



Madison Lake Zoning Ordinance

2025

Madison Lake Zoning Ordinance

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Madison Lake Zoning Ordinance

CHAPTER 1. JURISDICTION

A. TITLE.

1. This Ordinance shall be known as the "Madison Lake Zoning Ordinance" except as, referred to herein, where it shall be known as "This Ordinance" and shall supersede any previous Ordinance specifically pertaining to the regulation of land uses/zoning within the City.

B. INTENT AND PURPOSE.

1. The intent of This Ordinance is to protect the public health, safety, and general welfare of the City of Madison Lake and its people through the establishment of minimum regulations governing land development and use.
2. This Ordinance shall divide the City into districts by use and establish regulations regarding the location, erection, construction, reconstruction, alteration, and use of structures and land.
3. Such regulations are established to provide adequate light, air and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population; to provide for compatibility of different land uses; to provide for administration of This Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties for violation of such regulations; and to define powers and duties of the City staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to the Zoning Ordinance.

C. SHORT TITLE.

1. This Ordinance shall be known and may be cited as the "Madison Lake Zoning Ordinance of 2025".

D. STANDARD REQUIREMENT.

1. Where the conditions imposed by any provisions of This Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule, or regulation of the City, the ordinance, rule, or regulation which imposes the more restrictive condition standard or requirements shall prevail.

E. RELATION TO COMPREHENSIVE PLAN.

1. The enforcement, amendment, and administration of This Ordinance shall be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan as the Policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

F. APPLICATION OF ZONING.

1. The interpretation and application of the provisions of This Ordinance shall be held to the minimum requirements for the promotion of public health, safety, and welfare.

Madison Lake Zoning Ordinance

CHAPTER 1. JURISDICTION

G. CONFORMITY.

1. No structure shall be erected, converted, enlarged, or used for any purpose which is not in conformity with the provisions of This Ordinance.

H. PERMIT ISSUANCE.

1. Except as herein provided, no building, structure, or premises shall hereafter be used or occupied, and no building permit shall be granted that does not conform to the requirements of This Ordinance.

I. INTERPRETATIONS.

1. The Zoning Administrator is responsible for the interpretation and application of the provisions of this code. Any appeal of an interpretation by the Zoning Administrator shall be submitted to the Planning Commission and City Council as outlined in This Ordinance, who, unless otherwise provided, is authorized to interpret the code, and such interpretation shall be considered to be final.
2. Uses are permitted within the various zones as described in this code and as otherwise provided herein. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the zones described in this code.
3. If the proposed use resembles identified uses in terms of intensity and character and is consistent with the purpose of this code and the individual zone's classification, it shall be considered as a permitted/nonpermitted use within a general zone classification, subject to the regulations for the use it most nearly resembles. If a use does not resemble other identified allowable uses within a zone, it may be permitted as determined by the hearing body in public hearing as an amendment to the Zoning Ordinance.

J. SEPARABILITY.

1. The intention of the City is that Every Chapter, provision or part of This Ordinance or any permit issued pursuant to This Ordinance, is declared separable from every other Chapter, provision, or part thereof to the extent that:
 - a. If any court of competent jurisdiction shall adjudge any Chapter, provision or part of This Ordinance or any permit issued pursuant to This Ordinance to be invalid, such judgment shall not affect any other Chapter, provision or part of This Ordinance or any permit issued pursuant to This Ordinance not specifically included in said judgment.
 - b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of This Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Madison Lake Zoning Ordinance

CHAPTER 1. JURISDICTION

K. PREVAILING DOCUMENT.

1. When any condition imposed by any provision of This Ordinance on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other City ordinance or regulation, the more restrictive conditions shall prevail.
2. This Ordinance is not intended to abrogate any easements, restrictions, covenants, relating to the use of land or imposed on lands within the City by private declaration or agreement, but where the provisions of This Ordinance are more restrictive than any such easement, restriction or covenant or the provision of any private agreement, the provisions of This Ordinance shall prevail.

L. RULES.

1. The language set forth in the text of This Ordinance shall be interpreted in accordance with the following rules of construction:
 - a. The singular number includes the plural and the plural the singular.
 - b. The present tense includes the past and the future tenses, and the future the present.
 - c. The word "shall" is mandatory while the word "may" is permissive.

Madison Lake Zoning Ordinance

CHAPTER 2. CLASSIFICATION ESTABLISHMENT OF DISTRICTS

A. DISTRICTS.

The following Zoning Districts are hereby established within the City of Madison Lake:

- A-1 Agricultural District
- R-1 Single Family Residential District
- R-1S Single Family Dwelling District, Substandard
- R-2 Two Family Residential District
- R-3 Multiple Family Residential District
- B-1 Highway Commercial District
- B-2 Central Business District with Downtown Overlay District
- B-3 Recreational Business District
- I-1 Industrial District

B. ZONING MAP.

The location and boundaries of the districts established by This Ordinance are hereby set forth on the Zoning Map entitled "Zoning Map of Madison Lake." Said Map is on file with the Zoning Administrator, and hereinafter referred to as the "Zoning Map" which map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of This Ordinance by reference.

C. ANNEXATION.

In the event of annexation of new areas to the City, such areas shall be considered to be in the (A-1) Agricultural District unless otherwise classified.

D. ZONING DISTRICT BOUNDARIES.

1. Boundaries indicated as approximately following the centerline of streets, highways, alleys, or railroad lines shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to following such centerlines.

Madison Lake Zoning Ordinance

CHAPTER 2. CLASSIFICATION ESTABLISHMENT OF DISTRICTS

D. ZONING DISTRICT BOUNDARIES. (cont'd)

4. Boundaries indicated as approximately following the City limits shall be construed as following such City limits.
5. Where a district boundary line divides a lot which was in a single ownership at the time of passage of this chapter, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot may be interpreted by the Zoning Administrator upon request of the owner.

E. DISTRICT REGULATIONS.

The regulations of This Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided.

1. No buildings, structures or land shall hereafter be used or occupied, and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations herein specified for the district in which it is located.
2. No yard or lot existing at the time of passage of This Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of This Ordinance shall meet at least the minimum requirements established by This Ordinance.
3. No provision hereunder shall be construed so as to prevent emergency repair/rebuild of existing essential services provided said repair/rebuild does not exceed area, width, height, etc. in existence and conforming to This Ordinance prior to the emergency situation which shall mean a natural disaster or an event outside the owners (or his/her representative's) control.

F. AMENDMENTS.

The Zoning Administrator shall maintain the Zoning Map. Amendments to said Zoning Map shall be recorded thereon within thirty (30) days after official publication of amendments. The Madison Lake Zoning Map shall be kept on file in the City Office.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

- A. Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.
- B. Interchangeability.** Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- C. Terms defined in other codes.** Where terms are not defined in this code and are defined in the Building Code, such terms shall have the meanings ascribed to them as in those codes.
- D. Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. The following words/terms, wherever they occur in This Ordinance, shall be interpreted as herein defined:
- 1. Accessory use** shall mean a use that is incidental to and customarily associated with a specific principal use and located on the same parcel as the principal use. Accessory uses that are permissible within each zoning district are listed within the zoning district regulation.
 - 2. Accessory structure** shall mean a detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same zoning lot therewith. Separated from the main structure, does not include attached garage.
 - 3. Addition** shall mean a vertical or horizontal physical enlargement of an existing structure.
 - 4. Advertising.** A billboard, poster panel board, painted bulletin board, or other communicative device which is used to advertise products, goods, and/or services which are not exclusively related to the premise on which the sign is located.
 - 5. Address Sign.** A sign communicating street address only, whether written or in numerical form.
 - 6. Adult Uses/Sexually Orientated Businesses.** Adult uses/sexually orientated businesses include, but are not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse, sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public.

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CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

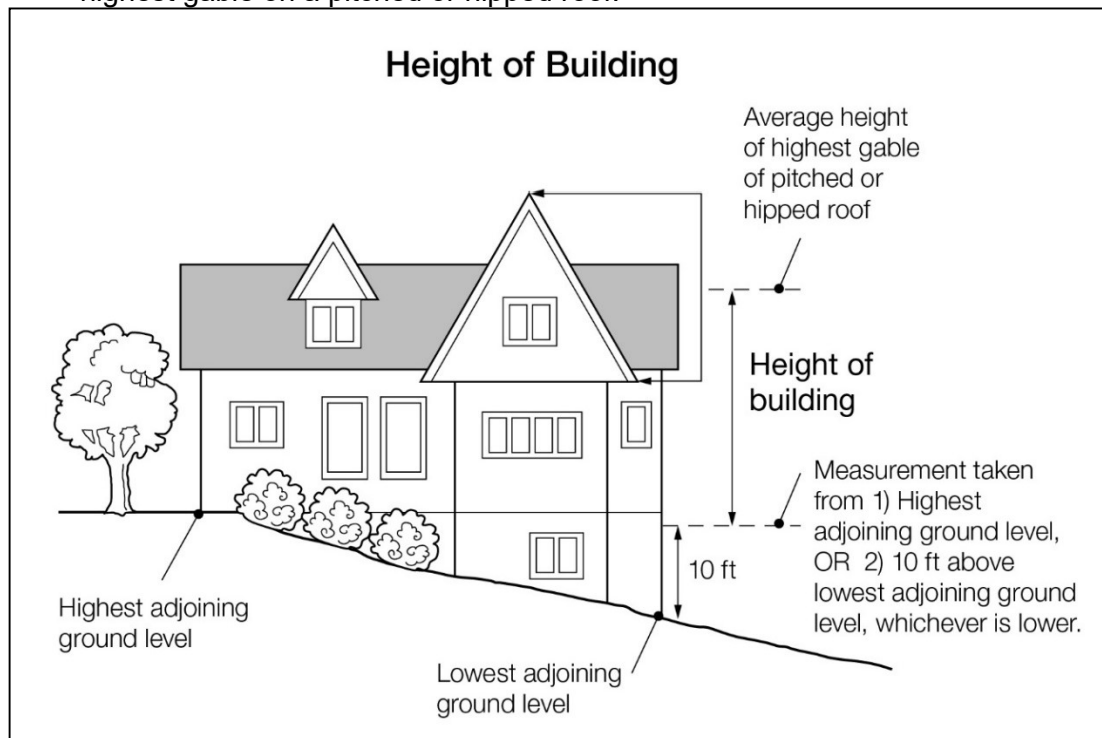
7. **Agriculture Uses.** Those uses commonly associated with the growing of produce on farms. These include, but are not limited to, field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding; but not including fur farms, commercial animal feed lots, and kennels.
8. **Alley.** A public right-of-way which affords secondary access to abutting property.
9. **Alteration.** As applied to a building or structure, is a change or rearrangement in structural parts, or enlargement or the moving from one location to another.
10. **Apartment.** A part of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence for one family or an individual and equipped with cooking facilities.
11. **Apartment Building.** Three or more suites of rooms which are designed for, intended for, or occupied as a residence by a single family or an individual, and are equipped with cooking facilities (includes dwelling units and efficiency units).
12. **Applicant.** Any person who wishes to obtain a zoning permit, zoning, or Subdivision approval.
13. **Automobile Repair.** General repair, rebuilding or reconditioning of engines, motor vehicles, boats, snowmobile, motorcycle, or trailers; collision service, including but not limited to, body, frame, or fender straightening or repair; painting and vehicle steam cleaning.
14. **Automobile Wrecking or Junk Yard.** Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles, or merchandise.
15. **Barndominium** shall mean a structure originally designed, constructed, or resembling an agricultural building (including but not limited to barns, pole barns, sheds, or similar outbuildings) that has wholly or partially converted for use as a dwelling unit. ****See also Shouse.**
16. **Billboard** shall mean a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location that is typically different than the premises on which the sign is located.
17. **Basement.** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
18. **Bed and breakfast.** Bed and breakfast shall mean an owner-occupied residence within which is provided guest rooms for a fee, and which may provide meals to those renting the guest rooms.

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CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

24. **Boathouse.** A structure used solely for the storage of boats or boating equipment, not for use as a dwelling.
25. **Buildable Area.** The portion of a lot remaining after required yards have been provided on a property.
26. **Building.** Any structure used or intended for supporting or sheltering any use or occupancy
27. **Building Height.** The vertical distance between the highest adjoining ground level at the building or 10' (ten feet) above the lowest ground level, whichever is lower, and to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point of a round or other arch-type roof, to the mean distance of the highest gable on a pitched or hipped roof.



DNR Shoreland Rules

28. **Building Line.** The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, patio, cornices, and other ornamental features projecting from the walls of the building or structure.
29. **Building Permit.** A permit issued by the City for development activities. The permit will be reviewed by the City Building Official and activity must meet Building Code. The permit needs to be approved by the City before any building activities take place.

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CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

30. **Building Setback.** The minimum horizontal distance between the building and the specified lot line as prescribed in This Ordinance. The building setback shall be measured from the foundation of a building.
31. **Business.** Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited, or sold or where services are offered for compensation.
32. **Business Sign.** Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including, but not limited to, entertainment, offered or sold upon the premise where such sign is located.
33. **Campground.** An area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.
34. **Carport.** A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three (3) sides.
35. **Certificate of Occupancy** shall mean a document issued by the building official as a condition precedent to the commencement of a use after the construction or reconstruction of a structure which acknowledges that the specified use and structure complies with the provisions of This Ordinance and the Building Code.
36. **Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained, and controlled by a religious body organized to sustain public worship.
37. **Clear-Cutting.** The removal of an entire stand of vegetation.
38. **Clinic.** A place for the care, diagnosis, and treatment of sick, ailing, or injured individuals.
39. **Club or Lodge.** A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests.
40. **Commercial Agricultural.** The use of land for the growing and/or production of field crops, livestock, and livestock products.
41. **Commercial Planned Unit Developments.** Typically uses which provide transient, short-term lodging spaces, room, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks and other primarily service-oriented activities.
42. **Commercial Recreation.** Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theatre, boat rental, amusement rides, campgrounds, and similar uses.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

43. **Commercial Vehicle.** A motor vehicle used in commerce to transport passengers or property that:
- a. Has a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the U.S. Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds; or
 - b. That is designed to transport at least sixteen (16) passengers, including the driver; or,
 - c. Is used to transport material found by the Secretary, except as identified in 49 USC Sec. 31301(3)C
 - d. Off-road motorized construction equipment, including but not limited to, backhoes, motor scrapers, motor graders, compactors, tractors, trenchers, bulldozers, railroad track maintenance equipment, cranes, front end loaders, tractor trailer, straight trucks even if converted offices.
 - e. Items similar in nature to those described above.
44. **Commissioner.** The Commissioner of the specified agency including, but not limited to the Commissioner of the Department of Natural Resources, the Commissioner of the Minnesota Department of Transportation, the Commissioner of the Federal Aviation Administration.
45. **Conditional Use.** A use, which because of special problems of control the use permits, requires reasonable, but special, unusual, and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the Madison Lake Comprehensive Plan.
46. **Conditional Use Permit.** A permit issued by the Council in accordance with procedures specified in This Ordinance, as a flexibility device to enable the Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
47. **Condominium.** A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Section 515.01 to 515.19.
48. **Control Measure.** A practice or combination of practices to control erosion and attendant pollution.
49. **Convenience Food Establishment.** An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.
50. **Cooperative (Housing).** A multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

51. **Curb Level.** The level of the established curb in front of the building measured at the center of such front.
52. **Day Care-Home.** A family dwelling in which foster care, supervision, and training for children is provided during part of a day with no overnight accommodations and where children are delivered and removed daily.
53. **Day Care-Group Nursery.** A service provided to the public, in which children of school or preschool age are cared for during established business hours.
54. **Deck, Attached.** A structure within 6' (six feet) of the main building that may or may not have railings or access to the ground but does not contain walls or a roof. May also be referred to as a balcony.
55. **Deck, Unattached.** A structure 6' (six feet) or more from the main building that may or may not have railings or access to the ground but does not contain walls or a roof.
56. **District.** A Chapter or Chapters of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein
57. **Dredging.** To enlarge or clean out a waterbody, watercourse, or wetland.
58. **Drive-in Establishment.** An establishment which accommodates the patron's automobile from which products purchased from the establishment may be consumed.
59. **Dwelling-Multiple (Apartments).** A building designated with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but having hallways and main entrances and exits.
60. **Dwelling Site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
61. **Dwelling, Two-Family.** A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
62. **Dwelling Unit.** A residential building, structure or shelter or any portion thereof that designed as short or long-term living quarters for one or more persons, including, but not limited to rental or timeshare accommodations and resort rooms and cabins; but not including motels, nursing homes or trailers.
63. **Easement.** A grant by a property owner for the use of a strip of land which includes but is not limited to the constructing and maintaining of utilities including but not limited to sanitary sewer, water mains, electric lines, telephone line, storm sewer or storm drainage way and gas lines.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

64. **Elderly (Senior Citizen) Housing.** A public agency owned or controlled multiple dwelling buildings with open occupancy, limited to persons over sixty (60) years of age or in accordance with Federal and State Laws and Regulations.
65. **Efficiency Apartment.** A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining alcove.
66. **Essential Services.** Underground or overhead gas, electrical, steam, or water distribution systems; collection, communication, supply, or disposal systems including, but not limited to, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings.
67. **Extractive Use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Chapters 93.44 to 93.51.
68. **Family.** An individual or 2 or more persons related by blood, marriage, adoption, foster children, or a group of not more than 5 unrelated persons, living together as a single housekeeping unit, within a dwelling unit, as distinguished from individuals or a group occupying a hotel, motel, club, lodge, sorority, fraternity, or dormitory.
69. **Family (Functional).** A collective group of unrelated persons residing in a single dwelling unit, limited to not more than 2 adult persons, together with their traditional family members of any age.
70. **Family (Traditional).** One or more persons related by blood or marriage residing in a single dwelling unit.
71. **Farm.** A tract of land which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual or corporation.
72. **Farm-Dwelling.** A single-family dwelling located on a farm which is used or intended for use by the farm's owner, a relative of the owner, or a person employed thereon.
73. **Fence.** A barrier, railing, or other upright structure, typically of wire, wood or vinyl/pvc, enclosing an area of ground to mark a boundary or control access.
74. **Floor Area.** The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.
75. **Forest Management.** A process by which the proper care so that a forest stand remains healthy and vigorous.
76. **Forestry.** The management, including logging, of a forest, woodland, or plantation, and related research and educational activities, including, but not limited to, the construction, alteration, or maintenance of wood roads, skid roads, landing, and fences.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

77. **Garage.** An accessory building or accessory portion of the principal building intended for and used to store the private passenger vehicles of the family or families resident upon the premises.
78. **Glare.** A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance.
79. **Governmental Sign.** A sign which is erected by a governmental unit for the purpose of identification and directing or guiding of traffic.
80. **Grading.** Changing the natural or existing topography of land.
81. **Guest Cottage/Accessory Dwelling Unit.** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
82. **Guest Room.** A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.
83. **Hardship/Practical Difficulties.** Means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to that property not created by the landowner; and the request, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. The term hardship in this Zoning Code shall mean and refer to the practical difficulties test as defined by Minnesota Law.
84. **Hard Surfaced Parking, Driving, and Loading Area.** Parking and loading service areas shall be paved with asphalt, bituminous, concrete, or other surfaces of comparable durability (pervious parking materials) approved by the City Engineer or Zoning Administrator.
85. **Home Occupation.** Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.
86. **Hotel.** Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six (6) or more guest rooms, used, designated or intended to be used, let or hired out to be occupied or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.
87. **Hydric Soils.** Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
88. **Hydrophytic Vegetation.** Macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen, as a result of excessive water content.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

89. **Identification Signs.** Signs located in a residential district which identify a Subdivision, apartment complex or similar identifications and set forth the address of the premises where the sign is located; and signs in all other districts which identify the business or owner and set forth the address of the premises where the sign is located.
90. **Impervious Surface.** A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces.
91. **Industrial Use.** A permitted or accessory use allowed in the Industrial "I-1" District.
92. **Junk or Salvage Yard.** Land or building where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of automobiles and other vehicles.
93. **Land Disturbing or Development Activities.** Any change of the land surface including, but not limited to, excavating, filling, grading and the construction of any structure.
94. **Lot (of Record).** A parcel of land, whether Subdivided or otherwise legally described, as of the effective date of This Ordinance, which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by This Ordinance and having its principal frontage on a street or proposed street approved by the Council.
95. **Lot.** Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this zoning regulation.
96. **Lot Area.** The area of a lot.
97. **Lot, Corner.** Zoning lot situated at the intersection of two or more streets or bounded on two or more adjacent sides by street lines.
98. **Lot Coverage.** The area of a lot occupied by impervious surfaces as defined by This Ordinance, the principal building or buildings and accessory buildings. (See earlier account with DNR Rules).
99. **Lot, Depth.** The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

100. **Lot, Frontage.** The front of a lot shall, for purposes of complying with This Ordinance, be that boundary abutting a public right-of-way.
101. **Lot, Frontage Riparian (Lake).** The parcel of property belonging to a riparian lot opposite or across from a public right-of-way. The front of the property for the purpose of This Ordinance shall be the portion abutting water.
102. **Lot, Line.** A property boundary line of any lot held in single or separated ownership, except that where any portion of a lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right- of-way.
103. **Lot, Through.** A lot fronting on two parallel streets.
104. **Lot, Width.** The shortest horizontal distance between the side lot lines measured at right angles at the building line.
105. **Manufactured Home.** A structure transportable in one or more Chapters used as a dwelling for one family, with or without a permanent foundation when connected to the required utilities, which includes the plumbing, heating, air conditioning, and electrical systems contained therein. No manufactured dwelling shall be moved into the City that does not meet the Manufactured Home Building Code as defined in Minnesota Statute.
106. **Manufactured Home Park.** Any site, lot, or tract of land under single ownership designed, maintained, or intended for the placement of two (2) or more occupied manufactured homes. This also includes any buildings or structures appurtenant to the park.
107. **Manufacturing, Heavy.** The manufacture, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located.
108. **Manufacturing, Light.** All uses which include the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not generate offensive odors, glare, smoke, dust, noise, vibration, or other objectionable influences that extend beyond the lot on which the use is located.
109. **Marina.** A boat basin offering dockage and other service for small craft.
110. **Mining Operation.** The removal from the land of stone, sand and/or gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial, or governmental purposes.
111. **Mobile Home.** A dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site ready for occupancy except for incidental assembly, location on foundation, connection to utilities and the like.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

112. **Motor Fuel Station. (Gas Station)** A place where gasoline (stored only in underground tanks), kerosene, motor oil, lubricants, and grease for operation of vehicles are stored or sold to the public. This also includes accessories and services for automobiles.
113. **Natural Drainage System.** All land surface areas which by nature of their contour configuration collect, store and channel surface water run-off.
114. **Non-Conforming Building/Structure.** A building or portion of thereof existing at the time of adoption of This Ordinance and not conforming to the regulations for the district in which it is situated except that such a use is not non-conforming if it would be permitted under a conditional use permit where located.
115. **Non-Conforming Use of Land.** Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.
116. **Non-Riparian Lot.** A lot that does not abut public waters.
117. **Nursing Home.** A building having accommodations where care is provided for two (2) or more individuals, aged convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, or similar institutions.
118. **Off Street Loading Space.** A space accessible from the street, alley, or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.
119. **On-Premise Signs.** A sign located on the premise or property of an individual, business or organization when the sale or lease of the premise or the identification, products or services or the individual, business or organization are the subject of the sign.
120. **One Family Dwelling.** A detached dwelling unit designed for occupancy of one (1) family.
121. **Open Space Recreational Use.** Recreational use particularly oriented to and utilizing the character of an area, including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.
122. **Ordinary High-Water Level.** The boundary of public waters and wetlands, which shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the normal summer pool. Any reference in the Zoning Code to "Ordinary High-Water Mark" shall refer to Ordinary High-Water Level as the two terms are often used interchangeably.

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CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

123. **Parking Space.** An area, enclosed in the main building, in an accessory building or unenclosed, suitably surfaced and permanently maintained area, sufficient in size to store one (1) automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.
124. **Permitted Use.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.
125. **Person.** An individual, firm, partnership, association, corporation, or organization of any kind.
126. **Planned Unit Development (PUD).** A large lot or tract of land developed as a unit rather than as individual development wherein two (2) or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries. This is a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster Subdivision of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
127. **Planning Commission.** The Planning Commission of the City of Madison Lake.
128. **Portable Sign.** A sign so designed as to be movable from one (1) location to another and which is not permanently attached to the ground, sales display device or structure.
129. **Practical Difficulties/Hardship.** Means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the request, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. The term hardship in this Zoning Code shall mean and refer to the practical difficulties test as defined by Minnesota Law.
130. **Principal Use.** The main use of land or buildings as distinguished from subordinate or accessory uses.
131. **Public Use.** Uses owned or operated by municipal, school districts, county, state, or other governmental units.
132. **Public Utility.** Any person, firm, corporation, municipal department, or board fully authorized to furnish under municipal regulation to the public, electricity, gas, steam, communication services, telegraph services, transportation, water sewer and storm sewer.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

133. **Public Waters.** Any waters as defined in Minnesota Statutes §103G.005 Subd. 15. "Public waters" means:
- a. Water basins assigned a shoreland management classification by the commissioner under sections 103F.201 to 103F.221;
 - b. Waters of the state that have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;
 - c. Meandered lakes, excluding lakes that have been legally drained;
 - d. Water basins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;
 - e. Water basins designated as scientific and natural areas under section [84.033](#);
 - f. Water basins located within and totally surrounded by publicly owned lands;
 - g. Water basins where the state of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;
 - h. Water basins where there is a publicly owned and controlled access that is intended to provide for public access to the water basin;
 - i. Natural and altered watercourses with a total drainage area greater than two square miles;
 - j. Natural and altered watercourses designated by the commissioner as trout streams; and
 - k. Public waters wetlands, unless the statute expressly states otherwise.
- Public waters are not determined exclusively by the proprietorship of the underlying, overlying, or surrounding land or by whether it is a body or stream of water that was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union.
134. **Public Waters Wetlands.** Means all types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas.
135. **Recreational Field or Building.** An area of land, water or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theatre, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus, or gymnasium is a recreation field or building for the purpose of This Ordinance.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

136. **Recreational Vehicle.** A vehicular portable structure used for amusement, vacation, or recreational activities, including but not limited to, travel trailers, boat & utility trailers, motor homes, camping trailers, personal watercraft, snowmobiles, four-wheelers, ice fishing houses and boats.
137. **Regional Flood.** A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year reoccurrence interval.
138. **Residential Planned Unit Development.** A use where the nature of residency is non-transient and the majority or primary focus of the development is not service-oriented. For example, residential apartments, timeshare condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments.
139. **Restaurant.** An establishment serving food to be consumed primarily while seated at tables or booths within the building.
140. **Riparian.** Land contiguous to the bank of a stream, the shore of a lake, or the edge of a wetland.
141. **Screening.** The use of plant materials, fences, or earthen berms to partially conceal the separate land use from the surrounding land use.
142. **Sediment.** Solid matter carried by water, sewage, or other liquids.
143. **Semi-Public Use.** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
144. **Sensitive Resource Management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
145. **Setback.** The minimum required distance between the property line and a structure, bluff, ordinary high-water level.
146. **Sewage Treatment System.** Any system for the collection, treatment, and dispersions of sewage, including but not limited to, septic tanks, soil absorption systems, drain fields or other individual or cluster type sewage treatment system.
147. **Sewer System.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
148. **Shore Impact Zone.** Land located between the ordinary high-water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

149. **Shoreland.** Land located within the following distances from public waters: 1,000 feet from the ordinary high-water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shore lands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distance.
150. **Shouse (Shop-House)** shall mean a structure that combines a residential dwelling unit with a commercial, industrial, or storage/shop use under a single roof, where the nonresidential portion is predominant building form or appearance. **See also Barndominium.
151. **Sign.** The use of any words, numerals, figures, devices, or trademarks by which anything is made known, such as are used to show an individual, firm, profession, or business and are visible to the public.
152. **Slope.** The degree of deviation of a surface from the horizontal usually expressed in percent or degrees.
153. **Steep Slope.** A natural topographic feature with an average slope of 12-18 percent, measured over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 18 percent that are not bluffs.
154. **Story.** That portion of a building included above and between the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
155. **Story, Half.** That portion of a building under a gable, hip or gambrel roof, the wall plate of which, on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
156. **Stormwater Retention Facility.** A permanent natural or man-made structure that provides for the storage of storm water runoff by means of a permanent pool of water.
157. **Street Frontage.** The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage, and a corner lot has two (2) street frontages.
158. **Structure.** Anything which is built, constructed, or erected. An edifice or building of any kind or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, all impervious surfaces, including but not limited to, any building or appurtenance and including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, poles, and other supporting facilities.
159. **Subdivision.** Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

160. **Substandard Use.** Any use existing prior to the date of This Ordinance, which is permitted within the applicable zoning district, but does not meet the minimum lot area, frontage, setbacks, or other dimensional standards of This Ordinance.
161. **Surface Water Oriented Commercial Use.** The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
162. **Temporary Sign.** Any sign which is erected or displayed for a specified period of time.
163. **Townhouses.** Three (3) dwelling units or more contiguous to each other only by sharing one (1) or more vertical common fire-resistant walls. No single structure shall contain in excess of eight (8) dwelling units, and each dwelling unit shall have separate entrances.
164. **Twin Home.** A two-family dwelling in which the units are connected at a common wall along a common property line also twin homes are commonly referred to a "zero lot line home," and in which each of the units and their attendant lot area intended for conveyance as separate dwelling units.
165. **Use.** The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized, or maintained and shall include the performance of such activity as defined by the performance standards of This Ordinance.
166. **Use, Accessory.** A use incidental to and on the same lot as a principal use.
167. **Variance.** The waiving action of the literal provisions of the Zoning Ordinance in instances where an applicant meets the practical difficulties test outlined in Minnesota State Law concerning the grant or denial of Variance Applications. "Practical difficulties," means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the request, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.
168. **Vegetation.** The sum total of plant life in some area or a plant community with distinguishable characteristics.
169. **Waterbody.** A body of water (lake, pond) in a depression of land or expanded part of a river or an enclosed basin that holds water and is surrounded by land.
170. **Watercourse.** A channel or depression through which water flows, such as rivers, streams or creeks and may flow year around or intermittently.

