



**CITY OF MARSHALL**  
**Legislative and Ordinance Committee**  
**Agenda**  
**Tuesday, March 12, 2024 at 4:00 PM**  
**344 W. Main St., City Hall**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

- [1.](#) Consider Approval of the Minutes

**NEW BUSINESS**

- [2.](#) Amendments to Ch. 22 Article IV Mobile Food Units and Carts
- [3.](#) Discussion on Chapter 2-VII Administrative Citations
- [4.](#) Ordinance Amending Section 86-97 One family Residence District
- [5.](#) Ordinance Repealing Section 86-51 Bed and Breakfast
- [6.](#) Ordinance Amending Section 86-107 General Industrial District
- [7.](#) Ordinance Amending Section 66-55 Procedures

**OTHER BUSINESS ITEMS**

**ADJOURN**

**Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.**



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Chair
<b>Meeting Date:</b>	Tuesday, March 12, 2024
<b>Category:</b>	APPROVAL OF MINUTES
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of the Minutes
<b>Background Information:</b>	Enclosed are the minutes from the previous meeting.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	Staff encourages Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
<b>Recommendations:</b>	That the minutes from the previous meeting be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL**  
**LEGISLATIVE AND ORDINANCE COMMITTEE**  
**MINUTES**  
**Tuesday, January 09, 2024**

MEMBERS PRESENT: See Moua-Leske and Steve Meister  
MEMBERS ABSENT: James Lozinski  
STAFF PRESENT: Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Jim Marshall, Director of Public Safety; Ilya Gutman, Plans Examiner; Eric Luther, Liquor Store Manager, and Steven Anderson, City Clerk.  
OTHERS PRESEN: Joe Sathe, Attorney for Kennedy and Graven

At 4:03 Vice-Chair Moua-Leske called the meeting to order.

**Consider Approval of the Minutes**

No changes or amendments were requested of the minutes.

Motion made by Meister, Seconded by Moua-Leske to approve the minutes as presented. All voted in favor.

**Amendments to Interim Cannabis Prohibition Ordinance**

Hanson provided background information on the amendments to the Interim Cannabis Prohibition ordinance. On December 12, 2023 Mayor Byrnes announced during the regular council meeting that he was approached by Brau Brothers Brewing about a proposed business venture with a brewery that was located in Luverne, Minnesota. The brewery out of Luverne had requested Brau Brothers Brewing to bottle and distribute low-level THC beverages on their behalf. The current Interim Cannabis Prohibition “prohibit any business, person, or entity from offering for retail sale, wholesale, testing, commercial growing, commercial cultivating, manufacturing, transporting, delivering or commercial distribution of Cannabinoid Products, including Cannabis Products, Lower-Potency Hemp Edibles, or Hemp-Derived Consumer Products, including the establishment or operation as a Cannabis Business or Lower Potency Hemp Business within the jurisdictional boundaries of the City of the City of Marshall”. As such, Mayor Byrnes requested that an amendment be made to the ordinance and be introduced at the December 19, 2023, meeting to allow Brau Brothers Brewer to manufacture and distribute THC beverages. Meister and Hanson shared that Lozinski had expressed his opinion that he would have liked to see amendments to allow on-site consumption at on-sale liquor license establishments. Meister was also in favor of allowing on-site consumption for restaurants and that the ordinance shouldn’t cater to one specific business. Staff discussed registration, fees, and zoning regulations. Whitmore said that in the long term it was good to consider zoning and if the city wished to limit the number of lower and higher-level licenses but that would need to be a discussion in the near future.

The committee discussed the definition of brewer and if there were examples of other bars/taprooms that are currently selling THC on-sale. Moua-Leske asked for clarification on the proposed amendments and Meister clarified that he would like to see the amendments be adjusted to allow for the manufacture and distribution of THC beverages at breweries/distilleries and to allow the on-site consumption of THC beverages but not edibles/gummies. The group talked about the Office of Cannabis Management and timing if the city were to pursue registration. Eric Luther provided input regarding the sales at Tall Grass Liquor in relation to THC products and his thoughts about on-site consumption at restaurants and bars.

Motion made by Meister, Seconded by Moua-Leske to allow breweries and distilleries to manufacture THC beverages and distribution of said products as an accessory use while also allowing on-site consumption of THC beverages for holders of a fully paid on-sale liquor license issued by the City of Marshall that have been registered with the Department of Health. All voted in favor.

At 4:54 a motion was made by Meister, Seconded by Moua-Leske to adjourn the meeting. All voted in favor.

