

PLANNING COMMISSION WORKSHOP
DECEMBER 16, 2014
CITY COUNCIL CHAMBERS
SHOREVIEW CITY HALL
(After the regular meeting)

Agenda

1. Text Amendments
 - a. Section 210 – Nuisance
 - b. Building Height
2. Commissioner Assignments for 2015

To: Planning Commission

From: Kathleen Castle, City Planner

Re: Text Amendment – Section 210, Nuisance

Date: December 10, 2014

Introduction

The Staff is proposing an amendment to Section 210, Nuisance to clarify the process regarding tall grass abatements and assessments. A previous text amendment approved in 2006 established an expedited enforcement process for tall grass and weed violations and enabled the City to abate these conditions and assess the costs if the bill remained unpaid. This Section was amended again in to include emergency abatements and immediate abatements. Changes were also made to the expedited review process which, in Staff's opinion, has caused some confusion regarding the abatement of tall grass and weeds. An amendment is being proposed to remedy this.

Section 211, Property Maintenance

Section 211 of the Municipal Code establishes the minimum requirements and standards regarding the maintenance of properties. The following excerpt addresses noxious weeds and tall grass:

211.060 General Property Maintenance.

(C) Exterior property areas shall be kept free from species of weeds or plant growth which are noxious or a detriment to public health. Noxious weeds are those identified in Minnesota Rules 1505.0730 and 1505.0740. **Grass plots and lawn areas, including any contiguously abutting street boulevard areas, shall not exceed nine inches in growth height. Non-woody vegetation on vacant properties shall not exceed eighteen inches in growth height.** Native grasses indigenous to Minnesota, planted and maintained on any occupied lot or parcel of land as part of a garden or landscape treatment are exempt from the growth height maximum height limitation, provided the native landscaping does not interfere with traffic or pedestrian safety. Wetlands and other drainage features, pastures, and undisturbed land are exempt from this provision.

Section 210, Nuisance

This Section defines the acts that constitute a public nuisance, abatement procedures and assessment methods. The following amendments are being proposed to better address tall grass and weed violations. Note, underlined text is proposed for addition and stricken text is proposed for deletion.

210.010 (B) The following are hereby declared to be public nuisances affecting health and safety:

(4) Of noxious weeds as defined in Minnesota Rules, parts ~~1505.0730, 1505.0732, and 1505.0740~~ 1505.751, and other rank growths of vegetation upon private or public property including grass over nine inches in growth height and non-woody vegetation on vacant properties over 18 inches in growth height.

210.020 Abatement Procedure.

(A) Procedure. Except as otherwise provided in Section 210.020 (C) or 210.020 (D), whenever the officer charged with enforcement determines a public nuisance is being maintained or exists on a premise in the City, the officer shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated and abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the specified time, the official shall report that fact to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and order that if the nuisance is not abated within the time prescribed by the City Council, the City may seek injunctive relief by serving a copy of the Council Order and a Notice of Motion for Summary Enforcement or, obtain an administrative search warrant for access to the premises or property has been denied, and abate the nuisance. In those cases where the nuisance pertains to noxious weeds and grass as defined in Section 210.010 (B)(4), the City Council after notice and hearing may cause the nuisance to be abated immediately by the City. In those cases where the nuisance has been recurring and can be abated by reasonable maintenance procedures, the City Council's order to abate shall be effective for up to two (2) years.

Recommendation

The proposed amendment is being presented to the Commission for review and discussion. The Staff believes the proposed changes related to tall grass and weeds clarifies how these code violations are treated as a public nuisance. The changes also better address the abatement procedure for this type of nuisance.

Attachments

1. Section 210, Nuisance

210 Nuisance**210.010 Nuisance.**

(A) Public Nuisance Prohibition. A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this ordinance, a person that does any of the following is guilty of maintaining a public nuisance:

<p>Rev. Date 5/4/09 Ord. #849 Entire Section</p>
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(1) Annoys, offends, injures, or endangers the health, comfort, repose, morals, decency, peace, or safety of any considerable number of members of the public; or

(2) Unlawfully interferes with, obstructs, or renders dangerous for passage a public waterway, park, square, street, alley, highway, or any other public property or right of way; or

(3) Maintains property conditions that constitute a fire hazard or a physical risk to the property or persons or otherwise dangerous to human life, public safety personnel or the public welfare.

(4) Depreciates the value of the property of a considerable number of members of the public; or

(5) Is declared to be a nuisance by any provision of this code, any statute, or regulation.

