

Planning Commission Meeting Agenda Monday, December 2nd, 2024 @ 6:00 PM

Chair: Simon Stricker

City Clerk: Krista Okerman

Commission:

Deputy Clerk: Cassandra Delougherty

Joby Goerges Steve Stricker City Attorney: Brad Person

Roman Siltman

Sean Smuda

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 threering 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 November 4th, 2024 meeting
- 4. Public Hearing
 - a. Ordinance Amendment No O-24-33 Sections 150.035 "Shoreland Overlay District (SO)" and 150.036 "Floodplain Overlay District (FP)" related to administration and enforcement.

Ordinance No. O-24-34 Adopting New Section 150.113 Solar Energy Systems and Regulating Solar Energy System Standards.

Ordinance Amendment No. O-24-35 Amending 150.106 and 150.241 amending section titles.

Ordinance Amendment No. O-24-36 Amending Sections 150.005 "Definitions," and 150.038 "Land Use Matrix" related to Solar Energy Systems and animal units, livestock, fences, and keeping of chickens.

Ordinance Amendment No. O-24-37 Amending Sections 150.026-150.029 Zoning Districts and District Provisions, related to lot size minimums and performance standards

Ordinance Amendment No. O-24-38 Amending Section 91.38 of the "Weed Ordinance," related to complying with the new provision of law as Minnesota Statues, section 412.925, relating to managed natural landscape.

- i. Open hearing for public comment
- ii. Close public hearing
- iii. Planning Commission deliberation
- iv. Planning Commission action
- 5. Miscellaneous/Communication
 - a. Storage Buildings
 - b. Verbal Report from Mayor
- 6. Planning & Zoning Administrator's Report
- 7. Adjournment

COUNTY OF CROW WING CITY OF JENKINS MINUTES OF THE REGULAR PLANNING COMMISSION MEETING NOVEMBER 4th, 2024

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

ATTENDANCE: Present: Commissioners Siltman, Smuda, and Goerges; Deputy

Delougherty, along with Katie Kostohryz from Sourcewell, and Clerk

Okerman via Zoom. Not present was Chairman Si. Stricker or

Commissioner St. Stricker.

ADDITIONS/DELETIONS: none

APPROVALS: Motion to approve agenda made by Smuda, seconded by Goerges. All

present voted aye.

Motion to approve October 8th, 2024 meeting minutes made by

Goerges, seconded by Smuda. All present voted aye.

PUBLIC HEARING: After-the-fact Variance Application Request

VARIANCE APPLICATION: The property owner, Mark Miller, is requesting an after-the-fact variance to the set-back requirements of the I-1 (Light Industrial)

Zoning District. A report was provided in the agenda packet explaining that the set-back requirement was not maintained due to an 'over-pour' when the project was sub-contracted out.

Hearing opened for Public Comment- hearing was opened for public comment at 6:07 pm NO PUBLIC COMMENT

Public Hearing Closed: The hearing was closed for public comment at 6:08pm.

Commission Deliberation: The Commission reviewed the provided information, including staff report, updated site plan, and photos of the property. Consensus of the Commission was to approve the variance.

Commission Action: Motion to approve variance application siting findings of fact 1-6, 7a, 8a, 9a, 10a, 11a and recommendations made by Goerges, seconded by Smuda. All present voted aye.

UNFINISHED BUSINESS

a. <u>Animal Units:</u> Per Commission Consensus, staff have been working with Sourcewell to determine a modification for allowable animal units in each individual zoning district. An amendment was proposed to the Commission. **Motion to move forward with Ordinance**

Amendment made by Smuda, seconded by Goerges. All present voted aye.

- b. <u>Solar Energy:</u> Deputy Delougherty spoke with licensed solar experts per Commission request and a modified draft was presented. Commission consensus was to make further modifications to ground-mounted systems regarding lot size minimums and maximum lot coverage. The Ordinance Amendment will be prepared for a public Hearing at the December PC Meeting. Motion to approve moving forward with Ordinance Amendment made by Goerges, seconded by Smuda. All present voted aye.
- c. <u>Land Use Matrix Homework</u>: The Planning Commission received portions of the Land Use Matrix at the previous 3 meetings, along with current definitions. 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 prior to the next meeting, in an effort to ensure that staff are afforded time to research and address concerns or questions. Three Commissioners provided feedback for the September meeting (A-D), one Commissioner provided feedback for the October meeting (E-N), and one Commissioner provided feedback for the November meeting (O-Z). Due to lack of feedback, Clerk Okerman has directed Deputy Delougherty to focus her efforts on other City business, leaving the Land Use Matrix as is in the Jenkins Code of Ordinances, unless changes are required by law or requested by Commissioners and/or Council.

NEW BUSINESS

a. <u>Fence Definitions</u>: Commissioner Goerges requested at the October PC Meeting that the definition of 'fence' be changed to differentiate property lot perimeter fences and in-lot barrier fences, stating that fences such as garden fences should not be 'Permitted', but rather 'Allowed' in the Land Use Matrix. Options were provided to the Commission and consensus was 'Fence. A fence is any structure erected for purpose of enclosing, dividing, or screening the boundary between two parcels.' Motion to approve moving forward with definition change made by Smuda, seconded by Goerges. All present voted aye.

