

AGENDA  
**PLANNING COMMISSION**  
 Conference Room, City Hall  
 October 13, 2014, 6:30 p.m.

P	A	Member	P	A	Member
		Bieganek, Justin			Schilling, Kara
		Dahlberg, Doug			Schulte, Ray
		Gosiak, Frank			Silbernack, Keith
		Hanfler, Jeremy			Oleson, Ben (Zoning Official)
					Kimman, Greg (City Engineer)

**CALL TO ORDER:** Planning Commission Chairperson

**ADOPT THE AGENDA:** October 13, 2014

**APPROVAL OF MINUTES:** September 8, 2014

**PUBLIC HEARINGS:**

- 1) Request for conditional use permit to operate a wood shaving and drying business in an I-2 Heavy Industrial District with natural gas-fired dryers.
  - a. Applicant: Wayne and Sandy Lease (Property Owner: Leon Fischer)
  - b. Property Address: 1100 4<sup>th</sup> Street NW
  - c. Brief Legal Description: Lots 8-10, Block One of Yoerg's Subdivision.
  - d. Parcel number(s): 491074000, 491074001 and 491076000

**OLD BUSINESS:**

- 1) City of Little Falls, Ordinance amendment to Chapter 11, entitled "Land Use Regulations (Zoning)", Sections 11.02 (Definitions), 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences). The proposed amendment will amend and add to existing language in the above-mentioned sections in order to clarify regulations and permitting procedures related to fences and hedges in both residential and non-residential zoning districts.

**NEW BUSINESS:**

**NEXT MEETING:** Monday, November 10, 2014

**ADJOURNMENT:**



City of Little Falls  
**PLANNING COMMISSION MINUTES**  
 Conference Room, City Hall  
 September 8, 2014, 6:30 p.m.

P	A	Member	P	A	Member
x		Bieganek, Justin	x		Schilling, Kara
x		Dahlberg, Doug	x		Schulte, Ray
x		Gosiak, Frank	x		Silbernack, Keith
x		Hanfler, Jeremy	x		Oleson, Ben (Zoning Official)
			x		Kimman, Greg (City Engineer)

**CALL TO ORDER:** The Planning Commission Meeting was called to order by Frank Gosiak, Planning Commission Chairperson, at 6:30 p.m.

**ADOPT THE AGENDA:** A motion was made by Schulte, seconded by Silbernack to adopt the agenda as presented. Motion carried.

**APPROVAL OF MINUTES:** A motion was made by Dahlberg, seconded by Hanfler to adopt the minutes as presented. Motion carried.

**PUBLIC HEARINGS:**

- 1) **Request to consider the vacation of a utility easement. Applicant: City of Little Falls. Brief Legal Description: That part of the easement described in Document No. 370415 on record in the Morrison County Recorder's Office which lies within Lot 1, Block 1, G G & O Addition, according to the recorded plat thereof, on file in said Morrison County Recorder's Office.** Kimman presented a summary of the request and the requirements to vacate the easement. Public hearing opened at 6:31 pm. No public comment. Public hearing closed at 6:35 pm. A motion was made by Schulte, seconded by Silbernack to approve vacating the utility easement and adopting the new utility easement pending approval. Motion carried.
  
- 2) **Request to rezone property at from Heavy Industrial (I-2) to General Business (B-2). Applicant: Brian Anderson (Anderson Custom Processing, Inc.), 200 Lindbergh Drive South. Brief Legal Description: Lot 008 Block 065 of THAYER'S ADDN Plat No. 49001, parcel number(s): 490295000.** Oleson presented a summary of the rezoning request and how the request fit into the comprehensive city plan. Brian Anderson, 200 Lindbergh Drive South, explained the reasoning behind the request. Public hearing opened at 6:37 pm. No public comment. Public hearing closed at 6:43 pm. The planning commission discussed the options of addressing this request as a variance to the setback requirements of the I-2 district instead of a rezoning request. A motion was made by Silbernack, seconded by Bieganek to approve the rezoning request from Heavy Industrial (I-2) to General Business (B-2). Motion carried.

**OLD BUSINESS:**

- 1) **City of Little Falls, Ordinance amendment to Chapter 11, entitled “Land Use Regulations (Zoning)”, Sections 11.02 (Definitions), 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences).** The proposed amendment will amend and add to existing language in the above-mentioned sections in order to clarify regulations and permitting procedures related to fences and hedges in both residential and non-residential zoning districts. Oleson presented a summary of the updated ordinance changes based on input from the city attorney. Discussion continued about further updates to the ordinance in relation to property lines, shore lines, and fence heights. Oleson will continue to research and revise the ordinance and also gather information about similar ordinances in other cities.

**NEW BUSINESS:** None

**NEXT MEETING:** Monday, October 13, 2014

**ADJOURNMENT:** A motion was made by Silbernack, seconded by Schilling to adjourn at 7:32 p.m. Motion carried.

## STAFF REPORT

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**Application:** Conditional use permit to operate a wood shaving and drying business in an I-2 Heavy Industrial District with natural gas-fired dryers.

**Applicant:** Wayne and Sandy Lease (Property Owner: Leon Fischer)

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### **Background Information:**

- **Proposal:** The applicant is proposing to make use of about half of an existing 100' x 350' industrial building to operate a wood shaving and drying business. The business would involve the installation of a 8' x 24' dryer just outside the east edge of this building and several piles of logs that would be placed on the east and southeast side of the property. Semit trucks would deliver the logs into the property, where they would be stockpiled and then milled inside the building. They would then be fed into the outside dryer via a conveyor, dried via natural gas-fired dryers, and fed back inside the building where they would be loaded onto trucks and hauled out.