<p>Rev. Date 4/16/14 Ord. 920</p>

(B) The following are hereby declared to be public nuisances affecting health and safety:

(1) Certain ponds, pools and accumulation of stagnant water.

(2) Accumulation of refuse or debris.

(3) The pollution or contamination of any well or cistern, stream, lake, canal, or body of water by sewage, or industrial waste or other substance.

(4) Of noxious weeds as defined in Minnesota Rules, parts 1505.0730, 1505.0732, and 1505.0740.

(5) Accumulation in the open of discarded or disused machinery, household appliances, and furnishings, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulations.

- (6) All dangerous unguarded machinery, in any public place, or so situated or operated on private property as to attract the public.
- (7) Ice, snow, or rainwater to fall from any building or structure upon any public street or sidewalk, or to direct any rainwater or water from ice melt or snow melt so as to flow across any public sidewalk.
- (8) Any well, hole or excavation left uncovered or in such other condition as to constitute a hazard to a child or other person, being or coming upon the premises where the same is located.
- (9) Hazardous buildings, subject to the provision of State Statute 463.16.
- (10) Privy vaults and garbage cans which are not rodent-free or fly tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors.
- (11) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.
- (12) Any offensive trade or business as defined by statute not operating under local license.
- (13) All trees, hedges, billboards, or other obstructions, which prevent people from having a clear view of all traffic approaching an intersection.
- (14) All wires and limbs of trees, or other objects that are so close to the surface of a sidewalk, trail or street as to constitute a danger to pedestrians or vehicles.
- (15) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, trails or public grounds, except under conditions permitted by this ordinance or other applicable law.
- (16) Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way.
- (17) Wastewater cast upon or permitted to flow upon streets or other public property.
- (18) Obstruction to the free flow of water in a natural waterway or public stormwater system, gutter or ditch with trash or other materials.

(19) The depositing of garbage or refuse on a public right-of-way or on adjacent private property.

(20) Shade Tree Nuisances.

Rev. Date 3/19/12 Ord. #890

a. Any living or standing tree(s) to any degree with a shade tree disease or Plant Pest.

b. Any logs, branches, stumps, or other parts of any dead or dying tree so infected unless such parts have been fully burned or treated under the direction of the City Manager.

c. Any standing dead trees or limbs on public or private property which may threaten human health or property.

(21) Illicit discharges or connections to the MS4 or storm drainage system.

(22) The overcrowding of a room or portion of a dwelling with long-term storage of items, goods, or any combustible materials so as to prevent upkeep, maintenance, or regular housekeeping. A room may be considered overcrowded when: interior storage covers an excessive amount of the floor area of a room, constitutes a potential excessive fire load, prevents access to windows or doors, prevents access to or obstructs mechanical systems or air movement, effectively eliminates use and access to required electrical devices, impedes access and movement of emergency personnel, blocks hallways, limits the operation of doors or provides pest harborage.

Rev. Date 4/16/14 Ord. 920

(23) Any other health or safety nuisance as declared by the City Council.

(C) Enforcement. The provisions of this regulation shall be enforced by the City's law enforcement agency or by such other officers, employees, or agents as designated by the City Council. Such officers, employees, or agents shall have the power to inspect private premises in accordance with law, and take all reasonable precautions to prevent the commission or maintenance of public nuisances. The provisions of this regulation for the abatement of nuisances shall be in addition to any other penalty or remedy provided by this code, by county ordinance, or by state statute or regulation.

210.020 Abatement Procedure

(A) Procedure. Except as otherwise provided in Section 210.020 (C) or 210.020 (D), whenever the officer charged with enforcement determines a public nuisance is being maintained or exists on a premise in the City,

the officer shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated and abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the specified time, the official shall report that fact to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and order that if the nuisance is not abated within the time prescribed by the City Council, the City may seek injunctive relief by serving a copy of the Council Order and a Notice of Motion for Summary Enforcement or, obtain an administrative search warrant for access to the premises or property has been denied, and abate the nuisance. In those cases where the nuisance has been recurring and can be abated by reasonable maintenance procedures, the City Council's order to abate shall be effective for up to two (2) years.

