

Proposed Land Use Ordinance Changes – 2019/2020

RED changes were proposed on 12/27/2019

BLUE changes were proposed on 1/24/2020

Article 5 – NONCONFORMITIES

Sec 26-138 existing nonconforming structures

A nonconforming structure existing at the time of the adoption of this chapter and complying with City standards in effect at the time it was approved, shall remain a legal nonconforming structure and may be continued subject to the following provisions:

- (1) Maintenance and replacement.** Existing nonconforming structures may be continued, including through repair, replacement, restoration, maintenance, or improvement but not including expansion. Expansions that meet setbacks and other provisions of this ordinance shall not require a variance. [Changes to wall height and roofline changes that do not increase the floor area of the living space are not considered an expansion according to this section and shall not require a variance.](#)
- (2) Conforming Sewer System.** Dwellings are connected to a conforming sewage treatment system compliant with Minnesota Rules, Chapter 7080 and Article 31 of this Chapter or the lot is connected to a public sewer.

New structures shall meet all pertinent standards of this Chapter.

Article 10 Land Use Classification List

Sec. 26-281 Land Use Tables

LAND USE TABLES	S D	RR 5	S S	L C	D C	W C	L C
(1) Agricultural Uses							
Farm buildings (barns, silo, hay shed, etc.)	P	P	P	P			
Farmland: Crop growing and harvesting	A	A	A	A			
Farmland: Livestock, poultry use, including related buildings	A	A		A			
Forest land: growth, harvest	A	A	A	A		A	A
(2) Residential and Related Uses							
Accessory structure	P	P	P	P	P	P	P
Auxiliary quarters/cottage - 24' or wider	PP	PP	PP	PP	PP	PP	PP
Controlled access lot							
Energy systems assoc. with a principal use (i.e. solar collectors and wind generators under 50KW)*	P/C U*	P		P		P/CU *	P
Garage/Yard Sales (Maximum 3 per calendar year)	A	A	A	A	A	A	A
Group home, detention or correction home (including detoxification center, rehabilitation home, etc.)	CU	CU	CU	CU		CU	
Home business	CU	CU		PP	PP	CU	PP
Home occupation	A	A	A	A	A	A	
Home: assisted living, nursing, supportive care	CU	CU		CU	CU		
Meteorological test station for wind energy conversion systems (WECS)	I	I		I		I	I
Mobile home park or development		CU					
Multi-family dwelling	CU	CU		CU	CU	CU	
Portable or temporary storage structure	P	P	P	P	P	P	P
Single-family dwelling—24' or wider	P	P	P	CU	CU	CU	CU
Two-family dwelling—duplex	CU	P	CU	CU	CU	CU	
Water-oriented accessory structures	P					P	
(3) Recreational Uses							
Campground, private, or commercial				CU		CU	
Shooting range, fire arms, archery - private				CU			CU
(4) Civic, Educational and Institutional Uses							
Athletic field/stadium; arena				CU			
Cemetery	A	A		A			
Church/Synagogue	P	P	P	P	P	P	
Transient Camps, Church Camps	CU	CU				PP	