MISC/COMM

- a. <u>Planning & Zoning Administrator's Report:</u> Administrator's Report was shared with the Commission.
- b. <u>Public Hearings Planned for December:</u> Deputy Delougherty provided a verbal report regarding upcoming public hearings. These hearings

include Solar Energy, Animal Units, Native & Natural Landscaping, and Shoreland/Floodplain Overlay District administration.

ADJOURNMENT Motion to adjourn made by Commissioner St Stricker, seconded by Goerges at 7:13pm. All present voted aye.

Respectfully submitted by Cassandra Delougherty, Deputy Clerk. Dated: Cassandra Delougherty, Deputy Clerk Krista A. Okerman, City Clerk-Treasurer



AGENDA ITEM #

REPORT TO PLANNING COMMISSION

Prepared by: C

Cassandra Delougherty

Date:

December 2nd, 2024

Subject:

Ordinance Amendment-"Shoreland Overlay" and "Floodplain Overlay" Districts

Report: Currently, City Code 150.035, titled "Shoreland Overlay District," (B) "Adoption, Administration, and Enforcement" and 150.036, titled "Floodplain Overlay District" (D) "Adoption, Administration, and Enforcement" states that the regulations on property within the above titled Districts are administered and enforced by the Crow Wing County Planning Department. The Crow Wing County Planning Department is no longer responsible for administering and/or enforcing the regulations, so the ordinance must be amended to reflect the current enforcement. Amendment to state that regulations of the above titled Districts will be administered and enforced by, "the City's Designated Wetland Conservation Act Administrator."

The City of Jenkins currently utilizes the expertise of qualified members of the Widseth team for all of our Shoreland/Floodplain reviews and compliance.

<u>Commission Action Requested:</u> Please review attached Ordinance Amendment O-24-33 and make a recommendation on approval or denial of the Ordinance Amendment. If recommending denial, staff requests further direction on how to proceed.

ORDINANCE NO. 0-24-33

AN ORDINANCE AMENDING JENKINS CITY CODE SECTIONS 150.035(B) AND 150.036 (D) ADOPTED ON APRIL 23, 2024, AND TITLED "SHORELAND OVERLAY DISTRICT (SO)" AND "FLOODPLAIN OVERLAY DISTRICT (FP)" RESPECTIVELY.

The City Council of Jenkins, Minnesota ordains:

Section 1. Ordinance No. O-24-33 adopted on December 9, 2024 and titled ""Shoreland Overlay District (SO)" And "Floodplain Overlay District (FP)" is amended to read:

Section 2.

150.035.(B) Adoption, administration, and enforcement. The shoreland regulations adopted by the county and found in the County Zoning Ordinance are hereby adopted by reference to be part of the city's Zoning Ordinance. The shoreland regulations on property located within the shoreland in the city are administered and enforced by the County Planning Department, located in Brainerd, Minnesota. the City's Designated Wetland Conservation Act Administrator. A permit for any land use must also be approved by the city and meet the City Zoning Ordinance requirements for the underlying zoning district.

Section 3.

150.036 (D) Adoption, administration, and enforcement. The floodplain regulations adopted by the county and found in the County Zoning Ordinance are hereby adopted by reference to be part of the city zoning ordinance. The floodplain regulations on property located in the floodplain within the city, are administered and enforced by County Planning Department, located in Brainerd, Minnesota the City's Designated Wetland Conservation Act Administrator. A permit for any land use must also be approved by the city and meet the City Zoning Ordinance requirements for the underlying zoning district.

Section 4. This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of Jenkins, Minnesota this 9th day of December, 2024.

Andrew J. Rudlang, Mayor
Attested:
Krista A. Okerman, City Clerk-Treasurer





REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty

Date: December 2nd, 2024

Subject: Ordinance Adopting Solar Energy Systems and Regulating

Solar Energy System Standards

Report: With the recent interest in Solar Energy Systems by residents, and the approved Conditional Use Permit for AmericInn, Om-Air in August, staff asked that the Planning Commission make a recommendation to Council regarding definitions, standards, and an update to the Land Use Matrix on Solar Energy Systems, for both roof-mounted, as well as ground-mounted systems at the September Planning Commission Meeting. Information was provided by Jesse Grant, Jim's Electric, and his colleagues at Cedar Creek Electric regarding standards and requirements. The Commission has worked to incorporate these regulatory requirements and standards into the attached Solar Energy Systems Ordinance.

Attached is the modified draft Ordinance No. O-24-34 adopting and regulating Solar Energy Systems

<u>Requested Action:</u> Please review the attached draft Ordinance Amendment No. O-24-34 and discuss if further changes are required to the ordinance in order to move forward with a recommendation to City Council regarding Solar Energy Systems, roof-mounted, and ground-mounted. If the Commission would like to table the item, please give staff further direction.

