



## Planning Commission Meeting Agenda Tuesday, October 8<sup>th</sup>, 2024 @ 6:00 PM

**Chair:** Simon Stricker

**Commission:**

Joby Goerges

Steve Stricker

Roman Siltman

Sean Smuda

**City Clerk:** Krista Okerman

**Deputy Clerk:** Cassandra Delougherty

**City Attorney:** Brad Person

City of Jenkins  
33861 Cottage Avenue  
Jenkins, MN 56474  
(218) 568-4637

Join Zoom Meeting

<https://zoom.us/join>

Meeting ID: 353 029 2985

Password: 56474

Dial by location: (312) 626-6799 (US Chicago)

**NOTE:** Printed materials relating to agenda items are available for public inspection in a three-ring binder on table by Council Chamber entrance.

1. Call to Order – Pledge of Allegiance
2. Roll Call
3. Approval
  - a. Agenda
  - b. Minutes from the September 3<sup>rd</sup>, 2024 meeting
4. Public Hearing-Rezone Application RZ-01-24
  - a. Rezone Application RR to R1
    - i. Open hearing for public comment
    - ii. Close public hearing
    - iii. Planning Commission deliberation
    - iv. Planning Commission Action
  - Public Hearing-Rezone Application RZ-02-24
  - b. Rezone Application RR to R1
    - i. Open hearing for public comment
    - ii. Close public hearing
    - iii. Planning Commission deliberation
    - iv. Planning Commission Action
5. Unfinished Business
  - a. Proposed Ordinance Amendment-Animal Units
  - b. Land Use Matrix Update Discussion
    - i. Land Use Matrix E-N
    - ii. Definitions
6. New Business
  - a. Land Use Matrix Update Discussion
    - i. Land Use Matrix O-Z
    - ii. Definitions
7. Miscellaneous/Communication
  - a. Planning & Zoning Administrator's Report
8. Adjournment

**COUNTY OF CROW WING  
CITY OF JENKINS  
MINUTES OF THE REGULAR PLANNING COMMISSION MEETING  
SEPTEMBER 3<sup>rd</sup>, 2024**

**CALL TO ORDER:** The regular Planning Commission meeting was called to order at 6:00 PM by Chairman Sticker with all citing the Pledge of Allegiance.

**ATTENDANCE:** Present: Chairman Si. Stricker, Commissioners Siltman, St. Stricker, and Goerges; and Deputy Delougherty. Not present was Commissioner Smuda.

**ADDITIONS/DELETIONS:** Earle Jenkins Estates plat added as agenda item 6b.

**APPROVALS:** The Agenda and addition: **Motion to approve made by Goerges, seconded by Siltman. All present voted aye.**  
Page 2 of the August 5<sup>th</sup>, 2024 meeting minutes were printed on the back side of page 1 in the original packet for public viewing, but not provided to the Commission in the original packet. Deputy Delougherty printed page 2 and provided it to the Commission, as well as ensured that it was available on the website. **Motion to approve August 5<sup>th</sup>, 2024 meeting minutes made by Goerges, seconded by St. Stricker. All present voted aye.**

**UNFISNISHED BUSINESS** *a. Proposed Ordinance Amendment-Solar Energy Systems:*

The Commission discussed the different types of units available, differentiating between “stand alone” units and units that connect to the power grid. A number of changes were made to the Ordinance proposed at the last meeting, including replacement of “certified professional” with “licensed contractor, building inspector, electrical engineer, or licensed electrician,” as the term “certified professional” is too vague. Other requested changes were made to the coverage area of ground-mounted systems, leaving maximum impervious coverage at 25%. Commissioner Goerges shared contact information for an electrician that is knowledgeable in Solar Energy Systems and Delougherty will reach out to him concerning necessary state/international requirements to help ensure that the City is covering all of our bases. **Consensus of the Commission was to edit the proposed Ordinance with discussed changes, receive information from Goerges’ electrician contact, incorporate recommendations into modified proposed Ordinance, and amend the Land Use Matrix as follows:**

	<u>AG</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>RS</u>	<u>P</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>
<u>Solar Energy System, Roof Mounted</u>	P	P	P	P	P	P	P	P	P
<u>Solar Energy System, Ground-Mounted</u>	P	P	P	E	E	P	C	C	C

*b. Land Use Matrix A-D:* In the August Planning Commission meeting, Deputy Delougherty brought the first page of the Land Use Matrix to the Commission for review, along with definitions and the newly formatted Land Use/Accessory Use Matrix that Clerk Okerman had presented at a previous meeting. Animal husbandry was discussed. Siltman brought up that RR should not allow pigs, cows, horses, etc. without conditions, as the lot sizes generally do not meet the needs of those types of animals. Delougherty asked that each Commissioner take the time to review and edit the current matrix to what they believe should be allowed, permitted, interim, conditional, and excluded in each of the Zoning Districts. Delougherty requested that at a minimum, each Commissioner address the highlighted items and their recommendations be sent to Delougherty within 2 weeks. At this meeting, she presented the responses received from 3 Commissioners for discussion. Commissioners requested clarification on A (Allowed without a permit) vs P (permitted), questioning some of the matrix. Delougherty indicated that she would work with Okerman to determine if other verbiage is necessary to increase understanding.

**Consensus of present members of the Commission:**

**Animal Husbandry:** Siltman will work with Delougherty to create a “tier system” regarding lot size and animal type to be presented to the Commission for recommendation at the October Planning Commission meeting.

**Barndominiums/Shouses:** Delougherty will work with Clerk Okerman to determine the different ways that property taxes are calculated for dwellings vs. sheds.

Delougherty will work with Sourcewell on determining the proper definition for dwellings in Comm. Districts and attempt to redefine the definition for dwellings, to incorporate barndominiums and shouses.

**Tiny Homes:** Commission would like to maintain the 20ft minimum width requirement that the City has in place, as well as requiring a foundation beneath all dwellings.

**NEW BUSINESS**

*a. Land Use Matrix E-N Homework:* Deputy Delougherty provided the current Land Use Matrix letters E-N, along with definitions, and asked that the Commission review and provide use and district recommendations to her in the next two weeks for discussion at the October Planning Commission meeting.

**MISC/COMM**

*a. Planning & Zoning Administrators Report:* Delougherty shared two permits that have been issued since the last meeting.

*b. Earle Jenkins Estates:* In an effort to keep the Planning Commission informed, Delougherty presented an updated plat for Earle Jenkins Estates

that combines a few lots and moves the cul-de-sac to incorporate changes that the property owners would like to make. Clerk Okerman is working with the property owners and Sourcewell to determine the best course of action. No action necessary by Planning Commission, no action taken.

**ADJOURNMENT Motion to adjourn made by Commissioner St Stricker, seconded by Goerges at 7:51pm. All present voted aye.**

Respectfully submitted by Cassandra Delougherty, Deputy Clerk.

\_\_\_\_\_  
Cassandra Delougherty, Deputy Clerk

Dated: \_\_\_\_\_

\_\_\_\_\_  
Krista A. Okerman, City Clerk-Treasurer

DRAFT





## REPORT TO PLANNING COMMISSION

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**Application(s):** Property Reconfiguration Pine Street & Charles Avenue

**Property Owner(s):** Steven B Mcallister, Heather N Lyon, Blue Water Wells LP, Robert E Gray, Richard Fries.

**Applicant(s):** Corey J. Derksen, Steve/Mitzie Mcallister, Robert Gray

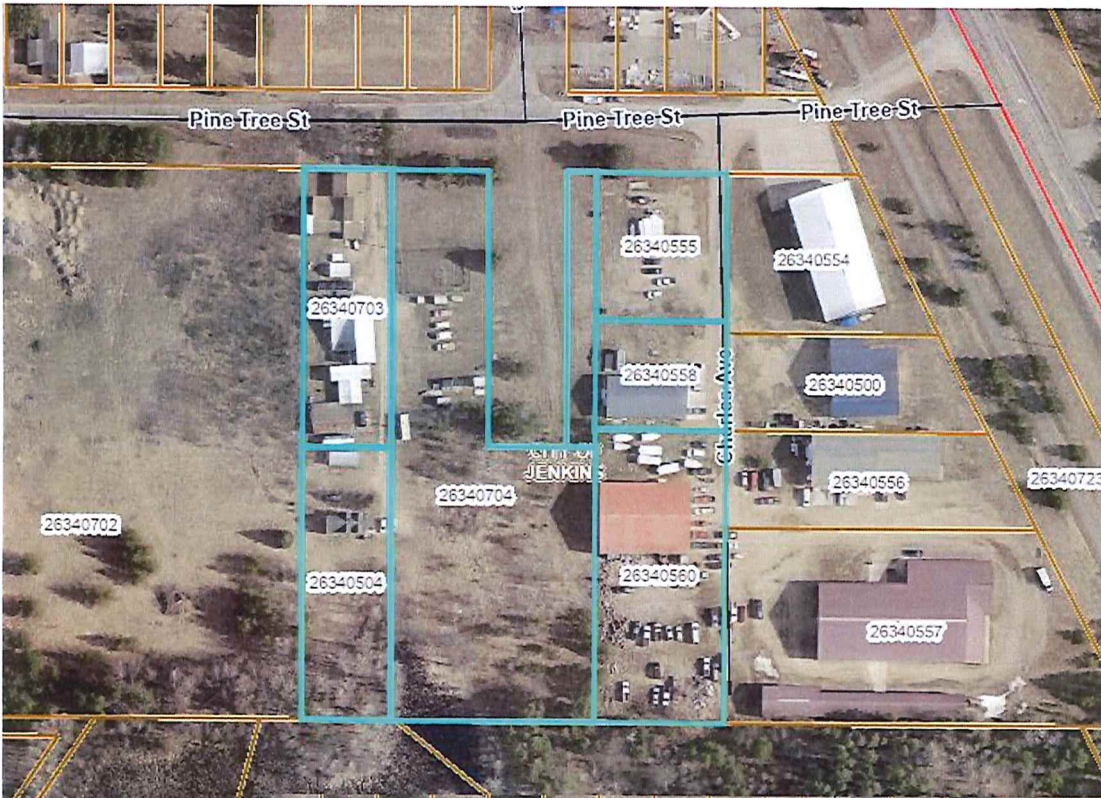
**Background Information:** The City has received 7 applications including lot splits, lot line adjustments and (2) rezones making up for this reconfiguration. There are currently 7 parcels to be reconfigured through this process with the result being 5 parcels as shown below.

