THE HUB OF SIBLEY COUNTY

GAYLORD

CITY OF GAYLORD
Planning and Zoning Commission Agenda
Wednesday, June 8, 2016
5:30 p.m., City Hall

1. Call Meeting to Order
2. Consider 6-8-16 Agenda
3. Approval of Minutes –
    a. May 11th - Regular Meeting
4. PUBLIC HEARING – Variance Request – Scott Schultz
5. PUBLIC HEARING – Variance Request – Dennis Vinkemeier
6. PUBLIC HEARING – Amend B-2 Zoning District to Include Storage Buildings as Conditional Use
7. Discussion Regarding Possible Ordinance Amendments – Kevin McCann
    a. Mobile Food Trucks – license and define operations of food truck vendors
    b. Fencing – require certain distance from property lines
    c. Opt out ordinance for health care dwelling ordinance – people can use RV to care for family member
    d. Dwelling unit restrictions – no RVs as residences
    e. Decks
8. Comprehensive Plan Update – Kevin McCann, City Administrator
9. Open Forum - Comments from citizens in attendance
10. Other
11. Adjournment

** **Denotes amendments to the most recent draft of the agenda.**

Planning and Zoning Commission Meeting
Wednesday, May 11, 2016
5:30 pm, City Hall

MEMBERS PRESENT: Chairperson, Orlin Grack; Commissioners, Marilyn Bratsch, Jerry Gasow, Steve Boerner
COUNCIL PRESENT: Jessica Uecker
STAFF PRESENT: Kevin McCann, City Administrator
ABSENT: Council Muchow, Commissioner Schulte

1. Call Meeting to Order
   Pursuant to due call and notice, thereof, the Planning and Zoning Commission was called to order in the City Hall Chambers by Chairperson Grack at 5:33 pm.

2. Consider May 11, 2016 Agenda
   Motion made by Commissioner Gasow; seconded by Commissioner Boerner to approve P&Z May 11, 2016 Agenda. Motion passed 4-0.

3. Approval of April 13, 2016 Minutes
   Motion made by Commissioner Boerner; seconded by Commissioner Gasow to approve April 13, 2016 P&Z Minutes. Motion passed 4-0.

4. Public Hearing – Conditional Use Permit for Storage Building in Shoreland Overlay District – Erin Swenson
   Erin Swenson presented a request for a Conditional Use Permit to allow a storage building in the B-2 District in the Mud Lake Shoreland Overlay District at 119 Industrial Ave. City Administrator McCann reported the DNR was notified about the project and the DNR did not have any major concerns with it.
   Motion made by Commissioner Boerner to recommend approval to City Council to allow Erin Swenson to construct a storage shed within the B-2 Shoreland Overlay District meeting the 11 criteria presented with the following conditions: no more than 75% of the land shall be covered with impervious surface (building, gravel parking etc.); A buffer strip of vegetation will be maintained on the south and east edges of property to prevent run off; seconded by Council Uecker. Motion passed 4-0.

5. 2015 Annual Report
   City Administrator, McCann, reviewed the 2015 Annual Report noting goals/objectives, activity, expenditures/revenue and term of P&Z Commissioners.

6. Condition of Properties on East Side of Town – Kevin McCann, City Administrator
   Discussion – no action taken

7. Comprehensive Plan Update – Kevin McCann, City Administrator
   Next meeting May 18, 2016

8. Other
   Discussion to add "storage sheds" to B-2 District June 2016 meeting

   Amy Newsom, EDA, resigned. City Council looking at Community Developer-perhaps share contract with another community.

9. Adjournment
   Motion made by Commissioner Gasow; seconded by Council Uecker to adjourn at 6:00 pm. Motion passed 4-0.

AGENDA ITEM: 4

CITY OF GAYLORD

MEMORANDUM

DATE: June 3, 2016

TO: Gaylord Planning and Zoning Commission

FROM: Kevin McCann, City Administrator

RE: Variance Request to allow a (14.0') foot variance request form the front yard setback of not less than (30') feet to build an attached deck with ramp within (16.0') feet from any right of way.

INTRODUCTION:

Scott Lee Schultz has submitted a variance request for a 14.0 foot variance from the front yard setback requirement of 30' from any right of way.

If approved, the applicant will be allowed to construct a deck addition within 16.0 feet of the right of way.

They would like to construct an attached deck, within sixteen (16.0) feet right-of-way. They claim a hardship due to the lot depth in relation to the house and the front being the only logical location for a deck.

Please refer to the attachments for additional information.

BACKGROUND:

Existing Zoning:	R-2
Lot Size:	60'x150'
Surrounding Land Use:	R-2
Zoning History:	Building permits for reroof, windows, and furnace
Applicable Regulations:	§153.070 (Section 9, Subd. 5c. of Ordinance 209.5) §153.071 (Section 20 of Ordinance 209.5) §153.072

Analysis and Recommendation:

The current language of the R-2 district is as follows:

R-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

§ 153.070 PURPOSE.

The purpose of the R-2 Multiple-Family Residential District is to establish residential areas which will allow multiple-family dwellings (apartments, rowhouses, townhouses, etc.) in those areas where such development is compatible with the Land Use Plan and which will maintain optimum space, height and lot requirements approximating the standards of single-family residential development.
(Ord. 209.5, passed 12-14-1994)

§ 153.071 PERMITTED PRINCIPAL USES.

(A) One and two-family dwellings;
(B) Parks and recreational areas owned or operated by government agencies;
(C) Multiple-family dwellings, apartment buildings, townhouses, condominiums, group houses and rowhouses;
(D) Licensed group homes serving more than six residents;
(E) Licensed nonresidential programs with a licensed capacity of 13 to 16 persons; and
(F) Boarding or lodging houses.
(Ord. 209.5, passed 12-14-1994; Am. Ord. 282, passed 1-3-2011)

§ 153.072 CONDITIONAL USES.

(A) Manufactured home park, as regulated in §§ 153.195 through 153.205 of this chapter;
(B) Residential planned unit developments as regulated by §§ 153.195 through153.205 of this chapter;
(C) Clinics, hospitals, convalescent and nursing homes and other buildings for treatment of human beings;
(D) Institutions of a religious, educational, charitable or philanthropic nature;
(E) Private clubs or lodges, except those whose chief activity is a service customarily carried on as a business;
(F) Housing projects for the elderly, excluding nursing homes, will be exempted from restrictions applied to multiple dwellings, except that such projects shall be approved as a total concept and shall observe such standards as not to adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
(G) Other uses determined by the Planning Commission to be of the same general character as the conditional uses listed above.
(Ord. 209.5, passed 12-14-1994)

In reviewing the CUP, the Commission shall consider if the request meets the following criteria:

Staff has determined the following findings, but is subject to the Commission's formal approval before a resolution can be prepared for final council approval.

Criteria #1 **That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the immediate vicinity.**

Finding #1 This has been found to be true.

Criteria #2 **That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.**

Finding #2 This has been found to be true.

Criteria #3 **That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

Finding #3 This has been found to be true.

Criteria #4 **That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.**

Finding #4 There will be available off street parking.

Criteria #5 **That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will occur.**

Finding #5 This has been found to be true.

Criteria #6 **That soil conditions are adequate to accommodate the proposed use.**

Finding #6 This has been found to be true.

Criteria #7 **That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.**

Finding #7 This has not been found to be true. This may cause some traffic congestion.

Criteria #8 **That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.**

Finding #8 This has been found to be true.

Criteria #9 **That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding area or not greater than the intensity characteristic of the applicable Zoning District.**

Finding #9 This has been found to be true.

Criteria #10 **That the proposed use is compatible with the City Land Use Plan.**

Finding #10 This has been a demonstrated land use according to the City's comprehensive plan.

Criteria #11 **That there is a demonstrated need for the proposed use.**

Finding #11 This has been found to be true.