The proposed location for this business is within an I-2 Heavy Industrial District. The nearest residential dwelling would appear to be about 500 ft to the east of the property line (that home is also in an I-2 zoned area). The nearest residentially-zoned properties would be about 1,500-1,650 ft away to the west and to the northeast. The city boundary is about 1,000 ft to the north.

Surrounding land on the west, north and east is all zoned I-2 Heavy Industrial and the adjacent properties are all used industrially. Land immediately to the south is zoned I-1 Light Industrial, but is currently undeveloped.

- **Location:**
  - Property Address: 1100 4<sup>th</sup> Street NW
  - Brief Legal Description: Lots 8-10, Block One of Yoerg's Subdivision.
  - Parcel number(s): 491074000, 491074001 and 491076000

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### **Applicable Statutes/Ordinances/Court Decisions:**

#### **Little Falls City Code**

#### **11.03: GENERAL PROVISIONS:**

#### **D. Accessory Buildings<sup>1</sup>:**

2. No accessory building shall exceed the height of the principal building. However, in no case shall such accessory building exceed eighteen feet (18') in height in any residential [R] districts.

7. Accessory buildings in the Limited Business District B-1, General Business District B-2, Noncentral Business District B-3, Industrial District I-1 (light), Industrial District I-2 [heavy], may be located any place to the rear of the principal building, subject to the building code and the fire zone regulations. Accessory buildings in the Noncentral Business District B-3 may be located beside or in front of the principal building by conditional use permit. (Ord. 117, 5th Series, eff. 2-13-2006)

## 11.04: ADMINISTRATION AND ENFORCEMENT

### D. Conditional Uses:

1. Purpose: In order to give the district use regulations of this chapter the flexibility necessary to achieve the objectives of the comprehensive guide plan, in certain districts conditional uses are permitted, subject to the granting of a use permit. Conditional uses include those uses generally not suitable in a particular zoning district, but which may, under some circumstances, be suitable. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be issued for a particular use and not for a particular person or firm. The cancellation of a permit shall be considered equivalent to a rezoning, and the same requirements and procedures shall apply.
2. Application, Referral To Planning Commission, Planning Commission Recommendation And Council Action: Except as otherwise noted in this subsection, the application and presentation requirements for conditional permits shall be the same as those for variances as provided in subsection C of this section.
3. Revocation: A violation of any condition set forth in a conditional use permit shall be a violation of this chapter and automatically terminate the conditional use permit.
4. Use Of Permit: Upon the issuance of a conditional use permit by the council, said permit shall be in force on a temporary basis for a period not to exceed one year from the date of issuance. If, during said one year period, the conditional use authorized by said conditional use permit has not been completed, said conditional use permit shall lapse and become void unless, during said one year period, the city council extends the period of time to complete said authorized use.
5. Lapse Of Conditional Use Permit: A conditional use permit shall lapse and become void if the conditional use for which the conditional use permit has been granted is discontinued for a period of one year, or if the use for which a conditional use permit was granted is changed for a period of one year to a use for which no conditional use permit is required.
6. Cancellation: A conditional use permit may be cancelled by following the requirements and procedures for an amendment to the zoning ordinance. (Ord. 18, 3rd Series, eff. 9-29-1986)

## 11.05: ZONING DISTRICTS AND MAP

### M. I-2 Industrial District (Heavy):

#### 1. Permitted Uses:

- a. Any use permitted in the I-1 district regulated herein.
- b. The manufacturing, compounding, assembly, packaging, treatment or storage of the following products or materials not likely to meet the performance standards outlined in this chapter.
- c. Brewing, fiberglass, cement, stonecutting, brick, glass, batteries, ceramic products, millworking, metal polishing and plating, paint (pigment manufacturing), boat manufacturing, vinegar works, rubber products, plastics, meatpacking, flour, feed and grain milling, vegetable canning and processing, lime, gypsum and plaster of Paris, and similar uses.

2. Conditional Uses:

- e. Incineration or reduction of waste material other than customarily incidental to a principal use.
- f. Kilns or other heat processes fired by means other than electricity.

3. Permitted Accessory Uses:

- a. Any use permitted as accessory in the I-1 district as regulated herein.

4. Lot Area, Height, Lot Width And Yard Requirements:

- a. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

Lot Size	Lot Width	Front Yard	Rear Yard	Rear Yard Adjacent To R	Side Yard		Adjacent To R
					Interior	Corner	
1 acre	150 feet	40 feet	30 feet	70 feet	10 percent of lot width	40 feet	70 feet

- b. There shall be no height restriction on buildings in the I-2 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

11.06: PERFORMANCE STANDARDS:

B. Glare Or Heat: Any use requiring an operation producing an intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located. Lighting in all instances shall be diffused or directed away from R districts and public streets.

#### D. Screening:

2. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front as determined by the zoning administrator.

3. The screening required herein shall consist of a solid fence or wall at least fifty percent (50%) opaque not less than five feet (5') nor more than six feet (6') in height, but shall not extend within fifteen feet (15') of any street or driveway opening onto a street. The screening shall be placed along the property lines, or in case of screening along a street, fifteen feet (15') from the street right of way, with landscaping (trees, shrubs, grass and other planting) between the screening and the pavement. A louvered fence shall be considered solid if it blocks direct vision. Planting of a type approved by the planning commission may also be required in addition to or in lieu of fencing.