*--Type of Permit depends on wind energy tower height and power output

LAND USE TABLES	S D	RR 5	S S	L G	D G	W C	C L
(5) Commercial and Industrial Uses							
Adult uses							CU
Amusement Park				CU			
Athletic club				PP	PP	PP	
Auto body shop				PP			PP
Auto repair shop, lubrication service station				PP	PP		PP
Bank or financial institution				P	P		PP
Beauty shop, barber shop				PP	PP	PP	PP
Bed and Breakfast Residence		CU		PP	PP	PP	
Bowling Lanes				PP	PP	PP	PP
Breeding and boarding of animals				CU	CU		CU
Bulk liquid storage				CU			PP
Business or professional office space				PP	PP	PP	PP
Car wash				PP	PP		PP
Cement/concrete/redi-mix plant, permanent							P
Commercial greenhouse/nursery				PP			PP
Commercial storage building/storage unit rental	CU	CU		CU	CU	CU	CU
Commercial Storage building/Storage Unit Rental Structures >600sq ft in a residential district	CU	CU					
Concrete/asphalt plant, portable				I			PP
Construction and contractor services-carpentry, electrical, plumbing, heating, ventilation, mechanical, flooring, insulation, siding, etc				P	P		P
Day care facility	PP	PP		PP	PP	PP	
Demolition Landfill							CU
Dry cleaners				CU	CU		CU
Extractive use, mining, gravel pit, aggregate							CU
Funeral home with crematorium				CU			
Funeral Home without crematorium				PP			
Gas station/convenience store with or without fuel sales				PP	PP	PP	
Golf Course				CU		CU	
Industrial park development							CU
Liquor: On and/or off sale				CU	CU	CU	CU
Lumber yard				PP	PP		PP
Manufacturing: light in general, assembly plant, machine shop, welding shop, packaging plant				CU			PP
Marina						CU	
Medical or dental clinic				PP	PP		PP
Miniature golf				PP	PP	PP	PP
Motel/hotel				CU	CU	CU	CU
Outdoor seasonal sales				PP	PP	PP	PP
Over-the-counter print shop				PP	PP		PP
Private clubs and lodges				PP	PP		PP
Race track: horse, auto, motorcycle, go cart							CU
Recycling collection site				I			PP
Rental equipment sales and service				PP	PP	PP	PP

LAND USE TABLES	SD	RR5	SS	LC	DC	WC	C/LI
Repair shop, equipment				PP	PP		PP
Resort						CU	
Restaurant				PP	PP	PP	
Retail store				PP	PP	PP	PP
Sawmill				CU			PP
Sign – on site	P	P	P	P	P	P	P
Storage buildings, Commercial				PP		PP	PP
Studio-art, music, photo, decorating, dance				P	P		
Telecommunication tower							CU
Temporary real estate office/model home	P	P		P	P	P	
Theater				PP	PP		PP
Vehicle, boat, recreational equipment sales				PP	PP	PP	PP
Veterinary clinic				CU	CU		PP
Wholesaling and/or warehousing, freight terminal				PP	PP		PP

Article 11 Shoreland District Standards

Sec. 26-322 Temporary Structures on Riparian Lots

(1) Temporary Living Structures

- a) A maximum of two temporary living structures at one time may be allowed without a permit for no more than 14 total days within a year provided there is a principal structure on the property and the criteria specified in subsection (d) (4) of this section are met.
- b) Temporary living structures such as travel trailers/travel vehicles, etc. are allowed to be stored on a property with a principal structure provided the temporary structure is licensed. The temporary living structure is not to be used as a dwelling for more than 14 total continuous days within a year. The temporary living structure must be highway ready, meaning on wheels or the internal jacking system, must not be attached to the on-site sewage treatment system, and can only be attached to the site by quick disconnect type utilities commonly used in campgrounds and trailer parks. The temporary living structure cannot have any type of structural additions, including, but not limited to, decks, patios and screened porches.
- c) A permit for a one-time two-year period is authorized to store one temporary living structure on a property without a principal structure in conjunction with a Land Use Permit for a principle structure. The temporary living structure can be used as a dwelling for more than 14 continuous days per year provided all criteria specified in subsection (d) (4) of this section are met.
- d) Minimum facilities for camping under a temporary living structure permit shall include a fire pit (meeting DNR requirements), a method for the storage and/or treatment and disposal of sewage (meeting MPCA chapter 7080 standards), and provisions for solid waste; all recreational vehicles or other camping units shall be completely removed from the property after use during the allowed time limit, and no accessory structures shall be constructed or placed without a permit. All temporary structures shall meet all required structural setbacks.

(2) Temporary Storage Structures

- a) One temporary storage structure not to exceed 300 square feet may be allowed with a permit for no more than 180 days within a year provided there is a principal structure on the property.
- b) Temporary storage structures shall meet all structural setbacks, and may not be located over a septic drainfield.
- c) The maximum impervious surface limits for the lot shall not be exceeded.
- d) The structure shall not be used for human habitation.