Staff is recommending approval of the CUP with the following conditions:

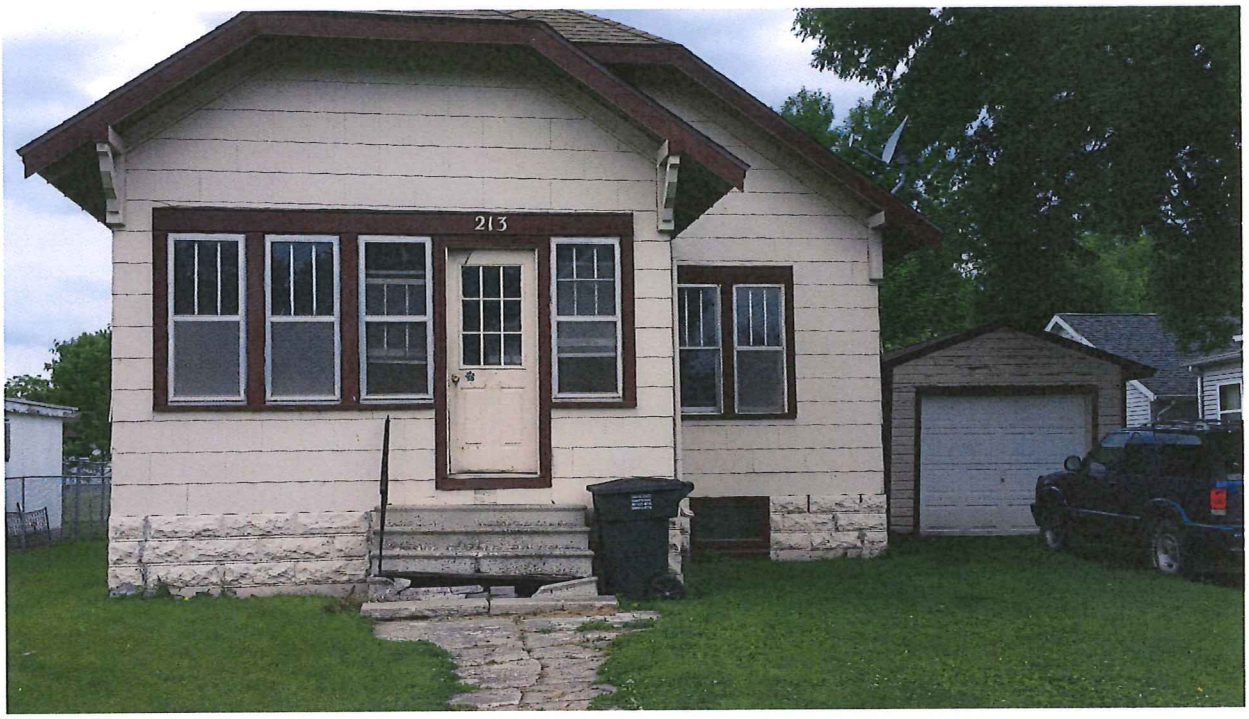
None

Attached you will find the CUP application for P&Z's review and consideration.

Due to these findings, staff recommends denial of the request.

If Planning and Zoning wishes to approve or deny the variance they must determine the findings on the criteria and determine any additional conditions.

213 4th St S
22
4th St S
Prairie Ave S


213

213

Others:

29' from ROW

23' from ROAD

GAYLORD BOARD OF ADJUSTMENTS

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

VARIANCE NO. V2016-01

Revised: August 24, 1998

The Applicant Scott Lee Schultz (Print Owner's Name) is the owner of property situated at 213 4th St. S. (Address of Property). A Plot Plan of said property, drawn to scale, is attached hereto, and made a part of this application. The property is legally described as:

R32.0377.000 MASS Spellman 2nd Addn Lot-001, Block-006
60'X 150' of Lots 1+2

REQUEST: Applicant requests a variance on the above described property from Section 9Sub5#2a. of the Zoning Ordinance, as amended which requires A front yard setback of not less than Thirty (30) feet from any right-of-way

State exactly what is intended to be done on, or with property which does not conform with the Zoning Ordinance. Explaining in detail wherein your case conforms to the following requirements. Use additional sheets if necessary.

1. That the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with it's general purpose and intent.
2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.
3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such zone or neighborhood in which the property is located.

Front Deck / Handicap Accessible / wheelchair Ramp
21' Back / 17' Front / 4' wheelchair / 10' Depth

NOTE: The Board of Adjustment is required to make a written finding of facts from the testimony that the applicant makes that the three conditions enumerated above exist, and in addition thereto must find that the granting of such variance will not be contrary to the objectives of the Comprehensive Plan. **The Planning and Zoning Commission expects that the applicant will attend the Public Hearing to discuss the request.**

Signature of Applicant: Scott Lee Schultz Date: 05-11-16

ACTION TAKEN:

CK# 45006

CITY OF GAYLORD

BOARD OF ADJUSTMENT
PUBLIC NOTICE
APPEAL FOR A VARIANCE

Notice is hereby given that on Wednesday, the 8th day of June 2016 at the hour of 5:30 P.M., or as soon thereafter that the matter may be discussed, in the Gaylord City Hall the Board of Adjustment will hold a public hearing on the application of Scott Schultz for a variance on the property located at 213 4th Street S. The property is legally described as:

R32.0377.000 –Maass Spellman 2nd ADDN Lot-001, Block-006

The applicant is requesting a fourteen (14) foot variance from the front yard setback requirement of not less than thirty (30) feet from any right-of-way. If the variance is approved as requested the applicant will be allowed to construct an attached deck, within sixteen (16) feet, of the right-of-way. Written comments may be submitted to the city administrator prior to the public hearing. Please contact city hall to view a map of the site or to have any questions answered.

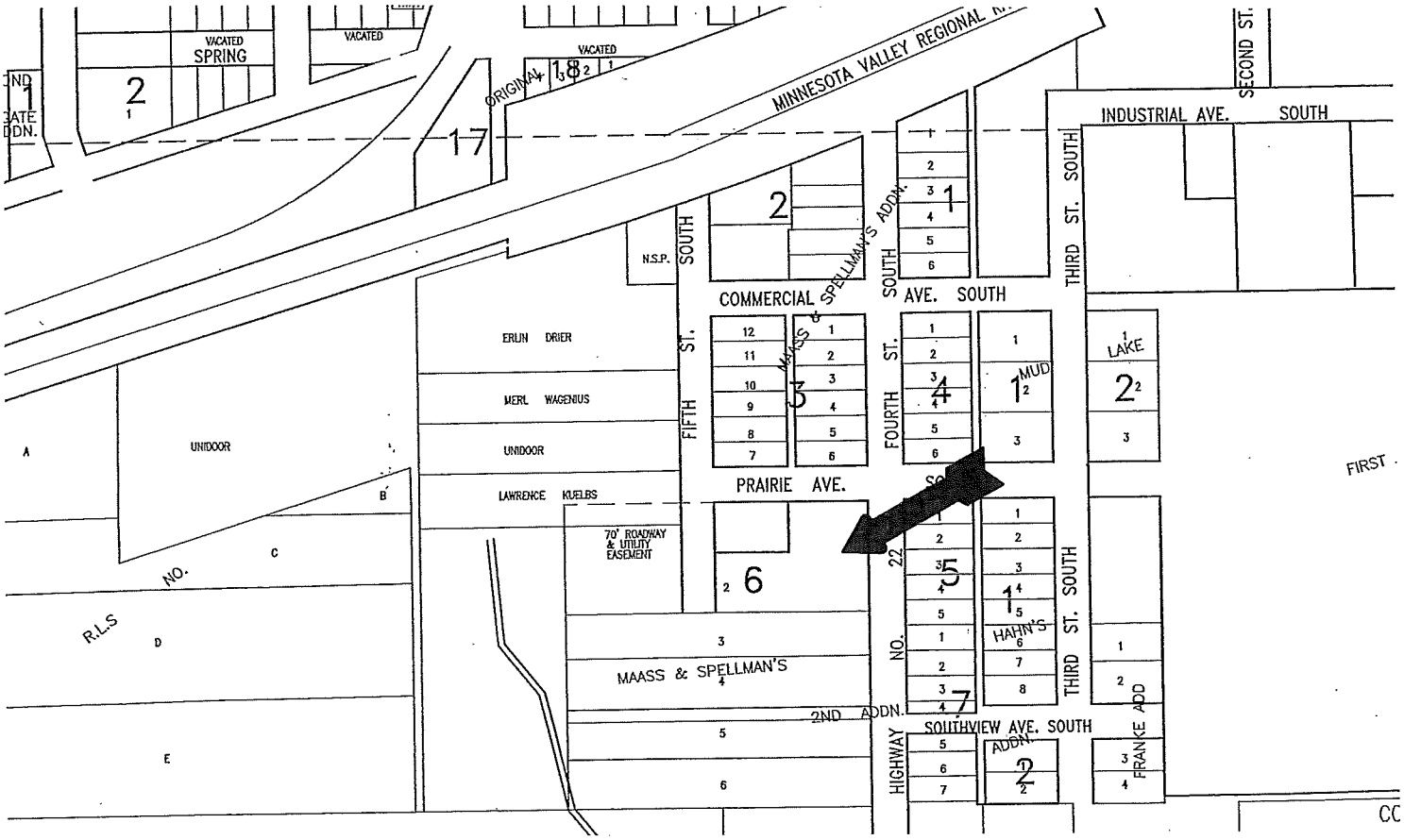
Per the authority of
Kevin McCann
City Administrator

PUBLISHED: May 26th, 2016
POSTED: May 20th, 2016

CITY OF GAYLORD
BOARD OF ADJUSTMENT
NOTICE TO ADJOINING PROPERTY OWNERS

Dear Property Owner:

An application for a variance to the Zoning Ordinance has been filed with the Board of Adjustment by Scott Schultz. The property at issue is situated in a (R-2) Multiple Family Residential District and is located at 213 4th St. S. See map below.



