



**Regular Planning Commission Meeting
& Public Hearing Agenda
Tuesday, September 8th, 2026 @ 6:00 PM**

Commission Chair: Simon Stricker

Commission:
Joby Goerges
Roman Siltman
Corey Derksen
Debbie Siltman

City Clerk/Zoning Administrator:
Cassandra Delougherty
**City Community Development
Administrator:** Katie Kostohryz
City Attorney: Joe Langel

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

Join Zoom Meeting
<https://zoom.us/join>
Meeting ID: 353 029 2895
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 AUGUST 3RD, 2026 PLANNING COMMISSION MEETING
& PUBLIC HEARING (ORD AMNDMT O-26-52)
4. PUBLIC HEARING:
 - a. PROPOSED ORDINANCE AMENDMENT O-26-53 *CITY-INITIATED REZONES*
 - i. OPEN HEARING FOR PUBLIC COMMENT
 - ii. CLOSE PUBLIC HEARING
 - iii. PLANNING COMMISSION DELIBERATION
 - iv. PLANNING COMMISSION ACTION
5. UNFINISHED BUSINESS
 - a. REVIEW OF AGRICULTURAL USES AND AGRICULTURAL STRUCTURES
 - i. REVIEW OF DEFINITIONS PROVIDED BY COMMISSIONER SILTMAN
 - b. REVIEW OF ACCESSORY USES AND ACCESSORY STRUCTURES
6. NEW BUSINESS
 - a. REVIEW OF INCONSISTENCY BETWEEN RESIDENTIAL DWELLING
§150.005 DEFINITIONS AND §150.038 LAND USE MATRIX
7. MISCELLANEOUS/COMMUNICATION
 - a. ZONING ADMINISTRATOR'S REPORT
8. ADJOURNMENT

AUGUST 3RD, 2026
JENKINS PLANNING COMMISSION MEETING AND PUBLIC HEARINGS
MEETING MINUTES

CALL TO ORDER

THE MEETING WAS CALLED TO ORDER AND THE PLEDGE OF ALLEGIANCE WAS RECITED.

ROLL CALL

PRESENT: COMMISSION CHAIRMAN STRICKER; COMMISSIONERS GOERGES, SILTMAN, DERKSEN, AND DEBBIE SILTMAN; CITY CLERK/ZONING ADMINISTRATOR CASSANDRA DELOUGHERTY.

NEW PLANNING COMMISSION MEETING ATTENDANCE RECORD

DELOUGHERTY INTRODUCED A NEW MEETING ATTENDANCE RECORD FORM FOR ALL COMMISSIONERS TO SIGN, NOTING THAT A RECENT AGREED-UPON PROCEDURES ENGAGEMENT (A MINIATURE AUDIT) HAD IDENTIFIED THAT CERTAIN DISBURSEMENTS—SPECIFICALLY ANNUAL PLANNING COMMISSIONER COMPENSATION AND THE AT&T MOBILITY PAYMENT FOR A CELL PHONE—LACKED SUPPORTING DOCUMENTATION AT THE TIME OF PAYMENT. THE UPDATED ATTENDANCE RECORD INCLUDES A NOTATION THAT COMPENSATION AMOUNTS ARE AUTHORIZED BY CITY COUNCIL ORDINANCE. COMMISSIONERS WERE ASKED TO SIGN AND DATE THE FORM.

APPROVAL

THE COMMISSION REVIEWED THE MINUTES FROM THE JULY 6TH, 2026 PLANNING COMMISSION MEETING & PUBLIC HEARINGS (ORD AMNDMT O-26-51)

DELOUGHERTY PRESENTED A CORRECTED FIRST PAGE OF THE JULY 6, 2026 MEETING MINUTES FOR COMMISSION REVIEW. THE FOLLOWING CORRECTIONS WERE NOTED: THE MINUTES HAD INCORRECTLY IDENTIFIED WHO CALLED THE MEETING TO ORDER, WHICH HAS BEEN CORRECTED TO REFLECT "COMMISSION CHAIRMAN"; TWO INDIVIDUALS—COMMUNITY DEVELOPMENT ADMINISTRATOR KATIE KOSTOHRYZ AND ONE COMMISSIONER—WERE INCORRECTLY LISTED AS PRESENT WHEN THEY WERE NOT; AND THE FINAL SENTENCE UNDER MISCELLANEOUS/COMMUNICATION, WHICH STATED THAT A REPLACEMENT COMMISSIONER MUST BE "A CITY RESIDENT OR A BUSINESS OWNER," WAS TO BE STRICKEN OF THE PHRASE "OR A BUSINESS OWNER," AS THAT LANGUAGE WAS NOT DISCUSSED AND THE COMMISSION DID NOT INTEND TO INCLUDE BUSINESS OWNERS AS ELIGIBLE CANDIDATES.

MOTION TO APPROVE THE CHANGES TO THE JULY 6TH, 2026 MEETING MINUTES WAS MADE BY GEORGES AND SECONDED BY SILTMAN. ALL VOTED AYE.

PUBLIC HEARING

PROPOSED ORDINANCE AMENDMENT O-26-52 "FISH HOUSE," "RECREATIONAL VEHICLE," AND "CAMPING"

I. OPEN HEARING FOR PUBLIC COMMENT AT 6:09 PM

THE PUBLIC HEARING WAS OPENED.

II. CLOSE PUBLIC HEARING AT 6:10 PM

NO PUBLIC COMMENT WAS RECEIVED. THE PUBLIC HEARING WAS CLOSED.

III. PLANNING COMMISSION DELIBERATION

DELOUGHERTY PRESENTED THE STAFF REPORT ON PROPOSED ORDINANCE AMENDMENT O-26-52, WHICH AMENDS CITY CODE §150.005 (DEFINITIONS) AND §150.112 (CAMPING). THE AMENDMENT ADDS A DEFINITION OF "FISH HOUSE" AS A STRUCTURE OF 200 SQUARE FEET OR LESS THAT IS MOVEABLE AND CURRENTLY LICENSED, CLARIFYING THAT OFF-ICE USE OF SUCH A STRUCTURE FOR HABITATION SHALL CAUSE IT TO BE CLASSIFIED AS A RECREATIONAL VEHICLE. THE AMENDMENT ALSO UPDATES THE DEFINITION OF "RECREATIONAL VEHICLE" TO EXPLICITLY INCLUDE HABITABLE FISH HOUSES AND ADDS CLARIFYING LANGUAGE TO THE CAMPING CHAPTER STATING THAT ALL CAMPING PROVISIONS APPLY TO FISH HOUSES LICENSED AS SUCH.

THE COMMISSION CONFIRMED THAT THE PROPOSED LANGUAGE WAS CONSISTENT WITH THE DIRECTION PROVIDED AT THE PRIOR MEETING, INCLUDING THE PREVIOUSLY APPROVED MODIFICATION INCREASING THE FISH HOUSE SIZE THRESHOLD FROM 160 TO 200 SQUARE FEET.

DISCUSSION TURNED TO THE 14-DAY CAMPING ALLOWANCE AND MAXIMUM NUMBER OF UNITS ALLOWED AT ANY ONE TIME FOR PROPERTIES WITHOUT A PRINCIPAL STRUCTURE (§150.112(C)(1) AND(C)(2)). COMMISSIONERS ACKNOWLEDGED THAT WHILE OCCASIONAL WEEKEND GATHERINGS WITH MULTIPLE ICE CASTLES OR CAMPING UNITS ON A PROPERTY ARE COMMON AND GENERALLY NOT PROBLEMATIC, THE CURRENT ORDINANCE TECHNICALLY PROHIBITS SUCH ACTIVITY WITHOUT A PERMIT. THE COMMISSION DISCUSSED A NEARBY PROPERTY THAT HAD RECENTLY SOLD AND BEGAN HOSTING MULTIPLE ICE CASTLES AND NUMEROUS VEHICLES, ILLUSTRATING THE TYPE OF SITUATION THE ORDINANCE IS INTENDED TO ADDRESS.

THE COMMISSION REACHED A CONSENSUS THAT THE EXISTING 14-DAY LIMIT IS A REASONABLE BASELINE PROVISION TO RETAIN, AS IT PROVIDES ENFORCEMENT AUTHORITY IF A SITUATION BECOMES A GENUINE NUISANCE. HOWEVER, MEMBERS SUPPORTED ADDING LANGUAGE TO BOTH §150.112(B)(1) AND §150.112(C)(1) ALLOWING THE CITY TO GRANT APPROVAL BEYOND THE CURRENT LIMITATIONS OF THE MAXIMUM NUMBER OF UNITS ALLOWED AT ANY ONE TIME WITHOUT ESTABLISHING A FORMAL FEE STRUCTURE. THE PROPOSED LANGUAGE AGREED UPON WAS "UNLESS OTHERWISE APPROVED BY THE CITY IN ADVANCE." DELOUGHERTY INDICATED SHE WOULD DRAFT A SIMPLE APPROVAL FORM FOR COMMISSION REVIEW AT THE NEXT MEETING.

IV. PLANNING COMMISSION ACTION

MOTION TO RECOMMEND APPROVAL OF PROPOSED ORDINANCE AMENDMENT O-26-52 TO THE CITY COUNCIL, WITH THE ADDITION OF THE PHRASE "UNLESS OTHERWISE APPROVED BY THE CITY IN ADVANCE" TO SECTIONS (B)(1) AND (C)(1) OF §150.112, WAS MADE BY COMMISSIONER SILTMAN AND SECONDED BY GEORGES ALL VOTED AYE.

UNFINISHED BUSINESS

REVIEW OF AGRICULTURAL USES AND AGRICULTURAL STRUCTURES

I. REVIEW OF NEIGHBORING CITIES

DELOUGHERTY HAD COMPILED DEFINITIONS OF AGRICULTURAL USE, AGRICULTURAL STRUCTURE, ACCESSORY STRUCTURE, AND PRINCIPAL STRUCTURE/USE FROM THE CITIES OF EMILY, BREEZY POINT, PEQUOT LAKES, NISSWA, LAKE SHORE, PINE RIVER, AND FIFTY LAKES, AS WELL AS CROW WING COUNTY. THESE WERE PROVIDED FOR THE COMMISSION'S REFERENCE IN EVALUATING HOW JENKINS'S ORDINANCE COMPARES TO NEIGHBORING MUNICIPALITIES.

II. MAYOR'S LETTER

THE COMMISSION REVIEWED A LETTER FROM MAYOR ANDREW RUDLANG, DATED JULY 6, 2026. THE MAYOR EXPRESSED SUPPORT FOR THE RECENT REMOVAL OF "WAREHOUSING, PRIVATE" FROM THE LAND USE MATRIX AND ENCOURAGED THE COMMISSION TO CONSIDER A NARROWLY TAILORED ORDINANCE AMENDMENT THAT WOULD ALLOW A SINGLE NON-COMMERCIAL STORAGE BUILDING ON LARGER PARCELS IN AGRICULTURAL OR RURAL RESIDENTIAL ZONING DISTRICTS, SUBJECT TO CLEAR STANDARDS AND SAFEGUARDS. THE MAYOR NOTED THAT THE CURRENT FRAMEWORK'S HEAVY RELIANCE ON THE PRINCIPAL STRUCTURE REQUIREMENT MAY BE UNNECESSARILY BURDENSOME FOR OWNERS OF LARGE RURAL PARCELS WHO HAVE MINIMAL LAND USE IMPACT, WHILE STILL BEING APPROPRIATE FOR SMALLER RESIDENTIAL LOTS IN DENSER AREAS OF THE CITY.

III. AG STRUCTURE PROCESS REPORT

DELOUGHERTY PRESENTED THE PROPOSED PROCESS FOR AGRICULTURAL PARCEL BUILDING (AGENDA ITEM 5A-III), A DRAFT PROCEDURAL DOCUMENT OUTLINING HOW AN AGRICULTURAL STRUCTURE APPLICATION SHOULD MOVE THROUGH THE CITY'S ESTABLISHED LAND USE REVIEW PROCESS. THE DOCUMENT WAS PREPARED IN RESPONSE TO A PENDING APPLICATION FROM A PROPERTY OWNER SEEKING TO CONSTRUCT A STORAGE BUILDING ON A 40-ACRE AGRICULTURALLY ZONED PARCEL. DELOUGHERTY NOTED THAT THE GENTLEMAN HAD SUBMITTED AN APPLICATION BUT HAD NOT YET PAID THE REQUIRED FEE DUE TO PENDING PERSONAL MATTERS, AND THEREFORE NO PERMIT HAD BEEN APPROVED. THE DOCUMENT WAS STILL IN DRAFT FORM PENDING REVIEW BY THE CITY ATTORNEY.

THE COMMISSION DISCUSSED THE CORE CHALLENGE: THE TERM "AGRICULTURAL STRUCTURE" IS PERMITTED IN THE AGRICULTURAL DISTRICT UNDER THE LAND USE MATRIX (§150.038) BUT IS

NOT DEFINED ANYWHERE IN THE CITY CODE, AND THE CITY ATTORNEY HAD ADVISED THAT THE ORDINANCE AS WRITTEN IS TOO VAGUE TO BE RELIABLY ENFORCED. A PROPERTY OWNER COULD THEORETICALLY CLAIM ANY STORAGE BUILDING QUALIFIES AS AN AGRICULTURAL STRUCTURE—FOR EXAMPLE, BY STATING THEY STORE A TRACTOR INSIDE OR INTEND TO PLANT TREES ON THE PROPERTY—AND THE CITY WOULD HAVE DIFFICULTY REFUTING THAT CLAIM.

ONE COMMISSIONER EXPRESSED THE VIEW THAT REQUIRING A WELL AND SEPTIC SYSTEM (SSTS DESIGN) AS A PREREQUISITE TIED TO THE PRINCIPAL STRUCTURE REQUIREMENT IS THE MOST DEFENSIBLE WAY TO PREVENT THE "AGRICULTURAL STRUCTURE" CLASSIFICATION FROM BEING USED AS A LOOPHOLE TO BUILD STORAGE WITHOUT RESIDENTIAL INFRASTRUCTURE. DELOUGHERTY NOTED THAT SEPTIC REQUIREMENTS FOR SEASONAL OR LOW-USE STRUCTURES CAN BE RELATIVELY MODEST AND INEXPENSIVE, AND THAT IT MAY BE POSSIBLE TO DEFINE PRINCIPAL STRUCTURE TO REQUIRE AT MINIMUM A WELL AND SSTS DESIGN APPROVAL.

THE COMMISSION ALSO DISCUSSED THE POSSIBILITY OF SIMPLY REMOVING "AGRICULTURAL STRUCTURE" AS A LAND USE CATEGORY ALTOGETHER. UNDER THAT APPROACH, ANY STRUCTURE BUILT ON AN AGRICULTURAL PARCEL WITHOUT A PRINCIPAL STRUCTURE WOULD DEFAULT TO BEING AN ACCESSORY STRUCTURE, WHICH ALREADY REQUIRES A PRINCIPAL STRUCTURE TO BE ESTABLISHED FIRST. THIS WOULD ELIMINATE THE DEFINITIONAL AMBIGUITY WITHOUT REQUIRING THE CITY TO CRAFT NEW, POTENTIALLY UNENFORCEABLE DEFINITIONS OF WHAT CONSTITUTES GENUINE AGRICULTURAL ACTIVITY.

IV. AG STRUCTURE FLOW CHART

THE CONCEPTUAL FLOW CHART FOR THE JENKINS AGRICULTURAL PARCEL BUILDING PERMIT PROCESS WAS REVIEWED. THE DOCUMENT MAPS THE DECISION PATHS FROM FORMAL APPLICATION SUBMISSION THROUGH STAFF REVIEW, POTENTIAL APPROVAL OR DENIAL, BOARD OF ADJUSTMENT APPEAL, AND JUDICIAL REVIEW.

V. MAP & LIST OF AG-ZONED PROPERTIES UNDER 10 ACRES

DELOUGHERTY PRESENTED MAPS AND A LIST OF THE 10 AGRICULTURALLY ZONED PARCELS WITHIN THE CITY LIMITS THAT ARE BELOW THE 10-ACRE MINIMUM LOT SIZE REQUIREMENT. STAFF NOTED THAT 6 OF THE 10 ORIGINATE FROM THE BEAN ESTATE PLAT, APPROVED IN JUNE 2024 AT A TIME WHEN THE MINIMUM LOT SIZE WAS ONLY 2 ACRES; THE MINIMUM WAS SUBSEQUENTLY INCREASED TO 10 ACRES IN DECEMBER 2024. TWO ADDITIONAL ODD-SHAPED PARCELS NEAR CO. RD. 145 WERE SPLIT FROM A PREVIOUSLY UNDIVIDED INTEREST WHEN THE PROPERTY WAS INHERITED. THESE 10 PARCELS ARE CONSIDERED LEGALLY NON-CONFORMING. STAFF RECOMMENDED INITIATING A REZONE OF THESE PROPERTIES TO EITHER RURAL RESIDENTIAL (RR) OR SINGLE FAMILY RESIDENTIAL (R-1).

THE COMMISSION DISCUSSED THE DISTINCTION BETWEEN THE TWO ZONING CLASSIFICATIONS. RURAL RESIDENTIAL ALLOWS A 2-ACRE MINIMUM LOT SIZE WITH 20% MAXIMUM LOT COVERAGE, WHILE SINGLE FAMILY RESIDENTIAL (R-1) REQUIRES A 20,000 SQUARE FOOT MINIMUM LOT SIZE

WITH 30% MAXIMUM IMPERVIOUS SURFACE. GIVEN THE NATURE AND LOCATION OF THE PARCELS—NEAR EXISTING RURAL RESIDENTIAL DEVELOPMENT ALONG CO. RD. 145 AND SIMILAR IN CHARACTER TO PROPERTIES ALREADY ZONED RR ON HALF MILE ROAD—THE COMMISSION EXPRESSED A PREFERENCE FOR REZONING TO RURAL RESIDENTIAL RATHER THAN R-1, WHICH WOULD KEEP THE TRANSITION INCREMENTAL RATHER THAN JUMPING TWO ZONING CLASSIFICATIONS.

REVIEW OF THE PARCEL LIST INDICATED THAT APPROXIMATELY HALF OF THE 10 PARCELS APPEARED TO LACK ANY EXISTING STRUCTURES, THOUGH DELOUGHERTY NOTED SHE HAD NOT YET CONFIRMED OWNERSHIP CONNECTIONS THAT MIGHT TIE VACANT PARCELS TO ADJACENT DEVELOPED PARCELS. STAFF COMMITTED TO RESEARCHING OWNERSHIP MORE THOROUGHLY BEFORE THE RECOMMENDATION GOES TO COUNCIL.

MOTION TO INITIATE A REZONE OF THE AGRICULTURALLY ZONED PARCELS UNDER 10 ACRES TO RURAL RESIDENTIAL (RR) AND FORWARD THE RECOMMENDATION TO THE CITY COUNCIL WAS MADE BY COMMISSIONER SILTMAN AND SECONDED BY GEORGES ALL VOTED AYE.

THE BROADER DISCUSSION ON AGRICULTURAL STRUCTURES AND THE QUESTION OF WHETHER TO REMOVE, RETAIN, OR REDEFINE "AGRICULTURAL STRUCTURE" IN THE LAND USE MATRIX WAS NOT RESOLVED AT THIS MEETING. THE COMMISSION EXPRESSED GENERAL SUPPORT FOR THE IDEA OF REMOVING THE AGRICULTURAL STRUCTURE CLASSIFICATION ENTIRELY AS THE CLEANEST SOLUTION, WHILE ACKNOWLEDGING THE MATTER WARRANTED FURTHER INPUT, INCLUDING GUIDANCE FROM THE CITY ATTORNEY. THE COMMISSION ALSO EXPRESSED INTEREST IN FORWARDING THE DISCUSSION TO THE CITY COUNCIL GIVEN THE BROADER POLICY IMPLICATIONS. NO FORMAL ACTION WAS TAKEN ON THIS SUB-ITEM AT THIS MEETING.

NEW BUSINESS

NOTICE OF POSSIBLE QUORUM

I. PEQUOT MANUFACTURING OPEN HOUSE & DAD FEST

DELOUGHERTY NOTED THAT A NOTICE OF POSSIBLE QUORUM HAD BEEN PUBLISHED IN ACCORDANCE WITH OPEN MEETING LAW REQUIREMENTS. TWO UPCOMING COMMUNITY EVENTS WERE IDENTIFIED AT WHICH A QUORUM OF ELECTED AND APPOINTED CITY OFFICIALS MAY BE PRESENT: THE PEQUOT MANUFACTURING OPEN HOUSE AT 33040 ASPENWOOD DRIVE ON THURSDAY, AUGUST 6, 2026, FROM 3:00–6:00 PM, AND A VFW-HOSTED DAD'S FEST/DAD'S DAY CELEBRATION THROUGHOUT THE CITY OF JENKINS ON SATURDAY, AUGUST 15, 2026. NO CITY BUSINESS WILL BE CONDUCTED AT EITHER EVENT.

THE COMMISSION ALSO BRIEFLY DISCUSSED A PENDING PARCEL SALE AND SUBDIVISION INVOLVING PEQUOT MANUFACTURING AND A NEIGHBORING PROPERTY OWNER (THE STRICKER FAMILY). THE PROPERTY OWNER INTENDS TO SELL A PORTION OF THEIR ACREAGE TO PEQUOT MANUFACTURING TO

FACILITATE THE COMPANY'S EXPANSION WHILE RETAINING A REMNANT HOMESTEAD PARCEL AND PRESERVING AN EXISTING TRAIL THAT RUNS THROUGH THE PROPERTY. DELOUGHERTY NOTED THAT THE PARTIES HAD APPROACHED THE MATTER DILIGENTLY, HAVING COMPLETED A SURVEY AND LEGAL DESCRIPTIONS IN ADVANCE, AND THAT THE CITY WOULD BE KEPT APPRISED AS THE MATTER PROGRESSES THROUGH THE COUNTY AND FORMAL LAND USE PROCESS.

MISCELLANEOUS/COMMUNICATION

ZONING ADMINISTRATOR'S REPORT

DELOUGHERTY PRESENTED THE ZONING ADMINISTRATOR'S REPORT. KEY ITEMS INCLUDED:

PERMITS ISSUED: A PERMIT FOR A RESIDENTIAL STORAGE BUILDING ON TBD GOPHER TRAIL WAS PENDING RECEIPT OF PAYMENT PRIOR TO APPROVAL.

PENDING APPLICATIONS: THE POTENTIAL RESIDENTIAL STORAGE REZONE AND COMMON INTEREST COMMUNITY APPLICATION IS CURRENTLY ON HOLD; THE PROSPECTIVE PURCHASER HAS ACQUIRED A LOT IN THE EXISTING RESIDENTIAL STORAGE DISTRICT ON WILBUR TRAIL AND IS EVALUATING WHETHER TO PROCEED WITH A REZONE OF A SEPARATE 5-ACRE SHORELAND PARCEL. AN ACCESSORY DWELLING ON CEMETERY ROAD IS PROGRESSING—THE SSTS DESIGN HAS BEEN APPROVED, AND THE OWNER AND CONTRACTOR NEED TO FILE THE FORMAL LAND USE APPLICATION. THE AGRICULTURAL STRUCTURE APPLICATION ON THE 40-ACRE PARCEL REMAINS PENDING RECEIPT OF APPLICATION FEE.

ZONING COMPLIANCE: A FORMAL CITIZEN CONCERN WAS FILED REGARDING THISTLES GOING TO SEED ON A RECENTLY SOLD PARCEL ALONG CO. RD. 145. DELOUGHERTY COORDINATED WITH SOURCEWELL, CROW WING COUNTY SOIL AND WATER CONSERVATION, AND THE COUNTY'S WEED INSPECTOR TO DETERMINE THE APPROPRIATE REGULATORY PATH. THE THISTLES WERE ULTIMATELY DETERMINED NOT TO BE OF A PROHIBITED SPECIES, BUT THE PROPERTY OWNER WAS CONTACTED AND RESPONDED COOPERATIVELY, INDICATING THAT THE FIELD WOULD BE ADDRESSED WITHIN A FEW DAYS AND MANAGED GOING FORWARD TO PREVENT SEEDING. THE MATTER WAS RESOLVED WITHOUT FORMAL ENFORCEMENT ACTION.

LAWFUL GAMBLING ORDINANCE: DELOUGHERTY INFORMED THE COMMISSION THAT WHEN THE CITY'S LAWFUL GAMBLING TAX WAS REPEALED, THE REPEAL INADVERTENTLY ELIMINATED THE ENTIRE GAMBLING ORDINANCE RATHER THAN JUST THE TAX PROVISIONS. AS A RESULT, THE CITY'S CODE TECHNICALLY DOES NOT CURRENTLY AUTHORIZE LAWFUL GAMBLING ACTIVITIES, WHICH WAS NOT THE INTENT. DELOUGHERTY INDICATED SHE WILL BRING THE MATTER TO THE CITY COUNCIL TO ADDRESS THE GAP AND RESTORE THE ORDINANCE FRAMEWORK THAT ALLOWS NONPROFITS TO CONDUCT LAWFUL GAMBLING, NOTING THAT THE CITY RECENTLY RECEIVED A \$2,000 DONATION FROM THE VFW TO THE JENKINS PARK DEVELOPMENT COMMITTEE—THE FIRST SUCH DONATION SINCE THE TAX REPEAL.

VETERANS STREET PROJECT: THE ANDERSON BROTHERS CONSTRUCTION START DATE FOR THE VETERANS STREET PROJECT HAS BEEN PUSHED TO AUGUST 17, 2026 TO AVOID DISRUPTING THE DAD'S FEST COMMUNITY EVENT PLANNED FOR AUGUST 15TH.

MOTION TO ACCEPT THE ZONING ADMINISTRATOR'S REPORT AS PRESENTED, INCLUDING UPDATES ON PERMIT ACTIVITY, PENDING LAND USE APPLICATIONS, ZONING COMPLIANCE MATTERS, AND THE VETERANS STREET PROJECT CONSTRUCTION SCHEDULE WAS MADE BY COMMISSIONER SILTMAN AND SECONDED BY DEBBIE SILTMAN. GEORGES AND STRICKER ABSTAINED. MOTION CARRIED.

ADJOURNMENT

THE MEETING WAS ADJOURNED AT 7:28 PM.

MOTION TO ADJOURN THE MEETING WAS MADE BY GEORGES AND SECONDED BY SILTMAN.



AGENDA ITEM #

4a

REPORT TO PLANNING COMMISSION

PREPARED BY: CASSANDRA DELOUGHERTY

DATE: SEPTEMBER 1ST, 2026

SUBJECT: ORDINANCE AMENDMENT O-26-53 CITY-INITIATED REZONES

REPORT: THE PURPOSE OF THE CITY-INITIATED REZONING IS TO ADDRESS INCONSISTENCIES BETWEEN EXISTING ZONING AND DISTRICT LOT SIZE REQUIREMENTS WHILE IMPLEMENTING THE CITY'S COMPREHENSIVE PLAN.

THE PROPOSED AMENDMENT WOULD CHANGE THE ZONING CLASSIFICATION OF THE PROPERTIES IDENTIFIED BELOW FROM THE AGRICULTURAL ZONING DISTRICT TO THE RURAL RESIDENTIAL ZONING DISTRICT. THE CITY IS INITIATING THE REZONING BECAUSE THESE PARCELS DO NOT MEET THE MINIMUM LOT SIZE REQUIREMENT FOR PROPERTY WITHIN THE AGRICULTURAL ZONING DISTRICT. THE PROPOSED RURAL RESIDENTIAL CLASSIFICATION IS INTENDED TO PROVIDE A ZONING DESIGNATION THAT IS MORE CONSISTENT WITH THE EXISTING PARCEL SIZES AND THE REQUIREMENTS OF THE CITY'S ZONING ORDINANCE

THE PROPOSED ZONING DISTRICT SUPPORTS THE CITY COUNCIL'S LONG-TERM LAND-USE VISION.

PROPERTY OWNER(S): MULTIPLE

APPLICANT(S): CITY OF JENKINS

PUBLICATION DATE: AUGUST 26TH, 2026

MAILED NOTICE: AUGUST 24TH, 2026

APPLICABLE ORDINANCES:

§ 150.013 AMENDMENTS.

(A) GENERALLY. THE CITY COUNCIL MAY ADOPT AMENDMENTS BY FOUR-FIFTHS VOTE TO EITHER THE ZONING ORDINANCE, ZONING MAP, OR OVERLAY MAPS IN RELATION TO THE LAND USES WITHIN A DISTRICT OR THE BOUNDARIES OF THE DISTRICT(S). SUCH AMENDMENTS SHALL NOT BE ISSUED INDISCRIMINATELY, BUT SHALL ONLY BE USED AS A MEANS TO REFLECT CHANGES IN THE GOALS OF THE COMMUNITY OR CHANGES IN THE CONDITIONS OF THE CITY.

(B) PROCEDURE.

(1) AN AMENDMENT MAY BE INITIATED BY THE PLANNING COMMISSION OR BY ANY PROPERTY OWNER.

(2) THE ZONING ADMINISTRATOR SHALL REVIEW THE PROPOSED CHANGES AND MAKE A RECOMMENDATION TO THE PLANNING COMMISSION.

(3) THE PLANNING COMMISSION SHALL MAKE A REASONABLE ATTEMPT TO CAUSE ALL PROPERTY OWNERS WITHIN A MINIMUM OF 350 FEET OF PROPOSED ZONING DISTRICT CHANGE TO BE NOTIFIED BY REGULAR MAIL AND SHALL PUBLISH A HEARING NOTICE FOR EITHER A ZONING DISTRICT CHANGE OR ZONING ORDINANCE CHANGE IN THE LEGAL SECTION OF THE OFFICIAL NEWSPAPER AND SHALL PROVIDE NOTICE TO THE DNR AT LEAST TEN DAYS AHEAD OF THE PUBLIC HEARING. THE PLANNING COMMISSION SHALL HOLD THE HEARING AND MAKE A TIMELY



AGENDA ITEM

RECOMMENDATION TO THE CITY COUNCIL. ADOPTION OF A NEW ZONING MAP SHALL REQUIRE PUBLISHED NOTICE ONLY. THE PLANNING COMMISSION SHALL CONSIDER THE CRITERIA FOR LAND USE CATEGORIES, § 150.025(G), IN ITS DECISION.

(4) THE CITY COUNCIL SHALL REVIEW THE RECOMMENDATIONS AND SHALL MAKE A TIMELY DECISION. AN AMENDMENT REQUIRES A FOUR-FIFTHS VOTE TO BE ENACTED.

(5) THE CITY CLERK-TREASURER SHALL PUBLISH A SUMMARY OF THE TEXT OF THE CHANGE OR DESCRIPTION OF BOUNDARY CHANGE OR A NEW ZONING MAP, WHICHEVER IS APPROPRIATE, IN THE OFFICIAL NEWSPAPER WITHIN 30 DAYS AFTER ACTION BY THE COUNCIL.

§ 150.025 GENERAL PROVISIONS.

(A) THE CITY IS HEREBY DIVIDED INTO ZONING DISTRICTS, AS SHOWN ON THE OFFICIAL ZONING DISTRICT MAP, WHICH MAY BE SUBSEQUENTLY AMENDED BY THE PROCEDURES OF § [150.013](#).

(B) THE BOUNDARIES ARE GENERALLY ON THE CENTER OF THE STREETS, ON LOT LINES, ON SHORELINES, ON THE CENTER OF STREAMS OR RIVERS, AND FOLLOWING THE CONTOUR OF THE LAND.

(C) THE FOLLOWING DISTRICTS ARE HEREBY ESTABLISHED:

AGRICULTURAL	A
CENTRAL BUSINESS	C-1
FLOODPLAIN OVERLAY	FP
HIGHWAY BUSINESS	C-2
LIGHT INDUSTRIAL	I-1
PUBLIC	P
RESIDENTIAL STORAGE	RS
RURAL RESIDENTIAL	RR
SINGLE FAMILY RESIDENTIAL	R-1
SHORELAND OVERLAY	SO
URBAN RESIDENTIAL	R-2

(D) THE JURISDICTION OF THIS CHAPTER SHALL INCLUDE ALL LAND WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY.

(E) THE FOLLOWING PROVISIONS APPLY TO ALL ZONING DISTRICTS.

(1) EXCEPT WHERE SPECIFICALLY STATED, ALL ACCESSORY STRUCTURES OR USES REQUIRE THE PRIOR ESTABLISHMENT OF A PRINCIPAL STRUCTURE.

(2) UNLESS SPECIFICALLY ALLOWED, NO MORE THAN FOUR LEASES PER YEAR, PER DWELLING, ARE ALLOWED.

(F) CRITERIA FOR LAND USE CATEGORIES:

- (1) PRESERVATION OF NATURAL SENSITIVE AREAS;
- (2) PRESENT OWNERSHIP AND DEVELOPMENT;



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- (3) SHORELAND SOIL TYPES AND THEIR ENGINEERING CAPABILITIES;
- (4) TOPOGRAPHIC CHARACTERISTICS;
- (5) VEGETATIVE COVER;
- (6) IN-WATER PHYSICAL CHARACTERISTICS;
- (7) RECREATIONAL USE OF SURFACE WATER;
- (8) ROAD AND SERVICE CENTER ACCESSIBILITY;
- (9) SOCIO-ECONOMIC DEVELOPMENT NEEDS OF THE PUBLIC;
- (10) AVAILABILITY OF PUBLIC SEWER AND WATER UTILITIES;
- (11) THE NECESSITY TO RESERVE AND RESTORE CERTAIN AREAS HAVING SIGNIFICANT HISTORICAL OR ECOLOGICAL VALUE;
- (12) CONFLICTS BETWEEN LAND USES AND IMPACTS OF COMMERCIAL USES OR HIGHER DENSITIES ON ADJACENT PROPERTIES;
- (13) ALTERNATIVES AVAILABLE FOR DESIRED LAND USE;
- (14) PREVENTION OF SPOT ZONING;
- (15) CONFORMANCE TO THE CITY COMPREHENSIVE PLAN; AND
- (16) CONFORMANCE TO THE CITY'S FUTURE LAND USE MAP AND ANY OTHER OFFICIAL MAPS OF THE CITY.

(G) REGARDLESS OF EXISTENCE OF PURPORTED COPIES OF THE OFFICIAL ZONING MAP, WHICH MAY FROM TIME TO TIME BE MADE OR PUBLISHED, THE OFFICIAL ZONING MAP, WHICH SHALL BE LOCATED IN THE OFFICE OF THE CITY CLERK-TREASURER, SHALL BE THE FINAL AUTHORITY AS THE CURRENT ZONING STATUS OF LAND AND WATER AREAS, BUILDINGS, AND OTHER STRUCTURES IN THE CITY.

(1) THE LOCATION AND BOUNDARIES OF THE DISTRICTS ESTABLISHED BY THIS CHAPTER ARE SET FORTH ON THE OFFICIAL ZONING MAP. DISTRICT BOUNDARY LINES AS INDICATED ON THE ZONING MAP FOLLOW LOT LINES, PROPERTY LINES, RIGHT-OF-WAY OR CENTER LINES OF STREETS OR ALLEYS, RIGHT-OF-WAY CENTER LINES OF STREETS OR ALLEYS PROJECTED, THE CITY LIMIT LINES, SHORELINES, ALL AS THEY EXIST UPON THE EFFECTIVE DATE OF THIS CHAPTER. IF SAID BOUNDARY LINES DO NOT FOLLOW ANY OF THE ABOVE, THE DISTRICT BOUNDARY LINES ARE ESTABLISHED AS DRAWN ON THE ZONING MAP.

(2) WHENEVER ANY STREET, ALLEY, OR OTHER PUBLIC WAY IS VACATED IN THE MANNER AUTHORIZED BY LAW, THE ZONING DISTRICT ADJOINING EACH SIDE OF SUCH STREET, ALLEY, OR PUBLIC WAY SHALL BE AUTOMATICALLY EXTENDED TO THE CENTER OF SUCH VACATION, AND ALL INCLUDED IN THE VACATION SHALL THEN AND HENCEFORTH BE SUBJECT TO ALL REGULATIONS OF THE EXTENDED DISTRICTS.

(3) APPEALS CONCERNING THE EXACT LOCATION OF A ZONING DISTRICT BOUNDARY LINE SHALL BE HEARD BY THE BOARD OF ADJUSTMENT.



AGENDA ITEM

§ 150.026 AGRICULTURAL DISTRICT (AG).

(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.*

	<i>ONE-FAMILY</i>	<i>OTHER USES</i>
BUILDING HEIGHT MAXIMUM	30 FEET	30 FEET*
FRONT YARD MINIMUM	50 FEET	50 FEET
LOT AREA MINIMUM	10 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
<i>NOTE TO TABLE:</i> * 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.

(1) THE FOLLOWING PERFORMANCE STANDARDS APPLY TO ALL DEVELOPMENT IN THIS ZONE:

(2) ANIMALS. THERE ARE NO ANIMAL UNIT RESTRICTIONS ON AGRICULTURAL-ZONED

PARCELS.(ORD. PASSED 4-10-2017; ORD. O-24-37, PASSED 12-9-2024)



AGENDA ITEM

§ 150.027 RURAL DISTRICT (RR).

(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.*

	<i>SINGLE FAMILY DWELLING</i>	<i>DUPLEX</i>	<i>TRIPLEX</i>	<i>FOUR PLEX</i>
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:

* 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.

(C) *PERFORMANCE STANDARDS.*

(1) THE FOLLOWING PERFORMANCE STANDARDS APPLY TO ALL DEVELOPMENT IN THIS ZONE:

(2) *ANIMALS.* LIVESTOCK ONLY ALLOWED IN RURAL RESIDENTIAL (RR) DISTRICT ON PARCELS OF TEN ACRES OR MORE. ON RR PARCELS GREATER THAN TEN ACRES, THERE ARE NO ANIMAL UNIT RESTRICTIONS. ON RR-ZONED PARCELS LESS THAN TEN ACRES BUT MORE THAN ONE, SMALL LIVESTOCK IS ALLOWED AS SHOWN:



AGENDA ITEM #

<i>ACRE(S)</i>	<i>ANIMAL UNITS</i>
1 ACRE	1.0
2 ACRES	2.0
2.5 ACRES	2.5
3 ACRES	3.0
<i>NOTE TO TABLE:</i> MINIMUM OF 1 ACRE IS REQUIRED TO ALLOW 1.0 ANIMAL UNIT EQUIVALENT TO BE KEPT. FOR EACH ADDITIONAL WHOLE ACRE OVER 3 ACRES, 1.0 ADDITIONAL ANIMAL UNIT EQUIVALENT IS PERMITTED. PARTIAL ACRES ON PARCELS GREATER THAN 3 ACRES DO NOT INCREASE THE AVAILABLE ANIMAL UNIT EQUIVALENTS.	

(ORD. PASSED 4-10-2017; ORD. O-24-37, PASSED 12-9-2024)

STAFF FINDINGS - STAFF PROVIDES THE FOLLOWING FINDINGS FOR THE PLANNING COMMISSION'S CONSIDERATION:

1. THE CITY OF JENKINS IS PROPOSING A **CITY-INITIATED ZONING ORDINANCE AMENDMENT** TO REZONE MULTIPLE PARCELS WITHIN THE CITY, AS IDENTIFIED IN **EXHIBIT D (ZONING MAP)** AND **EXHIBIT C (CROW WING COUNTY GIS IMAGERY)**.
2. THE PURPOSE OF THE CITY-INITIATED REZONING IS TO **IMPROVE CONSISTENCY WITHIN THE CITY'S ZONING ORDINANCE** BY CONFORMING TO **DISTRICT LOT SIZE REQUIREMENTS**.
3. THE PROPOSED AMENDMENT WOULD CHANGE THE ZONING CLASSIFICATION OF THE PROPERTIES IDENTIFIED BELOW **FROM THE AGRICULTURAL ZONING DISTRICT TO THE RURAL RESIDENTIAL ZONING DISTRICT**.
4. THE PARCELS PROPOSED FOR REZONING INCLUDE THE **FOLLOWING PARCEL IDENTIFICATION NUMBERS: 26220519, 26220557, 26260526, 26260527, 26260529, 26260530, 26260540, 26260541, 26260542, AND 26260543.**
5. THE PROPOSED ZONING DISTRICT AMENDMENT IS INTENDED TO SUPPORT THE **CITY COUNCIL'S LONG-TERM LAND USE VISION** AND ARE CONSISTENT WITH THE GOALS AND POLICIES OF THE CITY'S **COMPREHENSIVE PLAN**.
6. THE PLANNING COMMISSION HAS CONSIDERED THE CRITERIA FOR LAND USE CATEGORIES OUTLINED IN **§ 150.025(F)** OF THE CITY CODE, INCLUDING EXISTING DEVELOPMENT PATTERNS, COMPATIBILITY WITH SURROUNDING LAND USES, AVAILABILITY OF PUBLIC SERVICES, PREVENTION OF LAND USE CONFLICTS, AND CONFORMANCE WITH



AGENDA ITEM

OFFICIAL CITY MAPS.

7. THE PROPOSED REZONING APPLIES TO **MULTIPLE PARCELS** AND IS PART OF A COORDINATED, CITY-WIDE EFFORT; IT IS NOT INTENDED TO BENEFIT A SINGLE PROPERTY OWNER AND DOES **NOT CONSTITUTE SPOT ZONING**.

8. NOTICE OF THE PUBLIC HEARING WAS PROVIDED IN ACCORDANCE WITH **§ 150.013(B)(3)** OF THE CITY CODE AND **MINNESOTA STATUTES § 462.357**, INCLUDING PUBLISHED NOTICE AND MAILED NOTICE TO AFFECTED PROPERTY OWNERS.

9. THE PROPOSED REZONING **IS** COMPATIBLE WITH THE EXISTING LAND USES AND ZONING CLASSIFICATIONS OF SURROUNDING PROPERTIES.

10. THE PROPOSED REZONING **IS** CONSISTENT WITH THE INTENT OF THE PROPOSED ZONING DISTRICTS AS ESTABLISHED IN THE CITY'S ZONING ORDINANCE.

REQUESTED ACTION: PLEASE DISCUSS THE ABOVE REPORT AND ATTACHED PROPOSED ORDINANCE AMENDMENT AND PROVIDE A RECOMMENDATION FOR COUNCIL. THE PLANNING COMMISSION CAN RECOMMEND APPROVAL, DENIAL, OR CHOOSE TO TABLE THE AMENDMENT. IF THE COMMISSION CHOOSES TO TABLE THE AMENDMENT, STAFF WOULD LIKE FURTHER DIRECTION.

•EXHIBIT A- PUBLIC HEARING NEIGHBORHOOD NOTICE PROVIDED TO PARCEL OWNERS PER MINNESOTA STATUTE §462.357 SUBD. 3

•EXHIBIT B- AFFIDAVIT OF MAILING WITH MAILING LIST PER MINNESOTA STATUTE §462.357 SUBD. 3

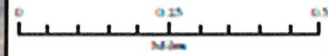
•EXHIBIT C- CROW WING COUNTY GIS IMAGERY OF PARCELS PROPOSED FOR ZONING DISTRICT AMENDMENT

•EXHIBIT D- EXISTING ZONING MAP IDENTIFYING PARCELS PROPOSED FOR ZONING AMENDMENT

•EXHIBIT E- PROPOSED ZONING MAP AMENDMENT- PARCELS PROPOSED FOR ZONING AMENDMENT IDENTIFIED

Rat (NE)

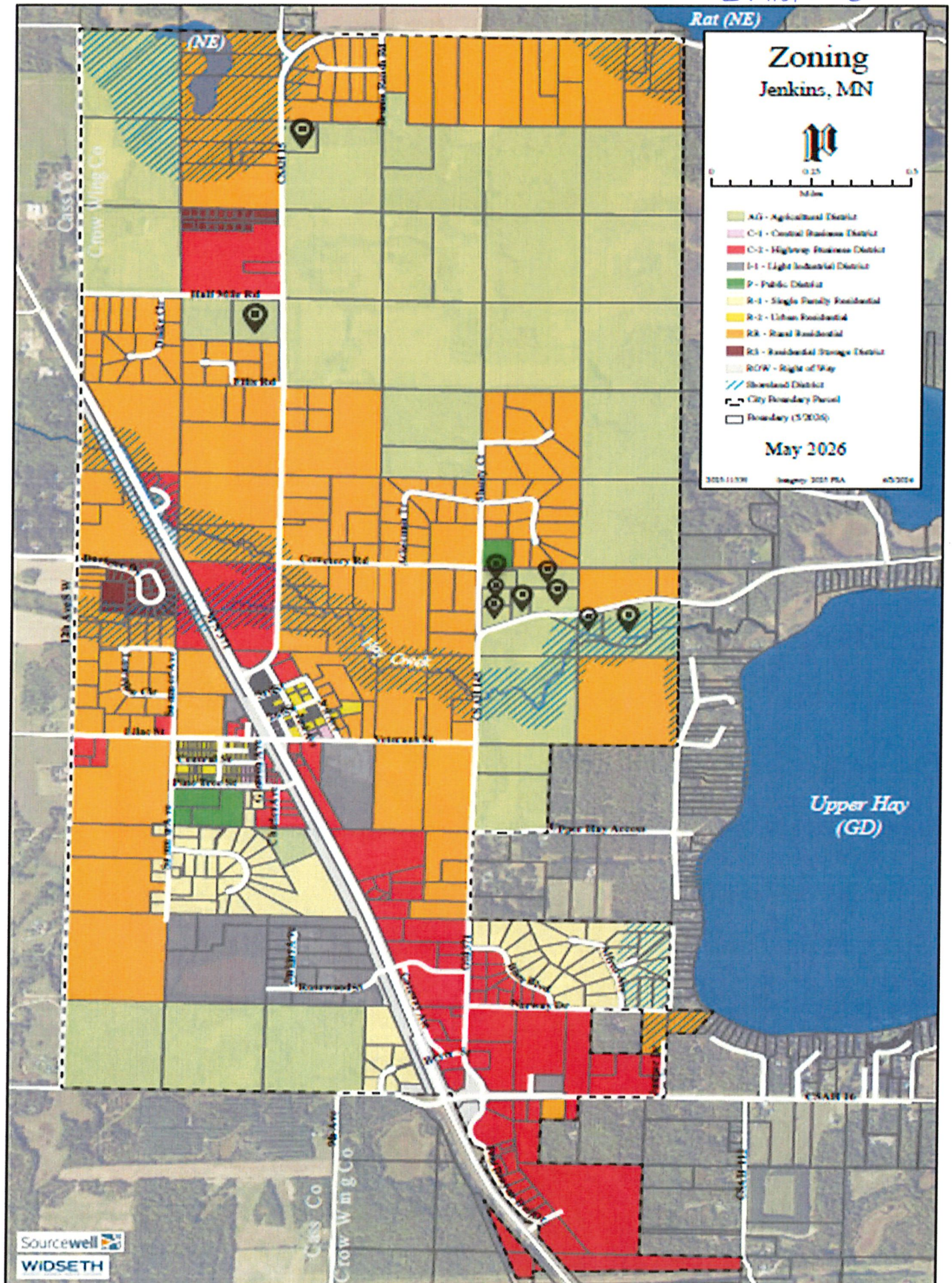
Zoning Jenkins, MN

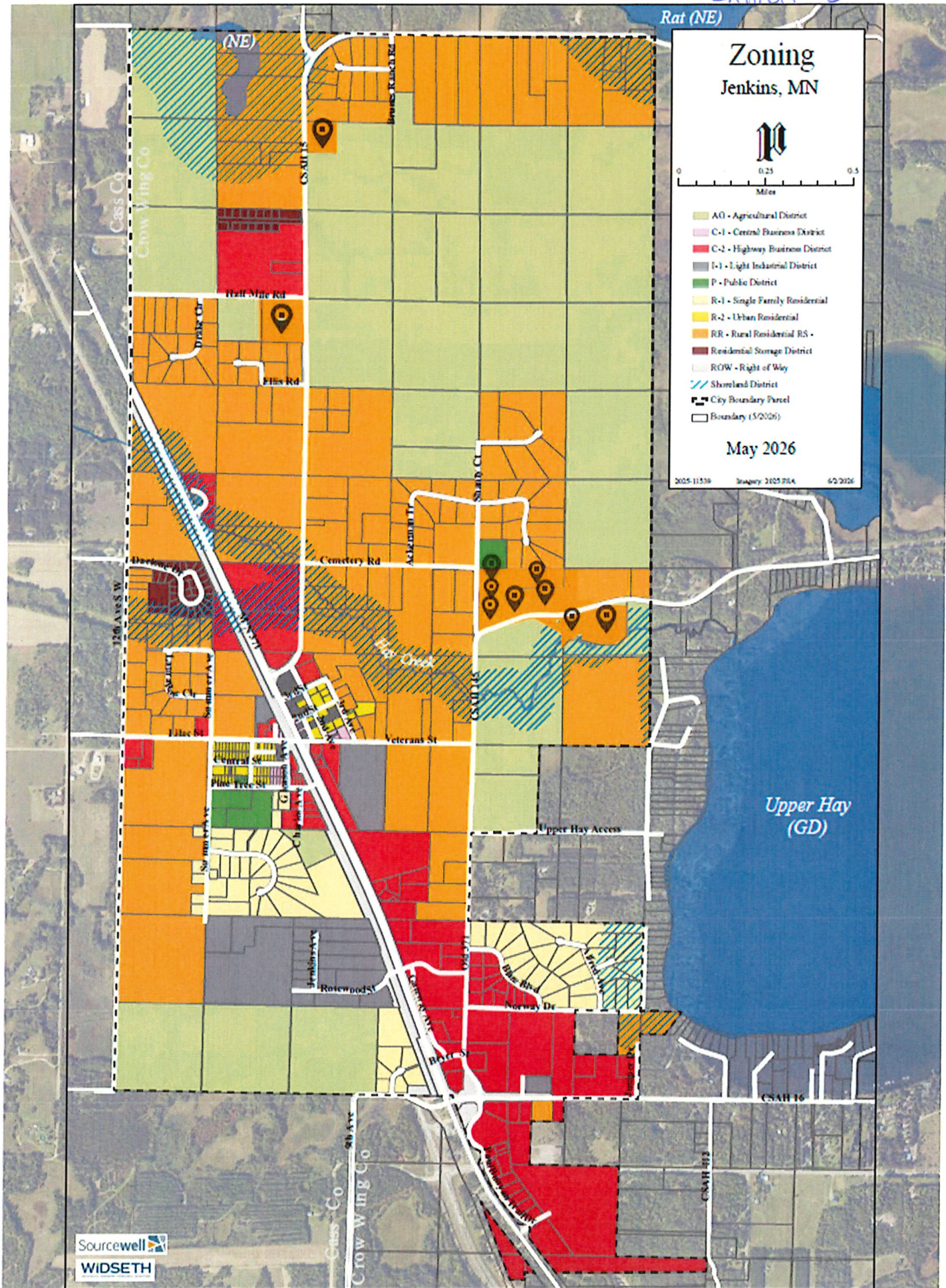


- AG - Agricultural District
- C-1 - Central Business District
- C-2 - Highway Business District
- I-1 - Light Industrial District
- P - Public District
- R-1 - Single Family Residential
- R-2 - Urban Residential
- RR - Rural Residential
- RS - Residential Storage District
- RCW - Right of Way
- Shoreland District
- City Boundary Parcel
- Boundary (5/2006)

May 2026

3025.1133W Imagery 2021 PIA 4/5/2024







AGENDA ITEM # 5a

REPORT TO PLANNING COMMISSION

PREPARED BY: CASSANDRA DELOUGHERTY

DATE: SEPTEMBER 1ST, 2026

SUBJECT: AGRICULTURAL STRUCTURE CLASSIFICATION – CITY COUNCIL DIRECTION AND
POTENTIAL ORDINANCE AMENDMENT

REPORT: THE PURPOSE OF THIS REPORT IS TO PROVIDE THE PLANNING COMMISSION WITH AN UPDATE REGARDING THE CITY COUNCIL'S DISCUSSION OF THE CITY'S CURRENT **"AGRICULTURAL STRUCTURE"** CLASSIFICATION AND TO SEEK PLANNING COMMISSION INPUT REGARDING A POTENTIAL ORDINANCE AMENDMENT.

THE ISSUE WAS PREVIOUSLY BROUGHT BEFORE THE PLANNING COMMISSION BECAUSE **"AGRICULTURAL STRUCTURE"** IS IDENTIFIED AS A PERMITTED USE WITHIN THE AGRICULTURAL DISTRICT UNDER **CITY CODE §150.038, LAND USE MATRIX**, BUT THE TERM IS NOT DEFINED IN **CITY CODE §150.005, DEFINITIONS**, OR ELSEWHERE IN THE CITY CODE.

AS DISCUSSED BY THE PLANNING COMMISSION AND CITY COUNCIL, THE LACK OF A DEFINITION CREATES UNCERTAINTY REGARDING WHAT TYPES OF STRUCTURES QUALIFY AS AN AGRICULTURAL STRUCTURE AND MAKES CONSISTENT ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE DIFFICULT.

CITY COUNCIL DISCUSSION

AT ITS AUGUST 10, 2026 MEETING, THE CITY COUNCIL REVIEWED THE STAFF REPORT CONCERNING AGRICULTURAL USE AND AGRICULTURAL STRUCTURE CLASSIFICATION, ALONG WITH THE AUGUST 3, 2026 PLANNING COMMISSION DRAFT MINUTES AND SUPPORTING DOCUMENTATION.

COUNCIL DISCUSSED THE OPTIONS PREVIOUSLY IDENTIFIED BY THE PLANNING COMMISSION, INCLUDING:

1. CONTINUING TO DEVELOP AND ADOPT A BROAD DEFINITION OF "AGRICULTURAL STRUCTURE";
2. REMOVING "AGRICULTURAL STRUCTURE" FROM THE LAND USE MATRIX ENTIRELY; OR
3. REMOVING THE GENERAL CLASSIFICATION WHILE CREATING A MORE NARROWLY TAILORED PROCESS FOR CERTAIN AGRICULTURAL STRUCTURES ON QUALIFYING PARCELS.

COUNCIL DISCUSSION RECOGNIZED THAT THERE MAY BE LEGITIMATE AGRICULTURAL SITUATIONS IN WHICH A PROPERTY OWNER NEEDS A STRUCTURE ON AN AGRICULTURALLY ZONED PARCEL THAT DOES NOT OTHERWISE CONTAIN A PRINCIPAL AGRICULTURAL USE.

ONE EXAMPLE DISCUSSED WAS A PROPERTY OWNER WHO OPERATES A FARM ACROSS MULTIPLE PARCELS AND WISHES TO CONSTRUCT A HAY SHED ON A SEPARATE, ADJACENT AGRICULTURAL PARCEL. COUNCIL RECOGNIZED THAT AN OUTRIGHT PROHIBITION OF ALL AGRICULTURAL STRUCTURES COULD FAIL TO ACCOUNT FOR LEGITIMATE AGRICULTURAL ACTIVITIES OF THIS TYPE.

AT THE SAME TIME, COUNCIL EXPRESSED CONCERN THAT ALLOWING A BROAD CATEGORY OF "AGRICULTURAL STRUCTURE" COULD CREATE UNINTENDED DEVELOPMENT RIGHTS ON AGRICULTURALLY ZONED PROPERTY AND POTENTIALLY COMPLICATE FUTURE SUBDIVISION OR DEVELOPMENT.



AGENDA ITEM

BY CONSENSUS, THE CITY COUNCIL DIRECTED STAFF TO CONSULT WITH SOURCEWELL AND THE CITY ATTORNEY REGARDING THE FEASIBILITY OF REMOVING “AGRICULTURAL STRUCTURE” FROM THE LAND USE MATRIX AND REPLACING IT WITH A MORE NARROWLY DEFINED APPROACH FOR LEGITIMATE AGRICULTURAL STRUCTURES.

CITY ATTORNEY RECOMMENDATION

FOLLOWING REVIEW OF THE ISSUE, THE CITY ATTORNEY HAS RECOMMENDED THAT THE CITY **STRIKE “AGRICULTURAL STRUCTURE” FROM THE LAND USE MATRIX.**

THE RECOMMENDATION IS BASED PRIMARILY ON THE CONCERN THAT THE EXISTING CLASSIFICATION IS UNDEFINED AND DOES NOT PROVIDE SUFFICIENTLY CLEAR OR OBJECTIVE STANDARDS FOR DETERMINING WHAT CONSTITUTES AN AGRICULTURAL STRUCTURE.

REMOVING THE GENERAL CLASSIFICATION WOULD ELIMINATE THE CURRENT AMBIGUITY AND PREVENT AN APPLICANT FROM RELYING ON A BROAD OR UNDEFINED AGRICULTURAL-STRUCTURE CATEGORY TO ESTABLISH A PERMITTED USE.

THE REMOVAL OF THE GENERAL CLASSIFICATION DOES NOT NECESSARILY MEAN THAT ALL AGRICULTURAL-RELATED STRUCTURES MUST BE PROHIBITED. RATHER, IT WOULD ALLOW THE CITY TO CONSIDER WHETHER SPECIFIC, CLEARLY DEFINED AGRICULTURAL STRUCTURES SHOULD BE SEPARATELY IDENTIFIED AND REGULATED WITHIN THE ORDINANCE.

THIS APPROACH WOULD PROVIDE A NARROWER AND MORE OBJECTIVE REGULATORY FRAMEWORK BY IDENTIFYING THE TYPES OF STRUCTURES THE CITY INTENDS TO ALLOW, RATHER THAN ATTEMPTING TO DETERMINE ON A CASE-BY-CASE BASIS WHETHER A PROPOSED BUILDING QUALIFIES GENERALLY AS AN “AGRICULTURAL STRUCTURE.”

PROPOSED SPECIFIC AGRICULTURAL STRUCTURES

COUNCILMEMBER/COMMISSIONER SILTMAN HAS PROVIDED THE FOLLOWING PROPOSED DEFINITIONS FOR CONSIDERATION AS PART OF A POTENTIAL ORDINANCE AMENDMENT.

HAY SHED

“**HAY SHED**” – A STRUCTURE WITH THE SOLE PURPOSE OF STORING HAY, STRAW, OR LIVESTOCK BEDDING.

GRAIN SILO

“**GRAIN SILO**” – A TALL, CYLINDRICAL STRUCTURE WITH THE SOLE PURPOSE OF STORING HARVESTED GRAINS.

BARN

“**BARN**” – A STRUCTURE TO SHELTER LIVESTOCK, LIVESTOCK FEED, OR LIVESTOCK BEDDING.

THESE DEFINITIONS ARE PROVIDED FOR PLANNING COMMISSION CONSIDERATION AS A POTENTIAL ALTERNATIVE TO MAINTAINING A BROAD “**AGRICULTURAL STRUCTURE**” CLASSIFICATION.



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UNDER THIS APPROACH, THE CITY COULD REMOVE “AGRICULTURAL STRUCTURE” FROM §150.038 AND, INSTEAD, SPECIFICALLY IDENTIFY LIMITED AGRICULTURAL STRUCTURES SUCH AS **HAY SHED, GRAIN SILO, AND BARN** WITHIN THE DEFINITIONS SECTION AND LAND USE MATRIX.

POTENTIAL REGULATORY APPROACH

THE PROPOSED APPROACH WOULD CREATE A MORE SPECIFIC DISTINCTION BETWEEN A GENERAL STORAGE OR ACCESSORY STRUCTURE AND A STRUCTURE THAT IS DESIGNED AND INTENDED FOR A CLEARLY IDENTIFIED AGRICULTURAL PURPOSE.

FOR EXAMPLE:

- A **HAY SHED** WOULD BE LIMITED TO THE STORAGE OF HAY, STRAW, OR LIVESTOCK BEDDING.
- A **GRAIN SILO** WOULD BE LIMITED TO THE STORAGE OF HARVESTED GRAIN.
- A **BARN** WOULD BE LIMITED TO SHELTERING LIVESTOCK OR STORING LIVESTOCK FEED OR BEDDING.

THIS WOULD PROVIDE STAFF WITH AN OBJECTIVE BASIS FOR DETERMINING WHETHER A PROPOSED STRUCTURE FALLS WITHIN AN IDENTIFIED AGRICULTURAL USE.

THE APPROACH WOULD ALSO AVOID CREATING A GENERAL CATEGORY UNDER WHICH AN APPLICANT COULD CHARACTERIZE A STRUCTURE AS AGRICULTURAL SIMPLY BECAUSE THE PROPERTY IS AGRICULTURALLY ZONED, A TRACTOR OR OTHER EQUIPMENT WOULD BE STORED INSIDE, OR THE PROPERTY OWNER STATES AN INTENTION TO CONDUCT AGRICULTURAL ACTIVITY IN THE FUTURE.

CONSIDERATIONS FOR THE PLANNING COMMISSION

BEFORE ANY ORDINANCE AMENDMENT IS DRAFTED, THE PLANNING COMMISSION MAY WISH TO CONSIDER WHETHER THE PROPOSED DEFINITIONS ADEQUATELY ACCOMPLISH THE CITY'S POLICY OBJECTIVES.

SPECIFIC ISSUES FOR CONSIDERATION INCLUDE:

1. WHETHER THE LIST SHOULD BE LIMITED

THE PROPOSED DEFINITIONS IDENTIFY THREE SPECIFIC STRUCTURE TYPES: HAY SHED, GRAIN SILO, AND BARN.

THE PLANNING COMMISSION MAY WISH TO DETERMINE WHETHER THESE THREE CATEGORIES ADEQUATELY ADDRESS THE AGRICULTURAL STRUCTURES THE CITY INTENDS TO PERMIT OR WHETHER ADDITIONAL SPECIFIC STRUCTURES SHOULD BE CONSIDERED.

IF ADDITIONAL STRUCTURES ARE ADDED, EACH SHOULD HAVE A CLEARLY DEFINED AND LIMITED PURPOSE.



AGENDA ITEM

2. WHETHER THE STRUCTURES SHOULD BE PERMITTED BY RIGHT

THE PLANNING COMMISSION MAY WISH TO CONSIDER WHETHER THE SPECIFICALLY DEFINED STRUCTURES SHOULD BE PERMITTED USES WITHIN THE AGRICULTURAL DISTRICT, SUBJECT TO APPLICABLE BUILDING, SETBACK, HEIGHT, LOT COVERAGE, AND OTHER ZONING REQUIREMENTS.

ALTERNATIVELY, THE CITY COULD CONSIDER REQUIRING AN INTERIM USE PERMIT OR ANOTHER APPROVAL PROCESS FOR SOME OR ALL OF THESE STRUCTURES.

3. RELATIONSHIP TO PRINCIPAL AND ACCESSORY USES

THE PLANNING COMMISSION SHOULD CONSIDER WHETHER A HAY SHED, GRAIN SILO, OR BARN MAY BE CONSTRUCTED ON AN AGRICULTURAL PARCEL WITHOUT AN EXISTING DWELLING OR OTHER PRINCIPAL USE.

THIS ISSUE WAS A SIGNIFICANT PART OF THE CITY COUNCIL'S DISCUSSION.

A NARROWLY DEFINED AGRICULTURAL STRUCTURE PROVISION COULD ALLOW LEGITIMATE AGRICULTURAL STRUCTURES WHILE AVOIDING A BROAD AUTHORIZATION FOR GENERAL-PURPOSE STORAGE BUILDINGS.

4. FUTURE SUBDIVISION AND TRANSFER OF PROPERTY

THE PLANNING COMMISSION SHOULD ALSO CONSIDER WHETHER PERMITTING THESE STRUCTURES COULD AFFECT FUTURE SUBDIVISION OR DEVELOPMENT OF AGRICULTURAL PARCELS.

IF THE CITY DETERMINES THAT CERTAIN STRUCTURES SHOULD BE ALLOWED ON PARCELS WITHOUT AN ESTABLISHED PRINCIPAL USE, THE ORDINANCE COULD INCLUDE STANDARDS ADDRESSING FUTURE SUBDIVISION, ABANDONMENT OF THE AGRICULTURAL USE, OR CONVERSION OF THE STRUCTURE TO ANOTHER USE.

THE CITY ATTORNEY SHOULD REVIEW ANY SUCH PROVISIONS BEFORE FINAL ORDINANCE LANGUAGE IS PRESENTED FOR ADOPTION.

5. LIMITATIONS ON USE

THE PROPOSED DEFINITIONS USE THE CONCEPT OF A “**SOLE PURPOSE**” FOR HAY SHEDS AND GRAIN SILOS AND IDENTIFY SPECIFIC PURPOSES FOR BARNs.

THE PLANNING COMMISSION MAY WISH TO CONSIDER WHETHER THIS LIMITATION SHOULD BE INCORPORATED INTO THE ORDINANCE TO ENSURE THAT THE STRUCTURES CANNOT LATER BE USED AS GENERAL STORAGE, COMMERCIAL BUILDINGS, WORKSHOPS, RESIDENTIAL SPACE, OR OTHER USES NOT INTENDED BY THE AGRICULTURAL DISTRICT REGULATIONS.

STAFF OBSERVATION

STAFF BELIEVES THE CITY ATTORNEY'S RECOMMENDATION TO REMOVE “**AGRICULTURAL STRUCTURE**” FROM THE LAND USE MATRIX PROVIDES A CLEAR STARTING POINT FOR ADDRESSING THE CURRENT AMBIGUITY IN THE ORDINANCE.



AGENDA ITEM

AT THE SAME TIME, THE PROPOSED DEFINITIONS SUBMITTED BY COUNCILMEMBER/COMMISSIONER SILTMAN PROVIDE AN OPPORTUNITY TO PRESERVE THE CITY'S ABILITY TO ACCOMMODATE LEGITIMATE AGRICULTURAL ACTIVITIES WITHOUT MAINTAINING A BROAD AND UNDEFINED CLASSIFICATION.

RATHER THAN ASKING STAFF TO DETERMINE WHETHER ANY PARTICULAR BUILDING IS SUFFICIENTLY "AGRICULTURAL," THE ORDINANCE COULD IDENTIFY SPECIFIC STRUCTURES AND ESTABLISH CLEAR LIMITATIONS ON THEIR USE.

THIS APPROACH COULD PROVIDE GREATER PREDICTABILITY FOR PROPERTY OWNERS AND STAFF WHILE ALSO ALLOWING THE CITY TO RECOGNIZE LEGITIMATE AGRICULTURAL NEEDS ON LARGER AGRICULTURAL PARCELS.

THE PROPOSED DEFINITIONS ARE INTENDED FOR DISCUSSION AND SHOULD NOT BE CONSIDERED FINAL ORDINANCE LANGUAGE. ANY DEFINITIONS AND STANDARDS ULTIMATELY RECOMMENDED BY THE PLANNING COMMISSION SHOULD BE REVIEWED BY THE CITY ATTORNEY FOR CONSISTENCY, ENFORCEABILITY, AND COMPATIBILITY WITH THE CITY'S OVERALL ZONING FRAMEWORK.

STAFF REQUESTS THAT THE PLANNING COMMISSION DISCUSS THE CITY ATTORNEY'S RECOMMENDATION AND CONSIDER RECOMMENDING THAT THE CITY COUNCIL:

1. **REMOVE "AGRICULTURAL STRUCTURE" FROM CITY CODE §150.038, LAND USE MATRIX;**
2. **CONSIDER ADDING SPECIFIC AGRICULTURAL STRUCTURE DEFINITIONS TO CITY CODE §150.005, DEFINITIONS,** INCLUDING HAY SHED, GRAIN SILO, AND BARN, SUBJECT TO FURTHER PLANNING COMMISSION AND CITY ATTORNEY REVIEW;
3. **CONSIDER ADDING THE SPECIFICALLY DEFINED STRUCTURES TO THE AGRICULTURAL DISTRICT PROVISIONS OF §150.038,** WITH APPROPRIATE PERMITTED-USE OR INTERIM-USE DESIGNATIONS;
4. **DEVELOP OBJECTIVE STANDARDS LIMITING EACH STRUCTURE TO ITS IDENTIFIED AGRICULTURAL PURPOSE,** INCLUDING CONSIDERATION OF WHETHER GENERAL STORAGE OR OTHER NON-AGRICULTURAL USES SHOULD BE PROHIBITED;
5. **CONSIDER WHETHER THE STRUCTURES MAY BE PERMITTED ON AGRICULTURAL PARCELS WITHOUT AN ESTABLISHED PRINCIPAL USE,** INCLUDING CONSIDERATION OF MINIMUM PARCEL SIZE OR OTHER APPROPRIATE STANDARDS; AND
6. DIRECT STAFF AND THE CITY ATTORNEY TO PREPARE PROPOSED ORDINANCE LANGUAGE FOR FURTHER PLANNING COMMISSION REVIEW.

REQUESTED ACTION: THE PLANNING COMMISSION IS REQUESTED TO DISCUSS THE CITY COUNCIL'S AUGUST 10, 2026 DIRECTION, THE CITY ATTORNEY'S RECOMMENDATION TO REMOVE THE UNDEFINED "AGRICULTURAL STRUCTURE" CLASSIFICATION, AND THE PROPOSED DEFINITIONS FOR **HAY SHED, GRAIN SILO, AND BARN**. THE PLANNING COMMISSION MAY PROVIDE DIRECTION TO STAFF REGARDING WHETHER THESE SPECIFIC STRUCTURES SHOULD BE INCORPORATED INTO THE CITY'S ZONING REGULATIONS AND WHAT STANDARDS SHOULD APPLY.



STAFF REPORT TO PLANNING COMMISSION

Accessory Uses and Accessory Structures

Purpose

To review how other Minnesota communities define and regulate accessory uses, particularly how a city can prevent an accessory use from becoming the predominant use of a property.

Summary

Minnesota communities generally define an accessory use as one that is:

- incidental to the principal use;
- subordinate in **area, extent, and purpose**;
- located on the same parcel; and
- functionally related to the principal use.

Some communities also use numerical limits for certain accessory uses. Examples include limits of approximately **10% to 30% of gross floor area**, depending on the use and zoning district.

The clearest approach would be to combine both concepts:

An accessory use must remain subordinate to the principal use and may not exceed a specified percentage of the principal use.

A **25% gross-floor-area limit** would be a reasonable policy option and would give staff and property owners a more objective standard.

Minnesota Examples

Community	Standard
Cottage Grove	Accessory use may not dominate the principal use in area, extent, or purpose .
Isanti	Must be incidental and subordinate in area, extent, and purpose and contribute to the principal use.

Community	Standard
Monticello	Must be subordinate, located on the same lot, operated by the same party, and established after the principal use.
Minnesota Capitol Area	Accessory use generally occupies less square footage than the principal use.
St. Michael	Certain accessory retail uses limited to 25% of gross building area .
Baxter	Certain accessory uses limited to 30% of gross floor area .
Rogers	Certain commercial/industrial accessory structures limited to 10% of principal structure floor area without a CUP .
Maple Grove	Certain accessory retail uses limited to 15% of gross floor area .

There is no single statewide percentage, but Minnesota ordinances consistently emphasize that an accessory use must remain **secondary and subordinate**.

The concern is that a property owner could establish a very small permitted principal use and then use that principal use to justify a much larger activity that is only allowed as an accessory use.

For example:

- **Principal commercial use:** 500 square feet
- **Accessory use:** 10,000 square feet

Although a permitted principal use technically exists on the property, the accessory use would occupy substantially more of the property and could effectively become the dominant use.

This raises the question of when an accessory use becomes large or intensive enough that it should instead be considered a principal use.

The ordinance should therefore look at more than whether another permitted use exists. It should require the accessory use to remain subordinate in:

- area;
- extent;
- purpose;
- intensity; and
- operation.

A nominal or token principal use should not be enough to qualify a much larger operation as accessory.

Recommended Approach

Staff recommends combining a clear definition with a numerical cap.

Suggested Language

Accessory Use. A use that is incidental and subordinate in area, extent, purpose, intensity, and operation to an established principal use located on the same parcel. An accessory use shall not operate as the predominant or independent use of the property.

Unless otherwise specifically regulated, accessory uses shall not exceed **twenty-five percent (25%) of the gross floor area devoted to the principal use.**

An accessory use shall not be established before the principal use and shall cease if the principal use ceases.

A nominal or de minimis principal use shall not be established or maintained for the purpose of qualifying another use as an accessory use.

Staff Recommendation

Staff recommends that the Planning Commission consider an ordinance amendment that:

1. Requires accessory uses to remain subordinate in area, extent, purpose, intensity, and operation;
2. Limits commercial and industrial accessory uses to approximately **25% of the principal-use floor area;**
3. Requires a bona fide, active principal use;
4. Prevents a nominal principal use from being created simply to qualify another use as accessory; and
5. Clarifies whether public mini-storage must be treated as a principal use.

Short Answer for the Planning Commission

Accessory means secondary. A use should not qualify as accessory simply because another small permitted use exists on the property. The City can make this more objective by requiring accessory uses to remain subordinate and limiting them to 25% of the principal use.

This report was prepared by Sourcewell for the City's review and consideration. The information in this report is derived from the City's official controls, which may include comprehensive plans, long-range plans, applicable ordinances, and information submitted to the City as part of application materials. Nothing in this report constitutes legal advice or engineering advice. Local government officials retain final decision-making authority.



AGENDA ITEM # *6a*

REPORT TO PLANNING COMMISSION

PREPARED BY: CASSANDRA DELOUGHERTY

DATE: SEPTEMBER 1ST, 2026

SUBJECT: REVIEW OF INCONSISTENCY BETWEEN RESIDENTIAL DWELLING
§150.005 DEFINITIONS AND §150.038 LAND USE MATRIX

REPORT: THE PURPOSE OF THIS REPORT IS TO BRING TO THE PLANNING COMMISSION'S ATTENTION AN APPARENT INCONSISTENCY WITHIN CHAPTER 150 OF THE JENKINS CITY CODE REGARDING THE CLASSIFICATION AND PERMITTED USE OF DUPLEXES AND OTHER MULTI-FAMILY DWELLINGS.

SPECIFICALLY, § 150.005 DEFINES A **DUPLEX AS A FORM OF MULTI-UNIT RESIDENTIAL STRUCTURE**, WHILE SEPARATELY DEFINING A **MULTI-FAMILY DWELLING AS INCLUDING DUPLEXES**. HOWEVER, § 150.038, THE LAND USE MATRIX, REGULATES "**DWELLING, DUPLEX**" AND "**DWELLING, MULTI-FAMILY**" AS SEPARATE LAND USES AND ASSIGNS DIFFERENT LEVELS OF APPROVAL TO THOSE USES IN SEVERAL ZONING DISTRICTS.

THIS CREATES UNCERTAINTY REGARDING WHICH PROVISION SHOULD GOVERN WHEN AN APPLICANT PROPOSES A DUPLEX.

APPLICABLE DEFINITIONS §150.005: CHAPTER 150 CONTAINS THE FOLLOWING DEFINITIONS:

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.

IMMEDIATELY THEREAFTER, THE CODE PROVIDES:

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.

THE CODE ADDITIONALLY DEFINES A TOWNHOUSE AS A TYPE OF MULTI-FAMILY HOUSING, AND ELSEWHERE DEFINES A MULTI-LEVEL DWELLING AS A TYPE OF MULTI-FAMILY HOUSING.

BASED STRICTLY UPON THESE DEFINITIONS, A **DUPLEX IS ALSO A MULTI-FAMILY DWELLING** BECAUSE IT CONSISTS OF TWO ATTACHED DWELLING UNITS AND IS EXPRESSLY INCLUDED WITHIN THE DEFINITION OF "DWELLING, MULTI-FAMILY."

LAND USE MATRIX — § 150.038: THE ISSUE ARISES BECAUSE § 150.038 TREATS THE TWO TERMS AS SEPARATE LAND-USE CATEGORIES.

THE LAND USE MATRIX ESTABLISHES WHETHER USES ARE PERMITTED, CONDITIONAL, ACCESSORY, INTERIM, OR EXCLUDED WITHIN EACH ZONING DISTRICT. IMPORTANTLY, THE CODE ALSO STATES THAT USES ARE PROHIBITED UNLESS SPECIFICALLY ALLOWED.

THE MATRIX PROVIDES THE FOLLOWING CLASSIFICATIONS:



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ZONING DISTRICT	DWELLING, DUPLEX	DWELLING, MULTI-FAMILY
AG – AGRICULTURAL	EXCLUDED	EXCLUDED
RR – RURAL RESIDENTIAL	CONDITIONAL	CONDITIONAL
R-1	CONDITIONAL	EXCLUDED
R-2	PERMITTED	CONDITIONAL
RS	EXCLUDED	EXCLUDED
P	EXCLUDED	EXCLUDED
C-1	EXCLUDED	CONDITIONAL
C-2	EXCLUDED	EXCLUDED
I-1	EXCLUDED	EXCLUDED

THE MATRIX ASSIGNS DIFFERENT ZONING TREATMENT TO A DUPLEX AND A MULTI-FAMILY DWELLING EVEN THOUGH § 150.005 EXPRESSLY STATES THAT THE TERM "DWELLING, MULTI-FAMILY" **INCLUDES** DUPLEXES.

IDENTIFIED CONTRADICTION: THE CLEAREST CONFLICT OCCURS IN THE **R-1 DISTRICT**.

UNDER THE LAND USE MATRIX: **DWELLING, DUPLEX = CONDITIONAL USE** WHILE **DWELLING, MULTI-FAMILY = EXCLUDED USE**

YET, UNDER THE DEFINITIONS, A DUPLEX IS SPECIFICALLY INCLUDED WITHIN THE DEFINITION OF A MULTI-FAMILY DWELLING. CONSEQUENTLY, THE SAME PROPOSED TWO-UNIT BUILDING COULD SIMULTANEOUSLY BE READ AS:

1. A DUPLEX THAT MAY BE APPROVED THROUGH A CONDITIONAL USE PERMIT; AND
2. A MULTI-FAMILY DWELLING THAT IS EXCLUDED FROM THE DISTRICT.

A SIMILAR ISSUE OCCURS IN THE **R-2 DISTRICT**, ALTHOUGH THE CONFLICT CONCERNS THE REQUIRED APPROVAL PROCESS RATHER THAN WHETHER THE USE IS ALLOWED AT ALL. A DUPLEX IS LISTED AS A **PERMITTED USE**, WHILE A MULTI-FAMILY DWELLING IS LISTED AS A **CONDITIONAL USE**. BECAUSE A DUPLEX MEETS BOTH DEFINITIONS, THE CODE DOES NOT CLEARLY ESTABLISH WHETHER A DUPLEX REQUIRES ONLY A ZONING PERMIT OR A CONDITIONAL USE PERMIT.

