

### **City of Crosslake Potential CONDITIONS for Findings**

1. Work with the staff to implement and expand on the submitted stormwater plan to include water diversion to stabilize the structure
2. The applicant shall implement a stormwater plan so that the stormwater from the structure shall be directed into water retention areas allowing the water to infiltrate into the soil.
3. Work with staff to implement a temporary erosion sediment control plan before a permit is issued, during and after construction
4. Work with the staff to implement a shoreline buffer according to the Shoreline Rapid Assessment Model as completed by staff
5. A zoning permit shall be obtained prior to commencing the approved variance
6. Items stated to be removed on the certificate of survey dated \_\_\_\_\_ shall be removed and any nonconforming setbacks for those items are to be eliminated
7. Maintain the vegetation in the current state along the \_\_\_\_\_ (shoreline, bluff impact zone, side yard) as noted on \_\_\_\_\_ (date) PC/BOA on-site pictures
8. Revegetate the disturbed area to restore the \_\_\_\_\_ (shoreline, bluff impact zone)
9. Provide an elevation certificate by a licensed surveyor showing that the lowest floor meets the regulatory flood protection elevation (RFPE) listed in the City of Crosslake land use ordinance
10. Flood proofing measures such as; the applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation (RFPE) and associated flood factors of the particular area
11. Install flood proofing to meet DNR and FEMA standards
12. Install anchors on existing \_\_\_\_\_ (shed) near the water
13. Proposed covered deck area to remain open with no future enclosure
14. The submitted application project shall be completed as shown in the plans submitted with the variance application and as conditionally revised and approved by the board
15. City staff shall be contacted to conduct a final inspection of the property upon completion of all the approved variance conditions
16. Chapter 26, Land Use Ordinance is required to be followed for any offsite parking needs
17. A barrier be installed alongside the drainfield to prevent anyone from parking on it
18. Removal of all the current structures and revegetate the disturbed soils
19. Abandon the existing septic system according to all applicable state requirements, submit the abandonment form to Crosslake P&Z department and install a new conforming septic system
20. Extension of the allowable 2 year completion to a \_\_\_ year, applies only to the \_\_\_\_\_ per submitted
21. Existing ice ridge to remain as is with no modifications except as currently allowed by the City of Crosslake land use ordinance
22. \_\_\_\_\_ to be a certified, engineered pervious structure with a maintenance plan per the City of Crosslake's land use ordinance
23. An annual inspection report be submitted to the planning and zoning office for the maintenance of the pervious \_\_\_\_\_ (driveway, patio)
24. Work with the appropriate road authority to obtain an access permit
25. Park dedication fee submitted to planning & zoning office prior to the city council meeting
26. Fulfill signed/notarized septic winter window agreement
27. Fulfill signed/notarized wetland winter window agreement
28. Submit a landscaping plan based on Sec 26-737 of the Land Use Ordinance. Effectively implement and maintain that plan following ordinance requirements
29. Submit a screening plan based on Sec 26-738 of the Land Use Ordinance. Effectively

implement that plan following ordinance requirements.

30. Submit a lighting plan based on Sec 26-739 of the Land Use Ordinance. Effectively implement that plan following ordinance requirements.
31. Submit an architectural plan based on Sec 26-750 of the Land Use Ordinance, per the district, specifically regarding the \_\_\_\_\_ (East and South) facades of the proposed structure. Effectively implement that plan following ordinance requirements
32. Submit a stormwater management plan based on Sec 26-549 and/or Sec 26-550 of the Land Use Ordinance. Effectively implement that plan following ordinance requirements.
33. Upon the project proposer's agreement – prohibit the building of any additional commercial storage structures on the property as long as the zoning district remains
34. The structure must be located a minimum of 50 feet from the road right-of-way of \_\_\_\_\_
35. The proposed structure cannot have separate interior storage lockers
36. Outside storage of rental items is not allowed
37. Hours of operation are to be daylight hours only
38. The proposed structure must be of earth tone colors as shown by the applicant or very similar and subject to staff approval
39. The conditional use, with attached conditions, conforms to the purpose and intent of the zoning ordinance and is in conformity with the city's Comprehensive Land Use Plan because residential zoning districts permit residential \_\_\_\_\_ (lawns, gardens)
40. That there was no factual demonstration of a substantial/appreciable negative impact on values to properties in the neighborhood from the proposed conditional use because no property value facts or appraisal testimony was given to prove otherwise
41. That the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district as zoned, because it is a fully developed existing neighborhood and any future home development will not be thwarted by the use
42. Adequate utilities, access roads, stormwater management, and other necessary facilities have been, or are being, provided, because the utilities and access already exist and will be improved
43. Adequate measures have been, or will be, taken to provide ingress and egress in such a manner as to minimize traffic congestion and maximize public safety in the public streets because any new curb cuts will be done according to city engineer's approval
44. The conditional use will be designed, constructed, operated and maintained in a manner that is compatible in appearance with the existing or intended character of the surrounding area/neighborhood, because it is an existing structure and other similar uses have proven to be a good fit in other residential area of the community