If the application is approved as requested, the property owner would be allowed to construct an attached deck within sixteen (16) feet, of the right-of-way. In order to construct the attached deck as desired the property owner must receive a fourteen (14) foot variance, for the front yard setback of not less than thirty (30) feet from any right-of-way.

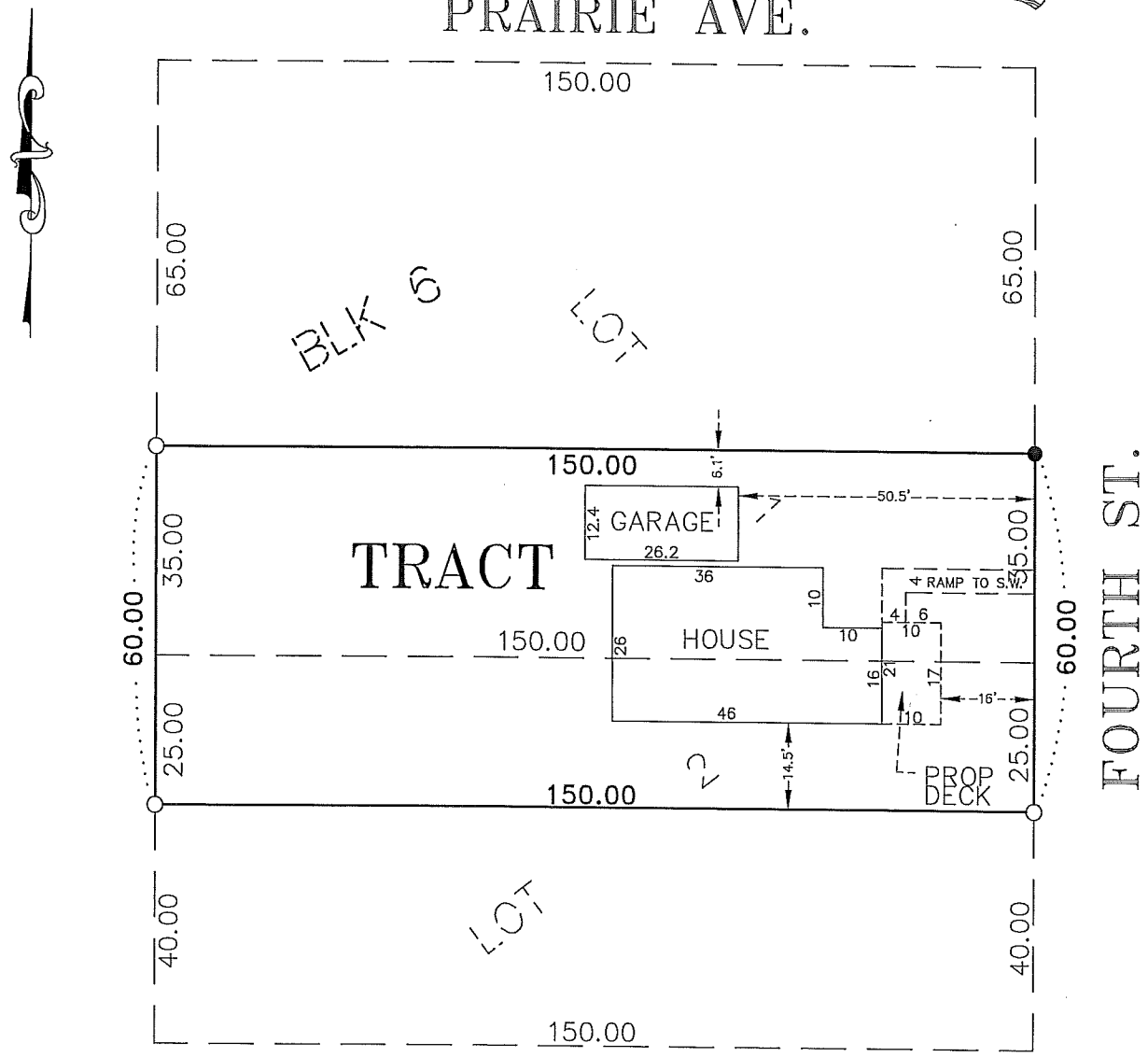
A public hearing will be held by the Board of Adjustment on Wednesday, June 8th, 2016 at 5:30 P.M., at the Gaylord City Hall, at which time you may submit your views on the matter in person or by writing.

If you know of any interested property owner who, for any reason, has not received a copy of this letter, it would be greatly appreciated if you would inform them of the time and place of the hearing. If you have any questions please contact city hall at (507) 237-2338.

Posted: May 20th, 2016
Published: May 26th, 2016

Per the authority of
Kevin McCann
City Administrator

CERTIFICATE OF SURVEY



DESCRIPTION OF RECORD

A parcel of Lots One and Two (1 & 2), in Block Six (6) in Maass and Spellman's Addition to the City of Gaylord, described as follows: Beginning at a point 65 feet South of the Northeast corner of said Block Number Six (6), thence running West 150 feet, thence South 60 feet, thence East 150 feet, thence North along Fourth Street, 60 feet to the place of beginning.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the state of Minnesota.

AVERY GROCHOW, LS

DATE 5/2/16 REGISTRATION NO. 15475

BUILDING PERMIT FOR

SCOTT SCHULTZ

PART OF LOTS 1 & 2, BLOCK 6
MAASS & SPELLMAN'S 2ND ADD.
GAYLORD, MINNESOTA

● DENOTES IRON PIPE FOUND

○ DENOTES IRON PIPE SET BY RLS NO. 15475

SCALE: 1 INCH = 30 FEET

May.,2016 FILE NO. 3122

SIBLEY SURVEYORS, INC.
GAYLORD, MINNESOTA

AGENDA ITEM: 5

CITY OF GAYLORD

MEMORANDUM

DATE: June 3, 2016

TO: Gaylord Planning and Zoning Commission

FROM: Kevin McCann, City Administrator

RE: Variance Request to allow a (14.4') foot variance request form the front yard setback of not less than (30') feet to build an attached deck with ramp within (15.6') feet from any right of way.

INTRODUCTION:

Dennis Vinkemeier has submitted a variance request for a 14.4 foot variance from the front yard setback requirement of 30' from any right of way.

If approved, the applicant will be allowed to construct a deck addition within 15.6 feet of the right of way.

They would like to construct an attached deck, within fifteen point six (15.6) feet right-of-way. They claim a hardship due to the lot depth in relation to the house and the front being the only logical location for a deck.

Please refer to the attachments for additional information.

BACKGROUND:

Existing Zoning:	R-1
Lot Size:	100'x142.15'
Surrounding Land Use:	R-1
Zoning History:	Building permits for reroof, windows, and furnace
Applicable Regulations:	§153.060 (Section 8, Subd. 5c. of Ordinance 209.5) §153.235 (Section 20 of Ordinance 209.5)

Analysis and Recommendation:

The Zoning Ordinance defines the following related to the "R-1" District

(1) Front.

(a) There shall be a front yard setback of not less than 30 feet from any right-of-way.

(b) Where a lot is located at the intersection of two or more streets, there shall be a 25-foot front yard setback on each street. No accessory buildings shall be allowed within the required front yard.

(c) Where a principal structure exists on a lot, structure setbacks for an added garage may be altered to match the principal structure without a variance.

In order to grant a variance, the request must meet the following standards for granting a variance, including finding unique circumstances.

The applicant must meet the following standards for granting a variance:

Criteria #1. **Is variance in harmony with purposes and intent of ordinance?**

Finding #1. The variance will put a deck closer to the property line due to a hardship due to the lot depth in relation to the house.

Criteria #2. **Is variance consistent with the comprehensive plan?**

Finding #2. The variance is consistent with the comprehensive plan by keeping the residential character of the area.

Criteria #3 **Does proposal put property to use in a reasonable manner?**

Finding #3. The deck with the ramp addition puts the property to reasonable use.

Criteria #4 **Are there unique circumstances to the property not created by the landowner?**

Finding #4. The existing house is already within the 30' setback. Owner may want to consider other methods in order to build the ramp without having to push their property closer to the ROW and the sidewalk, ie (side, back) of the house.

Criteria #5 **Will the variance, if granted, alter the essential character of the locality?**

Finding #5. The variance will alter the essential character of the locality by being the closest structure to the ROW and the sidewalk

Due to these findings, staff recommends denial of the request.

If Planning and Zoning wishes to approve or deny the variance they must determine the findings on the criteria and determine any additional conditions.

10th St
10th St
9th St
9th St
Google
Imagery ©2016 Google, Map data ©20

Others:

$250.00 - fee

GAYLORD BOARD OF ADJUSTMENTS

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

VARIANCE NO. V2016-02 Revised: August 24, 1998

The Applicant DENNIS VINKEMEIER (Print Owner's Name) is the owner of property situated at 1112 10TH St. GAYLORD MN 55334 (Address of Property). A Plot Plan of said property, drawn to scale, is attached hereto, and made a part of this application. The property is legally described as:
R32.0796.070 6th west ADDN Lot-008, Block-001

REQUEST: Applicant requests a variance on the above described property from Section 8 Sub5 #2a. of the Zoning Ordinance, as amended which requires A front yard setback of not less than thirty (30) feet from Any right-of-way.

