



CITY CODE FORUM

April 19, 2023

INTRODUCTION



- Minnesota Statutes grant “Police Powers” to municipal governments – the power to regulate to protect Public Health, Public Safety, and General Welfare.
- Planning and Zoning regulation is generally found in Chapter 462.
- Before Zoning, cities regulated land use by a civil process of “Nuisance” – an act that unreasonably interferes with someone’s property rights.



INTRODUCTION, CONT'D



Nuisance law is notoriously difficult to manage – **expensive, uncertain, inconsistent** from place to place.

- Public zoning took the place of private nuisance lawsuits in the early 1900s. The theory was that a **consistent set of land use expectations** could be written and defended, and people could make more predictable investments in real estate, under a public scheme.
- Public land use regulation acknowledges that the **public has a stake in how property is developed**, since the public will be asked to maintain the infrastructure, promote the general welfare, and protect public safety to preserve it.

CITY CODE & ZONING ORDINANCES



- City Codes are adopted according to the practice established by State Law and by locally adopted ordinances.
- Zoning and Subdivision regulations are by far the most common **implementation tools** of Comprehensive Plan policy.
- City Codes are the law. Violations of City code are typically treated as misdemeanor crimes, although some violations are pursued with civil penalties.

CITY CODES, CONT'D



- The Comprehensive Plan is the city's primary statement of vision and mission. It defines what the City is trying to achieve, protect, and promote when it adopts various City Codes.
- City Codes, including Zoning, are regulated by the following basic criterion:
 - Whether the proposed amendment is consistent with **achieving the goals and objectives** outlined in the comprehensive plan.

STAFF AND CONSULTANTS



- City staff serves as the "Executive" branch at the local government level – **implementing the directives** of the City Council, which acts as either Legislative or Judicial branch, depending on the specific activity.
- City staff will include Administrative, Finance, Public Works and Engineering, Public Safety, Building and Community Development, and other professional staff. Department staff is responsible for providing **expert analysis** and presentation of **policy materials** for public officials to utilize in their decision-making.

PLANNING COMMISSION



The Planning Commission is an **advisory commission** to the City Council. The Commission's role is to:

- Review land use applications
- Review staff analysis and commentary
- Conduct public hearings and receive citizen input
- Apply Comprehensive Plan Goals and Policies to the issue
- Deliberate and prepare a recommendation for City Council action

The Planning Commission is formed from citizenry to **interject community-level input** into the land use decision process, and convey that input to the City Council.

MAYOR AND CITY COUNCIL



- The City Council is the **governing body** of the municipality. City Code and other land use decisions of the Council are final, subject to appeal to the judicial system.
- The City Council sits as the “**Legislative**” branch of local government in that it **makes policy, adopts ordinances**, and otherwise sets expectations of **general applicability** to the community.
- The City Council, alternatively, sits as the “**Judicial**” branch of local government, in that it **applies** the generally applicable rules to a specific permit request, such as ruling on a zoning or subdivision development application.



CODE ENFORCEMENT & VOLUNTARY COMPLIANCE

EDUCATION CONVERSATION COOPERATION



The City of St. Anthony relies on proactive observation and outside complaints to identify potential violations.

It is our primary goal to gain voluntary code compliance through education, conversation, and cooperation.

WHY? – Just fine them or take them to court!

Often times we find out the following by knocking on a door:

- a) The homeowner(s) was not aware that there was a potential issue.
- b) The homeowner(s) has been out of town thus causing a potential violation (i.e. Long Grass)
- c) A recent illness or medical reason is preventing the homeowner from being able to remedy the issue.
- d) The dog ate my homework. We are fully aware of this one.

CHANGING CLIMATE



- We have seen an increase in return trips to homes where we have asked for a violation to be “fixed” but it takes us a few follow-ups until we see compliance.
- We do have other options that we can turn to if we determine it to be a health, safety, or welfare concern.
- Our experience overall with the residents has been extremely positive and cordial. Once people understand the why, they are almost always willing to cooperate and follow-through.