- (1) **Shoreland District (SD).** The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, and provide for the wise use of water and related land resources. The primary use within this district is seasonal and year-round single family residential. Lot dimensions and density limitations are controlled by lake or river classifications. Compatible commercial or water-oriented commercial uses may be allowed as permitted or as conditional uses.
- (2) **Rural Residential-5 (RR-5).** The purpose of this district is to establish and maintain a low density residential district with 5 acre minimum lot sizes outside the shoreland zone, preserving the character of the city and providing a rural single family setting with limited agriculture/forestry uses. The primary use within this district is single family residential and agriculture/forestry. Compatible commercial uses may be allowed as permitted or as conditional uses.
- (3) **Waterfront Commercial (WC).** The purpose of this district is to accommodate commercial uses in the shoreland district where access to and use of a surface water feature is an integral part of the business. The primary uses in this district are marinas, resorts and restaurants with transient docking facilities.
- (4) **Limited Commercial District (LC).** The purpose of this district is to establish and provide a commercial environment with a limited mixture of commercial and office related development and services. A commercial district may be located within or outside the shoreland zone.
- (5) **Downtown Commercial District (DC).** The purpose of this district is to establish and provide a commercial environment with a mixture of commercial and office related development and services and maintain a pedestrian-oriented commercial district consisting of retail, offices and professional services. A downtown commercial district may be located within or outside the shoreland zone.
- (6) **Commercial/Light Industrial District (C/LI).** The purpose of this district is to establish and maintain a district for light industrial purposes with commercial activities which can provide the employment opportunities for the residents of the community, allow for the production and manufacture of goods and products, provide for the retail display and sale of the goods and products manufactured on the site with other related products or services, and provide professional contractor services and related office uses.
- (7) **Sensitive Shoreland (SS).** The purpose of this district is to accommodate limited residential uses, agricultural uses, and forest management activities within the shoreland protection zone while conserving sensitive land areas on which more intensive development would adversely affect water quality, wetlands, lakes, shorelines, slopes, wildlife habitat, biological ecosystems, or scenic and natural values. Density is decreased and performance standards established in order to minimize disturbance of soils and vegetation in the shoreland district, to prevent damage from erosion, floods, siltation and water turbidity, to prevent the loss of vegetation, fish, wildlife and natural habitat, to protect the quality of ground and surface waters, and to conserve natural and scenic areas in the shoreland protection zone. This district can only be designated in shoreland areas determined to be sensitive by the City Council.
- (8) **Corridor Overlay District (CO).** The purpose of this district is to protect and enhance the aesthetics of the City of Crosslake's main entrances and corridors by encouraging sustainable development that respects the environment and upholds the community's northwoods character. Certain land uses are prohibited in this district along with greater regulations on architectural standards to ensure protecting the beauty of Crosslake long term.
- (9) **Mixed-Use District (MU)** The purpose of this district is to provide the ability to be diverse in the multi-use at the present time as well as allowing the use to be interchangeable in the future. This district also is to accommodate personal storage buildings with performance standards established in Articles 28 and 29, along with Sec. 26-282. To create this district a Land Use Map amendment (LUMA) will be required.

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**Sec. 26-281 Land Use Tables**

The following table establishes the permitted, conditional, and allowed uses within the land use districts of the City. Any uses not listed in these tables are prohibited.

For the purposes of this table:

<b>"P"</b>	means a use requiring a permit
<b>"PP"</b>	means a use requiring a permit with performance standards
<b>"CU"</b>	means a use requiring a conditional use permit
<b>"I"</b>	means an interim use
<b>"A"</b>	means a use that is allowed without a permit but may have performance standards
<b>"SD"</b>	means a shoreland district
<b>"RR-5"</b>	means a rural residential district—5 acre minimum lot size
<b>"WC"</b>	means a waterfront commercial district
<b>"LC"</b>	means a limited commercial district
<b>"DC"</b>	means a downtown commercial district
<b>"C/LI"</b>	means a commercial/light industrial district
<b>"SS"</b>	means a sensitive shoreland district
<b>"CO"</b>	means a corridor overlay district – 400ft from edge of ROW on each side of Cty Rd 16, 3, 66, 36, and 37
<b>"MU"</b>	means a mixed-use district



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<b>LAND USE TABLES</b>	<b>S D</b>	<b>RR 5</b>	<b>S S</b>	<b>L G</b>	<b>D C</b>	<b>W C</b>	<b>C/ LI</b>	<b>M U</b>
<b>(1) Agricultural Uses</b>								
Farm buildings (barns, silo, hay shed, etc.)	P	P	P	P				
Farmland: Crop growing and harvesting	A	A	A	A				
Farmland: Livestock, poultry use, including related buildings	A	A		A				
Forest land: growth, harvest	A	A	A	A		A	A	
<b>(2) Residential and Related Uses</b>								
Accessory structure ≤ 1200 sq ft (see Article 36)	P	P	P	CU	CU	CU	CU	CU
Accessory Structure >1200 sq ft (See Article 36)	2+ac = CU	2+ac =CU	2+ac = CU	CU	CU	CU	CU	CU
Auxiliary quarters/cottage - 24' or wider	PP	PP	PP					
Controlled access lot								
Energy systems assoc. with a principal use (i.e. solar collectors and wind generators under 50KW)*	P/CU*	P		P		P/CU*	P	P
Garage/Yard Sales (Maximum 3 per calendar year)	A	A	A	A	A	A	A	
Group home, detention or correction home (including detoxification center, rehabilitation home, etc.)	CU	CU	CU	CU		CU		CU
Home business	CU	CU						
Home occupation	A	A	A					
Home: assisted living, nursing, supportive care	CU	CU		CU	CU			CU
Meteorological test station for wind energy conversion systems (WECS)	I	I		I		I	I	I
Mobile home park or development		CU						
Multi-family dwelling	CU	CU		CU	CU	CU		CU
Portable or temporary storage structure	P	P	P	P	P	P	P	P
Single-family dwelling—24' or wider	P	P	P					
Two-family dwelling—duplex	CU	P	CU					
Water-oriented accessory structures	P					P		
<b>(3) Recreational Uses</b>								
Campground, private, or commercial				CU		CU		CU
Shooting range, fire arms, archery - private				CU			CU	CU
<b>(4) Civic, Educational and Institutional Uses</b>								
Athletic field/stadium; arena				CU				CU
Cemetery	A	A		A				
Church/Synagogue	P	P	P	P	P	P		P
Transient Camps, Church Camps	CU	CU				PP		

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

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<b>LAND USE TABLES</b>	<b>S D</b>	<b>RR 5</b>	<b>S S</b>	<b>L C</b>	<b>D C</b>	<b>W C</b>	<b>C/ LI</b>	<b>M U</b>
<b>(5) Commercial and Industrial Uses</b>								
Adult uses							CU	
Amusement Park				CU				CU
Athletic club				PP	PP	PP		PP
Auto body shop				PP			PP	PP
Auto repair shop, lubrication service station				PP	PP		PP	PP
Bank or financial institution				P	P		PP	P
Beauty shop, barber shop				PP	PP	PP	PP	PP
Bed and Breakfast Residence		CU		PP	PP	PP		PP
Bowling Lanes				PP	PP	PP	PP	PP
Breeding and boarding of animals				CU	CU		CU	CU
Bulk liquid storage				CU			PP	CU
Business or professional office space				PP	PP	PP	PP	PP
Car wash				PP	PP		PP	PP
Cement/concrete/redi-mix plant, permanent							P	
Commercial greenhouse/nursery				PP			PP	PP
Commercial storage building/storage unit rental				CU	CU	CU	CU	CU
Commercial Storage Rental Building(s) containing independent bays > 800 sf				CU	CU	CU	CU	CU
Concrete/asphalt plant, portable				I			PP	
Construction and contractor services-carpentry, electrical, plumbing, heating, ventilation, mechanical, flooring, insulation, siding, etc				P	P		P	P
Day care facility	PP	PP		PP	PP	PP		PP
Demolition Landfill							CU	
Dry cleaners				CU	CU		CU	CU
Event Center (≥ 10 acres in RR5)		CU		CU	CU	CU	CU	CU
Extractive use, mining, gravel pit, aggregate							CU	
Funeral home with crematorium				CU				CU
Funeral Home without crematorium				PP				PP
Gas station/convenience store with or without fuel sales				PP	PP	PP		PP
Golf Course				CU		CU		CU
Industrial park development							CU	
Liquor: On and/or off sale				CU	CU	CU	CU	CU
Lumber yard				PP	PP		PP	PP
Manufacturing: light in general, assembly plant, machine shop, welding shop, packaging plant				CU			PP	CU
Marina						CU		
Medical or dental clinic				PP	PP		PP	PP
Miniature golf				PP	PP	PP	PP	PP
Motel/hotel				CU	CU	CU	CU	CU
Outdoor seasonal sales				PP	PP	PP	PP	PP
Over-the-counter print shop				PP	PP		PP	PP
Private clubs and lodges				PP	PP		PP	PP
Race track: horse, auto, motorcycle, go cart							CU	
Recycling collection site				I			PP	I
Rental equipment sales and service				PP	PP	PP	PP	PP
Storage Building, Personal							CU	CU



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

**Note:** See provisions for "CO" in Sec. 26-381 then refer to underlying districts

**Note:** See provisions for "MU" in Sec. 26-382 then refer to underlying districts

### **Sec. 26-282 Administration of Permits with Performance Standards**

- (1) In addition to the general requirements of this Chapter, the Zoning Administrator shall determine specific performance standards in conjunction with applications for those uses and locations where they are allowed. Performance standards may include but are not limited to regulation of:
  - a) Types of business activities allowed;
  - b) Screening or fencing;
  - c) Signs;
  - d) Storage of materials, equipment, and vehicles;
  - e) Hours of operation;
  - f) Parking;
  - g) Waste management;
  - h) Abatement of noise, smoke, and fumes.
- (2) The Zoning Administrator may refer an application to the Development Review Team (DRT) if:
  - a) Additional input on performance standards is needed, or,
  - b) It is determined that a proposed use may impact the health, safety, or general welfare of surrounding properties.
- (3) If, after consulting the DRT, it is determined that the proposed use impacts the health, safety, or general welfare of surrounding properties, the Zoning Administrator shall notify the applicant that the application will be processed as a conditional use according to Article 7 of this Chapter.

### **Secs. 26-283—26-304 Reserved**

## **ARTICLE 13 Mixed Use and COMMERCIAL DISTRICT STANDARDS**

### **Sec. 26-375 Purpose and Intent**

The purpose and intent of this article is to support the development of commercial and light industrial districts that will accommodate a wide range of commercial goods and services and maintain the up-north character of the area without degrading the natural resources and to:

- (1) Maximize Crosslake's potential as a healthy community providing for business, residential and recreational opportunities.
- (2) Support a strong, ongoing working relationship between Crosslake, Crow Wing County, and the adjacent Townships in all matters related to planning and the provision of public services.
- (3) Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Crosslake.
- (4) Plan land uses and implement standards to minimize land use conflicts.
- (5) Support development that enhances community character and identity.
- (6) Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.
- (7) Support the economic viability of the Commercial Districts.
- (8) To encourage lighting that provides safety, utility, and security without glare onto public roads, private residences, and atmospheric light pollution.
- (9) To manage storm water runoff and its associated effects and to provide for the protection of natural and artificial water storage and retention areas, and public waters.
- (10) To treat wastewater to protect public health and safety, and to protect ground and surface water; and;
- (11) To establish reasonable regulation for design, construction, installation, and maintenance of all exterior signs.

### **Sec. 26-376 Plan Submission Requirements**

All commercial site development, structure construction, or parking area modifications shall require the property owner or developer to submit a plan meeting the standards of this Chapter:

- (1) Site plan meeting the standards in Article 13 of this Chapter with setbacks and wetlands identified;
- (2) Landscape, screening, and lighting plan meeting the standards in Article 28 of this Chapter;
- (3) Architectural plan meeting the standards in Article 29 of this Chapter;
- (4) Off street loading and parking plan meeting the standards in Article 26 of this Chapter;
- (5) Storm water management plan according to requirements in Article 20;
- (6) Waste disposal plan meeting Minnesota Rule, Chapter 7035 standards,
- (7) Wastewater treatment plan meeting the standards in Article 31 of this Chapter.