State exactly what is intended to be done on, or with property which does not conform with the Zoning Ordinance. Explaining in detail wherein your case conforms to the following requirements. Use additional sheets if necessary.

1. That the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with it's general purpose and intent.
2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.
3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such zone or neighborhood in which the property is located.

BUILD A 8 Foot 6 Inch X 9 Foot DECK ON FRONT (WEST SIDE) OF HOUSE WITH RAMP. DO TO HEALTH REASONS A FUTURE RAMP MAY BE REQUIRED.

NOTE: The Board of Adjustment is required to make a written finding of facts from the testimony that the applicant makes that the three conditions enumerated above exist, and in addition thereto must find that the granting of such variance will not be contrary to the objectives of the Comprehensive Plan. **The Planning and Zoning Commission expects that the applicant will attend the Public Hearing to discuss the request.**

Signature of Applicant: Dennis Vinkemeier Date: May 11-16

ACTION TAKEN:

CITY OF GAYLORD

BOARD OF ADJUSTMENT
PUBLIC NOTICE
APPEAL FOR A VARIANCE

Notice is hereby given that on Wednesday, the 8th day of June 2016 at the hour of 5:30 P.M., or as soon thereafter that the matter may be discussed, in the Gaylord City Hall the Board of Adjustment will hold a public hearing on the application of Dennis Vinkemeier for a variance on the property located at 1112 10th St. The property is legally described as:

R32.0796.070 – 6th West ADDN Lot – 008, Block - 001

The applicant is requesting a fourteen point four (14.4) foot variance from the front yard setback requirement of not less than thirty (30) feet from any right-of-way. If the variance is approved as requested the applicant will be allowed to construct an attached deck, within fifteen point six (15.6) feet, of the right-of-way. Written comments may be submitted to the city administrator prior to the public hearing. Please contact city hall to view a map of the site or to have any questions answered.

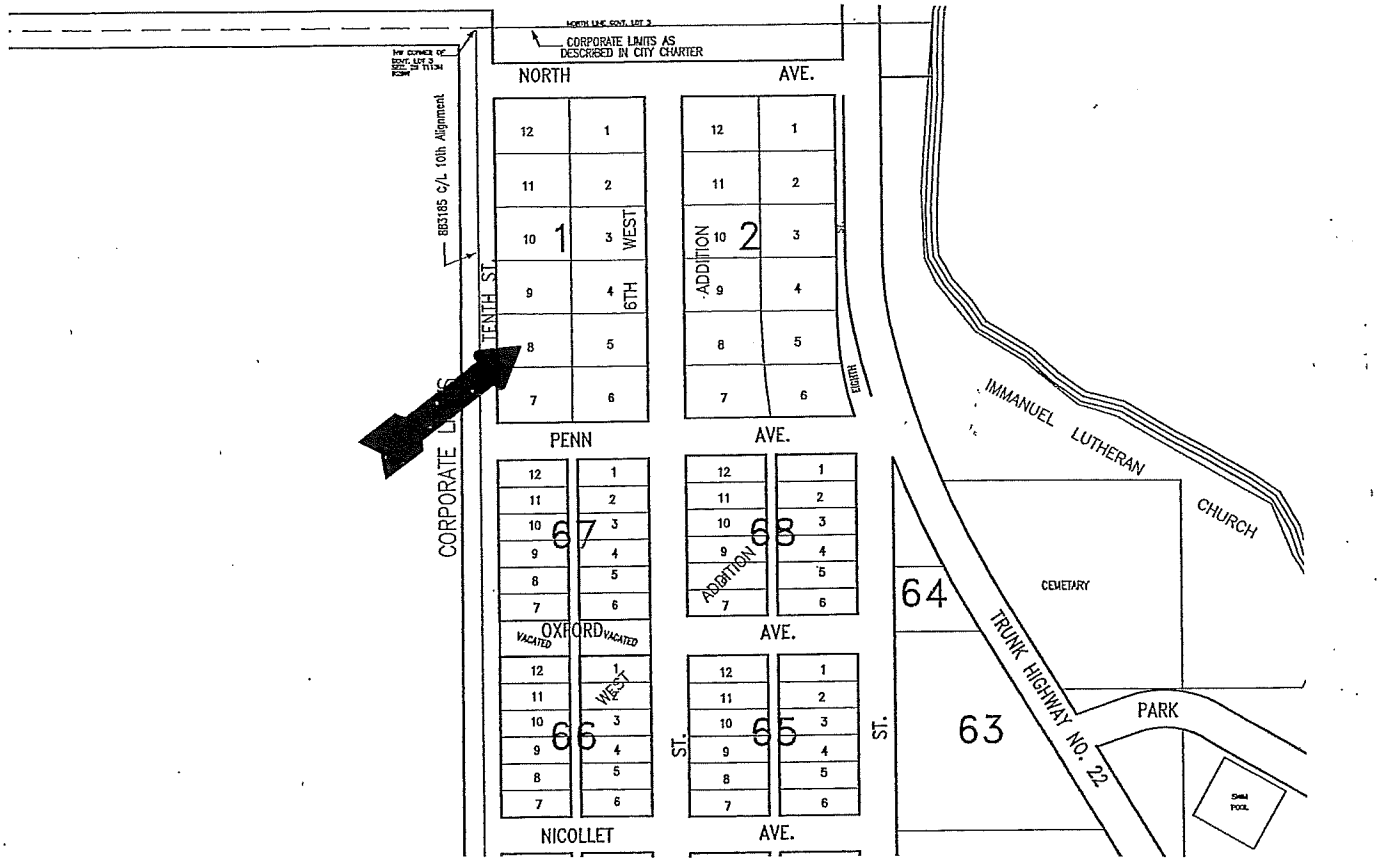
Per the authority of
Kevin McCann
City Administrator

PUBLISHED: May 26th, 2016
POSTED: May 20th, 2016

CITY OF GAYLORD
BOARD OF ADJUSTMENT
NOTICE TO ADJOINING PROPERTY OWNERS

Dear Property Owner:

An application for a variance to the Zoning Ordinance has been filed with the Board of Adjustment by Dennis Vinkemeier. The property at issue is situated in a (R-1) Single & Two Family Residential District and is located at 1112 10th St. See map below.



If the application is approved as requested, the property owner would be allowed to construct an attached deck within fifteen point six (15.6) feet, of the right-of-way. In order to construct the attached deck as desired the property owner must receive a fourteen point four (14.4) foot variance, for the front yard setback of not less than thirty (30) feet from any right-of-way.

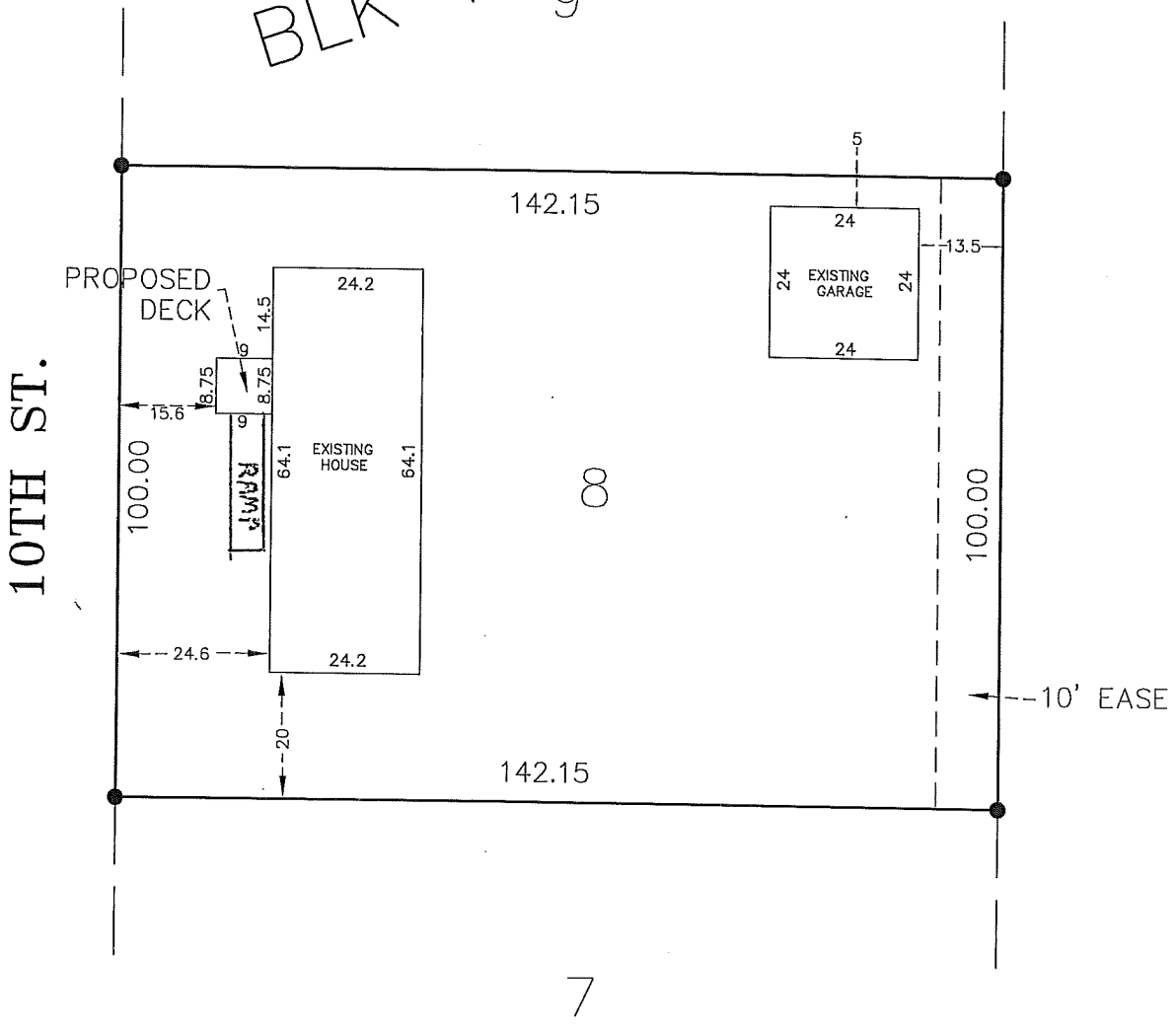
A public hearing will be held by the Board of Adjustment on Wednesday, June 8th, 2016 at 5:30 P.M., at the Gaylord City Hall, at which time you may submit your views on the matter in person or by writing.

