

**CHISAGO COUNTY
PLANNING COMMISSION
OFFICIAL PROCEEDINGS
SEPTEMBER 1 , 2016**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, September 1, 2016 in Meeting Room 131 of the Government Center with the following Commission members present: Frank Storm, Jim Froberg, Jim McCarthy, and Craig Mold. Absent were Dave Whitney, ex-officio Rick Greene (excused), and John Sutcliffe.

Also Present: Tara Guy, Assistant Zoning Director

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance. Roll call of Board members was taken and a quorum established.

APPROVAL OF AGENDA - On motion by Storm and second by Froberg, the meeting agenda was approved as published.

APPROVAL OF MINUTES - On motion by Froberg and second by Mold, the minutes of the meeting of August 4, 2016 were approved as presented.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD - Upon motion by Storm, and second by McCarthy, all applications, submittals, reports and other materials were adopted into the record by reference. Staff Reports had been distributed in advance to the Planning Commission and the applicants, for their review. Copies of all applications, correspondence and Staff Reports were made available on a table at the entrance to the hearing room.

NEW PUBLIC HEARINGS :

ZONING ORDINANCE AMENDMENTS - Chairman Storm opened the public hearing at 7:04 p.m. and called for oral and written testimony on two proposed Zoning Ordinance Amendments.

Revisions to Section 4.14 SIGNS - The Commission had previously reviewed the proposed amendment language (which had been drafted to bring the Zoning Ordinance language into conformity with the 2015 US Supreme Court ruling concerning the regulation of sign content) at three previous meetings, and were prepared to recommend approval of the final draft to the County Board. There was no one present to offer comment or testimony on the draft language. The Planning Commission reaffirmed its consensus that the final draft language achieved the goal of bringing the Ordinance into conformity with the Supreme Court ruling. After brief discussion, Chairman Storm moved to recommend to the County Board to adopt the following draft language as an amendment to Section 4.14 of the Chisago County Zoning Ordinance:

4.14 Signs

A. Purpose.

The purpose of this section is to regulate the location, size, placement and certain features of signs to enable the public to locate goods, services and facilities; to prevent competition for attention; to prevent hazards to life and property; and to protect the natural roadside aesthetics throughout Chisago County.

B. Substitution.

The owner or operator of any sign that this Ordinance allows may substitute a non-commercial sign in lieu of any other commercial or non-commercial sign. The owner may make this substitution without any additional County approval or permit. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech or the favoring of any particular non-commercial message over any other non-commercial message. This provision shall prevail over any more specific provision to the contrary.

C. Permits Required.

Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a building permit for the sign has been issued by the County. The following signs shall constitute an exception to this requirement:

1. Signs under nine (9) square feet in area erected on residential properties which are for sale.
2. Signs under thirty-two (32) square feet in area erected on commercial and industrial properties which are for sale.
3. Signs erected on property during election cycles.
4. Public information and directional signs.
5. Traffic/Construction signs.
6. Address signs or numbers less than two (2) square feet in total or combined area.

D. Prohibited Signs.

No sign shall be erected or maintained:

1. Which purports to be or resembles an official traffic control device, sign, or signal or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign, or signal, or railroad sign or signal, or which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic.
2. Which prominently displays the word "stop" or "danger".
3. On any right-of-way of any highway, except as otherwise provided by law or as allowed in this Ordinance, or allowed by the Commissioner of the Minnesota Department of Transportation.

4. If any part of such sign extends more than six (6) feet over the public right-of-way, and is less than eight (8) feet above ground level. Canopies and marquees shall be considered an integral part of the structure to which they are attached. This Section does not apply to signs posted by duly constituted public authorities in the performance of their public duties.
5. On private land without the written consent of the owner thereof and in conformance with this Ordinance.
6. On fences, trees, shrubs, or which are painted or drawn upon rocks or natural features, or on any public utility poles.
7. Which has a flashing, blinking, or dynamic display, electronically changing copy or moving lights, except as specifically permitted in this Ordinance.
8. Which is structurally unsafe, and would have to be removed.

E. General Provisions.

The following requirements shall apply to all signs in all districts:

1. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required, to be kept in good condition, and shall be repainted, removed or painted out when they are not so maintained.
2. Signs shall not obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
3. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
4. Signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands within thirty (30) days of notice by the Zoning Administrator.
5. Signs placed on properties during election cycles are allowed in any district, on private property, with the consent of the owner of the property. Such signs shall be removed within seven (7) days following the date of the election or elections to which they apply.

