

**CITY OF MADISON LAKE, MINNESOTA  
ZONING ORDINANCE #2013-11**

STATE OF MINNESOTA  
COUNTY OF BLUE EARTH  
CITY OF MADISON LAKE

**An Ordinance Revising Zoning Chapters 5, 6, 7, 9, & 10 to Allow for Daycare  
Centers with a Conditional Use Permit**

**BE IT ORDAINED** by the City Council of the City of Madison Lake, Minnesota, as follows:

***HAPTER 1 "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.***

***Subd. 1. Purpose.***

The purpose of the R-1 Single Family Residential District is to provide for low-density, single family residences and directly related complimentary uses.

***Subd. 2. Permitted Uses.***

- A. The following uses are permitted in the non-shoreland portion of the "R-1" Single Family Residential District:
1. Single-family dwelling.
  2. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
  3. Public parks and playgrounds.
  4. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
  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, provided that:
    - a. Side yards shall be double that required for the district.
    - b. No building shall be located within thirty (30) feet of any lot line of an abutting lot in an Residential District.
    - c. Said structures are adequately screened form adjacent properties as determined by the Planning Commission and/or City Council except that religious institutions such as churches shall be exempt from this individual provision.
    - d. Adequate screening from abutting residential uses is provided.
    - e. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.
- B. The following uses are permitted in the shoreland overlay portion of the "R-1" Single Family Residential District:

1. Recreational Development Shoreland (Madison/Ballantyne)
  - a. Single family residential dwelling units.
  - b. Forest Management.
  - c. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
  - d. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
  
2. General Development Shoreland (Duck Lake)
  - a. Single family residential dwelling units.
  - b. Forest Management.
  - c. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
  - d. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.

**Subd. 3. Accessory Uses.**

The following are permitted accessory uses in the "R-1" Residential District. These are in addition to Chapter 22, General District Provisions:

- A. Private garages, parking spaces and carports, provided said garage shall not be used for the storage of commercial vehicles.
- B. Recreational vehicles and equipment displaying current licenses and in operable condition.
- C. Home Occupations as regulated by Chapter 18 of this Ordinance.
- D. 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.
- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment.
- F. 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.
- G. Piers and Docks 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.
- H. Fences.
- I. One (1) lodging room per single-family dwelling.
- J. Tool houses, sheds and similar non-commercial storage buildings.
- K. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 6 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:

1. 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.
  2. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
  3. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
  4. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
  5. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
  6. 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.
- L. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

**Subd. 4. Conditional Uses.**

- A. The following are conditional uses in non-shoreland overlay portion of the "R-1" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
1. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
  2. An apartment or two family residences.
  3. Municipal administration buildings, post offices, fire stations, museums, art galleries and other municipal service type buildings provided said building(s) shall not be located within fifty (50) feet of any lot in a residential district.
  4. Residential Planned Unit Developments per Chapter 17 of this ordinance.
  5. Hospitals and clinics.
  6. Daycare Centers
- B. The following are conditional uses in shoreland overlay portion of the "R-1" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
1. Recreational Development Shoreland (Madison/Ballantyne):
    - a. Semi-public uses as described and regulated by Chapter 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
    - b. Parks and Historic sites.
    - c. An apartment or two family residences.
    - d. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.

e. Daycare Centers

2.. General Development Shoreland (Duck Lake)

- a. Semi-public uses as described and regulated by Chapter 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
- b. Parks and Historic sites.
- c. An apartment or two family residences.
- d. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.
- e. Daycare Centers.

**Subd. 5. Interim Uses.**

- A. The following are interim uses in the non-shoreland and shoreland overlay portion of the "R-1" Residential District (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):
  1. Storage of commercial vehicles, provided said vehicles are in operable condition and display current licenses.
  2. Use of the basement as an independent resident or living unit providing dwelling unit area requirements of Chapter 7, Subd.6(F) are achieved and adequate off street parking is available per Chapter 20 of this Ordinance.

**CHAPTER 2 "R-2" TWO-FAMILY RESIDENTIAL DISTRICT.**

**Subd. 1. Purpose.**

The purpose of the R-2 Two-Family Residential District is to provide for low-density, two-family residences and directly related complimentary uses.

**Subd. 2. Permitted Uses.**

- A. The following uses are permitted in the non-shoreland portion of the "R-2" Two-Family Residential District:
  1. Two-family dwelling.
  2. Single family dwelling.
  3. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
  4. Public parks and playgrounds.
  5. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
  6. 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, provided that:
    - a. Side yards shall be double that required for the district.
    - b. No building shall be located within thirty (30) feet of any lot line of an abutting lot in an Residential District.