G. Waste Material: Waste material shall not be washed into the public storm sewer system, nor the sanitary sewer system, without first having received a permit to do so from the city. If said permit is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than fluid, the storage area shall be so located and fenced as to be removed from public view. In all districts, waste material, debris, refuse, garbage and materials not currently in use for construction or otherwise regulated herein shall be kept in an enclosed building or properly contained in a closed container for such purposes. The owner of vacant land shall be responsible for keeping such vacant land free of waste material and noxious weeds. Existing uses shall comply with this provision within six (6) months following the effective date hereof.

H. Drainage: No land shall be developed and no use shall be permitted that results in water runoff causing flooding, or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, ponding area or other suitable facility.

I. Traffic Control: The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards or excessive traffic through residential areas. Traffic into and out of all business and industrial uses or areas shall in all cases be forward moving with no backing onto streets or pedestrianways. No access drive to any lot shall be located within twenty feet (20') of any two (2) intersecting minor or collector street right of way lines, nor within forty feet (40') of any two (2) intersecting major thoroughfare street right of way lines. (Ord. 801, eff. 6-3-1974)

J. Off Street Loading: Off street parking shall be provided for delivery or distribution of materials in connection with construction of any building or structure. Off street parking so provided shall be in accordance with this chapter. No deliveries or unloading of materials for construction shall occur between the hours of nine o'clock (9:00) P.M and six o'clock (6:00) A.M., if that noise is audible in a residential district. Any variations from this standard shall be by conditional use. (Ord. 01, 5th Series, eff. 2-28-2000)

L. Other Nuisance Characteristics: No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property or violate any state statutes, codes or city ordinances. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety, nor will damage public waste transmission or disposal facilities. (Ord. 801, eff. 6-3-1974)

#### 11.07: SPECIAL PROVISIONS:

##### A. Off Street Parking And Loading Spaces:

###### c. Calculating Space:

(1) Number Of Spaces: When determining the number of required off street parking spaces results in a fraction, each fraction of one-half ( $1/2$ ) or more shall constitute another space.

(4) Buildings With Two Or More Uses: Except as provided for under "joint parking facilities", should a building contain two (2) or more types of use, each use shall be calculated separately for determining the total off street parking spaces required. Warehouse areas associated with retail uses shall have parking requirements calculated separately from the retail requirements.

###### d. Location Of Parking Facilities:

(1) Required off street parking in all zoning districts shall meet the following setback requirements:

(E) Within any industrial (heavy) I-2 zoned district, off street parking spaces shall be not less than ten feet (10') from any street right of way line, nor less than five feet (5') from any interior side or rear yard; except, where a front, side or rear yard is across the street from or abutting any residential zoned district, no parking shall be less than twenty feet (20') from the front lot line or lot line abutting a residential lot.

f. Use Of Parking Areas For Storage: Use of parking areas or required off street parking spaces, in all zoning districts, shall not be used for open storage of goods or for storage of vehicles that are inoperable, for lease, rent or sale.

###### g. Design And Maintenance Of Off Street Parking Areas:

(8) Size: The minimum dimensions for required parking spaces are shown in table 8-1 of this section. Minimum dimensions are exclusive of access drives or aisles, ramps or columns. In no case shall any part of the public right of way contribute toward required stall size. Ninety degree (90°) parking spaces that use a curb overhang over a landscaped area or a minimum seven foot (7') wide sidewalk may be reduced to eighteen feet

(18') in depth. Parking stall dimensions are to be reviewed and approved by the city administrator or designee prior to the approval of a building permit.

TABLE 8-1  
MINIMUM PARKING SPACE AND AISLE  
DIMENSIONS GUIDELINES

Angle (A)	Width (B)	Curb Length (C)	Stall Depth (D)	One-Way Aisle Width (E)	Two-Way Aisle Width (F)
0° parallel	9'	20'	9'	12'	24'
45°	9'	12'8"	17'6"	12'	24'
60°	9'	10'5"	19'	16'	24'
90°	9'	9'	18'6"	26'	26'

(10) Surfacing: All of the area intended to be utilized for parking space and driveways shall be hard surfaced with a material to control dust and drainage, and subject to approval of the city administrator or designee, except parking areas for less than four (4) vehicles. This requirement also applies to open sales lots. Parking areas and driveways shall be kept free of dirt, dust, and debris and the pavement shall be maintained in good condition.

(12) Required Spaces: Parking shall be provided according to the following schedule:

Principal Use Or Structure Served	Required Number Of Parking Spaces (Open Or Enclosed)
Manufacturing, fabrication or processing of a product or material	1 space per 12 employees on the largest shift plus 1 truck space per 7,500 square feet of gross floor area in the principal structure

5.30: SIGN REGULATIONS:

B. Administration:

2. Permit Exemptions: The following signs shall not require a permit under this section. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this section or any other law or ordinance regulating the same.

a. Up to two (2) signs on a residential zoned or used property whose total accumulative area is eight (8) square feet or less in size and a maximum height of four feet (4').

h. Interior signs.

E. Specific Regulations By Zoning District:

1. Signs Allowed By Permit:

d. Industrial District: Within industrial zoning districts, signs are allowed by permit as follows (nonresidential property located in a flood fringe district (FF) shall follow the sign regulations for its underlying zoning district classification):

<b>Industrial Zoning Districts</b>	<b>Maximum Sign Area Of Single Sign</b>	<b>Maximum Sign Height</b>	<b>Total Area Of All Signs (Accum.)</b>
Industrial heavy I-2	300 sq. ft. per surface	30'	4 sq. ft. per front foot of building plus 1 sq. ft. per front foot of property not occupied by the building

**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the Planning Commission:

- Current Zoning:**
  - o Subject Property: Heavy Industrial District (I-2)
  - o Surrounding Properties: Heavy Industrial District (I-2) on the north, west and east. Light Industrial District (I-1) on the south. The nearest residential zoned property is about 1,500-1,650 ft away to the west and northeast. The city boundary is about 1,000 ft to the north.
- Current Land Use:**
  - o Subject Property: Vacant industrial building
  - o Surrounding Properties: Occupied industrial buildings to the west, north and east. Vacant industrially-zoned land to the south.
- Lot size:** Approx. 472' x 335' (approx. 3.63 acres)
- Sewer/Water:** The property is connected to City sewer/water.
- Natural Features:**
  - Floodplain: The property is not within an identified floodplain.
  - Bluff/Steep Slopes: There are no steep slopes on the property.

