable design not over six and one-half feet in height or under four feet~~ which is at least 90% opaque shall be constructed along the property line when said use abuts property residentially used or in one of the residential districts; ~~said fence shall be adequately maintained~~. Application of this provision shall not require a fence within the required front yard.

Section 8. Amend §154.010(D)12 related to car wash.

12. Solid screening shall be erected and maintained alongside rear yards. The screening required by this section shall consist of a solid fence or wall ~~adhering to the provisions of §154.010(A)(11) not less than six and one-half feet in height and/or such additional~~ or equivalent visual barriers, including plantings, as required and approved by the city. Vacuuming facilities shall not be located along public streets and shall be completely screened from public streets and adjacent property.

Section 9. Amend §154.010(D)14 related to day care center, day nursery.

14. A fence ~~adhering to the provisions of §154.010(A)(11) of acceptable design not over six and one-half feet in height~~ may be required to be constructed along the property line when said use abuts property residentially used or in one of the residential districts; ~~said fence shall be adequately maintained~~.

Section 10. Amend §154.010(D)36 related to residential pools and spas.

36. A structure or safety fence at least four feet in height shall completely enclose the pool. Said fence shall adhere to the provisions of §154.010(A)(11).