Sec. 26-323 Temporary Structures on Non-Riparian Lots

(1) Temporary Living Structures

- a) One Temporary living structure (a Tent or Travel Trailer) is allowed without a permit on non-riparian lots equal to or greater than 20 acres in size without a primary structure and will meet a 50-foot setback from all sides of the property lines and road right of way.

- b)** Natural Screening shall be left in place or planted to ensure limited visibility of the temporary living structure from the roadway or adjacent properties.
- c)** Temporary **living** structures such as travel trailers/travel vehicles, etc. are allowed to be stored on a property equal to or greater than 10 acres provided the temporary **living** structure is licensed. The temporary **living** structure must be highway ready, meaning on wheels or the internal jacking system, must not be attached to the on-site sewage treatment system, and can only be attached to the site by quick disconnect type utilities commonly used in campgrounds and trailer parks. Any structural additions, including, but not limited to, decks, patios and screened porches will require a land use permit.
- d)** A maximum of two additional temporary **living** structures at one time may be allowed without a permit for no more than 14 total days within a year provided they meet the same restrictions for setbacks and screening as listed in **a-b 1-3** above.

(2) Temporary Storage Structures

- a)** One temporary storage structure not to exceed 300 square feet may be allowed with a permit for no more than 180 days within a year provided there is a principal structure on the property.
- b)** Temporary storage structures shall meet all structural setbacks, and may not be located over a septic drainfield.
- c)** The maximum impervious surface limits for the lot shall not be exceeded.
- d)** The structure shall not be used for human habitation.

ARTICLE 12 RURAL RESIDENTIAL DISTRICT STANDARDS

Sec. 26-345 Rural Residential Density and Dimensional Standards

All lots, structures, and uses in the Rural Residential District shall meet the following density and dimensional requirements:

Minimum Lot Area	Minimum Lot Width	Structure Lot Line Setbacks	Public Right of Way Frontage	Road Right – of-Way Setback	Maximum Impervious Coverage	Structure Height
5 acres	300'	10'	50' 33'	35'	25%	35'

Sec. 26-346 Rural Residential Performance Standards

The following performance standards shall apply in the Rural Residential District. Other general standards also apply:

- (1) The Best Management Practices for Minnesota for Agriculture and Water Quality, Minnesota Pollution Control Agency, shall hereby be adopted as a reference for agriculture areas.
- (2) The Best Management Practices in Minnesota for Water Quality in Forest Management, Minnesota Department of Natural Resources, shall hereby be adopted as a reference for timber management.
- (3) **Auxiliary Cottage/Auxiliary Quarters**
 - a) It meets all required setbacks.
 - b) The maximum impervious surface limits for the lot shall not be exceeded.
 - c) The maximum livable area does not exceed 900 square feet.
- (4) **Temporary living structures on parcels less than 20 acres.**
 - a) A maximum of two temporary living structures at one time may be allowed without a permit for no more than 14 total days within a year provided there is a principal structure on the property and the criteria specified in subsection (d) ~~(4)~~ of this section are met.
 - b) Temporary living structures such as travel trailers/travel vehicles, etc. are allowed to be stored on a property with a principal structure provided the temporary structure is licensed. The temporary living structure is not to be used as a dwelling for more than 14 total continuous days within a year. The temporary living structure must be highway ready, meaning on wheels or the internal jacking system, must not be attached to the on-site sewage treatment system, and can only be attached to the site by quick disconnect type utilities commonly used in campgrounds and trailer parks. The temporary living structure cannot have any type of structural additions, including, but not limited to, decks, patios and screened porches.
 - c) A permit for a one-time two-year period is authorized to store one temporary structure on a property without a principal structure in conjunction with a Land Use Permit for a principle structure. The temporary living structure can be used

as a dwelling for more than 14 continuous days per year provided all criteria specified in subsection (d) ~~(4)~~ of this section are met.