Madison Lake Zoning Ordinance

CHAPTER 3. DEFINITIONS AND TERMS

D. Terms not defined. (cont'd)

171. **Water-Oriented Accessory Structure or Facility.** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.
172. **Watershed.** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge, or stretch of high land dividing drainage areas.
173. **Wetlands.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this definition, wetlands must have the following three attributes:
 - a. Have a predominance of hydric soils;
 - b. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
 - c. Under normal circumstances support a prevalence of such vegetation.
174. **Yard.** An open, unoccupied space on a lot, other than a court, that is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this code.
175. **Yard - Front.** A yard extending across the front of the lot between the side of lot lines and lying between the front property line of the lot and the nearest building line.
176. **Yard - Rear.** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest building line.
177. **Yard, Side.** A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.
178. **Zoning Administrator.** A person appointed by the City Council to enforce the Zoning Ordinance.
179. **Zoning Map.** The maps or map incorporated into This Ordinance as part thereof, and as amended, designating the zoning district.
180. **Zoning Permit.** A permit issued by the City for development activities that need to meet the City's Zoning regulations. The permit needs to be approved by the City before any building activities take place.

Madison Lake Zoning Ordinance

CHAPTER 4. A-1 AGRICULTURAL DISTRICT

A. PURPOSE.

The purpose of the Agricultural District is to provide for existing rural uses, single-family residences and institutional uses. It is designed for areas within the City which may presently be used for agriculture, but which may be converted to urban uses in the future.

B. PERMITTED PRINCIPAL USES

The following are permitted uses in the "A-1" Agricultural District:

1. Single-family dwellings.
2. Public parks and playgrounds, recreational areas, and wildlife areas/refuges.
3. Farming and Agriculture plus related buildings and structures subject to Minnesota Pollution Control Agency standards, and all other applicable local, state, regional and federal standards.
4. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
5. Essential services.

C. PERMITTED ACCESSORY USES.

(Note: A principal use "main structure" must first exist on the property for an accessory use to be allowed).

The following are permitted accessory uses in the "A-1" Agricultural District:

1. Private garages, parking areas and car ports for licensed and operable passenger cars and trucks.
2. Operation and storage of such vehicles, equipment and machinery which are incidental to permitted or conditional uses allowed in this district.
3. Tool houses, sheds, and similar buildings for storage of domestic supplies and non-commercial recreational equipment provided said storage is placed in the side and/or rear portion of the lot, furthest from the public right-of-way upon which the lot fronts.
4. Recreational vehicles and equipment in operable condition and displaying current licenses.
5. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
6. Home occupations as regulated by This Ordinance.
7. Storage of facilities used solely for the purpose of ice-fishing provided said facilities are stored in the side or rear yard, displaying current licenses, and are not used as independent living/sleeping quarters when stored as permitted provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts.

Madison Lake Zoning Ordinance

CHAPTER 4. A-1 AGRICULTURAL DISTRICT

C. PERMITTED ACCESSORY USES. (cont'd)

8. Piers and Docks and storage thereof provided said storage is placed in the side or rear lot on the part of the lot furthest from the public right-of-way upon which the lot fronts.

9. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined below and provided the water-oriented structure or facility:

Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than two-hundred-fifty (250) square feet. Detached decks shall not exceed eight (8) feet above grade at any point with the following rules:

- a. The structure or facility shall be setback from the ordinary high-water level a minimum of ten (10) feet.
- b. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.
- c. The roof may be used as a deck with safety rails but shall not be enclosed or used as a storage area.
- d. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
- e. As an alternative for water-oriented accessory structures used solely for watercraft storage and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- f. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

D. CONDITIONAL USES.

The following are conditional uses in the "A-1" Agricultural District.

1. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:
 - a. When abutting a residential use in a residential use district, the property is adequately screened and landscaped as determined by the Zoning Administrator.
 - b. Compatibility with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
2. Cemeteries, crematories, and mausoleums.
3. Golf courses.

Madison Lake Zoning Ordinance

CHAPTER 4. A-1 AGRICULTURAL DISTRICT

D. CONDITIONAL USES. (cont'd)

4. Kennels and riding stables, commercial recreational areas, and similar uses, provided that:
 - a. The principal use, function, or activity is recreational in character.
 - b. Not more than thirty percent (30%) of the land area of the site be covered by buildings or structures in the non-shoreland overlay area. In the shoreland overlay areas no more than 25% of the land area of the site may be covered by impervious surfaces.
 - c. When abutting a residential use in a residential district, the property is adequately screened and landscaped.
 - d. Animals shall be, at a minimum, kept in an enclosed pen or corral of sufficient height and strength to retain such animals.
 - e. Any building in which animals are kept shall be located a minimum of one hundred (100) feet from a lot line.
 - f. The provisions of all applicable Minnesota Pollution Control Agency standards and all other applicable state and federal standards are complied with, as may be amended.
5. Sale of farm produce from roadside stands.
6. Uses determined by the Zoning Administrator of similar nature to the uses cited above and not found to be detrimental to the general health and welfare of the City.

E. PERFORMANCE STANDARDS.

1. *Minimum Lot Area.* The minimum area lots shall be one (1) acre.
2. *Minimum Lot Width.* The minimum lot width for the "A-1" Agricultural District is 150 feet.
3. *Yard and Setbacks.*

Setbacks (as measured from lot lines) for structures unless noted.

A-1 Setback	Setback
Front	50'
Side	15'
Corner Side	30'
Rear	50'
Accessory Buildings	10'

Madison Lake Zoning Ordinance

CHAPTER 4. A-1 AGRICULTURAL DISTRICT

E. PERFORMANCE STANDARDS. (cont'd)

4. *Maximum Building Height:* Thirty-five (35) feet or two and one-half (2½) stories.
5. *Maximum Site Coverage:*
 - a. Non-shoreland overlay areas. Impervious coverage shall occupy no more than thirty percent (30%) of the lot area.
 - b. Shoreland overlay areas: Impervious coverage shall occupy no more than twenty-five percent (25%) of the lot area.
6. *Driveways and Parking Areas:*
 - a. Curb cut openings shall be a minimum of five (5) feet from the side property line.
 - b. All property shall be entitled to at least one (1) curb cut. Single family uses shall be limited to one (1) curb cut access per property.
 - c. The driveway width shall not exceed 24 feet at the curb line or roadway line. A property owner with a third stall garage may receive permission from the City Administrator to have a 32-foot-wide driveway. Driveways in the front yard may be 1 foot from the property line. Parking pads in the front yard shall be at least 3 feet from the property line.
 - d. The following percent of a front yard may be covered with impervious parking surface:

Note: Impervious parking and driving surfaces count as part of the Maximum Site Coverage.

Lots 50 feet wide and less	40%
Lots 51 feet to 100 feet wide	35%
Lots more than 100 feet	30%
 - e. No parking space shall be allowed in the required side yard.

Madison Lake Zoning Ordinance

CHAPTER 4. A-1 AGRICULTURAL DISTRICT

E. PERFORMANCE STANDARDS. (cont'd)

7. Shoreland overlay areas as identified in the following tables:

RECREATIONAL DEVELOPMENT LAKES (Madison/Ballantyne)			
Minimum Single-Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
40,000/150	20,000/75	40,000/150	15,000/75

GENERAL DEVELOPMENT LAKES (Duck Lake)			
Minimum Single-Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
20,000/100	15,000/75	40,000/150	10,000/75

a. Structures and independent sewage treatment facilities shall be setback from the Ordinary High-Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewerd lots	Sewage treatment system
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

b. One water-oriented accessory structure designed in accordance with This Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high-water level.

c. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in This Ordinance.

8. Uses without water-oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.

Madison Lake Zoning Ordinance

CHAPTER 5. R-1 ONE FAMILY DWELLING DISTRICT

A. PURPOSE.

The purpose of the R-1 One Family Dwelling District is to provide for low-density, one-family and two-family dwellings and conditional uses such as schools, churches, and health care facilities.

B. PERMITTED PRINCIPAL USES.

The following uses are permitted in the R-1 One Family Dwelling District which are allowed administratively with no further permits:

1. One-Family Dwellings.
2. Two-Family Dwellings.
3. Public parks, playgrounds, tennis courts, and swimming pools.
4. Schools.
5. Public utilities, essential service utility facilities and structures if permitted in the right of way or recorded easement.
6. Licensed Day Care Home/facility serving twelve (12) or fewer persons.

C. ACCESSORY USES.

Note: A principal use "main structure" must first exist on the property for an accessory use to be allowed.

In addition to uses in GENERAL DISTRICT PROVISIONS (Chapter 19), the following are permitted accessory uses in the R-1 One Family Dwelling District:

1. Private garages, parking spaces and carports, provided said garage shall not be used for the storage of commercial vehicles.
2. Home Occupations as regulated by This Ordinance.
3. Swimming pools, tennis courts, and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
4. Storage of facilities used solely for the purpose of ice-fishing provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts and providing said facilities display current licenses and are not used as independent living/sleeping quarters.

Madison Lake Zoning Ordinance

CHAPTER 5. R-1 ONE FAMILY DWELLING DISTRICT

C. ACCESSORY USES. (cont'd)

5. Storage of Recreational Vehicles and Recreational Habitable Vehicles and equipment displaying current licenses and in operable condition, provided said storage is not blocking the public right of way. Recreational Vehicles are not to be used as independent living/sleeping quarters or dwelling of any kind.
6. Piers and Docks, boat lifts and storage thereof provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts.
7. Fences.
8. Tool houses, sheds, and similar non-commercial storage buildings.
9. Water Access Lots. Each water access lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in GENERAL DISTRICT PROVISIONS (Chapter 19) of This Ordinance.

Water oriented structure or facility:

- a. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than one hundred twenty (120) square feet.
 - b. The structure or facility shall be setback from the ordinary high-water level a minimum of ten (10) feet.
 - c. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.
 - d. The roof may be used as a deck with safety rails but shall not be enclosed or used as a storage area. Detached decks shall not exceed eight (8) feet above grade at any point.
 - e. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
10. Uses determined by the Zoning Administrator deemed similar to those listed in this Subdivision.

Madison Lake Zoning Ordinance

CHAPTER 5. R-1 ONE FAMILY DWELLING DISTRICT

C. ACCESSORY USES. (cont'd)

10. (cont'd)

The following is a summary of allowed Accessory Uses and their applicable setbacks.

USE	SETBACKS	MAXIMUM HEIGHT	PERMIT REQUIRED
Shed	5 feet Rear 5 feet Side	15 feet	Yes
Fence	3 feet	4 feet - Front Yard 6 feet - Side and Rear Yard	Yes
Decks	10 feet - side 15 feet - rear 20 feet - front	N/A	Yes
Pool	10 feet - side 10 feet - rear Not allowed in Front Yard	N/A	Yes
Water Oriented Structure	10 feet from OHWL	10 feet, 120 square feet	Yes
Fish House	5 feet Rear 5 feet Side	10 feet - Only allowed in rear yard/ Hard-surfaced area required	No
RV Storage	5 feet Rear 5 feet Side	Only in rear/front yard/ Hard-surfaced area required	No
Dog Kennel	5 feet Rear 5 feet Side	Only in rear yard	No

D. CONDITIONAL USES.

Conditional uses are contingent upon one family dwelling being located on the same parcel as the accessory use or located on an adjacent parcel designated as an out lot on record at the County for the one family dwelling parcel with common ownership. The following are conditional uses are permitted in the "R-1" One Family Dwelling District:

1. Bed and Breakfast residences.
2. Childcare facilities, when not operated as a home occupation.
3. Cemeteries, crematories, and mausoleums.
4. Churches or places of worship.
5. Government institutions, municipal buildings, museums, and libraries.
6. Nursing homes and similar institutions such assisted living.
7. Parking lots providing off-street parking for a use permitted in a residential zoning district, provided the parking lot is within 500 feet of the main building of said use.
8. Uses determined by the Zoning Administrator deemed similar to those listed in this Subdivision.
9. Off Street Parking.

Madison Lake Zoning Ordinance

CHAPTER 5. R-1 ONE FAMILY DWELLING DISTRICT

E. PERFORMANCE STANDARDS.

1. Minimum Lot Area. The minimum area for R-1, One Family Dwelling District lots shall be 9,000 square feet for non-shoreland areas.

Shoreland overlay areas as identified in the following tables:

SHORELAND OVERLAY MINIMUM LOT AREA (SQ. FT.)/LOT WIDTH		
	Riparian Lots	Non-Riparian Lots
RECREATIONAL DEVELOPMENT LAKES Madison/Ballantyne	20,000/75	15,000/75
GENERAL DEVELOPMENT LAKES Duck Lake	15,000/75	15,000/75

The Department of Natural Resources 1992 approvals of reduced standards for lots located in the Highway 60 corridor and the Fasnacht Subdivision continue unchanged and are grandfathered into this Amended Ordinance.

2. Minimum Lot Width.
 - a. The minimum lot width for the R-1 One Family Dwelling District is 75 feet and shall be measured at the front setback line.
 - b. Minimum lot width (lot size for lots existing on the effective date of This Ordinance may be adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width and in conformance with This Ordinance).

3. Maximum Building Height. Thirty-five (35) feet or two and one-half (2 ½) stories.

4. Yard and Setbacks.

- a. Setbacks (as measured from property lines) for structures unless noted.

R-1 Setback	Proposed
Front	30'
Side	10'
Corner Side	20'
Rear	30'
Accessory Buildings	5'

- b. Structures and independent sewage treatment facilities shall be setback from the Ordinary High-Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewered lots	Sewage Treatment System
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

Madison Lake Zoning Ordinance

CHAPTER 5. R-1 ONE FAMILY DWELLING DISTRICT

E. PERFORMANCE STANDARDS (cont'd)

4. Yard and Setbacks. (cont'd)
 - c. Water Access Lots - One water-oriented accessory structure designed in accordance with This Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high-water level.
 - d. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 19 (General Provisions), Chapter 14 (Land & Water Preservation) and Chapter 15 (Surface Water Management).

5. Floor Area Requirements:
 - a. One or Two bedrooms: One thousand (1000) square feet.
 - b. Three bedrooms, One thousand three hundred (1300) square feet.
 - c. Four bedrooms, One thousand six hundred (1600) square feet.
 - d. More than four bedrooms, One thousand nine hundred fifty (1900) square feet.

Note: in the case of a corner lot, the yard with the shortest dimension on a public street shall be considered the front.

6. Maximum Site Coverage.

A combination of structures or impervious surface shall occupy no more than thirty percent (30%) of the lot area. **See shoreland requirements for 30%.

7. Driveways and Parking Areas.

- a. Curb cut openings shall be a minimum of three (3) feet from the side property line.
- b. All property shall be entitled to at least one (1) curb cut. Single family uses shall be limited to one (1) curb cut access per property.
- c. The driveway width shall not exceed 24 feet at the curb line or roadway line. A property owner with a third stall garage may receive permission from the City Administrator to have a 32 foot wide driveway. Driveways in the front yard may be 1 foot from the property line. Parking pads in the front yard shall be at least 3 feet from the property line.
- d. The following percent of a front yard may be covered with hard surfaced parking surface as long as the total hard surfaced coverage does not exceed:

Lots 50 feet wide and less	40%
Lots 51 feet to 100 feet wide	35%
Lots more than 100 feet	30%

**Lots in the Shoreland Overlay District shall not exceed 25% in impervious surface coverage.

Madison Lake Zoning Ordinance

CHAPTER 6. R-1S SINGLE FAMILY SMALL LOT RESIDENTIAL DISTRICT

A. PURPOSE.

The purpose of the R-1S Single Family Small Lot Residential District is to provide for low-density, single-family residences and directly related complimentary uses in an annexed area with pre-existing structures. **Note: if the preexisting structure is removed, or substantially improved (any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction), this will automatically trigger the Chapter 5, R-1 One Family Dwelling District guidelines to be followed.

B. PERMITTED PRINCIPAL USES.

The following uses are permitted in the “R-1S” Single Family Small Lot Residential District:

1. Single-family dwelling.
2. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
3. Public parks and playgrounds.

C. PERMITTED ACCESSORY USES.

**Note: A principal use “main structure” must first exist on the property for an accessory use to be allowed.

Accessory uses are contingent upon one family dwelling being located on the same parcel as the accessory use or located on an adjacent parcel designated as an out lot on record at the County for the one family dwelling parcel with common ownership. Accessory uses not under common ownership are prohibited.

1. Private garages, parking spaces and carports, provided said garage shall not be used for the storage of commercial vehicles.
2. Home Occupations as regulated by This Ordinance.
3. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
4. Storage of facilities used solely for the purpose of ice-fishing, provided said storage is placed in the side and/or rear yard portion of the lot, and providing said facilities display current licenses and are not used as independent living/sleeping quarters.
5. Storage of Recreational Vehicles and Recreational Habitable Vehicles and equipment displaying current licensees and in operable condition, provided said storage is placed on an impervious parking space and not blocking the public right of way. Recreational Vehicles are not to be used as independent living/sleeping quarters or dwellings of any kind.
6. Piers and Docks, boat lifts, and storage thereof, provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way.
7. Fences.
8. Tool houses, sheds, and similar non-commercial storage buildings.

Madison Lake Zoning Ordinance

CHAPTER 6. R-1S SINGLE FAMILY SMALL LOT RESIDENTIAL DISTRICT

C. PERMITTED ACCESSORY USES. (cont'd)

9. Water Access Lots. Each water access lot may have one water-oriented accessory structure not meeting the normal structure setback with the following requirements:
 - a. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than one hundred twenty (120) square feet.
 - b. The structure or facility shall be setback from the ordinary high-water level a minimum of ten (10) feet.
 - c. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.
 - d. The roof may be used as a deck with safety rails but shall not be enclosed or used as a storage area. Detached decks shall not exceed eight (8) feet above grade at any point.
 - e. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.

10. Uses determined by the Zoning Administrator deemed similar to those listed in this Subdivision. The following is a summary of allowed Accessory Uses and their appropriate setbacks.

D. PERMITTED ACCESSORY USES, SETBACKS, AND HEIGHTS.

Use	Setbacks	Maximum Height	Permit Required
Accessory Building	5 feet - Rear & Side	15 feet	Yes
Fence	3 feet	4 feet - Front Yard 6 feet - Side & Rear Yard	Yes
Decks	10 feet - side 15 feet - rear 20 feet - front	N/A	Yes
Pool	10 feet - side 10 feet - rear 30 feet from OHWL	N/A	Yes
Water Oriented Structure	10 feet from OHWL	10 feet	Yes
Fish House	5 feet - Rear & Side	10 feet	No
RV Storage	5 feet - Rear & Side	N/A	No
Dog Kennel	5 feet	N/A	No

Madison Lake Zoning Ordinance

CHAPTER 6. R-1S SINGLE FAMILY SMALL LOT RESIDENTIAL DISTRICT

E. PERFORMANCE STANDARDS.

1. Minimum Lot Area. The minimum area of a lot is 10,000 square feet.
2. Minimum Lot Width. The minimum lot width for the "R-1S" District is 50 feet.
 - a. Minimum lot size and width (lot size/width requirements for lots existing on the effective date of This Ordinance may be adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size and in conformance with This Ordinance).

Non-Shoreland areas: Minimum lot size 9,000 Sq Ft, Minimum lot width 75 Ft.

Shoreland overlay areas as identified in the following tables:

SHORELAND OVERLAY MINIMUM LOT AREA (SQ. FT.)/LOT WIDTH		
	Riparian Lots	Non-Riparian Lots
RECREATIONAL DEVELOPMENT LAKES Ballantyne	13,500/50	10,000/50
GENERAL DEVELOPMENT LAKES Duck Lake	10,000/50	10,000/50

3. Setbacks (as measured from lot lines) for structures unless noted.

R-1 S SETBACK	AMOUNT
Front (lake side)	30'
Side	10% of lot width
Corner Side	10'
Rear (street facing side)	20'

Setbacks (as measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high-water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

- a. Structures shall be setback from the Ordinary High-Water Mark a minimum of thirty (30) feet.
- b. One water-oriented accessory structure designed in accordance with This Ordinance may be setback a minimum of ten (10) feet from the ordinary high-water level.
- c. All structures shall be set back a minimum of thirty (30) feet from the top of the bluff.

Madison Lake Zoning Ordinance

CHAPTER 6. R-1S SINGLE FAMILY SMALL LOT RESIDENTIAL DISTRICT

E. PERFORMANCE STANDARDS. (cont'd)

4. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½) stories.
5. Floor Area Requirements for Single-Family Dwelling Units: Single-family dwelling units erected in the R-1S District shall have the following minimum floor areas on conforming lots:
 - a. One or two bedrooms: One thousand (1,000) square feet.
 - b. Three bedrooms, or two bedrooms and den: Thirteen hundred (1,300) square feet.
 - c. Four bedrooms, or three bedrooms and a den: Sixteen hundred (1,600) square feet.
 - d. More than four bedrooms: Nineteen hundred (1,900) square feet.
6. Non-conforming lots governed by Minnesota Statute 462.357 as applied.
7. Maximum Site Coverage:
 - a. Non-shoreland overlay areas: No structure or combination of structures shall occupy more than thirty percent (30%) of the lot area.
 - b. Shoreland overlay areas: Impervious surface coverage shall not exceed twenty-five percent (25%) of the lot area.
 - c. The combined square footage of all accessory structures, excluding one water orientated accessory structure, shall not exceed the square footage of the primary structure.
 - d. Basement floor levels shall be a minimum of one (1) foot above the ordinary high-water mark.
8. Additional requirements, including but not limited to shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of This Ordinance, as may be amended.
9. The lot width and lot size requirement may not be less than those allowed in Subd. D, except if all of the following apply:
 - a. The lot of record is within a residential district.
 - b. There is a demonstrated need and potential for continued residential use.
 - c. The building has an evident re-use as a principal structure in a residential district.
 - d. The structure has been and will continue to be maintained in a manner that is compatible with adjacent residential uses and does not present a hazard to public health, safety, and general welfare.

Madison Lake Zoning Ordinance

CHAPTER 7. R-2 TWO FAMILY DWELLING DISTRICT

A. PURPOSE.

The purpose of the R-2 Two-Family Residential District is to provide for low-density residential including two-family residences and conditional uses such as schools, churches, and health care facilities.

B. PERMITTED USES.

The following uses are permitted in the "R-2" Two Family Dwelling District which are allowed administratively with no further permits.

C. PERMITTED PRINCIPAL USES.

1. One-family dwellings.
2. Two-family dwellings.
3. Public parks, playgrounds, tennis courts, and swimming pools.
4. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutes limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples, and synagogues.
5. Public utilities, essential service utility facilities and structures if permitted in the right of way or recorded easement.
6. Licensed Day Care Home/facility serving twelve (12) or fewer persons.

D. PERMITTED ACCESSORY USES. (Note: A principal use "main structure" must first exist on the property for an accessory use to be allowed).

1. Private garages, parking spaces and carports, provided said garage shall not be used for the storage of commercial vehicles.
2. Home Occupations as regulated by This Ordinance.
3. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
4. Storage of facilities used solely for the purpose of ice-fishing provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts and providing said facilities display current licenses and are not used as independent living/sleeping quarters. These storage units must be on a hard surfaced area.
5. Storage of Recreational Vehicles and Recreational Habitable Vehicles and equipment displaying current licenses and in operable condition, provided said storage is placed on an impervious parking space and not blocking the public right of way. Recreational Vehicles are not to be used as independent living/sleeping quarters or dwelling of any kind.
6. Piers and Docks, boat lifts and storage thereof provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts.

Madison Lake Zoning Ordinance

CHAPTER 7. R-2 TWO FAMILY DWELLING DISTRICT

D. PERMITTED ACCESSORY USES. (cont'd)

7. Fences.
8. Tool houses, sheds, and similar non-commercial storage buildings.
9. Water Access Lots. Each water access lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in GENERAL PERFORMANCE STANDARDS provided the water-oriented structure or facility:
 - a. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than one hundred twenty (120) square feet.
 - b. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
 - c. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
 - d. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area. Detached decks shall not exceed eight (8) feet above grade at any point.
 - e. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
10. Uses determined by the Zoning Administrator deemed similar to those listed in this Subdivision. The following is a summary of allowed Accessory Uses and their appropriate setbacks:

Use	Setbacks	Maximum Height	Permit Required
Accessory Building	5 feet - Rear & Side	15 feet	Yes
Fence	3 feet	4 feet - Front Yard 6 feet - Side & Rear Yard	Yes
Decks	10 feet - side 15 feet - rear 20 feet - front	N/A	Yes
Pool	10 feet - side 10 feet - rear Not allowed in front	N/A	Yes
Water Oriented Structure	10 feet from OHWL	10 feet	Yes
Fish House	5 feet rear & side	10 feet	No
RV Storage	5 feet rear & side	N/A	No
Dog Kennel	5 feet	N/A	No

Madison Lake Zoning Ordinance

CHAPTER 7. R-2 TWO FAMILY DWELLING DISTRICT

E. CONDITIONAL USES.

Conditional uses are contingent upon one family dwelling being located on the same parcel as the accessory use or located on an adjacent parcel designated as an out lot on record at the County for the one family dwelling parcel with common ownership.

1. Congregate housing.
2. Golf and Country Clubs.
3. Government institutions, municipal buildings, museums, and libraries.
4. Hospitals and medical clinics.
5. Nursing homes and similar institutions.
6. Public utilities, essential service utility facilities and structures.
7. Parking lots providing off-street parking for a use permitted in a residential zoning district, provided the parking lot is within 500 feet of the main building of said use.
8. Childcare facilities, when not operated as a home occupation.
9. Bed and Breakfast residences.
10. Churches or places of worship.
11. Water Access Lots. Each water access lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision F of this Chapter and Chapter 19 General District Provisions Subdivision E-9 provided the water-oriented structure or facility:
 - a. As an alternative for water-oriented accessory structures used solely for watercraft storage and including storage of related boating and water-oriented sporting equipment, may occupy an area greater than one hundred twenty (120) square feet up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
 - b. The structure or facility shall be setback from the ordinary high-water level a minimum of ten (10) feet.
 - c. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
 - d. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area. Detached decks shall not exceed eight (8) feet above grade at any point.
 - e. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
12. Uses determined by the Zoning Administrator deemed similar to those listed in this Subdivision.