- (B) Notice. Written notice of the violation, notice of the time, date, place and subject of any hearing before the City Council; notice of the City Council Order; and Notice of Motion for Summary Enforcement hearing shall be served by a peace officer or a designated official on the owner of record or occupant of the premises, either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises.
- (C) Emergency Procedure/Summary Enforcement. In cases of an emergency where delay will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer or designated official shall determine that a public nuisance exists or is being maintained on the premise in the City and that the delay in abatement will unreasonable endanger public health, safety or welfare. The officer or designated official shall make a reasonable attempt to notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedures set forth in subdivision 210.020(A) and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City may order summary enforcement and abate the nuisance.
- (D) Immediate Abatement. Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

- (E) Judicial Remedy. Nothing in this section shall prevent the City from seeking a judicial remedy when no other adequate administrative remedy exists.

210.030 **Recovery of Cost.**

- (A) Record of Abatement Cost. The City Manager or his/her designee shall keep a record of the costs of abatements, including administrative costs, done under this ordinance and shall report monthly all work done to the appropriate officer for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved and the amount assessable to each.
- (B) Personal Liability. The owner of premises on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person shall be personally liable for the cost of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other City official shall prepare a bill for the cost and mail it to the owner. Thereupon, the amount shall be immediately due and payable at the City's administrative office.
- (C) Assessment. After notice and hearing as provided in Minnesota Statutes Section 429.061, as it may be amended from time to time, if a nuisance is a public health or safety hazard on private or public the City Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes, Section 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under the provisions of Minnesota statutes Section 429 and any other pertinent Statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: December 12, 2014
SUBJECT: Text Amendment – Building Height

Introduction

Last year, information was presented to the Planning Commission regarding building heights, specifically for multi-family residential, commercial, business and industrial properties. This information is being presented to the Commission again for review and discussion.

Within the past several years, there have been a number of projects approved that exceed the current height standard. While these height deviations were approved through planned unit developments, there is concern that the current height standard is too restrictive and impacts redevelopment opportunities. The Commission recognized that additional flexibility may be needed to meet the changing development needs of the community; however, there was some concern about the impact taller structures could have on low density residential projects. In addition, there was consensus that taller structures may be appropriate in some parts of the community such as the I694 and I35W.

Development Code

In the multi-family residential zoning district and the commercial, business/office and industrial zoning districts, the maximum height permitted is 35 feet. This height, however can be exceeded if for every additional foot of height there is an additional foot of setback on all sides and the building height does not exceed the firefighting capabilities of the Fire Department. A review of older ordinances limited the height in all districts to 35 feet with the exception of the I-2, Industrial District, which permitted a maximum height of 45 feet. Staff believes the current height was established based on the suburban character of the community and fire safety concerns.

Building Height is defined as follows:

Height, Building. With the exception of substandard riparian lots, building height shall be measured as follows: A distance to be measured from the mean curb level along the front lot line or from the mean ground level for all that portion of the structure having frontage on a public right-of-way, whichever is higher, to the top of the cornice of a flat roof, to the top line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof, or to the mean distance of the highest gable on a pitched or hip roof. For substandard riparian lots, building height is measured from the highest roof peak to the lowest point at finished grade. Finished grade is the final grade upon

completion of construction. Grade is defined as the lowest point within 5 feet of the building in accordance with the Uniform Building Code.

Approved Development Projects Exceeding the Height Standards

Attached you will find a table identifying approved developments where the structure height exceeds the current standards.

Code Comparison

The staff did survey other metropolitan area communities and found that Shoreview's regulations tend to be more restrictive, specifically for commercial, business and industrial uses. Many of these ordinances also have more flexible standards for special development districts or standards that need to be met to exceed the permitted height. See the attached table.

Building/Fire Code Considerations

Steve Nelson, Building Official, has stated that the building code does address height; however, height is generally limited by the type of construction. The City has also adopted Chapter 1306, Minnesota Rules, which requires certain structures over 2,000 square feet to be sprinklered.

Lake Johanna Fire Chief Tim Boehlke has indicated that building height is not a concern since new structures will be equipped with Fire Sprinklers. The Department does have the trained staff and the equipment needed to respond to a fire in a taller building. Site design is important because it plays a role in how the building can be accessed with their equipment.

Other Considerations

Flexibility from the City's building height limits have been approved for newer multi-family residential, business/office and industrial projects through the PUD process. While the PUD process permits this flexibility, findings need to be made that such a deviation needs to provide a benefit to the City as a whole. While these findings have been met in past approvals, it appears that the current code is too restrictive since the height deviation is a common request. As such, staff is seeking feedback from the Planning Commission regarding this matter. The following outlines some of the factors to consider regarding building height:

- 1) Shoreview is second-ring suburban community characterized by low density development and open space. Changes in building height should preserve and maintain this character.
- 2) The Building and Fire Code requirements address the public safety issues associated with taller buildings. The Fire Department has the ability to manage fires in taller structures.
- 3) Lower density residential areas should be buffered from higher intensity uses, including taller structures, so as to maintain the low density character of the neighborhood.