Respectfully Submitted,

Item 1. Anderson  
erk

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Tuesday, March 12, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Amendments to Ch. 22 Article IV Mobile Food Units and Carts
<b>Background Information:</b>	<p>As the popularity of food trucks and carts increases some concerns were raised to city staff regarding location and duration. Under the current ordinance, any mobile food vendor operating within city limits were not required to have a license or register with the city if they did not operate for more than 21 days in a calendar year. Tracking and validation of operating days for mobile food vendors was difficult. So, staff are recommending that all food vendors register and the number of days for a temporary license be reduced from 21 days to 7 days before a full city license is needed. Staff are also making recommendations that food trucks are not allowed within the public right-of-way where parking is permitted to address safety and parking concerns. Food trucks would be limited to private parking lots, and based on observation many food trucks already operate within private parking lots.</p> <p>As mentioned because of the popularity of food trucks staff did not want to discourage vendors and have added language for special events or community festivals designated by the city, such as Sounds of Summer or World Fest to encourage participation by reducing the amount of paperwork. Through the ordinance review process it was also found that ice cream trucks, although seen very infrequently, were essentially prohibited from operating within city limits. Language has been added to address ice cream trucks, because of the more transitory nature of ice cream trucks compared to stationary food trucks special exemptions needed to be called out.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To recommend the amendments be introduced to city council for consideration.

**CITY OF MARSHALL  
ORDINANCE MOBILE FOOD**

**AN ORDINANCE AMENDING CHAPTER 22 ARTICLE IV MOBILE FOOD UNITS  
AND FOOD CARTS**

The Common Council of the City of Marshall do ordain:

**SECTION 1:**AMENDMENT “Section 22-93 License Requirement” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-93 License Requirement

- (a) *Type of license.* No person or business shall conduct business as either a mobile food unit or food cart without first obtaining a license from the city. An annual license allows mobile food unit or food cart operations in the city for any number of days within the license period. A temporary license allows mobile food units or food carts to operate for a period less than seven (7) days in a calendar year.~~over 21 days during any calendar year. A mobile food unit or food cart operating 21 days or less shall follow state regulations. No city license is necessary to operate for 21 days or less in any calendar year.~~ An annual license may be issued with no fee to a brick-and-mortar restaurant located~~No city license is necessary to operate if in conjunction with a permanent business~~ within the City of Marshall as defined under Minn. Stat. ch. 157 or Minn. Stat. ch. 28A.
- (1) Mobile food units or food carts operating under a special event permit issued by the city or as a community festival designated by the city are exempt from license requirements at the location, and for the duration of the event or festival.
- (2) Mobile food units or food carts participating in the Lyon County Fair at the Lyon County Fairgrounds are exempt for the duration of the Lyon County Fair.
- (b) *License fees.* Fees for annual licenses are set forth in the city's fee schedule.
- (c) *Application information requirements.* An applicant must complete the application and provide all required information to the city clerk ~~whether a license is required or is not required~~. An application shall be filed, along with the required fee, with the city clerk. The applicant must be the owner of the mobile food unit or food cart. The application shall be made on a form supplied by the city and shall contain information requested by the city, including the following:
- (1) Name of the owner and operator, if different than the owner, of the mobile food unit or food cart and permanent and temporary home and business addresses;

- (2) A description of the nature of the business, the goods to be sold and the license plate number and description for any motorized or unmotorized vehicle to be used in conjunction with the activity;
- (3) A phone number and email address of the applicant, with a designation of a preferred mailing address for notices related to the license;
- (4) The name, address and contact information for the brick-and-mortar restaurant commissary with which the mobile food unit or food cart is affiliated, if applicable;
- (5) A certificate of insurance by an insurance company authorized to do business in the State of Minnesota ~~shall meet~~which meets the following requirements:
  - a. Commercial general liability insurance, with a limit of not less than \$1,000,000.00 each occurrence. If such insurance contains an annual aggregate limit, the annual aggregate limit shall be not less than \$2,000,000.00;
  - b. Workers compensation insurance (statutory limits) or evidence of exemption from state law; ~~and~~;
  - c. The city shall be endorsed as an additional insured on the certificate of insurance and the umbrella/excess insurance if the applicant intends to operate its mobile food unit or food cart on public property; ~~and~~
  - d. ~~The certificate of insurance must contain a~~A provision requiring notification be sent to the city should the policy be cancelled before its stated expiration date;.
- (6) ~~Written~~If the mobile food unit or food cart is located on private property, then written consent of ~~each~~the private property owner(s) is required from which mobile food unit or food cart sales will be conducted;
- (7) If the mobile food unit or food cart will be located on city property or public right-of-way, a signed statement that the licensee shall hold harmless the city and its officers and employees, and shall indemnify the city and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license;
- (8) A copy of each related license or permit if applicable issued by the State of Minnesota required to operate a mobile food unit or food cart; and,
- (9) A copy of the applicant's state sales tax ID number.

