



AGENDA
City of Fergus Falls Planning Commission Meeting
September 23, 2024
5:15 PM in City Council Chambers

1. Call to order
2. Approval of Agenda
3. Approval of Minutes from August 26, 2024
4. Public Hearings
 - a. C-2024-2: Conditional Use Permit to allow a Tutoring Service to operate in the R-4 Multiple Family Residential District located at 301 North Union Avenue. Parcel ID: 71003990338001
5. Discussion Items
 - a. Shoreland Ordinance updates
6. Staff Updates
7. Adjourn

If you have special needs for accommodations, please call 332-5436 or TDD 1-800-627-3529 (Minnesota Relay Service).

PLANNING COMMISSION MINUTES

August 26, 2024

The Fergus Falls Planning Commission held a regular meeting on August 26, 2024 in the Council Chambers of City Hall. Chair Kilde called the meeting to order at 5:15 PM. Present were Laurel Kilde, Nate Kunde, Ryan Fullerton, Wayne Schuett, and Mike Walls. Absent were Sarah Duffy and Paul Vukonich. Staff present: Klara Beck and Jill Hanson. Applicants present: Richard & Katharine Lahti. Others Present: Scott Kvame.

APPROVAL OF AGENDA

Commissioner Kunde moved to approve the agenda with a request to remove the Accessory Dwelling Units action item for discussion at subcommittee, to be brought back to the Planning Commission at a future meeting. Seconded by Commissioner Fullerton. Passed unanimously.

APPROVAL OF MINUTES

Commissioner Kunde made a motion to approve the minutes from June 24, 2024. It was seconded by Commissioner Fullerton. Passed unanimously.

PUBLIC HEARINGS

3a. REQUEST BY RICHARD LAHTI TO OBTAIN A CONDITIONAL USE PERMIT TO ALLOW A DETACHED ACCESSORY BUILDING CONSTRUCTED BY POST FRAME IN A R-A RESIDENTIAL DISTRICT LOCATED AT 620 BROKEN DOWN DAM ROAD.

Klara Beck presented the staff report for a Conditional Use Permit (CUP) request in an R-A residential district at 620 Broken Down Dam Road. The proposal involves replacing a dilapidated barn with a new detached accessory building constructed with post-frame materials. The property also includes a home and other structures. Klara explained that city code requires CUPs for pole sheds in any residential zone.

She noted that a comment was received from a neighbor's family regarding right-of-way and easement access to their property. There was discussion about the City's rights-of-way on the property and private easements. Klara recommended approving the CUP for the pole shed and suggested the applicants work with the City on a request to vacate the City's rights-of-way on the property. The Planning Commission briefly discussed the reasoning behind the code restrictions on pole sheds and decided to address the matter after the hearing.

Chair Kilde opened the public hearing at **5:29 PM**.

Richard Lahti, 620 Broken Down Dam Road, explained he is open to exploring the vacation application process. Katherine Lahti, 620 Broken Down Dam Road, explained that the property was resurveyed several years ago and meetings with all the parties involved did not happen so nothing was resolved. Chair Kilde closed the public hearing at **5:33 PM**.

Commissioner Kunde motioned to recommend approval of the Conditional Use Permit request to construct a pole shed at 620 Broken Down Dam. It was seconded by Commissioner Fullerton. Motion passed.

The Planning Commission then further discussed the CUP requirement for pole sheds. The code currently states that accessory buildings must have a matching facade and materials to the primary structure. Concerns regarding the actual engineering of the building are addressed during the building permit process. The Commission considered removing Section H, which requires a CUP for pole sheds in residential districts:

“(H) Conditional use permit required. Detached accessory buildings constructed by post-frame construction (pole buildings) shall be allowed in residential R districts by conditional use permit only.”

Commissioner Kunde moved to recommend removing "Section H" from the current Accessory Dwelling code. The motion was seconded by Commissioner Schuett and passed.

ACTION ITEMS

4a. ACCESSORY DWELLING UNITS (ADUs)

4b. SIGN ORDINANCE UPDATES

Klara Beck opened the sign ordinance discussion with review of the draft code from the City Attorney's office. Klara explained that we could add scrollable tables to the online version of the code. There was some discussion about removing the location section from the tables.

It was noted that B-1 zones would have a difference sign requires than the B-2, B-3 and B-4 zones because it is a buffer to residential districts. Chair Kilde stated that Mike Mortenson had concerns about having too many billboards in B-5 and B-6 zones if they were only 400' apart. Scott Kvamme, Indigo Sign, stated that he also felt we should leave the space between billboards in these zones at 800'.