6. In any district, banners, ribbons, flags, animal displays, inflatables, lights or beacons directed skyward, pieces of sculpture, fountains or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to an object, product, activity, person, institution, organization or business, shall require a sign permit. Mobile signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of this Ordinance just as permanently affixed signs.
7. Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public street or way.
8. Signs may be erected on properties featuring real estate development projects in accordance with the following:
 - a. Such signs shall not exceed one hundred (100) square feet in area.
 - b. Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.
 - c. Such signs shall be removed when the project is completed, sold or leased.
 - d. Such signs shall not be located closer than one hundred (100) feet to any existing residence.
9. Signs on properties featuring construction projects shall not be erected before issuance of a building permit or remain after issuance of a certificate of occupancy.
10. Beacons may be used for grand openings, special events and holidays, but shall be removed after the event or a maximum of ten (10) days, whichever is shorter. No business or property may utilize such signs more than three times in a calendar year.
11. The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.
12. In all areas where townships are utilizing a uniform street and numbering system, a number sign legible from the road shall be required for residences and businesses.
13. Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.
14. No sign shall exceed eighty (80) square feet in area.

15. Signs shall not be placed within any road right-of-way, but otherwise are exempt from structure setback requirements.

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F. Signs in the (A), (AP), (PAT), (RRI/RRII), or (UR) Districts.

1. Sign Size and Location Requirements.

- a. Nameplate signs in the (A), (AP), and (PAT) Districts shall not exceed ten (10) square feet in area.
- b. Signs on properties featuring construction projects shall not exceed thirty-two (32) square feet in area.
- c. Signs on properties being offered for sale shall not exceed sixteen (16) square feet.
- d. Signs on properties featuring development projects shall not exceed eighty (80) square feet.

2. Signs located on premises where commercial activity is conducted (for approved conditional uses or allowed uses) subject to the following provisions:

- a. No more than one (1) freestanding sign of not more than forty-eight (48) square feet in surface area and no more than fifteen (15) feet in height above the average grade.
- b. No more than one (1) flat wall sign, which shall not exceed thirty-five (35) square feet in surface area.

G. Signs in the (RVC) and (CLI) Districts.

The following signs are permitted and regulations established for the (RVC) and (CLI) Districts:

1. Signs as permitted and regulated in (A), (AP), (PAT), (RRI/RRII), and (UR) Districts.

2. Signs located on premises where commercial activity is conducted, subject to the following provisions:

- a. A maximum of one (1) freestanding sign not exceeding twenty (20) feet in height or eighty (80) square feet in area, located on the premises.
- b. Flush mounted or wall painted signs, not exceeding fifteen (15) percent of a single wall area.

- c. The total surface area of all business signs on a lot shall not exceed the sum of three hundred (300) square feet.

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- e. Directional signs on the premises, not exceeding three (3) square feet in area or six (6) feet in height.
- f. One (1) freestanding sign for each multiple tenant business development, owned or managed as a single center or development, not exceeding eighty (80) square feet in area or twenty (20) feet in height.
- g. Each multiple tenant center, in which individual businesses will utilize wall signs, shall design a wall sign concept for the entire center, to promote individual sign compatibility, sign area equity and ensure ordinance compliance.

H. Specific Service and Tourism Signs.

- 1. Specific service and tourist-oriented business signs, as defined in M.S. Section 160.292, are permitted subject to the purposes and requirements established in M.S. Section 160.283, Section 160.285 and Sections 160.292-160.296.
- 2. Specific service signs and tourist-oriented business signs shall be administered by the Zoning Administrator, County Engineer and State Commissioner of Transportation.
- 3. No signs permitted in this section shall exceed eighty (80) square feet in area or twenty (20) feet in height.

I. Off-Premise Signs.

- 1. Off-premise signs that directs attention to a business, product, service, sale, activity or entertainment not conducted on the premises on which the sign is located shall be regulated as follows, except as otherwise specifically permitted in this Ordinance.
 - a. Signs as described above are restricted to the (CLI) District and require approval of a conditional use permit.
 - b. Signs as described above are considered a principal use of property and may not occupy any parcel with an existing structure or use.
 - c. One (1) sign as described above is permitted per parcel, not exceeding eighty (80) square feet in area or twenty (20) feet in height.