Also attached is a survey showing the parcels with the reconfigurations. Parcel 26340703 show an existing easement along the east side (highlighted in yellow). This is the existing access to Parcel 26340504. The applicants wish to vacate this easement and use the proposed easement (highlighted in green) to access parcel 26340504. Although the proposed easement is adequate access as it is abutting public right-of-way, the right-of-way is currently unimproved.

No action is needed for these items as there will be no net increase in parcels. If/ when the two rezone applications are approved, we can then administratively approve this reconfiguration. However due to the complexity of the application, staff would like the Planning Commission to discuss the easements and any other questions or concerns with the reconfigurations. At this time, staff would administratively approve the reconfiguration based on the following findings and conditions:

1. Parcel 26340703 and remnant tract 26340704 must be consolidated.
2. The existing easement on parcel 26340703 must remain in place until that time City approved access can be attained off Front Street for access to parcel 26340504.
3. Upon approval of the rezone, the lot reconfigurations make the lots more conforming.





Existing  
Parcel  
Boundaries



Proposed  
Parcel  
Boundaries











4a

## REPORT TO PLANNING COMMISSION

**Application:** Rezone From RR (Rural District)/ C-2 (Highway Business District) to R-1 (Single Family Residential)

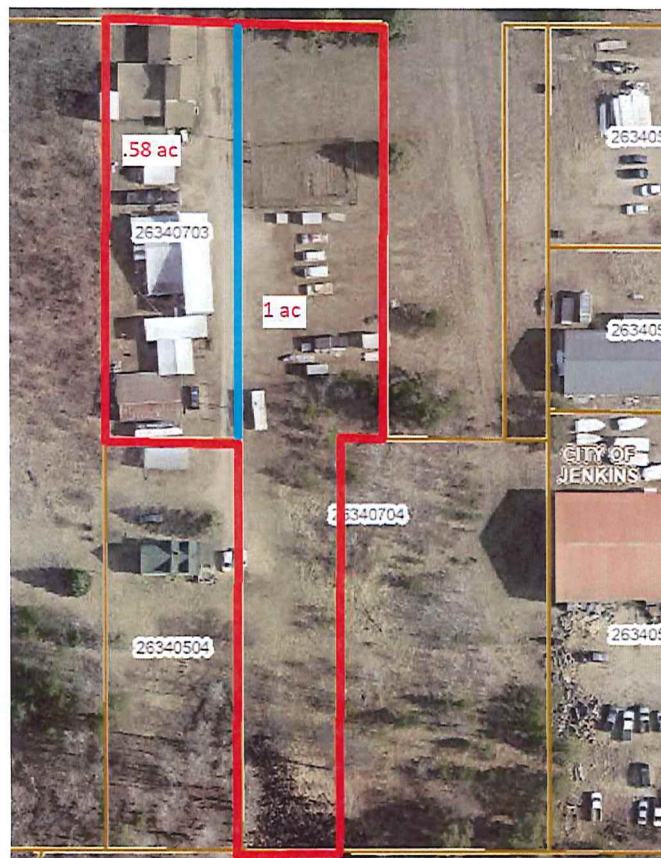
**Property Owners:** Steven B Mcallister

**Applicants:** Steve Mcallister/ Mitzie Mcallister

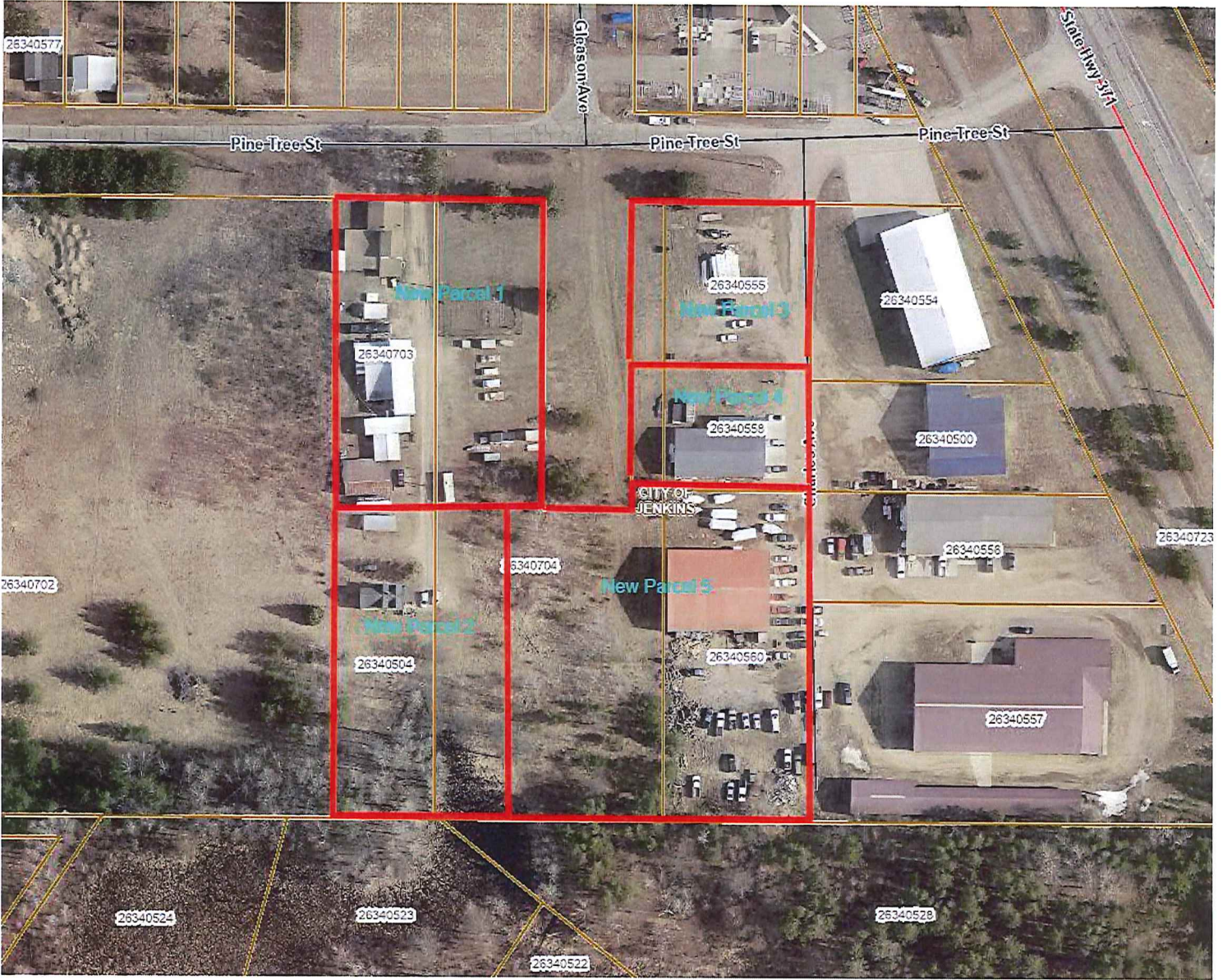
**Background:** The property owners are requesting to rezone approximately 1.58 acres of their property located at 3171 Pine Tree St. from RR/C-2 to R-1.

The property located at 3171 Pine Tree St, parcel# 26340703 is currently 0.58 acres. The property to the East, parcel # 26340704, also owned by Steven Mcallister is currently zoned C-2. The applicants intent to rezone the west one acre of parcel #26340704 and then consolidate .6 ac of the rezoned area with the subject property and consolidate .4 ac with the property located at 3179 Pine St.

**Adjacent Land Use/ Zoning:** RR to the west, R-1 to the northeast, C-1 to the North, C-2 to the East.











## City of Jenkins, MN Zoning - 2020

Zone	Color	Code
RS	Light Yellow	RS
R-2	Yellow	R-2
R-1	Light Orange	R-1
RR	Light Tan	RR
A	Orange	A
ROW	Grey	ROW
P	Blue	P
I-1	Dark Blue	I-1
C-2	Purple	C-2
C-1	Red	C-1



Sources: ESRI, MN Geospatial Commons, Crow Wing County

**Applicable Ordinances:**

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5.2 **Single Family Residential (R-1)**

1. Purpose and Intent: The (R-1) Single Family District is intended for low to moderate density residential development in those areas where such development fits the Comprehensive Plan and policies. No off-street parking shall be permitted except as would be characteristic and in harmony with the purposes of an R-1 District.
  
2. Lot, Use and Density Requirements.

Lot Width - feet, minimum .....	100
Buildable Lot Area – square feet, minimum.....	10,000
Setback, front, right-of-way - feet, minimum.....	30
Setback, side - feet, minimum.....	10
Setback, corner side, right-of-way - feet, minimum .....	15
Setback, rear yard/alley - feet, minimum .....	20
Setback, sign - feet, minimum.....	1
Setback, wetland - feet, minimum.....	15
Maximum impervious coverage.....	30%
Maximum building height, feet.....	35*
Maximum animal unit per acre .....	0.5

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**Staff Findings:** Staff provides the following findings of fact for consideration:

1. The subject property is located at 3171 Pine Tree St. (PID# 26340703), and the west 1 ac of the adjacent parcel is to also be included in the rezone (PID# 26340704).
2. The request is to rezone approximately 1.58 acres from RR-C-2 to R-1.
3. Nearby properties are zoned Rural Residential, Rural Residential – 1, C-1, and C-2.
4. The property is 90’ wide and does not meet the minimum width requirement of the R-1 Zone (100’ width required); however, the applicant intends to consolidate a portion of the property located to the east of the subject property (PIN 26340704) with the subject property which will result in a new parcel meeting the minimum requirements of the Single-Family Residential District.
5. There are no known naturally sensitive areas on the subject properties.
6. The property will have adequate access to Pine Tree Street with the proposed easement as shown on the Certificate of Survey.
7. The future land use map contained in the Comprehensive Plan identifies the subject property as “Commercial,” however the request is consistent with the following goal contained in the Comprehensive Plan: “Maintain and improve existing housing stock” (pg. 27). The proposed rezoning of the property is consistent with the intent of the comprehensive plan.

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**Planning Commission Direction:** The Planning Commission may recommend approval of the rezoning request, denial of the rezoning request or table the application for further review. If the recommendation is for approval or denial, findings of fact should be cited.

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**Staff Recommendation:** The subject property meets the minimum requirements of the “Single Family Residential (R-1)” zoning (after consolidation with a portion of the adjacent parcel, as proposed). The request is consistent with the comprehensive plan.

Staff recommends the application be approved contingent on the subject property being subdivided and lot lines adjusted per plans submitted.





REPORT TO PLANNING COMMISSION

**Application:** Rezone From RR (Rural Residential District) to R-1 (Single Family Residential)

**Property Owner:** Heather N Lyon

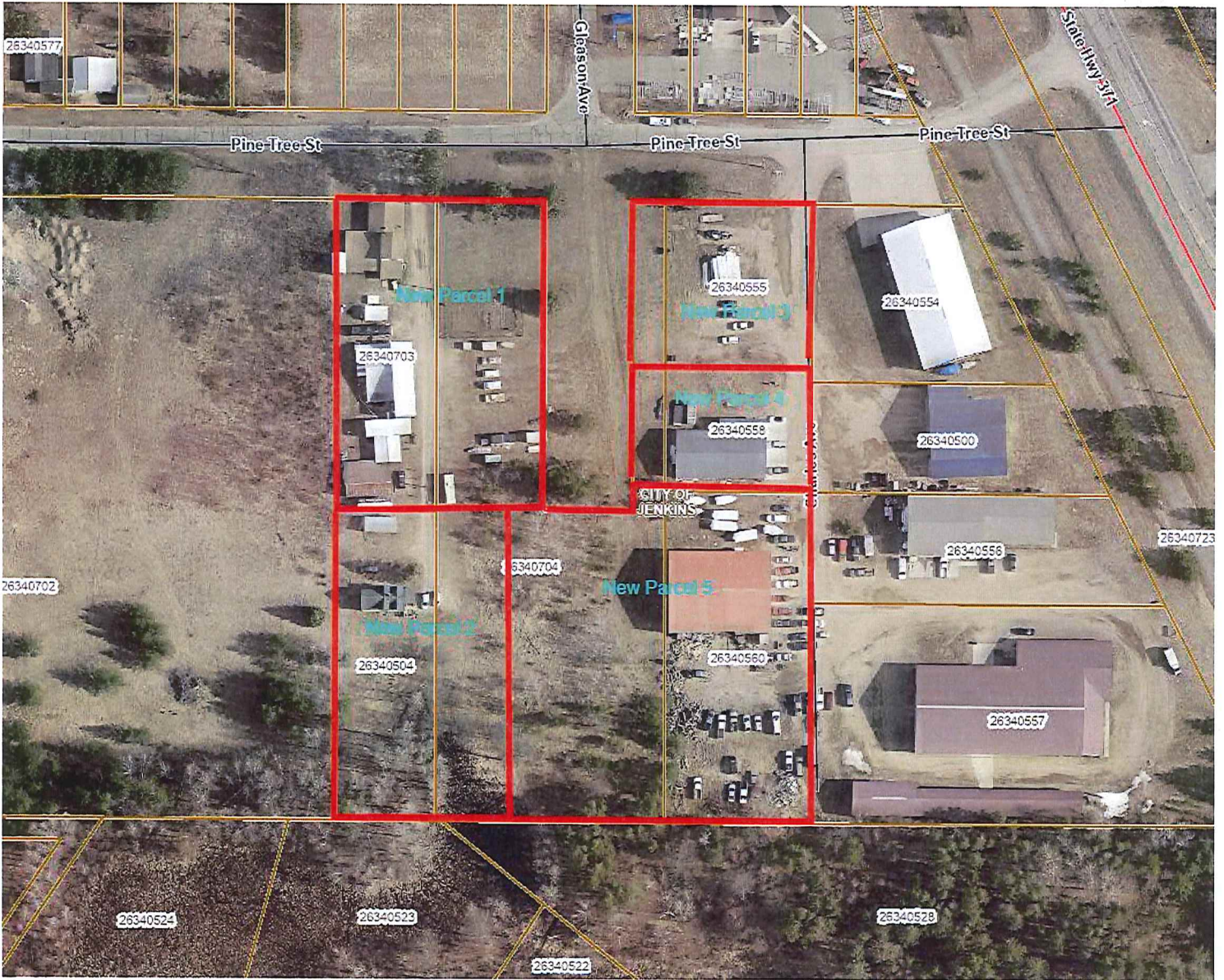
**Applicants:** Steve Mcallister/ Mitzie Mcallister

**Background:** The property owner is requesting to rezone the property located at 3179 Pine Tree St. (parcel# 26340504 ) from “Rural Residential (RR)” to “Single Family Residential (R-1).”The subject property is 25,265 sq. ft. (.58 ac) and contains a single-family dwelling and one accessory structure, both of which are permitted uses in the Single Family Residential Zone.

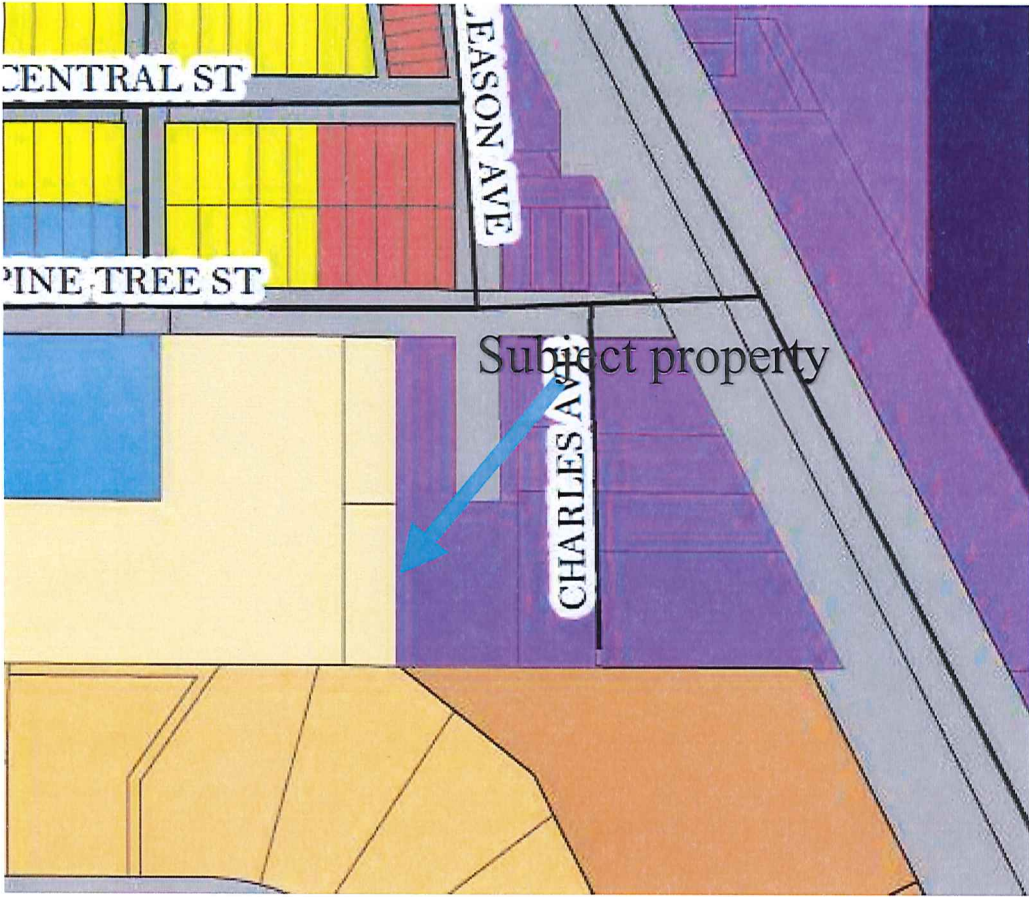
The property is 90’ wide and does not meet the minimum width requirement of the R-1 Zone (100’ width required); however, the applicant and adjacent landowner have filed a request to rezone and consolidate a portion of the property located to the east of the subject property (PIN 26340704) with the subject property which will result in a new parcel (“New Parcel 2” below) meeting the minimum requirements of the Single-Family Residential District.

*The owner of parcel 26340704 intends to split the property and sell 0.4 acres to owner of parcel 26340504. A lot split and consolidation will then be completed. Resulting parcel shown below, parcel #2*











**Adjacent Land Use/ Zoning:** RR to the west, R-1 to the northeast, C-2 to the North (property proposed to be rezoned to R-1) and East.







# City of Jenkins, MN Zoning - 2020

Zone	
	RS
	ROW
	P
	I-1
	C-2
	C-1
	R-2
	R-1
	RR
	A



Sources: ESRI, MN Geospatial Commons, Crow Wing County

**Applicable Ordinances:**

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**5.2 Single Family Residential (R-1)**

1. Purpose and Intent: The (R-1) Single Family District is intended for low to moderate density residential development in those areas where such development fits the Comprehensive Plan and policies. No off-street parking shall be permitted except as would be characteristic and in harmony with the purposes of an R-1 District.
  
2. Lot, Use and Density Requirements.
  - Lot Width - feet, minimum ..... 100
  - Buildable Lot Area – square feet, minimum.....10,000
  - Setback, front, right-of-way - feet, minimum..... 30
  - Setback, side - feet, minimum ..... 10
  - Setback, corner side, right-of-way - feet, minimum ..... 15
  - Setback, rear yard/alley - feet, minimum ..... 20
  
  - .....
  - Setback, sign - feet, minimum ..... 1
  - Setback, wetland - feet, minimum ..... 15
  - Maximum impervious coverage..... 30%
  - Maximum building height, feet ..... 35\*
  - Maximum animal unit per acre ..... 0.5

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**Staff Findings:** Staff provides the following findings of fact for consideration:

1. The subject property is located at 3179 Pine Tree St. (PID# 26340504).
2. The subject property is 25,265 sq. ft. (.58 ac) and contains a single-family dwelling and one accessory structure, both of which are permitted uses in the Single-Family Residential Zone.
3. The request is to rezone the subject property from “Rural Residential (RR)” to “Single-Family Residential (R-1)”.
4. Nearby properties are zoned Rural Residential, Rural Residential and C-2.
5. The resulting property will adhere to the Single-Family Residential dwelling unit density requirements.
6. The property is 90’ wide and does not meet the minimum width requirement of the R-1 Zone (100’ width required); however, the applicant and adjacent landowner have filed a request to rezone and consolidate a portion of the property located to the east of the subject property (PIN 26340704) with the subject property which will result in a new parcel meeting the minimum requirements of the Single-Family Residential District.
7. There are no known naturally sensitive areas on the subject properties.
8. The property will have adequate access to Pine Tree Street with the proposed easement as shown on the Certificate of Survey.
9. The future land use map contained in the Comprehensive Plan identifies the subject property as “Commercial,” however the request is consistent with the following goal contained in the Comprehensive Plan: “Maintain and improve existing housing stock” (pg. 27). The proposed rezoning of the property is consistent with the intent of the comprehensive plan.



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**Planning Commission Direction:** The Planning Commission may recommend approval of the rezoning request, denial of the rezoning request or table the application for further review. If the recommendation is for approval or denial, findings of fact should be cited.

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**Staff Recommendation:** The subject property meets the minimum requirements of the “Single Family Residential (R-1)” zoning (after consolidation with a portion of the adjacent parcel, as proposed). The request is consistent with the comprehensive plan.

Staff recommends the application be approved contingent on the subject property being consolidated with a portion of the adjacent parcel located to the east, per plans submitted.



AGENDA ITEM #

5a

REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty  
Date: October 3<sup>rd</sup>, 2024  
Subject: Keeping of Animals

**Report:** The Planning Commission discussed Animal Units and Animal Husbandry at the previous meeting, along with current definitions. The consensus of the Commission was that staff work with Commissioner Siltman to come up with a “tier system” regarding which types of animals are allowed in each district, as well as Animal Units allowed. Clerk Okerman, Deputy Delougherty and Commissioner Siltman met with Sourcewell to determine next steps and an easily-understandable system/

**Requested Action:** Please discuss the attached proposed amendment to animal units and definitions. Council can approve, deny, or table the amendment recommendation. If the Commission chooses to table it, staff would like further direction.

1. **Animal Unit.** A unit of measure based on the approximate production of wastes from 1000 pounds of live weight of poultry or animals.

Animal Units

<del>One (1) slaughter weight steer or heifer</del>	<del>1</del>
<del>One (1) mature dairy cow or horse</del>	<del>1.4</del>
<del>One (1) swine over 55 pounds</del>	<del>0.4</del>
<del>One (1) sheep</del>	<del>0.1</del>
<del>One (1) goose</del>	<del>0.1</del>
<del>One (1) duck</del>	<del>0.05</del>
<del>One (1) turkey</del>	<del>0.18</del>
<del>One (1) chicken</del>	<del>0.1</del>

Animal	Animal Unit
Livestock - One cow, hog, horse, steer, donkey, llama or similar animal	1.0
Livestock, small - One goat, sheep, lamb, alpaca, or similar animal	0.2
One rabbit, domestic bird/poultry or similar animal	.05
*Chickens – please see Article 150.241 for all Districts	

5.1 **Agricultural District (A)**

1. Purpose and Intent: This district is intended to preserve areas for low intensity use such as forestry, pasture and cropland, low density residential development and outdoor recreation, and to serve as a holding zone for future higher intensity uses when infrastructure is made available.
2. Lot, Use and Density Requirements.

	One-family	Other Uses
Lot area minimum	<del>2-acres</del> 10 acres	<del>5-acres</del> 10 acres
Lot width minimum ft.	150'	500'
Maximum lot coverage	10%	5%
Front yard minimum	50'	50'
Side yard minimum	30'	30'
Rear yard min	30'	30'
Building height maximum	30'	30'*

\*Silos, barns, or other agricultural buildings shall be exempt from the height requirements as long as they do not conflict with other area requirements

3. Performance Standards. The following performance standards apply to all development in this zone:
  - a. Animals. There are no animal unit restrictions on Agricultural zoned parcels.

5.2 **Rural Residential (RR)**

1. Purpose and Intent: The (RR) Rural Residential District is intended to be semi-rural in character and to allow low density residential and compatible agricultural uses in shore land and non-shore land



areas. Other compatible uses may be allowed under conditional use permits. Front yards shall be landscaped and no off-street parking shall be permitted except as would be characteristic and in harmony with the purposes of an RR District.

2. Lot, Use and Density Requirements.

		Single Family Dwelling	Duplex	Triplex	Four Plex
1.	Lot area minimum sq. ft	2 acres	3 acres	4 acres	5 acres
2.	Lot width minimum ft	150'	225'	300'	375'
3.	Maximum lot coverage	20%	20%	20%	20%
4.	Front/Side yard minimum setback to Right-of-Way	30'	30'	30'	30'
5.	Side yard minimum setback	20'	20'	20'	20'
6.	Rear yard minimum setback	30'	30'	30'	30'
7.	Maximum building height*	35'	35'	35'	35'
8.	Minimum width of structures**	20'	20'	20'	20'

\*

Church spires, belfries, domes which do not contain usable space, chimneys and similar structures not intended for human occupancy, may be of any height which does not conflict with airport requirements.

\*\* Manufactured homes located in a manufactured home park are excluded.

3. Performance Standards. The following performance standards apply to all development in this zone:

Animals. On RR parcels greater than 10 acres, there are no animal unit restrictions. On RR zoned parcels less than 10 acres but more than 2, small livestock is allowed as shown:

- 2 acres: 1.0 Animal Unit
- 2.5 acres: 1.25 Animal Units
- 3 acres: 2.0 Animal Units

Minimum of 2 acres is required to allow one Animal Unit Equivalent to be kept. For each additional whole acre over 3 acres, one additional Animal Unit Equivalent is permitted. Parcel acres on parcels greater than three (3) acres do not increase the available Animal Unit Equivalents.

**Single Family Residential (R-1)**

1. Purpose and Intent: The (R-1) Single Family District is intended for low to moderate density residential development in those areas where such development fits the Comprehensive Plan and policies. No off-street parking shall be permitted except as would be characteristic and in harmony with the purposes of an R-1 District.

2. Lot, Use and Density Requirements.

- Lot Width - feet, minimum ..... 100
- Buildable Lot Area – square feet, minimum..... 10,000
- Setback, front, right-of-way - feet, minimum..... 30

Setback, side - feet, minimum .....	10
Setback, corner side, right-of-way - feet, minimum .....	15
Setback, rear yard/alley - feet, minimum .....	20
Setback, sign - feet, minimum .....	1
Setback, wetland - feet, minimum .....	15
Maximum impervious coverage.....	30%
Maximum building height, feet.....	35*
<del>Maximum animal unit per acre .....</del>	<del>0.5</del>

\* Church spires, belfries, domes which do not contain usable space, chimneys and similar structures not intended for human occupancy, may be of any height which does not conflict with airport requirements

3. Performance Standards. The following performance standards apply to all development in this zone:

- A. **Animals.** Livestock and small livestock not allowed in Single Family Residential (R-1) district. Please refer to 150.005 'Animal Unit.' For all other animals.
- B. **Fences.** Fences not exceeding 96 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is not to be used where frequent human contact is anticipated.
- C. **Connection to Municipal Utilities.** Where municipal utilities are provided or reasonably close in the opinion of the City Engineer, the property shall be connected to the municipal system. All other properties shall be designed and constructed so as to facilitate future connection to the municipal utility systems.
- D. **Weeds and Grass.** It is unlawful for any owner, occupant or agenda of any lot or parcel of land in the R-1 Zone to allow any weeds or grass growing upon any such lot or parcel of land to grow to a height greater than eight inches (8"), or to allow such weeds or grass to go to seed. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens. Upon notification of violation, the owner has 7 days in which to comply.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds or grass after service of a notice of violation, the owner shall be subject to prosecution or penalty in accordance with Section 12.1 of this Code. Upon failure to comply with the notice of violation, any duly authorized employee of the city or contractor hired by the city shall be authorized to enter upon the property in violation and cut and destroy the weeds or grass growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Natural Landscape Plan. A landowner wishing to maintain property in a natural state may be exempted from the requirements of this Section by submittal of a Natural Landscape Plan and by following the provisions and conditions set forth for said Plan.

**5.3 Urban Residential (R-2)**

- 1. **Purpose and Intent:** The (R-2) Urban Residential District is intended for higher density residential development including single family homes, apartments, townhouses, and other buildings for two or more dwelling units in those areas where such development fits the Comprehensive Plan, where properly related to other land uses and thoroughfares, and where adequate municipal utilities are available. No off-street parking shall be permitted except as would be characteristic and in harmony



with the purposes of an R-2 District.