There was some discussion about roof signs and how our current code allows for roof signs with height restrictions. Building code will determine the structural requirements for roof signage. There was some discussion about what CUPs and variances covers. The PC stated they would like to increase the number of signs allowed in Triangle Park to three signs at a time. It was also noted that there was a diagram showing window signage that should be removed for continuity.

A motion to recommend the changes discussed for the Sign Ordinance was made by Commissioner Fullerton and seconded by Commissioner Walls. Motion passed.

DISCUSSION ITEMS

5a. PARKING MINIMUMS

Klara Beck explained that many cities are shifting toward reduced or no parking minimums or implementing parking maximums. Klara stated that Minneapolis no longer has parking minimums. Business Development for Fergus Falls heard early discussion regarding parking minimums and supports allowing business owners and developers to determine their own parking needs. Commission Fullerton voiced concerns about not providing enough parking for employees and customers. Klara mentioned that ADA requirements should be research further before changes are made. Commissioner Kunde mention the cost of maintenance for parking lots for businesses. Commissioner Kunde made a motion to eliminate parking minimums. There was no second.

Klara explained the Chamber of Commerce will distribute a survey to businesses to gather data on parking needs and customer habits for more data. The PC decided to discuss parking minimums more after the survey information was gathered.

STAFF UPDATES

6a. SHORELAND ORDINANCE

Klara explained that there are a few changes so the item would be back in front of PC soon

6b. CANNABIS BUSINESS ZONING

Klara stated that cannabis sales will be allowed in B-3 Zones via Interim Use Permits.

September 23 is the next schedule meeting.

The meeting adjourned at **6:47 PM**.

Community Development Director



Planning Commission Staff Report

To: City of Fergus Falls Planning Commission
Respectfully Submitted: Klara Beck, Community Development Manager
Date: September 9, 2024
Subject: CUP-2024-2

REQUESTED ACTION

Approve without conditions a Conditional Use Permit (CUP) for My Readers Edge Tutoring Services at 301 N Union Ave.

GENERAL INFORMATION

Applicant	Roger Ouellette	Planning Commission Hearing	September 23, 2024
Property Owner	Roger Ouellette	City Council Meeting	October 7, 2024
Address	301 N Union Ave	Application Date	August 28, 2024
Parcel Number(s)	71003990338001	60-Day Expiration Date	October 27, 2024
Zoning	R-4, MULTIPLE-FAMILY RESIDENCE DISTRICT		

BACKGROUND

Site Information & Current Conditions

The building was originally constructed as a church. In 1979, it was repurposed for conditional use as a chiropractic clinic. The building retains the architectural appearance of a church.

Adjacent Zoning

R-4, R-2, and B-3.

Adjacent Uses

Residential, religious, service business.

Proposed Project

The property is planned to host My Readers Edge Tutoring Services, offering support for students with dyslexia and reading difficulties within the Fergus Falls and Otter Tail County community. The only building modifications considered by the owner is replacement of a sign face. There is an existing sign outside the building that designates its current use as a chiropractic clinic. The sign footings will remain unchanged, with only the face of the sign being replaced to reflect the new use as a tutoring business.

Public Notification & Comments

A letter was mailed to property owners within 350 ft of the subject property and a notice was published in the Daily Journal on September 11, 2024.

The City Building Inspector commented the appicate will need to identify which use they are using, either Business Group Section 304 B or Educational Occupancy Section 305 Group E. When bringing in students they will need to do some upgrades to the building when remodeling for B. If the goal is for E, they will need to submit to the State of MN. Retrofitting the building will require a designer.

Business Group Section 304 B:

- Training and skill development not in a school or academic program (this shall include, but not be limited to, tutoring centers, martial arts studios, gymnastics and similar uses regardless of the ages served, and where not classified as a Group A occupancy).
- Educational occupancies for students above the 12th grade.

Educational Occupancy Section 305 Group E:

- Educational occupancies, refers to buildings used for educational purposes through the 12th grade by six or more people for four or more hours per day or more than 12 hours per week. This includes schools, preschools, and some daycare facilities.

PROPOSED FINDINGS

§154.019(D) of the City Code states the Planning Commission shall recommend a conditional use permit and the Council may issue conditional use permits if it finds that the use at the proposed location meets the following criteria:

1. Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city.
Criteria Met. The proposed use as a tutoring business will not pose any risks to public health, safety, or welfare. The nature of the business is educational and does not involve any hazardous materials, processes, or significant risks to the neighborhood.
2. Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions.
 The city does not have a comprehensive plan.
3. Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood.
Criteria Met. The property at 301 N Union Ave retains the appearance of a church, consistent with its original purpose, and no exterior or significant interior modifications are proposed. The property is eligible for conditional use as a professional office due to its history as a church before September 1, 1977. According to § 154.031 of Fergus Falls city code, buildings that previously served as schools, churches, government purposes, hospitals, clinics, or small retail stores may be remodeled and conditionally used for professional and general offices, excluding uses such as retail sales, wholesale sales, or warehousing. The proposed tutoring service aligns with these requirements and will not detract from the essential character of the neighborhood.
4. Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools.
Criteria met. The property is adequately served by existing public facilities and services. No additional infrastructure demands will be created by the proposed tutoring business.

5. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

Criteria met. The tutoring business will not produce any hazardous materials, excessive noise, or other detrimental effects on the neighborhood. The operation is educational and primarily indoor, posing minimal impact on the surrounding area.

6. Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets.

Criteria Met. Ingress and egress to the property are adequate. The volume of traffic expected from a tutoring business is minimal.

7. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

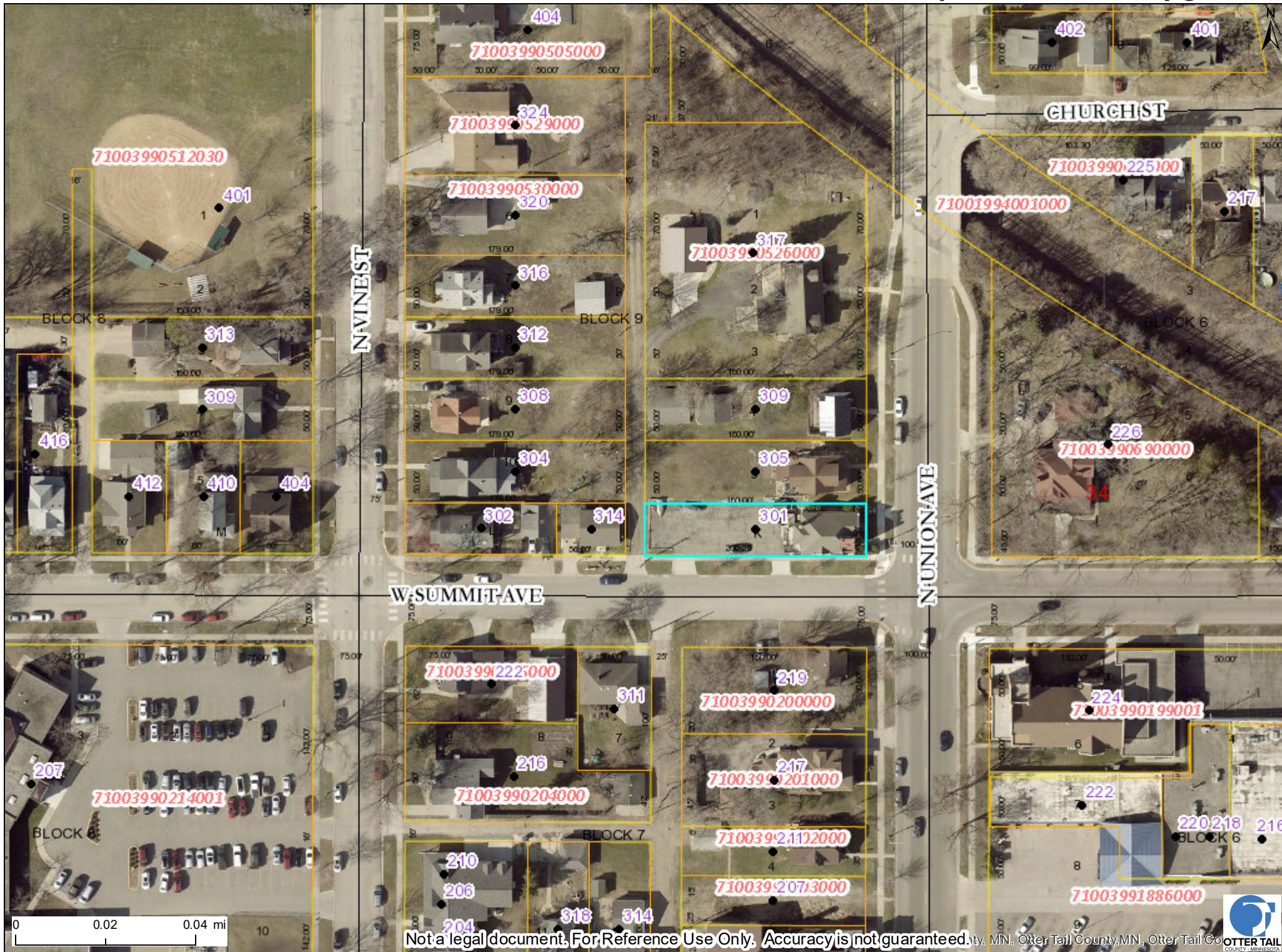
Criteria Met. The building will retain at least 60% of its original exterior structure, and no natural, scenic, or historic features of major importance will be affected by the proposed use.