If you know of any interested property owner who, for any reason, has not received a copy of this letter, it would be greatly appreciated if you would inform them of the time and place of the hearing. If you have any questions please contact city hall at (507) 237-2338.

Posted: May 20th, 2016
Published: May 26th, 2016

Per the authority of
Kevin McCann
City Administrator

CERTIFICATE OF SURVEY



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the state of Minnesota.

AVERY GROCHOW, LS

DATE 5/5/16 REGISTRATION NO. 15475

BLDG PERMIT FOR
DENNIS VINKEMEIER
LOT 8, BLK 1
SIXTH WEST ADDITION
CITY OF GAYLORD, MINNESOTA

○ DENOTES IRON PIPE SET BY RLS NO. 15475
● DENOTES IRON PIPE FOUND
SCALE: 1 INCH = 30 FEET

May 2016 FILE NO. 2915

SIBLEY SURVEYORS, INC.
GAYLORD, MINNESOTA

AGENDA ITEM: 6

CITY OF GAYLORD

MEMORANDUM

DATE: June 3, 2016

TO: Gaylord Planning and Zoning Commission

FROM: Kevin McCann, City Administrator

RE: Public Hearing to Amend B-2 Zoning District to Include Storage Buildings as Conditional Use

BACKGROUND:
Planning and Zoning has discussed amending the Amend B-2 Zoning District to Include Storage Buildings as Conditional Uses. Staff has prepared the ordinance for public hearing and revision with P&Z.

ATTACHMENTS

- Proposed ordinance language

PUBLIC NOTICE

PLANNING COMMISSION

REQUEST TO AMEND ZONING ORDINANCE

Notice is hereby given that on Wednesday, June 8th at 5:30 PM,. the Planning & Zoning Commission will hold a Public Hearing in the Council Chambers at the Gaylord City Hall for the purpose of considering amending the Zoning Ordinance B-2 FRINGE CENTRAL BUSINESS DISTRICT, Section 153.102, Conditional Uses to include Storage Buildings.

This action would allow various types of storage buildings through a conditional use permit process in the B-2 FRINGE CENTRAL BUSINESS DISTRICT of the City of Gaylord.

Kevin P. McCann
City Administrator
(507) 237-2338

Published: May ,
June ,
Posted: May,

CITY OF GAYLORD
ORDINANCE NUMBER
331

AN ORDINANCE AMENDING SECTION 153.102 OF THE GAYLORD CITY CODE REGARDING CONDITIONAL USES IN THE B-2 FRINGE CENTRAL BUSINESS DISTRICT

The City Council of the City of Gaylord Ordains:

Section 153.102 of the Gaylord City Code is hereby created to read as follows:

§ 153.102 CONDITIONAL USES.

(A) Multiple-family dwellings;
(B) Churches, chapels, temples, mosques and synagogues;
(C) Automobile service stations and repair shops and car washes;
(D) Publicly-owned buildings or structures but not including maintenance yards;
(E) Small animal hospitals and kennels excluding outdoor runs;
(F) Hotels and motels;
(G) Armories, convention halls or club halls;
(H) Amusement and recreational establishments such as commercial bowling alleys, pool halls, swimming pools and skating rinks;
(I) Health clubs;
(J) Storage buildings; and
(~~J~~**K**) Other uses as determined by the Planning and Zoning Commission to be of the same general character as the conditional uses listed above.

This ordinance becomes effective from and after its passage and publication.

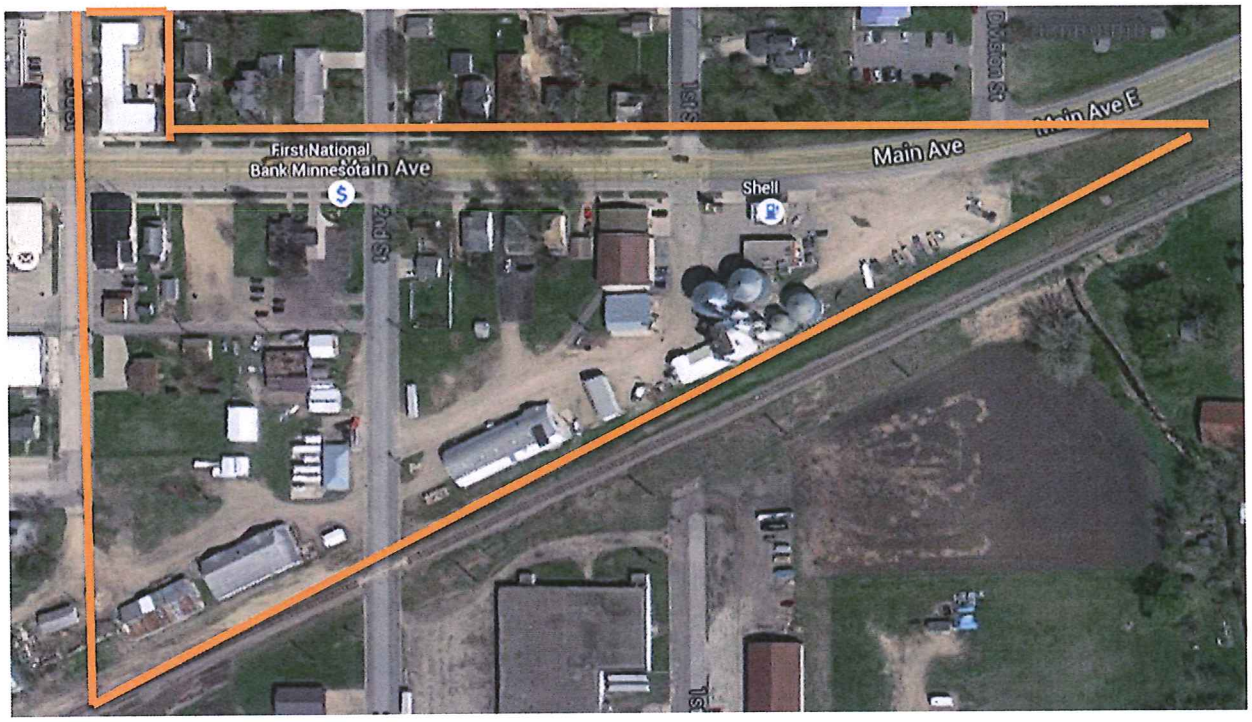
Passed by the City Council of the City of Gaylord this ____day of _____, 2016.