Wetlands: There do not appear to be any wetlands on the property. The Morrison County SWCD has received notification of this meeting.

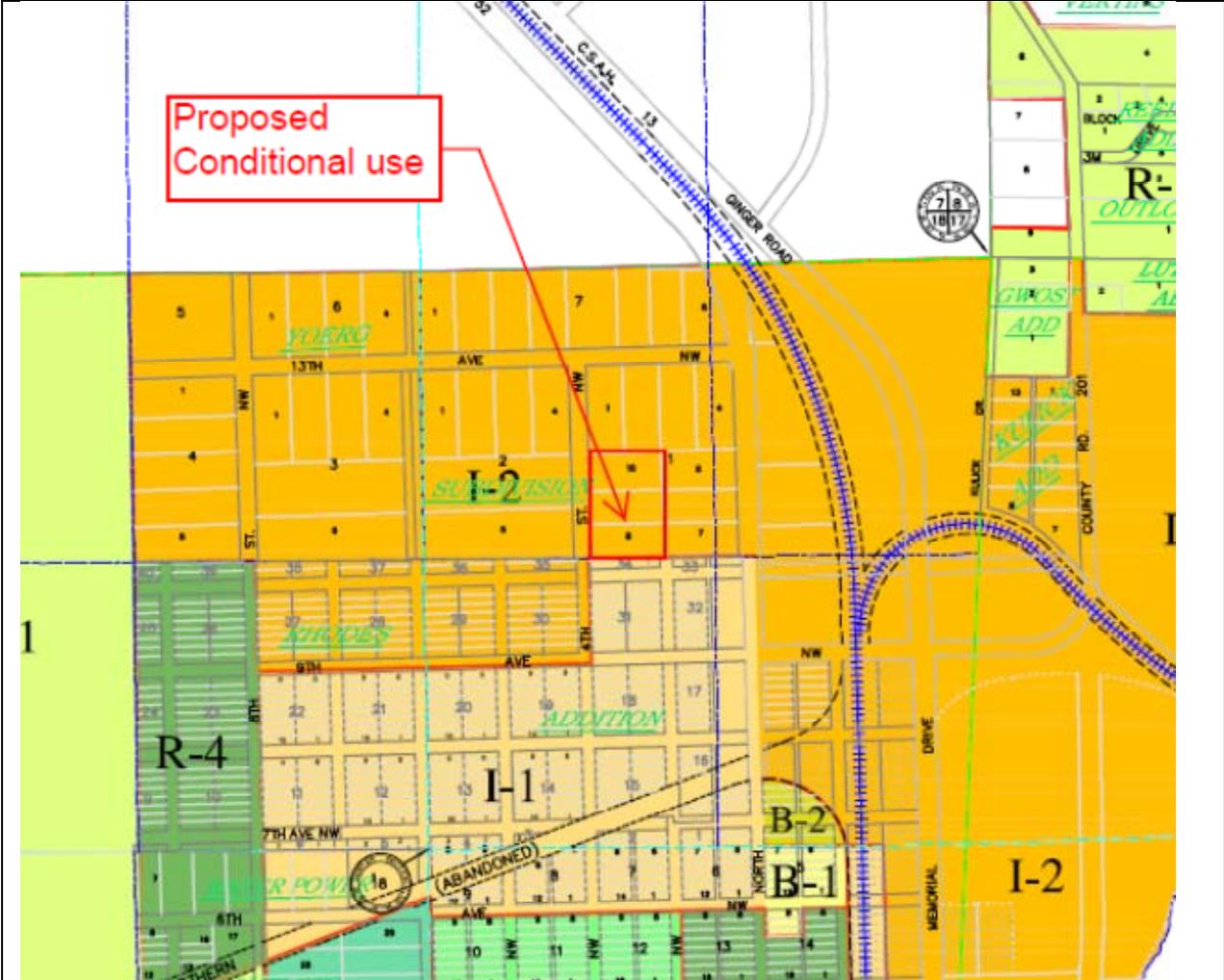
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**Planning Commission Action:** The Planning Commission may approve the conditional use request, deny the request, or table the request if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, it should state the findings which support either of these actions. If the application is tabled, the Commission should provide specific direction as to what additional information is needed.