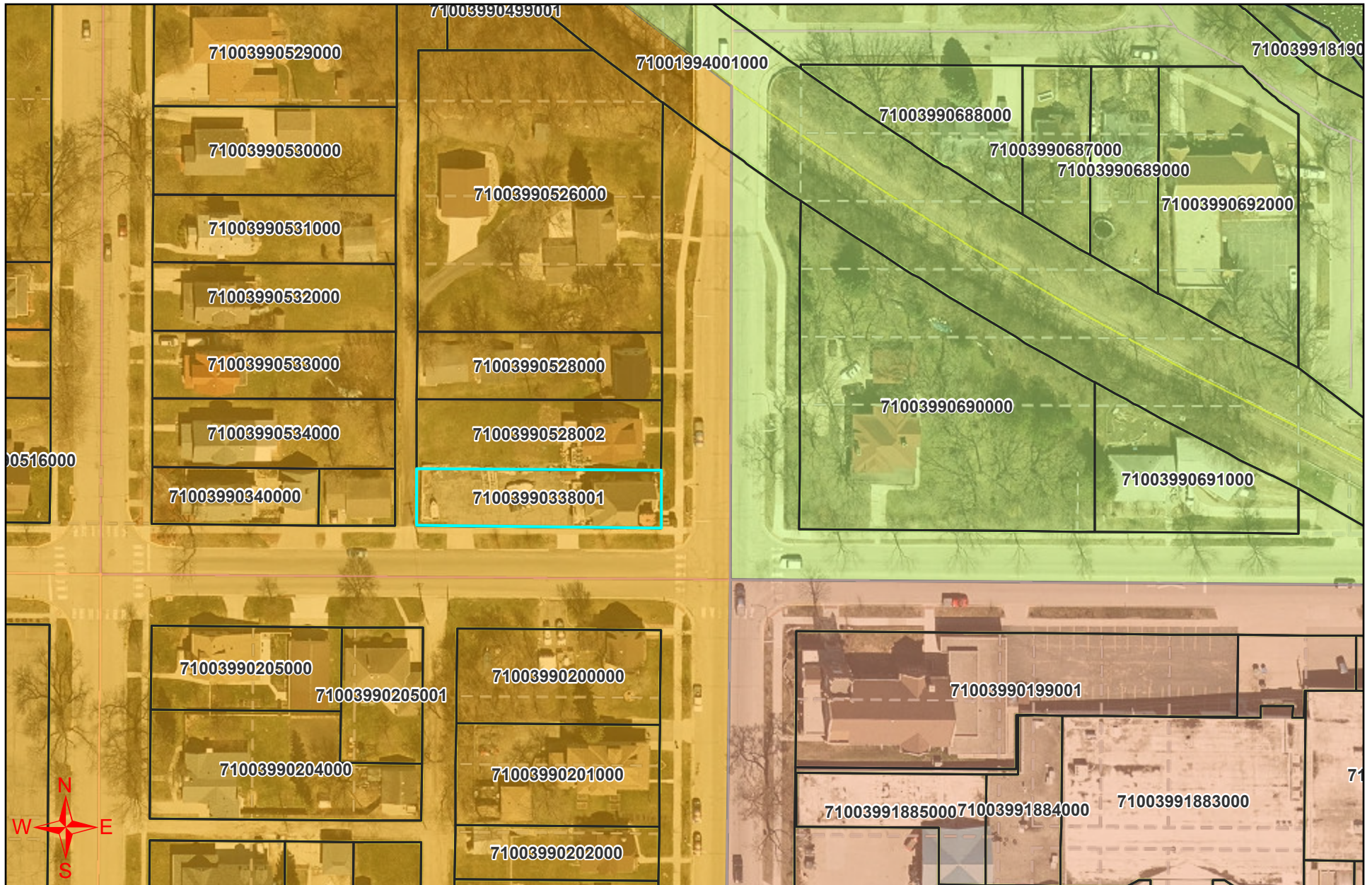
RECOMMENDED ACTION

Recommend approval without conditions of the Conditional Use Permit (CUP) for My Readers Edge Tutoring Services at 301 N Union Ave.

ATTACHMENTS

1. Context Map
2. Zoning Map
3. Application & Supporting Materials







112 West Washington Avenue

Fergus Falls, MN 56537

Phone: 218-332-5434

e-mail: planning@fergusfallsmn.gov

www.fergusfallsmn.gov

Conditional Use Permit

Application fee should be made payable to The City of Fergus Falls upon submittal of completed application. Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: _____

Last name: Ouellette First name: Roger

Address: 301 N. Union Ave City/State/Zip: Fergus Falls, MN 56537

Phone number: 318-572-5914 Email address: roger.ouellette@live.com

2. Applicant Information: (if different from above)

Company name: _____

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

4. Zoning Designation: R-4, Multiple Family Residence District

5. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

The property is planned to host the My Readers Edge Tutoring Services for the assistance of dyslexic and difficulty reading needs students within the Fergus Falls and Ottertail community.

7. Additional Required Information:

a. Legal Description and PIN: Provide the Parcel Identification Number(s)

See attached _____

Complete legal description(s) of the property involved or put "see attached"

A former church that was modified with a CUP as a chiropractic office in 1979. _____

b. Proposed Plans: A site plan is required. A landscape plan, grading and drainage plan, and other items may be required by the city/planning commission. **No change to the site (external or internal) is planned for this site.**

c. Written Narrative: The written narrative should thoroughly address the following general items in addition to any specific requirements pertaining to the proposed use, which Section 154.019 (Conditional Use Permit) of the City Code directs the City Council to evaluate during consideration of conditional use applications:

(1) Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city?

The tutoring service will not be detrimental to or endanger the public health, safety, or genal welfare of the neighborhood.

(2) Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions?

Yes, My Readers Edge will be harmonious with the general and applicable objectives of the city and county.

(3) Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood?

Yes, the design, construction, operations and maintenance will be compatible and the same as it appears today.

(4) Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools?

Yes, the building will be serviced by the essential public facilities within the city limits of Fergus Falls, MN

(5) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?

The building property will not involve the use, activities, process, etc. that will be hazardous or detrimental to any person, property or general welfare of the community.

(6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets?

_Yes, there is a parking lot on the west side of the building that can be used for the ingress and egress to the property to reduce or prohibit the congestion or interference with traffic around Union Ave, and Summit St.

(7) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?

No exterior changes to the structure are planned for the My Readers Edge business that will operate out of the building.

8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: **Roger**  Digitally signed by Roger Ouellette
Applicant: **Ouellette** Date: 2024.08.28 19:40:38 -04'00' *Date:* _____

CITY ADMINISTRATOR'S OFFICE
Fergus Falls, Minnesota 56537

Receipt # 235081

Receipt Date August 29, 2024

Received From ROGER OUELLETTE

Amount \$350.00
Web Pymnt

Fund	Account	Description	Amount
101	32270 000	CUP FOR 301 N UNION	350.00

City of Fergus Falls
Received By ROXANN



Planning Commission Recommendation

Page 1 of 1

Meeting Date:

September 23, 2024

Subject:

Required Shoreland Management Ordinance Update

Recommendation:

Set a public hearing to amend Sections 154.003, 154.068, and 154.074 of City Code regarding shoreland management for an ordinance update required by the DNR.

Background/Key Points:

Per Minnesota Statutes Section 103F.221, Subd. 1, the City must be in substantial compliance with municipal shoreland management standards and criteria established by the State of Minnesota (DNR). Staff therefore suggest that the Planning Commission set a public hearing for October 28, 2024 (a requirement of the DNR's process), and, after appropriate notice of the hearing, discuss and recommend the attached changes to the Shoreland Management ordinance and thereafter send the changes to the City Council for approval.

The most recent changes accomplish the following:

- Removes two basins from the zoning map and list of waters that the City and DNR chose not to classify;
- Corrects a section reference and updates a section header;
- Adds missing open space criteria required by the DNR;
- Adds missing design criteria required by the DNR; and
- Corrects an open space percentage to match DNR requirements of 50%.

Respectfully Submitted:

Klara Beck
Community Development Director

Attachments:

Redlined Shoreland Management Ordinance

ORDINANCE NO. xx, EIGHTH SERIES

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS, MINNESOTA, AMENDING CHAPTERS
154.003. 154.033. 154.034. 154.066. 154.068. 154.069,
154.074. 154.100 AND 154.101 OF THE SHORELAND
MANAGEMENT OVERLAY DISTRICT OF THE
CITY CODE.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. City Code Chapter 154.003, ZONING MAP AND DISTRICTS, A.(4)
Shoreland management overlay district, is hereby amended as follows:

A. *General development (GD)*;

General Development Lake Name	DNR Public Waters I.D. #
<i>Lake Alice</i>	#56-867
<i>Opperman</i>	#56-865
<i>Groto</i>	#56-819
<i>Unnamed</i>	#56-828
<i>Unnamed</i>	#56-1203
<i>Unnamed</i>	#56-821

B. *Recreational development (RD)*; and

Recreational Development Lake Name	DNR Public Waters I.D. #
<i>Hoot Lake</i>	#56-782
<i>Pebble Lake</i>	#56-829
<i>Wright Lake</i>	#56-783

C. *Natural environment (NE)*.

Natural Environment Lake Name	DNR Public Waters I.D. #
<i>One Mile Lake</i>	#56-817
<i>Chautuaqua</i>	#56-780
<i>Unnamed</i>	#56-815
<i>Unnamed</i>	#56-816
<i>Unnamed</i>	#56-826
<i>Unnamed</i>	#56-827
<i>Unnamed</i>	#56-830

Natural Environment Lake Name	DNR Public Waters I.D. #
Unnamed	#56-831
Unnamed	#56-832
Unnamed	#56-861
Unnamed	#56-863
Unnamed	#56-864
Unnamed	#56-866
Unnamed	#56-1188
Unnamed	#56-1197
Unnamed	#56-1480

D. *Rivers and Streams are classified as follows:*

- (1) Remote rivers;
- (2) Forested rivers;
- (3) Transition rivers;
- (4) Agricultural rivers: Pelican River, Otter Tail River (unless portion otherwise designated within this section).
- (5) Urban rivers; and
- (6) Tributary streams.

Section 2. City Code Chapter 154.033 R-3, MULTIPLE-FAMILY RESIDENCE DISTRICT, (C) *Uses by conditional use permit*, paragraph (2) is hereby amended as follows:

(2) Planned unit development, as provided in §154.034(H) of this chapter; and

Section 3. City Code Chapter 154.034 R-4, MULTIPLE-FAMILY RESIDENCE DISTRICT, (H) *Planned unit developments*, (3) *Administrative procedure*, paragraph (b), the first paragraph, is hereby amended as follows:

(b) If any shoreland is a part of the planned unit development, the general development plan shall be submitted to the City Engineer. The general development plan shall be drawn to scale with topography of a contour interval not great than two feet. The plan shall show:

Section 4. City Code Chapter 154.066, Definitions, the following definitions are amended as follows:

BOATHOUSE. A facility as defined by Minnesota Statutes, Section 103G.245.

PUBLIC WATERS. Any water as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a.

SEWAGE TREATMENT SYSTEM. “Sewage treatment system” has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82.

VARIANCE. “Variance” means the same as that defined in Minnesota Statutes, Section 462.357 Subd. 6 (2).

WETLAND. “Wetland” has the meaning given under Minnesota Rule, part 8420.0111.

Section 5. City Code Chapter 154.068, Shoreland Classifications System and Land Use Districts, paragraphs C and D, are hereby amended to read as follows:

C. *Lakes are classified as follows:*

A. *General development (GD);*

General Development Lake Name	DNR Public Waters I.D. #
<i>Lake Alice</i>	#56-867
<i>Opperman</i>	#56-865
<i>Groto</i>	#56-819
<i>Unnamed</i>	#56-828
<i>Unnamed</i>	#56-1203
<i>Unnamed</i>	#56-821

B. *Recreational development (RD); and*

Recreational Development Lake Name	DNR Public Waters I.D. #
<i>Hoot Lake</i>	#56-782
<i>Pebble Lake</i>	#56-829
<i>Wright Lake</i>	#56-783

C. *Natural environment (NE).*

Natural Environment Lake Name	DNR Public Waters I.D. #
<i>One Mile Lake</i>	#56-817
<i>Chautuaqua</i>	#56-780
<i>Unnamed</i>	#56-815
<i>Unnamed</i>	#56-816
<i>Unnamed</i>	#56-826
<i>Unnamed</i>	#56-827
<i>Unnamed</i>	#56-830
<i>Unnamed</i>	#56-831
<i>Unnamed</i>	#56-832

Natural Environment Lake Name	DNR Public Waters I.D. #
Unnamed	#56-861
Unnamed	#56-863
Unnamed	#56-864
Unnamed	#56-866
Unnamed	#56-1188
Unnamed	#56-1197
Unnamed	#56-1480

D. *Rivers and Streams are classified as follows:*

- (1) Remote rivers;
- (2) Forested rivers;
- (3) Transition rivers;
- (4) Agricultural rivers: Pelican River, Otter Tail River (unless portion otherwise designated within this section).
- (5) Urban rivers; and
- (6) Tributary streams.

Section 6. City Code Chapter 154.069, Zoning and Water Supply, Sanitary Provisions, paragraph B, is hereby amended to read as follows:

(B) *Height of structures.* All structures in residential districts, except churches and non-residential agricultural structures, must not exceed 30 feet in height.