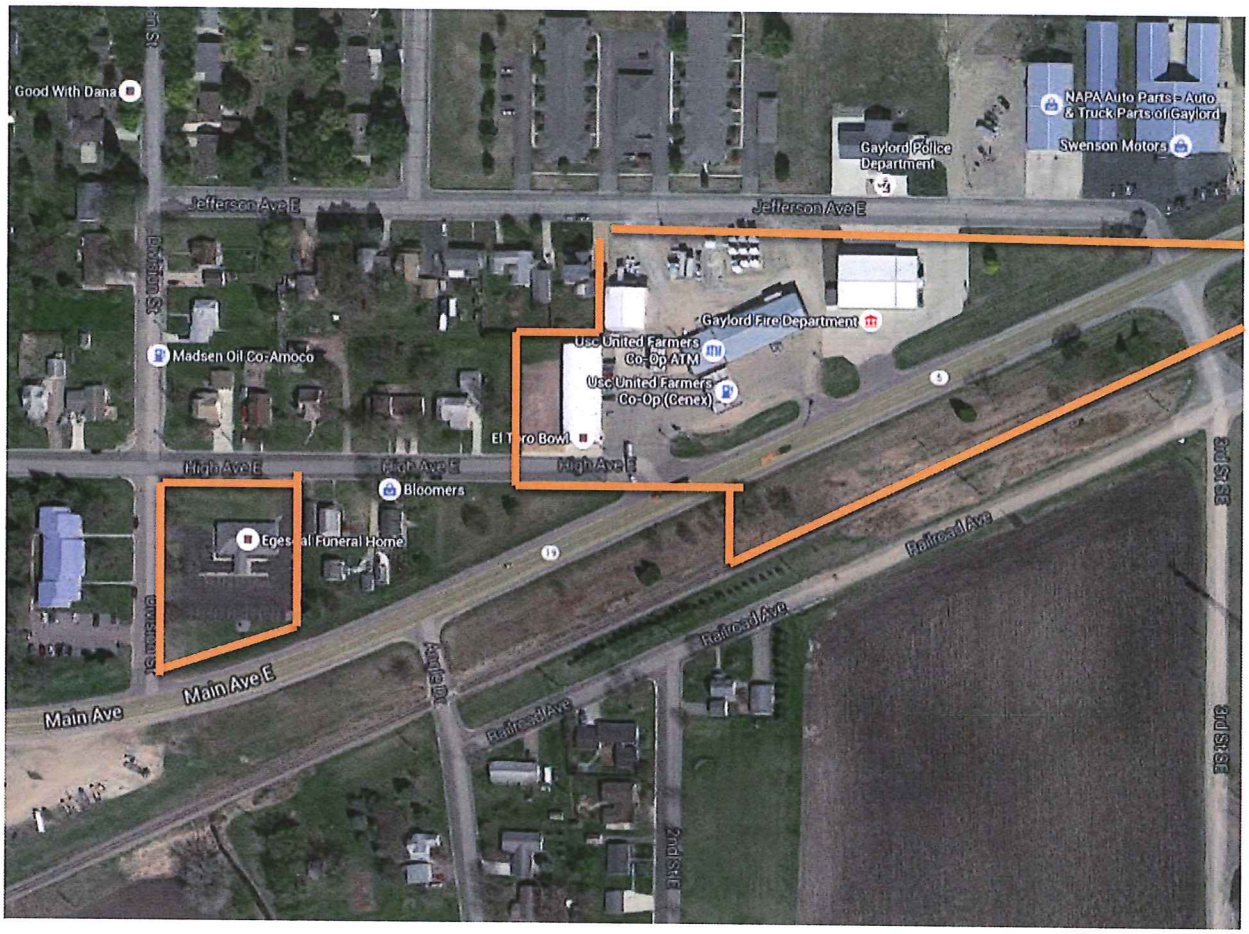
Signed _____, Mayor

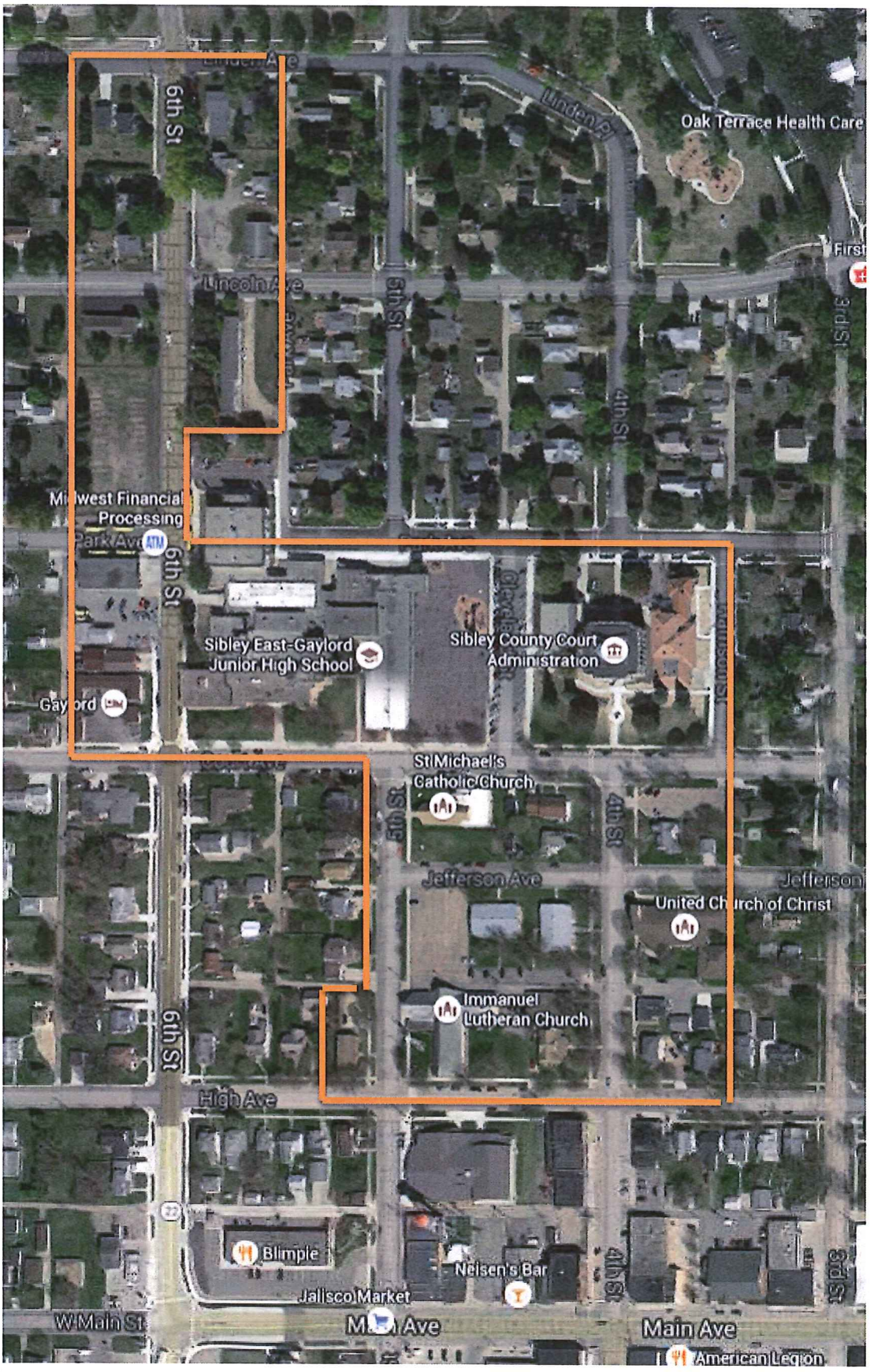
Attest _____, City Administrator

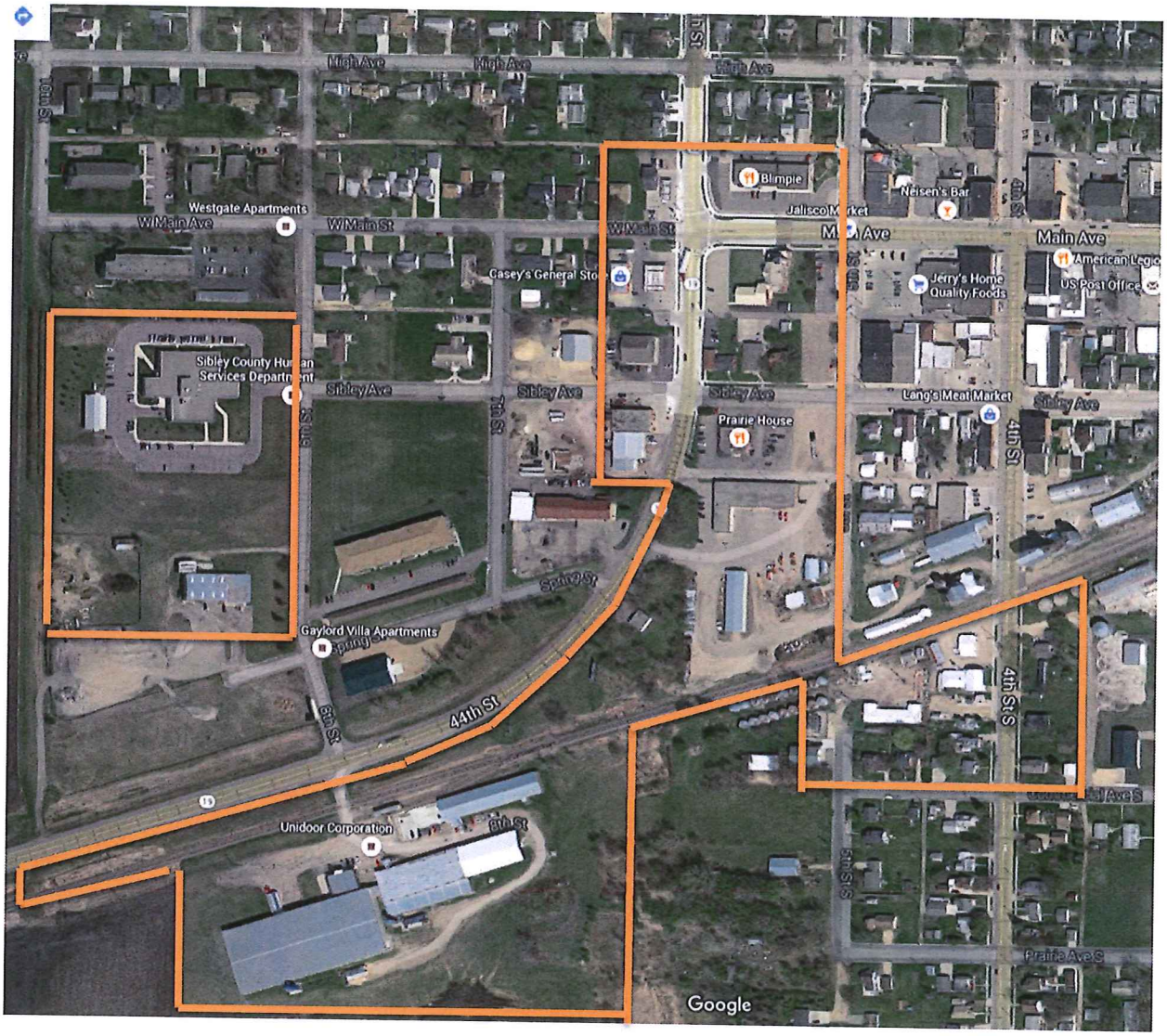
First Reading:
Second Reading:
Adopted:
Published:

B-2 Districts




Good With Dana
1st St
Jefferson Ave E
Jefferson Ave E
Gaylord Police Department
NAPA Auto Parts - Auto & Truck Parts of Gaylord
Swenson Motors
Dickinson St
Madsen Oil Co-Amoco
Gaylord Fire Department
Usc United Farmers Co-Op ATM
Usc United Farmers Co-Op (Cenex)
El Toro Bowl
High Ave E
High Ave E
High Ave E
Bloomers
Egeland Funeral Home
Dickinson St
Main Ave E
Main Ave
Railroad Ave
Railroad Ave
Railroad Ave
Otsego St
2nd St E
3rd St SE
3rd St SE


6th St
Linden Ave
Oak Terrace Health Care
Lincoln Ave
5th St
4th St
3rd St
Midwest Financial Processing
Park Ave
ATM
Sibley East-Gaylord Junior High School
Sibley County Court Administration
Gaylord
St Michael's Catholic Church
Jefferson Ave
United Church of Christ
Immanuel Lutheran Church
High Ave
Blimple
Nelsen's Bar
Jalisco Market
W Main St
Main Ave
American Legion


High Ave
W Main Ave
Westgate Apartments
W Main St
Casey's General Sto
Blimpie
Nelsen's Bar
Jalisco Market
Main Ave
American Legio
Jerry's Home Quality Foods
US Post Office
Sibley County Human Services Department
Sibley Ave
Prairie House
Lang's Meat Market
4th St
Spring St
Gaylord Villa Apartments
6th St
44th St
Unidoor Corporation
8th St
Prairie Ave S
Google

Section 21

Mobile Food Vehicle Vendors

Definitions

Mobile Food Vehicle Vendor: A self-contained truck or trailer used to prepare and serve food that is readily movable without disassembling.

Limited Mobile Food Vendor: A vehicle from which prepackaged items such as ice cream, pop and candy are sold.

Mobile Food Cart: A non-motorized push cart that sells prepackaged or ready-to-eat foods on public sidewalks or streets.

Locations

1. Public Sidewalks and Streets must be approved by the Public Works Department and City Hall

- First come first served basis
- Must comply with all ordinances
- Trailers may be detached while parked

2. Parking lots and Private lots

- Must obtain written consent from lot owner

3. Private Organizations shall obtain short term food permits for each vendor participating in their event.

Location Restrictions

1. Within 200 feet of a restaurant with direct access to sidewalk or driveway
2. Within 200 feet of a school
3. Within 200 feet of park property unless permit is obtained.

Hours of Operation

1. 6:00 am to midnight, unless special permit is acquired to operate later.
2. 6:00 am to 10:00 pm if the vehicle is located within 300 feet of a residential building.

Business Requirements

1. Obtain City of Rothsay Mobile Food Vehicle Vendor license.
2. Must have current MN Department of Health Food License.
3. No sound amplifying equipment, televisions, lights or noisemakers.
4. Generator must be self-contained and screened from view.
5. Operate a maximum of 21 days in one calendar year.
6. Clean all litter and garbage.
7. Follow orders of sheriff's department, local fire department, and all city staff.
8. Vehicle height may not exceed 10' on sidewalks or 13.5' on street or parking lot.

License Applications

A Short-Term Food Permit is required if operating at a community based event.

What happens if you are in violation?

1. Expect a letter, telephone call or visit from city staff or a council member describing the complaint or violation.
2. Take this notice seriously. Call city hall for information or solutions.
3. Failure to comply with violation orders may result in citations, fines, suspensions, and revocation of your license to operate.

Questions? Give us a call:218-867-2254

This brochure was created to provide a brief summary of the City of Rothsay' s business license requirements. It is intended to educate our business partners on ways to protect your company from license violations when operating your mobile food vehicle.