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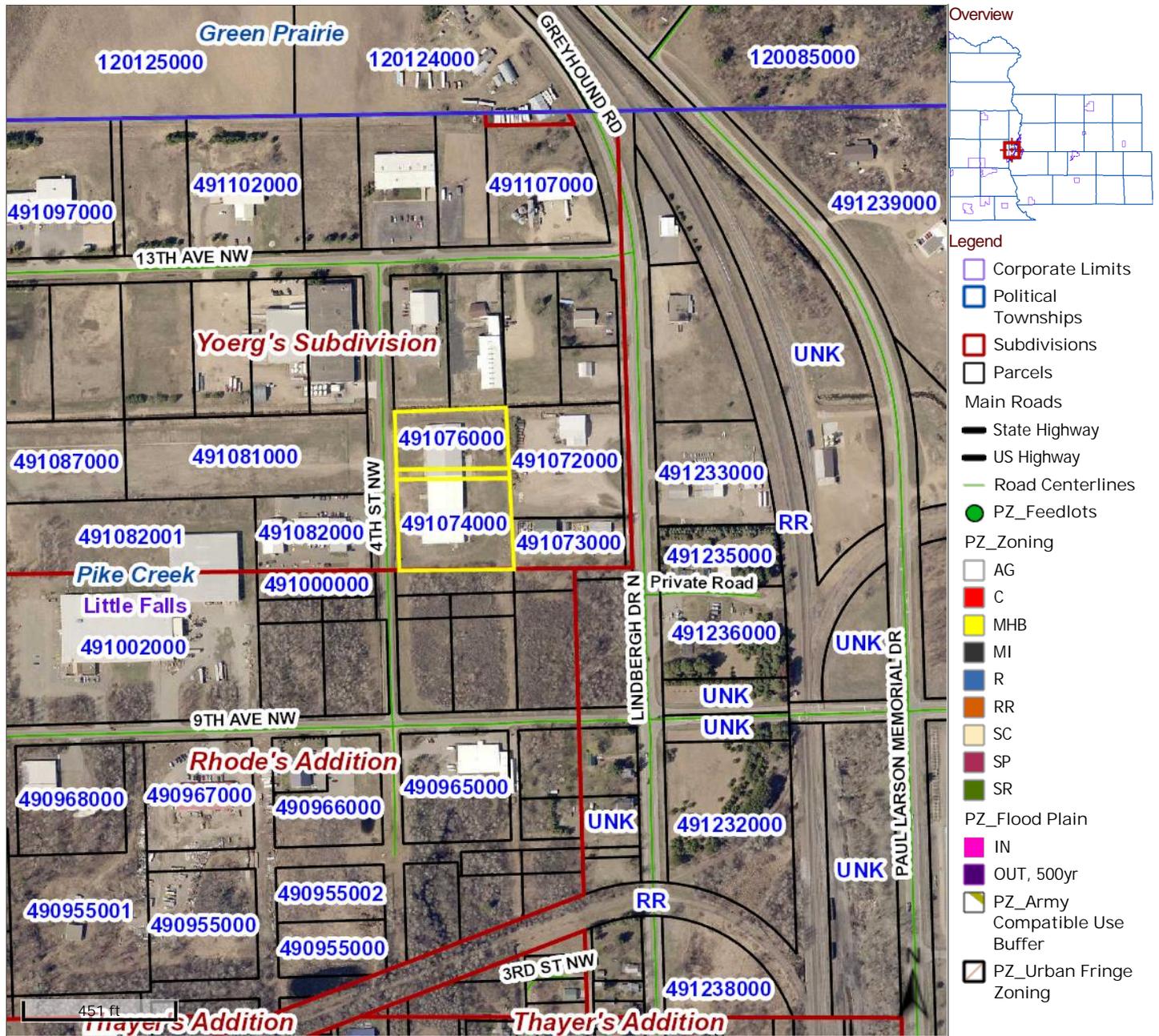
**Staff Comments:** As the Planning Commission considers this application, Staff would make the following comments:

1. The primary reason in the ordinance for this conditional use is the use of a non-electric means of heat processing (natural gas). Presumably, the concern is to ensure that the heating process does not create a fire hazard. Staff has contacted the Fire Chief, who did not have any immediate concerns, but noted he would check the Fire Code requirements. Any requirements of the Fire Code should be met.
2. If the proposed use were using electricity to fire the dryer, it would not likely need a conditional use permit ("millworking" is considered a permitted use in the I-2 district).
3. Impact on the public can arise from factors such as the amount of traffic coming in and out on a daily basis, noise, odor and other factors that may be seen as a nuisance by neighboring property owners. The industrial nature of the area and the zoning as such should minimize the potential for these nuisance characteristics devaluing nearby property, but the potential does exist.
4. While not specifically required, screening could be required if the Commission felt that the outdoor storage related to this use was necessary.
5. Performance standards in the ordinance do relate to odor, noise, traffic circulation, off-street loading hours of operation, drainage, waste materials, etc... These will all need to be met.



Wayne and Sandy Lease  
 Conditional Use Request  
 1100 4<sup>th</sup> Street NW  
 October 13, 2014





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This imagery is displayed at a scale of 1 inch=9 inch pixel resolution, (9 inches on the ground is 1 pixel on your screen). In the areas of Pierz and the NW/NE lakes, the image is 1 inch=4 inch pixel resolution and is the highest quality imagery on this site. These images were flown by Pictometry in the spring of 2013.



Phone: 320-616-5500  
Fax: 320-616-5505

Fee Paid 325<sup>00</sup>

Date Filed 9-16-14

Receipt Number 78052

**Application For: REZONING, VARIANCE AND CONDITIONAL USE**

Have you reviewed Chapter 11, Section 11.04 of the City Code dealing with zoning laws of the City of Little Falls? (available online: www.cityoflittlefalls.com)

Yes X No \_\_\_\_\_

Street Address of Property 1100 4th St N.W.