- d) Minimum facilities for camping under a temporary living structure permit shall include a fire pit (meeting DNR requirements), a method for the storage and/or treatment and disposal of sewage (meeting MPCA chapter 7080 standards), and provisions for solid waste; all recreational vehicles or other camping units shall be completely removed from the property after use during the allowed time limit, and no accessory structures shall be constructed or placed without a permit. All temporary structures shall meet all required structural setbacks.

(5) Temporary Living Structures and parcels equal to or greater than 20 acres

- a) One Temporary Living Structure (a Tent or Travel Trailer) is allowed without a permit on lots equal to or greater than 20 acres in size without a primary structure and will meet a 50-foot setback from all sides of the property lines and road right of way.
- b) Natural Screening shall be left in place or planted to ensure limited visibility of the temporary living structure from the roadway or adjacent properties.
- c) Temporary living structures such as travel trailers/travel vehicles, etc. are allowed to be stored on a property equal to or greater than 10 acres provided the temporary living structure is licensed. The temporary living structure must be highway ready, meaning on wheels or the internal jacking system, must not be attached to the on-site sewage treatment system, and can only be attached to the site by quick disconnect type utilities commonly used in campgrounds and trailer parks. Any structural additions, including, but not limited to, decks, patios and screened porches will require a land use permit.
- d) A maximum of two additional temporary living structures at one time may be allowed without a permit for no more than 14 total days within a year provided they meet the same restrictions for setbacks and screening as listed in a-b ~~4-3~~ above.

(6) Temporary Storage Structures

- a) One temporary storage structure not to exceed 300 square feet may be allowed with a permit for no more than 180 days within a year provided there is a principal structure on the property.
- b) Temporary storage structures shall meet all structural setbacks, and may not be located over a septic drainfield.
- c) The maximum impervious surface limits for the lot shall not be exceeded.
- d) The structure shall not be used for human habitation.

ARTICLE 13 COMMERCIAL DISTRICT STANDARDS

Sec. 26-377 Waterfront Commercial District

- (1) The purpose of this district is to accommodate commercial uses in the shoreland district including marinas, resorts, restaurants, bars, rental units, campgrounds, and related uses on General Development (GD) and Recreational Development (RD) lakes only where access to and use of a surface water feature is an integral part of the businesses.
- (2) **Waterfront Commercial Density and Dimensional Standards.** All commercial lots, structures, and uses in the Waterfront Commercial District created or constructed after March 1, 2015 of this Chapter shall meet the following density and dimensional requirements:

Lake Class	Minimum Lot Area	Minimum Lot Width	Structure Lot Line Setbacks-Residential	Structure Lot Line Setbacks-Commercial	Public Right of Way Frontage	Setback Between Bldgs.	City Street Right of Way setback	County Road Right-of-Way Setback	Maximum Impervious Coverage	Structure Height
GD	5 acres	400'	30'	10'	50' 33'	15'*	15'	35'	35%	30'
RD	5 acres	400'	30'	10'	50' 33'	15'*	15'	35'	25%	30'
NE (existing only)	10 acres	800'	30'	10'	50' 33'	15'*	15'	35'	20%	30'

* Unless using common wall construction

Sec. 26-378 Limited Commercial District

- (1) The purpose of this district is to establish and provide a commercial environment with a limited mixture of commercial and office related development and services. A limited commercial district may be located within or outside the shoreland zone.
- (2) **Limited Commercial Density and Dimensional Standards.** All lots, structures, and uses in the Limited Commercial District created or constructed after March 1, 2015 shall meet the following density and dimensional requirements:

Minimum Lot Area sq. ft.	Minimum Lot Width	Structure Lot Line Setbacks-Residential	Structure Lot Line Setbacks-Commercial	Public Right of Way Frontage	Setback Between Bldgs.	City Street Right of Way setback	County Road Right-of-Way Setback	Maximum Impervious Coverage	Structure Height
20,000	100'	20'	5'	50' 33'	0	15'	35'	50%	30'

ARTICLE 26 PARKING AND OFF STREET LOADING STANDARDS

Sec. 26-672 Parking Areas Performance Standards

(1) **General parking standards.** All land use permit applications for commercial uses or buildings submitted after March 1, 2015 shall include provisions for off-street parking according to the following standards unless approved for alternative parking standards in 26-672, (2) below.