ORDINANCE NO. 0-24-34

CITY OF JENKINS CROW WING COUNTY, MINNESOTA

AN ORDINANCE ADOPTING SOLAR ENERGY SYSTEMS AND REGULATING SOLAR ENERGY SYSTEM STANDARDS

<u>Purpose and Intent:</u> The purpose and intent of this ordinance is to adopt standards and regulate Ground Mounted Solar Energy Systems and Roof Mounted Solar Energy Systems, which will allow them in multiple zones wither performance standards.

The City Council of the City of Jenkins does ordain as follows:

Section 1. Section § 150.113 Titled "SOLAR ENERGY SYSTEMS (SES)" shall read as follows:

150.113 SOLAR ENERGY SYSTEMS (SES)

- (A) Purpose and intent. The city finds that other communities are addressing the use and development of renewable energy systems, believing them to enhance energy conservation efforts with limited adverse impact on nearby properties. The city finds that it may be in the public interest to encourage the use and development of such renewable energy systems; to support the use of solar energy collection systems and the development of solar energy farms; and that the development of solar energy farms could be balanced with the protection of the public health, safety and welfare. Accordingly, the city resolves that the following standards shall be adopted to address applications for solar energy systems and solar energy farms to be constructed within the city.
- (1) Roof mounted solar energy systems shall be allowed as a permitted accessory use in all zoning districts in accordance with the standards in this section and all ground-mounted solar energy systems shall be considered by Conditional Use Permit.
- (2) The following systems shall be exempt from the requirements of this section and shall be regulated as any other building element:
- (a) Building integrated solar energy systems that are an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural element or structural component including, but not limited to, photovoltaic or hot water solar energy systems contained within roofing materials, windows, skylights, and awnings; and
- (b) Passive solar energy systems that capture solar light or heat without transforming it into another form of energy or transferring the heat via a heat exchanger.
 - (B) System standards.
 - (1) Electrical.
 - (a) All utilities shall be installed underground for ground-mounted systems.
 - (b) An exterior utility disconnect switch shall be installed at the electric meter serving the property.
- (c) Solar energy systems shall be grounded to protect against natural lightning strikes in conformance with the national electrical code.
- (d) No solar energy system shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the solar energy system with the utility company shall adhere to the national electrical code.
- (2) Maximum area. Ground-mounted solar energy systems shall be limited to the total impervious surface restrictions for the lot, per Zoning District requirements.
- (3) Color. All roof mounted solar energy systems shall use colors that are the same or similar with the color of the roof material of the building on which the system is mounted.

- (C) Location and Setbacks-Solar energy system must meet the accessory structure setback for the Zoning District in which the system is located.
 - (1) Roof mounting.
- (a) The solar energy system shall comply with the maximum height requirements of the applicable zoning district.
- (b) In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. A Conditional Use Permit is required for any solar array that exceeds the square footage of the roof, in any Zoning District..
 - (2) Ground mounting.
 - (a) The solar energy system shall only be located in the rear yard as defined by this chapter.
- (b) All components of the solar energy system shall meet the setback requirements of the Zoning District.
 - (c) Solar energy systems shall not encroach upon drainage and utility easements.
 - (d) Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
- (D) Screening. Solar energy systems shall be screened in accordance with the requirements of this chapter to the extent possible without affecting their function.
 - (E) Certification.
 - (1) Roof-Mounted:
- (a) Prior to permit issuance, the property owner shall provide documentation from a licensed contractor, building inspector, licensed electrician, or electrical engineer that, at a minimum, the following:
- (i) Certification that the electrical wiring and solar energy system meets all applicable National, State, and County electrical and building codes;
- (ii) Certification that the building roof condition is adequate for, and structural integrity will not be compromised by, the solar energy system being installed.
 - (2) Ground-Mounted:
- (a) Prior to permit issuance, the property owner shall provide documentation from a licensed contractor, building inspector, licensed electrician, or electrical engineer that, at a minimum, the following:
- (i) Certification that the electrical wiring and solar energy system meets all applicable National, State, and County-adopted electrical and building codes;
- (F) Abandonment. Any solar energy system which is inoperable for 12 successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit.
 - (G) Permit. A Land Use Permit shall be obtained for any solar energy system prior to installation.
- (a) Permit Issuance shall be authorized by the Planning & Zoning Administrator or their designee, or at their discretion, may require approval by the Planning Commission.
- (H) Height- Solar energy systems must meet the following height requirements:
- (a) Roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.
- (b) Ground-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
- (I) Visibility- Solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys.

Section 2. Repeal: This ordinance shall repeal all ordinances inconsistent herewith.

Section 3. Penalty. See Section §150.999 Penalty.

Section 4. Effective Date: This ordinance amendment shall be in full force and effect from and after passage and publication according to state law.

Passed by the City Council of Jenkins, Minnesota this 9th day of December, 2024.