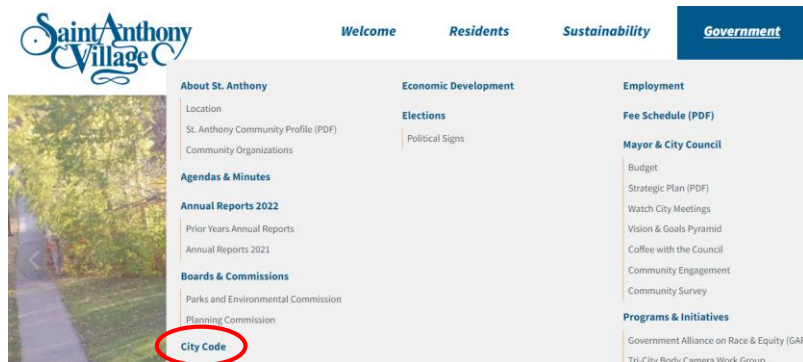
EDUCATION OF AND ADHERENCE TO CITY CODE

OBSERVATION AND ASSESSMENT



- Understand the language, intent and application of the city code. (over 550 pages)
- Identify code language that is antiquated, incomplete, inequitable or missing and utilize the Code Committee to make necessary amendments to remedy the identified issues.
- Create educational materials that the public can use for self service based knowledge on the most common code based issues.
- Code Info Guides are presented to residents as a first point of contact when informing residents that there is a violation upon their property.
- Work with residents to determine acceptable expectations and timelines for remedy.
- Maintain materials specific to compliance violations and history of activity.

CODE INFORMATION



Code Resources

- [Code Education Guides](#)
- [Common Code Violations](#)
- [Report a Code Violation](#)
- [FAQs](#)

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VIOLATION IDENTIFICATION & PROCESS



- Either through proactive patrols or resident reported, violations are identified and those in violation are contacted all 52 weeks of the year
- Whenever possible in person identification and explanation is made. When residents do not come to the door, info guides specific to the violations are left with highlights specific to the issue and often a written note.
- Whenever possible, determination on how and when violations need to be remedied is discussed
- Those who fail to address the identified violations are issued a city violation notice. Failure to remedy the violation(s) as identified may cause the city to take further actions, including; abating the violation, issuance of a misdemeanor ticket or civil litigation brought against the offender.



CITY OF SAINT ANTHONY VILLAGE ORDINANCE VIOLATION NOTICE	
ADDRESS	
CITY CODE	VIOLATION
AREA 01	AREA 01
AREA 02	AREA 02
AREA 03	AREA 03
AREA 04	AREA 04
AREA 05	AREA 05
AREA 06	AREA 06
AREA 07	AREA 07
AREA 08	AREA 08
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§ 10.99 GENERAL PENALTY.

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor.

(B) Any person, firm, or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor.

(C) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

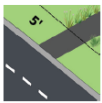


RECENT CODE CHANGES

RECENT CODE CHANGES



Fences - for front yards, no fence, fence post, or post cap shall be over 52" in height. For side yards and rear yards: no fence, fence post, or post cap shall be over 6'-6" in height.



Pollinator Gardens - native vegetation and/or pollinator gardens shall be a minimum of three feet from a side yard property line. No vegetative growth greater than 12" in height within five feet of curb line.



House Numbers - each numeral may be no less than 4" in height and no less than 3/4" in stroke width. Buildings more than 70 feet from the street shall have numerals no less than 5" in height.



Waste Receptacle Storage - waste receptacles must be kept behind the front yard setback unless within an approved screening structure. Properties with side yard pickup must be kept behind the side yard structure.