~~(Ord. No. 744 2nd series, § 1, 10-22-2019)~~

~~State law reference(s) — Mobile food unit, Minn. Stat. 157.15, subd. 9.~~

**SECTION 2:**AMENDMENT “Section 22-94 Conditions Of Licensing” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-94 Conditions Of ~~Licensing~~Operating

A mobile food unit or food cart may only operate if compliant with the following:

- (a) *Locations.* A mobile food unit or food cart may only operate in the locations set forth in this subpart. A mobile food unit or food cart must be placed on either concrete or bituminous surfaces unless otherwise approved by the city and may ~~only~~ operate:
- (1) ~~i~~In commercial and industrial zoning districts on private property with written consent of the private property owner.
  - (2) In residential zoning districts, if the mobile food unit or food cart is on or directly adjacent private property operating for private catering purposes (sales not open to the general public) with the consent of the private property owner, unless the mobile food unit is an Ice Cream Truck as defined herein. Ice Cream Trucks may operate in the public right of way of residential zoning district, and must be placed on either concrete or bituminous surfaces unless otherwise approved by the city.
  - (3) ~~In the public right away where parking is permitted.~~
  - (4) At special events permitted by the city or community festivals designated by the city council. ~~Written approval from the adjacent property owner must be obtained before approval of a license.~~
  - (5) ~~On private property:~~
    - a. ~~With written consent of the private property owner.~~
  - (6) ~~When operations occur on private residential property, mobile food unit or food cart sales may only be for catering purposes (such as a private graduation party or wedding) and may not be open for sales to the general public.~~
  - (7) ~~A mobile food unit or food cart may only operate i~~In a city park or on city property with the prior written approval of the city; additional permits may be required for such operations.
- (b) *Ice Cream Trucks.* Ice Cream Trucks are defined as a type of mobile food unit utilized as the point of retail sale of pre-packaged ice cream, frozen yogurt, frozen custard, flavored frozen water, or similar frozen dessert products.
- (1) Ice Cream Trucks are subject to the same performance standards as a mobile food unit or food cart. Ice Cream Trucks may operate within the public right of way of residential zoning districts, but may not be stationary when vending within said public right of way for a period of more than ten minutes.
- (c) *Performance standards.* A mobile food unit or food cart licensee is subject to the following performance standards.
- (1) Applicable license fee shall be paid.
  - (2) A mobile food unit or food cart shall be operated in strict compliance with the laws, rules and regulations of the United States, State of Minnesota and the City of Marshall.
  - (3) Wastewater may not be drained into city storm water drains.
  - (4) A mobile food unit or food cart shall provide and maintain at least one clearly designated waste container for customer use per each food cart or mobile food unit. The operator of a mobile food unit or food cart is responsible for daily

removal of trash, litter, recycling and refuse. Public trash cans shall not be used to dispose of waste generated by the operation. The operator shall provide a garbage receptacle with a tight-fitting lid. The receptacle shall be easily accessible for customer use and located within five feet of the unit.

- (5) If a mobile food unit must provide a power supply it shall be screened from public view and ~~that complies~~ with pertinent city noise regulations.
- (6) A mobile food unit or food cart may operate between 7:00 a.m. and 10:30 p.m. and if issued a special event permit may operate between 10:30 p.m. to 1:30 a.m. in designated ~~downtown~~ areas, and must not create any unnecessary noise, disturbances or disrupt public traffic or safety in any way. An exemption to hours may be authorized by city council on a per event basis.
- (7) A mobile food unit or food cart shall be allowed to set up one hour prior to conducting food vending and shall exit from the site within one hour of the close of conducting business.
  - a. A mobile food unit or food cart operating under a special event permit may remain overnight at the location and for the duration of a special event or community festival permitted or designated by the city.~~on private property in commercial and industrial zoned districts after conducting business with permission from the property owner~~
- (8) A mobile food unit or food cart may have a maximum footprint of 300 square feet unless otherwise approved by the city.
  - a. ~~A mobile food unit or food cart may be restricted to operate only on private property if it exceeds a maximum footprint of 300 square feet.~~
- (9) If a mobile food unit or food cart are operating in the public right-of-way, interactions between a mobile food unit or food cart and a consumer must take place between the mobile food unit or food cart and the curb away from traffic.
- (10) Mobile food units cannot obstruct the movement of pedestrians or vehicles or pose a hazard to public safety.
- (11) A mobile food unit or food cart must not occupy more than two parallel parking spots or no more than four diagonal/horizontal parking spots if operating within the public right-of-way.
- (12) Operators must clean around their mobile food unit or food cart at the end of each day and the mobile food unit or food cart must be kept in good repair and have a neat appearance.
- (13) A mobile food unit or food cart operator must be licensed by the Minnesota Department of Health and Proof of the Minnesota Department of Health licensing must be provided and posted on the mobile food unit or food cart.
- (14) A mobile food unit or food cart must comply with any applicable fire department food truck requirements.
- (15) An out of service mobile food unit or food cart stored within the city must comply with all applicable ~~zoning~~ ordinance requirements.
- (16) A mobile food unit or food cart may operate on private property in any residential zoned districts for a "one-time" event for catering purposes only.
- (17) A mobile food unit or food cart may not operate within 100 feet from the

public entrance to any restaurant and/or any portion of a restaurant's outdoor dining area during that restaurant's hours of operation unless the licensee obtains written permission from the restaurant owner/manager.

