

**CITY OF WALKER
CASS COUNTY, MINNESOTA
ORDINANCE No. 2023-03**

**AN ORDINANCE AMENDING PART II: LAND DEVELOPMENT AND LAND USE
ORDINANCE, CHAPTER 109: ZONING AND SUBDIVISIONS, ARTICLE V.
PERFORMANCE STANDARDS, SECTION 109-269. COMMERCIAL/INDUSTRIAL
PERFORMANCE STANDARDS**

SECTION 1. Part II: Land Development and Land Use Ordinance, Chapter 109: Zoning and Subdivisions, Article V. Performance Standards, Section 109-151. Commercial/Industrial Performance Standards

Sec. 109-151. – Commercial/Industrial Performance Standards

The following commercial/industrial (CBD, TC, GC, WC, I) performance standards are established by the city:

- (1) *Building requirements.* All newly constructed buildings and building additions shall meet the requirements of the Minnesota State Building Code. All buildings designed for public use shall be designed by a licensed architect and shall meet the Federal Americans with Disabilities Act requirements.
- (2) *Multifamily or multi-tenant buildings.* Multifamily or multi-tenant buildings shall have a one-hour fire rating on all party walls and floors and shall be designed to a 45-decibel rating between units. The architect shall certify that the building design meets these requirements.
- (3) *Short-term mooring.* 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.
- (4) *Stairways, lifts, and landings.* 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 must meet the following design requirements:
 - a. Stairways and lifts must not exceed four feet in overall 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 24 square feet in area. Landings larger than 24 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 waters, assuming summer, leaf-on conditions, whenever practical.
 - f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections (4)a through e of this section are complied with.
- (5) *Fertilizer and pesticides.* Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.
 - (6) *Lots joined together for zoning permits.* Lots joined together for zoning permit applications shall not be divided in the future but shall be tied together by restrictions filed with the county recorder permanently requiring that the lots be considered as one lot only.
 - (7) *Significant historical sites.* A significant historical site may not be modified, altered, or built upon in a manner which affects the historical value or nature of the site without consultation with the state historic preservation officer.
 - (8) *Controlled access lots (See Minn. Rules pt. 6120.3300, subpt. 2(E)a).* Lots intended for controlled access to public waters for use by more than one owner must meet or exceed the following standard conditions. Said use shall require a conditional use permit.
 - a. The lot must meet the width and size for a residential lot in this zoning district and be suitable for use for controlled access.
 - b. Six watercraft may be moored on a standard sized lot. The lot width must be increased consistent with the following table for each watercraft in excess of six:

Ratio of lake size to shore length (acres/mile)	Required increase in width (percent)
Less than 100	25
101—200	20
201—300	15
301—400	10
Greater than 400	5

- c. The lot must be jointly owned by all purchasers of the lots or units within the subdivision or planned unit development who are provided riparian access on the access lot. Dwelling units are prohibited on the controlled access lot.
- d. Covenants must be filed with the county recorder that specify which lot owners have an ownership interest in the lot, what activities are allowed, the number of vehicles parked, and the number of watercrafts allowed to be moored or stored.
- e. Activities which conflict with typical public uses of the lake or infringe on the rights of adjoining neighbors are prohibited.

- f. Parking and common facilities shall be centralized.
 - g. The developer shall provide screening.
- (9) *Accessory structures.* One water-oriented accessory structure or one boathouse is allowed providing the following requirements are met:
- a. The structure or facility must not exceed ten feet in height (one story maximum), 14 feet maximum from lowest ground elevation, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point.
 - b. The setback of the structure or facility from the ordinary high-water level must be at least ten feet.
 - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local units of government, assuming summer, leaf-on conditions.
 - d. The roof may be used as a deck with safety rails, but must not be enclosed, screened, roofed, or used as a storage area.
 - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
 - f. The lowest floor of the structure shall be three feet above the highest known water table, lake level, or flood level or shall be one foot above that level if the structure is constructed of flood-resistant materials, and electrical and mechanical equipment is at least three feet above that level and the structure is built to withstand ice action and wind-driven waves and debris.
- (10) *Patios.* A patio may be allowed as permitted use provided no other water-oriented accessory structure is located on the parcel and the required patio setback distance is met.
- (11) *Decks.* For decks to be added to structures constructed prior to the adoption of the ordinance from which this chapter is derived, such use shall be considered permitted, provided all the following apply:
- a. A thorough evaluation of the property and structure reveals no reasonable location exists for a deck meeting or exceeding the waterfront setback.
 - b. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing waterfront setback of the structure or does not encroach closer than 50 feet, whichever is more restrictive.
 - c. The deck is constructed primarily of wood and is not roofed or screened.
- (12) All new commercial structures in zones CBD, TC, GC, WC, and I, shall be compatible with the neighboring structures in mass, color, and exterior materials. In transitional commercial zones, the commercial property proposed must maintain a residential appearance so as to blend well with residential properties in the area and be applied for through a conditional use permit. The planning board may place reasonable size and

aesthetic conditions on projects to be compatible with the surrounding area. Each new commercial structure application shall first have the planning board approve a design checklist consisting of exterior finish material and vision of what the building will look like on all sides of the building. This includes landscaping and lighting.

- (13) *Landscaping.* All sites shall be landscaped with trees and shrubs in accordance with a landscape plan submitted prior to the application. Landscaping shall be maintained by the property owner.
- (14) *Water, sanitation, and solid waste facilities.* Water supply and sanitary facilities and solid waste storage facilities shall be adequate. Municipal water or sewage disposal shall be used if available to the site.
- (15) *Outside storage.* Temporary outside storage of goods and materials shall be allowed for special events but shall not exceed seven consecutive days. Permanent outside storage of materials or goods shall be screened per standards found in section 109-156. Automobiles displayed for sale do not apply to outdoor storage.
- (16) *Lighting.* Lighting shall be compatible with the surrounding development and in no case shall exterior light deflect or shine on to any adjacent residentially zoned property.
- (17) *Motels/hotels.* Motels/hotels shall have a one-hour fire rating on all party walls and floors and shall be designed to a 45-decibel rating between units. The architect shall certify these requirements.
- (18) *Industrial uses.* All proposed industrial uses shall be required to disclose any environmentally sensitive emissions, discharges, or waste products at the time of hearing. All uses that have the potential to create any environmentally sensitive emissions, discharges, or waste products shall be applied for through a conditional use permit. The allowable level of these parameters shall be established in the conditional use permit at least as restrictive as the applicable state or federal standards, and a testing program shall be established to monitor the facility. Exceeding the allowable level of any parameter shall constitute a failure to perform a condition of the conditional use permit.

(Code 2000, § 154.041; Ord. of 10-8-1998)

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 5th day of June, by the City Council of the City of Walker.

Jerecho Worth, Mayor

Hope Fairchild, City Administrator/Clerk-Trs.

MOTION:

SECOND:

Hansen:

Worth:

Moore:

Senenfelder:

Wilkening: