

ORDINANCE 2018-03
Repealing Portions and Replacing Chapters 151.025 – 151.033

City Council of the City of Ottertail hereby ordains the above chapters to be repealed and replace with the following:

CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

§ 151.025 CLASSIFICATION SYSTEM

(A) The requirements set forth in this section for each classification as defined as part of this chapter shall govern the development of that district. For the purpose of this chapter, the following zoning districts are hereby established:

- (1) Shoreland Area. All riparian residential, all non-riparian residential, agricultural, or commercial located in a boundary of 1000 feet of the OHWL of a lake, pond or flowage and 300 feet from a river or landward extent of the flood plain on that river, whichever is greater.
- (2) R-1 Single-Family/Duplex – Non-riparian residential located outside the shoreland boundary
- (3) R-2 Multi-Unit – Non-riparian residential located outside the shoreland boundary
- (4) C-1 Commercial – Non-riparian commercial located outside the shoreland boundary
- (5) P-1 Public/Commercial Use
- (6) P-2 Public/Parks
- (7) AR- Agricultural – Non-riparian acreage or residential in agricultural located outside the shoreland boundary
- (8) Private Recreational

(B) The location and boundaries of the district and special areas may be amended by ordinance adopted in the same manner as any other ordinance amending this chapter.

§ 151.026 CLASSIFICATION AND USES - SHORELAND

(A) The public waters below of the city have been classified and may be reclassified as needed by the Department of Natural Resources and are consistent with criteria found in MN Regulations part 6120.3300, as it may be amended from time to time, and the protected waters inventory map for Otter Tail County, Minnesota are hereby established.

<u>General Development Lake</u>	<u>ID Number</u>	<u>Transition</u>	<u>ID Number</u>
Buchanan	56020900	Otter Tail River	None
Otter Tail	56024200		
Portage	56014001		
<u>Recreational Development Lake</u>		<u>Natural Environmental Lake</u>	
Donalds	56020000	Pelican Bay	56020200
Long	56020100		

§ 151.027 LAND USE DESCRIPTIONS.

(A) Criteria for designation. The land use districts below, and the delineation of a land use district boundaries on the Official Zoning Map, must be consistent with the goals, policies and objectives of the comprehensive plan (when available) and the following criteria, considerations and objectives:

- (1) *General considerations and criteria for all land uses.*
 - (a) Preservation of natural areas;
 - (b) Present ownership and development of shoreland areas;
 - (c) Shoreland soil types and their engineering capabilities;
 - (d) Topographic characteristics;
 - (e) Vegetative cover;

- (f) In-Water physical characteristics, values and constraints;
 - (g) Recreational use of the surface water;
 - (h) Road and service center accessibility;
 - (i) Socioeconomic development needs and plans as they involve water and related land resources;
 - (j) The land requirements of industry which, by its nature, requires location in shoreland areas; and
 - (k) The necessity to preserve and restore certain areas having significant historical or ecological value.
- (2) *Factors and criteria for Planned Unit Development.*
- (a) Existing recreational use of the surface waters and likely increases in use associated with Planned Unit Development;
 - (b) Physical and aesthetic impacts of increased density;
 - (c) Suitability of lands for the Planned Unit Development approach;
 - (d) Level of current development in the area; and
 - (e) Amounts and types of ownership of undeveloped lots.

(B) *Land use district descriptions.* The land use districts provided below, and the allowable land uses therein shall be properly delineated on the Official Zoning Map. These land use districts are in conformance with the criteria specified in Minn. Regulations, part 6120.3200, subp. 3

§151.28 *Table I: Classifications and Uses for Lakes*

TABLE OF LAND USE DISTRICTS FOR LAKES				
Lakes: GD = General Development RD = Recreational Development NE = Natural Environmental		Rivers: U & T = Urban and Tributary / Transition		
	P = Permitted Use		C = Conditional Use	N = Prohibited Use
	<i>Lakes</i>			<i>Rivers</i>
<i>Uses</i>	<i>GD</i>	<i>RD</i>	<i>NE</i>	<i>Trans</i>
Access Lot	N	N	N	N
Accessory Building	C	C	C	C
Agriculture	P	P	P	P
Boat Access	C	C	C	C
Cemetery	C	C	C	C
Church, Chapel, Temple, etc.	C	C	C	C
Cluster Development	C	C	C	C
Commercial	C	C	C	C
Controlled Access	N	N	N	N
Duplex, Tri-Plex, and Quad Residential	P	P	P	P
Extractive	C	C	C	C

TABLE OF LAND USE DISTRICTS FOR LAKES					
Lakes:	GD = General Development RD = Recreational Development NE = Natural Environmental			Rivers:	U & T = Urban and Tributary / Transition
		P = Permitted Use	C = Conditional Use	N = Prohibited Use	
		<i>Lakes</i>			<i>Rivers</i>
<i>Uses</i>	<i>GD</i>	<i>RD</i>	<i>NE</i>	<i>Trans</i>	
Forest Management	C	C	C	C	
Guest House/Bunk House	N	N	N	N	
Home Based Business	P	P	P	P	
Industrial	N	N	N	N	
Planned Unit Development	C	C	C	C	
Public Park, Playgrounds and Historic Sites	C	C	C	C	
Sexually Oriented Business	N	N	N	N	
Single Family Residential	P	P	P	P	
Storage Shed	P	P	P	P	
Wind Turbine	C	C	C	C	
Wireless Communications Tower	C	C	C	C	

Conditional use permit standards: It is the intent of the city in establishing general and specific criteria for conditional uses that these uses be subject to careful evaluation to ensure that their location, size and design are consistent with standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The City Council may impose conditions on these uses in order to effect the purpose of this chapter.

Ord. passed 5-17-2012

Amended __ - __-2017

§ 151.029 CLASSIFICATION AND USES – NON SHORELAND

(A) R-1 Residential District.

Permitted uses in the Residential District R-1 shall include single-family and multiple-family dwellings (duplexes), churches including chapels, temples and etc., parks and playgrounds, schools, licensed day care, home based businesses, hospitals, clinics, wireless communication towers in accordance with Chapter 155, and other uses incidental to a residential area. An occupation may be carried on in the R-1 district, provided the occupation is not of an industrial or light industrial nature and provided that the occupation is carried on in the main dwelling in a space not exceeding 25% of its floor area, and no sales display is visible from the street. Signage shall be permitted in accordance with Chapter 154.

(B) R-2 Residential District.

Permitted uses in the Residential District R-2 shall include single-family and multiple-family

dwellings (duplexes), tri-plexes, quads, multi-unit housing.

(C) C-1 Commercial District.

(1) Permitted uses in the Commercial District C-1 shall consist of all uses of a commercial nature, such as retail, light industrial, repair or storage of materials, goods or products, wholesale, service, office, financial, recreational, professional and lodging, wireless communication towers in accordance with Chapter 155, and such other as are defined below as light industrial.

(2) Light Industrial means the assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside the building or lot where the assembly, fabrication or processing takes place, where the processes are housed entirely within a building, or where the outdoor storage of goods and materials used does not exceed 25% of the floor area of all buildings on the lot.

(D) P-1 Public/Commercial Use

Permitted uses in the Public/Commercial Use District consists of all uses of a commercial nature including communication towers which meet standards set forth in Chapter 155 of this Code, after a review of the City Council and all procedures have been followed.

(E) P-2 Public/Parks

Permitted uses in the P-2 Public/Parks shall consist of activities that have a recreational value, and parks/playgrounds, wireless communication towers in accordance with Chapter 155,

(F) AR-Agricultural

Permitted uses in the AR District is single family housing, multi-unit housing (duplex, tri-plex, quad and multi-unit housing), general cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting, wireless communication towers in accordance with Chapter 155,

(G) Private Recreational

Permitted uses in the Private Recreational are recreational in value, includes R-1 and R-2 with exceptions for churches including chapels, temples and etc., parks and playgrounds, schools, licensed day care, home based businesses, hospitals, clinics, wireless communication towers in accordance with Chapter 155, and other uses incidental to a residential area. An occupation may be carried on in the R-1 district, provided the occupation is not of an industrial or light industrial nature and provided that the occupation is carried on in the main dwelling in a space not exceeding 25% of its floor area, and no sales display is visible from the street.

Conditional use permit standards: It is the intent of the city in establishing general and specific criteria for conditional uses that these uses be subject to careful evaluation to ensure that their location, size and design are consistent with standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The City Council may impose conditions on these uses in order to effect the purpose of this chapter. Some uses are not permitted. (§151.28 Table I: Classifications and Use for Lakes and § 151.029 CLASSIFICATION AND USES – NON SHORELAND)

Ord. passed 5-17-2012
Amended 06-07-2018

§151.030 Table II: Minimum Lot Area

Lot Requirement, Water Frontage & Lot Width Requirements; Lakes & Rivers				
SHORE LAND RIPARIAN LOTS	Lakes			Rivers
	GD	RD	NE	Trans
Lot Area (Ft²)*				
Single-family residential	20,000	40,000	80,000	60,000
Duplex	40,000	80,000	120,000	120,000
Tri-plex	60,000	120,000	160,000	60,000
Quad	80,000	160,000	200,000	200,000
Buildable Area (Ft²)				
Single-family residential buildable area	8,400	8,400	8,400	8,400
Sewage treatment area (Ft²)**				
Single-family residential	2,500	2,500	2,500	2,500
Water Frontage and Lot Width (Ft²)				
Single-family residential	100	150	200	250
Duplex	180	225	300	375
Tri-plex	260	300	400	500
Quad	340	375	500	625
SHORELAND - NON-RIPARIAN LOTS				
Lot Area (Ft²)*				
Single-family residential	40,000	40,000	80,000	80,000
Duplex	80,000	80,000	160,000	160,000
Tri-plex	120,000	120,000	240,000	240,000
Quad	160,000	160,000	320,000	320,000
Buildable Area (Ft²)				
Single-family residential	8,400	8,400	8,400	8,400
Single-family residential sewage treatment area (Ft ²)**	2,500	2,500	2,500	2,500

Lot Requirements continued				
Lot Width (ft.)				
Single-family residential	150	150	200	250
Duplex	265	265	400	375
Tri-plex	375	375	600	500
Quad	490	490	800	625

* Excluding all public road right-of-ways, wetland, bluff, or land below the OWHL of Public Waters.

** Required for all proposed Subdivisions, the proposed location may be varied with approval from Ottertail City Council.

§ 151.031 Minimum Setback Requirements

(A) Table III Minimum Setbacks

SETBACKS (Ft)				
SHORELAND RIPARIAN LOTS Setback From	Lakes			Rivers
	GD	RD	NE	Trans
Elevation Above OHWL				
Vertical Separation*	3	3	3	3
OHWL				
Dwellings/non Dwellings	75	100	200	100
WOAS	20	20	20	20
Lotline **				
Cluster Development	50	50	50	50
Road Right-Of-Way public/private; all structures	20	20	20	20
Septic Tanks: All structures	10	10	10	10
Residence	10	10	10	10
Soil Treatment Area				
Dwelling	20	20	20	20
Non-Dwelling	10	10	10	10
Top of Bluff	30	30	30	30
WOAS (riparian only)	40	65	90	115

Maximum Structure Height

Dwelling	35	35	35	35
Non-Dwelling ***	20	20	20	20
WOAS	10	10	10	10

* For lakes, by placing the lowest floor, including basement, at a level of at least 3 feet above the highest known water level, or 3 feet above the OHWL, whichever is higher. For rivers, by placing the lowest floor, including basement at least 3 feet above the regional flood level, the OHWL, or by conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flows and to establish the flood protection elevation. WOAS may have the lowest floor placed lower than the elevation determined in this section if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

** Lotline setbacks shall not apply to vision obstructing fences which are not greater than 6 feet in height.

***Except non-dwelling buildings more than 400 feet from the OHWL of a lake and/or 300 feet from the OHWL of a river.

(B) *Non-riparian lots.* Non-riparian lots of no less than 5,000 square feet may be created if they are legally joined to a riparian lot within 200 feet of the non-riparian lot, and contain permanent restrictions against residential construction. These non-residential non-riparian lots must be created by subdivision plat in a manner as to allow for orderly attachment to riparian lots and with appropriate restrictive covenants. The final plat will not be accepted unless it identifies the riparian lot to which each new non-riparian lot shall be permanently attached.

(C) *BIZ-Bluff Impact Zone.* Structures and accessory facilities, except stairways and landings, must not be placed within the BIZ.

(D) *Steep slopes.* Local government officials must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles and other facilities as viewed from the surface of public waters, assuming summer leaf-on vegetation.

(E) *Proximity to unplatted cemeteries and significant historic sites.* No structure may be placed nearer than 50 feet from the boundary of an unplatted cemetery protected under M.S. § 307.08, as it may be amended from time to time, unless necessary approval is obtained from the State Archaeologist's office. No structure may be placed on a historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

(F) *One WOAS per lot will be allowed, provided:*

- (1) The structure must be above ground unless a conditional use permit or grade/fill permit is granted;
- (2) The structure is ten feet or less in height as measured from the lowest adjoining ground level;
- (3) The structure is 260 square feet or less in area;
- (4) The maximum width of the structure is 20 feet as measured parallel to the shoreline;
- (5) The structure is set back from the OHWL at least 20 feet;
- (6) The structure complies with the lotline setback requirements as set by Table III;
- (7) The structure must not be used for human habitation or have water or sewer connections;
- (8) The structure is treated to reduce visibility as viewed from public waters and adjacent

shoreland by vegetation, topography, increased setbacks, color or other acceptable means, assuming summer leaf-on conditions;

(9) The roof of the structure may be used as a deck with safety rails, but must not be enclosed or used as a storage area; and

(10) Only one structure may be placed within the Shore Impact Zone (SIZ).

(G) *Stairways, lifts and landings.*

(1) Stairways and lifts are the preferred alternative to topographic alterations for achieving access up and down bluffs and steep slopes, or across a SIZ to shore areas.

(2) Stairways and lifts must meet the following design requirements:

(a) Must not exceed four feet in width on residential lots, and eight feet in width for commercial properties, public open spaced recreational properties and planned unit developments (PUDs);

(b) Landings for stairways and lifts on residential lots must not exceed 36 square feet in area. Landings no larger than 64 square feet may be used for commercial properties, public open space recreational properties and PUDs;

(c) Canopies or roofs are not allowed;

(d) May either be constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control or soil erosion, and authorized by a required conditional use permit or grade/fill permit;

(e) Must be located in the most visually inconspicuous parts of lots, as viewed from the surface of the public water assuming summer leaf-on conditions, whenever practical;

(f) Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of divisions (G)(2)(a) through (G)(2)(e) above are complied with, in addition to the requirements of Minn. Rules Ch. 1341.

(H) *Decks.*

(1) Except as provided in division (G) above, decks must meet the structure setback standards.

(2) Decks that do not meet setback requirements from public waters may be allowed without a variance to be added to structures existing on February 5, 1992, if all the following criteria and standards are met:

(a) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing OHWL setback of the structure;

(b) The deck encroachment toward the OHWL does not exceed 15% of the existing shoreline setback of the structure from the OHWL or is not closer than 30 feet to the OHWL, whichever is more restrictive; and

(c) The deck is not roofed or screened.

