

Planning Commission Agenda
Tuesday, September 12th, 2017 ~ 5:30 p.m.
City Hall

1. Call to Order
2. Adopt/Amend agenda
3. Approve Minutes – 8.8.2017 Regular Meeting
4. Public Hearing(s) - Zoning Code Amendments
 - A. Amend Zoning Ordinance regarding kennels and dogs
 - B. Amend Ordinance regarding fences
5. Old Business
 - A.
 - B.
6. New Business
 - A. Schumacher Minor Subdivision
 - B.
 - C.
7. Other
8. Adjourn

Please call 732-7318 if you are unable to attend.

**City of Zumbrota
Planning Commission Regular Meeting Minutes
Tuesday, September 12th, 2017 - 5:30 P.M. City Hall**

Present: Chairman Rockne, Commissioners Todd Hammel, Roberta Callahan, Bev Weness and Richard Myran (5:40 pm). Absent: Betty Jo Grothe. Also Present: Community Development Director Dan King.

- 1. Chairman Rockne called the meeting to order at 5:30 p.m.**
- 2. Agenda: Motion Hammel, second Weness to approve the agenda as submitted. Carried 4-0-0**
- 3. Minutes: Motion Hammel, second Callahan to approve the minutes from the August 8, 2017 meeting as submitted. Carried 4-0-0**
- 5. Public Hearing(s)**
 - A. Amend Zoning Code Sections 10 – Definitions and Section(s) 6-11 – Residential Zoning Districts regarding kennels and dogs.**

Chairman Rockne opened the public hearing at 5:31 pm. No members of the public were present and Chairman Rockne closed the public hearing at 5:33 pm.

Members then reviewed draft language amending the Zoning Code regarding the keeping of dogs in residential zoning districts. It was noted the current Zoning Code has a definition of a “Dog Kennel” as “Any place where three or more dogs over six months of age are kept, boarded, bred and/or offered for sale, except a veterinary clinic. Dog kennels shall be permitted only in areas specifically zoned for such use”. The only mention of kennels later in the Zoning Code lists them as a Conditional Use in the “A” Agricultural/Estate Residence District.

The zoning code amendments proposed change this to allow three dogs in residential zones; with kennels being four dogs or more.

It was noted the League of MN Cities states MN Statutes are very broad on the ability of cities to limit the amount of dogs residents can keep in residential districts. Members discussed the issue, noting that some dog owners have 3 animals and they are well behaved, yards are clean and they don’t bark excessively. Other residents have only 1 dog and they can be a nuisance. Members reviewed research staff provided about neighboring communities and the number of dogs that are allowed; specifically:

- Goodhue and Wanamingo have no restrictions
- Lake City allows up to 4 dogs
- Pine Island allows up to 3
- Cannon Falls limited to 2 dogs

Motion Weness, second Callahan to recommend the City Council revise the Zoning Code Sections 10 – Definitions and Section(s) 6-11 – Residential Zoning Districts. Carried 4-0-0

B. Amend Zoning Code Section 3, subdivision 6 – Fences, Screening and Landscaping.

Chairman Rockne opened the public hearing at 5:38 pm. No members of the public were present and Chairman Rockne closed the public hearing at 5:41

Staff summarized the amendments to Section 3, subdivision 6 – Fences, Screening and Landscaping. The proposed amendments remove the requirement of a three foot setback from property lines unless abutting property owners consent. Other minor changes update the Zoning Code to MN Building Code standards and address fence aesthetics. Members reviewed a proposed amendment to the zoning code regarding fences. Particularly, the provision that requires a three (3) foot setback from property lines unless there is “mutual consent of the abutting property owner(s)”. The Planning Commission has been debating this issue for some time. Some member have expressed support for keeping the ordinance as is, noting the 3 foot setback allows the property owner the ability to maintain and repair a fence without encroaching on neighboring property. Other members stated the required setback limits a property owner from full enjoyment of their property. It was noted that property ownership changes and this has an impact on the issue. Commissioner Hammel stated he supports elimination of the required setback, as his experience working in other communities in the area indicates they do not require setbacks for fences. Commissioner Rockne stated he supports keeping the language as is, reiterating the intent is for property owners to have the ability to maintain fences without going onto neighbor’s property.

Motion Weness, second Hammel to recommend the City Council approve the proposed amendments to Zoning Code Section 3, subdivision 6 – Fences, Screening and Landscaping as proposed. Carried 4-1-0.

6. New Business – Schumacher Minor Subdivision

Staff received a request from Allan Schumacher to split a lot in order to sell a portion to an abutting property owner. This is permitted under our **Subdivision Code Section 6, Subdivision 1(B)** which states “in the case of a request to divide a lot where the division is to permit the adding of a parcel of land to an abutting lot”. This is a unique situation where the property is one parcel with two different legal descriptions that are not contiguous.

Motion Hammel, second Myran to recommend the City Council approve the proposed minor subdivision. Carried 4-0-1 (Rockne abstains)

7. Other

Staff stated there is a request from two different parties regarding veterinary clinics and dental/orthodontic health care clinics in C2 Highway Commercial districts. Currently the zoning code does not specifically allow them. It was noted the Mayo Clinic is located in the C2

Highway Commercial district. It was noted the list of permitted uses in the C2 district states “Uses determined by the Planning Commission to be similar to those listed...”.

The concensus of the members was the that both veterinarians and dental clinics are similar to those listed and should be permitted.

Motion Weness, second Hammel to determine that veterinarian and dental clinics are a permitted use in the C2 Highway Commercial District. Carried 5-0-0

Commissioner Myran stated he is resigning from the Planning Commission after many years of service. Members and staff sincerely thanked Dick for his 16 years of volunteer service and reluctantly yet respectfully accepted his resignation.

There being no further business, Chairman Rockne adjourned the meeting at 6:13 p.m.

Respectfully Submitted,

Dan King, Secretary