"The City of Rothsay is an equal opportunity employer and provider. "

9 FENCES – Springfield, MN

A. Permit Required.

It is unlawful for any person to construct or cause to be constructed or erected within the City, any fence without first making an application for and securing an administrative permit from the Zoning Administrator as provided under Section 18.14, Subd. 10 of this Ordinance.

B. **Fencing Requirements.**

1. Height: No fence in a front yard shall exceed three (3) feet in height. If the fence is constructed of chain link material and therefore see-through, it may be four (4) feet in height in the front yard. No fence in the side or rear yard shall exceed six (6) feet in height. The height of fences shall be measured from the average point between the highest and lowest grade.

2. Setback. No fence, screen or structure which obstructs view of traffic shall be located within thirty (30) feet of any front lot line, and twenty five (25) feet of any corner formed by the intersection of street or railroad right-of-ways as measured from the intersecting property lines. In all other cases, unless specified differently, fences shall be setback a minimum of four feet from the front lot line, four feet from an alley right of way, or two feet from a side/rear yard.

3. The City may allow setback encroachment provided the fence does not require maintenance and written, notorized authorization is provided by all adjacent property owners.

C. **Construction and Maintenance.**

1. All wood fences, other than those constructed out of redwood or cedar, shall be stained or painted upon completion of construction. Chain link fences shall be made out of a non-rust material.

2. The following materials are prohibited for fences:

a. Barbed wire and electrical fences, except in agricultural districts;

b. Creosote lumber;

c. Chicken wire;

d. Woven or welded wire, except in Industrial Districts;

e. Plastic webbing, except when used for police control at any time or control of snow drifting during snow season. This shall not prohibit the use of plastic materials intended to resemble wood products.

f. Makeshift, flimsy materials, or material such as paper, twine, rope, tin and the like, except when used for traffic control or police security.

3. Every fence 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 such 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 for the abatement thereof.

4. That side of the any fence considered to be its evident finished side or face (i.e. the finished side having no structural supports) shall front abutting property. If the fence is located in a commercial or industrial district and visible to the public from both sides, as determined by the Zoning Administrator, it shall contain finished surfaces on both the interior and exterior of the fence.

5. Fences shall not obstruct natural drainage.

LMC Offers Sample Ordinance to Opt Out of New Health Care Dwelling Law

Cities will need to decide quickly on how to approach dealing with the new law.
(Published May 31, 2016)

A new law allows landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling. Gov. Dayton signed this legislation into law on May 12. (Read related article. *(Link to: http://www.lmc.org/page/1/TempHCDwellings.jsp)*)

Community desire for transitional housing for those with mental and physical disabilities, and the increased need for short-term care for aging family members served as the catalyst behind this initiative. The resulting law, Chapter 111 *(Link to: https://www.revisor.mn.gov/laws/?id=111&year=2016&type=0)* , allows for a family to more easily care for these individuals by using a temporary dwelling on the property.