(Ord. passed 5-17-2012)
(Amended 06-07-2018)

§ 151.032 GENERAL REQUIREMENTS OF ALL ZONING DISTRICTS.

The following requirements shall apply equally to all districts except where otherwise stated or where special provisions provide otherwise:

ALL ZONING DISTRICTS

- 30% Impervious in non-shoreland areas. (25% for shoreland within 1000 ft. of OHWL)
- Suitable installation of a Type 1 sewage treatment system consistent with MN Rules chapter 7080 are required for single family residential dwellings.
- Manufactured homes shall be located and installed according to the same standards, including but not limited to a permanent foundation system, set-backs and minimum square footage which would apply to a site built single family dwelling on the same lot.
- Setbacks are the same for all non-shoreland lots as shoreland areas.
- Maximum height restrictions are set forth in Chapter 151.028 of this code.
- When a parcel is bordered by more than one shoreland classification (i.e. lake, river, etc.), the classification that has the most restrictive requirements will be the rule.

A. SINGLE FAMILY RESIDENTIAL.

- i. The principal structure shall have a floor area of not less than 768 square feet and the minimum dimension of the main body of the dwelling unit shall not be less than 20 feet.
- ii. The minimum area for a single family residential lot shall be 20,000 square feet and the minimum lot width shall be 100 feet.

B. MULTIPLE-FAMILY DWELLINGS.

- i. Require a conditional use permit.
- ii. Are required to be served by a suitable sewer system management program or service.
- iii. The principal structure shall have a floor area of not less than 768 square feet and the minimum dimension of the main body of the dwelling unit shall not be less than 20 feet.
- iv. The minimum area for a multi-family dwelling lot shall be 40,000 square feet and the minimum lot width shall be 200 feet.

C. COMMERCIAL AND INDUSTRIAL BUILDINGS.

- i. Such requirements as may be approved by the City Council after submission of approved site plan and plan of structure with approved storm water retention considerations and suitable sewage treatment system.

(Ord. passed-06-07-2018)

§ 151.033 SPECIAL REQUIREMENTS

A. Storage of Materials.

1. Open storage of junk, wrecked vehicles to be dismantled, or other salvage materials shall be enclosed by a permanent fence or combination of fence and other structure to entirely block the view of the storage area from the public and adjacent property owners.

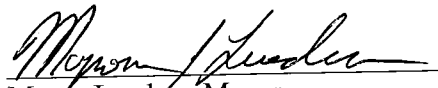
2. Waste materials incidental to the principal operation shall be kept in neatly stored containers screened from public view and at least 25 feet from all interior lot lines. Waste materials shall be removed and disposed of in a manner adequate to meet Otter Tail County Health Department regulations.

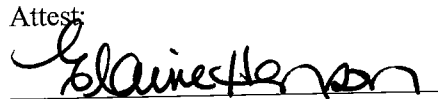
B. Abandonment.

If any use or structure authorized by this chapter is abandoned, or by lack of use or neglect is permitted to become offensive or unsightly, either on public or private property, it shall be restored to its original conditions by the owner or removed pursuant to the order of the City Council if found to be detrimental to the public health, safety or welfare, and the costs of such restoration or removal shall be borne by the owner of the property, and may be assessed against the property if removed by the City. Non-Use for a period of 12 months shall be presumptive evidence of abandonment, subject to rebuttal by competent evidence.

(Ord. passed 06-17-2018)

Passed by the City Council of Ottertail, Otter Tail County, Minnesota this 06-07-2018,
and effective from and after its passage and publication .


Myron Lueders, Mayor

Attest:

Elaine Hanson, Clerk-Treasurer

- Lueders
- Carlson
- Grobeck
- Windey
- Burlingame

Posted Intent to approve 10 day
Requirement 05-21-2018