- 4) Growth within the community will occur primarily through infill and redevelopment. Redevelopment generally requires higher density and more intense uses which may require taller building heights.
- 5) Certain areas of the community may be more suitable for taller buildings such as those identified as targeted redevelopment areas or areas along the Interstate Highways.

Proposed Revisions

The maximum building height for R1, Detached Residential and R2, Attached Residential would remain at 35 feet. Maximum building heights would increase for structures in other districts as follows:

General Provisions:

- ~ The height can be exceeded if for every additional foot of height there is an additional foot of setback on all sides
- ~ The Planning Commission/City Council may impose reasonable height limitations to mitigate potential negative impacts, specifically on low density residential uses, rather than to limit the density of a project.
- ~ Architectural design methods may be used to minimize the visual impacts of development on adjoining low-density residential uses.
- ~ Establishing tiered height limits based on the proposed setback from adjoining property lines of low density residential uses. Example – Maximum building height of 35 feet permitted within 30 to 45 feet from the lot line then increasing to 50 feet for that part of the structure setback a minimum of 45 feet from the property line

R3, Multi-Family Residential District: 40-feet

C1A, Limited Retail Service: 35-feet

C1, Retail Service and C2, General Commercial: 45-feet

- ~ The building height may be increased up to 50-feet for structures that abut Interstate 694 or 35W

OFC, Office; BPK, Business Park: 50-feet

- ~ The building height may be increased up to 65-feet for structures that abut Interstate 694 or 35W

I, Industrial: 50-feet

- ~ The building height may be increased up to 65-feet for structures that abut Interstate 694 or 35W

PUD, Planned Unit Development District

- ~ For structures that have a vertical mixture of uses, the building height may be increased to 50-feet.

Recommendation

At this time, the staff is seeking feedback from the Planning Commission regarding the current and proposed height standards and whether changes should be considered. As previously stated, there have been a number of development approvals for multi-family residential, business and industrial development that have exceeded our height standards. Shoreview's standards appear to be more restrictive than some similarly situated suburban communities and height is no longer restricted by fire fighting capabilities. Providing additional flexibility to these height standards, in certain areas, will more than likely be needed for redevelopment to occur, to achieve life-cycle housing goals and support economic development. If there is support for changes, text will be brought to the Commission for further review and discussion.

Attachments

- 1) Table - Approved Developments Exceeding Height Standards
- 2) Summary of Height Regulations – Suburban Communities
- 3) Map 6-1, Targeted Redevelopment Areas
- 4) Zoning Map

TABLE
APPROVED BUILDING HEIGHTS

Development	Peak	Midpoint
<i>Applewood Pointe</i> 4785 Hodgson Road	49 feet	39.5 feet
<i>Lexington Shores</i> 3150 Lexington Avenue	42 feet	36 feet
<i>Summerhouse</i> 4655 Victoria Street	50 feet	40 feet
<i>Scandia Shores</i> 418 Highway 96	48 feet	41 feet
<i>Shoreview Sr. Living</i> 4710 Cumberland Street	41.5 feet	36 feet
<i>Lakeview Terrace</i> 3595 Owassos St	78.5 feet	--
<i>Hilton Garden Inn</i> 1050 Gramsie Road	59 feet	50 feet
<i>Country Inn and Suites</i> 5995 Rice Creek Parkway	56 feet	50 feet
<i>PaR Systems</i> 625 County Road E	66 feet	--
<i>Billboard – Red Fox Road</i>	75 feet	--