- (18) A mobile food unit or food cart may not operate in city-owned parking lots, except those parking lots adjacent to or inside a city park with the prior written approval of the city.
- (d) *Non-transferable license.* A mobile food unit or food cart license is non-transferable. Proof of all required licenses shall be displayed at all times in the mobile food unit or food cart.
- (e) *Practices prohibited.* It is unlawful for any person engaged in the business of a mobile food unit or food cart operation to do any of the following:
  - (1) Call attention to that licensee's business by crying out, blowing a horn, ringing a bell, loud music or by any loud or unusual noise;
    - a. Mobile food units or food carts that are not stationary longer than 10 minutes are exempt, but must follow applicable ordinance Section 42-89 Loud Noises.
    - b. Ice Cream Trucks may play music or use bells as long as either complies with Section 42-89.
  - (2) Fail to display proof of license and produce valid identification when requested;
  - (3) Leave a mobile food unit or food cart unattended or at an authorized location outside allowed hours of operation;
    - a. A mobile food unit or food cart may be exempt from this requirement following sec. b (7) a.
  - (4) Operate the mobile food unit or food cart in or on public sidewalks or trails;
  - (5) Allow a mobile food unit or food cart to remain on the property of another when asked to leave;
  - (6) Obstruct the ingress or egress from commercial buildings during the building hours of operation;
  - (7) Claim endorsements by the city; or
  - (8) Conduct business in any manner as to create a threat to the health, safety, and welfare of a specific individual or the general public.

(Ord. No. 744 2nd series, § 1, 10-22-2019)

**SECTION 3:            AMENDMENT** “Section 22-95 Suspension Or Revocation Of A License.” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-95 Suspension Or Revocation Of A License.

A license issued pursuant to this article may be suspended by the city if the licensee has violated the terms of this article, or is otherwise conducting business in such a manner as to constitute a breach of the peace, fraudulent conduct, or any other conduct that is prohibited by local, state or federal laws or regulations. Falsification of information required for a license is also grounds for denial, suspension or revocation of a license. The license shall be ~~automatically~~ revoked if the licensee does not adhere to the corrective action required by the citation issued ~~file an appeal~~ pursuant to City of Marshall Ordinance Chapter 2-VII Administrative Citations ~~this section~~. When taking action on any license issued under this section, the city shall provide the licensee with ~~verbal or~~ written notice of the violation. A licensee may appeal pursuant to the administrative procedure process set forth in the City of Marshall City Code. ~~The notice shall inform the licensee of its right to be heard before the city council. The notice shall also inform the licensee that the license shall be automatically revoked if no appeal is filed within 21 days of the date of the notice by the city. Verbal notice shall be confirmed within five days by a mailed written notice to the licensee. The city council shall not conduct a hearing on a suspension or revocation unless a request is made by the applicant for an appeal prior to the next city council meeting. No city council resolution or other notice calling for a hearing shall be required.~~

(Ord. No. 744 2nd series, § 1, 10-22-2019)

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

\_\_\_\_\_.

Presiding Officer

Attest

\_\_\_\_\_  
Robert Byrnes, Mayor, City of  
Marshall

\_\_\_\_\_  
Steven Anderson, City Clerk, City of  
Marshall



**CITY OF MARSHALL  
AGENDA ITEM REPORT  
L&O 3/12/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, March 12, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Administrative Citation
<b>Background Information:</b>	<p>An Administration Citations ordinance has recently been approved by the Council to offer staff an alternative method of enforcement for city code violations rather than relying on the criminal court system. This new ordinance allows staff to impose administrative fines on ordinance violators thus providing additional tool to deal with noncompliance.</p> <p>The way the new ordinance is written, it is applicable to practically all ordinance provisions with few exceptions. The procedure for applying the new ordinance is very much determined in its text and has also been summarized in the Brochure and Handbook compiled by the City Clerk. However, staff would like to have a discussion about a few specific details of implementation with the Committee to confirm applicability and penalty imposition.</p> <p>The most common violations this ordinance will be used for are the zoning code ones, even though it may be used in cases when people start a construction project without a permit, violate the Building Code, do not secure a required city license, and multiple other minor stuff. This new tool is very powerful, and staff will exercise discretion in applying it, but it is a given that at some point some people may be unhappy.</p> <p>The new Ordinance calls for potential applicable fines to accumulate daily, as each day of violation is considered another violation. The fine amount has not been set yet, but staff plans to go to the Ways and Means committee in the near future to review it. Just for reference, the proposed amount will be \$100 unless stated differently otherwise in the fee schedule. Internal discussion on fine accumulation has led to opinion that the City will not be adding this amount daily, but, instead, every time a new staff action is required, such as a new letter due to violation not being abated.</p> <p>Additionally, staff needs Committee’s opinion on City’s action in cases violations are fixed after a penalty is imposed but not paid. The Ordinance is mute on this situation, but staff believes that for cases when violation is abated within allocated period right after the first citation is issued, penalties may be waived, since the goal is compliance, not revenue, and insisting on paying penalties after a violation is quickly fixed may be seen as excessive. Of course, if we need to keep issuing citations for not fixing the violation, this good will gesture will not apply.</p> <p>Staff would like to receive Committee’s support for new ordinance implementation and agreement with suggested course of actions in specific situations mentioned above. The above considerations will be presented to the entire council at the time of approval of the fee schedule change to include generic Administration fine amount.</p>
<b>Fiscal Impact:</b>	N/A
<b>Alternative/ Variations:</b>	N/A
<b>Recommendations:</b>	Staff recommends expressing support for staff’s interpretations of the new ordinance.