Cities are allowed to opt out
Given the Sept. 1, 2016, effective date of the new permit system, cities will need to start planning quickly on how to approach dealing with the temporary health care dwelling issue. The new law allows cities to avoid being subject to the new permit system and its requirements if they either pass an opt-out ordinance or if these structures are a permitted use in the city.

In response to member requests, the League has developed a model ordinance in the event that a city chooses to opt out.

View the sample ordinance to opt out of the temporary family health care dwelling law (doc) *(Link to: http://www.lmc.org/media/document/1/TemporaryFamilyHealthCareDwellings.docx)*

Further information
The June 13 issue of *Cities Bulletin* will include a "Focus on New Laws" article providing a more thorough explanation of the requirements of this new statute. The League is also developing FAQs based on the comments and questions staff have been receiving.

For more information, contact LMC Staff Attorney Pamela Whitmore at pwhitmore@lmc.org *(Link to: mailto:pwhitmore@lmc.org)* or LMC General Counsel Tom Grundhoefer at tgrundho@lmc.org *(Link to: mailto:tgrundho@lmc.org)* .

Read the current issue of the Cities Bulletin *(Link to: http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp)*

* By posting you are agreeing to the LMC Comment Policy *(Link to: http://www.lmc.org/page/1/comment-policy.jsp)* .

ORDINANCE NO._____

CITY OF _____

AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to "opt out" of those regulations;

THE CITY COUNCIL OF THE CITY OF _____, ORDAINS as follows:

Section _____. City Code, Section _____ is amended as follows:

OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:

SECTION _____. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of _____ opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION_____. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this _____day of _____, 2016, by the City Council of the City of _____.

CITY OF _____

By: _____

ATTEST:

_____

Kevin McCann

From: Brandie Hanson <city@rothsay.org>
Sent: Tuesday, May 24, 2016 11:00 AM
To: Clerk/Administrators
Subject: RE: [clerk-admins] Campers/rvs used as living space

ORDINANCE 4.03A

AN ORDINANCE ZONING & REGULATING

THE USE OF LAND, LOCATION, BULK, HEIGHT,

AND USE OF BUILDINGS ON LOTS;

THE DENSITY OF POPULATION IN THE CITY OF ROTHSAY;

PROVIDING FOR THE ADMINISTRATION

AND ENFORCEMENT OF SUCH REGULATION

THE CITY COUNCIL OF ROTHSAY, MINNESOTA ORDAINS:

SECTION 1. ESTABLISHMENT OF DISTRICTS: For the purpose of this Ordinance, the City of Rothsay is divided into the following use districts:

1. R-A Agriculture Residence District
2. R-1 Suburban Residence District
3. R-2 Urban Residence District
4. R-3 Mobile Home Residence District
5. B-1 Highway Business District
6. B-2 General Business District
7. I Industrial District

The Districts are shown on the accompanying map entitled, "Interim Zoning Map of Rothsay, Minnesota", which map is hereby made a part of this Ordinance.

SECTION 2. GENERAL BUILDING AND PERFORMANCE REQUIREMENTS.

A. PURPOSE. The purpose of this section of the Ordinance is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent blight, deterioration and decay; and to enhance the health, safety, and welfare of the residents of the community.

B. DWELLING UNIT RESTRICTIONS. No garage, tent, camper, or accessory building shall, at any time, be used as living quarters, temporarily or permanently. Except in the case of planned unit developments, no more than one (1) principal building shall be located upon a lot.

Brandie Hanson

Rothsay City Clerk/Treasurer
PO Box 117
Rothsay, MN 56579
218-867-2254
218-867-2147 (fax)
Pop. 492

The City of Rothsay is an equal opportunity provider and employer.

From: Mary K Smith [mailto:cwab@redred.com]
Sent: Tuesday, May 24, 2016 10:18 AM
To: Clerk/Administrators <clerk-admins@listserv.lmc.org>
Subject: [clerk-admins] Campers/rvs used as living space

We currently have nothing in our ordinances that prevents anyone from using a camper or rv that is not hooked up to sewer/water as a place to live. Right now we have someone using a camper parked in the back yard of a relative's home as a place to live. What type of ordinance or wording in and ordinance do you have that prevents this?

Mary K Smith

City of Wabasso
P O Box 60
Wabasso Mn 56293
Pop 695

You are currently subscribed to clerk-admins as: city@rothsay.org
To unsubscribe send a blank email to leave-275221-7639.08fb104b0f2f838f3ce2d2b3741a12c2@listserv.lmc.org

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You are currently subscribed to clerk-admins as: kmccann@exploregaylord.org
To unsubscribe send a blank email to leave-275227-18947.523b9a212405e48323373c0fc36c4044@listserv.lmc.org

§ 153.018 DWELLING UNIT RESTRICTIONS.

(A) No dwelling unit shall be less than 20 feet in width at its narrowest side in any district except as provided for in the R-2 District with the granting of a conditional use permit for the establishment of a manufactured home park and as further regulated in §153.204.

(B) No basement, except when used as a portion of the living space of the family or as an earth sheltered home, cellar, garage, tent or accessory building shall at any time be used as a residence or dwelling unit, temporarily or permanently.

(C) No structure of a temporary character, trailer, tent or shack shall be constructed, placed or maintained upon the property, except accessory to and during construction of permanent buildings.

(D) Except in the case of planned unit developments, not more than one principal building shall be located on a lot.

(E) On a through lot (a lot fronting on two parallel streets) or a corner lot, both street lot lines shall be front lot lines for applying yard and parking requirements.

(Ord. 209.5, passed 12-14-1994)

Kevin McCann

From: Ken Ondich <kondich@ci.new-prague.mn.us>
Sent: Friday, June 03, 2016 3:39 PM
To: Kevin McCann
Subject: RE: [mcma] Intensive Level Historical/Architectural Survey

Kevin,

The allowable encroachment for uncovered decks does not apply for anywhere but the backyard. If they want a deck in the front yard, it has to meet the front setback requirements. We happen to have a slightly reduced front setback for our single family district near our downtown area that provides a little more room for decks to fit within setbacks...but we have seen a few variances over the years I've worked here.

From our Zoning Ordinance Performance Standards:

710 Permitted Encroachments

The following shall be considered as permitted encroachments on setback and height requirements except as provided in this ordinance.

In any yard: posts, off street open parking spaces, flues, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks and fences, and all other similar devices incidental and appurtenant to the principal structure except as hereinafter amended. Decks are also exempted from the rear yard setback requirements except that a deck may not be located closer than twenty (20) feet from the rear property line.

Kenneth D. Ondich
Planning / Community Development Director
City of New Prague
New Prague, MN 56071
Phone: 952-758-4401
Fax: 952-758-1149
Website: www.ci.new-prague.mn.us

From: Kevin McCann [mailto:kmccann@exploregaylord.org]
Sent: Friday, June 03, 2016 3:29 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: RE: [mcma] Intensive Level Historical/Architectural Survey

One other thing, how does that language apply to people wanting decks in their front yard or side yard? We have lots of people that want to put decks in the front since they don't have a conveniently located backdoor or want to use it as their front steps as well.

Kevin

From: Ken Ondich [mailto:kondich@ci.new-prague.mn.us]
Sent: Friday, June 03, 2016 3:23 PM
To: Kevin McCann
Subject: RE: [mcma] Intensive Level Historical/Architectural Survey

We have special rules for decks (uncovered) as they relate to rear setbacks. We normally have a 30' rear setback for principal structures, but if they are adding an uncovered deck, we allow them to be up to 20' from the rear property line.

If a deck is below 30" and not attached to the house, I believe it's not considered a deck by the building code and essentially is looked at the same was as a patio on the ground (which we won't have setbacks for, they just need to be outside of easements).

Kenneth D. Ondich
Planning / Community Development Director
City of New Prague
New Prague, MN 56071
Phone: 952-758-4401
Fax: 952-758-1149
Website: www.ci.new-prague.mn.us

From: Kevin McCann [mailto:kmccann@exploregaylord.org]
Sent: Friday, June 03, 2016 3:17 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: RE: [mcma] Intensive Level Historical/Architectural Survey

Thanks for the information. This should be able to work for us.

One other question I have for you is, how do you guys treat decks? Are they considered part of the principal structure or something else? What about if the deck is technically not attached?

Thanks for your help.

Kevin

From: Ken Ondich [mailto:kondich@ci.new-prague.mn.us]
Sent: Thursday, June 02, 2016 3:40 PM
To: kmccann@exploregaylord.org
Subject: RE: [mcma] Intensive Level Historical/Architectural Survey

Hi Kevin,

I have attached an RFP for a downtown reconnaissance survey we did along with a historic context study that we did in the last few years. These are not the same thing as you are looking for – closest would be the reconnaissance survey we did. Have you done either of those and did you obtain Historical Society Funding?

Good luck!

Kenneth D. Ondich
Planning / Community Development Director

St. Peters

- Principle structure if attached
- Does not meet case for variances