



**LE SUEUR PLANNING COMMISSION**  
**Go to Meeting Webinar**

**MEETING AGENDA**  
Thursday, February 11, 2021  
6:00 P.M.

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes – January 14, 2021
4. New Business
  - 4.1. Zoning Code Amendments
  - 4.2. Future of the City Forum
5. Other Business
  - 5.1 City Council Report
6. Miscellaneous
7. Adjournment (\*Next meeting 03/11//2021)

\*For members of the public who wish to participate, please register for Le Sueur Planning Commission Regular Meeting being held on February 11, 2021 at 6:00 PM CDT at:

<https://register.gotowebinar.com/register/4873849585677313294>

After registering, you will receive a confirmation email containing information about joining the webinar.



LE SUEUR PLANNING COMMISSION  
MEETING MINUTES  
Thursday, January 14, 2021

A meeting of the Planning Commission was held on Thursday, January 14, 2021 at 6:00 p.m. virtually via Go to Meeting with the following Planning Commissioners in attendance: John Dieball, Andrea Faches, Colleen Johnson, Jack Roberts, and Dan Ryerson. Commissioners absent: Julie Sheehy and Melissa Huntington. Samantha DiMaggio, Community Development Director, and Newell Krogmann, Council Liaison, were also in attendance.

A **motion** was made by Commissioner Faches, seconded by Commissioner Johnson to approve the agenda as written. Commissioners Voting in favor: Roberts, Faches, Ryerson, Dieball, and Johnson. Commissioners Voting no: None. Motion carried.

A **motion** was made by Commissioner Johnson, seconded by Commissioner Dieball to approve the minutes from the December 10, 2020 meeting. Commissioners Voting in favor: Roberts, Faches, Ryerson, Dieball, and Johnson. Commissioners Voting no: None. Motion carried.

A **motion** was made by Commissioner Ryerson, seconded by Commissioner Dieball to approve the minutes from the December 17, 2020 meeting. Commissioners Voting in favor: Roberts, Faches, Ryerson, Dieball, and Johnson. Commissioners Voting no: None. Motion carried.

Item 5.1: Review of Policy and Procedure Manual: The Planning Commission completed their annual review of the Policy and Procedures which was originally adopted in 2019. A **motion** was made by Commissioner Johnson, seconded by Commissioner Faches to recommend the City Council amend Section 4: Adoption of Plan of Work and Annual report, moving the date this should be completed by from "December 15 of each year" to "on or before February 15 of each year, the Commission shall submit to the City Council a verbal report of its work during the previous calendar year". Commissioners Voting in favor: Roberts, Faches, Ryerson, Dieball, and Johnson. Commissioners Voting no: None. Motion carried.

Item 5.2, Election of Officers: Commissioner Roberts volunteered to be Chair of the Planning Commission for 2021. A **motion** was made by Commission Faches, seconded by Commissioner Dieball in favor of Commissioner Roberts serving as the 2021 Planning Commission Chair. Commissioners Voting in favor: Roberts, Faches, Ryerson, Dieball, and Johnson. Commissioners Voting no: None. Motion carried. Commissioner Ryerson volunteered to be Vice-Chair of the Planning Commission for 2021. A **motion** was made by Commission Faches, seconded by Commissioner Johnson in favor of Commissioner Ryerson serving as 2021 Planning Commission Vice-Chair. Commissioners Voting in favor: Roberts, Faches, Ryerson, Dieball, and Johnson. Commissioners Voting no: None. Motion carried.

Item 6.1 City Council Report: Council Member Krogmann has been elected by the City Council to serve as the Planning Commission Liaison for 2021. He expressed thanks from the City Council to the Planning Commission Members for all the good work they completed in 2020 and he informed them that the City Council approved the variance for 329 4<sup>th</sup> Street.

Item 7: Miscellaneous: Commissioner Ryerson inquired if the City of Le Sueur is required to follow State Statute – Chapter 344, a section referring to fences. Staff was unsure but promised to follow up.

A **motion** by Commissioner Johnson, seconded by Commissioner Roberts to adjourn the meeting. Commissioners Voting in favor: Sheehy, Johnson, Faches, Roberts, Ryerson, Huntington, and Dieball. Commissioners Voting no: None. Motion carried.