**CITY OF MARSHALL  
AGENDA ITEM REPORT  
L&O 3/12/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, March 12, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Ordinance amending Section 86-97 One family residence district
<b>Background Information:</b>	<p>The City has adopted a new Comprehensive Plan last year; the Plan redefines several zoning districts and suggests new ones. City staff has been working to implement the new Plan and this ordinance change is a part of that work. Additionally, with the new Rental Ordinance recently adopted, staff do not see a reason to limit the number of unrelated adults living in a rented single-family house, so that provision is removed. A few other changes also relate to recently passed ordinance changes.</p> <p>This change will be presented at the Planning Commission meeting on April 10 for a public hearing.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	Staff recommends the recommendation to the City Council approving the revisions amending Section 86-97 One family residence district as recommended by staff.

Sec. 86-97. - R-1 low density~~one-family~~ residence district.

(a) *Intent; scope.* This section applies to the R-1 one-family residence district. This R-1 district is intended to preserve and enhance low density (less than 6 units per acre) residential areas ~~for one-family detached dwellings.~~

(b) *Permitted uses.* The following uses shall be permitted in the R-1 low density residence district:

Churches and other places of worship, ~~provided that no building shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.~~

~~One-family manufactured homes~~

Residential facility serving six or fewer individuals.

Day care facility serving 14 or fewer individuals.

One-family detached dwellings, ~~occupied by persons related by blood, marriage, adoption, or by three unrelated persons.~~

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-1 low density residence district:

Accessory uses customarily incidental to the uses permitted in this section, such as private vehicle garages ~~and storage sheds.~~

Accessory building complying with section 86-163, including, but not limited to, private garages, storage sheds, fallout shelters, and gazebos.

Accessory equipment complying with section 86-164, including, but not limited to, solar energy collectors and systems, playgrounds, and sports courts.

Bed and breakfast facility, provided property is registered with the City as rental.

~~Fallout shelters.~~

Keeping ~~of not more than two~~ boarders and/or roomers by a resident family, provided property is registered with the City as rental.

Private swimming pool and hot tub when completely enclosed within a non-climbable fence five feet high with openings no greater than four inches in any dimension and self-closing and self-locking gate. Swimming pools exempt from the building permit requirements as defined in the state building code and hot tubs with latchable covers do not need to be enclosed.

~~Private solar energy collectors and systems.~~ Offices of persons and home occupations meeting the specific conditions of section 86-50, provided an interim use permit is obtained when required.

Private amateur radio towers and antennas complying with division 6.

Private gardens complying with Section 86-247 (a) (5).

(d) *Conditional uses.* All conditional use permits for the R-1 district may only be issued if the proposed use meets the specific requirements of this section and also meets the supplemental regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the R-1 low density district by conditional use permit:

~~Bed and breakfast facility meeting the conditions of section 86-51.~~

Fire stations, community center buildings, public libraries, ~~museums, art galleries, post office, greenhouses (excluding commercial),~~ and essential public utility structures servicing the surrounding area.

~~Golf course and clubhouse, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.~~

~~Keeping of three or more roomers or boarders.~~

~~Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50 except motor vehicle repair, tobacco sales, sales of alcoholic beverages, adult entertainment, adult book or video sales, motor vehicle or machinery sales, or restaurants are not permitted.~~

One-family manufactured homes.

Other residential uses of the same general character as listed in subsection (b).

Parks and recreational areas, public or private.

~~Residential facility serving more than six individuals.~~

~~Day care facility serving more than 14 individuals.~~

School, public or private, kindergarten through grade 12.

Two-family dwellings under single ownership, joint ownership or tenants in common.

Two-family dwellings under split ownership under the following conditions:

- (1) The dwellings s have separate utility service lines to each unit.
- (2) The owners s execute and record a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings.
- (3) Proper separation of units, occurring along the lot line, exists s as provided by the building code.
- (4) Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
- (5) The dwelling location on the lot be compatible with the neighborhood.
- (6) Landscaping, fencing, grading, exterior lighting, and driveway conform to the surrounding neighborhood.
- (7) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- (8) The dwellings shall be a maximum height of two stories.
- (9) Not more than 50 percent of the lot area shall be occupied by buildings.