Section 7. City Code Chapter 154.074, Planned Unit Developments (PUDS), is hereby amended in its entirety to read as follows:

(A) *Purpose.* The purpose of the "PUD" Planned Unit Development District is to permit flexibility in the use and design of structures and land in situation where modification of specific provisions of this Ordinance would not be contrary to its intent and purpose or significantly be inconsistent with the planning on which it is based, and will not be harmful to the neighborhood in which the district occurs. The PUD process may allow:

A. *Variety:* Within a comprehensive site design concept a mixture of land uses, housing types, and densities.

B. *Sensitivity:* By departing from the strict application of required performance standards associated with traditional zoning, planned unit development can maximize the development potential of land while remaining sensitive to its unique and valuable natural and scenic characteristics.

C. *Efficiency:* The consolidation of areas for recreation and reductions in street lengths and other utility related expenses.

D. District Integration: The combination of uses which are allowed in separate zoning districts such as:

1. Mixed residential allows both densities and unit types to be varied within the PUD.

2. Mixed commercial, residential, or institutional land use with the integration of compatible land uses within the PUD.

(B) *Types of PUDs permissible.* Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites or conversions of existing buildings and land in land use districts classified as R-4, Multiple-Residence, only.

(C) *Processing of PUDs.* Planned unit developments must be processed as a conditional use and comply with the provisions of this section in addition to those standards outlined elsewhere in the zoning and subdivision regulations. When there is a conflict in requirements, the more stringent of the requirements shall be applied. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section (G). Approval cannot occur until all applicable environmental reviews are complete.

(D) *Application for a PUD.* The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

(1) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided) and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial or a combination of the two;

(2) A property owner's association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of this section;

(3) Deed restrictions, covenants, permanent easements or other instruments that:

(a) Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft and construction of commercial buildings in residential PUDs; and

(b) Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in this section.

(4) When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied; and

(5) Those additional documents as requested by the city that are necessary to explain how the PUD will be designed and will function.

(E) *Open Space Maintenance and Administration Criteria.*

(1) Deed restrictions, covenants, permanent easements, public dedication and acceptance or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

(a) Vegetation and topographic alterations other than routine maintenance prohibited;

(b) Construction of additional buildings or storage of vehicles and other materials prohibited; and

(c) Uncontrolled beaching of watercraft prohibited.

(d) Commercial uses prohibited for Residential PUDS

(2) All PUDs must meet the following general design criteria.

- A. All residential planned unit developments must contain at least five dwelling units or sites.
 - B. On-site water supply and sewage treatment systems must be centralized and meet the standards of this ordinance. Sewage treatment systems must meet the setback standards of of this ordinance.
 - C. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
 - D. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in this ordinance
 - E. Shore recreation facilities:
 - 1. Must be centralized and located in areas suitable for them based on a suitability analysis.
 - 2. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).
 - 3. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
-
- A. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
 - B. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
 - C. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in this ordinance and are centralized.

1.

(F) *Open space requirements.* Planned unit developments must contain open space meeting all the following criteria:

- (1) At least 50% of the total project area must be preserved as open space;
- (2) Dwelling units or sites, road rights-of-way or land covered by road surfaces, parking areas or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
- (3) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
- (4) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites and by the general public;
- (5) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
- (6) Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
- (7) The appearance of open space areas, including topography, vegetation and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance or other effective and permanent means; and
- (8) Open space must include portions of the shore impact zone preserved in its natural or existing state as follows:
 - (9) (a) For existing residential PUD's, at least 50 percent of the shore impact zone
 - (10) (b) For new residential PUDs, at least 70 percent of the shore impact zone.
 - (11) (c) For all commercial PUD's, at least 50 percent of the shore impact zone.

(G) *Density Determination for PUDs within the shoreland management area.*

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures:

Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Waterbody Classification	No Sewer (ft)	Sewer (ft)
General Development Lakes – 1st tier	200	200
General Development Lakes – all other tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All Rivers	300	300

Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all **road rights-of way or easements**, wetlands, bluffs, or land below the ordinary high water level of public waters.

Step 3. Determine Base Density:

- A. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width or river frontage by the minimum single residential lot width.
- B. For commercial PUDs:
 - (1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.
 - (a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
 - (b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:
 - For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
 - For recreational vehicles, campers or tents, use 400 sf.

(2) Select the appropriate **floor area/dwelling site area ratio** from the following table for the floor area or dwelling site area determined in Section 10.53, B. 1.

Inside Living Floor Area or Dwelling Site Area (sf)	General Development Lakes w/Sewer – all tiers General Development Lakes w/no sewer – 1st tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
≤ 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
≥ 1,500	.150	.075	.038

(3) Multiply the suitable area within each tier determined in Section 10.52 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.

(4) Divide the total floor area or dwelling site area for each tier calculated in Section 10.53, B. 3, by the average inside living floor area for dwelling units or dwelling site area determined in Section 10.53, B 1. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

C. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.