- d. Signs as described above shall not be located closer than two thousand (2000) feet to another such sign.

New Section - 4.16 Fowl Regulations - Residential Zones - The Chair opened the next public hearing to accept testimony in consideration of new language, "Section 4.15 Fowl Keeping" which will allow the keeping of fowl and poultry in the RRI and RRII Districts on a limited basis. There were two people present to comment on the draft amendment. Lyle Johnson, a Lent Township Supervisor spoke in opposition to allowing chickens in the Residential Districts, citing his experiences having been raised on a poultry farm. He felt that fowl were "too dirty" to be
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the draft language was too large. He stated his belief that if fowl were to be allowed in Residential districts, it should only be on tracts of land at least five acres in size. Almelund resident Melanie Jacobs was also present to express support for the proposal. There were no other persons present to offer testimony, and the Chair closed the public comment period. As the Planning Commission reviewed the draft language again, Tara Guy noted that the draft had been revised following the last meeting to allow roosters to be kept, at the request of the Planning Commission, who were responding to Ms. Jacob's suggestion that they be allowed. Tara commented that Zoning Staff still believed that the keeping of roosters was potentially an incompatible use in the Residential districts due to the noise factor. Members discussed the matter again, and concluded by reversing their previous position allowing roosters, to prohibit them. When discussion had concluded, Chair Frank Storm moved to recommend adoption of the following language - new "Section 4.15 Fowl Regulations - Residential Zones" as an amendment to the Chisago County Zoning Ordinance. Jim McCarthy seconded it and the motion was carried

Section 4.1 6 Fowl and Poultry Regulations - Residential Districts

A. Fowl and Poultry Keeping

The keeping of fowl, including chickens, ducks, geese or other poultry shall be a permitted use within RRI and RRII Zoning Districts, subject to the following:

1. On residential properties with less than two (2) buildable acres, a maximum of four (4) birds shall be permitted.
2. On residential properties containing two (2) or more buildable acres, four birds per acre shall be permitted.
3. The keeping of fowl and poultry shall be prohibited on properties less than one quarter acre in size.
4. Birds shall be fully contained on the property at all times.
5. Food materials that are stored outside shall be kept in secure, vermin-proof containers.
6. Coops shall not be located in any part of a home and/or attached garage.
7. Birds must be secured in an enclosed rodent and predator-proof housing facility from sunset to sunrise each day.
8. Birds shall not be raised or kept for fighting. Cockfighting is prohibited.
9. The keeping of birds shall conform to Minnesota Pollution Control Agency maximum decibel level standards, or shall be subject to enforcement, penalty, or removal of birds from premises.

10. The keeping of roosters shall be prohibited.

B. Containment, Housing and Maintenance

1. Housing Facilities - All coops and runs shall be subject to the following performance standards:

- a. A twenty (20) foot setback from any property line
- b. A twenty-five (25) foot setback from any dwelling or residential accessory structure, including playgrounds, pools, patios, or other generally habitable and improved recreational areas on any adjacent premises.
- c. A minimum coop size of ten (10) square feet per bird
- d. A maximum coop height of six (6) feet
- e. Attached fenced-in runs shall not exceed 20 square feet per bird and shall not exceed six (6) feet in total height.
- f. Mobile coops and runs are permitted subject to the above size and placement

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2. Maintenance - All coops shall be:

- a. Elevated with a clear open space of at least twenty-four (24) inches between the ground surface and framing/floor of the coop or be constructed using rodent resistant materials and methods.
- b. Kept reasonably free of fecal matter build-up, contaminated bedding, or other noxious odor source material. Collected fecal material and contaminated bedding shall not be allowed to accumulate on the property. Manure and contaminated bedding shall be managed to control flies, rodents, and noxious odor and may be incorporated into tillable soil, placed in actively managed (rotated, mixed, contained) yard waste compost piles, or disposed of through lawful off site means.

3. Appearance: Coops and runs shall be exempt from the requirements of Section 4.08 (2) I (1)

STAFF REPORTS/INFORMATION

Comp Plan Revisions - Planner Ken Roberts presented revisions to Sections 2 and 3 of the Comp Plan, with the changes requested by the Planning Commission at the previous work session. The Commission found the revised sections to be satisfactory and requested that Ken proceed with the remaining sections.

ADJOURNMENT - There being no further business, the meeting was adjourned at 8:25 p.m.