- c. Said structures are adequately screened from adjacent properties as determined by the Planning Commission and/or City Council except that religious institutions such as churches shall be exempt from this individual provision.
  - d. Adequate screening from abutting residential uses is provided.
  - e. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.
- C. The following uses are permitted in the shoreland overlay portion of the "R-2" Two Family Residential District:
- 1. Recreational Development Shoreland (Madison/Ballantyne)
    - a. Single and two family residential dwelling units.
    - b. Forest Management.
    - c. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
    - d. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
  - 2. General Development Shoreland (Duck Lake)
    - a. Single and two family residential dwelling units.
    - b. Forest Management.
    - c. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
    - d. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.

**Subd. 3. Accessory Uses.**

The following are permitted accessory uses in the "R-2" Residential District:

- A. Private garages, parking spaces and carports, provided said garage shall not be used for the storage of commercial vehicles.
- B. Recreational vehicles and equipment displaying current licenses and in operable condition.
- C. Home Occupations as regulated by Chapter 18 of this Ordinance.
- D. 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.
- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment.
- A. 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 provided said facilities display current licenses and are not used as independent living/sleeping quarters.
- F. Piers and Docks 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.
- G. Fences.
- H. One (1) lodging room per single-family dwelling.
- I. Tool houses, sheds and similar non-commercial storage buildings.

- J. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 5 of this Chapter and Chapter 22, Subd. 3(A) 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 shorelands 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.
  - 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.
- K. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

**Subd. 4. Conditional Uses.**

- A. The following are conditional uses in non-shoreland overlay portion of the "R-2" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
1. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
  2. Municipal administration buildings, post offices, fire stations, museums, art galleries and other municipal service type buildings provided said building(s) shall not be located within fifty (50) feet of any lot in a residential district.
  3. Residential Planned Unit Developments per Chapter 17 of this ordinance.
  4. Hospitals and clinics.
  5. Daycare Centers
- B. The following are conditional uses in shoreland overlay portion of the "R-2" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
1. Recreational Development Shoreland (Madison/Ballantyne):
    - a. Semi-public uses as described and regulated by Chapter 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
    - b. Parks and Historic sites.
    - c. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.
    - d. Daycare Centers
  2. General Development Shoreland (Duck Lake)
    - a. Semi-public uses as described and regulated by Chapter 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
    - b. Parks and Historic sites.
    - c. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.
    - d. Daycare Centers

**Subd. 5. Interim Uses.**

- A. The following are interim uses in non-shoreland and shoreland overlay portion of the "R-2" Residential District (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):
1. Storage of commercial vehicles, provided said vehicles are in operable condition and display current licenses.
  2. Use of the basement as an independent resident or living unit providing dwelling unit area requirements of Chapter 7, Subd.6(F) are achieved and adequate off street parking is available per Chapter 20 of this Ordinance.

## **CHAPTER 3 "R-3" MULTIPLE-FAMILY RESIDENTIAL DISTRICT.**

### **Subd. 1. Purposes.**

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

### **Subd. 2. Permitted Uses.**

- A. The following uses are permitted in the non-shoreland overlay portion of the "R-3" Residential District:
  1. Single-Family Dwelling.
  2. Two-Family Dwelling.
  3. Licensed Day Care Home or facilities serving sixteen (16) or fewer persons.
  4. Multiple-family dwelling structures consisting of three (3) or more units.
  5. Public parks and playgrounds.
  6. Licensed residential facilities (group homes) serving sixteen (16) or fewer persons.
  7. 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, provided that:
    - a. Side yards shall be double that required for the district.
    - b. No building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District.
    - c. A fence shall be erected along the boundary line which is common with private property, except that religious institutions such as churches shall be exempt from this individual provision.
    - d. Adequate screening from abutting residential uses is provided.
    - e. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.
- B. The following uses are permitted in the shoreland overlay portion of the "R-3" Residential District:
  1. Recreational Development Shoreland (Madison/Ballantyne):
    - a. Single-Family Dwelling.
    - b. Two-Family Dwelling.
    - c. Multiple-family dwelling structures consisting of three (3) or more units.
    - d. Licensed Day Care Home or facilities serving sixteen (16) or fewer persons.
    - e. Licensed residential facilities (group homes) serving sixteen (16) or fewer persons.
    - f. Forest Management.
  2. General Development (Duck Lake):
    - a. Single- Family Dwelling.
    - b. Two-Family Dwelling.
    - c. Multiple-family dwelling structures consisting of three (3) or more units.