THE REVERSE ISSUE OCCURS IN **C-1**, WHERE A DUPLEX IS SPECIFICALLY **EXCLUDED**, BUT A MULTI-FAMILY DWELLING IS A **CONDITIONAL USE**. UNDER THE CURRENT DEFINITION OF MULTI-FAMILY DWELLING, THAT CATEGORY EXPRESSLY INCLUDES A DUPLEX.

TRIPLEXES AND QUADS: THERE IS AN ADDITIONAL ISSUE INVOLVING **TRIPLEXES AND QUADS**. SECTION 150.005 SPECIFICALLY CREATES A DEFINITION FOR "**DUPLEX, TRIPLEX, OR QUAD**," BUT THE LAND USE MATRIX CONTAINS A SEPARATE ENTRY ONLY FOR "**DWELLING, DUPLEX**." THERE ARE NO CORRESPONDING MATRIX ENTRIES SPECIFICALLY IDENTIFIED AS:

- DWELLING, TRIPLEX; OR
- DWELLING, QUAD.



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AT THE SAME TIME, THE DEFINITION OF "**DWELLING, MULTI-FAMILY**" EXPRESSLY INCLUDES **TRIPLEXES** AND BROADLY ENCOMPASSES STRUCTURES CONTAINING TWO OR MORE ATTACHED DWELLING UNITS. THIS RAISES A RELATED QUESTION AS TO WHETHER TRIPLEXES AND QUADPLEXES WERE INTENDED TO BE REGULATED UNDER THE "**DWELLING, MULTI-FAMILY**" LINE OF THE MATRIX OR WHETHER THE OMISSION OF THOSE SPECIFIC DWELLING TYPES FROM THE MATRIX WAS INADVERTENT.

THIS IS PARTICULARLY IMPORTANT BECAUSE § 150.038(B) STATES THAT **ALL USES ARE CONSIDERED PROHIBITED UNLESS SPECIFICALLY ALLOWED IN THE CODE.**

ADMINISTRATIVE CONCERN: THE INCONSISTENCY MAKES ADMINISTRATION OF THE ZONING ORDINANCE DIFFICULT BECAUSE THE ZONING ADMINISTRATOR MUST DETERMINE WHICH MATRIX CLASSIFICATION APPLIES TO A STRUCTURE THAT SATISFIES MORE THAN ONE DEFINITION.

FOR EXAMPLE, AN APPLICATION FOR CONSTRUCTION OF A DUPLEX IN R-1 APPEARS TO QUALIFY FOR A CONDITIONAL USE PERMIT UNDER THE "DWELLING, DUPLEX" ROW. HOWEVER, THE EXACT SAME STRUCTURE ALSO FALLS WITHIN THE CITY'S DEFINITION OF "DWELLING, MULTI-FAMILY," WHICH THE MATRIX EXCLUDES FROM R-1.

THIS LEAVES THE ORDINANCE OPEN TO COMPETING INTERPRETATIONS AND MAKES IT DIFFICULT TO PROVIDE APPLICANTS, PROPERTY OWNERS, AND NEIGHBORING PROPERTY OWNERS WITH A CLEAR AND CONSISTENT EXPLANATION OF WHAT RESIDENTIAL DENSITY IS INTENDED WITHIN EACH ZONING DISTRICT.

POLICY QUESTION FOR THE PLANNING COMMISSION: THE UNDERLYING ISSUE MAY BE LESS ABOUT THE DEFINITION OF THE STRUCTURES AND MORE ABOUT **WHAT LEVEL OF RESIDENTIAL DENSITY THE CITY INTENDS TO ALLOW IN EACH ZONING DISTRICT.**

FOR EXAMPLE, THE COMMISSION MAY DETERMINE THAT THE INTENDED PROGRESSION IS:

SINGLE-FAMILY → DUPLEX → TRIPLEX/QUAD → LARGER MULTI-FAMILY

IF THAT IS THE CITY'S INTENT, IT MAY BE HELPFUL FOR THE ORDINANCE TO DISTINGUISH THOSE RESIDENTIAL FORMS RATHER THAN DEFINING A DUPLEX AS BOTH ITS OWN LAND-USE CATEGORY AND AS A MULTI-FAMILY DWELLING.

ALTERNATIVELY, THE CITY COULD RETAIN THE BROADER DEFINITION OF MULTI-FAMILY DWELLING BUT MODIFY THE LAND USE MATRIX SO THAT ITS CLASSIFICATIONS DO NOT CONFLICT WITH THE DEFINITION.

STAFF RECOMMENDATION: STAFF RECOMMENDS THAT THE PLANNING COMMISSION REVIEW §150.005 AND §150.038 AND CONSIDER RECOMMENDING AN ORDINANCE AMENDMENT TO THE CITY COUNCIL THAT CLEARLY DISTINGUISHES THE TREATMENT OF DUPLEXES, TRIPLEXES, QUADPLEXES, TOWNHOUSES, AND LARGER MULTI-FAMILY DEVELOPMENTS.



AGENDA ITEM

AT A MINIMUM, THE AMENDMENT SHOULD CLARIFY WHETHER THE TERM "**DWELLING, MULTI-FAMILY**" IS INTENDED TO INCLUDE DUPLEXES FOR PURPOSES OF THE LAND USE MATRIX, AS THE CURRENT DEFINITION STATES, OR WHETHER DUPLEXES ARE INTENDED TO CONSTITUTE A SEPARATE RESIDENTIAL LAND-USE CATEGORY.

STAFF FURTHER RECOMMENDS REVIEWING THE TREATMENT OF **TRIPLEXES AND QUADPLEXES**, SINCE THEY ARE SPECIFICALLY DEFINED IN § 150.005 BUT DO NOT PRESENTLY APPEAR AS SEPARATE USES WITHIN THE LAND USE MATRIX.

THE GOAL OF ANY AMENDMENT SHOULD BE TO ENSURE THAT THE **DEFINITIONS AND LAND USE MATRIX WORK TOGETHER**, ESTABLISH A CLEAR RESIDENTIAL-DENSITY POLICY FOR EACH ZONING DISTRICT, AND ALLOW THE ORDINANCE TO BE ADMINISTERED CONSISTENTLY WITHOUT REQUIRING STAFF OR APPLICANTS TO DETERMINE WHICH OF TWO CONFLICTING CLASSIFICATIONS APPLIES.

SUGGESTED PLANNING COMMISSION DIRECTION: THE PLANNING COMMISSION COULD DIRECT STAFF TO PREPARE PROPOSED ORDINANCE LANGUAGE BASED ON ONE OF TWO GENERAL APPROACHES:

1. **SEPARATE THE RESIDENTIAL CATEGORIES** — ESTABLISH DISTINCT MATRIX ENTRIES FOR SINGLE-FAMILY DWELLINGS, DUPLEXES, TRIPLEXES/QUADPLEXES, TOWNHOUSES, AND LARGER MULTI-FAMILY DWELLINGS; OR
2. **USE ONE MULTI-FAMILY CLASSIFICATION** — RETAIN DUPLEXES, TRIPLEXES, QUADS, TOWNHOUSES, AND MULTI-LEVEL DWELLINGS WITHIN THE DEFINITION OF MULTI-FAMILY DWELLING AND REVISE THE MATRIX ACCORDINGLY.

FOR JENKINS, THE **FIRST APPROACH MAY PROVIDE THE GREATEST CLARITY AND FLEXIBILITY**, BECAUSE IT WOULD ALLOW THE CITY TO PERMIT OR CONDITIONALLY ALLOW DUPLEXES IN LOWER-DENSITY RESIDENTIAL DISTRICTS WITHOUT NECESSARILY ALLOWING LARGER APARTMENT OR MULTI-FAMILY DEVELOPMENTS IN THOSE SAME DISTRICTS.

REQUESTED ACTION: PLEASE DISCUSS THE ABOVE REPORT AND MAKE A RECOMMENDATION TO THE CITY COUNCIL FOR A PROPOSED ORDINANCE AMENDMENT. THE PLANNING COMMISSION CAN TABLE THE RECOMMENDATION FOR AMENDMENT FOR FURTHER RESEARCH AND REVIEW. IF THE COMMISSION CHOOSES TO TABLE THE AMENDMENT RECOMMENDATION, STAFF REQUESTS FURTHER DIRECTION.



ZONING ADMINISTRATOR'S REPORT

PERMITS: THE FOLLOWING LAND USE PERMITS HAVE BEEN ISSUED SINCE THE LAST MEETING:

- TBD EARLE JENKINS DRIVE, CONSTRUCTION OF A BARNDOMINIUM, SSTS DESIGN REVIEW/INSPECTION & E911 ADDRESSING REQUEST (PENDING SSTS DESIGN APPROVAL)
- 3826 BLAZE BLVD, CONSTRUCTION OF A PATIO HOME, SSTS DESIGN REVIEW/INSPECTION, E911 ADDRESSING REQUEST, AND DRIVEWAY ACCESS PERMIT
- 3544 CEMETERY RD ACCESSORY DWELLING UNIT, SSTS DESIGN REVIEW/INSPECTION, E911, DRIVEWAY ACCESS PERMIT
- 33040 ASPENWOOD DR. LAND USE APPLICATION FOR A 2,080FT² ADDITION
- 33740 STATE HWY 371 16,000 FT² ACCESSORY STRUCTURE IN THE C-2 ZONING DISTRICT (SSTS COMPLIANCE RECEIVED)

PENDING APPLICATIONS: THE FOLLOWING APPLICATIONS ARE PENDING:

- PRELIMINARY DISCUSSIONS WITH A RR PROPERTY OWNER REGARDING A POTENTIAL CAMPGROUND TOOK PLACE WITH DELOUGHERTY, J. BERSLIE AND K. KOSTOHRYZ OF SOURCEWELL. DELOUGHERTY CONDUCTED A SITE VISIT WITH THE DNR J. FRIE AND K.KOSTOHRYZ, SOURCEWELL. CAMPGROUNDS ARE PERMITTED BY CUP IN THE AG, C-2, AND P DISTRICTS, SO EITHER A REZONE APPLICATION OR ORDINANCE AMENDMENT APPLICATION WILL NEED TO BE COMPLETED TO PROCEED.
- .RESIDENTIAL STORAGE REZONE AND COMMON INTEREST COMMUNITY (CIC): INFORMATION HAS BEEN PROVIDED TO POTENTIAL PURCHASER REGARDING PROCESS STEPS. DELOUGHERTY IS AWAITING THIS INFORMATION AND FORMAL APPLICATION TO PROCEED. **CURRENTLY ON HOLD**
- AGRICULTURAL STRUCTURE IN AGRICULTURAL ZONING DISTRICT-ON HOLD UNTIL NEXT YEAR PER PROPERTY OWNER

RECENT/UPCOMING PUBLIC HEARINGS:

- ORDINANCE AMENDMENT O-26-53 CITY-INITIATED REZONE OF 10 PROPERTIES NOT MEETING MINIMUM LOT REQUIREMENTS IN THE AGRICULTURAL ZONING DISTRICT (PUBLIC HEARING SCHEDULED FOR SEPTEMBER 8TH, 2026)

CURRENT PLANNING COMMISSION ITEMS & RECENTLY REVIEWED:

- AGRICULTURAL STRUCTURES/USES:
 - **ATTORNEY'S RECOMMENDATION IS TO STRIKE AGRICULTURAL STRUCTURE FROM THE LAND USE MATRIX**
- PRIMARY/ACCESSORY STRUCTURES/USES
- DEFINITION & LAND USE MATRIX REVIEW OF DWELLING TYPES