- a. The minimum parking space requirements in Table 26-672A shall be met.
- b. When a commercial structure is enlarged, off-street parking spaces shall be added to meet the minimum parking space requirements in Table 26-672A.
- c. If the use of a commercial structure is changed to a different use requiring additional spaces, the additional parking spaces shall be provided.
- d. All new commercial off-street parking shall be paved or concrete surfaced.
- e. The minimum size of all parking spaces shall be 10 feet wide by 20 feet long (10' x 20').

(2) **Alternative parking standards:**

- a. The Zoning Administrator may approve alternative parking standards if it is determined that such standards are appropriate for a business or use. An application for alternative parking standards may be submitted if:
 - i. A new business or use wishes to defer construction of a portion of the required parking spaces until a future date, or,
 - ii. A parking study indicates that fewer parking spaces are required, or,
 - iii. Maximum parking capacity is needed only on a seasonal or special event basis and overflow parking can be accommodated using a designated pervious vegetated area, or,
 - iv. Parking spaces are shared with another business or group of businesses.
 - v. Boat slip parking may be an appropriate alternative at Waterfront Commercial establishments at a 2 3 to 1 ratio of dock spaces to required motor vehicle spaces.
- b. An application for alternative parking standards shall include:
 - i. For deferred parking construction, a site plan indicating the area reserved to meet the minimum parking space requirements in Table 26-672A along with a parking construction schedule indicating when the total number of required parking spaces will be completed.
 - ii. For reduced parking space requirements, a parking study indicating the actual history of past parking use or parking use by similar businesses. An area to accommodate additional parking spaces to meet the minimum parking space requirements in Table 26-672A shall be preserved as open space.
 - iii. For overflow parking, a site plan indicating the vegetated area that is reserved for parking, stabilization treatment of the parking area (geo-grid, etc) if any, and how stormwater is to be managed.
 - iv. For shared parking, a plan indicating the minimum parking requirements for all businesses, the number of parking spaces to be shared, and the location of shared spaces relative to the businesses.

There shall be no more than ~~1/8~~ ^{1/4} mile between the shared parking location and any of the businesses using the shared spaces.

v. For boat slip/dock space, a site plan indicating the dock configuration and identifying the docking spaces that are available. Boat docking spaces may not be shared (i.e. item iv above).

c. Alternative parking performance standards:

i. Total parking spaces required in table 26-672A shall be used when calculating impervious surfaces, measuring setbacks, and determining other requirements for parking areas.

ii. For deferred parking construction applications, a minimum of 50% of the required parking spaces shall be constructed within two years of permit approval.

iii. For reduced parking space requirement applications, an area to accommodate additional parking spaces to meet the minimum parking space requirements in Table 26-672A shall be preserved as open space for future parking. Within 3 years from the date of permit approval, the applicant shall submit a follow up report on parking usage. If, after reviewing the follow up report, the Zoning Administrator finds that additional parking area is required, such parking spaces shall be added.

iv. For vegetated overflow parking applications, the total parking area must meet the minimum parking space requirements in Table 26-672A. A maximum of 40% of the total required parking spaces may be vegetated overflow parking. Overflow parking areas must be preserved as open space. No sediment from vegetated overflow parking areas shall be transported onto public roads or streets.

v. For shared parking applications, an easement, or in the case of shared wall construction a party wall easement or planned community agreement, between the participating landowners shall be recorded in the office of the County Recorder and a copy submitted to the Department specifying the number and location of shared parking spaces, who is authorized to use the shared spaces and under what conditions, how access to those spaces is achieved from a public street or road, and a plan indicating how the shared parking spaces will be managed and maintained. Within 3 years from the date of permit approval, the applicant(s) shall submit a follow up shared parking report. If, after reviewing the follow up report, the Zoning Administrator finds that additional parking area is required, such parking spaces shall be added.

vi. For boat dock parking applications, no less than ~~2~~ ³ boat slip/spaces shall count towards one vehicle parking space and shall not account for more than 30% of the overall parking space requirements. No handicapped spaces may be substituted with boat docking spots.