- d. Licensed Day Care Home or facilities serving sixteen (16) or fewer persons.
- e. Licensed residential facilities (group homes) serving sixteen (16) or fewer persons.
- f. Forest Management.

**Subd. 3. Accessory Uses.**

The following are permitted accessory uses in the "R-3" Residential District:

- A. Private garages, parking spaces and carports, provided said garage shall not be used for the storage of commercial vehicles.
- B. Recreational vehicles and equipment in operable condition and displaying current licenses.
- C. Home Occupations as regulated by Chapter 18 of this Ordinance.
- D. 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.
- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment.
- F. Fences.
- B. 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 provided said facilities display current licenses and are not used as independent living/sleeping quarters.
- G. Piers and Docks 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.
- H. One lodging room per single-family dwelling.
- I. Tool houses, sheds and similar non-commercial storage buildings.
- J. Community laundry facilities, storm shelters, park offices and recreational buildings, provided that such structures are of a permanent nature.
- K. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 5 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:
  - 1. 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.
  - 2. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
  - 3. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
  - 4. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.

5. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
  6. 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.
- L. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

**Subd. 4. Conditional Uses.**

- A. The following are conditional uses in the non-shoreland overlay portion of the "R-3" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
1. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
  2. Municipal administration buildings, post offices, fire stations, museums, art galleries and other municipal service type buildings provided said building(s) shall not be located within fifty (50) feet of any lot in a residential district.
  3. Residential Planned Unit Developments per Chapter 17 of this ordinance.
  4. Hospitals and clinics.
  5. Nursing Homes and similar group housing, but not including hospitals, sanitariums or similar institutions, provided that:
    - a. Side yards are double the minimum requirements established for this district.
    - b. Only the rear yard shall be used for play or recreational areas.
    - c. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
    - d. All state laws governing such use are strictly adhered to and all required operating permits are secured.
    - e. The proposed nursing home or similar group housing is in compliance with all other provisions of this Ordinance.
  6. Elderly (senior citizen housing), provided that:
    - a. Elevator service is provided to each floor level above ground floor.
    - b. The proposed use is in compliance with all other provisions of this Ordinance.
  7. Daycare Centers
- B. The following are conditional uses in the shoreland overlay portion of the "R-2" Multiple Family Residential District (Requires a conditional use permit as outlined in Chapter 23, Subd. 10):
1. Recreational Development Shoreland (Madison/Ballantyne)
    - a. Residential Planned Unit Developments and thereto directly related surface water oriented commercial uses.

- b. Semi-public uses as identified and in conformance with standards identified in Sect 6, Subd. 2(A)7 and Sect. 6, Subd. 4(A)1&2.
  - c. Parks and historic sites.
  - d. Daycare Centers
2. General Development Shoreland (Duck Lake)
- a. Residential Planned Unit Developments and thereto directly related surface water oriented commercial uses.
  - b. Semi public uses as identified and in conformance with standards identified in Sect 6, Subd. 2(A)7 and Sect. 6, Subd. 4(A)1&2.
  - c. Parks and historic sites.
  - d. Daycare Centers

**Subd. 5. Interim Uses.**

- A. The following are conditional uses in the non-shoreland and shoreland overlay portion of the "R-3" Residential District (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):
  - 1. Storage of commercial vehicles, provided said vehicles are in operable condition and display current licenses.
  - 2. Use of the basement as an independent resident or living unit providing dwelling unit area requirements of Chapter 7, Subd.6(F) are achieved and adequate off-street parking is provided per Chapter 20 of this Ordinance.

**CHAPTER 4 "B-1" HIGHWAY COMMERCIAL BUSINESS DISTRICT.**

**Subd. 1. 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.

**Subd. 2. Permitted Uses.**

- A. The following are permitted uses in the non-overlay portion of the "B-1" Highway Commercial Business District:
  - 1. Antique stores.
  - 2. Apparel store.
  - 3. Auto accessory store.
  - 4. Barber shops and beauty parlors.
  - 5. Bowling alleys.
  - 6. Clinics, medical and dental.
  - 7. Commercial recreational uses.
  - 8. Convenience stores, without motor fuel facilities.
  - 9. Dance halls.
  - 10. Department store.
  - 11. Essential services.
  - 12. Forest Management.
  - 13. Florists.