RECENT CODE CHANGES



DATE POSTED	PROPOSED ORDINANCE DESCRIPTION	MEETING DATE	STATUS
December 11, 2021	An ordinance amending sections of the City Code related to swimming pools, fences related to pools, refuse containers, and non-commercial sign exemptions	December 21, 2021	Public Hearing Held
March 5, 2022	An ordinance amending sections of the City Code related to the Commercial District and the Light Industrial District	March 15, 2022	Public Hearing Held
April 21, 2022	An ordinance amending sections of the City Code related to the Commercial District	April 26, 2022	First Reading & Adoption
April 21, 2022	An ordinance amending sections of the City Code related to the Light Industrial District	April 26, 2022	First Reading & Adoption
April 21, 2022	An ordinance amending sections of the City Code related to swimming pools, fences related to pools, refuse containers, and non-commercial sign exemptions	April 26, 2022	First Reading
May 5, 2022	An ordinance amending sections of the City Code related to swimming pools, fences related to pools, refuse containers, and non-commercial sign exemptions	May 10, 2022	Second Reading
May 19, 2022	An ordinance amending sections of the City Code related to swimming pools, fences related to pools, refuse containers, and non-commercial sign exemptions	May 24, 2022	Adoption

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CODE AMENDMENT PROCESS

CODE AMENDMENT PROCESS



- In St. Anthony, there are **two types of codes** that impact land use.
- Zoning regulations, that relate to the **essential usage** of property Single Family Residential, Multi-family Residential, Commercial, etc.
- General City Code, usually relates to requirements for **specific aspects** of property use.
- Zoning regulations are heavily structured by State law, and the City creates these codes only within those limitations.
- General City Codes may impact a wide variety of regulations, provided the State has not pre-empted local control.

ZONING AMENDMENT PROCESS



Zoning Amendments require a unique process for consideration.

- They must be considered first at a public hearing, for which notice is published, and sometimes mailed to neighbors.
- They must be adopted under specific vote requirements, including a few that require “super-majority” votes by the City Council.

In St. Anthony, that public hearing is held by the Planning Commission. The Planning Commission will usually seek research and reporting from City staff.

The Planning Commission, following the public hearing, discusses the item, and forwards a recommendation to the City Council.

GENERAL CITY CODE AMENDMENTS



- General City Codes usually are adopted according to a locally-defined process. In St. Anthony, that is typically over 3 meetings of the City Council, called “readings” of the proposed ordinance.
- The City Council may seek advice of other advisory commissions, and will usually request research and reporting from City staff.
- City staff researches the issue to determine the impacts on public health, safety, or general welfare. Staff will often survey codes in other communities both for local context, and discover what may be common or uncommon in the region.

CODE AMENDMENTS



- Most often for the types of Codes being considered over the past few years, the items will be brought to a Work Session of the City Council, which may include Planning Commission, Parks and Environmental Commission, or other specific groups for discussion.
- Once a particular issue is considered appropriate for a Code Amendment, it is researched by Staff, formulated into an ordinance for consideration, then brought to the Planning Commission for review and recommendation. It has been the City's recent practice that most such Codes are reviewed at a public hearing by the Planning Commission, even though some amendments do not require it.

PLANNING & ZONING PUBLIC ROLES



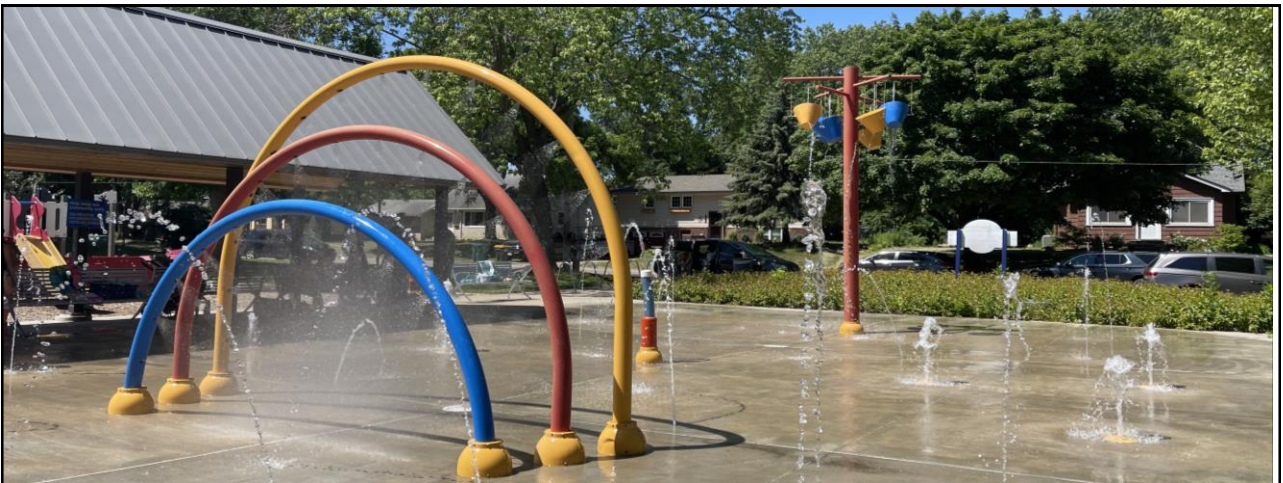
Three primary public bodies involved in Planning and Zoning activities:

