

**CITY OF SAINT HEDWIG**

**PLANNING & ZONING COMMISSION**

**APPROVED MINUTES**

**P&Z Meeting September 1, 2020:**

Meeting called to order @ 7:08pm

**Roll Call:**

Commissioner Jones – Absent  
Commissioner Polasek – Present via teleconference  
Commissioner Robinette – Present via teleconference  
Commissioner Maddox – Present via teleconference  
Code Compliance Officer Fornof – Present via teleconference  
Secretary Schaefer – Present via teleconference  
Quorum established

**Reading and approval of minutes:**

Commissioner Maddox motioned to accept the August 18, 2020 minutes as written. Commissioner Polasek second motion. August 18, 2020 minutes approved, all in favor.

**Update of Code Compliance Old/New Business:**

No new business to discuss.

**Citizens to be Heard:**

None to be heard.

**Old Business:**

1. **Zoning Ordinance Review –Discuss and take action.** Code Compliance Officer Fornof walked everyone through the Ordinance through “shared screen” - allowing everyone to see the comments listed out to the right of the ordinance and changes that have been made in the “body” of the ordinance. Cindy Trevino, the city attorney, acknowledged a few things that we might need to clear up.
  - A. III. Zoning District Map, Item C, #4 (pg. 4) -Rules for Interpretation of District Boundaries: in regards to dividing a lot or tract will be construed based upon the Zoning District Map. Commissioner Polasek addressed the concern of this having the potential of cutting an existing tract into two or more zones. Code Compliance Officer Fornof stated that if for any reason there is a division of two or more zones she would make the land owner aware and not allow them to rezone the property into an unsellable piece of property when dividing the lot or tract. Based upon our current ordinance this has passed with legal and is good to go.
  - B. IV. Zoning Districts Generally, Item A, (pg. 5) Establishment of Districts: Commissioner Polasek asked if we needed to add a district that covers the City Hall, City Park and school? Did we talk about that being “PUBLIC District, we have “Public” listed on the future land use map. Per CCO Fornof we do not currently have “Public” on our legend for our zoning and the future land use map should never match our zoning map. Commissioner Polasek was under the impression that all of this had to go in front of a Public Hearing and if we wanted to recognize what space the School and City Park occupy that we would need to add these onto our zoning map so that these areas would have a classification. CCO Fornof stated we would have to make up what the rules would be for the zoned “Public” would

be and we would have to modify a couple of things in order to incorporate it all with our ordinance. CCO Fornof stated she knows this has been brought up previously but wasn't/isn't sure what the need for this is. Commissioner Maddox mentioned that maybe down the road someone may have a piece of property that they wish to donate or will to the city as public access – this could be an issue where we would need to have “Public” listed in the zoning legend. Commissioner Mais and CCO Fornof agreed that for now we will leave our zoning legend as is, make no changes in regards to “Public” until the need or issue arises for us to have to add this into the ordinance.