Madison Lake Zoning Ordinance

CHAPTER 7. R-2 TWO FAMILY DWELLING DISTRICT

F. PERFORMANCE STANDARDS.

1. Minimum Lot Area. The minimum area for R-2, One and Two Family Dwelling District lots shall be 9,000 square feet for a single family dwelling and 12,000 for a two family dwelling.
2. Minimum Lot Width. The minimum lot width for the R-2 One and Two Family Dwelling District is 75 feet and shall be measured at the front setback line.
3. Maximum Building Height. Thirty-five (35) feet, or two and one-half (2½) stories.
4. Setbacks (as measured from lot lines) for structures unless noted.

R- 2 Setback	Distance
Front	30'
Side	10'
Corner Side	20'
Rear	30'
Accessory Buildings	5'

5. Floor Area Requirements.
 - a. One bedroom, eight hundred (800) square feet.
 - b. Two bedrooms, one thousand (1000) square feet.
 - c. Three bedrooms, twelve hundred (1200) square feet.
 - d. Four bedrooms, fourteen hundred (1400) square feet.
 - e. More than four bedrooms, additional two hundred (200) square feet per bedroom.
6. Maximum Site Coverage. No structure or combination of structures shall occupy more than thirty percent (30%) of the lot area.
7. Driveways and Parking Areas.
 - a. Curb cut openings shall be a minimum of three (3) feet from the side property line.
 - b. All property shall be entitled to at least one (1) curb cut. Single family uses shall be limited to one (1) curb cut access per property.
 - c. The driveway width shall not exceed twenty four (24) feet at the curb line or roadway line. A property owner with a third stall garage may receive permission from the City Administrator to have a thirty two (32) foot-wide driveway. Driveways in the front yard may be one (1) foot from the property line. Parking pads in the front yard shall be at least three (3) feet from the property line.

Madison Lake Zoning Ordinance

CHAPTER 7. R-2 TWO FAMILY DWELLING DISTRICT

F. PERFORMANCE STANDARDS. (cont'd)

7. Driveways and Parking Areas. (cont'd)

- d. The following percentage of a front yard may be covered with impervious parking surface:

Lots 50 feet wide and less	40%
Lots 51 feet to 100 feet wide	35%
Lots more than 100 feet	30%

Madison Lake Zoning Ordinance

CHAPTER 8. R-3 MULTIPLE-FAMILY DWELLING DISTRICT

A. PURPOSE.

The purpose of the "R-3" Multiple-Family Residential District is to provide for multiple-family residences.

B. PERMITTED USES.

The following uses are permitted in the "R-3" Multiple-Family Dwelling District, which are allowed administratively with no further permits.

C. PERMITTED PRINCIPAL USES.

1. One family dwellings.
2. Two-family dwellings.
3. Multiple-family dwellings.
4. Public parks, playgrounds, tennis courts and swimming pools.
5. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutes limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples, and synagogues.
Requirements for setbacks, screening, and on-site parking.
6. Public utilities, essential service utility facilities and structures if permitted in the right of way or recorded easement.
7. Licensed Day Care Home/facility serving twelve (12) or fewer persons.

D. PERMITTED ACCESSORY USES.

Uses determined by the Planning Commission to be similar to those listed in this subdivision.

E. CONDITIONAL USES.

Conditional uses are contingent upon one family dwelling being located on the same parcel as the accessory use or located on an adjacent parcel designated as an out lot on record at the County for the one family dwelling parcel with common ownership.

1. Congregate housing.
2. Golf and Country Clubs.
3. Government institutions, municipal buildings, museums, and libraries.
4. Churches or places of worship.
5. Hospitals and medical clinics.
6. Nursing homes and similar institutions.
 - a. Other residential, institutional, or government service uses determined by the Zoning Administrator to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the general public health, safety and welfare.

Madison Lake Zoning Ordinance

CHAPTER 8. R-3 MULTIPLE-FAMILY DWELLING DISTRICT

E. CONDITIONAL USES. (cont'd)

7. Public utilities, essential service utility facilities and structures.
8. Parking lots providing off-street parking for a use permitted in a residential zoning district, provided the parking lot is within five hundred (500) feet of the main building of said use.
9. Childcare facilities, when not operated as home occupations.
10. Manufactured Home Parks.

Manufactured Home Park Requirements. (As part of the conditional use permit process, other requirements may be placed on the property.)

- a. Each manufactured home site shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant and shall be at least fifty (50) feet wide.
- b. Manufactured homes shall be placed upon manufactured home lots so that there shall be at least a twenty (20) foot clearance between manufactured homes and twenty (20) feet between the front of the manufactured home and the front lot line and twenty-five (25) feet between the rear of the manufactured home and the rear lot line.
- c. The area occupied by a manufactured home shall not exceed fifty percent (50%) of the total area of a manufactured home site; land may be occupied by a manufactured home, a vehicle, a building, a cabana, a carport, an awning, storage shed or any structure.
- d. The yards shall be landscaped except for necessary driveway and sidewalk needs which shall not exceed one-half (1/2) the width of the site.
- e. Each manufactured home lot shall have off-street parking space for at least two (2) automobiles. Each space shall be nine (9) feet by twenty (20) feet minimum.
- f. The corners of each manufactured home lot shall be clearly marked.
- g. Each site shall be numbered.
- h. Each manufactured home lot shall be so designed that automobiles may not be parked within five (5) feet of the front or back of the manufactured home.

Madison Lake Zoning Ordinance

CHAPTER 8. R-3 MULTIPLE-FAMILY DWELLING DISTRICT

E. CONDITIONAL USES. (cont'd)

11. Uses determined by the Zoning Administrator deemed similar to those listed in this Subdivision.
12. Bed and Breakfast residences as regulated by Chapter 16.
13. Water Access Lots. Each water access lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision F of this Chapter and Chapter 19 General District Provisions Subdivision E-9 provided the water-oriented structure or facility:
 - a. As an alternative for water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area greater than one hundred twenty (120) square feet up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
 - b. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
 - c. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
 - d. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area. Detached decks shall not exceed eight (8) feet above grade at any point.
 - e. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.

Madison Lake Zoning Ordinance

CHAPTER 8. R-3 MULTIPLE-FAMILY DWELLING DISTRICT

F. PERFORMANCE STANDARDS.

1. Minimum Lot Area. The minimum area for R-3, Multiple Family Dwelling District lots shall be nine thousand (9,000) square feet for a single family dwelling, twelve thousand (12,000) square feet for a two family dwelling, and fifteen thousand (15,000) square feet for a multiple family dwelling.

USE	RECREATIONAL DEVELOPMENT LAKES (Madison/Ballantyne)		GENERAL DEVELOPMENT LAKES (Duck Lake)	
	Riparian Lots	Non-Riparian Lots	Riparian Lots	Non-Riparian Lots
Single Family	20,000	15,000	15,000	10,000
Two Family	35,000	26,000	26,000	17,500
Multi-Family Triplex 3 Units	50,000	38,000	38,000	25,000
Multi-family Quad 4* Units	65,000	49,000	49,000	32,500
**Dwelling unit proposals (new or redeveloped) consisting of greater than four units shall be designed and approved as residential planned unit developments.				

2. Minimum Lot Width. The minimum lot width for the R-3 Multiple Family Dwelling District is one hundred (100) feet and shall be measured at the front setback line.
3. Setbacks (as measured from lot lines) for structures unless noted.

R-3 Setback	Distance
Front	30'
Side	10'
Corner Side	20'
Rear	30'
Accessory Buildings	5'

4. Maximum Building Height. Forty-two (42) feet or three (3) stories.
5. Floor Area Requirements:
 - a. One (1) bedroom apartments: Six hundred forty (640) square feet.
 - b. Two (2) bedroom apartments: Seven hundred twenty (720) square feet.
 - c. More than two (2) bedroom apartments: One hundred (120) square feet additional for each bedroom.
6. Maximum Site Coverage. No structure or combination of structures shall occupy more than thirty (30) percent of the lot area.
7. Driveways and Parking Areas.
 - a. Curb cut openings shall be a minimum of five (5) feet from the side property line.

Madison Lake Zoning Ordinance

CHAPTER 8. R-3 MULTIPLE-FAMILY DWELLING DISTRICT

F. PERFORMANCE STANDARDS. (cont'd)

7. Driveway and Parking Areas. (cont'd)
- b. All property shall be entitled to at least one (1) curb cut. Single family uses shall be limited to one (1) curb cut access per property.
 - c. The driveway width shall not exceed twenty four (24) feet at the curb line or roadway line. A property owner with a third stall garage may receive permission from the City Administrator to have a thirty two (32) foot driveway. Driveways in the front yard may be one (1) foot from the property line. Parking pads in the front yard shall be at least three (3) feet from the property line.
 - d. The following percentage of a front yard may be covered with impervious parking surface.

Lots 50 feet wide and less	40%
Lots 51 feet to 100 feet wide	35%
Lots more than 100 feet	30%

Madison Lake Zoning Ordinance

CHAPTER 9. B-1 HIGHWAY COMMERCIAL BUSINESS DISTRICT

A. PURPOSE.

The purpose of the "B-1" Highway Commercial Business District is to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities and acceptable "quasi-industrial" and wholesale enterprises that do not need an industrial setting, but which have considerable customer contact. Permitted uses take advantage of direct access to major highways, frontage roads or streets intersecting a highway in a manner other businesses are not afforded.

B. PERMITTED USES.

The following are permitted uses in the non-overlay portion of the "B-1" Highway Commercial Business District:

1. Office, Retail, and Commercial land uses that are less than three thousand (3,000) square feet in building area.
2. Lower-Potency Hemp Edible and/or beverage sales as accessory to retail sales as they are defined in MSA 342.01 for the following business establishments: bowling alleys, convenience stores, hospitals and medical buildings, off-sale liquor establishments, on-sale liquor establishments, licensed clubs or lodges serving food and beverages, and/or restaurants.
3. Uses determined by the Planning Commission to be similar to those listed in this Subdivision.

C. ACCESSORY USES.

The following are permitted accessory uses in the "B-1" Highway Commercial Business District:

1. Any incidental repair, processing, and storage necessary to conduct a principal use, but not to exceed thirty (30) percent of the floor space of the principal building.
2. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
3. Fences.
4. Off-Street Parking Facilities and Off-Street Loading Facilities as regulated by Chapter 18 of This Ordinance.
5. Apartments/Multi-Family: 1st floor apartments located in rear of business. 2nd story apartments located in the existing principal building.

Madison Lake Zoning Ordinance

CHAPTER 9. B-1 HIGHWAY COMMERCIAL BUSINESS DISTRICT

D. CONDITIONAL USES.

The following are conditional uses in the non-shoreland overlay portion of the "B-1" Highway Commercial Business District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 24, Subd. G. of This Ordinance):

1. Commercial Planned Unit Developments as regulated by Chapter 24 of This Ordinance.
2. Drive-in and convenience food establishments.
3. Commercial car washes (drive-through, self-service and mechanical).
4. Motor vehicle and truck fuel sales, auto repair and service.
5. Convenience Store with gasoline.
6. Open or outdoor service, sale and rental other than those specified as a permitted use in this district.
7. Daycare Centers.
8. Off-site advertising signs.
9. Industrial Uses.
10. Churches or places of worship.
11. Uses determined by the Zoning Administrator deemed similar to those listed in this Subdivision.

Madison Lake Zoning Ordinance

CHAPTER 9. B-1 HIGHWAY COMMERCIAL BUSINESS DISTRICT

E. PERFORMANCE STANDARDS.

1. Minimum Lot Size: Ten thousand (10,000) square feet.
2. Minimum lot width: One hundred (100) feet.
3. Setbacks (as measured from lot lines) for structures unless noted.
 - a. Front yard: Thirty (30) feet.
 - b. Side yard: Twenty (20) feet, unless abutting a residential district, then thirty-five (35) feet.
 - c. Rear yard: Twenty (20) feet, unless abutting a residential district, then thirty-five (35) feet.
4. Maximum Building Height: Forty-five (45) feet or three (3) stories.
5. Maximum Site Coverage: No structure or combination of structures shall occupy more than sixty (60) percent of the lot area, providing:
 - a. Non-shoreland overlay areas: No structure or combination of structures shall occupy more than sixty (60) percent of the lot area.
 - b. Shoreland overlay areas within the Hwy. 60 Corridor (one block north of Hwy. 60): No structure or combination of structures shall occupy more than sixty (60) percent of the lot area, providing:
 - 1). Appropriate structures and practices are in place for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water; and,
 - 2). Wherein surface water management standards and erosion control measures identified in Chapters 14 and 15 of this code are achieved, observed, and/or maintained.
 - c. Within the shoreland overlay district structures or combinations of structures on lots not in conformance with sub-items a. and b. above shall not occupy more than twenty-five (25) percent of the lot area. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the provisions contained in Chapter 17 (Signs) and Chapter 19, Subd. J (Lighting).
6. Additional requirements, including but not limited to, shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of This Ordinance, as may be amended.

Madison Lake Zoning Ordinance

CHAPTER 10. B-2 CENTRAL BUSINESS DISTRICT

A. PURPOSE.

The "B-2" Central Business District has been established to encourage the continuation of a viable downtown by allowing prime retail sales and service uses, office, entertainment facilities and public and semi-public uses. The purpose of this district is to provide specifically for regulation of the high intensity commercial uses located within the downtown core of the City.

B. PERMITTED USES.

The following are permitted uses in the non-overlay portion of the "B-2" Central Business District:

1. Office, Retail, and Commercial land uses that are less than four thousand (4,000) square feet in building area.
2. Lower-Potency Hemp Edible and/or beverage sales as accessory to retail sales as they are defined in MSA 342.01 for the following business establishments: bowling alleys, convenience stores, hospitals and medical buildings, off-sale liquor establishments, on-sale liquor establishments, licensed clubs or lodges serving food and beverages, and/or restaurants.
3. Uses determined by the Planning Commission to be similar to those listed in this Subdivision.

C. ACCESSORY USES.

The following are permitted accessory uses in the "B-2" Central Business District:

1. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed fifty (50) percent of the gross first floor space of the principal use.

D. CONDITIONAL USES.

The following are conditional uses in the non-shoreland portion of the "B-2" Central Business District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 24, Subd. G of This Ordinance.)

1. Office, Retail, and Commercial land uses that are more than four thousand (4,000) square feet in building area.
2. Commercial Planned Unit Developments as regulated by Chapter 24 of This Ordinance.
3. Adult uses subject to the following:
 - a. It shall not be located within one thousand (1,000) feet (measured in a straight line between buildings) of an existing adult use.
 - b. It shall not be within five hundred (500) feet (measured in a straight line between buildings) of any PUD district or property which is or is projected to be residential.
 - c. It shall not be located within one thousand (1,000) feet (measured in a straight line between buildings) of an existing school or place of worship.
 - d. It shall not sell or dispense non-intoxicating liquors, nor shall it be located in a building which contains a business that sells or dispenses non-intoxicating or intoxicating liquors.

Madison Lake Zoning Ordinance

CHAPTER 10. B-2 CENTRAL BUSINESS DISTRICT

D. CONDITIONAL USES. (cont'd)

3. Adult uses subject to the following (cont'd)
 - e. It shall not involve or permit any person to engage in any activity or conduct in or about the establishment which is prohibited by local, state or federal law. Nothing in this Chapter shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or City Code provisions prohibiting the exhibition, sale or distribution of obscene material generally or the exhibition, sale or distribution of specified materials to minors.
 - f. It shall not be conducted in a manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or related to "specified sexual activities" or "specified anatomical areas" by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
 - g. It shall prominently display at the entrance and located within two feet of the door- opening device of the establishment a sign which states "This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter." Said sign shall have letters between three-eighths (3/8) inch and two (2) inches in height.
 - h. No person under the age of eighteen (18) shall be permitted on the premises, and no person under the age of eighteen (18) shall be permitted access to material displayed or offered for sale or rent by the establishment.
4. Daycare Centers.
5. Bowling Alleys.
6. Auto or Small Machine Repair.
7. Bus Terminals.
8. Hotels and Motels.
9. Theaters.
10. Outdoor Sales, Recreational Vehicle Sales, Gardening and Landscaping Sales & Services.
11. Rental Storage under the following conditions:
 - a. Must be accessory to another primary use.
 - b. Cannot occupy more than fifty (50) percent of the first floor gross square footage.
 - c. Prohibits storage of industrial or chemical materials that may decompose, explode, or are listed with special precautions in the "I-1" Industrial District are prohibited.
 - d. Must be located indoors and away from public sight.
12. Uses determined by the Zoning Administrator deemed similar to those listed in this Subdivision.

Madison Lake Zoning Ordinance

CHAPTER 10. B-2 CENTRAL BUSINESS DISTRICT

E. PERFORMANCE STANDARDS.

1. No minimum lot size required for permitted or accessory uses.
2. Minimum lot width: none.

Shoreland overlay areas as identified in the following table:

SHORELAND OVERLAY MINIMUM LOT AREA (SQ.FT./LOT WIDTH)		
	Riparian Lots	Non-Riparian Lots
RECREATIONAL DEVELOPMENT LAKES Madison/Ballantyne	20,000/75	15,000/75
GENERAL DEVELOPMENT LAKES Duck Lake	15,000/75	15,000/75

The Department of Natural Resources 1992 approvals of reduced standards for lots located in the Highway 60 corridor and the Fasnacht Subdivision continue unchanged and are grandfathered into this Amended Ordinance.

3. Setbacks:
 - a. Front yard: None
 - b. Side yard: None, twenty (20) feet if abutting a residential district.
 - c. Rear yard: None, twenty (20) feet if abutting a residential district.
4. Maximum Building Height: Forty-five (45) feet or three (3) stories.
5. Maximum Site Coverage:
 - a. Lot Coverage areas: No structure or combination of structures shall occupy more than eighty-five (85) percent of the lot area.
 - b. Shoreland overlay areas within the Hwy. 60 corridor (one block north and one block south of Hwy. 60): No structure or combination of structures shall occupy more than eighty-five (85) percent of the lot area, providing:
 - 1). Appropriate structures and practices are in place for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water; and,
 - 2). Wherein surface water management standards and erosion control measures identified in Chapters 14 and 15 of this code are achieved/observed/maintained.

Madison Lake Zoning Ordinance

CHAPTER 10. B-2 CENTRAL BUSINESS DISTRICT

E. PERFORMANCE STANDARDS. (cont'd)

5. Maximum Site Coverage: (cont'd)
 - c. Within the shoreland overlay district structures or combinations of structures on lots not in conformance with sub-items a. and b. above shall not occupy more than twenty-five (25) percent of the lot area.
 - d. Uses without water-oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.

Madison Lake Zoning Ordinance

CHAPTER 11. OVERLAY DISTRICT / DOWNTOWN OVERLAY DISTRICT

A. DEFINITION.

The Downtown Overlay District encompasses the area located within seventy-five (75) feet of the centerline of Main Street and a seventy-five (75) foot radius of the segment of Main Street running from the Walnut Avenue intersection to the Cherry Avenue Intersection.



B. ADMINISTRATION.

Guidelines are intended to convey desirable elements. They are recommendations and not requirements, unless public financing is involved in the construction or rehabilitation of the building. Standards identified are requirements and enforced through the Zoning Administrator.

1. The standards outlined will apply to the following:
 - a. All newly constructed buildings.

Madison Lake Zoning Ordinance

CHAPTER 11. OVERLAY DISTRICT / DOWNTOWN OVERLAY DISTRICT

B. ADMINISTRATION. (cont'd)

1. The standards outlined will apply to the following (cont'd)
 - b. All exterior building improvements and signage changes that require a building and/or sign permit (only standards applicable to the changed element apply).
 - c. Renovation altering over twenty (20) percent of the building or ten (10) percent of any side of the building adjacent to the public right of way.
 - d. All new or reconstructed parking areas with five (5) or more spaces.
2. All portions of properties in the Downtown Overlay District are required to conform to this chapter and requirements laid out in all chapters in This Ordinance as applicable.

C. PURPOSE.

The purpose of the Madison Lake Downtown Overlay District is to: preserve the small-town, unique character of Madison Lake; complement and enhance the existing historic architecture; promote the community's vision and identity; to ensure long term viability and complementary design.

D. SITE PLAN REVIEW AND HEARING PROCEDURE.

1. Site Plan Review is required of all properties meeting the standards laid out in Subd. B.1 of This Ordinance or as recommended by City Staff.
2. Filing of request. Request for site plan approval, as provided within this chapter, shall be filed with the City Administrator or Building Official on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. Such an application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Administrator, fully explaining the proposed change, development or use. The request shall be considered as being officially submitted and complete when the applicant has complied with all specified information requirements. In cases where an application is judged to be incomplete, the City Administrator or Building Official shall notify the applicant, in writing, within fifteen (15) days of the date of submission.
3. Proof of ownership or authorization. The applicant shall supply proof of title and the legal description of the property for which the site plan approval is requested, consisting of an abstract of title and, as applicable, supply documented authorization from the owners of the property in question to proceed with the requested site plan application.
4. Technical reports. The City Administrator shall instruct the appropriate staff persons or staff consultants to prepare technical reports where appropriate, and provide general assistance in conducting an evaluation of the request.

Madison Lake Zoning Ordinance

CHAPTER 11. OVERLAY DISTRICT / DOWNTOWN OVERLAY DISTRICT

D. SITE PLAN REVIEW AND HEARING PROCEDURE. (cont'd)

5. Additional information. City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert assistance with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and to establish performance conditions in relation to all pertinent sections of this chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
6. Meeting with the City Administrator and staff. The applicant or a representative thereof shall meet with the City Administrator and city staff to present information and answer questions concerning the proposed requests.
7. Site plan review is done by the Planning Commission and must receive a majority vote to be approved. The commission shall conduct a public hearing regarding the site plan. A notice of the date, time, place and purpose of the hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. A similar notice of hearing shall be mailed at least ten days before the date of the hearing to each owner of property situated wholly or partly within three hundred fifty (350) feet of the tract to which the petition relates, insofar as the names and addresses of such owners can reasonably be determined by the clerk. After reviewing the report of the City Administrator and hearing the oral or written views of all interested persons, the commission shall make its decision at the same meeting or at a specified future date and send its recommendation to the Council. No new notice need be given for hearings that are continued by the commission to a specified future date. The Planning Commission will review the development based on This Ordinance, the criteria for approval laid out in Subd. E, staff reports, public comment and any other relevant information. Approval of the proposed development shall be granted by simple majority vote. Approval is effective forty-eight (48) hours after the approval, if no appeal is made.
8. Decisions of the Planning Commission can be appealed to the City Council within forty-eight (48) hours of the decision. Either party can appeal a decision for any reason. The Zoning Administrator will summarize the findings of the Planning Commission's decision for the appeal to the Council.
9. All appeals will go to the next possible Council meeting and are approved based on simple majority vote.

Madison Lake Zoning Ordinance

CHAPTER 11. OVERLAY DISTRICT / DOWNTOWN OVERLAY DISTRICT

E. CRITERIA FOR APPROVAL.

The following criteria shall be considered and evaluated by the Planning Commission when reviewing a site plan:

1. Compatibility with other properties within the Downtown District.
2. Historical preservation and enhancement.
3. Long-term district viability and complementary design of the Downtown District.
4. Preserve and enhance the small-town unique character of Madison Lake.
5. Build upon the Downtown District vision and the purpose of This Ordinance (Subd. C).
6. Environmentally friendly features and materials are encouraged.

F. GENERAL PROPERTY MAINTENANCE AND UPKEEP.

1. Objective: To create a pedestrian friendly and welcoming community-oriented environment, for people of all ages to enjoy.
2. Guideline: Property owners are encouraged to reinvest and keep their property welcoming and to a higher standard because of the public nature of the area.
3. Standard: Properties shall be kept in conformance with all standards of the City Code as applicable to other properties. Boarded windows are only allowed in the downtown overlay district as a temporary measure and must be repaired or replaced within ten (10) days. Property owners are allowed to do minor property maintenance.

Madison Lake Zoning Ordinance

CHAPTER 11. OVERLAY DISTRICT / DOWNTOWN OVERLAY DISTRICT

G. UTILITY AREAS & MECHANICAL EQUIPMENT SCREENING.

1. Objective: Utility areas and mechanical equipment should be designed so that they do not detract from the aesthetic appeal of the Downtown District.
2. Guideline: The screening of exterior trash and storage areas, service yards, loading areas, transformers and air conditioning units should use the same materials, color and/or style as the primary building to be architecturally compatible with the building it is adjacent to. If the utility area is separate from the building it serves, it should be consistent with the City of Madison Lake streetscape theme. All roof equipment must be screened from public view if visible from the street. All exterior trash and storage areas, service yards, loading areas and air conditioning units must be screened from view. Camouflaging air conditioning units is an acceptable screening method.

H. FENESTRATIONS. (WINDOWS & DOORS)

1. Objective: Windows and doors should be constructed to be long lasting and use materials and detailing that maintains the distinct character and harmony of the Downtown District.
2. Guideline: Window and doors should be proportionate in scale to the size of the building and to each other. Window and doors placement and patterns should be consistent and fit with the overall architectural style of the building. Whenever possible, the first and second floor windows should be inline with each other. Windows, doors, or other openings shall be included on all front, rear, and side elevations of the principal structure. Fenestration should be used as architectural elements that add relief to the façade and wall surface. When appropriate to the architectural style of the building all front facing fenestration should have consistent spacing and a unifying architectural element or pattern, including but not limited to; sills, ledges, mullions, frames, trims, or columns. Fenestration trim shall be at least 4" (four inches) in width. The front door should face the street. Excessive window glazing or reflective window glass is discouraged.

I. MATERIALS & DETAILING.

1. Objective: Rehabilitation or redevelopment projects should be constructed to be long lasting and use materials and detailing that maintains the distinct character and harmony of the downtown district.
2. Guideline: Traditional materials including brick, stone (including cast stone) and stucco should be used as the primary building materials. Tile, stone, glass block, copper flashing, metal and wood should be considered as accent materials. Preferred is a high level of design and architectural detail. At rear entrances the primary materials should be used in a way that highlights the entrance. Infill construction should reflect some of the detailing of surrounding buildings in window shape, cornice lines and brick work. Building renovation and alterations should restore architectural details of cornices, brickwork, transom, display windows and bulkheads.

Madison Lake Zoning Ordinance

CHAPTER 11. OVERLAY DISTRICT / DOWNTOWN OVERLAY DISTRICT

J. COLOR.

1. Objective: To encourage a varied but complimentary use of color.
2. Guideline: The color of buildings should complement the adjacent buildings' colors. The color of brick or other natural building materials should dictate the color family choice. Buildings should use primarily earth tones with light and bright colors used only as minor accents. The accent colors should complement the primary color. Accents in "Madison Lake blue" are encouraged.

K. STREETScape.

1. Objective: The streetscape should be uniform so that it acts to provide continuity throughout the downtown district.
2. Guideline: When making improvements to private property, including the addition of benches, trash receptacles, fencing, bike racks, or trash enclosures, owners should match the approved Madison Lake styles for these elements.
3. Standard: When a redevelopment project disturbs existing streetscape elements those items must be replaced with approved Madison Lake streetscape elements.

L. LIGHTING.

1. Objective: Lighting in the downtown district should serve to illuminate façades, entrances and signage and provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings.
2. Guideline: Avoid colored lighting schemes in order to achieve continuity in building lighting within the downtown.
3. Standard: Building and signage lighting must be indirect, with the light source(s) hidden from direct pedestrian and motorist view. For exterior sign illumination, shaded gooseneck lamps are encouraged.