14. Funeral homes and mortuaries.
15. Gift Shops.
16. Governmental (including Fire and Police stations) and public related utility buildings and structures.
17. Green houses, nurseries and garden stores.
18. Hospitals and medical buildings.
19. Lumber yard, construction material sales, garden and landscaping sales and services (including produce).
20. Major automotive repair.
21. Motel.
22. Motor/recreational vehicle, farm implement and recreation equipment sales, uses, structures and outdoor sales and storage accessory thereto.
23. Office or professional building.
24. Off-sale liquor establishment.
25. On-sale liquor establishment.
26. Printing shops.
27. Private clubs or lodges serving food and beverages.
28. Restaurants, not of the drive-in, convenience or drive-through type.
29. Surface Water Oriented Commercial.
30. Video store.
31. Wholesale businesses.
32. Wholesale or warehouse operations.
33. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

- B. The following are permitted uses in the shoreland overlay portion of the "B-1" Highway Commercial District:
  - 1. Recreational Development Shoreland (Madison/Ballantyne):
    - a. Uses identified in Chapter 9, Subd. 2A, all sub-items, except parks and historic sites.
  - 2. General Development Shoreland (Duck Lake):
    - a. Uses identified in Chapter 9, Subd. 2A, all sub-items, except parks and historic sites.

**Subd. 3. Accessory Uses.**

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

- A. Any incidental repair, processing and storage necessary to conduct a principal use, but not to exceed thirty percent (30%) of the floor space of the principal building.
- B. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.
- C. Fences.
- D. Landscaping.
- E. Piers and Docks.
- F. Off-Street Parking Facilities and Off-Street Loading Facilities as regulated by Chapter 20 of this Ordinance.
- G. Apartments/Multi-Family: 1<sup>st</sup> floor apartments related to Business structures (located in rear of business). 2<sup>nd</sup> story apartments related to Business structures.

**Subd. 4. Conditional Uses.**

- A. 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 23, Subd. 10 of this Ordinance):
  - 1. Commercial Planned Unit Developments as regulated by Chapter 17 of this Ordinance.
  - 2. Drive-in and convenience food establishments, provided that:
    - a. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
    - b. Parking areas shall be screened from the view of abutting residential districts.
    - c. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
    - d. Provisions are made to control and reduce noise.
    - e. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
    - f. The entire area shall have a drainage system subject to the approval of the City Engineer.

- g. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
  - h. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  - i. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
3. Commercial car washes (drive through, self-service and mechanical) provided that:
- a. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - b. Parking areas shall be screened from the view of abutting residential districts.
  - c. Stacking space is constructed, subject to approval by the City Engineer, to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period.
  - d. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
  - e. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
  - f. The entire area shall have a drainage system subject to the approval of the City Engineer.
  - g. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
  - h. Provisions are made to control and reduce noise.
  - i. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
4. Motor vehicle and truck fuel sales, auto repair and service, provided that:
- a. Motor fuel facilities are installed in accordance with state and city standards.
  - b. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
  - c. Wherever fuel pumps are to be installed, pump islands shall be installed.
  - d. A protective canopy located over the pump island(s) may be an accessory structure on the property; however, adequate visibility both on and off site shall be maintained.
  - e. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
  - f. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
  - g. Parking areas shall be screened from the view of abutting residential districts.
  - h. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
  - i. Provisions are made to control and reduce noise.
  - j. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
  - k. The entire area shall have a drainage system subject to the approval of the City Engineer.



B. The following are conditional uses in the shoreland overlay portion of the "B-1" Highway Commercial District (requires a conditional use permit per Chapter 23, Subd. 10 of this Ordinance):

1. Recreational Development Shoreland (Madison/Ballantyne):
  - a. Parks and historic sites.
  - b. Conditional uses identified in Chapter 9, Subd. 4A, sub-parts 1-6.
  - c. Daycare Centers
2. General Development Shoreland (Duck Lake):
  - a. Parks and historic sites.
  - b. Conditional uses identified in Chapter 9, Subd. 4A, sub-parts 1-6.
  - c. Daycare Centers

**Subd. 5. Interim Uses.**

A. The following are interim uses in the non-shoreland overlay portion of the "B-1" Highway Commercial Business District (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):

1. "Off-site" advertising signs.
2. Industrial Uses.

**CHAPTER 5 "B-2" CENTRAL BUSINESS DISTRICT. ("B-2 A" ADULT USE DISTRICT)**

**Subd. 1. 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.

**Subd. 2. Permitted Uses.**

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

1. Barber shops and beauty parlors.
2. Convenience grocery stores, without motor fuel facilities.
3. Essential services.
4. Funeral homes and mortuaries.
5. Governmental and public related utility buildings and structures.
6. Laundromat/dry cleaning.
7. Municipal buildings/offices, libraries, Postal Service offices.
8. Professional and commercial leased offices.