D. All PUDs with densities at or below the base density must meet the design standards in Chapter 154.074.

Step 4. Determine if the Site can Accommodate Increased Density:

- A. The following increases to the dwelling unit or dwelling site base densities determined in Section 154 are allowed if the design criteria in Section 154 of this ordinance are satisfied as well as the standards in Section 154, item B:

Shoreland Tier	Maximum density increase within each tier (percent)
1st	50
2nd	100
3rd	200
4th	200
5th	200

- B. Structure setbacks from the ordinary high water level:

- (1) Are increased to at least 50 percent greater than the minimum setback; or
- (2) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

Section 8. City Code Chapter 154.100, RIVER/STREAM LOT WIDTH STANDARDS, is hereby amended as follows:

River/Stream Minimum Lot Width Standards. There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are:

Lot Type	Remote	Forested	Transition	Agriculture	Urban & Tributary No Sewer	Urban & Tributary Sewer
Single	300	200	250	150	100	75
Duplex	450	300	375	225	150	115
Triplex	600	400	500	300	200	150
Quad	750	500	625	375	250	190

Section 9. City Code Chapter 154.101, SHORELAND OVERLAY SETBACK REQUIREMENTS, is hereby amended as follows

The setback and other requirements listed below shall be followed:

Waterbody Classification	Structures with <u>No Sewer</u>	Structures with <u>Sewer</u>	Sewage Treatment Systems
Natural Environment Lakes	150	150	150
Recreational Development Lakes	100	75	75
General Development Lakes	75	50	50
Remote Rivers	200	200	150
Forested and Transition Rivers	150	150	100
Agriculture, Urban, & Tributary Rivers	100	50	75

Section 10. Effective date. The effective date of this ordinance shall be the _____ day of _____, 202_____.

The following summary is approved by the City council and shall be published in lieu of publishing the entire ordinance pursuant to Minnesota Statutes Section 412.191:

PUBLIC NOTICE

WHEREAS, Chapters 154.003. 154.033. 154.034. 154.066. 154.068. 154.069, 154.074. 154.100 and 154.101, Shoreland Management Overlay District, of the Fergus Falls City Code has been amended by Ordinance No. 34, Eighth Series, which ordinance has been duly adopted by the City Council; and,

WHEREAS, Said ordinance is lengthy and the Council has therefore determined that, pursuant to City Charter Section 4.04, Subd. 2, publication of the title and summary of said ordinance would clearly inform the public of the intent and effect of the ordinance; and,

WHEREAS, The Council, by at least four-fifths of its members, has directed that only the title of the ordinance and a summary be published and that printed copies of the ordinance be available for inspection by any person during regular office hours at the office of the City Administrator and also at the public library where the entire text of said ordinance is posted.

NOTICE IS HEREBY GIVEN, that the title of Ordinance No. 34, Eighth Series, is as follows:

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS, MINNESOTA, AMENDING CHAPTERS
154.003. 154.033. 154.034. 154.066. 154.068. 154.069,
154.074. 154.100 AND 154.101 OF THE
SHORELAND MANAGEMENT OVERLAY
DISTRICT OF THE CITY CODE.**

NOTICE IS FURTHER GIVEN, that a summary of Ordinance No. 34, Eighth Series, is as follows:

Section 1 amends City Code Chapter 154.003, Zoning Maps and Districts, Shoreland management overlay district.

Section 2 amends City Code Chapter 154.033, R-3, Multiple-Family Residence District, Uses by conditional use permit.

Section 3 amends City Code Chapter 154.034, R-4, Multiple-Family Residence District, Planned unit developments, Administrative procedure.

Section 4 amends City Code Chapter 154.066, Definition of Boathouse, Public Waters, Sewage Treatment Systems, Variance and Wetland.

Section 5 amends City Code Chapter 154.068, Shoreland Classifications System and Land Use Districts, paragraphs C and D.

Section 6 amends City Code Chapter 154.069, Zoning and Water Supply, Sanitary Provision, Height of Structures.

Section 7 amends City Code Chapter 154.074, Planned Unit Developments (PODS).

Section 8 amends City Code Chapter 154.100, River/Stream Lot Width Standards.

Section 9 amends City Code Chapter 154.101, Shoreland Overlay Setback Requirements

Section 10 provides for the effective date.

NOTICE IS FURTHER GIVEN, that the Council has approved the text of the foregoing summary and determines that it clearly informs the public of the intent and effect of the ordinance.

THIS ORDINANCE was introduced on the _____ day of _____, 2022, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the _____ day of _____, 202____, by the following vote:

AYES:

NAYS:

ATTEST:

APPROVED:

City Administrator

Mayor

Published in the Fergus Falls Daily Journal on_____.

barb/acityoffergusfalls/ords/8thseries/Ord34