2. Lot, Use and Density Requirements.

Lot Width - feet, minimum .....	100
Buildable Lot Area – square feet, minimum.....	20,000
Setback, front, right-of-way - feet, minimum.....	25
Setback, side - feet, minimum.....	10
Setback, corner side, right-of-way - feet, minimum .....	15
Setback, rear yard/alley - feet, minimum .....	20
Setback, sign - feet, minimum.....	1
Setback, wetland - feet, minimum.....	15
Maximum impervious coverage.....	30%
Maximum building height, feet.....	35*
<del>Maximum animal unit per acre .....</del>	<del>0.5</del>

3. Performance Standards. The following performance standards apply to all development in this zone:

- A. Animals. Livestock and Small Livestock not allowed in Urban Residential (R-2) district. Please refer to 150.005 'Animal Unit' for all other animals.
- B. Fences. Fences not exceeding 96 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is not to be used where frequent human contact is anticipated.
- C. Sidewalks. Properties shall accommodate the safe and comfortable sidewalks, paths, and resting areas for pedestrians. Sidewalks and paths shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- D. Impervious Coverage. Impervious coverage may be increased by 25% through a conditional use permit if the following is provided:
  - i. A storm water retention plan showing containment of the 50-year, 24-hour storm event on the parcel.
  - ii. Direct runoff of stormwater to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.



A- allowed w/o a permit, P - permitted, C- conditional use,  
I- Interim, E – excluded

<u>USE</u>	<u>AG</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>RS</u>	<u>P</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>
Animal Husbandry	A	C	E	E	E	E	E	E	E
Keeping of Chickens	A	A	I	I	E	E	I	I	E
Livestock	A	*E	E	E	E	E	E	E	E
Livestock, small	A	A	E	E	E	E	E	E	E

*\*Livestock allowed (A) on RR parcels greater than 10 acres.*

**ANIMALS, DOMESTIC.** Common household pets, such as dogs and cats, kept for amusement, companionship, decoration, or interest.

**ANIMALS, WILD OR EXOTIC.** Animals, such as wolves, tigers, lions, and snakes, that are not normally a domestic animal or farm animal and would ordinarily be confined in a zoo or found in the wild.

**ANIMAL HUSBANDRY.** The practice of raising, selective breeding, farming, or care of common farm animals such as cattle, horses, hogs, sheep, goats, poultry, and rabbits by humans for advantages.

**KENNEL.** Any lot or premises on which five or more dogs aged six month or older are kept, either owned or boarded, either permanently or temporarily.

**LIVESTOCK.** Domestic animals, such as cattle or horses, raised for home use or for profit, especially on a farm.

**LIVESTOCK, SMALL.** Domestic animals, such as goats or sheep, raised for home use or for profit.

## Animals to Animal Units Conversion

Animal Units are calculated using a factor which converts animals of different species or sizes into equivalent units. Animal units for each species can then be added together to determine the capacity of a facility. The animal unit capacity and type of operation determine which state or federal regulations apply to that operation.

**To calculate Animal Units**, use the table to multiply the number of animals of each species (column A) by the appropriate equivalency factor (column B) to determine the number of animal units (column C). **Note:** Use average weight during the production cycle to choose the appropriate animal species. Your number of head (column A) should be the maximum number of animals in each category that you would confine at any one time.

To calculate Total Animal Unit Capacity, add the animal units (column C) for each animal species.

Animal Species	A. Number of head	X	B. Equivalency Factor	=	C. Animal Units
Cow, Steer, Hog		X	1.0	=	
Horse, Donkey, Llama		X	1.0	=	
Goat, Sheep		X	0.2	=	
Lamb, Alpaca		X	0.2	=	
Rabbit, Poultry		X	.05	=	
		X		=	
Add all animal Units in Column C to determine <b>Total Animal Unit Capacity</b>					

2 Acre Parcel: 3 Goats and 7 rabbits = 0.95 AU - Allowed

2.5 Acre Parcel: 5 Goats and 5 Goose= 1.25 AU – Allowed

5 acre parcel: 5 Sheep and 5 Alpaca= 2 AU - Allowed



AGENDA ITEM # 56

REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty  
Date: October 3<sup>rd</sup>, 2024  
Subject: Homework-Land Use Matrix E-N

**Report:** The Planning Commission received a portion of the Land Use Matrix (E-N) at the previous meeting, along with current definitions, and staff requested that each Commissioner fill in the Land Use Matrix with their recommendations of Allowed, Permitted, Conditional Use, Interim, Excluded, and Accessory Use for each district. Only one Commissioner provided a copy of the Land Use Matrix for E-N.

**Requested Action:** Please discuss the attached portion of the Land Use Matrix, and provide recommendations regarding uses and districts. If the Commission have differing opinions of uses and districts, now is the time to discuss and determine the next course of action. If further information is required, staff would like direction.



Use	AG	RR	R-1	R-2	RS	P	C-1	C-2	I-1	Accessory Use?	Performance Standards?
Equipment service	E	E	E	E	E	E	P	P	E		
Extractive use	I	E	E	E	E	E	E	E	I		
Fence	A	P	P	P	A	A	P	P	A		
Fish house	A	A	A	A	A	E	A	A	A		
Food services	E	E	E	E	E	E	P	P	E		
Forest land conversion	E	E	E	E	E	E	E	E	E		
Garage, attached	P	P	P	P	E	E	P	P	P		
Grading	P	P	P	P	P	P	P	P	P		
Group care facilities	P	P	P	P	E	E	E	E	E		
Home occupation (see § 150.237)	C	C	C	C	E	E	E	E	E		
Hotel	E	E	E	E	E	E	P	P	E		
Industrial use	E	E	E	E	E	E	E	E	P		
ISTS	P	P	P	P	P	P	P	P	P		
Junkyard	C	E	E	E	E	E	E	E	E		
Keeping of chickens	A	A	I	I	E	E	I	I	E		
Landfill	E	E	E	E	E	E	E	E	E		
Licensed day care facility	C	C	C	C	E	E	E	E	E		
Licensed residential facility	C	C	C	C	E	E	E	E	E		
Liquor, off-sale	E	E	E	E	E	E	P	P	E		
Liquor, on-sale	E	E	E	E	E	E	P	P	E		
Logging	A	A	E	E	E	E	E	E	E		
Manufactured home park	E	C	C	C	E	E	E	E	E		
Marina	E	E	E	E	E	E	E	E	E		
Medical and dental clinics	E	E	E	E	E	E	C	P	E		
Motel	E	E	E	E	E	E	P	P	E		
Nursery	C	C	E	E	E	E	P	P	E		
Nursery, agricultural	P	E	E	E	E	E	E	E	E		
Nursing home	C	C	C	C	E	E	P	P	E		

Notes to table:

A - Allowed without a permit    P - Permitted    C - Conditional use  
 I - Interim                      E - Excluded    AC - Accessory use

**CONTROLLED ACCESS LOT.** Any lot which is designated for the exclusive use by non-riparian landowners within a subdivision as a means to gain access to a lake, river, or stream.

**COUNCIL.** The City Council, as established by state law.

**CRAWL SPACE.** The space below the first story of a structure not more than four feet high and not intended for human habitation.

**CUL-DE-SAC.** A short local street terminating in a vehicular turnaround.

**DBH.** Diameter at breast height. The width of a tree or shrub as measured at four and one-half feet above the ground surface.

**DECK.** An uncovered, unscreened structure or on-grade patio not including on-grade walks four feet wide or less.

**DOCK.** A platform extending waterward from the shoreline intended for ingress and egress for moored watercraft or to provide access to water for swimming, fishing, or other water-orientated activities.

**DORMITORY.** A building, or portion thereof, providing group sleeping accommodations in one room, with shared bath and toilet facilities.

**DUPLEX, TRIPLEX, or QUAD.** A structure on a single lot having two, three, or four dwelling units respectively being attached by common walls, and each being equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

**DWELLING, GUEST QUARTERS.** A structure, not for sale or lease, used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling on the lot. Any accessory structure with kitchen or bathroom facilities shall be considered a **DWELLING, GUEST QUARTERS**.

**DWELLING, MULTI-FAMILY.** Two or more dwelling units attached together by any point, including duplexes, triplexes, townhouses, and multi-level units, regardless of type of ownership.

**DWELLING, SINGLE FAMILY.** A dwelling unit totally separated from any other dwelling unit.

**DWELLING, TOWNHOUSE.** A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership may be defined by plat or condominium plan.

**DWELLING SITE.** A designated location for residential use by one or more persons using temporary or moveable shelter, including camping and recreational vehicle sites.

**DWELLING UNIT.** A structure or portion of a structure or other shelter designed as a short or long-term living quarters for one or more persons, including rental or time share accommodations such as a motel, hotel resort rooms, and resort cabins.

**DWELLING WIDTH.** The smallest horizontal dimension of the major portion of a dwelling.

**EARTH TONE.** A shade of color that, when viewed from a distance, blends with the colors of the surrounding landscape.

**ENGINEER.** The engineer duly appointed by the Council to perform technical services for the city.

**EVENT CENTER.** A premises which is rented out for public or private activities that are not repeated on a weekly basis, and which are not open to the public on a daily basis at times other than when an event is scheduled.

**EXTERIOR STORAGE.** Storage of goods, materials, equipment, and manufactured products outside a fully enclosed building.

**EXTRACTIVE USE.** The use of land for removal of sand, gravel, rock, industrial minerals, soil, other non-metallic minerals, or pea not regulated under M.S. §§ 93.44 through 93.51, as they may be amended from time to time.

**FAMILY.** An individual, or two or more persons related by blood, marriage, adoption, or a relationship legally recognized in the state, or not more than five unrelated persons maintaining a common household.

**FEEDLOT.** A lot or building, or combination of lots and buildings, intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be **ANIMAL FEEDLOTS**. Pastures shall not be considered **ANIMAL FEEDLOTS**.

**FEE SCHEDULE.** The official schedule of land use related fees and penalties adopted by the City Council.

**FENCE.** A constructed barrier, including berms, intended to prevent escape or intrusion, or to mark a boundary, to shield or screen view, or to perform any similar function.

**FILLING.** The act of depositing any clean earthen material.

**FINAL FLOOR PLAN.** A drawing prepared by a registered architect, registered engineer, or registered land surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of M.S. §§ 515A.2 through 515A.2-110, as it may be amended from time to time.

**FINAL CONDOMINIUM PLAT.** A drawing prepared by a registered architect, registered engineer or registered land surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of M.S. §§ 515A.2 through 515A.2-110, as it may be amended from time to time.