Andrew Rudlang, Mayor

ATTEST:

Krista Okerman, City Clerk/Treasurer





REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty

Date: December 2nd, 2024

Subject: Keeping of Animals

Report: The Planning Commission discussed Animal Units and Animal Husbandry in previous meetings, along with current definitions. The consensus of the Commission was that staff work to determine 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 prior to the previous meeting. At the October 8th Planning Commission meeting, the Commission requested that staff make modifications to the Amendment to reflect discussed changes. The proposed amendment was then provided to the Commission at the November 4th Meeting. Consensus of the Commission was to move forward with a Public Hearing.

<u>Requested Action:</u> 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.

ORDINANCE NO. O-24-35

CITY OF JENKINS CROW WING COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 150, LAND USE AND SUBDIVISIONS, SECTIONS 150.106 AND 150.241 RESPECTIVELY TITLED "ANIMAL HUSBANDRY" AND "URBAN CHICKENS"

The City Council of the City of Jenkins does ordain as follows:

<u>Purpose and Intent:</u> The purpose and intent of this ordinance is to amend the Jenkins Zoning Ordinance, Chapter 150. Land Use and Subdivisions related to animal husbandry and urban chickens.

Section 1. Section §150.106 ANIMAL HUSBANDRY is amended to read:

Section 150.106 ANIMAL HUSBANDRY KEEPING OF ANIMALS *Pets.*

- (A) Pets shall be properly cared for, shall not be allowed to create problems for neighbors or the city, or become a nuisance, and shall have sanitary standards maintained consistent with § 150.105(B).
 - (1) Property owners shall be responsible for management and proper disposal of animal waste per Minn. Rules 7020.2225. Property owner shall adhere to Minnesota Statute 343.21 on the treatment of animals. Property owner shall adhere to Minnesota Statute 344 relating to partition fences. Property owner must comply with all regulations imposed by the Minnesota Pollution Control Agency (MPCA) relating to the keeping of livestock or domestic farm animals, and such regulations shall be considered the minimum safeguard necessary to prevent pollution of natural sensitive areas or the creation of a health hazard.
 - (B) Wild animals.
- (1) The keeping of wild animals as pets, including, but not limited to, primates and large carnivores, is not allowed.
- (2) Wildlife rehabilitation uses shall require a conditional use permit and must meet the minimum standards established by the State Department of Natural Resources Rules Chapter 6244.
 - (C) Penalty see § 150.999

Section 2. Section §150.241 URBAN CHICKENS Section Title is amended to read:

Section 150.241 URBAN CHICKENS KEEPING OF CHICKENS

Section 3. Repeal. This ordinance shall supersede and repeal all ordinances or policies inconsistent herewith.

Section 4. Effective Date. This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City Council of Jenkins, Minnesota this 9 th day of December, 2024.
Andrew Rudlang, Mayor
ATTEST:
Krista A. Okerman, City Clerk-Treasurer





REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty Date: December 2nd, 2024

Subject: 150.005 "Definitions" and 150.038 "Land Use Matrix"

Report: The Planning Commission discussed Animal Units, Animal Husbandry, Solar Energy, Fences, in previous meetings, along with definitions and where these are to be allowed At the October 8th Planning Commission meeting, the Commission requested that staff make modifications to the current definitions and land use matrix to reflect discussed changes. The proposed amendments were then provided to the Commission at the November 4th Meeting. Consensus of the Commission was to move forward with a Public Hearing.

Please see attached Ordinance Amendments regarding Section 150.005, "Definitions" and Section 150.038 "Land Use Matrix."

<u>Requested Action:</u> 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.

ORDINANCE NO. 0-24-36

CITY OF JENKINS CROW WING COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 150, LAND USE AND SUBDIVISIONS, SECTIONS 150.005 AND 150.038 RESPECTIVELY TITLED "DEFINITIONS" AND "LAND USE MATRIX".

The City Council of the City of Jenkins does ordain as follows:

<u>Purpose and Intent:</u> The purpose and intent of this ordinance is to amend the Jenkins Zoning Ordinance, Chapter 150. Land Use and Subdivisions related to definitions and the land use matrix.

Section 1. Section 150.005, titled "DEFINITIONS" is amended to read:

ANIMAL UNIT. A unit of measure based on the approximate production of wastes from 1,000 pounds of live weight of poultry or animals.

One-chicken	0.1	Animal	Unit
One-duck	0.05	Livestock- One cow, hog,	
One goose	0.1	horse, steer, donkey, llama or similar animal	1.0
One mature dairy cow or horse	1.4	Livestock, small - One goat,	
One-sheep	0.1	sheep, lamb, alpaca, or similar animal	0.3
One-slaughter-weight-steer-or heifer	1	One rabbit, domestic bird/poultry or similar animal	0.05
One swine over 55 pounds	0.4		
One turkey	0.18	*Chickens – please see Article for all Districts	150.241

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.

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.

FENCE. Any structure erected for the purpose of enclosing, dividing, or screening the boundary between parcels of land.

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!

SOLAR ENERGY SYSTEM, A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. SOLAR ENERGY SYSTEM, GROUND MOUNTED. A solar energy system that is installed onto the ground directly or by means of brackets or poles.

SOLAR ENERGY SYSTEM, ROOF MOUNTED. A solar energy system mounted to the roof of a dwelling or other building.

Section 2. Section 150.038, titled "LAND USE MATRIX" is amended to read:

A = Allowed w/o a permit, P = Permitted Use, AC = Accessory Use, C = Conditional Use I = Interim Use, E = Excluded Use

	AG	RR	R1	R2	RS	P	C1	C2	I1
Animal Husbandry	A	A	₽	₽	E	Æ	E	₽	E
Livestock	A	*E	E	E	E	E	E	E	E
Livestock, Small	A	A	*E	E	E	E	E	E	E
Keeping of Chickens	A	A	I P	I P	E	E	Ι Ε	Ι Ε	E
Solar Energy System	P	P	P	₽	E	Ŧ	C	C	₽
Solar Energy System, Roof Mounted	P	P	P	P	P	P	P	P	P
Solar Energy System, Ground-Mounted	P	P	P	E	E	P	C	C	C

^{*}Livestock allowed (A) on RR parcels greater than 10 acres.

Section 3. Repeal. This ordinance shall supersede and repeal all ordinances or policies inconsistent herewith.

Section 4. Effective Date. This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City Council of Jenkins, Minnesota this 9th day of December, 2024.

Andrew Rudlang, Mayor	
ATTEST:	

^{*}Livestock, Small allowed (A) on R-1 parcels greater than 1 acre.

ORDINANCE NO. 0-24-37

CITY OF JENKINS CROW WING COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 150, LAND USE AND SUBDIVISIONS, SECTIONS 150.026 – 150.029 TITLED "ZONING DISTRICTS AND DISTRICT PROVISIONS".

The City Council of the City of Jenkins does ordain as follows:

<u>Purpose and Intent:</u> The purpose and intent of this ordinance is to amend the Jenkins Zoning Ordinance, Chapter 150. Land Use and Subdivisions related to zoning districts and district provisions.

Section 1. Section 150.026 AGRICULTURAL (AG) is amended to read:

- (A) *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.
- (B) Lot, use, and density requirements.

	One-Family	Other Uses
Building height maximum	30 feet	30 feet*
Front yard minimum	50 feet	50 feet
Lot area minimum	2 acres 10 acres	5 acres 10 acres
Lot width minimum feet	150 feet	500 feet
Maximum lot coverage	10%	5%
Rear yard minimum	30 feet	30 feet
Side yard minimum	30 feet	30 feet

Note to table: * Silos, barns, and other agricultural buildings shall be exempt from the height requirements as long as they do not conflict with other area requirements.

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

Section 2. Section §150.027 RURAL DISTRICT (RR) is amended to read

(A) 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.

(B) Lot, use, and density requirements.

,	Single Family Dwelling	Duplex	Triplex	Four Plex
Front/side yard minimum setback to right-of-way	30 feet	30 feet	30 feet	30 feet
Lot area minimum square foot	2 acres	3 acres	4 acres	5 acres
Lot width minimum foot	150 feet	225 feet	300 feet	375 feet
Maximum building height*	35 feet	35 feet	35 feet	35 feet
Maximum lot coverage	20%	20%	20%	20%
Minimum width of structures**	20 feet	20 feet	20 feet	20 feet
Rear yard minimum setback	30 feet	30 feet	30 feet	30 feet
Side yard minimum setback	20 feet	20 feet	20 feet	20 feet

Notes to table:

(C)Performance Standards. The following performance standards apply to all development in this zone:

Animals. Livestock <u>only</u> allowed in Rural Residential (RR) district on parcels of 10 acres or more. On RR parcels greater than 10 acres, there are no animal unit restrictions. On RR zoned parcels less than 10 acres but more than 1, small livestock is allowed as shown:

1 acre: 1.0 Animal Unit 2 acres: 2.0 Animal Unit 2.5 acres: 2.5 Animal Units 3 acres: 3 Animal Units

Minimum of 1 acre 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. Partial acres on parcels greater than three (3) acres do not increase the available Animal Unit Equivalents.

Section 3. Section §150.028 SINGLE FAMILY RESIDENTIAL (R-1) is amended to read:

(A) *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

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

^{**} Manufactured homes located in a manufactured home park are excluded.

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.

(B) Lot, use, and density requirements:

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

Note to table:

- (C) *Performance standards*. The following performance standards apply to all development in this zone.
- (1) Animals. Livestock not allowed in Single Family Residential (R-1) district. On R-1 zoned parcels more than 1acre, small livestock is allowed as shown:

1 acre: 1.0 Animal Unit 2 acres: 2.0 Animal Unit 2.5 acres: 2.5 Animal Units 3 acres: 3 Animal Units

Minimum of 1 acre 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. Partial acres on parcels greater than three (3) acres do not increase the available Animal Unit Equivalents.

- a. Small Livestock allowed in Single Family Residential (R-1) <u>only</u> on parcels of one (1) acre or more. Please refer to 150.005 'Animal Unit.' For all other animals.
- (2) (1) Fences. Fences not exceeding 96 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than ten 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.
- (3)-(2) 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.
- (4) (3) Weeds and grass.

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

- (a) 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, 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 seven days in which to comply.
- (b) 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 § 150.999. 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, in accordance with § 10.20, 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.
- (c) 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.

 (Ord. passed 4-10-2017; Ord. O-23-28, passed 8-14-2023) Penalty, see § 150.999

Section 4. Section § 150.029 URBAN RESIDENTIAL (R-2) is amended to read:

- (A) 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.
 - (B) Lot, use, and density requirements.

Buildable lot area - square feet, minimum	10,000
Lot width - feet, minimum	100
Maximum animal unit per acre	0.5
Maximum building height - feet	35
Maximum impervious coverage	30%
Setback, corner side, right-of-way - feet, minimum	15
Setback, front, right-of-way - feet, minimum	25
Setback, rear yard/alley - feet, minimum	20
Setback, side - feet, minimum	10
Setback, sign - feet, minimum	1
Setback, wetland - feet, minimum	15

- (C) *Performance standards*. The following performance standards apply to all development in this zone.
- (1) Animals. Livestock and Small Livestock not allowed in Urban Residential (R-2) district. Please refer to 150.005 'Animal Unit' for all other animals.

- (2) (1) Fences. Fences not exceeding 96 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than ten 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.
- (3) (2) 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.
- (4) (3) *Impervious coverage*. Impervious coverage may be increased by 25% through a conditional use permit if the following is provided:
- (a) A stormwater retention plan showing containment of the 50-year, 24-hour storm event on the parcel; and
- (b) 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.

(Ord. passed 4-10-2017; Ord. O-23-29, passed 8-14-2023) Penalty, see § 150.999
Agricultural District (A) and Rural Residential (RR) shall have a maximum animal unit density of one (1) animal unit per the first one (1) acre of land and one (1) additional unit per each additional one (1) acre of land thereafter. Single Family Residential (R-1), Urban Residential (R-2) and Highway Business District (C2) shall have a maximum density of one (1) animal unit per the first one half acre (.5) of land and one-half (.5) additional unit per each additional one-half (.5) acre of land thereafter, and shall only consist of small animal units.

Section 5. Repeal. This ordinance shall supersede and repeal all ordinances or policies inconsistent herewith.

Section64. Effective Date. This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City Council of Jenkins, Minnesota this 9th day of December, 2024.

Andrew Rudlang, Mayor
*
ATTEST:
•
Krista A. Okerman, City Clerk-Treasurer



REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty Date: December 2nd, 2024

Subject: Proposed Ordinance Amendment-Nuisance Standards-Native Landscaping

Report: Cities must now allow managed natural landscaping to be installed and maintained on all parcels.

Effective July 1, 2023, municipalities are required to allow property owners and occupants to install and maintain managed natural landscapes.

Chapter 62 (<u>HF 1830</u>*/SF 1426) is the omnibus state government finance bill that was signed into law on May 24, 2023. Article 3, section 9 creates a new provision of law as Minnesota Statutes, section 412.925:

- -Subpoint (a) requires all statutory cities or home rule charter cities to allow an owner, authorized agent, or authorized occupant of any privately owned lands or premises to install and maintain a managed natural landscape and defines a number of associated.
- -Subpoint (b) states that managed natural landscapes may exceed 8 inches in height and be allowed to go to seed, but must be maintained and cannot include noxious weeds.
- -Subpoint (c) states that weeds and grasses that are not part of a managed natural landscape cannot exceed 8 inches in height or be allowed to go to seed.

City ordinances that are not consistent with this change would not be enforceable and may need to be amended or repealed.

Managed natural landscape defined:

"Managed natural landscape" is defined as a planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. Managed natural landscapes does not include turf-grass lawns left unattended for the purpose of returning to a natural state.

The bill permits landowners to maintain managed natural landscapes in excess of 8 inches in height. However, weeds or grasses that are growing on land in a city, are taller than 8 inches, have gone to seed, and are not a part of a managed natural landscape are prohibited. The law went into effect July 1, 2023, and supersedes any local regulations requiring residents to maintain a managed turf-grass lawn.

Action requested: The proposed Ordinance Amendment is being provided to the Commission. The Commission can approve taking steps to move forward with the Ordinance Amendment, deny or table the agenda item. If the motion is to table the agenda item, then staff would like further direction.

