



LE SUEUR PLANNING COMMISSION
Go to Meeting Webinar

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

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes – February 11, 2021
4. New Business
 - 4.1. Public Hearing – Chapter 153 Updates – Pool & Fence
5. Other Business
 - 5.1 City Council Report
6. Miscellaneous
7. Adjournment (*Next meeting 04/08/2021)

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

<https://register.gotowebinar.com/register/5158068943855148302>

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



LE SUEUR PLANNING COMMISSION
MEETING MINUTES
Thursday, February 11, 2021

A meeting of the Planning Commission was held on Thursday, February 11, 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, Julie Sheehy, Melissa Huntington, and Dan Ryerson. Commissioners absent: None. Samantha DiMaggio, Community Development Director, Leah Mahoney, City Council Liaison, and Newell Krogmann, City Council Member, were also in attendance.

A **motion** was made by Commissioner Johnson, seconded by Sheehy to amend the agenda moving the City Council Report ahead of New Business and approving the agenda as amended. Commissioners Voting in Favor: Roberts, Faches, Ryerson, Sheehy, Huntington, and Johnson. Commissioners Voting no: None. Motion carried.

A **motion** was made by Commissioner Huntington, seconded by Commissioner Faches to approve the minutes from the January 14, 2021 meeting. Commissioners Voting in Favor: Roberts, Faches, Ryerson, Sheehy, Huntington, and Johnson. Commissioners Voting no: None. Motion carried.

Member Dieball joined the meeting at this time.

Item 4.1. City Council Report: Council Member Leah Mahoney was recently elected by the City Council to serve as the Planning Commission Liaison for 2021, replacing Council Member Krogmann who had previously served in this role. Council Member Mahoney briefly introduced herself to the Commission. Council Member Krogmann then thanked the Planning Commission for the good work completed while he served as the liaison.

Item 5.1. Zoning Code Amendment: The Planning Commission reviewed staff's proposed Zoning Code amendments and made recommendations to these amendments. A public hearing will be scheduled for the March 11, 2021 Planning Commission meeting.

Item 5.2. Future of the City Forum: The Planning Commission reviewed the 2040 Comprehensive Plan and the references to the Future of the City Forum outlined in the plan. The Planning Commission discussed various ways to reach the public to receive feedback along with ways for the City to share information with the community. This will be brought back to the planning commission for additional review and discussion.

Item 6: Miscellaneous: Commissioner Ryerson asked staff a follow up about if people can be on more than one commission at a time. Staff confirmed with the administration that this is allowed, and an update was made to the online application shortly after the last meeting.

A **motion** by Commissioner Ryerson, seconded by Commissioner Dieball 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: Public Hearing - Zoning Code Amendment - Chapter 153
DATE: Thursday, March 11, 2021

PURPOSE/ACTION REQUESTED

The Planning Commission should hold a Public Hearing to discuss the proposed amendments to Chapter 153 including the Swimming Pool and Fence Codes.

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 since August of 2019 and minor modifications are being recommended.

The Planning Commission discussed the following primary issues at the Oct. 8, 2020 and the February 11, 2021 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

The attached red/blue line documents show the original code and the proposed recommended amendments.

RECOMMENDATION

The Planning Commission should hold a Public Hearing and make a formal recommendation to the City Council on the approval of the modifications to Chapter 153 which include the Swimming Pool and Fence Codes.

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, portable 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)~~ (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 Ppool Ppermit.

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(B) Any swimming pool containing twenty-four (24) inches or more of water in depth and 5,000 gallons or more of water requires a Bbuilding Ppermit.

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~~(B) (C) Any property owner who has not previously been issued a Pool Permit or Building Permit must apply for one to ensure compliance with this code. Once a permit has been awarded, no further permitting is required unless the structure is altered.~~

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

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(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;~~right-of-way.

(2) ~~If the yard is not already enclosed by a fence meeting the fence code outlined in §153.049, a~~ 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;use.

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~~(3) (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) (4) A permanent fence shall be in place a minimum of 30 days after the pool is completed.~~

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

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

~~(6) (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)

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, portable 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.
- (B) 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.
- (C) Any property owner who has not previously been issued a Pool Permit or Building Permit must apply for one to ensure compliance with this code. Once a permit has been awarded, no further permitting is required unless the structure is altered.
- (D) Swimming pools shall be a permitted accessory use in each district and those that are 24 inches or more in depth 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) If the yard is not already enclosed by a fence meeting the fence code outlined in §153.049, 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 a minimum of 30 days after the pool is completed.
 - 5) No construction of fences or accessory buildings shall be placed on or over any public utilities, or on any easements.
 - 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)

§ 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

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

~~—(2) 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.~~

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

(42) 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.~~

(53) 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.

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

(75) 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.

(86) 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.

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

(840) 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.

(944) 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.

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

(113) 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.

(124) 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.

(135) 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 C-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 entirely upon the property of the person causing the fence to be constructed.

(3) 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.

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

(5) 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.

(6) 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.

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

(8) 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.

(9) 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.

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

(11) 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.

(12) 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.

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(B) *Residential and Commercial district regulations.*

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

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