Respectfully submitted, Samantha DiMaggio, Community Development Director



**Planning Commission  
Item 4.1**

TO: Planning Commission  
FROM: Samantha DiMaggio, Community Development Director  
SUBJECT: Zoning Code Amendments  
DATE: Thursday, February 11, 2021

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**PURPOSE/ACTION REQUESTED**

Discuss proposed updates to the City of Le Sueur Zoning Code.

**SUMMARY**

The Zoning Code was updated and formally approved by the City Council on August 26, 2019. Staff and the public have utilized this code for the past year and minor modifications are being recommended.

The Planning Commission discussed the following primary issues at the Oct. 8, 2020 meeting:

1. § 153.076 SWIMMING POOLS
  - a. Permanent vs temporary
  - b. If temporary, what is required?
  - c. Application Process
2. § 153.049 FENCES
  - a. Property Pins
  - b. Corner Lot Setbacks
3. § 153.044 YARD AND YARD REQUIREMENTS
  - a. Maximum Yard Sizes
4. § 153.020 GENERAL ADMINISTRATION
  - a. Recovery of Fee's for outside consultants

Commissioners Ryerson and Roberts offered to assist staff with these modifications. The Fence and Pool areas have been revised, and the proposed modifications are now ready for the Planning Commission to review.

The Yard and Yard Requirements and the General Administration sections were also reviewed by staff the following was determined/implemented:

1. § 153.044 YARD AND YARD REQUIREMENTS
  - a. Maximum Yard Sizes – **Not necessary as large parcels must be platted prior to the issuance of a building permit.**
  
2. § 153.020 GENERAL ADMINISTRATION
  - a. Recovery of Fee's for outside consultants – **Language has been added to the Planning and Zoning Applications and the City Council approved the addition of escrows in the 2021 fee schedule. These items make it very clear to applicants that these additional fees are their responsibility and the collecting of the escrow up front will ensure that the city has funds to pay these fees in advance of processing the application.**

**RECOMMENDATION**

Staff would like to have a discussion with the Planning Commission on the proposed Zoning Code amendments. Should the Planning Commission agree with these changes, staff will schedule a public hearing for our March Planning Commission meeting.

## **§ 153.049 FENCES.**

### *(A) General regulations.*

(1) It is unlawful for any person to construct or cause to be constructed any fence over three feet in height without a permit

(2) All fences shall be located at least 18 inches inward from any adjoining (rear or side) property line (property pin location).

(3) The applicant for the fence is responsible for establishing property lines by locating property pins by their own means or by hiring a registered land surveyor and shall be clearly marked for the purpose of identification and inspection. A property owner may locate the pins independently for the purposes of issuing a fence permit, but this method is not considered an official survey for purposes of determining the legal property boundary.

(4) All fences shall be located entirely upon the property of the person causing the fence to be constructed.

(5) Fences in excess of three feet in the front yard are not permitted (corner lots are considered to have two front yards). Fences may be greater than three feet behind the front building line of the principal structure.

(6) No residential fence shall be greater than seven feet in height.

(7) Commercial and industrial fences may exceed seven feet in height but may not be greater than 12 feet in height. Fences between eight and 12 feet in height shall require a conditional use permit (CUP). The CUP request shall be considered in relation to traffic visibility, potential interference with street or pedestrian/bicycle traffic, common conditions in the immediate neighborhood, maintenance, materials, and any other factors considered relevant by the City Council to the construction of said fence.

(8) That side of the fence considered to be the evident finished side or face (such as, the finished side having no structural supports) shall face outward toward abutting property or public spaces or uses. Vegetation or landscaping located between the abutting property lines and finished side of fence shall be entirely maintained by the owner of the fence.

(9) Fences shall not obstruct any natural or constructed drainage patterns or wetlands or in any way adversely impact any neighboring properties.

(10) Fences shall not be constructed from barbed wire, chicken wire, welded wire, plastic deer fence netting or similar product, snow fence, branches, or materials originally intended for other purposes.

(11) All fencing shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger or constitute a nuisance. Any fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the Zoning Administrator shall commence proper

proceedings to abate the nuisance condition. Existing fences are allowed to be rebuilt in their current location.

(12) Retaining wall structures may be subject to review by the City Engineer. Retaining walls shall be subject to the same height requirements as fences.

(13) Fencing located within any public right-of-way, drainage or utility easements may be removed by the city without notice or liability for damages caused by the removal.

(14) Fence height shall be measured from the natural grade to the top of the fence at any point, with the exception that a fence may include an additional six inches of height for post-top finials or similar decorative features on posts only.