M. AWNINGS.

1. Objective: To enhance the historic feel of Main Street while providing sun protection for display windows, shelter for pedestrians, and a sign panel for businesses.
2. Guideline: Retractable or operable awnings are encouraged. Long expanses of awning should be broken into segments that reflect the door or window openings beneath them.
3. Standard: Awnings must be constructed of durable, protective, and water repellent material, however, plastic or fiberglass awnings are not allowed. Awnings must project a minimum of 36" (thirty six inches) from the building. Awnings must be self-supporting, and posts cannot be placed in the public right of way.

Madison Lake Zoning Ordinance

CHAPTER 11. OVERLAY DISTRICT / DOWNTOWN OVERLAY DISTRICT

N. PARKING.

1. Objective: Parking in the Downtown District should adequately serve the users without detracting from the compact design that makes it a successful commercial center.
2. Guideline: Parking lots should be kept small and close to the businesses served. Larger parking lots should have visual breaks of four-season landscaping treatments. Off-street parking is encouraged to be located in the rear of buildings on Main Street.
3. Standard: Parking lots must be paved and well maintained. Parking must conform to the appropriate requirements of all chapters of the ordinance.

O. LANDSCAPING.

1. Objective: Landscaping treatments should be used to enhance the pedestrian experience, complement architectural features and/or screen utility areas.
2. Guideline: The use of flower boxes, planters and hanging flower baskets is encouraged.
3. Standard: All usable open space as defined shall be planted and maintained in grass, sodding, shrubs or other suitable vegetation or treatment as specified, unless devoted to drives, sidewalks or patios. All exterior landscaping must be completed within six (6) months after the date of issuance of a building permit requiring landscaping.

P. REAR ENTRANCES.

1. Objective: To provide a rear entrance to the buildings on Main Street that is welcoming.
2. Guideline: The rear entrance should be clean and well maintained. A small sign, awnings, display windows and planter boxes can improve the appearance.

Q. SIGNS.

1. Objective: Signs should be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs on nearby buildings, while providing for adequate identification of the business. Signs are strongly encouraged as part of a business use.
2. Guideline: Symbolic and historic three-dimensional signs such as barber shop poles and appropriately sized projecting signs are encouraged. Signage should have the capability of being lit in the evening, although the source of light must not be visible to motorists or pedestrians. Signs constructed of natural materials such as metal or wood are preferred. Permanently painted window signage is encouraged if compatible with the architecture of the building. Painted window signs should not consume more than one-third of the glazed area of the window. Neon signs are permitted on the exterior of the building and in display windows, if not covering more than one-third of the window surface area. The following types of signage are encouraged:

Madison Lake Zoning Ordinance

CHAPTER 11. OVERLAY DISTRICT / DOWNTOWN OVERLAY DISTRICT

Q. SIGNS. (cont'd)

- a. Grand Projecting Signs are tall, large, vertically oriented signs which project from the building perpendicular to the façade and which are structurally integrated into the building.
- b. Marquee Signs are large, canopy-like structures mounted over the entrance to a theater.
- c. Grand Wall Signs are large signs located on, and parallel to, large unwindowed building wall areas.
- d. Wall Signs are signs which are located on, and parallel to, a building wall.
- e. Blade Signs are signs which are oriented perpendicularly to the building façade, and which are suspended under a bracket, armature, or other mounting device.
- f. Projecting Signs are cantilevered signs which are structurally affixed to the building and oriented perpendicularly to the building facade.
- g. Awning Face Signs are signs applied to the primary face of an awning, including sloped awning faces and vertical “box” awning faces.
- h. Awning Valance Signs are signs applied to the awning valance.
- i. Awning Side Signs are signs applied to the side panel of an awning.
- j. Above Awning Signs are signs which are mounted partially or entirely above the upper edge of a valance of an awning and oriented parallel to the building wall surface.
- k. Under Awning Signs are signs which are suspended under an awning, perpendicular to the building facade.
- l. Canopy Fascia Signs are signs which are mounted to the front or side fascia of a canopy and contained completely within that fascia.
- m. Above Canopy Signs are signs which are mounted partially or entirely above the front fascia of a canopy and oriented parallel to the building wall surface.
- n. Under Canopy Signs are signs which are suspended under a canopy, perpendicular to the building facade.
- o. Recessed Entry Signs are signs which are oriented parallel to the building façade, and which are suspended over a recessed entry.
- p. Window Signs are signs which are applied directly to a window or mounted or suspended directly behind a window.

Madison Lake Zoning Ordinance

CHAPTER 11. OVERLAY DISTRICT / DOWNTOWN OVERLAY DISTRICT

Q. SIGNS. (cont'd)

2. Guideline: (cont'd)
 - q. Building Identification Canopy Fascia Signs are signs which are mounted to the front or side fascia of a canopy, contained completely within that fascia and oriented parallel to the building wall surface and which announce the name of a building.
 - r. Building Identification Wall Signs are signs located on, and parallel to a building wall which announce the name of a building.
 - s. Building Identification Window Signs are signs applied directly to a window or mounted or suspended directly behind a window.
 - t. Temporary Window Signs are signs which are applied directly to a window or mounted or suspended directly behind a window and are designed, constructed and intended for display on private property for a period of not more than ninety (90) consecutive days per year. Examples include "grand opening," "special sale," and seasonal signage.
 - u. Temporary Wall Signs which are located on, and parallel to, a building wall and are designed, constructed, and intended for display on private property for a period of not more than ninety (90) consecutive days per year. Examples include "grand opening," "special sale," and seasonal temporary banner signage.
 - v. Freestanding Signs are standalone signs located on the edge of property out of the right of way.
3. Standard: Temporary window signage is limited to one-third of the window surface area. The combination of neon signage, permanently painted signage and temporary signage should not exceed a total of two-thirds of the window surface area. Projecting signs must be no greater than 12 square feet and have a maximum width of three feet. No less than 10 feet of clearance shall be provided between the sidewalk elevation and the lowest point of the projecting sign. Maximum distance between sign and building face is one foot. Signs cannot block or obliterate design details, windows, or cornices of the building upon which they are placed. Signage must conform to appropriate requirements of all chapters of the ordinance.

R. ROOFLINES.

1. Guideline: ornate rooflines to complement current rooflines on existing buildings are encouraged.

S. EXCEPTIONS.

1. Property owners are allowed to do property maintenance and upkeep that does not alter the use, exterior design, color, or materials without site plan review. This shall be determined at the discretion of the Zoning Administrator.

Madison Lake Zoning Ordinance

CHAPTER 12. B-3 RECREATIONAL BUSINESS DISTRICT.

A. PURPOSE.

The purpose of the "B-3" Recreational Business District is to provide for and regulate businesses which are recreational in nature and interspersed in areas predominately residential nature. The recreational business district capitalizes on the unique nature of the community and is recognized as a benefit to the community.

B. PERMITTED USES.

The following are permitted uses in the "B-3" Recreational Business District:

1. Surface Water Oriented commercial.
2. Public, semi-public uses.
3. Lower-Potency Hemp Edible and/or beverage sales as accessory to retail sales as they are defined in MSA 342.01 for the following business establishments: off-sale liquor establishments, on-sale liquor establishments, licensed clubs or lodges serving food and beverages, and/or restaurants.
4. Uses determined by the Planning Commission to be similar to those listed in this Subdivision.
5. Private residence to be occupied by owner of the recreational facility.
6. Rental of seasonal and non-seasonal facilities.

C. ACCESSORY USES.

The following are permitted accessory uses in the "B-3" Recreational Business District:

1. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
2. Piers and Docks.
3. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision E of this Chapter and Chapter 19, Subd. E-9 provided the water-oriented structure or facility:
 - a. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than twenty-five (25) square feet. Detached decks shall not exceed eight (8) feet above grade at any point.
 - b. The structure or facility shall be setback from the ordinary high-water level a minimum of ten (10) feet.
 - c. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.
 - d. The roof may be used as a deck with safety rails but shall not be enclosed or used as a storage area.

Madison Lake Zoning Ordinance

CHAPTER 12. B-3 RECREATIONAL BUSINESS DISTRICT.

C. ACCESSORY USES. (cont'd)

- e. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
 - f. As an alternative for water-oriented accessory structures used solely for watercraft storage and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- 4. Off-street parking facilities (not including semi-trucks) and off-street loading facilities as regulated by Chapter 18 of This Ordinance.
 - 5. Apartments/Multi-family: 1st floor apartments related to Business structure (located in rear of business). 2nd story apartment related to business structure.

D. CONDITIONAL USES.

The following are conditional uses in the "B-3" Recreational Business District:
Commercial Planned Unit Developments as regulated by Chapter 24 of This Ordinance.

- 1. Recreational Camping Areas, subject to the following:
 - a. Definitions: Recreational Camping Area means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. "Recreational camping area" excludes:
 - 1). Children's camps;
 - 2). State wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing; and
- 2. Recreational Camping Vehicle includes the following:
 - a. Definitions:
 - 1). Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses;
 - 2). Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
 - 3). Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
 - 4). Any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

Madison Lake Zoning Ordinance

CHAPTER 12. B-3 RECREATIONAL BUSINESS DISTRICT.

D. CONDITIONAL USES. (cont'd)

2. Recreational Camping Vehicle includes the following: (cont'd)
 - b. No person, firm or corporation shall establish, maintain, conduct, or operate a recreational camping area without first obtaining a license therefore from the state department of health pursuant to Minn. Stat. 327.14 - 327.
 - c. A responsible attendant or caretaker shall oversee every recreational camping area at all times, who shall maintain the park or area, and its facilities and equipment in a clean, orderly and sanitary condition.
 - d. Pursuant to Rules established in Minn. Stat. 327.20, wastewater from recreational camping vehicles shall not be deposited upon the surface of the ground.
 - e. An adequate, safe, and approved water supply shall be provided.
 - f. Per Minn. Stat. 327.27, the speed limit within the recreational camping ground shall not exceed ten (10) miles per hour, and the speed limit shall be posted throughout the park by the park owner.
 - g. No person shall attempt to develop or operate a recreational camping area within the City without first obtaining a conditional use permit. The permit application shall include the name and address of the Developer and requested information, including but not limited to the following:
 - 1). Location and site of the recreational camping ground.
 - 2). Location, size and character of lots.
 - 3). Detailed description of maintenance procedures and grounds supervision.
 - 4). Severe weather shelter specifications and/or plans, as required by MN. Stat. 327.
 - h. Uses determined by the Zoning Administrator deemed similar to those listed in this Subdivision.

E. PERFORMANCE STANDARDS.

1. Minimum Lot Size: Ten thousand (10,000) square feet (lot size/width requirements for lots existing on the effective date of This Ordinance may be adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size, but in conformance with This Ordinance).
2. Minimum lot width: One hundred (100) feet (lot size/width requirements for lots existing on the effective date of This Ordinance may be adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size, but in conformance with This Ordinance).

Madison Lake Zoning Ordinance

CHAPTER 12. B-3 RECREATIONAL BUSINESS DISTRICT

E. PERFORMANCE STANDARDS (cont'd)

2. Minimum lot width: (cont'd)

Shoreland overlay areas as identified in the following tables:

SHORELAND OVERLAY MINIMUM LOT AREA (SQ.FT./LOT WIDTH)		
	Riparian Lots	Non-Riparian Lots
RECREATIONAL DEVELOPMENT LAKES Madison/Ballantyne	20,000/75	15,000/75
GENERAL DEVELOPMENT LAKES Duck Lake	15,000/75	15,000/75

The Department of Natural Resources 1992 approvals of reduced standards for lots located in the Highway 60 corridor and the Fasnacht Subdivision continue unchanged and are grandfathered into this Amended Ordinance.

3. Setbacks (measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high-water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

- a. Front yard: Thirty (30) feet
- b. Side yard: Twenty (20) feet, unless abutting a residential district, then thirty-five (35) feet.
- c. Rear yard: Twenty (20) feet, unless abutting a residential district, then thirty-five (35) feet.
- d. Structures and independent sewage treatment facilities shall be setback from the Ordinary High-Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewered lots	Sewage treatment system
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

- 4. One water-oriented accessory structure designed in accordance with This Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high-water level.
- 5. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 19 (General Provisions), Chapter 14 (Land Preservation) and Chapter 15 (Surface Water Management).

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

Madison Lake Zoning Ordinance

CHAPTER 12. B-3 RECREATIONAL BUSINESS DISTRICT

E. PERFORMANCE STANDARDS (cont'd)

6. Maximum Building Height: Forty-five (45) feet or three (3) stories.
7. Maximum Site Coverage: No structure or combination of structures shall occupy more than sixty (60) percent of the lot area, providing:
 - a. Non-shoreland overlay areas: No structure or combination of structures shall occupy more than sixty (60) percent of the lot area.
 - b. Shoreland overlay areas within the Hwy. 60 Corridor (one block north of Hwy. 60): No structure or combination of structures shall occupy more than sixty (60) percent of the lot area, providing:
 - 1). Appropriate structures and practices are in place for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water; and,
 - 2). Wherein surface water management standards and erosion control measures identified in Chapters 14 and 15 of this code are achieved/observed/maintained.
 - 3). Within the shoreland overlay district structures or combinations of structures on lots not in conformance with sub-items 1. and 2. above shall not occupy more than twenty-five (25) percent of the lot area.
8. Uses without water oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.
9. Surface water-oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - a. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in This Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 - b. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - c. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the provisions contained in Chapter 17 (Signs) and Chapter 19, Subd. J (Lighting).
10. Additional requirements, including but not limited to, shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of This Ordinance, as may be amended.

Madison Lake Zoning Ordinance

CHAPTER 13. I-1 INDUSTRIAL DISTRICT.

A. PURPOSE.

The purpose of the Industrial District is to establish, preserve and regulate areas in the city for manufacturing, processing, assembly and fabrication, storage and warehousing and other industrial and related uses. These uses shall maintain a high level of performance and appearance, including open spaces and landscaping and encouraging development that is compatible with abutting districts.

B. PERMITTED USES.

The following uses are permitted in the non-shoreland portion of the "I-1" Industrial District:

1. Manufacturing or assembly of a wide variety of products that produces no exterior noise, glare, fumes, obnoxious products, by-products or wastes or creates other objectionable impact on the environment, including the generation of large volumes of traffic. Examples of such uses include: fabrication or assembly of small products such as optical, electronic, pharmaceutical, medical supplies and equipment and printing and publishing.
2. Warehousing.
3. Offices related to industrial uses.
4. Machine shops, lumber yards, etc.
5. Major automotive repair.
6. Highway maintenance shops and yards.
7. Grain elevators.

There are no permitted uses within the shoreland overlay portion of the "I-1" district.

C. ACCESSORY USES.

The following are permitted accessory uses in the "I-1" Industrial District:

1. Off-street parking as defined in Chapter 18 of This Ordinance.
2. Any use customarily incidental to the uses permitted in Subdivisions B and D of this Chapter, provided the buildings do not exceed thirty percent (30%) of the floor space of the principal building.

Madison Lake Zoning Ordinance

CHAPTER 13. I-1 INDUSTRIAL DISTRICT

D. CONDITIONAL USES.

The following are conditional uses in the non-shoreland overlay portion of the "I-1" Industrial District:

1. Government buildings and public facilities.
2. Open or outdoor service, sale, and rental as a principal or accessory use, provided that:
 - a. Outside services, sales and equipment rental connected with the principal use is limited to fifty percent (50%) of the gross floor area of the principal use.
 - b. Outside sales areas are fenced and screened from view of neighboring residential uses or an abutting residential district.
 - c. Sales area is grassed or surfaced to control dust.
3. Accessory, enclosed retail, rental service, or processing, manufacturing activity other than that allowed as a permitted use or conditional use within this Chapter, provided that:
 - a. Such use is allowed as a permitted use in a business district.
 - b. Such use does not constitute more than fifty percent (50%) of the gross floor area of the principal use.
 - c. Adequate off-street parking and off-street loading is provided in compliance with Chapter 18 of This Ordinance.
 - d. All signage is in compliance with Chapter 17 of This Ordinance.
4. Cannabis business or Hemp business as defined in Minnesota Statute §342.01. capped at no more than one (1) license to be issued in total.
5. Storage, utilization, or manufacturing of materials or products which could decompose by demolition.
6. Crude oil, gasoline or other liquid storage tanks, bulk fuel sales and storage.
7. Fertilizer and chemical sales and storage.
 - a. Any facility with a capacity of ten thousand (10,000) or more and in existence upon the date of adoption of This Ordinance shall secure a conditional use permit within twenty-four (24) months of Ordinance adoption. The City Council may require the development of diking around said tanks which shall be suitable sealed and shall hold a leakage capacity equal to one hundred fifteen (115) percent of said tank capacity.
8. Any existing storage tank that constitutes a public safety hazard as documented by the City Council shall discontinue operations within five (5) years following the effective date of This Ordinance.
9. Any manufacturing, processing, cleaning, storage, testing of materials or goods similar to those listed in Subd. E which conform to the performance standards of this Chapter.

Madison Lake Zoning Ordinance

CHAPTER 13. I-1 INDUSTRIAL DISTRICT

D. CONDITIONAL USES. (cont'd)

10. Uses determined by the Zoning Administrator deemed similar to those listed in this Subdivision.

E. PERFORMANCE STANDARDS.

1. Minimum lot size: One (1) acre (43,560 square feet)
2. Minimum lot width: One hundred (100) feet
3. Setbacks:
 - a. Front yard: Forty (40) feet
 - b. Side yard: Ten (10) feet
 - c. Rear yard: Forty (40) feet

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

4. Maximum Building Height: Forty-five (45) feet or three (3) stories.
5. Maximum Site Coverage: No structure or combination of structures shall exceed sixty (60) percent of the total lot area, providing:
 - a. Non-shoreland overlay area: No structure or combination of structures shall exceed sixty (60) percent of the total lot area.
 - b. Shoreland overlay area within the Hwy. 60 corridor (one block north and one block south of Hwy. 60): No structure or combination of structures shall exceed sixty (60) percent of the total lot area, providing:
 - 1). Appropriate structures and practices are in place for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water; and,
 - 2). Wherein surface water management standards and erosion control measures identified in Chapters 14 and 15 of this code are achieved/observed/maintained.
 - c. Within the shoreland overlay district structures or combinations of structures on lots not in conformance with sub-items 1. and 2. above shall not occupy more than twenty-five (25) percent of the lot area.

Madison Lake Zoning Ordinance

CHAPTER 14. LAND PRESERVATION AND WOODLAND PROTECTIONS.

A. PURPOSE.

The purpose of this Chapter is to ensure that the natural environment is protected and to minimize any adverse effects development might have on the environment.

B. SOIL EROSION AND SEDIMENTATION CONTROL.

1. General Standards.

- a. All development shall conform to the natural limitations presented by the topography and soil in order to create the best potential for preventing soil erosion.
- b. Structures and accessory facilities, except stairways and landings, as identified in Chapter 19 (General Provisions), Subd. L (Stairways, Lifts and Landings) shall not be placed within a bluff impact zone.
- c. Slopes over 18 percent in grade shall not be developed.
- d. Development on slopes with a grade between 12 and 18 percent shall be carefully reviewed to ensure that adequate measures have been taken to prevent erosion, sedimentation, and structural damage.
- e. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
- f. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time and no exposure shall exceed 65 days unless extended by the Council.
- g. Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the disturbed area or new topsoil shall be brought in. The topsoil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.
- h. Public and private properties adjacent to the development site shall be protected from the effects of sedimentation. Any violations of this provision must be corrected by the owner to the satisfaction of the City within five (5) days of receiving notification of such. If the violation is not remedied within the time period specified, the City may correct the problem and assess the costs incurred to the property owner.

Madison Lake Zoning Ordinance

CHAPTER 14. LAND PRESERVATION AND WOODLAND PROTECTIONS.

B. SOIL EROSION AND SEDIMENTATION CONTROL. (cont'd)

2. The following control measures shall be taken to control erosion during construction on exposed slopes:
 - a. No exposed slopes should be steeper in grade than five (5) feet horizontal to one (1) foot vertical.
 - b. Exposed slopes steeper in grade than ten (10) feet horizontal to one (1) foot vertical should be contoured to minimize direct runoff water.
 - c. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channeled water should be diverted to a sedimentation basin (debris basin, silt basin, or silt trap) before being allowed to enter the natural drainage system.
 - d. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron a gravel energy dissipater should be installed to prevent erosion at the discharge end.
 - e. Exposed slopes shall be protected to whatever means will effectively prevent erosion considering the degree of slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seeding of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with stakes and netting, or should be worked into the soil to provide additional slope stability.
 - f. Control measures, other than those specifically stated above, may be used in place of the above control measures if it can be demonstrated that they will protect exposed slopes as effectively.

C. WETLAND PROTECTION.

The Federal Clean Water Act and the Minnesota Wetland Conservation Act are hereby incorporated in their entirety by reference.

Madison Lake Zoning Ordinance

CHAPTER 15. WATER SURFACE MANAGEMENT

A. FINDINGS.

The City of Madison Lake hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City of Madison Lake to provide adequate water, sewage, flood control and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas which may be affected by unplanned land usage.

B. PURPOSE.

The purpose of this Chapter is to promote, preserve and enhance the natural resources within the City of Madison Lake and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

C. SCOPE AND EFFECT.

1. Applicability.

Every applicant for Subdivision approval, PUD approval, or a residential, commercial, or industrial permit to allow land disturbing activities must submit a surface (storm) water management plan to the City. No Subdivision approval or permit to all land disturbing activities, including but not limited to, mining, excavation, filling and grading shall be issued until approval of the surface (storm) water management plan, or a waiver of the approval requirement has been obtained in conformance with the provisions of This Ordinance. The provisions of this Chapter apply to all land, public or private, located within the City of Madison Lake.

2. The provisions of this Chapter do not apply to:

- a. Any part of a Subdivision if a plat for the Subdivision has been approved by the City of Madison Lake on or before the effective date of This Ordinance.
- b. Any land disturbing activity for which plans have been approved by the watershed. Management organization within six months prior to the effective date of This Ordinance.
- c. A lot for which a zoning permit has been approved on or before the effective date of This Ordinance.

Madison Lake Zoning Ordinance

CHAPTER 15. WATER SURFACE MANAGEMENT

C. SCOPE AND EFFECT (cont'd).

2. The provisions of this Chapter do not apply to (cont'd)
 - d. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles.
 - e. Emergency work to protect life, limb, or property.
3. The City upon recommendation of the Planning Commission, may waive any requirement of this Chapter upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in this Chapter. The City may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

D. SURFACE (STORM) WATER MANAGEMENT PLAN APPROVAL PROCEDURES.

1. Application:
 - a. A written application for surface (storm) water management plan approval, along with the proposed surface (storm) water management plan, shall be filed with the City Clerk/ Zoning Administrator and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this Chapter. Prior to applying for approval of a surface (storm) water management plan, an applicant may have the surface (storm) water management plans reviewed by the City.
 - b. Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the City and shall be accompanied by a receipt evidencing payment of fees (if applicable) for processing and approval as set forth in Subdivision E (5), and a bond when required by Subdivision E (4) in the amount to be calculated in accordance with that Subdivision. Drawings shall be prepared to scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be one (1) inch equals one hundred (100) feet.
2. Surface (Storm) Water Management Standards.
 - a. When possible existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
 - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

Madison Lake Zoning Ordinance

CHAPTER 15. WATER SURFACE MANAGEMENT

D. SURFACE (STORM) WATER MANAGEMENT PLAN APPROVAL PROCEDURES. (cont'd)

2. Surface (Storm) Water Management Standards. (cont'd)
 - c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference should be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
 - d. When constructed facilities are used for storm water management, documentation must be provided by a qualified individual that they are designed and installed consistent with applicable local, state and federal standards.
 - e. New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
3. Surface (Storm) Water Management Plan Required.
 - a. At a minimum, the surface (storm) water management plan shall contain the following information:
 - 1). Existing Site Map: A map of existing site conditions showing the site and immediately adjacent areas, including:
 - a). The name and address of the applicant; a legal description of the property directly associated with the request; north point; date; scale of drawing; and number of sheets;
 - b). Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, Subdivisions, towns, and districts or other landmarks;
 - c). Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two (2) feet;
 - d). A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of vegetation which may be found in the water, a statement of general water quality, and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;

Madison Lake Zoning Ordinance

CHAPTER 15. WATER SURFACE MANAGEMENT

D. SURFACE (STORM) WATER MANAGEMENT PLAN APPROVAL PROCEDURES. (cont'd)

3. Surface (Storm) Water Management Plan Required. (cont'd)
 - a. At a Minimum, (cont'd)
 - 1). Existing Site Map (cont'd)
 - e). Location and dimensions of existing surface (storm) water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate surface (storm) water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where surface (storm) water collects;
 - f). A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the Developer to render the soils suitable; and
 - g). Vegetative cover and clearly delineating any vegetation proposed for removal.
 - 2). Site Construction Plan: A site construction plan including:
 - a). Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
 - b). Locations and dimensions of all temporary soil or dirt stockpiles;
 - c). Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this Chapter;
 - d). Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this Chapter; and
 - e). Provisions for maintenance of the construction site erosion control measures during construction.
 - 3). Plan of Final Site Conditions: A plan of final site conditions on the same scale as the existing site map showing the site changes including:

Madison Lake Zoning Ordinance

CHAPTER 15. WATER SURFACE MANAGEMENT

D. SURFACE (STORM) WATER MANAGEMENT PLAN APPROVAL PROCEDURES. (cont'd)

3. Surface (Storm) Water Management Plan Required. (cont'd)
 - a. At a Minimum, (cont'd)
 - 3). Plan of Final Site Conditions:
 - a). Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
 - b). A drainage plan of the developed site delineating in which direction and at what rate surface (storm) water will be conveyed from the site and settling forth the areas of the site where surface (storm) water will be allowed to collect;
 - c). The proposed size, alignment and intended use of any structures to be erected on the site;
 - d). A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and
 - e). Any other information pertinent to the particular project which in the opinion of the applicant is necessary for the review of the project.

E. PLAN REVIEW PROCEDURE.

1. Process: Surface (storm) water management plans meeting the requirements of Subdivision D shall be submitted by the Zoning Administrator to the City Engineer or Designee for review in accordance with the standards of Subdivision F. The Planning Commission shall recommend approval, recommend approval with conditions, or recommend denial of the surface (storm) water management plan to the City Council. Following Planning Commission action, the surface (storm) water management plan shall be submitted to the City Council at its next available meeting. City Council action on the surface (storm) water management plan must be accomplished within sixty (60) days following the date the application for approval is filed with the City Clerk/Zoning Administrator.
2. Duration: Approval of a plan submitted under the provisions of this Chapter shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval the applicant makes a written request to the City Clerk/Zoning Administrator for an extension of time to commence construction setting forth the reasons for the requested extension, the City may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the Zoning Administrator within fifteen (15) days. The Zoning Administrator, after consulting with the City Engineer, shall make a decision on the extension within thirty (30) days of receipt. Any plan may be revised in the same manner as originally approved.

Madison Lake Zoning Ordinance

CHAPTER 15. WATER SURFACE MANAGEMENT

E. PLAN REVIEW PROCEDURE. (cont'd)

3. Conditions: A surface (storm) water management plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this Chapter are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development; require the construction of structures, drainage facilities, storage basins, and other facilities; require replacement of vegetation; establish required monitoring procedures; stage the work over time; require alternation of the site design to insure buffering; and require the conveyance to the City or other public entity of certain lands or interests therein.
4. Performance Bond: Prior to approval of any surface (storm) water management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicate property or easement, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a bond to cover the amount of the established cost of complying with the agreement. The agreement and bond shall guarantee completion and compliance with conditions within a specific time, which time may be extended. The adequacy, conditions and acceptability of any agreement and bond shall be determined by the City Council or any official of the City as may be designated by resolution of the City Council.
5. Fees: All applications for surface (storm) water management plan approval shall be accompanied by a processing and approval fee, if applicable, and as specified by the City Council through resolution.

F. APPROVAL STANDARDS.

No surface (storm) water management plan which fails to meet the standards contained in this Chapter shall be approved by the City Council.

G. SITE DEWATERING.

Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

H. WASTE AND MATERIAL DISPOSAL.

All waste and unused building materials, including but not limited to, garbage, cleaning wastes, debris, wastewater, toxic materials or hazardous materials, shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or surface (storm) sewer system.