Municipality	District Maximum Heights					
	<u>Res - SF</u>	<u>Res MF</u>	<u>Business</u>	<u>Commercial</u>	<u>Industrial</u>	
Arden Hills	35 ft	35 ft	50ft	35ft	45ft	
New Brighton	30 ft	30 ft	5 Stories	5 stories	5 stories	*Special business district area that has minimum building heights of 2/3 stories and no maximum.
Fridley	30 ft	65 ft*	65 ft	45 ft	65 ft	* No building shall be erected to a height exceeding forty-five (45) feet within fifty (50) feet of any R-1 or R-2 District, without one (1) additional foot of space between the main building and the R-1 and R-2 District for each one (1) foot or portion of building height over forty-five (45) feet.
Blaine	30 ft	30 ft	36 ft	50 ft*	50 ft	* Planned commercial does not have maximum height requirements as long as buildings are sprinkled.
Roseville	30 ft	95 ft*	65 ft	40 ft	60 ft	* High Density Residential - 2, HDR - 1 is limited to 65 feet.
Woodbury	40 ft	40 ft	60 ft	40 ft	50 ft	
White Bear Lake	35 ft	35 ft*	38 ft	48 ft	48 ft	* In the R-B Residential Business Transition District you can have a maximum height of 45 ft.
			45 ft if within 200 ft of residential district. Or regulated by setback and floor area requirements.	N/A	35 ft	*height: building height shall be regulated generally by floor area ratio and yard area requirements but shall be evaluated along with other design parameters under site and building plan review. The planning commission or city council may impose reasonable height limitations when any of the following conditions are found to exist: 1) the proposed building is located within 200 feet of any designated low density residential district; 2) the proposed building is located within 100 feet of any designated public park; 3) the proposed building is highly visible to a large number of parcels containing or designated on the comprehensive plan to contain low density residential uses due to site conditions, including topography and lack of mature vegetation; or 4) the proposed building will be of an inappropriate site or architectural design due to existing or planned topography or sight lines. In imposing height limitations, it shall be the intent of the planning commission and city council to mitigate potential negative impacts rather than to limit the density of the project.
Minnetonka	35 ft	*				
Edina	35 ft*		Special Height Overlay District Regulates these uses.			*The maximum height may be increased by one inch for each foot that the lot exceeds 75 feet in width. In no event shall the maximum height exceed 40 feet.
Vadnais Heights	35 ft	36 ft	45 ft	45 ft	45 ft	
Little Canada	30 ft	36 ft	36 ft	36 ft	40 ft	

County Road J W

County Road J W

Rice
Creek

Poplar
Lake

County Road I W

Legend

 Targeted redevelopment areas

Lexington Ave N

Turtle
Lake

Hodgson Road



Martha
Lake

Highway 96 W

Snail
Lake

Rice St

Lexington Ave N

Island
Lake

Grass
Lake

Rice St

Disclaimer: Every effort has been made to ensure the completeness and accuracy of this map. However, the data used to create this map was compiled from a number of sources and may contain errors. This map should be used for reference only. Data should be verified independently if used for any other purpose. This document is not a legally recorded map or survey and should not be used as such.

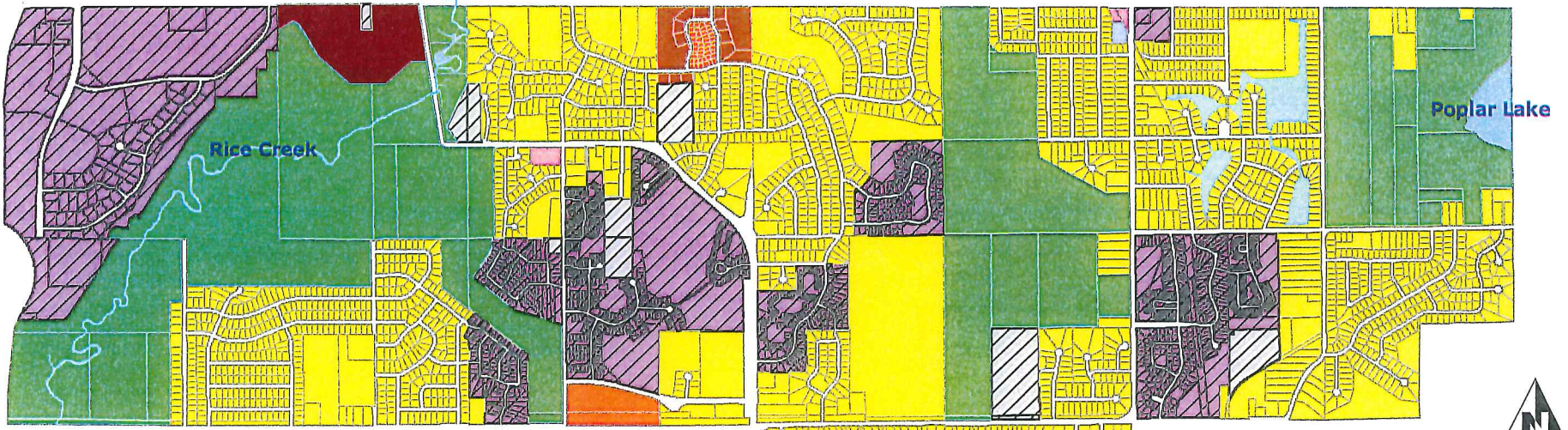
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Lake
Judy