**FINAL PLAT.** A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by this chapter to be presented to the Planning Commission and the City Council for approval, and which, if approved, may be duly filed with the County Recorder.

**FISH HOUSE.** A structure placed on a lake during the winter for use in fishing. A structure will only be considered a **FISH HOUSE** if it is 160 square feet or less, is moveable, and has a current license.

**FLOODPLAIN.** The areas adjoining a water course, intermittent or permanently flowing, which have been or will be covered by the runoff waters of a storm with a 1% chance of occurrence any year (100-year storm).

**FLOODWAY.** The channel of the water course and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood (100-year chance of occurrence).

**FOOTPRINT.** The horizontal extent to which a structure covers the ground plane as represented in a plan view, including cantilevered building elements but excluding eaves and similar architectural projections of the roof plane.

**FORB.** A broad leafed, non-woody plant other than grass, sedge, or rush. **FORBS** include native herbs, ephemerals, and wildflowers.

**FOREST LAND CONVERSION.** The clear cutting of forested lands to prepare for a new land use other than the re-establishment of a subsequent forest stand.

**FOUNDATION.** A concrete, concrete and concrete block, or treated wood portion of a structure that supports the bearing loads of the superstructure and penetrates the ground, providing frost protection.



Must meet the provisions of the Building Code adopted by the state. Concrete pillars may be used as a **FOUNDATION** for manufactured homes so long as the installation is done to the manufacturer's specifications and skirting is provided around the perimeter to provide the look of a completely enclosed **FOUNDATION**.

**FRONTAGE.** The uninterrupted front boundary line of a lot, or the length of such line, that abuts on a street or protected water.

**GARAGE, ATTACHED.** A part of the principal structure designed for the storage of motor vehicles.

**GARAGE, DETACHED.** An accessory structure not attached to the principal structure on the property designed and used for storage.

**GAZEBO.** A freestanding accessory structure with no kitchen, sleeping, sanitary facilities, or pressurized water, intended as weather and insect protection for such activities as picnicking and lake viewing.

**GRADING.** The movement of dirt, by mechanical means, so as to alter the existing topography of a property.

**GREEN SPACE.** Privately owned property permanently dedicated by covenant or deed restriction to vegetate ground coverage with allowance for use as recreational facilities, tree coverage, water course, sewage disposal, or similar uses. Public property permanently dedicated to park, vegetative buffer, tree coverage, or watercourses.

**GROUP CARE FACILITIES.** A facility which provides residential services for individuals that are handicapped, aged, disabled, or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity-shelters, and half-way houses.

**HOME OCCUPATION.** A use of commercial nature conducted by an occupant entirely within the dwelling or accessory buildings which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the residential character thereof.

**HOME OCCUPATION, TYPE I.** A home occupation, the commercial nature of which involves providing a service to a limited number of people who are predominantly acquaintances. Generates less than ten auto trips per week. No employees beyond owner. No signage or other advertising done either on or offsite. Would include businesses that are similar in nature to tutoring or music lessons performed on an individual basis.

**HOME OCCUPATION, TYPE II.** A home occupation, the commercial nature of which involves providing a service to people or organizations that do not receive the service at the property from which it is being provided. Generates less than 25 auto trips per week, including deliveries and employees. No more than two employees, in addition to the owner, working onsite. No signage done either on or offsite. Would include businesses that are similar in nature to telephone sales, consulting, or web design.

**HOME OCCUPATION, TYPE III.** A home occupation, the commercial nature of which involves providing a service or product to people or organizations within the home. Generates less than 60 auto trips per week, including deliveries. No more than two employees, in addition to the owner working onsite. May include onsite signage. May include retails sales of items manufactured onsite. Would include businesses that are similar in nature to chiropractic service, artist studio, or craft shop.

**HOME OCCUPATION, TYPE IV.** A home occupation, the commercial nature of which involves providing a service or product to people or organizations off site. Generates less than 60 auto trips per week, including deliveries. All employees do the majority of their work offsite. May include onsite storage or warehousing of work related materials. Would include businesses that are similar in nature to lawn care services and offsite sandblasting services.

**HOTEL.** A building containing three or more individual rooms, without kitchens, used for overnight lodging by the general public on a short-term basis for a fee, with or without meals, and which has common reservation and cleaning services, combined utilities, and onsite management and reception services.

**HOUSE OF WORSHIP.** Same as **CHURCH**.

**IMPERVIOUS SURFACE.** The horizontal area of buildings, patios, walks, driveways, accessory structures, and other surfaces generally impervious to the penetration of stormwater, including gravel drives and parking.

**INDUSTRIAL USE.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

**INTERIM USE.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

**JUNK YARD.** An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of materials in conjunction with the construction of a manufacturing process shall not be included. Three or more automobiles without current licenses constitute a **JUNK YARD**. Such use shall not include putrid wastes such as garbage.

**LAKE CLASSIFICATION.** The formal classification provided by the Department of Natural Resources for each body of public waters within the city.

**LANDFILL.** A method of solid waste disposal in which refuse is buried between layers of dirt.

**LANDSCAPING.** Plantings such as trees, grass, shrubs, and decorative timbers, arbors, rocks, and water displays.

**LICENSED ENGINEER.** A person licensed as a professional engineer by the state.

**LICENSED SURVEYOR.** A person licensed as a professional surveyor by the state.

**LITTER.** Waste materials, including, but not limited to, cans, bottles, plastic, and paper wrappings or containers.

**LIVESTOCK.** Domestic animals, such as cattle or horses, raised for home use or for profit, especially on a farm.

**LOGGING.** The sustainable practice of felling and trimming trees and transporting the logs to a mill.

**LOT.** A parcel, piece, or portion of land described by metes and bounds, registered land survey, auditor's plat, or subdivision plat and separated from other parcels or portions of land by said description for purposes of sale, lease, mortgage, building, or separation.

**LOT AREA.** The horizontal area of a lot bounded by the lot lines and the ordinary high waterline if bounded by water.

**LOT, CORNER.** A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of one street with the internal angle less than 135 degrees.

**LOT, FRONT.** The boundary of a lot which abuts on a public right-of-way, or if a corner lot, the shortest of the two boundaries. If the lot abuts public water, the lake side shall be considered the **LOT FRONT**.

**LOT LINE.** The property lines bounding a lot, except that where the description extends into a public right-of-way, the right-of-way line shall be considered the **LOT LINE**.

**LOT, PRE-EXISTING.** A lot which is one unit of a subdivision plat heretofore duly approved and filed or one unit of an auditor's subdivision, or registered land survey, or a lot created by metes and bounds that has been recorded in the office of the County Recorder prior to the effective date of this chapter.

**LOT TIER DEPTH.** The lot depth of a normal lot conforming to the shoreland requirements: General development lake first tier: 200 feet; second and additional tiers: 267 feet; recreational development lake: 267 feet; natural environmental lake: 400 feet.

**LOT TIERS.** Successive strips of land parallel with the ordinary high water line, each one tier depth wide, and extending across the parcel.

**LOT WIDTH.** The shortest distance between lot lines measured at the midpoint of the building line.

**MAINTENANCE.** The normal upkeep of a structure, including the replacement of windows, siding, roofs, nonbearing walls, or interior remodeling that does not expand the footprint of the existing structure, add volume to the usable living space, or intensify a non-conforming use.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which, when erected onsite, is a minimum of 640 square feet, is built on a permanent foundation, contains the heating, plumbing, and electrical systems within, and meets the requirements of the Building Code adopted by the state.

**MARINA.** A dock or set of docks on a single parcel that contains more than three slips or more slips than first tier dwelling units, whichever is greater.

**MATURE TREE.** A living tree greater than four inches in diameter.

**METES AND BOUNDS.** A method of property description utilizing directions and distances commencing from and terminating at an identifiable point.

**MOTEL.** A building containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with parking space reserved for each unit, and which is designed, used, or intended to be used primarily for the accommodation of transient guests.

**MULTI-LEVEL DWELLING.** A type of multi-family housing consisting of dwelling units stacked one above the other, creating a party floor or floors between units.

**NATURAL DRAINAGE WAY.** All land surface areas which, by nature of their contour or configuration, collect, store, and channel surface or runoff water.

**NEIGHBORHOOD.** The area adjacent to or surrounding existing or proposed development characterized by common use or uses, density, style, and age of structures and environmental characteristics.

**NON-CONFORMING.** The building, structure, or land lawfully existing prior to and not in conformance with the provisions of this chapter.

**NUISANCE.** By authority and direction of M.S. Ch. 145A and M.S. § 412.221, Subds. 23 and 24, as they may be amended from time to time, **NUISANCE** is anything that interferes with the use or enjoyment of property, endangers personal health of public safety, or is offensive to the senses such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact, and other similar interferences or offenses.

**NURSERY.** A retail business growing and selling trees, flowering or decorative plants and shrubs.

**NURSING HOME.** Any institution or facility required to be licensed as such under M.S. §§ 144.50 to 144.56, as they may be amended from time to time, by the State Board of Health.

**OFF-STREET PARKING.** A designated space or area of land with a paved or all-weather surface not within a public street or right-of-way and used for the parking of vehicles.





AGENDA ITEM # 6a

REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty  
Date: October 2<sup>nd</sup>, 2024  
Subject: Homework-Land Use Matrix O-Z

**Report:** The Planning Commission received a portion of the Land Use Matrix (E-N) at the previous meeting, along with current definitions, and staff requested that each Commissioner fill in the Land Use Matrix with their recommendations of Allowed, Permitted, Conditional Use, Interim, Excluded, and Accessory Use for each district.

Please review the Land Use Matrix (O-Z) and make changes to our current matrix, if necessary. Also attached are our current definitions for O-Z.

**Requested Action:** Please review the attached portion of the Land Use Matrix, and provide recommendations regarding uses and districts to staff within the next two weeks. Once staff have received each Commissioner's recommendations, staff will incorporate the information into the new format of the Land Use/Accessory Use Matrix. If the Commission have differing opinions of uses and districts, staff will present the findings for full Commission discussion and consensus recommendation.