I. TRACKING.

Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

Madison Lake Zoning Ordinance

CHAPTER 15. WATER SURFACE MANAGEMENT

J. DRAIN INLET PROTECTION.

All surface (storm) drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards, and specifications contained in the Minnesota Pollution Control Agency publication entitled "Protecting Water Quality in Urban Areas".

K. SITE EROSION CONTROL.

1. The following criteria (a through d) apply only to construction activities that result in runoff leaving the site.
 - a. Channeled runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheet flow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than one-half (1/2) feet per second across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
 - b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
 - c. Runoff from the entire disturbed area on the site shall be controlled by meeting either Subsection (1) and (2) or (1) and (3):
 - 1). All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering or other equivalent control measure.
 - 2). For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent (1%) of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - 3). For sites with less than ten (10) acres disturbed at one time, silt fences, straw bales or equivalent control measures shall be laced along all side slope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales or equivalent control measures must include a maintenance and inspection schedule.

Madison Lake Zoning Ordinance

CHAPTER 15. WATER SURFACE MANAGEMENT

K. SITE EROSION CONTROL. (cont'd)

1. (cont'd)
 - d. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days, and the surface (storm) drain inlets must be protected with straw bale or other appropriate filtering barriers.

L. SURFACE (STORM) WATER MANAGEMENT CRITERIA FOR PERMANENT FACILITIES.

1. An applicant shall install or construct, on or for the proposed land disturbing or development activity, all surface (storm) water management facilities necessary to manage increased runoff so that the two-year, ten-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community surface (storm) water management facilities designed to serve multiple land disturbing and development activities undertaken by one (1) or more persons, including the applicant.
2. The applicant shall give consideration to reducing the need for surface (storm) water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
3. The following surface (storm) water management practices shall be investigated in developing a surface (storm) water management plan:
 - a. Natural infiltration of precipitation on-site, if located outside of areas considered sensitive to groundwater contamination;
 - b. Flow attenuation by use of open vegetated swales and natural depressions;
 - c. Surface (storm) water retention facilities; and
 - d. Surface (storm) water detention facilities.
4. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in this Chapter. The applicant shall provide justification for the method selected.

Madison Lake Zoning Ordinance

CHAPTER 15. WATER SURFACE MANAGEMENT

M. DESIGN STANDARDS FOR DETENTION FACILITIES.

Surface (storm) water detention facilities constructed in the City of Madison Lake shall be designed according to standards approved by the City Engineer.

N. WETLANDS.

Rules and regulations applicable to wetlands and set forth by the Minnesota Wetland Conservation Act and Federal Clean Water Act are hereby incorporated.

O. MODELS/METHODOLOGIES/COMPUTATIONS.

Hydrologic models and design methodologies used for the determination of runoff and analysis of surface (storm) water management structures shall be approved by the City Engineer. Plan, specification, and computations for surface (storm) water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the City Engineer.

P. WATERSHED MANAGEMENT AND GROUNDWATER MANAGEMENT PLANS

Surface (storm) water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes Chapter 123B.231 and 103B.255 respectively, and as approved by the Minnesota Board of Water and Soil Resources in accordance with state law.

Q. EASEMENTS.

If a surface (storm) water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

Madison Lake Zoning Ordinance

CHAPTER 16. HOME OCCUPATIONS

A. PURPOSE.

The purpose of this Chapter is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety, and general welfare of the surrounding neighborhood. In addition, this Chapter is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily “more sensitive” home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

B. REGULATIONS.

All occupations conducted in the home shall comply with the provisions of this Chapter, the provisions of the district in which it is located, and other Chapters of This Ordinance.

C. PROCESS.

Any home occupation as defined in This Ordinance shall require a “home occupation license”. Such license shall be issued subject to the conditions of this Chapter and other applicable City Code provisions and state law. This license may be issued by the Zoning Administrator based upon proof of compliance with the provisions of this Chapter. A fee shall accompany application for the permitted home occupation license if so designated by City Council resolution.

If the Zoning Administrator denies a home occupation license to an applicant, the applicant may appeal the decision to the City Council which shall make the final decision. The license shall remain in full force and effect until such time as there has been a change in conditions or until such time as the provisions of this Chapter have been changed. At such time as the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make a final decision on whether or not the permit holder is entitled to the license.

D. PERMITTED HOME OCCUPATION REGULATIONS

Permitted home occupations include and are limited to: art studio, dressmaking, secretarial services, family day care, foster care, professional offices and teaching with musical, dancing and other instructions which consist of no more than one pupil at a time and similar uses. The following regulations shall apply:

1. No person other than those who customarily reside on the premises and/or one (1) additional employee shall be employed on the premises.
2. All permitted home occupations shall be conducted entirely within the principal building whenever possible and should not be conducted in an accessory building.
3. Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway.

Madison Lake Zoning Ordinance

CHAPTER 16. HOME OCCUPATIONS

D. PERMITTED HOME OCCUPATION REGULATIONS (cont'd)

4. The home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than found in a home; teaching which customarily consists of more than one pupil at a time; over-the-counter sale of merchandise produced off the premises, except for those brand name products that are not marketed and sold in a wholesale or retail outlet.

E. SPECIAL HOME OCCUPATIONS.

Special Home Occupations as described shall require a conditional use permit, which shall be issued by the City Council.

1. Examples of Special Home Occupations include: barber and beauty services, day care, group nursery, bed and breakfasts as outlined in Subd. E, d4, photography studio, saw sharpening, small appliances and small engine repair and other occupations similar in nature. The following regulations shall apply:
 - a. Any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this Chapter shall require a conditional use permit which shall be applied for, reviewed, and disposed of in accordance with the provisions of This Ordinance.
 - b. Declaration of Conditions. The Planning Commission and the Council may impose such conditions of the granting of a conditional use permit as may be necessary to carry out the purpose and provisions of this Chapter.
 - c. A Conditional Use Permit may be issued for a period of one (1) year after which the license may be reissued for periods of up to five (5) years each. Each application for license renewal shall, however, be processed in accordance with the procedural requirements of the initial special home occupation license.
 - d. Special Home Occupation Requirements:
 - 1). No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the intent of This Ordinance.
 - 2). The home occupation may involve any of the following: stock-in-trade incidental to the performance of the service, repair service or manufacturing which requires equipment other than customarily found in a home, the teaching with musical dancing and other instruction of more than one pupil at a time.
 - 3). Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking.

Madison Lake Zoning Ordinance

CHAPTER 16. HOME OCCUPATIONS

E. SPECIAL HOME OCCUPATIONS (cont'd)

1. Examples of Special Home Occupations include (cont'd)
 - d. Special Home Occupation Requirements (cont'd)
 - 4). Bed and Breakfasts may be permitted as a special home occupation provided that:
 - a). Four (4) or fewer rooms are for rent for a period not to exceed fourteen (14) consecutive days during any ninety (90) day period.
 - b). Small functions of less than ten (10) people such as receptions or business meetings shall be permitted on site.
 - 5). Massage Therapy may be permitted as a special home occupation provided that all requirements outlined in this Chapter and other City Ordinances are met.

F. GENERAL PROVISIONS.

1. No home occupation shall produce light glare, noise, odor, or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
2. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
3. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
4. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.
5. The floor area devoted to the home occupation shall not exceed twenty-five (25) percent of the total ground area occupied by buildings on the lot.
6. There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling, with the exception that one (1) non-illuminated sign measuring one and one-half (1½) square feet may be attached to the dwelling.
7. Whenever within one (1) year after granting a license, the use as permitted by the license shall not have been initiated, then such license shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Council.

Madison Lake Zoning Ordinance

CHAPTER 16. HOME OCCUPATIONS

G. NON-CONFORMING USE.

Existing home occupations lawfully existing on the effective date of This Ordinance may continue as non- conforming uses. They shall however, be required to obtain licenses for their continued operation. Any existing home occupation that is discontinued for a period of more than one (1) year shall be brought into conformity with the provisions of This Ordinance prior to re-institution.

H. INSPECTION.

The City hereby reserves the right upon issuing any home license to inspect the premises in which the occupation is being conducted to ensure compliance and the provisions of this Chapter or any conditions additionally imposed.

Madison Lake Zoning Ordinance

CHAPTER 17. SIGNS

A. PURPOSE.

The purpose of this Chapter is to protect, ensure, maintain, and regain the natural and scenic beauty and attractiveness of the roadside throughout Madison Lake. By the construction of public roads, the public has created views to which the public retains a right of view, and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of This Ordinance.

B. PROHIBITED SIGNS.

1. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress from any door, window or fire escape that tends to accumulate debris as a fire hazard or that is attached to a standpipe or fire escape.
2. Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. No sign shall be placed so as to destruct or interfere with traffic visibility or traffic control.
3. Private signs are prohibited within the public right-of-way of any street or easement.
4. Signs with rotating beams or flashing illumination are prohibited.
5. Rotating signs are prohibited.
6. Signs painted or attached to vehicles where the vehicle is parked on a property and not intended to be moved.
7. Roof signs are prohibited.

C. REGULATIONS.

1. All signs along state and federal highways shall conform to state and federal sign regulations. Billboards erected along US Highway 60 shall be spaced a minimum of two thousand five hundred (2,500) feet apart.
2. All permanent off-site freestanding signs shall require Conditional Use Permits.
3. Obsolete Signs: Any sign which no longer advertises a bona fide business conducted or a project sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land upon which the sign may be found, within ten (10) days after written notice from the Zoning Administrator.
4. Unsafe or Dangerous Signs: Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located within ten (10) days after written notification from the Zoning Administrator.

Madison Lake Zoning Ordinance

CHAPTER 17. SIGNS

D. EXEMPTIONS.

The following signs do not require a permit, however, they shall conform to the requirements of this Chapter.

1. Signs for one and two-family residential dwellings identifying the occupant or street address, provided that such signs are less than one (1) square foot in area.
2. Pedestrian vehicular traffic and parking directional signs in parking lots, provided such signs are less than eight (8) square feet in area and less than six (6) feet in height.
3. Public signs, street signs, warning signs or signs of public companies for the purpose of safety.
4. Signs denoting the architect, engineer, contractor, or owners when placed upon a work site. Such signs shall be removed within ten (10) days after completion of construction.
5. Signs designating candidates seeking public political office, provided that such election sign shall not exceed eight (8) square feet in size. Such signs shall be located on private property, shall not be located so as to obstruct vehicular lines of sign and shall be removed in accordance with state guidelines after the election is held.
6. Flags, badges or insignia of any governmental agency.
7. Emergency signs required by any governmental agency.
8. Temporary real estate signs pertaining only to the sale, rental or development of a lot upon which it is displayed. Such signs shall not exceed six (6) square feet for residential property or twenty-four (24) square feet for other property. One (1) sign shall be permitted for each lot and must be removed within ten (10) days following the sale, lease or development of said property.
9. Banners placed on private property for advertising of a special sales event or grand opening. Such banners shall contain no advertising.
10. Memorial signs or tablets, names of buildings and date of erection when cut into or attached to any masonry surface or incombustible material, provided the sign does not exceed six (6) square feet in area.
11. Home occupation signs, non-illuminated, attached to the wall of a dwelling and not exceeding one and one-half (1½) square feet in area.
12. Directional off-premise signs with commercial zoning districts that advertise businesses that are located in the City of Madison Lake shall be allowed with one sign per intersection, not to exceed 16 (sixteen) square feet.

Madison Lake Zoning Ordinance

CHAPTER 17. SIGNS

E. PERMITTED SIGNS.

The following signs are permitted in the A-1, R-1, R-2, R-3 Districts.

1. Bulletin boards for public, charitable, or religious institutions not to exceed twenty (20) square feet in an area located on the premises.
2. Religious uses, public institutions, non-residential and residential development signs not exceeding thirty-two (32) square feet in area. Such identification signs may be wall or ground mounted or combination thereof. A ground sign shall not exceed fifteen (15) feet in height. There may be a second sign if the use abuts two (2) or more streets.
3. All signs shall be set back a minimum of five (5) feet from property lines and shall not be located within thirty (30) feet of an intersection.

F. PERMITTED SIGNS.

The following signs are permitted in the B-1, B-2, B-3, and I-1 Districts.

1. Signs that are placed on the exterior walls of buildings shall not extend more than four (4) inches from a building's wall surface, shall not exceed two hundred (200) square feet in area for any one (1) premises, and shall not exceed thirty (30) feet in height above the average centerline grade of the street it fronts.
2. Ground and pole signs which do not exceed twenty (20) feet in height above the average centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed one hundred (100) square feet on one side nor two hundred (200) square feet on all sides for any one (1) premises.
3. Window signs that are placed only inside of the commercial buildings, provided not more than fifty percent (50%) of the window is covered.
4. Projecting signs which provide a minimum undersign clearance of at least ten (10) feet and which do not project more than twenty-four (24) inches over a sidewalk and shall not exceed twenty (20) square feet.
5. Off-premises advertising signs (billboards) shall only be permitted in the B-1 or I-1 Districts as a conditional use. These signs shall not exceed two hundred (200) square feet in area. Off-premises advertising signs shall meet all setback requirements and shall not be located within one hundred (100) feet of any residential zone, church, school, or designated recreation area.

Madison Lake Zoning Ordinance

CHAPTER 17. SIGNS

G. SIGNS WITHIN THE SHORELAND OVERLAY DISTRICT.

1. Signs within the Shoreland Overlay District shall be subject to signage provisions applicable to the underlying zoning classification.
2. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - a. No advertising signs may be placed in or upon public waters, informational and/or safety signs may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
 - b. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, and shall not be located higher than ten feet above the ground, and must not exceed (thirty-two) 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters. This does not preclude use of navigational lights.

Madison Lake Zoning Ordinance

CHAPTER 18. OFF-STREET PARKING

A. PURPOSE.

The purpose of this Chapter is to provide for the regulation of and design standards for off-street parking facilities within the City, to minimize congestion of the public right-of-way and to maximize the safety and general welfare of the public.

B. SCOPE.

The off-street parking requirements and off-street loading requirements of this Subdivision shall apply within all zoning districts, except the B-2, Central Business District.

C. CALCULATING SPACE.

1. Where calculations result in requiring a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one (1) space.
2. Should a building or structure contain two (2) or more types of uses, each should be calculated separately for determining the total off-street parking spaces required.

D. SITE PLAN REQUIRED.

1. Except for single family dwellings, all applications for a building or an occupancy permit shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of all off-street parking and loading spaces in compliance with the requirements of this Chapter. The Site Plan shall include the following information:
 - a. Zoning District.
 - b. North point and scale.
 - c. All adjacent rights-of-way.
 - d. The ownership of the entire lot being developed.
 - e. Dimensions of the lot and parking spaces.
 - f. The owner's name, address, and phone number.
 - g. Vehicle entrance located on plan.
2. Site plan criteria.
 - a. Upon review by the Zoning Administrator the plan for off-street parking shall meet the following site design standards:
 - 1) All areas devoted for parking space and driveways shall be surfaced with permanent materials. All parking areas shall be designed to control surface runoff to adjacent properties either with curbing or grading techniques. No landscaped areas shall be used for the parking of vehicles
 - 2) Any lighting used to illuminate off-street parking areas shall be directed away from abutting property and public right-of-way.

Madison Lake Zoning Ordinance

CHAPTER 18. OFF-STREET PARKING

D. SITE PLAN REQUIRED. (cont'd)

2. Site plan criteria. (cont'd)

a. (cont'd)

- 3). No sign shall be so located as to restrict the sight, orderly operation and traffic movement within any parking area. Only signs necessary for the orderly operation of traffic movement or parking regulation shall be permitted in any parking area. Such signs shall not be considered part of the permitted advertising space.
- 4). All parking lots shall be screened and landscaped from abutting residential uses or districts by a wall, fence or densely-planted compact hedge or tree cover not less than four (4) feet nor more than eight (8) feet in height.
- 5). The parking area shall meet the minimum design standards, and number of stalls required under this Chapter.

E. REDUCTION OF EXISTING PARKING AND LOADING SPACES.

Parking or loading spaces existing upon the effective date of This Ordinance shall not subsequently be reduced below the requirements of this Chapter.

F. CHANGE OF USE OR OCCUPANCY OF LAND OR BUILDING.

No change of use or occupancy of land, or of use or occupancy of any building, shall be made until there is furnished sufficient parking and loading spaces as required by this Chapter.

G. USE OF PARKING AND LOADING SPACE.

1. Required parking or loading spaces shall not be used for storage of goods or for storage of vehicles or trailers that are inoperable or for sale or rent.
2. Off-street parking facilities accessory to residential uses shall be utilized solely for the parking of the passenger automobiles of the dwelling unit occupants.
3. Motor vehicles bearing commercial licenses and/or commercially licensed trailers shall not be parked or stored in a platted residential district or public street except when loading, unloading, or rendering a service.
4. Under no circumstances shall required parking facilities, which are accessory to residential structures, be used for the parking of automobiles belonging to the employees, owners, tenants, or customers of nearby business establishments.

H. DESIGN AND MAINTENANCE.

1. Striping: All lots for five (5) or more vehicles shall have the organization of spaces painted on the surface according to the plan approved by the City.
2. Circulation: Lots shall be so designed that internal circulation shall be available without utilizing the public street.

Madison Lake Zoning Ordinance

CHAPTER 18. OFF-STREET PARKING

H. DESIGN AND MAINTENANCE. (cont'd)

3. Maintenance: It shall be the joint and several responsibilities of the lessee and/or owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.
4. Lighting: All lighting used to illuminate an off-street parking area shall be shaded or diffused to reflect the light away from the adjoining property and away from abutting traffic flow.

I. STALL, AISLE, AND DRIVEWAY DESIGN.

1. Each parking space shall be not less than nine (9) feet wide and twenty (20) feet in length, exclusive of an adequately designed system of access driveways. Provided, however, that in school parking lots of more than three hundred (300) parking spaces, up to twenty percent (20%) such spaces may be designated and clearly marked as compact car parking spaces. A compact car parking space shall not be less than eight (8) feet wide and eighteen (18) feet in length exclusive of the adequately designed system of access drives. No parking space may be designated as a compact parking space unless the parking space is clearly posted with signs which are reasonably visible even in winter months and which are approved by the Zoning Administrator.
2. Except in the case of single-family, two-family, and townhouses, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley and such design does not require backing into the public street. (Width of driveway shall not exceed twenty-two (22') feet.
3. Except in the cases of single-family, two-family and townhouses, parking areas shall comply with the following standards:

a.

ANGLE OF PARKING (ALONG CURB)	STALL WIDTH	STALL DEPTH	MINIMUM DRIVEWAY WIDTH	TOTAL WIDTH
Zero degrees	9'	22'	12'	43'
30 degrees	9'	19'	12'	40'
45 degrees	9'	21'	13'	43'
60 degrees	9'	22'	18'	49'
90 degrees	9'	19'	22'	50'

- b. No curb cut access shall be located less than forty (40) feet from the intersection of two (2) or more street right-of-ways for residential uses, and sixty (60) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines.
- c. Curb cut openings shall be a minimum of three (3) feet from the side property line.

Madison Lake Zoning Ordinance

CHAPTER 18. OFF-STREET PARKING

I. STALL, AISLE, AND DRIVEWAY DESIGN. (cont'd)

3. (cont'd)

- d. All property shall be entitled to at least one (1) curb cut. Single family uses shall be limited to one (1) curb cut access per property.
- e. All parking spaces shall be served by access aisle or driveway connections to a public right- of-way.
- f. Private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Within Shoreland Overlay Districts documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the other local, state, and federal standards.
- g. Private roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- h. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this Chapter are met. For private facilities within the Shoreland Overlay Area the grading and filling provisions of This Ordinance must be met.

J. NUMBER OF REQUIRED PARKING AND LOADING SPACES.

The following minimum number of off-street parking and loading spaces shall be provided and maintained:

Madison Lake Zoning Ordinance

CHAPTER 18. OFF-STREET PARKING

J. NUMBER OF REQUIRED PARKING AND LOADING SPACES. (cont'd)

USE	NUMBER OF PARKING SPACES REQUIRED
Assembly Area Church	1 stall per 4 seats
Dwelling unit	2 per dwelling unit
Health club	1 per 100 gross square feet
Hotel/Motel/Bed & Breakfast	1 per sleeping unit plus 1 per 500 square feet of common area
Industry/Warehouse	Three (3) off-street parking spaces, plus one (1) space per employee on the largest working shift
Medical office	1 per 500 gross square feet
Marina	1 per 2 boat spaces
Office	1 per 500 gross square feet
Restaurant/Bar	1 per 4 seats and 1 per every 2 employees on a major shift
Retail	1 per 300 gross square feet
Elementary and Junior High School	One (1) space per staff member, plus one (1) space per each two (2) classrooms.
Senior High School	One (1) space per staff member, plus one (1) space per five (5) students.

K. JOINT FACILITIES.

The City Council may, after receiving a recommendation from the Planning Commission, approve a Conditional Use Permit for one (1) or more businesses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business, if the following conditions are satisfactorily met:

1. The building or use for which the application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.
2. The applicant shall show that there is no substantial conflict in the operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
4. The provisions of This Ordinance are considered and satisfactorily met.

L. OFF-STREET LOADING FACILITIES.

Loading space required under this Chapter shall be at least fifty (50) feet long and ten (10) feet wide. The regulations of this Chapter are not applicable in the "B-2" Central Business District. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least ten thousand (10,000) square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least twenty thousand (20,000) square feet, shall be provided with an off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds one hundred thousand (100,000) square feet.

Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

A. PURPOSE.

The performance standards established in This Ordinance are designed to encourage a high standard of development.

Before any zoning permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to these standards. Applicants shall provide data necessary to demonstrate such conformance. Said data may include but is not limited to: description of equipment to be used; hours of operation; method of refuse disposal; and, type and location of exterior storage. The purpose of this Chapter is to establish general development standards to assure compatible land uses to prevent blight and deterioration and to enhance the health, safety, and general welfare of the City.

B. DWELLING UNIT RESTRICTIONS.

1. No garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.
2. Basements may be used as living quarters or rooms as a portion of residential dwellings. Rental unit(s) in basements shall be subject to provisions of the appropriate zoning district.
3. Tents, playhouses or similar structures may be used for play or recreational purposes, but shall not be independent living quarters.
4. No dwelling shall hereafter be erected or altered unless there is direct access to it from a public street.
5. Barndominiums and shouses, as defined in this code, are prohibited as principal or accessory residential structures within all zoning districts of the city, unless expressly authorized under a specific zoning district provision.

C. ACCESSORY BUILDINGS.

1. Decks, Patios, Balconies, and Ramps
 - a. The following shall not be considered as encroachments in required front yards:
 - 1). Uncovered ramps constructed for the purpose of providing handicap access, provided that the ramp has a railing no higher than thirty-six (36) inches and does not extend nearer than five (5) feet to the front lot line.
 - 2). Attached decks may extend eight feet into the required front yard setback, provided that the deck is at least ten feet from the property line. The height of the deck shall not exceed the height of the front entrance of the principal building.
 - b. The following shall not be considered encroachments in required side yards:
 - 1). Uncovered ramps constructed for the purpose of providing handicap access which do not extend nearer than three (3) feet to the side lot line.

Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

C. ACCESSORY BUILDINGS. (cont'd)

1. Decks, Patios, Balconies, and Ramps (cont'd)
 - c. The following shall not be considered encroachments in required rear yards:
 - 1). Attached decks not more than two (2) feet above grade (exclusive of any railing), or uncovered ramps constructed for the purpose of providing handicap access, provided that the deck or the ramp shall be set back at least ten (10) feet from the rear lot line.
 - 2). Attached uncovered balconies or decks higher than two (2) feet above grade that are set back at least fifteen (15) feet from the rear lot line.

D. ACCESSORY STRUCTURES.

1. The same or similar quality exterior building material shall be used in the accessory building and the principal building.
2. Except as allowed by conditional use permit, accessory buildings shall comply with the following height limitations and accessory buildings other than garages shall be limited to 15 feet in height on all single and two family and townhouse unit lots.
3. In all residential zoning districts, the combined floor area of all accessory structures, whether attached or detached, including private garages, shall not exceed the floor area of the principal living quarters of the dwelling to which it is attached. For purposes of this section, *living quarters* shall mean the heated and finished habitable floor area of the dwelling, excluding basements (unless finished for habitable use), attics, garages, porches, decks, or accessory structures, nor shall it exceed one thousand five hundred (1,500) square feet in total.
4. Accessory buildings, including decks and roof overhangs, may encroach into the required side and rear yard setbacks within the rear yard of a lot, except, however, that no such encroachment may occur on required:
 - a. Side yard setbacks abutting a street in the case of a corner lot or structures within a shoreland overlay district. In such cases, the following standards shall apply:
 - 1). The accessory structure(s) shall not exceed thirty percent (30%) of the rear yard.
 - 2). All accessory buildings in the R-1, R-1S and R-2 Residential Districts shall be setback from all adjoining lots a distance of 5 feet from side and rear property lines.
 - 3). Accessory structure(s) shall be located at least six (6) feet away from any other building or structure on the same lot and shall not be located within a utility easement or within the front yard.
 - 4). Garages having overhead doors facing an alley shall be setback twenty (20) feet from the property lot line.

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CHAPTER 19. GENERAL DISTRICT PROVISIONS

E. DETACHED ACCESSORY STRUCTURES.

1. A detached accessory building, including roof overhangs, shall not be closer than six (6) feet to the principal structure.
2. In all residential zoning districts, the combined floor area of all accessory structures, whether attached or detached, including private garages, shall not exceed the floor area of the principal living quarters of the dwelling, nor shall it exceed one thousand five hundred (1,500) square feet in total.
3. Detached accessory buildings, including roof overhangs, may not be located in the required front yard, with the exception of riparian lots in the R-1S District with the rear yard physically abutting the lake and a principal use on the same lot, in which case they are allowed one (1) front yard accessory storage building under the following conditions:
 - a. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this Ordinance have had no control; and
 - b. The accessory building is a maximum of 200 sq. ft.
 - c. The accessory building is not located within the front yard setback; accessory building may be located within the side yard setback, provided it meets the conditions in sub point 8 of this Chapter.
 - d. The accessory building does not put the property above the impervious surface requirements or the nuisance storage requirements.
4. Within residential districts no accessory structures or any combination of accessory structures shall exceed one thousand five hundred (1,500) square feet in area. In addition, lot coverage requirements outlined within the respective districts shall be adhered to. Detached private garages and other accessory buildings shall be subordinate in size and use to the principal dwelling unit.
5. No lot shall have more than three (3) detached accessory structures.
6. The same or similar quality exterior building material shall be used in the accessory building and the principal building.
7. Except as expressly allowed by conditional use permit, accessory buildings shall comply with the following height limitations and accessory buildings other than garages shall be limited to fifteen (15) feet in height on all single and two family and townhouse unit lots.
8. Accessory buildings, including decks, and roof overhangs, may encroach into the required side and rear yard setbacks within the rear yard of a lot, except, however, that no such encroachment may occur on required side yard setbacks abutting a street in the case of a corner lot or structures within a shoreland overlay district. In such cases, the following standards shall apply:
 - a. The accessory structure(s) shall not exceed thirty percent (30%) of the rear yard.

Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

E. DETACHED ACCESSORY STRUCTURES. (cont'd)

8. (cont'd)
 - b. All accessory buildings including roof overhangs in the R-1, R-1S and R-2 Residential Districts shall be setback from all adjoining lots five (5) feet, shall be located at least six (6) feet away from any other building or structure on the same lot and shall not be located within a utility easement or within the front yard required setback.
 - c. No detached accessory structure or roof overhang shall be erected or altered so as to encroach in the front yard setback of a lot.
 - d. Garages including roof overhangs having direct access onto an alley shall be setback twenty (20) feet from the property lot line.
9. Water Access Lots located within the Residential District (Riparian with Principal Structure) may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision G of this Chapter and this Subdivision of this Chapter, provided the water-oriented structure or facility:
 - a. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than one hundred twenty (120) square feet.
 - b. The structure or facility including roof overhang shall be setback from the ordinary high-water level a minimum of ten (10) feet.
 - c. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
 - d. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area. Detached decks shall not exceed eight (8) feet above grade at any point.
 - e. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
 - f. With a conditional use permit, an alternative for water-oriented accessory structures used solely for watercraft storage, including storage of related boating and water-oriented sporting equipment, may occupy an area greater than one hundred twenty (120) square feet and up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
 - g. The structure or facility including roof overhang shall be setback from the ordinary high-water level a minimum of ten (10) feet.

Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

E. DETACHED ACCESSORY STRUCTURES. (cont'd)

9. (cont'd)
 - h. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
 - i. The roof may be used as a deck with safety rails but shall not be enclosed or used as a storage area. Detached decks shall not exceed eight (8) feet above grade at any point.
 - j. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
10. Public water setbacks, unless a deck is to be added to a structure existing on the date of the adoption of This Ordinance, subject to the following conditions:
 - a. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - b. The deck encroachment toward the ordinary high-water level does not exceed fifteen (15) percent of the existing shoreline setback of the structure from the ordinary high-water level or does not encroach closer than thirty (30) feet, whichever is more restrictive; and,
 - c. The deck is constructed primarily of wood and is not roofed and does not feature screens.
 - d. In all other cases, other than those noted within Subsection 2 above, accessory buildings including roof overhangs shall conform to setbacks which are imposed within the respective zoning district. In districts where gas stations are allowed, pump islands may be located within a required yard provided they are not less than fifteen (15) feet from any street right-of-way line.

F. GENERAL BUILDING AND YARD REGULATIONS.

This Chapter identifies yard, building type and height requirements in each zoning district.

1. Building restrictions.

Mobile homes, buildings, tents, or other structures temporarily maintained by an individual or company on the premises associated with the work project and used exclusively to house labor or other personnel occupied in such work project shall be exempt from the requirements of This Ordinance. Such mobile homes, buildings, tents, or other structures shall be removed within thirty (30) days from the completion of the work project.

Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

F. GENERAL BUILDING AND YARD REGULATIONS. (cont'd)

2. Building Type and Construction.
 - a. No galvanized or unfinished steel, galvalume or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as corten steel, shall be permitted in any zoning district except in association with farming operations or industrial uses. Residential dwellings shall not be constructed primarily of metal siding, corrugated steel, exposed block, or unfinished sheet metal panels.
 - b. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety and general welfare. All new residential construction shall be consistent with conventional residential building methods and materials, including but not limited to wood framing, masonry, brick, stone, fiber cement, engineered siding, or comparable materials approved by the City.
 - c. Exterior building finishes shall consist of durable finish-type materials of a high grade and quality. The exterior design and appearance of residential dwellings shall resemble traditional single-family homes and shall not resemble agricultural, warehouse, or industrial structures.
 - d. Barndominiums/shouses are not permitted in any zoning district. Pole-style framing or clear-span metal framing systems commonly used for agricultural, industrial, or storage buildings shall not be permitted for residential dwellings.
 - e. Administration. The Zoning Administrator shall have the authority to determine whether a proposed residential structure or building material complies with the requirements of this section.
3. Building Height.
 - a. Building heights in excess of those standards contained in the district provisions may be permitted through a variance, provided that:
 - 1). The site is capable of accommodating the increased intensity of use.
 - 2). The use does not negatively impact traffic flow or capacity of surrounding public rights of way.
 - 3). For each additional story over three (3) stories or for each additional ten (10) feet above forty (40) feet, front and side yard setback requirements shall be increased by five (5) percent.
 - 4). Applicants proposing structures constructed exclusively for or hosting telecommunications equipment shall provide written verification of approval from the Federal Communications Commission and the Federal Aviation Administration to the extent required by those agencies.

Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

F. GENERAL BUILDING AND YARD REGULATIONS. (cont'd)

4. Yards.
 - a. The following shall not be considered to be intrusions on setback areas:
 - 1). Air conditioners, central air outside condensing units, and window units, projecting not more than thirty-six (36) inches into the required side yard.
 - 2). Arbors and trellises in all required yards.
 - 3). Architectural ornaments and projections not more than twelve (12) inches into a required yard.
 - 4). Unenclosed awnings and canopies extending not more than three (3) feet into front or side yards and not more than five (5) feet into rear yards. Such canopy shall be cantilevered from the principal or accessory structure and shall not contain separate ground supports.
 - 5). Fences or walls.
 - 6). Fire escapes may extend into the required side yard a distance not exceeding thirty- six (36) inches.
 - 7). Flagpoles.
 - 8). Unenclosed porches, landings, or steps; provided the area of the porch, landing, or step does not exceed sixty-four (64) square feet, and does not project more than eight (8) feet into the required front yard or three (3) feet into the required side yard.
 - 9). Projecting eaves, gutters, bay windows, and cantilevered building extensions, provided the projection is more than thirty-six (36) inches above the ground grade and projects not more than two and one-half (2.5) feet into the required side yard and/or four (4) feet into their required front or rear yards.
 - 10). Fireplaces, not more than two and one-half (2.5) feet into the required side yard and/or four (4) feet into their required front or rear yards.
 - 11). Terraces, steps, uncovered porches, stoops, fire escapes or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than five (5) feet from any lot line.
 - 12). In rear yards: recreational and laundry drying equipment, arbors, and trellises, detached outdoor living rooms, and air conditioning or heating equipment, provided they are at a distance of five (5) feet from the rear lot line.

Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

F. GENERAL BUILDING AND YARD REGULATIONS. (cont'd)

4. Yards.

a. (cont'd)

- 13). Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such adjacent structures. If only one adjacent lot is occupied by a structure, the minimum front yard shall be the average of the required setbacks and the setback of such adjacent structure. In no case shall the setback requirement exceed the minimum established for the respective zoning district.
- 14). Through Lots. There shall be provided a required front yard and a required rear yard on a through lot. The required setback from the rear property line for accessory structures shall be one-half ($\frac{1}{2}$) the required front yard setback.

G. CONTROLLED ACCESSES TO PUBLIC WATERS.

Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within Subdivisions are permissible and must meet or exceed the following standards:

1. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
2. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

CONTROLLED ACCESS LOT FRONTAGE REQUIREMENTS	
RATIO OF LAKE SIZE TO SHORE LENGTH (ACRES/MILE)	REQUIRED INCREASE IN FRONTAGE (PERCENT)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

3. They shall be jointly owned by all purchasers of lots in the Subdivision or by all purchasers of non-riparian lots in the Subdivision who are provided riparian access rights on the access lot.

Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

G. CONTROLLED ACCESSES TO PUBLIC WATERS. (cont'd)

4. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographical and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer leaf-on conditions.

H. OUTDOOR STORAGE AND REFUSE.

Outdoor storage: residential, commercial, and industrial uses.

1. Residential Uses:

All outside storage of materials and equipment for residential uses (excluding farms) shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:

- a. Clothesline pole and wire.
- b. Recreational vehicles and equipment provided said vehicles are in operable condition and display current licenses and are stored on a hard surfaced area.
- c. Construction and landscaping material currently being used on the premises.
- d. On and off-street parking of currently registered and operable passenger vehicles and trucks stored on a hard surfaced area.
- e. Lawn furniture or furniture used and constructed explicitly for outdoor use.
- f. Rear or side yard exterior storage on non-riparian lots or front yard storage on riparian lots of firewood for the purpose of consumption only by the person(s) on whose property it is stored.
- g. Existing storage uses, except for commercial vehicle parking, shall comply with this requirement within twelve (12) months of adoption of This Ordinance.

Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

H. OUTDOOR STORAGE AND REFUSE. (cont'd)

Outdoor storage: residential, commercial, and industrial uses. (cont'd)

2. Commercial/Industrial Uses:

Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial and industrial uses shall require a conditional use permit subject to the provisions of This Ordinance. All non-residential outside storage shall conform to the following conditions:

a. Refuse:

- 1). The area occupied is not within a required front or required side yard.
- 2). The storage area is totally fenced, fully screened, and landscaped according to a plan approved by the Zoning Administrator.
- 3). If abutting a Residential District or a residential use, screening and landscaping is provided according to a plan approved by the Zoning Administrator.
- 4). The storage area is grassed or surfaced to control dust.
- 5). Any/all lighting shall be directed away from the public right-of-way and from neighboring residences.
- 6). All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk or miscellaneous refuse shall be openly stored or kept in the open, when the same is construed by the City Council to be a menace or nuisance to the public health, safety, or general welfare of the City, or to have a depressing influence upon property values in the area.
- 7). Waste materials are to be picked up and disposed of in accordance with any and all City standards applicable to refuse/waste materials.
- 8). The Disposal Service shall, upon collection, immediately assume title to and liability for solid waste materials, recyclable, and demolition debris.

I. FENCING, SCREENING, AND LANDSCAPING.

1. No fence shall exceed four (4) feet in the front yard or six (6) feet in the rear yard in height as measured from the average point between the highest and lowest grade, except security fencing which shall not exceed eight (8) feet including barbed wire toppings. Security fencing is not permitted in R-1 R-1S, R-2, and R-3 Residential Zoned Districts. See 2.

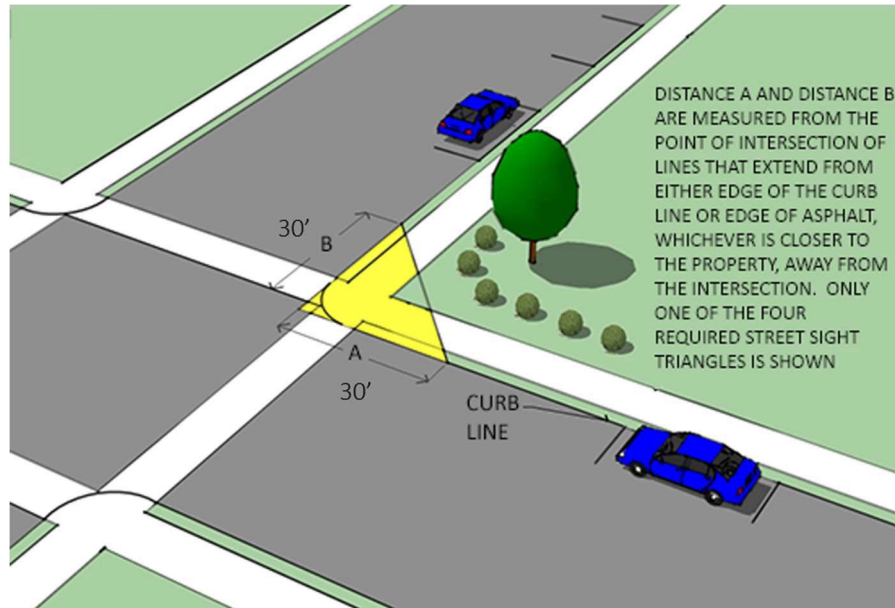
Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

I. FENCING, SCREENING, AND LANDSCAPING. (cont'd)

2. No fence, screen or structure, or vegetation taller than thirty (30) inches shall obstruct view at any corner formed by the intersection of street or trail right-of-ways as measured from the intersecting street lines thirty (30) feet each way as shown.

Source: Unified Development Code



3. In all zoning districts, all usable open space as defined by This Ordinance shall be planted and maintained in grass, sodding, shrubs, landscaping, or other suitable vegetation or treatment as specified (unless devoted to drives, sidewalks or patios).
4. All screening required by the provisions of This Ordinance shall consist of:
 - a. A fence constructed of PVC, masonry, brick, wood, or steel which is compatible with surrounding structures and buildings. Any fence located on an individual property must be made of the same material, unless approved by the Zoning Administrator to be of like material.
5. Except as provided in This Ordinance, fences shall be set back at least three (3) feet from the lot lines or, upon written mutual consent of the abutting property owner(s), they may be placed closer to or along the lot line. The property owner of the fence or screen must submit a copy of the written mutual consent letter from the abutting property owner(s) to the Zoning Administrator.
6. All fences shall be maintained so as not to endanger life or property. All fences shall be maintained in a satisfactory and safe condition at all times. Any damaged or missing element of any fence or screen shall be repaired and/or replaced immediately with like material. If allowed by the property owner to become and remain in condition of disrepair, danger, or constitute a nuisance, the City shall commence proper proceedings for the abatement thereof, as allowed under the nuisance code.

Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

I. FENCING, SCREENING, AND LANDSCAPING. (cont'd)

7. Unless universal, fences shall be constructed so that the finished side (or side without exposed support or posts) faces the neighboring property.
8. Above ground fences shall not be electric
9. All fences or screens six (6) feet or less in height require a zoning permit before installation.
10. All exterior landscaping must be completed within one (1) year after the date of issuance of a building permit requiring landscaping.

J. LIGHTING.

Any lighting used to illuminate an off-street parking area, sign or structure shall be arranged so as to deflect light and glare away from any adjoining residential properties or uses from the public streets.

K. RESIDENTIAL POOLS AND SPAS.

1. Definitions.
 - a. Residential swimming pools shall be defined as any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by the owner's family and their guests and which is over twenty-four (24) inches in sidewall height.
 - b. Spa shall be defined as a unit primarily designed for therapeutic use which is not drained, cleaned, or refilled for each individual. It may be included but not limited to circulation, hot water, cold water mineral baths, air induction bubbles or any combination thereof. Industry terminology for a spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, etc.
2. Construction.
 - a. Utility Lines. Pools and spas shall not be located beneath utility lines or over underground utility lines of any type.
 - b. Required Setbacks. No person shall build, situate, or install a pool or spa within ten (10) feet of any side or rear lot line, nor within six (6) feet of any principal structure nor within any required front yard.
 - c. Temporary Fence Required during Construction. While being constructed, the pool or spa must be fenced with a portable fence, such as a snow fence, of not less than four (4) feet in height.
3. Permanent Fencing Required.
 - a. Minimum Height. All outdoor pools hereafter constructed shall be completely enclosed by a fence or wall of the non-climbing type so as to be impenetrable by toddlers, afford no external handholds and a minimum of four (4) feet in height.

Madison Lake Zoning Ordinance

CHAPTER 19. GENERAL DISTRICT PROVISIONS

K. RESIDENTIAL POOLS AND SPAS. (cont'd)

3. Permanent Fencing Required. (cont'd)
 - b. Self-Closing. All outdoor fence openings or outdoor points of entry into the pool area shall be equipped with self-closing and self-latching devices. The openings between the bottom of the fence and the ground or other surface shall not be more than three (3) inches.
4. Cover. All outdoor spas shall have either a fence as described in 3(a) and 3(b) or a latching cover. The cover shall be constructed of a material impenetrable by children.
5. Permits.

No person shall construct, alter, or renovate a pool or spa without a zoning permit.

L. STAIRWAYS, LIFTS, AND LANDINGS.

1. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements:
 - a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.
 - b. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings.
 - d. Stairways, lifts, and landings may be either 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 of soil erosion.
 - e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
2. 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 sub-items 1-5 are complied with in addition to the requirements of Minnesota Regulations, Chapter 1640.

M. COMPLIANCE.

All uses shall comply with all federal, state, and local pollution and nuisance laws and regulations, including, but not limited to, glare, smoke, dust, odors, and noise. The burden of proof for compliance of appropriate performance standards shall lie with the applicant.

Madison Lake Zoning Ordinance

CHAPTER 20. WIND ENERGY CONVERSION SYSTEMS (WECS)

A. PURPOSE AND INTENT.

This Ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within the City of Madison Lake, not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plan Siting Act (Minn. Stat. § 116C.51-116C.697).

B. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this division:

1. **Commercial WECS** means a WECS of 40 kilowatts or more in total name plate generating capacity.
2. **Fall zone** means the area defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.
3. **Feeder line** means any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid; in the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the WECS.
4. **Nacelle** means the part of the WECS that contains the key components of the wind turbine, including the gearbox, yaw system, and the electrical generator.
5. **Non-Commercial WECS** means a WECS of less than 40 kilowatts (KW) in total name plate generating capacity.
6. **Rotor Diameter** means the diameter of the circle described by the moving rotor blades.
7. **Substations** means any electrical facility designed to convert electricity produced by a wind turbine to a voltage greater than 35,000 volts (35 kilovolts) for interconnection with high voltage transmission lines.
8. **Total Height** means the highest point, above ground level, reached by a rotor tip or any other part of the WECS.
9. **Tower** means vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
10. **Tower Height** means the total height of the WECS exclusive of the rotor blades.
11. **Transmission Line** means those electrical power lines that carry voltages of at least 69,000 volts (69 kilovolts) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Madison Lake Zoning Ordinance

CHAPTER 20. WIND ENERGY CONVERSION SYSTEMS (WECS)

B. DEFINITIONS. (cont'd)

12. **WECS - Wind Energy Conversion System** means an electrical generating facility comprised of one or more wind turbines and accessory facilities including, but not limited to, power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or may be distributed into the electrical grid.
13. **Wind Turbine** means any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils, or similar devices, to capture the wind.

C. APPLICATION, PROCESS, BUILDING PERMITS, FEES AND INSPECTIONS.

1. Application. Applications for approval to construct a WECS shall include the following information:
 - a. The name(s) of the project applicant.
 - b. The name(s) of the property owner.
 - c. The legal description and address of the project.
 - d. A description of the project including the type, name plate generating capacity, tower height, rotor diameter, and means of interconnecting with the electrical grid.
 - e. The proposed site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and shall be drawn to scale.
 - f. An engineer's certification.
 - g. Documentation of land ownership or legal control of the property.
 - h. The latitude and longitude of individual wind turbines.
 - i. A USGS topographical map, or map with similar date, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the proposed WECS.
 - j. The location of wetlands, lakes, scenic and natural areas within 1,000 feet of the proposed WECS.
 - k. An acoustical analysis.
 - l. A Federal Aviation Administration (FAA) Permit Application, if applicable.
 - m. The location of all known Communication Towers within two (2) miles of the proposed WECS.
 - n. A decommissioning plan.

Madison Lake Zoning Ordinance

CHAPTER 20. WIND ENERGY CONVERSION SYSTEMS (WECS)

C. APPLICATION, PROCESS, BUILDING PERMITS, FEES AND INSPECTIONS. (cont'd)

1. (cont'd)
 - o. A description of potential impacts on nearby WECS and wind resources on adjacent properties.
2. Process. WECS applications will be processed under the procedures for applicable approvals contained within this Chapter.
3. Building Permits.
 - a. It shall be unlawful for any person to erect, construct in place, place or re-erect, replace, or repair any tower without first making application to the building inspections department and securing a building permit therefore as required in this sub-section.
 - b. The applicant shall provide, at the time of application, sufficient information to indicate that construction, installation, and maintenance of the WECS will not create a safety hazard or damage to the property of other persons.
 - c. Only one non-commercial tower shall exist at any one time on any one property.
 - d. Before issuance of a building permit, the following information shall be submitted by the applicant:
 - 1). Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration; and
 - a). A report from a State-licensed professional engineer that demonstrates the WECS compliance with structural and electrical standards.
 - b). A conditional use permit approved by the City.
 - c). Documentation from the utility provider of the WECS connection to the utility provider's grid connection system.
 - d). Any City cost of testing or verification of compliance shall be borne by the applicant.
 - e). Fees. The fee(s) to be paid shall be as prescribed by the City Council.
 - f). Inspections. WECS may be inspected by an official of the building department or designated agent to determine compliance with original construction standards. Deviation from the original construction for which a permit is obtained constitutes a violation of this section. Notice of violations will be sent by registered mail to the owner of the WECS and the property owner upon which the WECS is located who will have thirty (30) days from the date notification is issued to make repairs. Upon completion of the repairs, the owner/applicant shall notify the building official that the repairs have been made.

Madison Lake Zoning Ordinance

CHAPTER 20. WIND ENERGY CONVERSION SYSTEMS (WECS)

D. CONDITIONALLY PERMITTED AND PROHIBITED WECS.

1. Conditionally permitted WECS. Commercial WECS are permitted in A-1 Agricultural districts, and I-1 Industrial zoning districts, except as noted in subpart (3) below, upon issuance of a conditional use permit.
2. Conditionally permitted WECS. Non-commercial WECS are permitted in R-1 Single Family Residential Districts, R-1 Two-Family Residential Districts, R-3 Multiple-Family Residential Districts, B-1 Highway Commercial Business District, B-2 Central Business District, B-3 Recreational Business Districts, except as noted in subpart (3) below, upon issuance of a conditional use permit.
3. Prohibited WECS. All WECS are prohibited in the environmental overlay districts and in shoreland overlay districts.
4. Prohibited WECS. All roof-mounted WECS are prohibited in all zoning districts.

E. PERFORMANCE STANDARDS.

1. Safety Design Standards.
 - a. Engineering Certification. For all WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
 - b. Clearance. WECS: Rotor blades must maintain at least fifteen (15) feet of clearance between their lowest point and the ground.
 - c. Rotor Safety. Each WECS shall be equipped with both a manual and an automatic braking device capable of stopping the WECS operation in high winds (40 miles or greater).
 - d. Lightning Protection. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code.
 - e. Warnings. For all WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage, stating the manufacturer's name, and listing an emergency phone number.
2. Standards.
 - a. Total Height.
 - 1). Commercial WECS shall have a total height of no more than one hundred fifty (150) feet.
 - b. Tower Configuration.
 - 1). All towers that are part of a WECS, except meteorological towers, shall be installed with a tubular, monopole type tower and shall be self-supporting without the use of guy wires or other similar features.

Madison Lake Zoning Ordinance

CHAPTER 20. WIND ENERGY CONVERSION SYSTEMS (WECS)

E. PERFORMANCE STANDARDS. (cont'd)

2. Standards. (cont'd)

c. Setbacks.

	Commercial WECS	Non-Commercial WECS
Property lines	1.1 times the total height plus ten feet	1.1 times the total height plus ten feet
Neighboring Dwellings	1.25 times the total height	1.25 times the total height
Road Rights-of-Way	The lesser of the fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height	The lesser of the fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height
Other Rights-of-Way	The lesser of 1.1 times the total height plus ten feet or the distance of the fall zone, as certified by a professional engineer plus ten feet	The lesser of 1.1 times the total height plus ten feet or the distance of the fall zone, as certified by a professional engineer plus ten feet
Other Structures	The lesser of the fall zone, as certified by a professional engineer plus ten feet or 1.1 times the total height	The lesser of the fall zone, as certified by a professional engineer plus ten feet or 1.1 times the total height

d. Color and Finish.

- 1). All wind turbines and towers that are part of a WECS shall be white, grey or another non-reflective, non-obtrusive color.
- 2). Finishes shall be matte or non-reflective.

e. Lighting. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the Federal Aviation Administration (FAA) permits and regulations. No additional lighting, other than building security lighting, is permitted.

f. WECS sites. The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the WECS to the natural setting and then existing environment.

g. Signs. The manufacturer's or owner's company name and/or logo may be placed on the nacelle of the WECS. No other signage, other than as required in this Division, shall be permitted.

Madison Lake Zoning Ordinance

CHAPTER 20. WIND ENERGY CONVERSION SYSTEMS (WECS)

E. PERFORMANCE STANDARDS. (cont'd)

2. Standards. (cont'd)

- h. Feeder Lines. All communications and feeder lines, equal or less than 34.5 kilovolts in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
- i. Waste Disposal. All solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
- j. Maximum Vibration and Shadow Flicker.
 - 1). No WECS shall produce vibrations through the ground that are humanly perceptible beyond the property on which it is located.
 - 2). All WECS shall include a shadow flicker analysis study with the application submission.
- k. Discontinuation and Decommissioning. A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the City outlining the steps and schedule for returning the WECS to service.
 - 1). All WECS and accessory buildings shall be removed in their entirety including all footings and foundations within ninety (90) days of the discontinuation of use.
 - 2). Each Commercial WECS shall submit a Decommissioning Plan outlining the anticipated means and cost of removing the WECS at the end of its serviceable life or upon becoming a discontinued use. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities. The Decommissioning Plan shall be submitted as part of the conditional use permit application.
 - 3). The City may require financial surety in the form of a cash escrow, irrevocable letter of credit, or performance bond to ensure that decommissioning of the Commercial WECS is completed.

Madison Lake Zoning Ordinance

CHAPTER 20. WIND ENERGY CONVERSION SYSTEMS (WECS)

F. OTHER APPLICABLE STANDARDS.

1. Noise. All WECS shall comply with the MPCA and City of Madison Lake standards for noise.
2. Electrical Codes and Standards. All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
3. Federal Aviation Administration (FAA). All WECS shall comply with FAA standards and permit requirements.
4. Building Code. All WECS shall comply with the Minnesota Building Code as adopted by the State of Minnesota and the City of Madison Lake.
5. Interference.
 - a. The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by WECS.
 - b. The applicant shall notify all communication tower operators within two (2) miles of the proposed WECS location upon application to the City for a permit to operate a WECS.
 - c. No WECS shall be constructed so as to interfere with public safety telecommunications.

Madison Lake Zoning Ordinance

CHAPTER 21. SOLAR ENERGY

A. DEFINITIONS.

1. **Building-Integrated Solar System.** An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or thermal solar systems that are contained within roofing materials, windows, skylights, and awnings.
2. **Community Solar Energy System.** A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system.
3. **Ground Mounted Panels.** Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.
4. **Photovoltaic System.** An active solar energy system that converts solar energy directly into electricity.
5. **Roof or Building Mounted SES.** Solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.
6. **Roof Pitch.** The final exterior slope of a building roof calculated by the rise over the run, typically, but not exclusively, expressed in twelfths such as 3/12, 9/12, 12/12.
7. **Solar Access.** A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.
8. **Solar Collector.** A device, structure or a part of a device or structure that the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.
9. **Solar Energy.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
10. **Solar Energy System (SES).** An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means.
11. **Solar Farm.** A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the primary land use for the parcel on which it is located.
12. **Solar Storage Battery.** A device that stores energy from the sun and makes it available in an electrical form.

Madison Lake Zoning Ordinance

CHAPTER 21. SOLAR ENERGY

A. DEFINITIONS. (cont'd)

13. **Solar Hot Water System.** A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

B. TYPES OF SOLAR ENERGY SYSTEMS.

1. Rooftop solar energy systems: Accessory to the primary land use, designed to supply energy for the primary use.
 - a. These systems are permitted accessory uses in all districts in which buildings are permitted.
 - b. No city land use or site permit is required.
 - c. The owner or contractor shall receive a building or mechanical permit before installing a rooftop solar energy system and/or a solar storage battery designed for storing power generated from a rooftop solar energy system.
2. Ground-mount solar energy systems: Accessory to the primary land use, designed to supply energy for the primary use.
 - a. Ground-mount systems are permitted accessory uses in all districts in which buildings are permitted.
 - b. Ground-mount systems require a city land use or site permit and are subject to the accessory use standards for the district in which it is located, including setback, height and impervious surface coverage limits.
 - c. The height of a ground-mounted [system] shall not exceed ten feet.
 - d. No ground-mounted solar energy system shall cover or encompass more than 10 percent of the total property area or lot size.
3. Community solar energy systems: Roof or ground-mount solar energy systems, may be either accessory or primary use, designed to supply energy for off-site uses on the distribution grid, but not for export to the wholesale market or connection to the electric transmission grid. These systems shall be subject to the following conditions:
 - a. Rooftop community solar energy systems are permitted in all districts in which buildings are permitted.
 - b. Ground-mount community solar energy systems are an accessory use in all districts.
4. Prohibitions: The City prohibits community solar energy systems within:
 - a. Shoreland districts as designated by the department of natural resources (DNR) and the Madison Lake Zoning Ordinance.

Madison Lake Zoning Ordinance

CHAPTER 21. SOLAR ENERGY

B. TYPES OF SOLAR ENERGY SYSTEMS. (cont'd)

4. Prohibitions (cont'd)
 - b. Six hundred feet of areas designated or protected from development by federal, state or county agencies as wildlife habitat or wildlife management areas.
 - c. Wetlands to the extent required by the Minnesota Wetland Conservation Act and the Madison Lake Zoning Ordinance.
 - d. All floodplain districts.
5. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
6. All structures must meet the setback, height and coverage limitations for the district in which the system is located.
7. Ground-mount systems must meet all required standards for structures in the district in which the system is located.
8. Site plan required: The owner or operator shall submit to the City a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high-water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the City.
9. Power and communication lines: Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. The City Administrator or their designee may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.
10. Decommissioning plan: The City requires the owner or operator to submit a decommissioning plan for ground-mounted systems to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for 12 consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all City and county requirements. The City also may require the owner or operator to post a bond, letter of credit or establish an escrow account to ensure proper decommissioning.