ORDINANCE NO. 0-24-38

AN ORDINANCE AMENDING JENKINS CITY CODE SECTION 91.38 REGARDING EXEMPTING NATIVE LANDSCAPING

The City Council of Jenkins, Minnesota ordains:
Section 1. Ordinance No. O-24 adopted on December 9 th , 2024 and titled "Weed Ordinance", Section 91.38 "Owners Responsible for Trimming, Removal, and the Like" is hereby amended to read:
Section 2. § 91.38 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL, AND THE LIKE.
 (A) All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses, and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice, is in excess of 12 inches in height. (B) These provisions shall not apply to an area established with meadow vegetation if: (1) The prior vegetation is eliminated and the meadow vegetation is planted through transplanting or seed by human or mechanical means; and (2) A sign is posted on the property in a location likely to be seen by the public, advising that a meadow or prairie is being established. This sign must be no smaller than ten inches square, no larger than one square foot, and no higher than three feet tall. (C) Exemptions. Native Landscaping is authorized as per M.S. § 412.295, as it may be amended from time to time. Penalty, see § 91.99
Section 3. This ordinance becomes effective from and after its passage and publication.
Passed by the City Council of Jenkins, Minnesota this 9 th day of December, 2024.
Andrew J. Rudlang, Mayor
Attested:

Krista A. Okerman, City Clerk-Treasurer



PLANNING AND ZONING ADMINISTRATOR'S REPORT DECEMBER 2024

- 1. **Permits**: The following permits have been issued since the last meeting:
 - a. **Payton Properties, LLC,** TBD Gopher Trail, construction of a pole shed in RS District, Jenkins Storage Park.
- **2. Correspondence:** The following correspondence was sent out by staff since the last meeting:
 - a. **Matt Costello**, 33484 Highway 371, Wetland Violation final reimbursement request for costs incurred by the City on property owner's behalf.
- 3. **Code Enforcement:** Staff has sent the following correspondence for potential violations:

NONE



REPORT TO CITY COUNCIL

Prepared by: Krista Okerman

Date:

November 26, 2024

Subject:

Misc.

Report: Currently the City does not allow storage sheds/pole sheds in any residential district without a primary residence. Due to prior inquiries and permits released with no means to assure these types of buildings being constructed would not be just for storage, the City effected a clause on our permit applications stating "All dwellings including shouses and barndominiums must have a septic and well. Shouses and Barndominiums require final interior inspection by the Planning and Zoning Administrator or his/her delegate." However, as you can see by the attached real estate marketing, there is a property being touted as "ideal for storage" and it does not have any living quarters in it nor do we have any regulation on how much space has to be or what type of living quarters are required. As an example...does a bathroom and sleeping quarters constitute living quarters? Should there be a ratio of living quarters to storage space? This has been an ongoing issue, but determination has been made and no action has been taken.

Secondly, we are once again getting many inquiries on storage shed parks/developments. The City amended the ordinance regarding storage units in 2020. The amendment provided for allowing commercial storage and self-storage with a Conditional Use Permit and/or as an accessory use in certain districts. However, there are no regulations on the size of an office or business when it is an accessory use, example 20% has to be office, etc.

Staff would like clear direction on how you would like us to proceed and deal with these types of issues and are requesting a recommendation to the Council either way. Another option would be to place a moratorium on these items and study the issues more carefully to ensure the ordinances we have (or lack thereof) are what the City intends and wants.













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3446 earle jenkins drive

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Nisswa, Pequot Lakes, Merrifield, Baxter buy, sell, trade

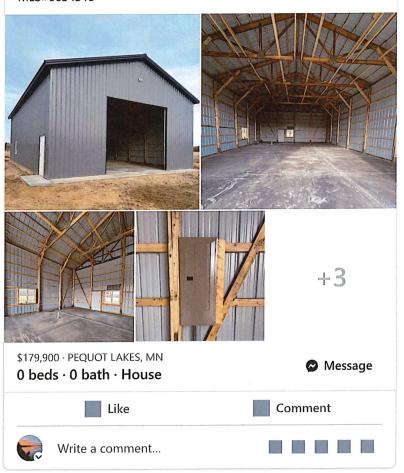
Bri Williams · November 22 at 10:23 PM · @

3446 Earle Jenkins Drive \$179,900

Located off of county road 15, Jenkins MN. Address does not populate on Google maps. Septic tank, and drain field

This spacious 36x56 pole shed features 16' side walls and a large 16x14 overhead garage door complete with a garage door opener. The property is equipped with a 200 amp electric panel, septic system, and is situated on 2 acres. Immediate possession is available. Ideal for storage but would also be great for a "shouse." Close to the Whitefish Chain, and easy access to 371. If you've been looking for storage this is the property for you.