- **Mayor and City Council**
- **Planning Commission**
- **City Staff and Consultants**
- **Other advisory groups** may become involved, depending on the issue, including the Parks Commission, Economic Development Authority or HRA, and ad hoc groups organized for specific purposes.

NONCONFORMITIES



- A short note about the impact of newly adopted Codes.
- Land uses that were once legal under the then-existing code, but which now no longer meet the requirements or uses allowed in the code are called “nonconformities”.
- A nonconformity owner may continue a legally established use into the future if it is **continuous**, including **reconstruction (but not expansion)**, but the code is designed to bring the use of the property into conformance eventually.
- The City has only limited authority to eliminate lawful nonconformities.



STAY INFORMED

STAY INFORMED



Notifications

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Village NOTES
"A Village in the City"

Community Involvement Opportunities
Maura Raudy Sida

When we partnered with the National Research Center at Polio to complete the National Community Survey™ last year, one goal was to learn more about the wants and desires of residents to better inform policy-making decisions. The survey results were extremely positive, and we heard that residents feel that the city is devoting communication resources to the needs of residents that they feel are important. Police compared St. Anthony's results to one given across the country, and we are proud that one city performed well as compared to hundreds of 100+ towns. I encourage you to answer the full report at [savmn.com/survey](https://www.savmn.com/survey).

Our volunteer from the survey team from the question, "Are you interested in being a part of any group in the past 12 months?" Response: I would like to see the opportunity, and I would like to be involved with the program. I have attended the survey to this question. Regardless, there are many great opportunities for involvement within Council-affiliated community organizations that I want to highlight.

St. Anthony Chamber of Commerce – a great networking group for business in our community. The group is currently in need of an Executive Director and board members.

VillageFest – Juliana Hume and the volunteers care do a fantastic job organizing the community event of the year.

IN THIS EDITION

- Spring Clean-Up Day**
SATURDAY, MAY 6
page 15
- 2023 Strategic Planning**
page 2
- Summer Road Work**
pages 10-11

City of St. Anthony Village
728 followers • 33 following

What's on your mind?

Featured

City of St. Anthony Village
Sent 12:00 PM '23

Saved the world! We're looking for seasonal employees to join our Public Works Department this summer! Perfect.

The City of St. Anthony is seeking a Finance Director to lead the Department. Learn more.

2023 SUMMER REGIONAL POSTINGS

SAV MN.COM

Facebook logo



HOW TO PARTICIPATE

HOW TO PARTICIPATE



City council meetings or public hearings

Attend a council meeting to speak under community forum or another agenda item. [Agenda packets are posted online](#) the Thursday before a meeting.

Public hearings are held on a variety of topics such as planning requests, street projects, certain ordinance amendments, etc. Depending on the public hearing, residents who live in the area may receive a mailed notice with the hearing information. All [public hearings are published online](#) and in our Official City Newspaper, The Star Tribune.

Contact City Council

The City Council members welcome your comments and suggestions. [View City Council contact information.](#)

Commissions

The city has two commissions that advise the city council.

The Parks and Environmental Commission makes recommendations to the City Council regarding policies, practices, and proposals that relate to the sustainable use and management of environmental resources, including air, water, energy, land, ecological resources, and waste.

The Planning Commission makes recommendations to the City Council on planning issues, such as variances, conditional use requests, zoning issues, and city code amendments.

Learn more about our [Commissions](#).

THANK YOU!



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QUESTIONS? |