Legal Description of Property Lots 8 & 9 Blk less N 29.61 Ft of lot 9  
Lot 10 Block 1 of Yoerg's Subdivision Plat # 49018  
Lot 9 Block 1 of Yoerg's subdivision Plat # 49018  
NYL 29.61 ft of Lot 9 Block 1

Parcel Identification Number 49.1074.000 = 49.1076.000 x 49.1074.001

Owner - Name Leon Fischer Phone 612-282-5166  
Address 15113 Nowthen Blvd NW  
City Anoka State MN Zip 55303

Applicant (if other than owner) -

Name Wayne + Sandy Lease Phone 320-980-0657  
Address 26043 213<sup>th</sup> St  
City Pierz State MN Zip 56364

Type of Request - Rezoning \_\_\_\_\_ Variance \_\_\_\_\_ Conditional Use X Other \_\_\_\_\_

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: 2 Holes in east wall approx. 24"

Landscaping: \_\_\_\_\_

Parking/Signs: \_\_\_\_\_

2. Describe the character of the area and the existing patterns and use of development in the

area. How is the proposal consistent with those patterns and uses? Falls Fabricating,  
Mielke oil, Andy's Charter, City Sanitary Service, Service master,  
Heavy manufacturing, Industrial

3. Describe the impact on the character of the neighborhood in which the property is

located. It is an Industrial neighborhood,  
some truck traffic.

4. Describe the impact to the traffic on roads and highways in the vicinity, and the expected

traffic generated by the proposed use. Is there adequate off-street parking available to  
accommodate the proposal? On average 1 load of logs  
in and 1 load of shavings out per day.  
No on street parking will be required.

5. What part of the City Zoning Ordinance creates a practical difficulty to the property in  
question? What is the practical difficulty that prevents the land to be used in a reasonable  
way? 0

Use other side of page if necessary.

Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345

Description of Request Dry wood shavings in a rotary drum dryer

Reason for Request Drying with natural gas

Present Zoning Classification 3A Commercial/Industrial

Existing Use of Property Vacant  LD

Existing Use and Zoning of the Surrounding Area (two blocks) Heavy Industrial  
Light Industrial

Has a request for a variance, special use permit, or rezoning on the subject site - or any part thereof - been previously sought?

Yes \_\_\_\_\_ No X When \_\_\_\_\_

Signature of Applicant/s Wayne

★ Date Sept 15, 2014

I am the legal fee owner of the property described on this application and I consent to this application

★ Signature of owner/s John R. Basher

Approved \_\_\_\_\_ Denied \_\_\_\_\_ by the Planning Commission on \_\_\_\_\_ Date

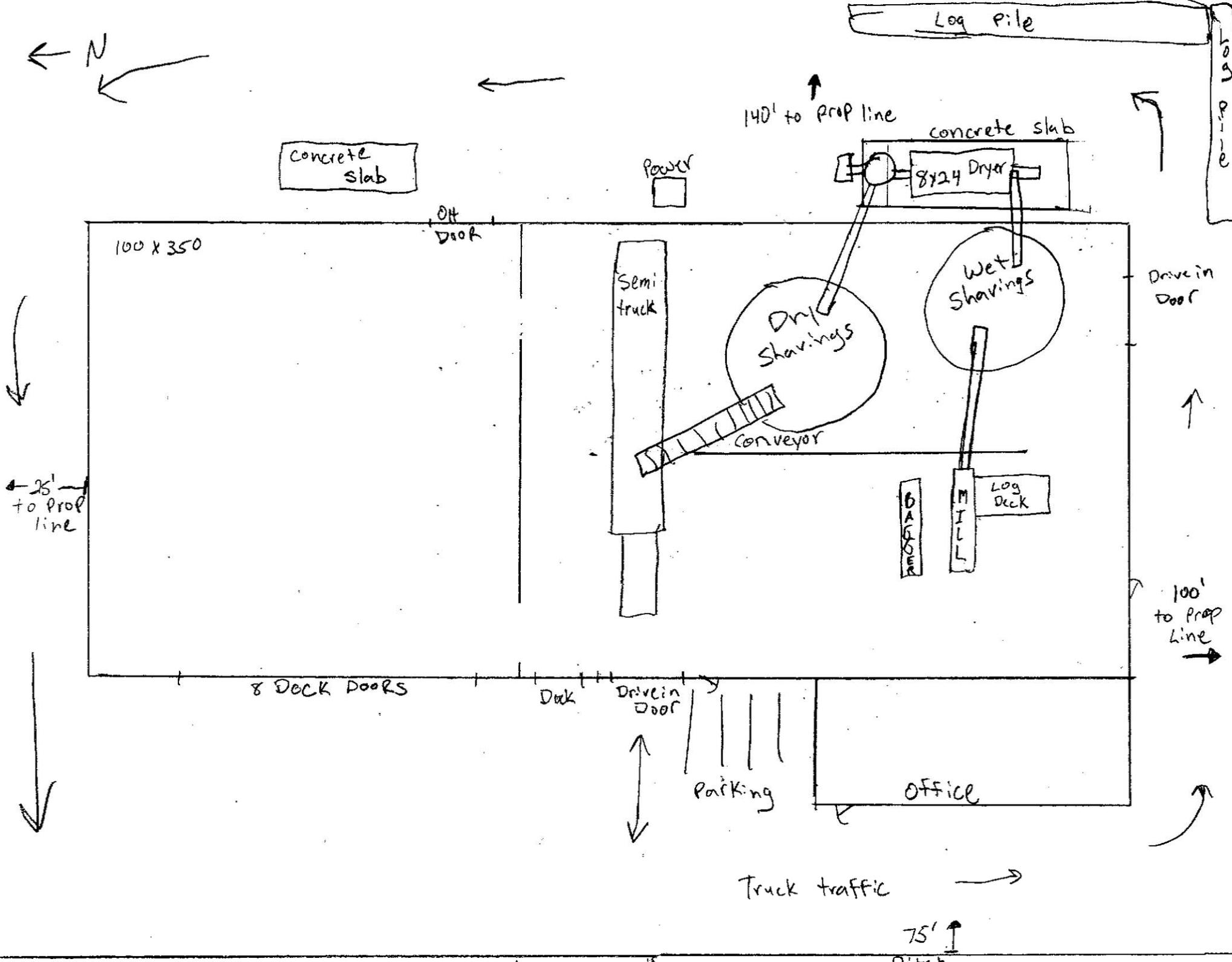
Approved \_\_\_\_\_ Denied \_\_\_\_\_ by the City Council on \_\_\_\_\_ Date

Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345

## **Shavings Process:**

We will be bring wood in as log form approx. 100" long by 34" in diameter on semi trucks. They will pile the logs outside approx 12-15' high. Then we will bring logs inside with a skid loader and put them on a log deck. They will convey to the mill where the shavings process will start.