Madison Lake Zoning Ordinance

CHAPTER 21. SOLAR ENERGY

B. TYPES OF SOLAR ENERGY SYSTEMS. (cont'd)

11. Solar farms: Ground-mount solar energy arrays that are the primary use on the lot or of a property, designed for providing energy to off-site uses or export to the wholesale market. These types of systems that are not permitted or regulated the State of Minnesota Public Utilities Commission (PUC) shall be subject to the following conditions:
 - a. Solar farms are a permitted use in the agricultural (A-1) zone.
 - b. Shall be on properties of at least five acres in size.
 - c. Stormwater management and erosion and sediment control shall meet the requirements of the City and best management practices.
 - d. Prohibitions. The City prohibits community solar farms within:
 - 1). Shoreland districts as designated by the department of natural resources (DNR) and the Madison Lake Zoning Ordinance.
 - 2). Six Hundred feet of areas designated or protected from development by federal, state or county agencies as wildlife habitat or wildlife management areas.
 - 3). Wetlands to the extent required by the Minnesota Wetland Conservation Act and the Madison Lake Zoning Ordinance.
 - 4). All floodplain districts.
 - e. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.
 - f. Other standards and codes. All solar farms shall meet all applicable local, state and federal regulatory standards, including the State of Minnesota Building Code, as amended; and the National Electric Code, as amended.
 - g. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. The county administrator or their designee may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.
 - h. Interconnection. The owner or operator of the solar farm must complete an interconnection agreement with the electric utility in whose service territory the system is located.

Madison Lake Zoning Ordinance

CHAPTER 21. SOLAR ENERGY

B. TYPES OF SOLAR ENERGY SYSTEMS. (cont'd)

11. Solar farms (cont'd)
 - i. Site plan required. The owner or operator of the solar farm must submit to the City a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points to the site, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high-water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the City.
 - j. The City allows the installation of small operations, security and equipment buildings on the site of solar farms as permitted accessory uses to the solar farm.
 - k. The owner or operator shall contain all unenclosed electrical conductors located above ground within structures that control access, or they must be protected from entry by a six-foot-tall fence. All electrical connections to the utility system must meet or exceed the National Electrical Safety Code.
 - l. Solar farms that have panels that would cover more than 20 acres of land must meet the review and design standards of the public utilities commission (PUC) for solar farms.
 - m. Decommissioning plan. The City requires the owner or operator to submit a decommissioning plan for ground-mounted systems to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for 12 consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all City requirements and county requirements. The City also may require the owner or operator to post a bond, letter of credit or establish and escrow account to ensure property decommissioning.
 - n. Additional standards. In addition to the standards allowed above, all solar energy systems shall meet the following standards:
 - 1). The owners or operators of electric solar energy systems that are connected to the electric distribution or transmission system, either directly or through the existing service of the primary use on the site, shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement.

Madison Lake Zoning Ordinance

CHAPTER 21. SOLAR ENERGY

B. TYPES OF SOLAR ENERGY SYSTEMS. (cont'd)

11. Solar farms (cont'd)
 - n. Additional Standards. (cont'd)
 - 2). Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
 - 3). All solar energy systems shall meet the standards of the Minnesota and National Electric Code.
 - 4). All rooftop solar systems shall meet the standards of the Minnesota Building Code.
 - 5). All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening on the north side of the solar array, reducing use of the reflector system or other remedies that limit glare.
 - 6). Building-or roof-mounted solar systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed, except that solar energy systems shall not be required to be screened.
 - 7). Commercial rooftop systems shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.
 - 8). Setbacks. All equipment and structures shall meet the setback and coverage limitations for the zoning district in which the system is located.

Madison Lake Zoning Ordinance

CHAPTER 21. SOLAR ENERGY

B. TYPES OF SOLAR ENERGY SYSTEMS. (cont'd)

11. Solar farms (cont'd)

n. Additional Standards. (cont'd)

9). Screening. When visible from adjacent residential properties and from residential properties across a public street or road, the owners or operators of community solar energy systems and solar farms shall install landscaping and screening around and on their sites to minimize the visual impact of the solar improvements to the adjacent and nearby residential properties. The owners or operators of community solar energy gardens and solar farms also shall install landscaping and screening on their sites to screen their solar development from the view of residences across a public street or road from their site. This screening shall be at least as wide (in length) as the width of the lot or property across the street or road that has the residence to be screened from the solar development. If the applicant can show the City that the proposed solar project improvements would not be visible from adjacent or nearby residences because of existing vegetation or topography, then the City may waive the screening requirement. If an adjacent property has characteristics that make it undevelopable, then the City also may waive the screening requirement for that part of the solar project site. The City allows the required screening and landscaping in the required setback area but not in a public right-of-way. All buffer screening and landscaping shall be of sufficient width and density to provide year-round screening of the solar development site. The developer or applicant of a solar energy project shall submit to the City for approval a screening and landscape plan showing the following:

- a). At least two rows of staggered conifer trees that are at least eight feet tall at the time of planting and that will reach a minimum maturity height of 12 feet to screen the solar installation from the public right-of-way and from adjacent and nearby residences; or
- b). An alternative buffer and screening plan using a combination of trees, shrubs and/or berms that completely screens the solar installation from the public right-of-way and from adjacent and nearby residences; and
- c). An illustration or plans that show a view of the solar development from the public right-of-way, from any residence across the public street or road from the site and all the proposed screening and landscaping.

Madison Lake Zoning Ordinance

CHAPTER 22. "S" SHORELAND OVERLAY DISTRICT

A. AUTHORITY.

The shoreland standards herein contained are adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapter 123 and the planning and zoning enabling legislation in Minnesota Statutes Chapter 462.

B. PURPOSE.

The uncontrolled use of shore lands in the City of Madison Lake affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interest of the public to provide for the wise use and development of shore lands of public waters. The purpose of this Chapter is to preserve and enhance the quality of surface waters, to conserve the economic and natural environmental values of shore lands, and to provide for the wise use of waters and related land resources.

C. APPLICABILITY.

The provisions of This Ordinance shall apply to the shore lands of the public water bodies as classified in this Chapter as may be amended, excluding any lake, pond, or flowage less than ten (10) acres in size. A body of water created by a private user where there was no previous shoreland may, at the discretion of the City Council, be exempt from this Chapter of This Ordinance.

D. SCOPE.

The use of any shoreland of public waters; the size and shape of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; and the cutting of shoreland vegetation shall be in compliance with the terms of This Ordinance and other applicable regulations.

E. DISTRICT APPLICATION.

The "S" Shoreland Overlay District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of This Ordinance.

1. The regulations and requirements imposed by the "S" Shoreland District shall be in addition to those established for the underlying district(s) that jointly apply.
2. Where the requirements of the overlay and underlying district(s) are not congruent the more restrictive requirements shall apply.
3. Where a portion of a lot is within the shoreland overlay area, shoreland standards shall apply.

Madison Lake Zoning Ordinance

CHAPTER 22. "S" SHORELAND OVERLAY DISTRICT

F. SHORELAND OVERLAY DISTRICT PUBLIC WATER CLASSIFICATIONS.

The public waters of the City of Madison Lake have been classified below consistent with the criteria found in Minnesota Regulations, and the Protected Waters Inventory Map for Blue Earth County, Minnesota.

PUBLIC WATER CLASSIFICATION	NAME OF PUBLIC WATER	CORRESPONDING AREA OF SHORELAND OVERLAY DISTRICT
Recreational Development	Madison Lake	1000 Feet from ordinary high-water level
General Development	Duck Lake	1000 Feet from ordinary high-water level
Recreational Development	Lake Ballantyne	1000 Feet from ordinary high-water level

G. SHORELAND ALTERATIONS.

1. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, and protect fish and wildlife habitat.
2. Vegetation Alterations.
 - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas are exempt from vegetation alteration standards which follow.
 - b. Removal or alteration of vegetation, except for agricultural and forest management uses is allowed subject to the following:
 - 1) Vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
 - 2) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures of facilities, provided the structures, vehicles and other facilities are screened in so far as possible when viewed from the water. This provision is not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

Madison Lake Zoning Ordinance

CHAPTER 22. "S" SHORELAND OVERLAY DISTRICT

G. SHORELAND ALTERATIONS. (cont'd)

3. Topographic Alterations/Grading and Filling.
 - a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued building permits do not require the issuance of a separate grading and filling permit, although a surface water management plan as outlined in Chapter 15 is required. However, the grading and filling standards in this Chapter shall be incorporated into the issuance of permits for the construction of structures, sewage treatment systems, and driveways.
 - b. A permit is required for:
 - 1). The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones.
 - 2). The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
 - c. The following considerations and conditions must be adhered to during the issuance of building permits:
 - 1). Grading or filling in any type of wetland must be evaluated to determine how extensively the proposed activity would affect the following (this evaluation also includes a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers):
 - a). Sediment and pollutant trapping and retention.
 - b). Storage of surface runoff to prevent or reduce flood damage.
 - c). Fish and wildlife habitat.
 - d). Recreational use.
 - e). Shoreline or bank stabilization.
 - f). Special qualities such as critical habitat for endangered plants and animals, etc.
 - 2). Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.

Madison Lake Zoning Ordinance

CHAPTER 22. "S" SHORELAND OVERLAY DISTRICT

A. SHORELAND ALTERATIONS. (cont'd)

3. Topographic Alterations/Grading and Filling (cont'd).
 - c. (cont'd)
 - 3). Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
 - 4). Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
 - 5). Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the United States Soil Conservation Service.
 - 6). Fill or excavated material must not be placed in a manner that creates an unstable slope.
 - 7). Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
 - 8). Fill or excavated material shall not be placed within bluff impact zones.
 - 9). Any alterations below the ordinary high-water level of public waters must first be authorized by the Commissioner under State Statutes, Chapter 103G.45.
 - 10). Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 - 11). Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high-water level, and the height of the riprap above the ordinary high-water level does not exceed three feet.
 - d. Excavations where connection to public waters is the intended purpose (i.e. boat slips, canals, lagoons, etc.) are subject to local controls and may be given only after the commissioner has approved the proposed connection to public waters.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

A. EXISTING BUILDINGS AND USES.

1. General. Lawfully established buildings and uses in existence at the time of the adoption of this code shall be permitted to have their existing use or occupancy continued, provided that such continued use is not dangerous to life.
2. Additions, alterations or repairs. Additions, alterations or repairs shall be permitted to be made to any building or use without requiring the existing building or use to comply with the requirements of this code, provided that the addition, alteration or repair conforms to that required for a new building or use.
3. Maintenance. Buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or owner's authorized agent shall be responsible for the maintenance of buildings and parcels of land.
4. Moved and temporary buildings, structures and uses. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings and structures.
5. Illegal uses. Uses that were illegally established prior to the adoption of this code shall remain illegal.

B. ZONING ADMINISTRATOR.

The City of Madison Lake Zoning Ordinance will be administered by the City Zoning Administrator or the City Administrator. The titles Zoning Administrator and City Administrator and City Zoning Administrator are interchangeable in this document.

1. Issue zoning and other permits and make and maintain records thereof.
2. Conduct inspections of buildings and use of land to determine compliance with the terms of This Ordinance.
3. Maintain permanent and current records of This Ordinance, including, but not limited to: all maps, amendments and special uses, variances, appeals and applications therefore.
- 4.. Ensure that the appropriate documents are filed with the County Recorder or other appropriate official as required by law.
5. Receive, file, and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.
6. Institute, in the name of the City, any appropriate actions or proceedings against a violator as provided for.
7. Serve as an ex-officio non-voting member of the Planning Commission and secretary to the Planning Commission and Board of Adjustment.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

B. ZONING ADMINISTRATOR. (cont'd)

8. Review of building permits. Applications for building permits and amendments thereto shall be submitted to the Zoning Administrator for review and approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of this code are met.
9. Site plan reviews. The code official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body.

C. PLANNING COMMISSION.

1. General. This section addresses the duties and responsibilities of a planning commission, hereafter referred to as "the commission," and other officials and agencies, with respect to the administration of this code.
2. Establishment of the commission. The establishment of the commission shall be in accordance with the policies and procedures as set forth in state law. The commission shall consist of the number of members as specified in Minnesota State law.
3. The Planning Commission shall provide assistance to the City Council and Zoning Administrator in administration of This Ordinance, and the recommendation of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings, and make recommendations to the City Council on all applications for zoning amendments and conditional use permits, rezonings, and plats.
4. The Officers of the Planning Commission shall be elected by the members of the Planning Commission at a regular meeting thereof in January of each year. The officers shall consist of a Chairperson, a Vice-Chairperson, and a Secretary-Treasurer. The Chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage of such officers as well as any other duties specified within This Ordinance. The Vice-Chairperson shall act for the Chairperson in his/her absence. The Secretary/Treasurer shall be given the duties as may be assigned by the Planning Commission. Vacancies in office of the officers of the Planning Commission shall be filled immediately by the same procedure.
5. A quorum for any meeting or hearing of the Planning Commission shall be a majority of the voting members of the Commission.
6. The Planning Commission may set such rules and procedures as are necessary for the orderly conduct of its business. Rules and procedures not otherwise adopted or not covered by applicable law shall be governed by Roberts Rules of Order, Revised, as may be necessary for the proper conduct of the business of the Planning Commission.
7. The members of the Planning Commission may receive such compensation for per diem and expenses as may be allowed by the City Council.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

D. BOARD OF ADJUSTMENT.

1. The City Council of the City of Madison Lake shall, through the passing of an Ordinance, provide for the establishment of a Board of Adjustment. The Board of Adjustment shall only review variance requests from the Zoning Ordinance. The Board of Adjustment shall be the City Council. The members of the Board of Adjustment may be paid their necessary expenses in attending the meetings of the Board and in the conduct of the business of the Board.
 - a. It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide a public record of its proceedings, which shall include the minutes of its meeting, its findings and the action taken on each matter heard by it, including the final order. The meeting of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board in its rules of procedure may specify.

E. CITY COUNCIL.

1. The City Council shall act upon all questions as they may arise in the administration of This Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator charged with enforcing the Ordinance.
 - a. The City Council may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The Council shall make written findings of fact and keep appropriate minutes of its meetings. The reasons for the Council's decisions may be stated.
 - b. The decision of such Council shall be final. However, any person having an interest affected by such decision shall have the right to appeal to district court in the county in which the land is located on questions of law and fact.

F. ZONING AMENDMENTS. (TEXT OR ZONING MAP)

1. Criteria for Granting Amendments: The City Council may adopt amendments to the zoning ordinance and the zoning map in relation to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the City.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

F. ZONING AMENDMENTS. (TEXT OR ZONING MAP) (cont'd)

2. Procedure.
 - a. An amendment to the text of the Ordinance or the Official Zoning Map may be initiated by the City Council, the Planning Commission, Zoning Administrator, City Administrator or by application of a property owner
 - b. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Council until it has received the Planning Commission's recommendations. Individuals wishing to initiate an amendment to the zoning ordinance shall complete a zoning amendment application form and submit it to the Zoning Administrator.
 - c. Property Owners initiating an amendment to the official zoning map or regulations specific to an individual zoning district shall submit the following information (if applicable) upon making said application:
 - 1). A legal description and preliminary building and site development plan.
 - 2). A public hearing on a rezoning application shall be held by the Planning Commission within thirty (30) days after the request for the zoning amendment has been received. Legal notice concerning official action pursuant to this Chapter shall be as follows:
 - a). A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
 - b). In addition, persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
 - c). Copies of all notices of any public hearings to consider amendments affecting the Shoreland Overlay District shall be sent to the Commissioner of the Minnesota Department of Natural Resources or the Commissioner's designee and must be postmarked at least ten (10) days before the hearing(s).
 - d). The City Council shall take action on the application within sixty (60) days following receipt of a complete application, unless an extension is provided for in accordance with State Statute 15.99.
 - e). The City shall maintain records of amendments to the text and zoning map of the Ordinance.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

F. ZONING AMENDMENTS. (TEXT OR ZONING MAP) (cont'd)

2. Procedure. (cont'd)

c. (cont'd)

2). (cont'd)

f). A copy of decisions granting zoning amendments within the Shoreland Overlay District shall be sent to the Commission of the Department of Natural Resources or the Commissioner's designee, postmarked within ten (10) days of final action.

g). No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one (1) year period following a denial of such request, except the Planning Commission may permit a new application, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

3). Fees: To defray administrative costs of processing requests for an amendment to This Ordinance, the applicable fee shall be paid by the petitioner. The applicable fee for a Zoning Ordinance Amendment shall be established by the City Council.

G. CONDITIONAL USE PERMITS.

1. Criteria for granting conditional use permits.

In granting a conditional use permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the City Council may make the following findings where applicable:

a. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

b. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

c. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

d. That adequate measures have been or will be taken to provide sufficient off- street parking and loading space to serve the proposed use.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

G. CONDITIONAL USE PERMITS. (cont'd)

1. Criteria for granting conditional use permits. (cont'd)
 - e. That adequate measures have been or will be taken to provide or control offensive odor, fumes, dust, noise and vibration so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
 - f. The developer shall submit a time schedule for completion of the project.
 - g. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.
 - h. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 - i. The use is not in conflict with the Comprehensive Plan of the City.
 - j. The use will not cause traffic hazard or congestion.
 - k. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.
 - l. The proposed conditional use is not injurious to the use and enjoyment of adjoining property already existing or substantially diminish and impair property values within the immediate vicinity of the proposed conditional use.
 - m. Proof of ownership is provided.
 - n. Conditional uses allowable within shoreland areas shall be subject to the following additional evaluation criteria and conditions:
 - 1). Soil erosion and other possible pollution of public waters shall be prevented both during and after construction.
 - 2). The visibility of structures and other facilities as viewed from public waters shall be limited to the extent possible.
 - 3). The site shall have adequate water supply and on-site sewage treatment.
 - 4). The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

G. CONDITIONAL USE PERMITS. (cont'd)

2. Additional Conditions:

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by This Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. The conditions may include, but are not limited to, the following:

- a. Increasing the required lot size or yard dimension.
- b. Limiting the height, size, or location of the buildings, including but not limited to increasing setback requirements.
- c. Controlling the location and number of vehicle access points.
- d. Increasing the street width.
- e. Increasing the number of required off-street parking spaces.
- f. Limiting the number, size, location, or lighting of signs.
- g. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- h. Designating sites for open space.
- i. Impose time limitations on the use.
- j. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
- k. Special provisions for the location, design, and use of watercraft launching and docking areas.

3. Procedures.

- a. The person applying for a Conditional Use Permit shall fill out and submit to the Zoning Administrator a Conditional Use application form and pay the applicable fee as set forth in the City's fee schedule, as it may be amended from time to time.
- b. The information required for all conditional use permits generally consists of the following items, and shall be submitted when requested by the City unless the City Zoning Administrator determines certain items are not necessary.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

G. CONDITIONAL USE PERMITS. (cont'd)

4. Site Development Plan.
 - a. Location of all buildings on lots including both existing and proposed structures.
 - b. Location of all adjacent buildings located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
 - c. Location and number of existing and proposed parking spaces.
 - d. Vehicular circulation.
 - e. Architectural elevations (type and materials used in all external surfaces).
 - f. Location and type of all proposed lights.
 - g. Curb cuts, driveways, number of parking spaces.
5. Dimension Plan.
 - a. Lot dimensions and area.
 - b. Dimensions of proposed and existing structures.
 - c. "Typical" floor plan and "Typical" room plan.
 - d. Setbacks of all buildings located on property in question.
 - e. Proposed setbacks.
 - f. Sanitary sewer and water plan with estimated use per day.
6. Grading Plan.
 - a. Existing contours.
 - b. Proposed grading elevations.
 - c. Drainage configuration.
 - d. Storm sewer catch basins and invert elevations.
 - e. Spot elevations.
 - f. Proposed road profile.
7. Landscape Plan.
 - a. Location of all existing trees, type, diameter, and which trees will be removed.
 - b. Location, type, and diameter of all proposed plantings.
 - c. Location and material used for all screening devices.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

G. CONDITIONAL USE PERMITS. (cont'd)

7. Landscape Plan. (cont'd)
 - d. Legal description of property under consideration.
 - e. Proof of Ownership of the land for which a conditional use permit is requested.
 - f. The property owner or his/her agent shall meet with the Zoning Administrator to explain his/her situation, learn the procedures for review of request and obtain an application form.
 - g. The Zoning Administrator shall refer the application to the Planning Commission for review.
 - h. The Planning Commission shall hold a public hearing on the proposal. Legal notice concerning official action pursuant to this Chapter shall be as follows:
 - 1). A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
 - 2). In addition, persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
 - 3). Copies of all notices of any public hearings to consider conditional use permits relative to the Shoreland Overlay District shall be sent to the Commissioner of the Minnesota Department of Natural Resources or the Commissioner's designee and must be postmarked at least ten (10) days before the hearing(s).
 - 4). The petitioner or his representative may appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
 - 5). The report of the Planning Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission, but not later than sixty (60) days after the applicant has submitted the application, unless an extension is provided for in accordance with State Statute.
 - 6). The City Council shall take action on the application within sixty days after receipt of a complete application, unless an extension is provided for in accordance with State Statute 15. The City Council, at its discretion, may hold an additional public hearing on the Conditional Use Permit, the City Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare, and such conditions may include a time limit for the use to exist or operate.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

G. CONDITIONAL USE PERMITS. (cont'd)

7. Landscape Plan. (cont'd)

h. (cont'd)

- 7). A copy of decisions granting conditional use permits within the Shoreland Overlay District shall be sent to the Commission of the Department of Natural Resources or the Commissioner's designee, postmarked within ten (10) days of final action.
- 8). Re-Application. No application for a Conditional Use Permit shall be resubmitted for a period of six (6) months from the date denial of said application.
- 9). Periodic Review. If conditions outlined in the Conditional Use Permit are not being adhered to or a Conditional Use Permit for a particular parcel is no longer applicable, the Conditional Use Permit may be reviewed via a public hearing following notice of the property owner and publication of said notice at least ten (10) days prior to the review. It shall be the responsibility of the Zoning Administrator to schedule such public hearing, and the owner of land having a Conditional Use Permit shall be allowed to comment on his/her behalf and shall not be required to pay a fee for said review.
- 10). Compliance. In the event that the applicant violates any of the conditions set forth in this Permit, the City Council shall have the authority to revoke the Conditional Use Permit.
- 11). Records. A record and appropriate minutes shall be prepared by the Planning Commission from the public hearing on the Conditional Use Permit application. Specific findings of fact shall be made in addition to the recommendations of the Planning Commission.
- 12). Fees. To defray administrative costs for processing a Conditional Use Permit, the applicable fee shall be paid by the applicant. The applicable fee shall be set by the City Council.

H. VARIANCES.

1. Criteria for granting variances.

A variance to the provision of the Zoning Ordinance may be issued by City Council to provide relief to the landowner in those zones where the Ordinance imposes practical difficulties to the property owner in the use of his land. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist:

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

H. VARIANCES. (cont'd)

1. Criteria for granting variances. (cont'd)
 - a. The variance, if granted, will not alter the essential character of the locality. It will not be out of place, out of scale, or otherwise inconsistent with the surrounding area;
 - b. The proposed use is reasonable;
 - c. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of This Ordinance have had no control;
 - d. That literal interpretation of the provisions of This Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of This Ordinance;
 - e. No variance shall be granted which would allow any use that is prohibited in the zoning district in which the subject property is located;
 - f. That the special conditions or circumstances do not result from the actions of the applicant. The property is unique due to the physical characteristics of the property in question:
 - h. That granting the variance requested will not confer on the applicant any special privilege that is denied by This Ordinance to owners of other lands, structures or buildings in the same district;
 - h. For existing developments not serviced by municipal utilities, the application for variance must clearly demonstrate whether a conforming individual sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming, individual sewage treatment system;
 - i. The variance requested is the minimum variance which would alleviate the hardship; and,
 - j. The variance would not be materially detrimental to the purposes of This Ordinance, or to property in the same zone.

NOTE: Economic conditions alone shall not be considered a hardship.

2. Procedure.
 - a. The person applying for a variance shall meet with the Zoning Administrator to explain his/her situation, learn the procedures, and obtain an application form.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

H. VARIANCES. (cont'd)

2. Procedure. (cont'd)

- b. The person applying for a variance shall then fill out and submit to the Zoning Administrator a variance request form containing the following information when requested by the City Zoning Administrator and pay the applicable fee as set forth in the City's fee schedule, as it may be amended from time to time.
 - 1). Description of the site (legal and address).
 - 2). Site plan showing parcel and building dimensions.
 - 3). Location of all buildings and their square footage measurements.
 - 4). Curb cuts, driveways, sidewalks, parking spaces, and off-street loading areas.
 - 5). Landscape and screening plans.
 - 6). Water, sanitary sewer, and storm water plans.
 - 7). Any additional information reasonably requested by the City Planning Commission.
 - 8). If the work will not be completed in one (1) year, the applicant shall submit a time schedule for completion of the work.
- c. The Zoning Administrator shall refer the application to the City Council for review.
- d. The City Council shall hold a public hearing on the proposal. Legal notice concerning official action pursuant to this Chapter shall be as follows:
 - 1). A notification of the date, time, and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
 - 2). In addition, persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
 - 3). Copies of all notices of any public hearings to consider variances under the local shoreland overlay district shall be sent to the Commissioner of the Minnesota Department of Natural Resources or the Commissioner's designee and must be postmarked at least ten (10) days before the hearing(s).
 - 4). The petitioner or his representative may appear before the Planning Commission in order to answer questions concerning the proposed variance.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

H. VARIANCES. (cont'd)

2. Procedure. (cont'd)

d. (cont'd)

- 5). The City Council shall make findings of fact and recommend approval or denial of the request. The City Council must take action on the application within sixty (60) days after the completed application was received, unless an extension is provided for in accordance with State Statute 15.99, as amended from time to time. The Commission's recommendation shall be presented to the Council.
- 6). The City Council shall not grant a variance until they have received a recommendation from the Planning Commission or within sixty (60) days after the completed application was filed, unless an extension is provided for in accordance with State Statute 15.99, as amended from time to time.
- 7). The Zoning Administrator shall place the recommendation on the agenda for the next regular City Council meeting. Such recommendations shall be made a part of the permanent written record of said meeting(s).
- 8). The City Council shall review the application and may at its option conduct a public hearing on the request.
- 9). The City Council shall make finding of fact and approve or deny a request for variance within sixty (60) days after receipt of the complete application, unless an extension is provided for in accordance with State Statute 15.99 as it may be amended from time to time.
- 10). A variance of This Ordinance shall be simple majority vote of the City Council.
- 11). If it grants the variance, the City Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
- 12). A copy of decisions granting variances within the Shoreland Overlay District shall be sent to the Commission of the Department of Natural Resources or the Commissioner's designee, postmarked within ten (10) days of final action. When a variance in the Shoreland Overlay District is approved after the Department of Natural Resources has formally recommended denial, the notification of the approved variance shall include the Board of Adjustment/City Council summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

Madison Lake Zoning Ordinance

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

H. VARIANCES. (cont'd)

2. Procedure. (cont'd)

d. (cont'd)

e. Lapse of Variance: Variance permits shall expire if they have not been installed within one (1) year after the date of issuance.

f. Fees: To defray the administrative costs of processing requests for variances, the applicable fee shall be paid by the applicant. The applicable fee is in addition to the regular zoning permit. Fees shall be established by the City Council.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

A. PURPOSE.

1. The purpose of this Chapter is to provide for planned unit projects within the City of Madison Lake for larger tracts of land under single or unified ownership, developed with community or public sewer.
2. Planned Unit Development projects may allow:
 - a. A mixture of land uses, housing types and densities within a comprehensive site design concept.
 - b. Departure from strict application of required setbacks, yard areas, lot sizes, minimum dwelling unit sizes, minimum requirements and other performance standards associated with traditional zoning, thereby maximizing the development potential of land while remaining sensitive to its unique and valuable natural characteristics.
 - c. Consolidation of areas for recreation and reductions in street lengths and other utility related expenses.
 - d. The clustering of units/project density, basing density on the number of units per acre rather than specific lot dimensions.
 - e. A combination of uses which are allowed in separate zoning districts such as:
 - 1). Mixed residential uses allowing both densities and unit types to be varied within the project.
 - 2). Mixed commercial, industrial, residential, or institutional land use with the integration of compatible land uses within the project.
3. Planned unit development projects shall be developed in accordance with an overall design and an integrated development plan and otherwise in accordance with the City Subdivision Regulations. Such projects shall be consistent with the intent and purpose of This Ordinance and shall not adversely affect the property adjacent to the land included in the project.