### **Sec. 26-377 Waterfront Commercial District**

- (1) The purpose of this district is to accommodate commercial uses in the shoreland district including marinas, resorts, restaurants, bars, rental units, campgrounds, and related uses on General Development (GD) and Recreational Development (RD) lakes only where access to and use of a surface water feature is an integral part of the businesses.



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- (2) Waterfront Commercial Density and Dimensional Standards.** All commercial lots, structures, and uses in the Waterfront Commercial District created or constructed after March 1, 2015 of this Chapter shall meet the following density and dimensional requirements:

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

\* Unless using common wall construction

### Sec. 26-378 Limited Commercial District

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

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

### Sec. 26-379 Downtown Commercial District Standards

- (1)** The purpose of this district is to maintain a pedestrian-oriented commercial district consisting of retail, offices and professional services. A downtown commercial district may be located within or outside the shoreland zone.
- (2) Downtown Commercial Density and Dimensional Standards.** All lots, structures, and uses in the Downtown Commercial District created or constructed after March 1, 2015 shall meet the following density and dimensional requirements:

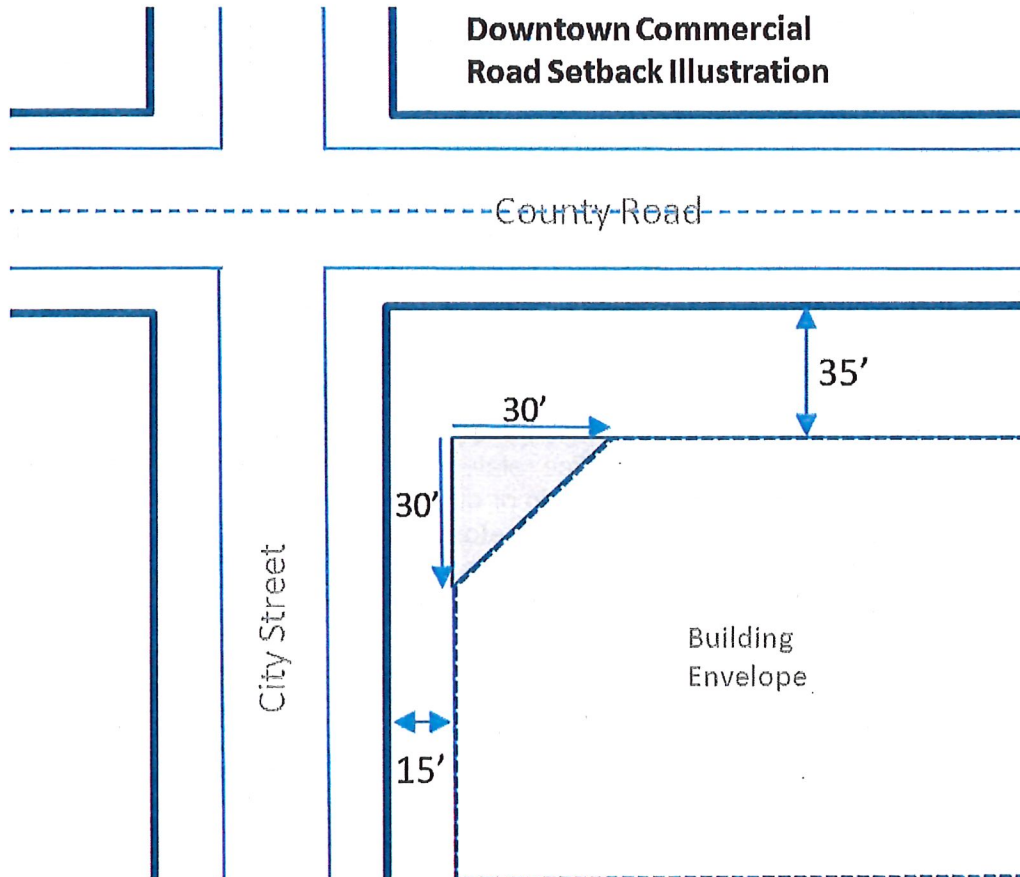
Minimum Lot Area Sq Ft	Minimum Lot Width	Structure Lot Line Setbacks-Residential	Structure Lot Line Setbacks-Commercial	Public Right of Way Frontage	Setback Between Bldgs.	City Street Right of-Way Setback	County Road Right-of-Way Setback	Maximum Impervious Coverage	Structure Height
15,000	50'	20'	0'	33'	0'	15'	35'	80%	35'

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**(3) Downtown Commercial Performance Standards.**

- a) Setbacks. Buildings on corner lots will be required to maintain a minimum 30-foot sight triangle from the intersecting right-of-way lines (streets, alleys, etc.) within which no structures or improvements over 30 inches in height would be allowed to maximize traffic visibility and sight lines as exemplified in the following illustration.

Table 26-379A Downtown Commercial Road Setback Illustration



- b) Overhangs and any other building protrusions/extensions shall not be considered when measuring setbacks if they do not extend more than 3 feet beyond the exterior wall facade. If an overhang and any other building protrusions/extension extends more than 3 feet beyond the exterior wall façade, then the setback is measured from the drip line of the overhang.

**Sec. 26-380 Commercial/Light Industrial District Standards**

- (1) The purpose of this district is to establish and maintain a district for light industrial purposes with commercial activities which can provide the employment opportunities for the residents of the community, allow for the production and manufacture of goods and products, provide for the retail or wholesale display and sale of the goods and products manufactured on the site with other related products or services, and provide professional contractor services and related office uses.

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(2) **Commercial/Light Industrial Density and Dimensional Standards.** All lots, structures, and uses in the Commercial/Light Industrial District created or constructed after October 16, 2018 shall meet the following density and dimensional requirements:

~~(3) Outside storage is prohibited.~~ Personal items to be stored outside will not be allowed without a 6 foot privacy fence.

(4) The hookup of a septic system (SSTS) and well is permissible for an established business use along with a personal storage building.

Minimum Lot Area Sq Ft	Minimum Lot Width	Structure Lot Line Setbacks-Residential	Structure Lot Line Setbacks-Commercial	Public Right of Way Frontage	Setback Between Bldgs.	City Street Right – of-Way Setback	County Road Right – of-Way Setback	Maximum Impervious Coverage	Structure Height
20,000	100'	30'	10'	100'	10'	35'	35'	50%	35'

### Secs. 26-381 Corridor Overlay District Standards

(1) **Corridor Overlay District (CO).** The purpose of the district is to protect and enhance the aesthetics of the City of Crosslake's main entrances and corridors by encouraging sustainable development that respects the environment and upholds the community's northwoods character. Certain land uses are prohibited in this district along with greater regulations on architectural standards to ensure protecting the beauty of Crosslake long term.

(2) The standards of the Overlay District are within the boundaries of 400 ft from each side of the road right-of-way of Cty Rd 16, 3, 66, 36, and 37

(3) The corridor overlay district prohibits the use of commercial storage, mini/self-storage, and personal storage.

(4) Refer to the Density and Dimensional Standards per district and Article 29 for greater architectural standards regulated within this district.

### Secs. 26-382 Mixed Use District Standards

(1) The purpose of this district is to provide the ability to be diverse in the multi-use at the present time as well as allowing the use to be interchangeable in the future. This district also is to accommodate personal storage buildings with performance standards established in Articles 28 and 29, along with Sec. 26-282. To create this district a Land Use Map amendment (LUMA) will be required.

(2) Minimum development size to be 10 acres, plated out to meet the below requirements.

(3) To create this district a Land Use Map Amendment (LUMA) will be required upon completing a Development Review Team (DRT) meeting.

~~(4) Outside storage is prohibited.~~ Personal items to be stored outside will not be allowed without a 6 foot privacy fence.

(5) The hookup of a septic system (SSTS) and well is permissible for an established business use along with a personal storage building.

(6) Refer to Article 28 and 29 for greater regulated standards within this district.

Minimum Lot Area Sq Ft	Minimum Lot Width	Structure Lot Line Setbacks-Residential	Structure Lot Line Setbacks-Commercial	Public Right of Way Frontage	Setback Between Bldgs.	City Street Right – of-Way Setback	County Road Right – of-Way Setback	Maximum Impervious Coverage	Structure Height
20,000	100'	30'	10'	100'	10'	35'	35'	50%	35'



**Secs. 26-38—26-412 Reserved**

**ARTICLE 28 LANDSCAPING, SCREENING AND LIGHTING STANDARDS**

**Sec. 26-735 Purpose**

The purpose of this division is to recognize the important and diverse benefits which landscaping, screening, and lighting provide in protecting the health, safety and general welfare of the community. Benefits include the reduction of noise, dust, excessive glare, stormwater runoff, the impact of adjacent incompatible land uses, and the increase in aesthetic value of the city.

**Sec. 26-736 Application**

- (1) All land use permits for **the mixed use district and commercial districts** submitted after March 1, 2015 shall be accompanied by complete landscape, screening, and lighting plans. These plans shall be submitted as a part of the site plan.
- (2) The retention of natural topography and vegetation will be required where possible.
- (3) All plan components shall be completed within two years from the date of issuance of the land use permit unless otherwise specified.

**Sec. 26-737 Commercial **Districts** Landscaping**

**(1) Plan requirements.**

- a) **Site analysis.** Boundary lines of the property with dimensions based upon a certificate of survey; name and alignment of proposed and existing streets; location of existing and proposed buildings; location of parking areas, vegetated and forested areas to be preserved, water bodies, proposed sidewalks; and percent of site covered by impervious surfaces.
- b) **Planned elements.** Existing and proposed topographic contours at two foot intervals; typical sections and details of landscaping plans such as type of vegetation, sodded and seeded areas, berms and other landscape improvements with identification of materials used.
- c) **Planting Schedule:** A table containing the common names and botanical names, average size of plant materials, root specifications, quantities, special planting instructions, and proposed planting dates of all plant materials.

**(2) Minimum planting requirements.**

- a) **Existing trees.** Existing trees may be used to meet these standards, if protected and maintained during the construction phase of the development. If existing trees are used, each tree 6 inches or less in diameter counts as one tree. Each tree more than 6 inches and up to 9 inches in diameter counts as two trees. Each additional 3-inch diameter increment above 9 inches counts as an additional tree.
- b) **Selection of materials.** Landscape materials should be selected and sited to produce a hardy and drought and salt-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required,



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spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

- c) **Variety of species.** If there are more than 8 required trees, no more than 40 percent of them can be of one species. If there are more than 24 required trees, no more than 25 percent of them can be of one species. This standard applies only to trees being planted to meet these standards, not to existing trees. If there are more than 25 required shrubs, no more than 75 percent of them can be of one species.

d) **Minimum plant numbers:**

- i. One overstory deciduous or coniferous tree for every 2,000 square feet of total building floor area or one for every 100 feet of site perimeter, whichever is greater.
- ii. One ornamental tree for every 2,000 square feet of building or one for every 200 feet of site perimeter, whichever is greater.
- iii. One understory shrub for every 300 square feet of building or one shrub for every 30 feet of site perimeter, whichever is greater.

- e) **Adjacent to residential areas.** Plantings or screening shall be provided to create physical and visual separation between commercial and residential areas (See section 26-738 (1)).

- f) **Minimum sizes.** The following minimum standards shall be required:

Overstory deciduous tree	1½ inch diameter
Ornamental tree	1 inch diameter
Coniferous tree	6 feet tall
Shrubs	3 gallon root ball size

- g) **Sodding and ground cover.** All disturbed area not covered by natural vegetation or impervious surfaces shall be seeded with turf grass, native grasses, perennial flowering plants, vines shrubs, trees or approved ground cover. Storm water retention ponds and rain gardens shall qualify as approved ground cover.

- h) **Minimum guaranteed survival.** All trees, shrubs, and groundcover shall be maintain and replaced as follows:

- i. For general landscaping, parking lots, and perimeter areas, maintenance and replacement for a minimum of 5 years.
- ii. For screening adjacent to residential areas, maintenance and replacement in perpetuity.

- (3) **Parking lot landscaping** - In order to soften and improve the appearance of parking lots when viewed from an abutting street or sidewalk, all parking and loading areas including drive-through facilities fronting public streets or sidewalks shall provide:

- a) A landscaped area at least 5 feet wide along the public street or sidewalk. If a parking area contains over 100 spaces, the minimum required area shall be increased to 8 feet in width.
- b) One overstory deciduous or coniferous tree shall be provided for each 25 linear feet of parking lot frontage on a public street or accessway.

(4) **Interior parking lot landscaping**

- a) The corners of parking lots and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses or other perennial flowering plants, vines, shrubs and trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- b) In parking lots containing more than 100 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 12 spaces or fraction thereof,

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containing one deciduous shade tree. The remainder shall be covered with turf grass, native grasses, perennial flowering plants, vines or shrubs.

- (5) **Existing development.** It is recognized that commercial properties which have already been developed with permanent improvements as of March 1, 2015 may have less flexibility in meeting landscaping requirements. The requirements in Section 26-737 (1) through (4) above may be modified on a case by case basis, by written agreement, to fit existing conditions while fulfilling these requirements to the greatest extent possible. This agreement shall become part of the land use permit.

## **Sec. 26-738 Screening**

- (1) **Screening from residential areas** shall be in addition to normal landscaping and planting and consist of a physical and visual barrier completely separating the activity in **the mixed use and commercial districts** property from any adjacent residential areas. Screening shall be equally effective in the winter and summer and shall be accomplished by the use of one or more of the following:
- a) The placement of the building on the lot or the placement of a building on an adjacent lot.
  - b) The use of berms and landscaping.
  - c) Planting of vegetative screens.
  - d) Construction of **architectural** walls or fences.
- (2) **Screening design standards**
- a) Vegetative screens shall consist of healthy, hardy plant materials. Evergreen shrubs with a mature height of 6 feet shall form a solid screen. One overstory deciduous or coniferous tree per 30 linear feet of boundary shall also be planted.
  - b) A 6-foot-high wall or fence may be substituted for the shrubs in (a) above, but the trees are still required.
  - c) Screening and fences shall be maintained and repaired.
  - d) Slopes and berms. Final slope grade steeper than the ratio of 3:1 and/or a height over six feet will require stabilization measures such as terracing or retaining walls.
- (3) **Placement and screening of mechanical equipment, service, loading, and storage areas**
- a) Any outdoor storage, service or loading area that faces adjacent residential uses or a public street or walkway shall be screened by a decorative fence, wall, or screen of plant material at least 6 feet in height.
  - b) Loading docks, truck parking, HVAC and other mechanical equipment, trash collection, and other service functions shall be incorporated into the design of the building so that the visual impacts of these functions are not visible from adjacent properties and public streets.
  - c) Outdoor sales area shall be fenced and screened from view of neighboring residential uses.
- (4) **Screening between adjacent **mixed use and commercial district** uses.**

## **Sec. 26-739. Lighting**

All commercial permit applications submitted after March 1, 2015 shall include an exterior lighting plan consistent with the following standards for all exterior building areas, parking areas and pedestrian paths connecting parking areas and buildings. Applications for new **mixed use and** residential dwelling construction submitted after March 1, 2015 shall require submittal of



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specifications for all proposed exterior lighting. All existing uses for which exterior lighting is installed or changed shall also conform to these standards.

**(1) Lighting standards:**

- a) **Shielded fixtures.** No portion of the lamp or lens may extend beyond the housing or shield. All light fixtures shall be directed downward so the source of illumination is not visible.
- b) **Height restrictions.** **Mixed Use and Commercial district** lighting fixtures mounted on poles or structures shall have a maximum height of twenty-five feet (25'). Exceptions to this height requirement may be granted by the Zoning Administrator when lighting is located in an area otherwise screened or blocked from view from the residential property, such as lighting on the side of a **Mixed Use and commercial district** building opposite the residential property
- c) All commercial outdoor light poles shall be metal, fiberglass, or finished wood.

**(2) Maximum lighting levels**

- a) **Mixed Use and Commercial Districts.** Any light or combination of lights used for exterior illumination on a ~~commercial or industrial~~ property that cast light on a public street or adjacent residential property shall not exceed one (1) foot-candle (meter reading) as measured from the centerline of said street or at the property line.
- b) **Residential.** Any light or combination of lights used for exterior illumination on a residential property that cast light on a public street or adjacent residential property shall not exceed one-half (0.5) foot-candles (meter reading) as measured from the centerline of said street or at the property line.

**(3) Lighting standards for commercial property on riparian lots in the shoreland district (**Mixed Use Districts are prohibited in the shoreland and overlay districts**).**

All commercial zoned property shall comply with the following lighting standards for riparian lots and areas adjacent to a public water:

- a) The light fixtures shall be directed downward so the source of illumination is not visible and does not extend past property lines or across public waters in excess of the maximum light intensities in Section 26-739 (2).
- b) In shore impact zones 1 and 2, all lighting independently supported shall be on poles or supports that are a maximum of 24 inches above grade.
- c) All lighting shall be located only within the access path if installed within shore impact zone 1
- d) All lighting on docks, lifts, or platforms shall be directed downward so the source of illumination is not visible.
- e) The height maximum for exterior lighting located in the rear lot zone shall not exceed 25 feet.

**(4) Lighting standards for residential property on riparian lots in the shoreland district.**

- a) Light fixtures shall be directed downward so the source of illumination is not visible and the light does not extend past property lines or across public waters in excess of the maximum light levels in Section 26-739 (2), b.
- b) Lighting in shore impact zones 1 and 2 that is independently supported shall be on poles or supports that are a maximum of 24 inches above grade
- c) The height maximum for exterior lighting located in the rear lot zone shall not exceed 25 feet.

**Secs. 26-740—26-745 Reserved**

**ARTICLE 29 ~~COMMERCIAL AND RESIDENTIAL~~ ARCHITECTURAL STANDARDS**

**Sec. 26-746 Purpose and Intent**

**(1) Purpose:**

- a) Building design, exterior building materials, and colors shall blend into and enhance the City's existing northwoods environment and avoid adverse visual impact.
- b) Promote high standards of building and site design in ~~commercial and residential~~ all land use districts with the purpose of preserving an atmosphere consistent with the rural/Northwoods character of the City.
- c) Provide a more pleasant pedestrian environment and driving experience.
- d) Protect and enhance the appeal and attraction of the City to residents, visitors, and tourists, and to serve as a support and stimulus to business and residences.

**(2) Intent:** The City intends that all projects shall strive toward the highest level of quality in both design and construction. The criteria by which all commercial development and redevelopment in the City shall be judged are:

- a) Consistency with all provisions of the comprehensive plan and City ordinances.
- b) Complementary physical and visual relationships among existing, new and proposed buildings, park areas and landscape treatments with the intent of creating a cohesive appearance for the entire City.
- c) Use of appropriate façade proportions, materials, and colors that are compatible with adjacent uses and create a pleasant pedestrian environment and driving experience.

**Sec. 26-747 Application**

- (1) Existing buildings.** Facades on buildings in commercial land use districts-existing on March 1, 2015 shall be allowed to continue with the present materials subject to the following criteria: All subsequent additions and exterior alterations to buildings must be constructed with the materials required in this chapter.
- (2) New buildings.** New buildings ~~in commercial land use districts~~ built subsequent to March 1, 2015 must comply with the design standards set forth in this Article.

**Sec. 26-748 – 749 Reserved**

**Sec. 26-750 Allowable Exterior Materials ~~for Commercial Structures in Commercial Land Use Districts~~**

- (1)** Percentages of allowable exterior façade materials shall be calculated excluding windows, doors, and gables except for architectural glass.
- (2) Waterfront Commercial District.**
  - a. Glass on any front facade shall be a minimum of five percent (5%) with non-front facades consisting of a minimum of two and half percent (2.5%)
  - b. Face brick
  - c. Natural stone
  - d. Architectural glass



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- e. Wood finished for exterior use
- f. Stucco
- g. Exterior insulation finishing system (synthetic stucco)
- h. Architectural concrete masonry units shall be limited to a maximum of twenty-five percent (25%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on non-front facades.
- i. Architectural metal panels shall be limited to a maximum of twenty-five percent (25%) on any front facade, and non-front facades shall be no more than seventy-five percent (75%) of one approved material type, unless there is a differential in color or material
- j. Building design, exterior building materials, and colors shall blend into and enhance the City's existing northwoods environment and avoid adverse visual impact.
- k. Overhang to be a minimum of 24 inches on all sides.
- l. Height to the peak shall be a maximum 35 feet with a roof pitch of 4/12 minimum
- m. Other materials may be approved under number 9 of this section.

**(3) Limited Commercial District**

- a. Glass on any front facade shall be a minimum of five percent (5%) with non-front facades consisting of a minimum of two and half percent (2.5%)
- b. Face brick
- c. Natural stone
- d. Architectural glass
- e. Wood finished for exterior use
- f. Stucco
- g. Exterior insulation finishing system (synthetic stucco)
- h. Architectural concrete masonry units shall be limited to a maximum of twenty-five percent (25%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on non-front facades.
- i. Architectural metal panels shall be limited to a maximum of twenty-five percent (25%) on any front facade, and non-front facades shall be no more than seventy-five percent (75%) of one approved material type, unless there is a differential in color or material
- j. Plastic sheeting on commercial greenhouses only
- k. Building design, exterior building materials, and colors shall blend into and enhance the City's existing northwoods environment and avoid adverse visual impact.
- l. Overhang to be a minimum of 24 inches on all sides.
- m. Height to the peak shall be a maximum 35 feet with a roof pitch of 4/12 minimum
- n. Other materials may be approved under number 9 of this section.

**(4) Limited Commercial Corridor Overlay District**

- a. Glass on any front facade shall be a minimum of five percent (5%) with non-front facades consisting of a minimum of two and half percent (2.5%)
- b. Face brick
- c. Natural stone
- d. Architectural glass
- e. Wood finished for exterior use
- f. Stucco
- g. Exterior insulation finishing system (synthetic stucco)
- h. Architectural concrete masonry units shall be limited to a maximum of twenty-five percent (25%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on non-front facades.

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- i. Architectural metal panels shall be limited to a maximum of twenty-five percent (25%) on any front façade, and non-front facades shall be no more than seventy-five percent (75%) of one approved material type, unless there is a differential in color or material
- j. Plastic sheeting on commercial greenhouses only
- k. Building design, exterior building materials, and colors shall blend into and enhance the City's existing northwoods environment and avoid adverse visual impact.
- l. Overhang to be a minimum of 24 inches on all sides.
- m. Height to the peak shall be a maximum 35 feet with a roof pitch of 4/12 minimum
- n. Other materials may be approved under number 9 of this section.