<i>Use</i>	<i>AG</i>	<i>RR</i>	<i>R-1</i>	<i>R-2</i>	<i>RS</i>	<i>P</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1</i>
Off-street parking	A	A	A	A	A	A	A	A	A
Open storage	A	A	A	A	A	E	A	P	P
Outdoor wood burning furnace (see § 150.240)	P	P	C	C	E	E	E	E	E
Pasture, cropland, and forestry	A	C	E	E	E	E	E	E	E
Patio	P	P	P	P	E	P	P	P	P
Porch	P	P	P	P	E	E	P	P	P
Private swimming pool	A	A	A	A	E	E	E	E	E
Professional services	E	E	E	E	E	E	P	P	E
Public use	P	P	P	P	P	P	P	P	P
Recreational vehicle	A	A	A	A	A	A	A	A	A
Racetrack	C	E	E	E	E	E	E	E	E
Resort	E	E	E	E	E	E	C	C	E
Restaurant	E	E	E	E	E	E	P	P	E
Retail business	E	E	E	E	E	E	P	P	E
Self-storage facility	C	E	E	E	E	E	C	C	C
Service business	E	E	E	E	E	E	P	P	E
Signs, directory	A	P	P	P	P	P	P	P	P
Signs, offsite	E	E	E	E	E	E	E	E	E
Signs, onsite (see §§ 150.054 through 150.056)	P	P	P	P	P	P	P	P	P
Signs, portable	A	A	A	A	A	A	A	A	A
Solar energy system	P	P	P	P	E	E	C	C	P
Storage buildings, commercial	C	E	E	E	P	E	AC/C	AC/C	AC/C
Telecommunication tower	C	C	E	E	E	C	E	C	E
Temporary borrow site	C	C	E	E	E	E	E	C	C
Temporary structure	A	A	A	A	A	A	A	A	A
Vegetation removal, clear cutting	C	E	E	E	E	E	E	E	E
Vegetation removal, intensive	C	E	E	E	E	E	E	E	C
Water-oriented accessory structure or facility	E	E	E	E	E	E	E	E	E
Warehousing, commercial	C	E	E	E	E	E	E	C	C
Warehousing, private	A	A	A	A	A	E	A	A	A

**Notes to table:****A - Allowed without a permit****P - Permitted****C - Conditional use****I - Interim****E - Excluded****AC - Accessory use**

**OFF-STREET PARKING.** A designated space or area of land with a paved or all-weather surface not within a public street or right-of-way and used for the parking of vehicles.

**OPEN DISTRICT.** A zoning district defined by natural features to be unsuitable for any dwelling and unsuitable for any other development except in accordance with the conditional use permit process. Corresponds to the DNR Special Protection District.

**OPEN STORAGE.** Storage of material outside of a building.

**ORDINARY HIGH WATER MARK.** The boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the **ORDINARY HIGH WATER LEVEL** is the elevation of the top of the bank of the channel, for reservoir and flowages, the **ORDINARY HIGH WATER LEVEL** is the operating elevation of the normal summer pool.

**OVERLAY MAP.** An official map of the city that describes the location of an overlay zone.

**OWNER.** An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having proprietary interest in the land and/or building.

**PARKING SPACE.** A ten-foot by 20-foot site off public right-of-way, maintained and sized to accommodate the parking of one automobile.

**PARTY WALL OR FLOOR.** A common wall which divides two independent dwelling units or businesses.

**PERMITTED USE.** A land use conforming to the character of a zoning district which is permitted by ordinance, requiring only a zoning permit issued by the Zoning Administrator.

**PET.** An animal commonly associated with human habitation, not considered under animal units, and not raised for production of income.

**PLANNED UNIT DEVELOPMENT (PUD).** A land use characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common green space, density increases, and mix of structure types and land uses. Does not include a duplex where specifically allowed in a zoning district on a single parcel of land.

**PLANNED UNIT DEVELOPMENTS, COMMERCIAL.** Uses that provide transient, short-term lodging spaces, rooms, or parcels, and their operations are essentially service-orientated. These shall include, but not be limited to, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities.

**PLANNED UNIT DEVELOPMENT, RESIDENTIAL.** A use where the nature of residency is nontransient and the major or primary focus of the development is not



service-oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives, and full fee ownership residences would be considered as **RESIDENTIAL PLANNED UNIT DEVELOPMENTS**. Includes time share condominiums not part of a resort.

**PLANNING COMMISSION.** The body duly appointed by the City Council to determine the development of the city and make recommendations to the City Council on comprehensive plans, zoning district boundaries, conditional use permits, subdivision of land, and capital improvements.

**PORCH.** A covered platform attached to a structure.

**PORCH, ENCLOSED.** A covered platform attached to a structure with more permanent enclosures than those described in **PORCH**.

**PORTABLE.** Capable of being transferred or moved from one place to another.

**PRACTICAL DIFFICULTIES.** The property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of locality. Economic considerations alone do not constitute **PRACTICAL DIFFICULTIES**. **PRACTICAL DIFFICULTIES** include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

**PRE-BUILT HOME.** Same as **MANUFACTURED HOME**.

**PRELIMINARY PLAT OR PLAN.** A plan prepared in accordance with this chapter depicting the proposed subdivision of property by final plat or final floor plan.

**PRINCIPAL STRUCTURE OR USE.** The single primary structure or use on a lot, as distinguished from accessory uses or structure. To be considered a **PRINCIPAL STRUCTURE**, the structure must be at least 400 square feet.

**PROTECTIVE COVENANTS.** Restrictions placed on the property by the owner and duly filed with the County Recorder. These may also be used in planned unit developments to establish homeowners associations, restrict shoreline development, and provide for common facilities.

**PUBLIC WATERS.** Any waters as defined in M.S. § 103G.005, as amended from time to time. However, no lake, pond, or flowage of less than ten acres in size in municipalities need be regulated for the purposes of the shoreland management rule. A body of water created by a private user where there was no previous shoreline may, at the discretion of the local government, be exempted from the shoreland management. The official determination of the size and physical limits of drainage areas of rivers and streams should be made by the DNR Commissioner.

**RECORDER.** The County Recorder.

**RECREATIONAL EQUIPMENT.** Equipment, both motorized and non-motorized, that is subject to licensing by the state and is designed primarily for recreational use.

**RESIDENTIAL WIND ENERGY CONVERSION SYSTEM.** A wind energy conversion system consisting of a wind turbine, and associated control or conversion electronics, which has a rated capacity of not more than 20 kW and which is intended to primarily reduce onsite consumption of utility power. A system is considered a **RESIDENTIAL WIND ENERGY SYSTEM** only if it supplies electrical power solely for onsite use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for onsite may be used by the utility company.

**RECREATIONAL VEHICLE.** Vehicles for recreational use that can be driven, towed, or hauled. These vehicles are designed to be temporary living space for camping or travel use. **RVs** shall include travel trailers, camper trailers, truck campers, self-propelled motor homes, and other similar vehicles.

**RESORT.** Any buildings, structures, or enclosures kept, used, maintained, or advertised as, or held out to the public to be, an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreations, for periods of one day, one week, or longer, and having for rent three or more cottages, rooms, or enclosures along with any related facilities such as restaurants, bars, golf courses, or other recreational amenities.

**RESTAURANT.** An establishment where the principal business is the preparation, service, and sale of food and beverages to be consumed by customers at tables or counters located within the building on the premises.

**RIGHT-OF-WAY.** A parcel of property dedicated to the public, connecting to other public rights-of-way, which affords primary access by pedestrians and vehicles to abutting properties.

**RIPARIAN LOT.** A property that is abutting a body of water listed in § 150.025(D).

**RURAL CONSERVATION SUBDIVISION.** A method of subdividing land that provides for preservation of open space and clustering of individual lots.

**SCREENING.** Fencing, an earthen berm, or vegetative growth that visually separates one object from another.

**SELF-STORAGE FACILITY.** A building or group of buildings sharing common wall and containing separate storage spaces of varying sizes that are leased or rented as individual units. Storage units may or may not be climate controlled.

**SEMI PUBLIC USE.** The use of land by private nonprofit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

**SENSITIVE RESOURCE MANAGEMENT.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, acceptability to flooding, or occurrence of flora or fauna in need of special protection.

**SETBACK.** The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility. Three feet of roof overhang, stoops not exceeding 30 square feet, and steps from stoop to ground not over four feet wide may protrude into the **SETBACK**.

**SETBACK, INTERIOR LOT.** In a planned unit development, the closest horizontal distance between the lot line and the foundation or wall of a structure when the lot line is not the exterior boundary of the development. Three feet of roof overhang, stoops not exceeding 30 square feet, and steps from stoop to ground not over four feet wide may protrude into the setback.

**SETBACK, SIDE, EXTERIOR.** The closest horizontal distance between the exterior boundary side lot line and the foundation or wall of a structure. This setback takes precedence over setback, interior lot, where any conflict exists. Three feet of roof overhang, stoops not exceeding 30 square feet, and steps from stoop to ground not over four feet wide may protrude into the setback.

**SETBACK, ROAD.** The closest horizontal distance between the road right-of-way line and the foundation or wall of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet, and steps from stoop to ground not over four feet wide may protrude into the setback.

**SETBACK, WATERFRONT.** The closest horizontal distance between the ordinary high water mark and the foundation or wall or edge of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet, and steps from stoop to ground not over four feet wide may protrude into the setback.

**SEWAGE TREATMENT SYSTEM.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Minn. Rules Chapter 7080, as amended from time to time.

**SEWER SYSTEM.** Pipe lines or conduits, pumping stations, and forcemain, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste, or other waste, to a point of ultimate disposal.

**SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the normal structure setback.

**SHORELAND.** Land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of **SHORELANDS** may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the water for lesser distances and when approved by the DNR Commissioner.

**SHORELINE PROPERTY.** A lot directly abutting a public water, generally located in the first lot tier adjoining the public water.