~~(10) No unit shall be eligible under this [use] unless the division of the dwelling occurs along the lot lines.~~

(e) *Height and yard regulations.* Height, yard, area and lot width and depth regulations for the R-1 district are as follows:

- (1) *Height regulations.* No building hereafter erected or altered shall exceed 3 stories or 30 feet in height.
- (2) *Front yard regulations.*

- a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
- b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city zoning map thoroughfares plan.
- ~~c. Where a lot or plot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot.~~
- ~~d. No accessory buildings shall project beyond the front yard line of any street.~~
- (3) *Side yard regulations.* There shall be a side yard on each side of a building, each having a width of not less than five feet, except for non-residential uses, the width shall be no less than 20 feet if abutting another one-family residence district lot.
- (4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot or plot depth, or 18 percent of the lot or plot depth for a two-street corner lot.
- (5) *Lot or plot area regulations.*
  - a. Every lot or plot upon which a one-family dwelling is erected shall contain an area of not less than 8,000 square feet.
  - b. Every lot or plot upon which a two-family dwelling is erected or altered shall contain an area of not less than 10,000 square feet.
- (6) *Lot width and depth regulations.* Every lot or plot on which a one-family dwelling or a two-family dwelling is erected shall have a minimum width of not less than 70 feet at the building setback line, and a minimum depth of not less than 110 feet.
- (f) *Supplemental regulations.* Additional regulations in the R-1 one family residence district are set forth in article VI.

(Code 1976, § 11.07; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-00; Ord. No. 529 2nd series, § 1, 7-5-2005; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 712 2nd series, § 1, 9-13-2016; Ord. No. 732 2nd Series, § 1, 1-8-2019)



**CITY OF MARSHALL  
AGENDA ITEM REPORT  
L&O 3/12/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, March 12, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Ordinance repealing Section 86-51 Bed and Breakfast
<b>Background Information:</b>	<p>The City has recently adopted new Rental Ordinance covers Bed and Breakfast facilities as short term rentals. It also lists specific conditions applicable to such short-term rentals, so staff do not see a reason to keep a separate section related to Bed and Breakfast facilities or require an interim use permit for them.</p> <p>This change will be presented at the Planning Commission meeting on April 10 for a public hearing.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	Staff recommends the recommendation to the City Council approving repealing Section 86-51 Bed and Breakfast as recommended by staff.

## Section 86-51 Bed And Breakfast

- (a) ~~Bed and breakfast shall be an interim use in agricultural and all residential districts~~
- (b) ~~Bed and breakfast facilities shall at a minimum meet the following conditions:~~
- ~~(1) The facility shall comply with all health, fire, safety rules and other regulations of the state and the city, including current Building Code and City Ordinance, and all required licenses shall be made available to the City staff upon request. This condition shall be confirmed by City inspection prior to a public hearing.~~
  - ~~(2) The maximum number of bedrooms shall be established for each facility and no more than four bedrooms shall be available to guests. No more than two persons shall be staying in each bedroom.~~
  - ~~(3) Off-street parking shall be provided and screened from adjacent properties as required by the parking Ordinance. No more than two guest parking on the street shall be permitted.~~
  - ~~(4) Exterior appearance and lighting shall be compatible with the neighborhood.~~
  - ~~(5) Identification signs shall be limited to one six-square-foot nameplate sign mounted on the building near the main entrance door.~~
  - ~~(6) The owners shall operate and permanently occupy such facilities.~~
  - ~~(7) No food or beverage service shall be provided to anyone other than transient guests.~~
  - ~~(8) All bedrooms shall be established within and have primary entrances from the principal structure.~~
  - ~~(9) Cooking facilities shall not be permitted in the guest rooms.~~
  - ~~(10) Appropriate insurance including liability insurance shall be filed with the city clerk for a minimum amount of \$1,000,000.00.~~
  - ~~(11) Other commercial enterprises shall not be operated in conjunction with this facility without a home-occupation interim permit.~~
- (c) ~~All bed and breakfast interim use permits shall be issued for initial one-year term and may be renewed for future terms, under the same interim use procedure, provided no violations of established conditions were observed. The renewal shall be until the property is sold or transferred to another owner. If any of the interim use permit conditions are found to be violated, the permit may be revoked, or future renewal terms may be limited~~
- (d) ~~The applicant, upon making application, grants to the City upon issuing a bed and breakfast interim use permit the right to inspect the premises in which bed and breakfast is located at any time to ensure compliance with the provisions of this section and any conditions additionally imposed.~~



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<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, March 12, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Ordinance amending Section 86-107 General industrial district
<b>Background Information:</b>	<p>The City has several areas outside of agricultural district that are used for agricultural activity. Currently, such uses are not listed as a permitted use in any zoning district other than Agricultural. However, it is reasonable that owners want to use open areas for some business activity prior to eventually developing it; such business activity may include growing and harvesting row crops on vacant land.</p> <p>In light of the above, it makes sense to add growing row crops as a conditional use to I-2 general industrial district, since there are large open areas within I-2 district, and this kind of activity – low labor/visitor intensive – does not contradict its objective. Staff would like to have this ordinance changed before growing season starts in the spring.</p> <p>This change will be presented at the Planning Commission meeting on April 10 for a public hearing.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	Staff recommends the recommendation to the City Council approving the revisions amending Section 86-107 general industrial district as recommended by staff.