9. Other retail and service uses, like the following examples:

- Antique shops.
- Apparel or clothing stores, tailor shops.
- Appliance stores.
- Art gallery or arts supply store.
- Auto accessory stores.
- Bakeries.
- Bank or saving institutions.
- Bars.
- Bicycle sales and repair.
- Book stores and newsstands.
- Bus terminal.
- Candy shop.
- Dance hall, nightclub or tavern.
- Department store.
- Drug stores.
- Florists.
- Furniture stores.
- Gift stores, novelty or souvenir shops.
- Grocery stores.
- Hardware stores.
- Health club and gymnasium.
- Interior decorating stores.
- Jewelry stores.
- Luggage and leather goods.
- Motels and hotels.
- Music studio.
- Newspaper and magazine sales.
- Novelty stores.
- Optical stores.
- Pet stores.
- Photography studios.
- Pottery stores.
- Printing shops.
- Private clubs or lodges serving food and beverages.
- Restaurants, not of the drive-in, convenience or drive-through type.
- Shoe and footwear sales and repair.
- Specialty stores.
- Sporting goods stores.
- Theatres.
- Travel bureau.
- Variety stores.

10. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

11. Motor/recreational vehicle, farm implement and recreation equipment sales, uses, structures and outdoor sales and storage accessory thereto.

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

1. Recreational Development Shoreland (Madison/Ballantyne):

- a. Surface water oriented commercial.
  - b. Public, Semi-public uses.
  - c. Commercial uses identified in Chapter 10, Subd. 2A, subitems 1, 2, 4, 8 & 9.
  - d. Forest Management.
2. General Development Shoreland (Duck Lake):
- a. Surface water oriented commercial.
  - b. Public, Semi-public uses.
  - c. Commercial uses identified in Chapter 10, Subd. 2A, subitems 1,2,4,8, & 9.
  - d. Forest Management.

**Subd. 3. Accessory Uses.**

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

- A. 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.
- B. Piers and Docks.
- C. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 5 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:
  - 1. 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.
  - 2. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
  - 3. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
  - 4. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
  - 5. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
  - 6. 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.
- D. Off-street parking facilities (not including semi-trucks) and off-street loading facilities as regulated by Chapter 20 of this Ordinance.
- E. Apartments/Multi-family: 1<sup>st</sup> floor apartment related to Business structure (located in rear of business. 2<sup>nd</sup> floor apartments related to Business structure.

**Subd. 4. Conditional Uses.**

- A. 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 23, Subd. 10 of this Ordinance):
1. Commercial Planned Unit Developments as regulated by Chapter 17 of this Ordinance.
  2. Adult use 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.
    - 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.
  3. Daycare Centers
- B. The following are conditional uses in the shoreland overlay portion of the "B-2" Central Business District.
1. Recreational Development Shoreland (Madison/Ballantyne).
    - a. Uses identified in Chapter 10, Subdivision 2(A)3, 5 & 7.
    - b. Commercial Planned Unit Developments.
    - c. Park and historic sites.
    - d. Daycare Centers
  2. General Development Shoreland (Duck Lake).
    - a. Uses identified in Chapter 10, Subdivision 2(A)3, 5 & 7.
    - b. Commercial Planned Unit Developments.
    - c. Park and historic sites.
    - d. Daycare Centers

**Subd. 5. Interim Uses.**

- A. The following are interim uses in the non-shoreland portion of the "B-2" Central Business District (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):
1. Buildings combining residential and non-residential uses allowed in this District provided that:
    - a. Residential uses shall be confined to the second or third floor or rear portion of the building.
    - b. Minimum dwelling unit size requirements established in Chapter 7, Subdivision 5(F) of this Ordinance are achieved.
    - c. Off-Street Parking for residential uses are provided per Chapter 20 of this Ordinance.
    - d. The residential and non-residential uses shall not conflict in any manner.

**Effective Date**

This ordinance shall take effect upon its passage and publication.

**Penalty**

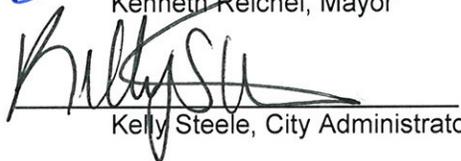
Any person, firm, or corporation who violates any provision of this code shall be guilty of a misdemeanor. See City of Madison Lake Code §10.99.

**Adopted by the City Council of the City of Madison Lake, Minnesota this 5<sup>th</sup> day of August, 2013.**

Dated: 8-5-13

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Kenneth Reichel, Mayor

  
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Kelly Steele, City Administrator