(15) Except as specified in this section, all wire fences, including barbed wire fences, electrical fences, and chicken and hog wire fences, shall only be permitted in the UR District when related to a farm use.

(B) *Residential and Commercial district regulations.*

(1) All fences shall be constructed of stone, brick, finished wood, chain link, PVC, composite material, wrought iron or similar material, or other approved materials as determined by the Zoning Administrator.

(2) In commercial districts, fences in the rear yard greater than seven feet in height may be permitted with a conditional use permit.

(3) Except for agricultural uses in the UR district, fences shall not be supported using metal T- or U-posts or similar agricultural product or constructed of traditional agricultural materials.

(C) *Industrial regulations.*

(1) All fences shall be constructed of stone, brick, finished wood, chain link, PVC or composite materials.

(2) Barbed wire security fencing may be used in heights above seven feet.

(Ord. 583, passed 8-26-2019)

## § 153.049 FENCES.

### (A) General regulations.

(1) It is unlawful for any person to construct or cause to be constructed any fence over three feet in height without a permit

(2) All fences shall be located at least 18 inches inward from any adjoining (rear or side) property line (property pin location).

(23) The applicant for the fence is responsible for establishing property lines by locating property pins by their own means or by hiring a registered land surveyor and shall be clearly marked for the purpose of identification and inspection. A property owner may locate the pins independently for the purposes of issuing a fence permit, but this method is not considered an official survey for purposes of determining the legal property boundary.

~~(3) Property pins adjacent to location of proposed fencing shall be clearly marked for the purpose of identification and inspection.~~

(4) All fences shall be located entirely upon the property of the person causing the fence to be constructed. ~~A fence may be located on the property line of adjoining properties when the owners of said properties agree in writing to such location.~~

(5) Fences in excess of three feet in the front yard are not permitted (corner lots are considered to have two front yards). Fences may be greater than three feet behind the front building line of the principal structure.

(6) No residential fence shall be greater than seven feet in height.

(7) Commercial and industrial fences may exceed seven feet in height but may not be greater than 12 feet in height. Fences between eight and 12 feet in height shall require a conditional use permit (CUP). The CUP request shall be considered in relation to traffic visibility, potential interference with street or pedestrian/bicycle traffic, common conditions in the immediate neighborhood, maintenance, materials, and any other factors considered relevant by the City Council to the construction of said fence.

(8) That side of the fence considered to be the evident finished side or face (such as, the finished side having no structural supports) shall face outward toward abutting property or public spaces or uses. Vegetation or landscaping located between the abutting property lines and finished side of fence shall be entirely maintained by the owner of the fence.

(9) Fences shall not obstruct any natural or constructed drainage patterns or wetlands or in any way adversely impact any neighboring properties.

(10) Fences shall not be constructed from barbed wire, chicken wire, welded wire, plastic deer fence netting or similar product, snow fence, branches, or materials originally intended for other purposes.

(11) All fencing shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger or constitute



a nuisance. Any fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings to abate the nuisance condition. Existing fences are allowed to be rebuilt in their current location.

(12) Retaining wall structures may be subject to review by the City Engineer. Retaining walls shall be subject to the same height requirements as fences.

(13) Fencing located within any public right-of-way, drainage or utility easements may be removed by the city without notice or liability for damages caused by the removal.

(14) Fence height shall be measured from the natural grade to the top of the fence at any point, with the exception that a fence may include an additional six inches of height for post-top finials or similar decorative features on posts only.

(15) Except as specified in this section, all wire fences, including barbed wire fences, electrical fences, and chicken and hog wire fences, shall only be permitted in the UR District when related to a farm use.

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(1) All fences shall be constructed of stone, brick, finished wood, chain link, PVC or composite materials.

(2) Barbed wire security fencing may be used in heights above seven feet.

(Ord. 583, passed 8-26-2019)



**Definition:**

**SWIMMING POOL.** An artificial basin filled with twenty-four (24) or more inches in depth of water intended for use for swimming or other recreational use, constructed either above or below ground of concrete, steel, fiberglass, lined or unlined, for public or private use. This includes in-ground, above-ground, and on-ground pools, hot tubs, potable and non-portable spas, and fixed in place wading pools. For purposes of this chapter, **SWIMMING POOLS** shall be considered accessory structures and must meet the lot coverage ratios per zoning district.