The shavings will go on a wet pile, awaiting to go into the dryer. The dryer will dry the shavings twice, as much as the mill will produce, This way the dryer will not have to run as much as the mill. With running at half capacity we will save on time and energy. The shavings will go outside through the dryer as they get dried and lighter they will move into the cyclone, where they will settle to the bottom and convey back into the building on a pile. They will be ready to be loaded on a truck or bagged into a bale.





## STAFF REPORT

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**Application:** Ordinance amendment to Chapter 11, entitled "Land Use Regulations (Zoning)", Sections 11.02 (Definitions), 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences). The proposed amendment will amend and add to existing language in the above-mentioned sections in order to clarify regulations and permitting procedures related to fences and hedges in both residential and non-residential zoning districts.

**Applicant:** City of Little Falls

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### **Background Information:**

- **Proposal:** The existing language regarding the regulation of fences within the City of Little Falls is somewhat confusing and possibly contradictory in terms of how fences are permitted and regulated. The proposed ordinance amendments are intended to clarify these regulations so that they can be applied uniformly without need for significant interpretation.

A copy of the proposed language amendments to Sections 11.02 (Definitions), 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences) are attached.

This item was continued at the July 14 meeting to allow for additional public comment and review time by the Planning Commission. One change was made to the proposed language as a result of the July 14 discussion - to remove any regulations affecting hedges (except for restrictions relating to maintenance of clear site lines at road intersections).

At the August 11 meeting, additional comments from the public were taken and the Commission had more discussions about areas where changes were needed. The public hearing was closed at that meeting, but Staff was directed to make some additional changes to the language and have it reviewed by the City Attorney. The amendments were discussed again at the September 8 meeting and tabled for more changes.

The latest version of the proposed amendments are attached, with areas highlighted that were changed since the September 8 meeting or which have been items of particular interest during the discussions thus far.

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**Planning Commission Action:** The Planning Commission may recommend approval of the proposed ordinance amendment, denial of the request, or table the request if the Commission should need additional information. If the application is tabled, the Commission should provide specific direction as to what additional information is needed.

E. Required Yards And Open Space:

1. No yard or other open space shall be reduced in area or dimension so as to make such yard or other space less than the minimum required by this chapter, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.
2. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space or minimum lot area requirements for any other building.
3. The following shall not be considered to be encroachments on yard requirements:
  - a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters and the like, provided they do not extend more than two and one-half feet (2<sup>1</sup>/<sub>2</sub>'), and off street parking, except as hereinafter regulated.
  - b. Yard lights and nameplate signs for one- and two-family dwellings, lights for illuminating parking areas, loading areas or yards for safety and security purposes, provided the direct source of light is not visible from the public right of way or adjacent residential property, may be located to within five feet (5') of the front lot line. (Ord. 801, eff. 6-3-1974)
  - c. ~~Fences which do not exceed four feet (4') in height or as required elsewhere in this chapter.~~ Terraces, steps, uncovered porches, decks, stoops or similar structures, which do not extend above the height of the ground floor level of the principal building and maintains a two foot (2') minimum side yard and fifteen foot (15') street or avenue setback. (Ord. 22, 5th Series, eff. 11-6-2000)
  - d. In side or rear yards only, bays not to exceed a depth of two feet (2') nor contain an area of more than twenty (20) square feet, fire escapes not to exceed a width of three feet (3'), ~~fences and walls not to exceed a height of six feet (6') above grade~~ and open off street parking.
  - e. Rear yard only, balconies, accessory structures, except that no structure shall be closer than eight feet (8') from the rear lot line, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.
  - f. In side yards only, accessory structures, except that no accessory structure shall be closer than five feet (5') from any interior side lot line and on a corner lot in all residential [R] districts, shall not be closer than fifteen feet [15'] from a side lot line adjacent to a street or avenue.
4. On a corner lot, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2<sup>1</sup>/<sub>2</sub>) and ten feet (10') above the centerline grades of the intersecting streets within twenty five feet (25') of the street intersecting right of way lines.
5. In no event shall off street parking spaces, structures of any type, buildings or other features cover more than seventy five percent (75%) of the lot area resulting in less than twenty five percent (25%) landscaped area in residential districts.