## **Section 86-107 I-2 General Industrial District**

(a) *Intent; scope.* This section applies to the I-2 general industrial district. This I-2 district provides a location for heavier industrial and manufacturing activities, without encroachment by incompatible use areas.

(b) *Permitted uses.* The following uses shall be permitted in the I-2 industrial district:

Animal hospitals.

Auto parts and accessories sales.

Automobile and truck parking lots and garages.

Bottling establishments.

Building materials sales and storage and lumberyard.

Camera and photographic supplies manufacture.

Carpenter and cabinet shops, plumbing and heating shops, and janitorial services.

Cartage and express facilities.

Cartography, bookbinding, engraving, publishing, job printing, lithographing and copying.

Cleaning and dyeing.

Contractor's offices, shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry, electrical and refrigeration supplies.

Egg grading, sorting and wholesale business.

Electric light or power generating station.

Electrical and electronic products manufacture.

Electrical service shops.

Fallout shelters.

Farm equipment sales and service.

Farm, feed and seed supply stores.

Feed and seed processing.

Freight terminal.

Fuel and ice sales and storage.

Garages and storage, repair and servicing of motor vehicles.

Item 6.

Governmental service buildings.

Highway maintenance shops and yards.

Ice plant.

Industrial training schools.

Industrial truck and equipment sales and service shops.

Jewelry manufacture.

Kennels.

Landscaping including outside material storage.

Leather goods.

Manufacturing, processing, and associated storage, servicing and testing.

Medical, dental and optical equipment manufacture.

Mobile home and camping trailer sales.

Musical instruments manufacture.

Printing.

Public utility structure (industrial).

Railroad rights-of-way.

Rentals of industrial type equipment.

Research, experimental or testing stations.

Soft drink and bottling establishments (enclosed).

Storage or warehousing, when completely enclosed within a building.

Telephone exchange.

Trophy and award manufacturing or assembling.

Warehouses.

Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.

Wholesale business and office establishments.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the I-2 industry district:

All uses customarily incidental to the uses permitted in subsections (a) and (b) of this section.

Off-street parking and loading as regulated by article VI of this chapter.

Item 6. Signs, as regulated by article VI of this chapter.

Solar energy collectors and systems.

(d) *Conditional uses.* All conditional use permits for the I-2 district may only be issued if the proposed use meets the requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the I-2 industrial district by conditional use permit:

Adult uses complying with the following regulations:

- (1) The use must be contained within a building.
- (2) No sign or exterior graphics permitted except for those written in letters of the English language.
- (3) The use is not permitted within 2,000 feet of another adult use, establishment selling beer or alcoholic beverages, school, church, any residential use, library, park, daycare facility, or residential facility, as measured from property line to property line.
- (4) This use must not be greater than 2,000 square feet in total building floor area and contained in one building on a lot, plot, or property.

Automobile and truck sales or used car lots.

Billboards.

Brewpubs, microbreweries, and breweries.

Cultivation, maintenance, and harvest of plants for the sale or other commercial use.

Day care facility serving any number of individuals.

Processing, or storage and stockpiling of sand, gravel, stone or other raw material.

Greenhouses (commercial).

Gas stations.

Hazardous chemicals (processing/storage).

Heliport.

Junkyards, wrecking yards or auto salvage yards.

Meat and butcher shops and cold storage lockers.

Meat processing plants.

Municipal or other governmental administration or service buildings, police and fire stations, and post office stations.

Other industrial uses of the same general character as listed in subsection (b).

Outdoor nurseries and tree farms.

Public service structures including power substations, gas regulator stations, sewage disposal plant, elevated tanks and water works.

Restaurants.

Truck stops.

(e) *Height, yard, area, lot width and lot coverage regulations.* Height, yard, area, lot width and lot coverage regulations in the I-2 district are as follows:

(1) *Height regulations.* No building shall hereafter be erected to exceed 75 feet in height.

(2) *Front yard regulations.*

- a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
- b. There shall be a front yard having a depth of 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.
- c. No front yard shall be required in the downtown district.

(3) *Side yard regulations.*

- a. There shall be two side yards, one on each side of a building, each having a width of not less than ten feet.
- b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.
- c. No side yard shall be required in the downtown district.

(4) *Rear yard regulations.*

- a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
- b. No rear yard shall be required in the downtown district.

(5) *Lot coverage regulations.* There are no lot coverage regulations.

(f) *General regulations.* Additional regulations in the I-2 general industrial business district are set forth in article VI of this chapter.