Listed by Bri Williams RE/MAX Advantage Plus Breezy Point, MN 507-491-0996 MLS#6634315

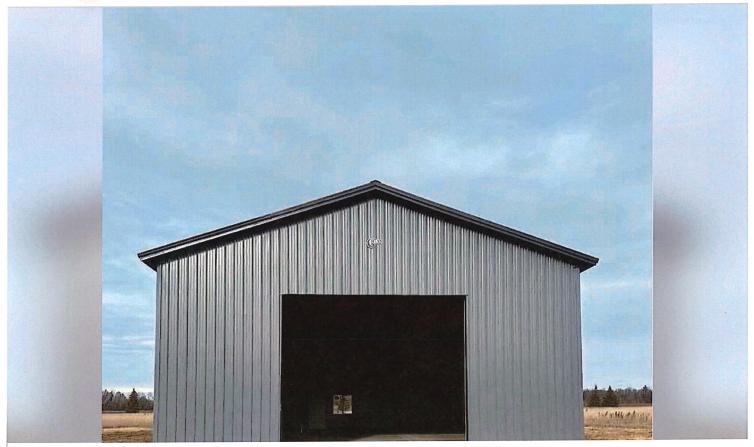












\$179,900

Listed 2 days ago in Pequot Lakes, MN

Send seller a message

Good morning, is this still available?

Send

Save

Share

Details

3446 Earle Jenkins Drive \$179,900









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CITY OF JENKINS LAND USE APPLICATION

(for internal use only) 24-830

FILL OUT THOROUGHLY AND COMPLETELY. ANY MISSING INFORMATION WILL DEEM THE APPLICATION INCOMPLETE AND CAUSE DELAYS IN PROCESSING.

Property Owner Mc2 Invest, PID #26220529	LLC	Site Ad	duage	XX Farlo	lankins	Drive	244	tle		-	
	177 Hamal MNI 5	-	aress	AA Lane	Jenkins	DIIVE	54	14			
Mailing Address: P.O. Box 7 Day Phone 6126189272	177 Hamei Min 5	5340 E	vening	Phone6	1261892	272					
General Contractor Owner							<u> </u>				
Sewer Contractor D&N Land	works										
Well Contractor N/A	License #										
Proposed Start Date 07/08/20	2024 Completion Date 08/15/2024										
Please check all that apply original permit is changed a											
Type of Project:	Proposed Us	se:	Struc	cture Ty	pe:	Type	of Con	structi	on:		
New Construction Addition Relocation Grading or Filling Demolition 200 sq ft or more Other (Specify)	Single Family Multiple Agricult Public Commer Shouse Barndom Other (Sp	Family Garage cural Office Retail cial Storage Deck Sign		Wood Frame Masonry Metal On-site Prefab Off-site Prefab ✓ Pole Bldg Mobile Home Other (Specify)							
Lot Data:	Proposed	Jenkir	ıs Zoni	ing Req	uireme	nts: (Th	ese must	be inclu	ıded on	site pl	an)
		AG	RR	R-1	R-2	RS	C-1	C-2	I-1	SO	
Square Footage or Acres Lot Width at Bldg Line Wetland Setback Front/ROW Setback Side/Side ROW Setback Rear Setback	2 Ac 196.56' N/A 50' 89' 338'			20Ksf 100' 15' 30' 10' 20'							** ** ** **
(For Internal Use Only) Approved By: (10)		*	Denote	es floor j es additie tes admi	onal req	uireme	nts may	11.	trator		

Structure Dimensions:	Zoning Requirements:	Square Foota Attached Garag							
Width 36'	20' Wide minimum in all districts	Basement							
Length 56'	N/A	1st Floor	2016'						
Height 16'	35' Residential and 45' Ag and Comm.	2 nd Floor Sub Total	2016'						
		Suo Total							
	Coverage Requirement:								
•	e worksheet & enter here Driveways 1800 Total	1							
Existing Bldgs		erage % 4.36							
Other 2016									
Is subject property lower within a floody Has property been surv	plain? No	ay apply ate of Survey on	file at city hall						
	is application you assume all responsi								
		r agencies involv							
Any wetland issues?	Yes – Other agencies involvement	-1	oment with						
, L	rmed in last three (3) years?	= -	ificate on file at City Hall						
	actures measuring 200 sq feet area or mo	J]No						
	(electric, gas, etc.) been properly disconn		No						
Once the application i	is deemed complete, an on-site inspect	ion may occur w	ithin one week:						
	f proposed project and setbacks on form ways, decks, sheds, etc.	provided, includi	ing all existing						
	Applicants must physically stake the outermost proposed structure dimensions and property lot lines. As property owner you assume all responsibility for accuracy of lot lines.								
Application fille	ed out entirely.								
Permit fee receiv	ved: \$ 698, 20 Check or Receip	t# <u>6703</u> Receipt 33226	Date 10/16/24						
I hereby certify with my the best of my knowledg lines. I further attest th	y signature that all data provided to the ge and as the property owner, I assume nat I have read ALL applicable ordinan ull responsibility of adhering to ALL reg	City of Jenkins is all responsibility ces in their entire	s true and correct to for accuracy of lot ety, pertinent to my						
and Mo	Sil	06/20/2024							
Property Owner Signati	ure	Date							

Construction must commence within one (1) year from approval date. All exterior work shall be completed within 24 months of issuance.

All dwellings, including shouses and barndominiums must have a septic and well.

Shouses and Barndominiums require final interior inspection by the Planning and Zoning

Administrator or their delegate.

Land Use Application 2/2024