**§ 153.076 SWIMMING POOLS.**

(A) Any swimming pool containing twenty-four (24) inches or more in depth of water and less than 5,000 gallons of water requires a pool permit. Any swimming pool containing twenty-four (24) inches or more of water in depth and 5,000 gallons or more of water requires a building permit.

(B) Swimming pools shall be a permitted accessory use in each district and those that are 24 inches in depth or more of water are subject to the following standards and requirements:

(1) The pool shall be constructed at least ten feet from all property lines in all districts. In no case shall a pool be allowed in any portion of the required yard abutting a public right-of-way;

(2) A perimeter security fence not less than four (4) feet in height with a self-latching and lockable gate shall be installed and maintained around the pool at all times. Yards containing hot tubs shall meet these fencing requirements or shall have a cover which shall be locked when the hot tub is not in use;

(3) The fence shall have a maximum three-inch spacing between intermediate rails and the fence shall not be more than three inches off the ground;

(4) A permanent fence shall be in place prior to a permit being issued;

(5) No construction of fences or accessory buildings shall be placed on or over any public utilities, or on any easements; and

(6) Failure to complete the swimming pool construction project within 12 months from approval of the zoning and building permits shall be a violation of this chapter.

(Ord. 583, passed 8-26-2019)

## Definition:

**SWIMMING POOL.** An artificial basin filled with twenty-four (24) or more inches in depth of water intended for use for swimming or other recreational use, constructed either above or below ground of concrete, steel, fiberglass, lined or unlined, for public or private use. This includes in-ground, above-ground, and on-ground pools, hot tubs, potable and non-portable spas, and fixed in place wading pools. For purposes of this chapter, **SWIMMING POOLS** shall be considered accessory structures and must meet the lot coverage ratios per zoning district.

## § 153.076 -SWIMMING POOLS.

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(B) Swimming pools shall be a permitted accessory use in each district and those that are 24 inches in depth or more of water are subject to the following standards and requirements:

(1) The pool shall be constructed at least ten feet from all property lines in all districts. In no case shall a pool be allowed in any portion of the required yard abutting a public right-of-way;

(2) A ~~six-foot high~~ perimeter security fence not less than four (4) feet in height with a self-latching and lockable gate shall be installed and maintained around the pool at all times. Yards containing hot tubs shall meet these fencing requirements or shall have a cover which shall be locked when the hot tub is not in use;

~~(3)~~—The fence shall have a maximum three-inch spacing between intermediate rails and the fence shall not be more than three inches off the ground;

(4) A permanent fence shall be in place a minimum of 30 days after the pool is completed prior to a permit being issued;

(5) No construction of fences or accessory buildings shall be placed on or over any public utilities, or on any easements; and

~~(6) A self-latching and lockable gate shall be installed; and~~

(7) Failure to complete the swimming pool construction project within 12 months from approval of the zoning and building permits shall be a violation of this chapter.

(Ord. 583, passed 8-26-2019)



## Planning Commission Item 4.2

TO: Planning Commission

FROM: Samantha DiMaggio, Community Development Director

SUBJECT: 2021 Work Plan Goal - Future of the City Forum

DATE: Thursday, February 11, 2021

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### **PURPOSE/ACTION REQUESTED**

Discuss the Future of the City Forum which was recommended in the 2040 Comprehensive Plan and listed as a goal in the Planning Commission's 2021 Work Plan.

### **SUMMARY**

Staff utilized the 2040 Comprehensive Plan to develop a 2021 Planning Commission Work Plan. The City Council adopted this Work Plan on January 11, 2021. Staff would now like to discuss the Future of the City Forum to see if the Planning Commission has ideas/recommendations on how to make this goal a reality.

### **Strategy 8 – Future of the City Forum:**

- Participate in the “Future of the City Forum” or similar event to review the plan on an annual basis and facilitate a community dialogue about what has worked well and what has maybe not worked so well.
  - This evaluation should lead to identifying a need for amendments or updating the “to do list” on an annual or every other year basis.
    - This can occur through regular survey mechanisms or through a process designed to “take the pulse of the community” and celebrate community accomplishments.
    - Schedule a recurring “Future of the City Forum” to occur December of each year after plan adoption.
    - Prepare a report template that can be appended gradually over the year documenting issues with plan implementation, actions completed or new actions that should be added. This report template serves as the working agenda for the annual meeting.

### **RECOMMENDATION**

Staff recommends the Planning Commission have a discussion on the Future of the City Forum.