B. REGULATIONS.

1. Control of the Planned Development. A planned unit development may be established for any parcel or tract of land under single ownership or control. The property included in the Planned Unit Development shall be planned and developed or redeveloped as a single unit and in a manner consistent with the intent and purpose for which a planned unit development may be permitted.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

A. REGULATIONS. (cont'd)

2. Uses Allowed. All permitted and conditional uses listed in a specific district are allowed as planned unit developments. Where residential units are provided as part of a planned unit development, regardless of the specific district, they may be of one- family attached, one-family detached, townhouse, or clustered or multiple-family type construction. Mixed use planned unit developments are permitted and encouraged provided they meet the intent and purpose for which a planned unit development is permitted. Uses not listed as permitted or conditional in a specific district shall not be allowed in a planned unit development unless it is found that the use is complementary to the functionality of the development and the other uses found therein.
3. Authority to Modify Regulations. The City Council shall have the authority in approving any planned unit development to change, alter, modify, or waive any provision of this chapter or the subdivision regulations as they apply to the proposed planned unit development. No such change, alteration, modification or waiver shall be approved unless the City Council shall find that the proposed planned unit development:
 - a. Will achieve the purpose for which a planned unit development may be approved pursuant to this section.
 - b. Will not violate the general purpose, goals, and objectives of this chapter and of any plans adopted by the City Council.
4. Limitations. No change, alteration, modification, or waiver authorized by this section shall authorize a change in uses allowed in any district or a modification with respect to any standard established by this section, or a modification with respect to any standard in a zoning district made specifically applicable to a planned unit development, unless the regulation expressly authorizes such a change, alteration, modification, or waiver.

C. SITE DESIGN.

1. The number of principal use structures which may be constructed within the planned unit development shall be determined by dividing the net acreage of the project acreage by the required lot area per unit that is required in the district in which the planned unit development is located. The net acreage shall be defined as the project area less the land area dedicated for public streets or other public purposes. The project area includes all the land within the planned unit development that is allocated for residential, institutional, commercial, or industrial uses, and for common open space as required.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

B. SITE DESIGN. (cont'd)

2. The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of permitted structures, accessory structures, and public facilities as may be necessary for the welfare of the planned unit development and the City.
3. The common open space, and other common properties, individual properties, and all other elements of the planned unit development shall be so planned that they achieve a unified scheme of integrated planning and a harmonious selection and efficient distribution of uses.
4. Common open space within a planned unit development must be used for amenity or recreational purposes. Motor vehicle parking areas and traffic corridors shall not be considered an approved use of common open space. The uses authorized for the common open space must be approved to the scale and character of the planned unit development, and consider the planned unit development's size, density, topography, and number and type of structures to be provided.
5. Common open space must be suitably improved for its intended use. Common open space containing natural features worthy of preservation may be left unimproved. The development plan must coordinate the improvement of the common open space and the construction of the permitted structures within the planned unit development.
6. Adequate access shall be provided for fire and emergency vehicles.

D. MINIMUM AREA.

1. A planned unit development proposed for any parcel or tract of land under single ownership or control shall have a minimum net site area of two (2) acres.

E. APPLICATION PROCEDURE.

1. An application for a planned unit development shall be processed in accordance with the following procedures:
 - a. Pre-Application Conference. Prior to submitting a formal application for a planned unit development, an applicant shall participate in a pre-application conference with the Planning Director and Zoning Administrator. Representatives of other City departments and decision-making bodies may also be present where appropriate. The purpose of the pre-application conference is to enable the applicant to present the concept of the proposed planned unit development and to discuss the procedures and standards for planned unit development approval. The conference is intended to facilitate the filing and consideration of a formal planned unit development application. No representations made by any representatives of the City's departments or decision-making bodies during the pre-application conference shall be binding upon the City with respect to a formal application subsequently submitted.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

E. APPLICATION PROCEDURE. (cont'd)

1. (cont'd)
 - b. Information Needed for the Pre-Application Conference. The applicant shall provide the following information at the time of the scheduling of the pre-application conference:
 - 1). Concept site plan.
 - 2). Narrative summary of the proposal.
 - 3). Description of the land uses and neighboring characteristics.
 - c. Formal Application-Development Plan. Formal applications for a planned unit development shall be filed with the Zoning Administrator on a form provided and accompanied by such number of copies as so indicated. Upon receipt of a properly completed formal application for a planned unit development, the Zoning Administrator shall forthwith transmit to the Planning Commission the application together with all papers and plans attached thereto. All formal applications for a planned unit development shall include at least the following information:
 - 1). General Information.
 - a). The applicant's name, address, telephone number, and interest in the property.
 - b). The owner's name, address, and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application.
 - c). The street address and legal description of the property.
 - d). The zoning classification, zoning district boundaries, and present use of the property.
 - e). The proposed title of the project and the names, addresses, and telephone numbers of the architect, landscape architect, planner or engineer on the project.
 - 2). Preliminary Development Site Plan. A development site plan shall be drawn at a scale of twenty (20) feet to one (1) inch and shall contain at least the following, unless determined not applicable by the Zoning Administrator:
 - a). The location, dimensions, and total area of the site.
 - b). The location, dimensions, floor area, type of construction, and use of each proposed building or structure and setbacks from property lines.
 - c). The number, the size, and type of dwelling units in each building, and the overall dwelling unit density.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

E. APPLICATION PROCEDURE. (cont'd)

1. (cont'd)
 - c. (cont'd)
 - 2). (cont'd)
 - d). The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations.
 - e). Architectural graphics, including typical floor plans and elevations, profiles, and cross-sections.
 - f). The number, location, and dimensions of parking spaces and loading docks, with means of ingress and egress.
 - g). The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements.
 - h). A vehicular traffic analysis.
 - i). The location of all fire hydrants on the property and the location of all fire hydrants within one-hundred fifty (150) feet of the property.
 - j). The location and dimensions of all accesses for fire and emergency vehicles.
 - k). Statement of whether or not the building will be sprinkled and fire flow availability for the sprinkler system and fire hydrants.
 - l). The location and intensity of safety and security lighting.
 - m). The location and purpose of any existing or proposed dedication or easement.
 - n). The general drainage plan for the development tract.
 - o). The location and dimensions of adjacent properties, abutting public right-of-ways and easements, and utilities serving the site.
 - p). Significant topographical or physical features of the site, including existing trees.
 - q). Wetland delineation showing all wetlands present on the site.
 - r). The location and proposed treatment of any historical structure or other historical design element or feature.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

E. APPLICATION PROCEDURE. (cont'd)

1. (cont'd)
 - c. (cont'd)
 - 3). Preliminary Plat of Survey. A preliminary plat of the property shall be submitted in conformance with Chapter 12. The layout of the plat shall conform to the development plan.
 - 4). Additional Information. The application shall also contain the following information and be accompanied by the following submissions, as well as such additional information, drawings, plans or documentation as may be requested by the Zoning Administrator, if determined necessary or appropriate for a full and proper considered publication in one (1) or more newspapers of general circulation. Notice shall be published a minimum of ten (10) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing. Notice shall also be given by first class mail to all owners of property within three hundred (300) feet from the proposed location of the conditional use. The notice shall describe the particular planned unit development and shall contain a brief description thereof.
 - 5). Action of the Planning Commission Upon the conclusion of the public hearing, the Planning Commission shall transmit its recommendation to the City Council. The Planning Commission shall either recommend the granting of the planned unit development, granting the planned unit development subject to modifications, or denying the planned unit development.
 - 6). Action of the City Council. After receipt of the Planning Commission recommendation, the City Council shall either deny the planned unit development, or grant the planned unit development with or without modifications and conditions.

F. STANDARDS.

1. The Planning Commission shall not recommend approval of, nor shall the City Council approve, a planned unit development unless each shall first make written findings of fact that the planned unit development satisfies the intent of This Ordinance and/or does not jeopardize the public health, safety, or welfare.
2. The development of the planned unit development shall conform to the approved development plan; including all proposed covenants, easements, conditions of approval, and other provisions relating to the bulk, location, and density of permitted structures, accessory structures, parking, and other public facilities.
3. All land shown on the approved development plan as common open space must be conveyed to trustees provided in the indenture establishing the association or similar organization for the maintenance of the planned unit development.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

F. STANDARDS. (cont'd)

4. No common open space may be put to any use not specified in the approved development plan.

G. TIME LIMIT ON APPROVED PLANNED UNIT DEVELOPMENT.

No planned unit development approval shall be valid for a period longer than one (1) year unless a Building Permit is issued. However, upon written request of the applicant, the one (1) year period may be extended by the City Council for such time as it shall be determined and for good cause shown, without further hearing.

H. EFFECT OF APPROVAL OF A PLANNED UNIT DEVELOPMENT.

The approval of a proposed planned unit development by the City Council shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for such permits or approvals as may be required by the regulation of the City, including, but not limited to, a subdivider's agreement as required in Chapter 152 of the Madison Lake City Code, Building Permit, and a Certificate of Occupancy.

I. REGULATIONS DURING AND FOLLOWING COMPLETION OF DEVELOPMENT.

Following approval of the planned unit development, the development site plan, including any modifications thereof, shall constitute the use, parking, loading, sign, bulk, space, and yard regulations applicable to the property, and no use, building or development, other than home occupations and temporary uses not allowed by the development site plan, shall be permitted within the area of the planned unit development.

J. ADJUSTMENTS TO THE DEVELOPMENT SITE PLAN.

Adjustments to the development site plan shall be in accordance with the requirements set forth below.

1. **New Application Required.** No alteration or amendment shall be made in the construction, development, or use without a new application under the provisions of this section. However, minor alterations may be made subject to written approval of the Zoning Administrator.
2. **Minor Adjustments.** During build-out of the planned unit development, the Zoning Administrator may authorize minor adjustments to approved development site plans when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to the following elements:
 - a. Adjusting the distance as shown on the approved development site plan between any one (1) structure or group of structures, and any other structure or group of structures, or any vehicle circulation element or any boundary of the site.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

J. ADJUSTMENTS TO THE DEVELOPMENT SITE PLAN. (cont'd)

2. (cont'd)

- b. Adjusting the location of any open space.
- c. Adjusting any final grade.
- d. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area.

Such minor adjustments shall be consistent with the intent and purpose of the ordinance and development plans approved pursuant to this section and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such adjustments would result in a violation of any standard or requirement of this chapter.

- 3. Major Adjustments. Any adjustments to the development site plan not authorized as a minor adjustment shall be considered a major adjustment and shall require a new application under the provisions of this section.

K. FEE.

All applications for a planned unit development shall be accompanied by a non-refundable filing fee in accordance with Minnesota Statute Section 10.92, Subdivision 11, and the City's fee schedule as it may be amended from time to time.

- 1. Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the City's Official Zoning Map.
- 2. Specific allowed uses and performance standards for each PUD shall be delineated in a development plan as approved by the City Council. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses within the PUD with the acceptance of the development plan. Any change in the uses presented in the development plan shall require the approval of an amendment to the PUD by the City Council in the manner prescribed by this Chapter.
- 3. The PUD adheres to additional requirements, including but not limited to tree, water and woodland preservation, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of This Ordinance, as may be amended.
- 4. All residential planned unit developments shall contain at least five (5) dwelling units or sites.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

K. FEE. (cont'd)

5. The density of development within the PUD shall be the same as would be allowed in the underlying zoning district under typical development standards. If the property involved in the PUD includes land in more than one zoning district, the number of dwelling units or the square footage of commercial, industrial, or institutional uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.
6. Projects shall be so designed as to provide adequate sewer and water facilities and public access; lots should be of adequate size to provide emergency and/or service vehicle public access. Buildings shall be spaced to allow emergency vehicles freedom to maneuver between buildings.
7. An application for PUD and the development plan must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.
8. The City shall consider the proposed PUD from the point of view of all standards and purposes of the City's Comprehensive Plan and This Ordinance to achieve a maximum coordination between the proposed development and the surrounding use, the conservation of woodlands and wetlands, the protection of the health, safety and welfare of the community and residents/tenants of the PUD. To those ends, the City shall consider the location of the buildings, compatibility, parking areas and other features with respect to the topography of the area and existing natural features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas; and such other matters as the City may find to have a material bearing upon the stated standards and objectives of the Comprehensive Plan and the zoning ordinance.

L. COORDINATION WITH SUBDIVISION REGULATIONS.

Subdivision review under the Subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this Chapter shall be submitted in a form which will satisfy the requirements of the existing Subdivision regulations.

M. DEVELOPMENT AGREEMENT, GUARANTEE OF PERFORMANCE, PHASING.

1. Prior to final plan approval by the City Council, the Subdivider(s)/Developer(s) shall execute and submit to the Council an agreement for development of the PUD which contains adequate assurances that he/she will provide the following at his/her expense, binding on his/her heirs, personal representatives, and assigns, including, but not limited to:
 - a. A summary of the Development Plan for the PUD.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

M. DEVELOPMENT AGREEMENT, GUARANTEE OF PERFORMANCE, PHASING. (cont'd)

1. (cont'd)
 - b. A listing or schedule of when and what improvements (subject to approval by the City Engineer, as recommended by the Planning Commission and subject to the approval of the City Council) shall be required, phasing (if any), construction timeline, completion date, etc.
 - c. A certification by the City Engineer or City Clerk that all improvements, agreements, and documents meet the minimum requirements of all applicable ordinances.
 - d. A provision containing all conditions, if any, imposed by the City Council upon approval of the final plan.
 - e. A provision outlining the procedure or alternative to be utilized in the financing of required improvements.
 - f. A provision requiring a performance bond or letter of credit to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee shall be stipulated in a Development Agreement.
 - g. If the development shall occur in phases, the Development Agreement shall outline the various phases of development.
2. The City may review all building permits and certificates of occupancy issued for the PUD and examine the construction which has been actualized to determine Developer adherence to the approved Development Agreement prior to authorizing the next phase of development.

N. ADDITIONAL STANDARDS APPLICABLE TO THE SHORELAND OVERLAY DISTRICT.

In the shoreland overlay district each proposed new or expansion to an existing planned unit development must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation:

1. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high-water level of public waters. This suitable area and the proposed project are then subjected to either the residential (Subsection C) or commercial planned unit development (Subsection D) density evaluation steps to arrive at an allowable number of dwelling units or sites.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

O. BUILDING PERMITS.

1. Persons requesting a building permit shall fill out a building permit application available from the City Clerk's office. All applications for building permits shall be accompanied by a certificate of survey (if determined to be required by the Zoning Administrator) or a scaled site plan. The site plan shall show dimensions of existing and/or proposed structures to be erected or structurally altered, their location on the zoning lot in relation to the outside boundary, the required off-street parking plan, and such other information as may be necessary to provide for the enforcement of these regulations.
2. Completed building permit applications together with the building permit fee shall be submitted to the City Clerk. If the proposed structure conforms in all respects to This Ordinance, and after approval by the City Council where required, a building permit shall be issued by the building official.
3. If the proposed structure involves the need for a zoning amendment, variance, or conditional use permit, the application signed by the owner, together with a site plan, shall be submitted to the planning commission and/or board of appeals, as appropriate, for review and appropriate action according to the procedures set forth herein.
4. Certificate of occupancy. No new structure or addition, and no change in use of an existing structure shall be occupied other than for a public utility use until a certificate of occupancy has been issued stating that the new occupancy complies with all applicable provisions of this Code.
5. Every building permit issued by the City Clerk/Zoning Administrator or Building Official shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. All exterior construction and landscaping must be completed within one (1) year after the date of issuance.
6. For the purposes of enforcing This Ordinance, no person shall erect, alter, remodel, demolish, or move any kind of structure or building or part thereof without first securing a building permit. General maintenance of a structure is exempt from this requirement.
 - a. In the Shoreland Overlay District, a permit is required for the construction of buildings or building additions (including such related activities as construction of decks and signs).
 - b. Persons requesting a building permit shall fill out a building permit form available from the City Clerk's office. The following items shall accompany the building permit application unless this requirement is waived by the Zoning Administrator.

Madison Lake Zoning Ordinance

CHAPTER 24. PLANNED UNIT DEVELOPMENTS (PUD)

O. BUILDING PERMITS. (cont'd)

6. (cont'd)
 - b. (cont'd)
 - 1). Boundary survey of an area if the Zoning Administrator requires such a survey including the property in question showing existing utilities, lot boundaries and dimensions, buildings, easements, foliage, topography, and waterways if pertinent.
 - 2). Preliminary building and site development plan showing building's location, dimensional parking and loading arrangements, vehicular and pedestrian access and egress, surface drainage plan, landscaping plan, utility plan, screening plan, size, and location of all signs, building floor plans of all floors, and elevations of all specifications as appropriate.
 - c. Procedure:
 - 1). Persons requesting a building permit shall fill out a building permit form available from the City.
 - 2). Completed building permit forms and a fee as may be established by City Council Ordinance shall be submitted to the Zoning Administrator. If the proposed development conforms in all respects to the Zoning Ordinance, a building permit shall be issued by the City Clerk/Zoning Administrator or Building Official within a period of sixty (60) days.
 - 3). Certificate of Compliance: The Zoning Administrator shall issue a certificate of compliance for each activity requiring a permit as specified in this Chapter. The certificate may take the form of a signature on the building permit application and will specify the use of land and that the proposed action conforms to the requirements of This Ordinance.
 - d. Any use, arrangement, or construction in difference with the approved building permit shall be punishable as provided in This Ordinance.
 - e. Every building permit issued by the City expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. All exterior construction and landscaping must be completed within one (1) year after the date of issuance.

Madison Lake Zoning Ordinance

CHAPTER 25. ENFORCEMENT, REPEAL, EFFECTIVE DATE

A. VIOLATIONS AND PENALTIES.

1. Violations.

- a. The violation of any provision of This Ordinance or the violation of the conditions or provisions of any permit issued pursuant to This Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine or imprisonment for a term not to exceed ninety (90) days or both.
- b. In cases where a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used in violation of This Ordinance, the City Clerk or designee, in addition to other remedies may institute any proper action or proceedings in the name of the City. The City and/or its designee shall hereby have the power to prevent unlawful erection, construction, repair, conversion, maintenance or use to restrain, correct, or abate such violation to prevent any illegal act, conduct, business or use in or about said premises. It shall be the duty of the City and/or its designee to institute action.

2. Penalties.

- a. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.
- b. Equitable Release: In the event of a violation or the threatened violation of any provision of This Ordinance or any provision or condition of a permit issued pursuant to This Ordinance, the City in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

B. REPEAL AND DATE EFFECTIVE.

All Ordinances previously in effect pertaining to the regulation of land uses within the City and/or applicable scope and jurisdiction of This Ordinance, to the extent inconsistent with these provisions, are hereby repealed.

This Ordinance shall be in full force and effect from and after January 1, 2025 Ordained by the City Council of the City of Madison Lake on this date.

C. ADMINISTRATION.

1. PURPOSE.

The purpose of this Chapter is to outline Administration of This Ordinance and establish procedures for non-conformances, exceptions, of administrating officers and commission.

Madison Lake Zoning Ordinance

CHAPTER 25. ENFORCEMENT, REPEAL, EFFECTIVE DATE

C. ADMINISTRATION. (cont'd)

2. APPLICATION.

- a. In its interpretation and application, the provisions of This Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.
- b. Where the conditions imposed by any provision of This Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.
- c. Except as in This Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered and no structure or land shall be used for any purpose or in any manner which is not in conformity with This Ordinance.

3. EXISTING LOTS.

A lot or parcel of land for which a deed, recorded contract for deed or other legal conveyance has been executed prior to the effective date of This Ordinance shall be deemed a buildable lot provided it can meet the minimum setback requirements in the zoning district where it is located.

4. NON-CONFORMANCE.

The lawful use of any land or structures existing at the time of the effective date of This Ordinance may be continued, at the size and in the manner of operation existing on such date, even if such use does not conform to the regulations of This Ordinance subject to the following provisions:

- a. Nonconforming structures.
 - 1). Maintenance. Any nonconforming building or structure existing at the time of the adoption of an additional control under This Ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, subject to paragraphs B. and C. of this subdivision.
 - 2). Enlargement. A nonconforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made to bring the building or structure into conformity with the regulations of This Ordinance.
 - 3). Restoration. A nonconforming building or structure that is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, may be restored under the following conditions:

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C. ADMINISTRATION. (cont'd)

4. NON-CONFORMANCE. (cont'd)

a. Nonconforming structures. (cont'd)

3). Restoration. (cont'd)

- a). A building permit is applied for within 180 days of when the property is damaged;
- b). The restoration shall be permitted provided that it repairs and restores the existing structure; and
- c). Any changes that would result in an increase in nonconformity or enlargement of the structure shall not be permitted. However, if a proposed change would result in a decrease in the degree of nonconformity the proposed restoration may be permitted at the discretion of the zoning administrator.

b. Nonconforming uses and structures.

- 1). Enlargement or alteration. No nonconforming structure or use shall be enlarged or increased, or extended to occupy a greater area than was occupied when the use became non-conforming, except in the following case:

A nonconforming use may be extended throughout any parts of an existing structure which were manifestly arranged or designed for such use when the use became nonconforming, but no such use shall be extended to occupy land outside the structure.

- 2). Relocation. No nonconforming use or structure shall be moved in whole or in part to any other part of the parcel of land upon which the use or structure was conducted at the time of passage of This Ordinance, nor shall the use or structure be moved in whole or in part to any other zoning lot except to bring it into conformance with the regulations of This Ordinance.
- 3). Discontinuance or abandonment. A nonconforming use or structure that has been discontinued or abandoned for a period of one year shall not be reestablished and any future use shall be in conformity with the regulations of This Ordinance.
- 4). Status change.
 - a). A nonconforming use of a structure or land may be changed to a similar nonconforming use or a more restrictive nonconforming use. Once a structure or parcel of land has been changed to a more restrictive nonconforming use, it shall not return to a less restrictive use.

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C. ADMINISTRATION. (cont'd)

4. NON-CONFORMANCE. (cont'd)

b. Nonconforming uses and structures. (cont'd)

4). Status change. (cont'd)

b). When a nonconforming structure or use of land has been changed to a conforming use or structure, it shall not thereafter be changed back to a nonconforming use or structure.

c). When a nonconforming use meets the requirements for and is granted a conditional use permit as an allowed conditional use in that district, such use or structure is thereafter deemed a conforming use subject to the terms of the conditional use permit.

5. SPECIAL REQUIREMENTS: CITY APPROVALS.

a. Condition for approval. The City may not issue a Conditional Use Permit (CUP), Planned Unit Development (PUD), or building permit for an addition which increases the leasable floor area or density for any property that is not in compliance with the provisions of this Chapter.

b. Exception. If a new use requiring a CUP or PUD is proposed for part of a multiple tenant building, and there are no exterior modifications needed to accommodate the new tenant which would result in an increase in floor area ratios, ground floor area ratio, building height, density, or a decrease in required yards, or other substantial change (other than property improvement to meet building code requirements), then the City may issue a CUP or PUD provided that the following standards are met:

1). The new use does not involve an expansion of the nonconformity or otherwise increase the noncompliance with the provisions of this chapter.

2). Any nonconformity or other items of noncompliance existing on the site shall be brought into greater or complete compliance with this chapter to the extent reasonable and possible, except that great or complete compliance will not be required with the following provisions of this chapter:

a). Lot area.

b). Lot width.

c). Required yards.

d). Building height.

e). Floor area ratio.

f). Ground floor area ratio.

g). Density.

h). Useable open space.

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C. ADMINISTRATION. (cont'd)

5. SPECIAL REQUIREMENTS: CITY APPROVALS. (cont'd)

b. (cont'd)

3). Permitted construction. Construction is permitted under the following circumstances:

- a). The repair, replacement, restoration, maintenance, or improvement of any nonconformity, but not including expansion.
- b). Construction which would allow additions and alteration to buildings containing nonconforming dwelling units complying with the following conditions:
 - i. The construction will not result in the increase of dwelling units; and
 - ii. The building or parcel is not located in an area which the Council has designated as a high priority for redevelopment according to an adopted redevelopment strategy or plan. For the purpose of this section, a redevelopment strategy or plan shall be defined as a document and/or process which specifically outlines the area to be redeveloped and may include timelines and/or action steps to be taken, or which are being taken, to achieve the redevelopment. These action steps may include, but are not limited to, solicitation of developers, the purchase of property, environmental testing or remediation, demolition of structure and other similar activities.

c). Change to less intense use. A nonconforming use may be changed to a less intense nonconforming use subject to approval by the Zoning Administrator. The property owner or tenant has the burden of providing evidence that the proposed use is less intense than the existing nonconforming use. The Zoning Administrator shall consider the evidence provided by the property owner or tenant in evaluating relative intensities including, but not limited to, each of the following factors:

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C. ADMINISTRATION. (cont'd)

5. SPECIAL REQUIREMENTS: CITY APPROVALS. (cont'd)

b. (cont'd)

3). Permitted construction. (cont'd)

c). Change to less intense use. (cont'd)

- i. Hours of operation.
- ii. Signage.
- iii. Off-street parking and loading.
- iv. Nature of business operations.
- v. Type of equipment or machinery.
- vi. Outdoor storage.
- vii. Number of employees.
- viii. Aesthetic impacts on surrounding property.
- ix. Property values.

The decision of the zoning administrator may be appealed as per This Ordinance.

- 4). Reduction in nonconformity. Any nonconformity which is reduced in size, intensity or otherwise becomes conforming may not again expand or become less conforming.

6. USE OF EXISTING LOTS OF RECORD.

a. In any district where residential dwellings are permitted, a garage or accessory building may be located on any lot or plot of official record improved with a dwelling unit as of the date of this Chapter regardless of its area or width; provided, however;

- 1). The proposed accessory building complies with setback regulations set forth in the respective zoning district.
- 2). The proposed accessory building complies with maximum site coverage requirements set forth in the respective zoning district.
- 3). The proposed accessory building complies with all other provisions contained in This Ordinance.

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C. ADMINISTRATION. (cont'd)

6. USE OF EXISTING LOTS OF RECORD. (cont'd)

b. A nonconforming single lot of record in a shoreland area can be allowed as a building site without need for variances from lot size restrictions as long as all structural setbacks can be met and is connected to a public sewer system, and does not exceed 25% impervious surface by area. With two or more contiguous lots of record under common ownership, each lot would not be considered a separate parcel for purposes of sale or development as long as it meets the following requirements:

- 1). The lot is 66% of the State shoreland dimensional width and size standards in MN Rules Chapter 6120,
- 2). It is connected to a public sewer,
- 3). It does not exceed 25% impervious surface by area;
- 4). Development of the lot would be consistent with an adopted Comprehensive plan.

If these conditions cannot be met, lots must be combined so they equal one or more conforming lots to the extent possible.

c. Variances of area, width and yard requirements shall be obtained only in accordance with this Ordinance.

7. NON-CONFORMING SIGNS.

Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use. Business signs on the premises of a non-conforming building or use may be continued, however, such signs shall not be increased in number, area, height, or illumination. No sign erected before the passage of this Ordinance shall be rebuilt, altered, or moved to a new location on the affected property without being brought into compliance with the requirements of this Ordinance. Revised 10/22/2007; 06/07/2010; 01/01/2025.