ARTICLE 29 COMMERCIAL AND RESIDENTIAL ARCHITECTURAL STANDARDS

Sec. 26-752 Prohibited Materials-Residential

The following exterior building materials are prohibited on residential properties:

- (1) Face materials that rapidly deteriorate or become unsightly such as galvanized metal, unfinished structural plywood, unfinished structural clay tile, **canvas, and plastic/vinyl sheeting or other flexible material of a similar nature, except as allowed for Portable or Temporary Storage Structures.**
- (2) Sheet metal, plastic or fiberglass siding, unless such siding is a component of a factory fabricated and finished panel and is enhanced with preferred materials.
- (3) Unadorned and/or painted concrete block, except exposed foundation or footing block.
- (4) Neon lighting as part of the architecture of the building or used as accent lighting for the building.

ARTICLE 36 - Accessory Structure Standards

Sec 26-960 Accessory Structures—Residential Districts

- (1) On lots 2 acres in size or less, each residential accessory structures must meet the following requirements:

STRUCTURE SIZE	Road right of way	Side yard	GD Lake	GD River	RD Lake	NE Lake	NE River	Bluff	Wetland	Building Height
Up to 1200 square feet in size	35	10	75	100	100	150	150	30	15	30 25

- (2) On Lots greater than 2 acres and less than 4 acres in size, residential accessory structures shall meet the following requirements:

STRUCTURE SIZE	Road right of way	Side yard	GD Lake	GD River	RD Lake	NE Lake	NE River	Bluff	Wetland	Building Height
Up to 2500 square feet in size	35	10	75	100	100	150	150	30	15	30

- (3) On Lots greater than 4 acres in size, each residential accessory structure must meet the following requirements:

STRUCTURE SIZE	Road right of way	Side yard	GD Lake	GD River	RD Lake	NE Lake	NE River	Bluff	Wetland	Building Height
Maximum impervious limit of 25% for the lot shall not be exceeded	35	10	75	100	100	150	150	30	15	30

- (4) A permit shall not be required for up to two accessory structures totaling no more than 160 square feet.
- (5) No accessory structure shall be used for human habitation except to allow for a permitted auxiliary quarter as listed in Section 26-314.
- (6) All setback and building height requirements shall be met.
- (7) Construction complies with all provisions of Articles 20 and 21 of this Chapter.
- (8) Semi-trailers, ~~cargo containers~~, railroad cars, manufactured houses, or similar structures shall not be used for storage.

ARTICLE 43 DEFINITIONS

~~STORAGE, PORTABLE OR TEMPORARY~~

~~A transportable building or enclosure that is not intended for human habitation but designed and used on a time limited basis primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, equipment, and other such materials on a residential or commercial properties.~~

STRUCTURE, TEMPORARY LIVING

A travel trailer, recreational vehicle, camper, or other structure (i.e. Tent) designed for human habitation without any foundation or footings which can be readily moved when a designated time period, activity, or use for which the temporary structure was erected has ceased.

STRUCTURE, PORTABLE OR TEMPORARY STORAGE

A transportable building or enclosure that is not intended for human habitation but designed and used on a time limited basis primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, equipment (watercraft, ATVs and RVs) , and other such materials on a residential or commercial property, such as a cargo container, fabric covered portable garage/carport or instant shelters.

WATER ORIENTED ACCESSORY STRUCTURE

A small above ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to the public waters than the normal structure setback. Examples of such structures and facilities include equipment storage buildings, pergolas, gazebos, screen houses, fish houses, pump houses, patios, and detached decks.