- C. IV. Zoning Districts Generally, Item C, #3d (pg. 6) General Compliance With District Regulations: need clarification on definition of porch per the city attorney. A porch is a covered area but the current ordinance currently states “uncovered porch”. Commissioner Polasek suggested we remove the word “porch” so that the ordinance reads “An open or uncovered paved terrace.....and then change the word “permit” to “allow”.
- D. V. “A-1R” Agricultural Residential District, Item F, #1 (pg. 7) Sales Displays Prohibited: The city attorney stated a Sign Ordinance does not usually have garage sale regulations in it. We do not permit garage sales, however since we are referring to garage sale *signs* as being permitted we need to add the word “sign(s)” behind/after Garage Sales and change the word “permitted” to the word “allowed”.
- E. V. “A-1R” Agricultural Residential District, Item G, #1 (pg. 8) Extended Family or Servants Quarters: CCO Fornof stated that there are three terms which are currently being used: extended family residence, out buildings and accessory buildings. The reason accessory buildings was added was because it helps allow us to be able to permit differently. We are currently having a rush of people putting up massive accessory buildings – one of the strategies is if it doesn't have electric or plumbing then the building would stick to our current/standard permit fee. However, if the building is equipped with electric and plumbing and is over 1,000 sq. ft. it will be a full permit fee and will have to be inspected. CCO Fornof is seeing people putting up this massive buildings and find that they end up living in these buildings and this is becoming an issue. We need to find a way to get a handle on these massive buildings that are going up sometimes on small properties. The city attorney has added some language on this issue based upon another cities ordinance that she has worked with – CCO Fornof asked for everyone's take on this language/definition. We can classify “Out Buildings” as agricultural building with no electric or plumbing. Commissioner Polasek brought up the fact that “Out Buildings” have specific measurements and mention extended family residence in the current definition. CCO Fornof stated she was hoping that didn't cross over because as of right now the only area that the specific measurements fall in is the Historic District and the R2 District where we limit the size, however if in fact the definition(s) do cross over then we would have to make a change to correct that. Possibly we need to address and define measurements on both “Out Buildings” and “Accessory Buildings” –
- Commissioner Robinette address the fact that our ordinance currently says no more than 10% of your lot can be covered with a building and his concern/issue is why is there a problem if he should decide to build a 10,000 sq. ft. accessory building as long as it doesn't go over the rule of occupying more than 10% of his lot. CCO Fornof stated that currently there is only a permit fee that is assessed and there is no inspection being done. If we charge a full permit fee then there is and/or could be an inspection done on the building. Currently CCO Fornof writes on the permit that the building is not for commercial or residential use to cover ourselves. Commissioner Robinette addressed his concern that we don't want this to start sounding like we are living under a home owners association and/or add all kinds of restrictions, doesn't want to charge someone an enormous amount of permit fee just because of the size of the building that is being built. Both Commissioner Robinette and Commissioner Polasek stated that agricultural buildings do have electric and plumbing for just agricultural use. Commissioner Maddox stated we may be looking at this from the wrong angle – maybe we should be looking at this from a structural permitting angle due to size – needs to be inspected once the building has been completed due to structural safety. When permitting these type of buildings have them sign the permit/affidavit stating what the use would be for – if we find out later on that they are using the building for other uses than what they originally stated then we would have grounds to take them to municipal court unless they come in and get a new permit for what they plan to use the building for. Commissioner Mais stated we, the city, needs to bring in more money in regards to permitting fee's. We need to look at the fee based upon the sq. footage and inspections. Due to the amount of time spent on this section/subject Commissioner Mais suggested we table this and come back to review and address it on the next meeting.
- F. V. “A-1R” Agricultural Residential District, Item J (pg. 8) Temporary Residences: the city attorney suggested we strike the word “tent” since this would allow someone to live in a tent for up to 3 years based upon current ordinance. CCO Fornof agreed this term needed to be striked in order to avoid

“tent cities”. Commissioner Polasek brought up her concern that she wanted to make sure that manufactured homes, trailer and mobile homes are not permanently classified as “temporary “ since these type of homes can be permanent homes depending on which type of property you live in. CCO Fornof stated that this is where we need to provide language if we want to define a time frame for “temporary”.