Q. Fences: Fences shall be permitted in all yards, subject to the following: (~~Ord. 801, eff. 6-3-1974~~)

1. ~~Solid walls in excess of four feet (4') in height shall be prohibited.~~ Fences in residential districts must comply with the height and setback requirements as listed below:

<b>Fence Height in Residential Districts</b>		
<u>Location</u>	<u>Maximum Height (as measured from 6 inches above the adjacent ground level)</u>	<u>Distance from Lot Line</u>
<u>Front Yard</u>	4 feet (perpendicular to street) 4 feet (parallel to street)	2 feet, unless fence can be maintained entirely from one side, then 0 feet.
<u>Interior or Street Side Yard</u>	6 feet	2 feet, unless fence can be maintained entirely from one side, then 0 feet.
<u>Rear Yard (non-shoreland)</u>	6 feet, unless the rear yard is common with the front yard of an abutting lot, then 4 feet.	2 feet, unless fence can be maintained entirely from one side, then 0 feet. If the property abuts an alley, then 8 feet.
<u>Shoreland</u>	6 feet (perpendicular to shore) 4 feet (parallel to shore) Not allowed (in floodplain)	30 feet from riverbank, except that fences shall not allowed within a floodplain, unless they are farm fences which do not obstruct debris or water.
<u>Buildable Area</u>	8 feet	Not applicable
<u>Any Property Line adjoining a Business or Industrial-Zoned Property</u>	6 feet, unless otherwise allowed by conditional use permit.	2 feet, unless fence can be maintained entirely from one side, then 0 feet.

2. Fences in business and industrial districts must comply with the height and setback requirements as listed below:

<b>Fence Height in Business and Industrial Districts</b>		
<u>Location</u>	<u>Maximum Height (as measured from adjacent ground level)</u>	<u>Distance from Lot Line</u>
<u>Any lot line</u>	6 feet, unless otherwise allowed by conditional use permit.	2 feet, unless fence can be maintained entirely from one side, then 0 feet.

~~2. Fences in residential districts may be located on any lot line to a height of four feet (4'), except that a fence up to six feet (6') in height may be erected on the lot line from the nearest front corner of the principal building.~~

~~3. Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than four feet (4').~~

~~4. Fences located within the buildable area, or eight feet (8') or more from the rear lot line, may be up to eight feet (8') in height, and all fences located on property abutting an alley must maintain an eight foot (8') setback from property line. (Ord. 22, 5th Series, eff. 11-6-2000)~~

~~5. Fences in business and industrial districts may be erected on the lot line to a height of six feet (6'); to a height of eight feet (8') with a security arm for barbed wire subject to a conditional use permit. (Ord. 801, eff. 6-3-1974)~~

~~6. Fences in excess of thirty inches (30") in height extending across front yards or side yards facing a street or avenue shall require a special use permit. (Ord. 70, 2nd Series, eff. 2-29-1982)~~

~~7. Fences within required yards shall not exceed five feet (5') in height, except by special use permit, except as otherwise permitted herein.~~

~~8. Fences may be placed along property lines, provided no damage of any kind results to abutting property.~~

3. Fences shall require a permit approved by the Zoning Administrator regardless of where on a property they are located, except that temporary fencing not exceeding six feet in height may be installed to secure the perimeter of a construction site, provided that any such fencing is removed upon completion of the construction project.

4. Approved fencing materials include stone, brick, finished wood, rigid plastic, chain link, split rail fences or other materials commonly used for fencing. Other materials may only be approved by conditional use permit, except that the following types of fences are prohibited unless specifically allowed otherwise: barbed wire, electrical fencing, razor wire, creosote lumber, chicken wire (unless used for the enclosure of gardens), concrete block or poured concrete, plastic webbing, plywood or pressed wood. Notwithstanding the above prohibitions, snow fencing may be allowed between November 1 and March 15 of each calendar year.

5. No fence may be erected on either street side of a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic, subject to the provisions of 11.03.E.4.

6. No fence shall be erected where it will impede the flow of water across or through a drainageway, drainage easement, wetland or a required stormwater management facility (i.e. water quality/detention pond, rain garden, etc...).

7. Notwithstanding height limitations elsewhere in this ordinance, fences enclosing or adjacent to sport courts or fields, in any zoning district, may be up to twelve (12) feet in height with a minimum ten (10) foot setback from any property line. Such fences shall not exceed twenty-five percent (25%) opacity.

98. Prior to issuance of a fence permit, a certificate of survey may be required by the Zoning Administrator for all fences (except hedges and plantings) or walls to be constructed on a property line or when the fence is not clearly entirely on the subject property. This requirement for a certificate of survey may be waived if 1) stakes from a previously completed survey are in place and marked and the property line can be reasonably determined from those stakes; or 2) if a signed, written statement from the neighboring property owner is submitted indicating that they do not dispute the location of the fence. Prior to issuance of a building permit for any fence, abutting property owners shall be notified

109. That side of the fence considered to be the face (the side not attached to the facing as applied to fence posts/primary structural supports) shall face the abutting property or street right-of-way unless written approval from the abutting landowner(s) is otherwise submitted to the City.

10. Both sides of any fence or wall shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.

~~11. Fences exceeding height limits may be erected, provided they do not encroach upon front or side yard requirements or within ten feet (10') of a rear lot line. (Ord. 801, eff. 6-3-1974)~~

~~11. No barbed wire shall be used for fencing, except that it may be used on security fences on Business or Industrial-zoned properties which are at least six feet (6') high, exclusive of the barbed wire, or in the maintenance of existing barbed wire fences presently used in farming operations. All other barbed wire fences shall be removed before April 1, 1982. (Ord. 68, 2nd Series, eff. 11-30-1981)~~

12. Fence height shall be determined by the body of the fence, starting no greater than six (6) inches above the natural grade. Fence posts may extend a maximum of 12 inches above the body of the fence.

R. Bulk Storage (Liquid): All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a special use permit in order that the council may have assurance that fire, explosion or water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare. All existing aboveground liquid storage tanks having a capacity in excess of two hundred (200) gallons shall secure a special use permit within twelve (12) months following enactment of this chapter; the governing body may require the development of diking around said tanks, suitably sealed, to hold a leakage capacity equal to one hundred fifteen percent (115%) of the tank capacity. Any