(Code 1976, § 11.17; Ord. No. 443, § 3, 11-6-2000; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 606 2nd series, § 2, 3-10-2009; Ord. No. 622 2nd series, § 1, 7-27-2010; Ord. No. 655 2nd series, § 1, 5-22-2012; Ord. No. 685, § 1, 1-28-2014; Ord. No. 694 2nd series, § 1, 5-12-2015; Ord. No. 719 2nd series, § 2, 5-9-2017; Ord. No. 753 2nd series, §§ 1, 2, 7-28-2020)

**Cross reference(s)**—Businesses, ch. 22.



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<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, March 12, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Ordinance amending Section 66-55 Procedures
<b>Background Information:</b>	This is a minor revision to the preliminary plat approval procedure. This section has recently been changed to move a public hearing from the City Council meeting to the Planning Commission meeting. This proposed change will allow conducting a required public hearing at the Council meeting if the Planning Commission does not have a quorum at its regular meeting, which will speed up the process in this case.
<b>Fiscal Impact:</b>	N/A
<b>Alternative/Variations:</b>	None recommended
<b>Recommendations:</b>	Staff recommends the recommendation to the City Council approving the revisions amending Sections 86-55 Procedures as recommended by staff.

## Section 66-55 Procedures

- (a) One copy of any preliminary plat which includes lands abutting upon existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the registrar of deeds (county recorder), shall be forthwith forwarded by the city engineer to the commissioner of transportation for his written comments and recommendations. Any such plat which includes land abutting upon any existing or established county or county state aid highway shall be so forwarded to the county engineer for his written comments and suggestions. Action thereon shall be postponed for a period of 15 days pending receipt of such response. Copies of any such responses shall be submitted to the city engineer.
- (b) One copy of the preliminary plat shall be filed with the city engineer for city council use, and who shall advise the council of such filing at its next regular meeting.
- (c) The city engineer shall forward one copy of the preliminary plat to all utility providers serving the proposed subdivision.
- (d) One copy of the preliminary plat shall be kept by the city engineer. The city engineer shall check and verify the survey and plat to such extent as he deems necessary, provided that he shall check with the zoning administrator and with heads of other departments which, in his opinion, would be affected by approval of the preliminary plat in the form presented. He shall within 30 days, unless such time limit is extended by the council from the filing date, prepare a written report to the council with a copy to the planning commission, including his comments and recommendations and the comments and recommendations of the zoning administrator and other department heads.
- (e) After receipt of any comments and recommendations from the commissioner of transportation and county highway engineer and after the receipt of the report from the city engineer, the planning commission shall meet to review the preliminary plat and make its recommendation to the council.
- (f) Such meeting of the planning commission shall be held within 60 days from the date of filing, extended by the equivalent of any extensions granted by the city engineer to make his report.
- (g) The Planning Commission shall hold a public hearing on the proposed preliminary plat. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least ten days prior to the hearing. The city shall mail written notification of the proposed preliminary plat to property owners located within 350 feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made. The planning commission shall review the preliminary plat, consider all oral and written reports, comments and recommendations, and adopt by majority vote of those present and voting, its own recommendation to the council stating its reasons as to whether or not to approve or disapprove the preliminary plat. Such recommendation shall be forwarded to the council, with a copy to the subdivider. If a Planning Commission meeting is cancelled due to lack of quorum and the Planning Commission is not able to hold a public hearing, the Council may proceed without receiving a Planning Commission report; in this case, at least one public hearing still shall be held.
- (h) At any time prior to publication of a notice of public hearing, the subdivider may, in writing, withdraw his application for approval by filing such withdrawal in the office of the city engineer. If the subdivider thereafter submits a revised preliminary plat, it shall be so designated to distinguish it from the original preliminary plat, provided that a revised preliminary plat shall be entitled to the same consideration and subject to the same procedure, except that unnecessary duplications shall be avoided whenever possible.
- (i) By state law, a final decision on a preliminary plat request must be made within 120-days of submittal of a complete application unless the applicant waives this 120-day time limit. At the next regular or special meeting, which shall be held within 30 days after the public hearing, the council shall decide to approve or disapprove the preliminary plat. If its decision is to approve the preliminary plat, such approval shall be contingent upon the filing of a final plat in accordance with the requirements of Chapter 66-55, Florida Statutes; and the city engineer shall forthwith advise the subdivider of the council action. The approving the preliminary plat shall constitute approval of all supplementary documents including,

but not limited to, the preliminary drainage and grading plan, the preliminary utility plan, the plans for construction and installation of improvements, and the proposed method of payment therefor. If any variance has been requested by the subdivider and the council approves the plat, it shall also make findings granting such variance. If its decision is to disapprove, the council shall make and adopt findings and conclusions which shall forthwith be forwarded to the subdivider.

(Code 1976, § 12.05(3); Ord. No. 723 2nd Series, § 1, 8-8-2017)

**State law reference(s)**-Public hearing required, Minn. Stat. § 462.358, subd. 3b.