**SIGNS.** A name, identification, description, display, illustration, advertisement, or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution, or business.

**SIGNS, AREA IDENTIFICATION.** A sign located at the entrance or entrances of the area that is used to identify a common area containing a group of structures on a minimum of five acres, such as a residential subdivision, where there exists an association that provides for the maintenance of the sign or structures.

**SIGNS, DIRECTORY.** A sign erected at an intersection that lists the residences or businesses that reside along the intersecting roadway.

**SIGNS, OFFSITE.** Any sign not located on the contiguously owned property with the use which is advertised.

**SIGNS, ONSITE.** Any sign located on the contiguously owned property with the use which is advertised.

**SIGNS, PORTABLE.** A sign that is intrinsically designed to be moved or a sign that is not permanently affixed to the ground or a building.

**SIGNIFICANT HISTORICAL SITE.** Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historical Places, or is listed in the State Register of Historical Sites, or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08, as amended from time to time. A **HISTORICAL SITE** meets this criteria if it is presently listed on either Register or if it is determined to meet the qualifications for listing after review by the State Archeologist or the Director of the State Historical Society. All unplatted cemeteries are automatically considered to be **SIGNIFICANT HISTORICAL SITES**.

**SKETCH PLAN.** A plan drawn to scale used for planning and discussion purposes only.

**SPECIFIED ANATOMICAL AREAS (ADULT USE).** Include any less than completely and opaquely covered human genitals, pubic region, or pubic hair, buttocks, and female breast below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES (ADULT USE).** Any of the following conditions:

(1) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal;

(2) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed;

(3) Masturbation or lewd exhibitions of the genitals, including any explicit, close-up presentation of a human genital organ, clothed or unclothed; and

(4) Physical contact or simulated physical contact with the clothed or unclothed pubic area or buttocks of a human male or female, or the breasts of a female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

**SSTS.** Subsurface sewage treatment system.

**STEEP SLOPE.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness due to the site's soil characteristics as mapped and described in available County Soils Surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, **STEEP SLOPES** are lands having average slopes over 12% as measured over horizontal distances of 50 feet or more, but which are not bluffs.

**STOOP.** An entry platform into a structure.

**STORAGE BUILDINGS, COMMERCIAL.** A structure used for the storage of buildings, equipment, or materials that is not intended for human habitation and available on a rental or lease basis.

**STREET.** A public right-of-way that provides primary vehicular access to abutting property and shall include avenue, road, or highway. **STREET CLASSIFICATIONS** are defined in the Comprehensive Plan unless defined in a roadway classification plan or other similar road-specific plan.

**STREET, ARTERIAL.** A street that has the primary function of rapidly moving traffic to or through the city. May provide access to abutting land. **ARTERIAL STREETS** are, in general, county or state highways that begin and terminate outside of the city limits or connect to other **ARTERIAL STREETS** within the city.

**STREET, COLLECTOR.** A street that has the primary function of receiving and distributing traffic to and from local streets and providing distribution of traffic within. May provide access to abutting lots. In general, **COLLECTOR STREETS** begin and terminate at arterial streets or other **COLLECTOR STREETS**.

**STREET, LOCAL.** A street, the function of which is to provide localized access to individual parcels. Does not normally carry through traffic. Traffic volumes and traffic speeds are expected to be low.

**STRUCTURE.** Any building, appurtenance, including decks or other facility constructed, placed, or erected by man except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and except walks or steps on grade not more than four feet wide outside of the shore impact zone, stoops not exceeding 30 square feet, temporary furniture, planter, or decorative material and retaining walls consisting of wood or decorative block.

**SUBDIVIDER.** The owner, agent, person, corporation, partnership, or legal entity proposing to subdivide property under his or her control.

**SUBDIVISION.** The division of real estate into two or more parcels for the purpose of sale, rent, or lease, including planned unit development.

**SUBDIVISION BY PLAT.** The subdivision into two or more parcels of any size by the authority of M.S. Chapter 505, as it may be amended from time to time, with documents prepared by a registered land surveyor and duly approved by the Planning Commission and Council.

**SUBDIVISION BY CONDOMINIUM PLAN.** The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of M.S. Chapter 515A, as it may be amended from time to time, with documents prepared by a registered land surveyor and duly approved by the Planning Commission and Council.

**SUBDIVISION BY METES AND BOUNDS.** Any division of real estate resulting in two or more parcels which are not platted, but divided by description prepared and signed by a registered land surveyor.

**SUBSTANDARD LOT.** A lot that is non-conforming.

**SUBSTANDARD USE.** A use that does not conform to this chapter.

**SURFACE WATER-ORIENTED COMMERCIAL USE.** The use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal operation of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

**TAPROOM.** A room that is ancillary to the production of malt liquor at a brewery where the public can purchase and/or consume only the malt liquor produced onsite. A **TAPROOM** may also sell malt liquor for off-sale consumption in growler containers.

**TEMPORARY.** A use or structure that lasts longer than three days and is discontinued within 14 days. Any use or structure existing longer than 14 days, except where specifically provided for in this chapter, shall be considered permanent unless a specific date of discontinuation, agreeable to the Planning and Zoning Administrator to be reviewed by the Planning Commission, has been submitted, in writing, to the city.

**TEMPORARY STRUCTURE.** A structure of a temporary character, including, but not limited to, house boats, fish houses, recreational vehicles, and tents.

**TOE OF BLUFF.** The lower point of a 50-foot segment with an average slope exceeding 18%.

**TOP OF THE BLUFF.** The higher point of a 50-foot segment with an average slope exceeding 18%.

**TOWER.** A structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular, or wireless communications, or the vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.



**TOWER HEIGHT.** Determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower, including all antennas or other attachments.

**TOWNHOUSE DWELLING.** A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership may be defined by plat or condominium plan.

**TRAVEL TRAILER.** Refer to **RECREATIONAL VEHICLE.**

**TREE.** A woody plant four inches or more in diameter or eight feet or more in height.

**VARIANCE.** A legally permitted deviation from the provisions of this chapter as deemed necessary by the Board of Adjustment after a property owner proposed to use a property in a reasonable manner not permitted by an official control.

**VEGETATION REMOVAL, CLEAR CUTTING.** The removal of more than 75% and up to 100% of a stand of trees and brush over ten feet in height on a lot or parcel of land up to 40 acres.

**VEGETATION REMOVAL, INTENSIVE.** The complete removal of trees or shrubs in a continuous path, strip row, or block, excluding that clearing needed for the construction of roads, driveways, walkways, or permitted stairways, lifts, or landings.

**VIEW TO THE LAKE.** View to be construed to be the line of sight from the center of a riparian property at the lake setback to the lakeward concerns of that property.

**WALKWAY.** A parcel of property dedicated to the public for non-vehicular access purposes.

**WAREHOUSING.** The principal use is the storage of materials or equipment within an enclosed building.

**WAREHOUSING, COMMERCIAL.** The rental or sale of warehousing space.

**WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY.** 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, is located closer to public waters than the normal structure setback. Examples of such structures and facilities include boat houses, gazebos, screen houses, fish cleaning houses, and detached decks.

**WETLAND.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. For the purposes of this definition, **WETLANDS** must have the following three attributes:

- (1) Have a predominance of hydric soils;
- (2) Are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) Under normal circumstances, support a prevalence of such vegetation.

**WIND TURBINE.** Any piece of electrical generating equipment that converts the kinetic energy of wind into electrical energy.

**YARD.** A required green space occupied and unobstructed by a structure or portion of a structure, provided that fences, signs, utility poles, lawn lights, antennas, and related minor equipment may be permitted in any **YARD**, provided that they do not create a safety hazard or constitute a nuisance.

**ZONING ADMINISTRATOR.** The duly appointed person responsible for the enforcement and administration of this chapter.

**ZONING DISTRICT.** An area of the city defined on the zoning map, having uniform zoning provisions.

**ZONING DISTRICT OVERLAY.** A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district regulations.

**ZONING MAP.** The map of the city, amended from time to time, which defines the boundaries of the zoning districts.

**ZONING PERMIT.** A permit issued by the Zoning Administrator to allow the construction of a structure or to allow a land use when the provisions of this chapter have been met, when approval of any conditional use permits or variances have been granted, and when the fees are paid. A **ZONING PERMIT** may have administrative conditions specific to the subject site when called for by this chapter.



**CITY OF JENKINS**  
**PLANNING AND ZONING ADMINISTRATOR'S REPORT**

1. **Permits/Approvals:** The Following permits/approvals were completed over the last month(s) by the Zoning Department:
  - a. **Kevin and Jean Hummel**, 3656 Cemetery Road, house with attached garage and septic.
  - b. **Nathan Lange/Northland Properties**, 3691 Poulak Street, Pole shed with 1 office, conference room and restroom.
  - c. **DCC Construction**, TBD Blaze Boulevard, house with attached garage and septic.
2. **Correspondence:** The following correspondence was sent out by staff since the last meeting:
  - a. **Matt Costello**, 33484 State Highway 371, request for wetland scientist services reimbursement for wetland violation.
3. **Code Enforcement:** City Staff is currently working in the following potential violations/enforcement actions. We will report in these on a monthly basis and/or as progress is made until the issue is resolved.
  - a. **Town Theaters, Inc.**, 33040 Aspenwood Drive, public nuisance, visual standards, property and structure maintenance violations.
    - i. **Progress report:** The property owner sent an email to staff and the property has since been cleaned up. The issue has been resolved.
  - b. **TW Miller**, 33361 Jenkins Avenue, possible setback, impervious surface and land use violation.
    - i. **Progress report:** A site visit was conducted. The setbacks, impervious coverage and land use were in questions and were verified. However, due to the site visit it was noted that the existing buildings and proposed building for construction did not depict the same locations as the site plan that was originally submitted for the land use permit. A Stop Work Order was placed on the property. The property owner submitted a new site plan, which determined that there was a setback encroachment, to which a variance is needed. The property owner has applied for a variance. The public hearing for this will be on November 4<sup>th</sup>.