**(5) Downtown Commercial District**

- a. Glass on any front facade shall be a minimum of five percent (5%) with non-front facades consisting of a minimum of two and half percent (2.5%)
- b. Face brick.
- c. Natural stone.
- d. Architectural glass.
- e. Wood finished for exterior use
- f. Stucco.
- g. Exterior insulation finishing system (synthetic stucco)
- h. Architectural concrete masonry units shall be limited to a maximum of twenty five percent (25%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on non-front facades
- i. Architectural metal panels shall be limited to a maximum of twenty-five percent (25%) on any front façade, and non-front facades shall be no more than seventy-five percent (75%) of one approved material type, unless there is a differential in color or material
- j. Plastic sheeting on commercial greenhouses only
- k. Building design, exterior building materials, and colors shall blend into and enhance the City's existing northwoods environment and avoid adverse visual impact.
- l. Overhang to be a minimum of 24 inches on all sides.
- m. Height to the peak shall be a maximum 35 feet with a roof pitch of 4/12 minimum
- n. Other materials may be approved under number 9 of this section.

**(6) Commercial/Light Industrial District**

- a. Face brick.
- b. Natural stone.
- c. Architectural glass.
- d. Wood finished for exterior use
- e. Stucco.
- f. Exterior insulation finishing system (synthetic stucco)
- g. Architectural concrete masonry units shall be limited to a maximum of twenty-five percent (25%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on non-front facades.
- h. Architectural precast concrete panels.
- i. Architectural metal panels shall be limited to a maximum of twenty-five percent (25%) on any front façade.
- j. Plastic sheeting on commercial greenhouses only
- k. Other materials may be approved under number 9 of this section.

**(7) Commercial/Light Industrial Corridor Overlay District**

- a. Glass on any front facade shall be a minimum of five percent (5%) with non-front facades consisting of a minimum of two and half percent (2.5%)
- b. Face brick.



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- c. Natural stone.
  - d. Architectural glass.
  - e. Wood finished for exterior use
  - f. Stucco.
  - g. Exterior insulation finishing system (synthetic stucco)
  - h. Architectural concrete masonry units shall be limited to a maximum of twenty-five percent (25%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on non-front facades.
  - i. Architectural metal panels shall be limited to a maximum of twenty-five percent (25%) on any front facade, and non-front facades shall be no more than seventy-five percent (75%) of one approved material type, unless there is a differential in color or material.
  - j. Plastic sheeting on commercial greenhouses only
  - k. Building design, exterior building materials, and colors shall blend into and enhance the City's existing northwoods environment and avoid adverse visual impact.
  - l. Overhang to be a minimum of 24 inches on all sides.
  - m. Height to the peak shall be a maximum 35 feet with a roof pitch of 4/12 minimum
  - n. Other materials may be approved under number 9 of this section.
- (8) Mixed Use District**
- a. Glass on any front facade shall be a minimum of five percent (5%) with non-front facades consisting of a minimum of two and half percent (2.5%)
  - b. Face brick.
  - c. Natural stone.
  - d. Architectural glass.
  - e. Wood finished for exterior use
  - f. Stucco.
  - g. Exterior insulation finishing system (synthetic stucco)
  - h. Architectural concrete masonry units shall be limited to a maximum of twenty-five percent (25%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on non-front facades.
  - i. Architectural precast concrete panels.
  - j. Architectural metal panels shall be limited to a maximum of twenty-five percent (25%) on any front facade, and non-front facades shall be no more than seventy-five percent (75%) of one approved material type, unless there is a differential in color or material.
  - k. Building design, exterior building materials, and colors shall blend into and enhance the City's existing northwoods environment and avoid adverse visual impact.
  - l. Overhang to be a minimum of 24 inches on all sides.
  - m. Height to the peak shall be a maximum 35 feet with a roof pitch of 4/12 minimum
  - n. Other materials may be approved under number 9 of this section.
- (9) Other Materials.** Materials not specifically listed may be approved for use by the Zoning Administrator. and/or the Development Review Team and shall review and make recommendations to the Planning Commission/Board of Adjustment regarding the use of those materials

**Sec. 26-751 Allowable Exterior Materials for Residential Primary Structures and Accessory Structures in All Land Use Districts**

- (1)** The following exterior building materials are allowed:
- a) Face brick

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- b) Natural stone
  - c) Architectural glass
  - d) Wood finished for exterior use including logs and log siding
  - e) Factory fabricated concrete or vinyl siding
  - f) Stucco
  - g) Exterior insulation finishing system (synthetic stucco)
  - h) Architectural concrete masonry units
  - i) Factory fabricated metal panels.
- (2) **Other Materials.** Materials not specifically listed may be approved for use by the Zoning Administrator. and/or the Development Review Team and shall review and make recommendations to the Planning Commission/Board of Adjustment regarding the use of those materials

**Sec. 26-752 Prohibited Materials-Residential All Districts**

The following exterior building materials are prohibited on residential properties:

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

**Secs. 26-753—26-761 Reserved**

**ARTICLE 4 AMENDMENTS TO CHAPTER TEXT, LAND USE DISTRICT BOUNDARIES, AND DESIGNATION OF SENSITIVE SHORELAND DISTRICTS**

- (1) **Text amendment actions.** Following their public hearing, the City Council shall publish its decision to approve or deny the text amendments within 15 days. The enactment of any changes shall take effect ~~no sooner than 30 days after the date of their approval~~ upon its publication in the official newspaper. A copy of any approved text amendment in a shoreland district shall be sent to the Commissioner of the Dept. of Natural Resources within 10 days of final action.

**ENTERTAINMENT SPACE**

An area within a personal storage building is meant for recreational use, but not to be used for a single-family dwelling, multi-family dwelling, two-family dwelling or in general any dwelling unit(s); no long or short term living/rental is allowed.

**STORAGE BUILDING, PERSONAL**

A structure used for the storage of belongings, equipment, or materials, of a personal nature, that is not intended for the use of dwelling units.



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RED – First Reading that was approved on last Council Meeting

GREEN – Changes that we made to the ordinance before the First Reading but needed administrative changes.

BLUE - Recommended changes that were brought to City Staff