- G. VI. “R-2” Single Family Residential District, Item F, #1 (pg. 9) Sales Displays Prohibited: need to change the word “permitted” to “allow” to follow with the above Garage Sale Sign(s)
- H. VI. “R-2” Single Family Residential District, Item G (pg. 10) Outbuildings: CCO Fornof stated the only district that has restrictions on the outbuildings is R2 due to the size of the lot. An outbuilding can stand by itself, without a home.
- I. VI. “R-2” Single Family Residential District, Item H (pg. 10) Animals: the city attorney stated the current ordinance does not have a definition of “reasonable number” and suggested we may want to consider setting a limit. CCO Fornof stated we currently do not enforce this, the term has been in place for a very long time and as not gotten us into trouble as of date. We do not have animal control. Commissioner Mais stated since we have not run into trouble or issues right now we should leave it as is until we run into an issue. Commissioner Polasek stated she was in agreeance with not defining or setting a number. CCO Fornof stated we would still need to define and add definition of the word “reasonable” per the city attorney – Commissioner Maddox stated he would recommend we define it as the safety and welfare of the animals as well as the sanitary conditions of the residents. CCO Fornof stated the city attorney is stating we should put a “number” on the animals because one person’s idea of sanitary conditions may vary from another person’s idea of sanitary.
- J. VI. “R-2” Single Family Residential District, Item I (pg. 10) Home Office/Occupation: Commissioner Polasek remarked by definition an accessory building doesn’t allow for a home office within our ordinance. Make sure we aren’t contradicting/conflicting ourselves about the accessory building definition since some home occupations may require work to be done inside an accessory building. CCO Fornof asked if we needed to propose some language for this area.
- K. VI. “R-2” Single Family Residential District, Item J (pg. 10) Temporary Residences: the city attorney noted comment is same as listed previously – need to remove the word “tent”
- L. VII “HD-1” Historic Downtown District (pg. 10): the city attorney stated we needed to add the date the Historic Downtown District was designated as such by the city. CCO Fornof stated we would need to propose to add some language for this section. Commissioner Polasek stated we just need to add the effective date in the body of this section, believes this was designated as such in 2009 with ordinance #0909. Just a reminder this is the only area that limits to 10,000 sq. ft.
- M. VII. “HD-1” Historic Downtown District, Item G (pg. 11) Construction Requirements :H.B. 2439 passed in 2019 which no longer allows a city to regulate building construction material.
- N. VIII. “C” Commercial District: if someone divides property in an A1R to 2 acres it would not be permitted because the minimum zoning is 5 acres. If someone divides property to less than 2 acres it would not be permitted in an R2 area because the minimum zoning is 2.5 acres. Per CCO Fornof this has caused confusion in the past (and presently) because we do not have 2 acre zoning. If we need more clarification or want this section of the ordinance to say something different then we need to make changes to this.
- O. XII. Home Occupations, Item A, #2 (pg. 15) Home Occupations Criteria: everyone in agreeance to strike “accessory building” from this section. The home occupation must be conducted within the enclosed area of the dwelling and/or garage. By taking out “accessory building” from this section it may help decrease the run we are having with all of these bigger accessory buildings. Per city attorney, it is recommended we take out #9 in regards to allowing advertising signs for the home occupation being able to be placed – this suggest that signage is allowed as long as it meets the Sign Ordinance. Everyone in agreeance.
- P. XV. Accessory Uses and Structures (pg. 19): Per CCO Fornof since we are an agricultural community we don’t want to make it where home occupations are not able to be done in an accessory building. Most of the agricultural business will be done outside of the main dwelling. The city attorney did make note that we need to make sure that impervious coverage is not more than 50% per respective district to avoid flooding on the smaller lots. CCO Fornof suggested we review this section again and make some changes to it. CCO Fornof will propose some changes and will send out her recommendation/input to everyone for their review and we can revisit at next meeting.
- Q. XVII. Nonconforming Uses, Item A (pg. 20), Definition of Nonconforming Use or Structure: Commissioner Polasek had suggested we define the term “grandfathered” vs “nonconforming”, however after much research the term “nonconforming” does work and this section is good as is.

- 2. Subdivision Ordinance Review - Discuss and take action.** Commissioner Mais spoke to Mayor Grim, contract is in place with Ed McNew and Code Compliance Officer Fornof and Commissioner Polasek are good to move forward. Code Compliance Officer Fornof will reach out to Ed McNew and set a date for 2 weeks out to resume working on the areas Ed McNew brought up to the Commission. Commissioner Polasek stated she would make herself available to whatever time works with Code Compliance Officer Fornof's schedule.

**New Business:**

None

**Agenda for next meeting:**

**Old Business:**

1. Zoning Ordinance Revision – Review City Attorney's recommendations. Discuss and take action.
2. Subdivision Ordinance Revision – Discuss and take action.

**New Business:**

Nothing to add at this time

**Next Meeting:** Tuesday, September 29, 2020 @ 7:00pm via teleconference/GoToMeeting.

**Announcements:** No Announcements

**Adjourn Meeting:**

Commissioner Mais adjourned meeting @ 9:00pm