Wabasso
Lake

Lake Owasso

6.1 Targeted Redevelopment Areas

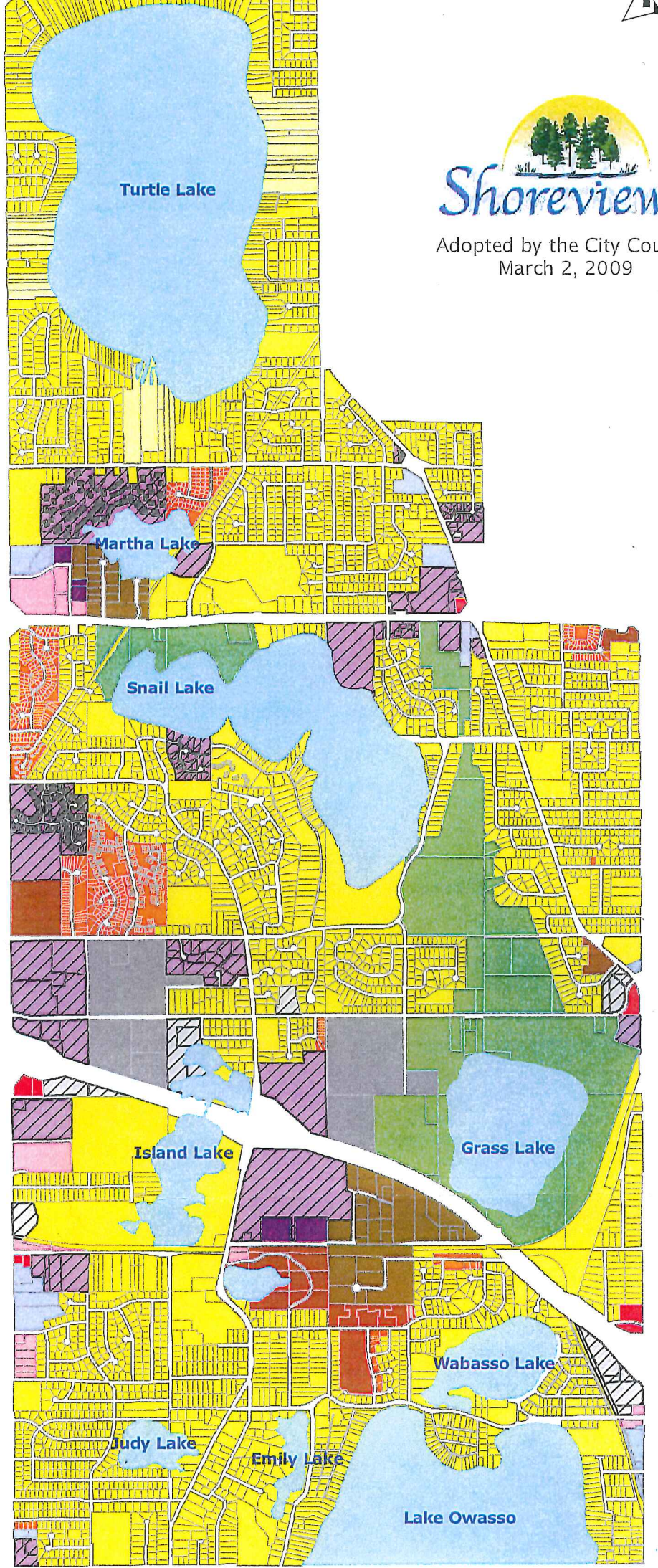


Zoning Classifications

-  RE - Residential Estate
-  R1- Detached Residential
-  R2 - Attached Residential
-  R3 - Multi-Dwelling Residential
-  R4 - Mobile Home Residential
-  C1 - Retail Service
-  C2 - General Commercial
-  OFC - Office
-  I - Industrial
-  T - Tower
-  OS - Open Space
-  PUD - Planned Urban Development
-  UND - Urban Under Developed
-  BPK - Business Park
-  Water



Adopted by the City Council
March 2, 2009



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Zoning Map

City of Shoreview Community Development Department

