



NOTICE OF AGENDA

PLANNING COMMISSION MEETING

[City of Forest Lake - Link to Meeting Livestream](#)

Forest Lake City Center – Council Chambers
Forest Lake, Minnesota

February 11, 2026 – 6:00 PM

1. Call to Order
2. Roll Call
3. Oath of Office – Corey Goodwin
4. Election of Officers
5. Pledge of Allegiance
6. Approve the Agenda (Action)
7. Open Forum - Citizen Petitions, Requests and Concerns: Please sign in at the front table. *The Open Forum is available for residents to express personal opinions for any item of business. Please limit your comments to three (3) minutes.*
8. Consent Agenda Considerations (Action Items)*
 - a. Approve Minutes from Regular Meeting of January 28, 2026

**Planning Commission may remove any item from the consent agenda for specific consideration.*
9. Regular Agenda (Action Items)
 - a. *None*
10. Discussion
 - a. Subdivision Ordinance Amendment - Infrastructure Phasing and Premature Subdivision Language
 - b. BOOST Initiative - Proposed Chapter 150
11. Updates
12. Adjourn

*A quorum of the City Council is possible at all Board and Commission Meetings



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Wednesday, January 28, 2026

6:00 PM

City Center - Council Chamber

[City of Forest Lake - Livestream and Recorded Meetings](#)

1. Call to Order

The Meeting was called to order at 6:00 p.m.

2. Roll Call

Attendee Name	Title	Status	Arrived
Paul Girard	Commission Chair	Present	
Susan Young	Commission Vice-Chair	Present	
Andy Aplikowski	Planning Commissioner	Present	
Don Stehler	Planning Commissioner	Present	
Martin Huemann	Planning Commissioner	Present	
Jesse Wagner	Planning Commissioner	Present	
Tim Stender	Planning Commissioner	Present	

3. Pledge of Allegiance

4. Approve the Agenda

No comments on the Agenda.

Motion: Commissioner Stender made a Motion to Approve the Agenda as presented.
Motion seconded by Commissioner Young. Motion carried 7-0.

5. Open Forum – Citizen Petitions, Requests, and Concerns

*The Open Forum is available for residents to express personal opinions for any item of business.
Please limit your comments to three (3) minutes.*

None.

6. Consent Agenda Considerations (Action Items)*

a. Approve Planning Commission Meeting Minutes from January 14, 2026

No comments on the Consent Agenda.

Motion: Commissioner Young made a Motion to Approve Consent Agenda Item 6.a.
Motion seconded by Commissioner Stehler. Motion carried 6-1 (Aplikowski Abstained).

7. Regular Agenda (Action Items)



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Wednesday, January 28, 2026

6:00 PM

City Center - Council Chamber

a. Forest Lake Garage Condos located at PIN 20.032.21.12.0006 (Case File No. PZ25-1390 & 1391)

i. Planned Unit Development (PUD) Final Plan

ii. Final Plat

Assistant Community Development Director Gilmore reviewed the Final Plat and Planned Unit Development for the Forest Lake Garage Condos. He noted that the plan set was refined and the total number of garage condo units was reduced from 121 units to 105 units. He clarified that the unit count decreased because of on-site constraints.

Commissioner Stehler asked if they had similar condo projects in Forest Lake. Assistant Community Development Director Gilmore responded that it was a unique type of use.

Commissioner Stehler asked if the City reviewed the rules, regulations, and covenants for other condo projects. He asked what would happen if someone spent the night in the garage condo and who would enforce the regulations. Community Development Director Wittman answered that they reviewed the declarations and the City made sure there were no living uses within the facility. She said they were working through minor amendments, but they should be finalized before the City Council approval.

Commissioner Young expressed concerns about snow removal and snow storage. She asked how the edges of the ponds would be protected when snow is piled there. Community Development Director Wittman answered that the stormwater ponds were private.

Commissioner Young wanted to ensure the stormwater ponds maintained the capacity to do their job.

Chair Girard asked for an update on the outdoor storage. Assistant Community Development Director Gilmore answered that the outdoor storage is very restricted.

Chair Girard asked if the outdoor storage was only available for condo owners. Community Development Director Wittman answered that outside parties could rent, but would have to purchase into the association.

Chair Girard asked if they got the sewer availability charge and water availability charge for each of the units. Community Development Director Wittman confirmed this information.

Community Development Director Wittman stated that the easements are private easements for the association. She said that there would be maintenance agreements with the watershed.



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Wednesday, January 28, 2026

6:00 PM

City Center - Council Chamber

Commissioner Young asked about the plan for screening the contractor’s yard. Community Development Director Wittman responded that the property needed to be returned for site plan review at the time of the building's construction.

Commissioner Aplikowski asked if there was any proposed landscaping at the outlot for outdoor storage. Community Development Director Wittman answered that they considered the existing woodland.

Austin Hallberg, Hallberg Marine, said he had no concerns about the current discussion.

Scott Peterson, 8860 152nd Street North, Hugo, introduced himself. He stated that the scale was difficult to understand because it was for a 30-acre parcel. They wanted to get the snow removal correct.

Commissioner Huemann asked if they plan to haul snow away if they cannot contain it on site. Mr. Peterson confirmed this information.

Chair Girard noted that it was not a public hearing, but guests could make any comments. No comments were made.

Motion: Commissioner Stender made a Motion to recommend Approval of the Forest Lake Garage Condos final planned unit development and final plat, subject to the conditions of approval as listed in the staff report.

Motion seconded by Commissioner Young. Motion carried 7-0.

Chair Girard noted that this item will go before the City Council for final action.

8. Discussion

a. BOOST Initiative

Assistant Community Development Director Gilmore reviewed the pyramid of discretion. He stated that they are proposing the code authority updates for clarity, predictability, process, and outcomes. He reviewed different changes to the code.

Commissioner Young asked if they would be consulting with professional staff about administrative decisions. Assistant Community Development Director Gilmore confirmed that every site plan review is sent out to the professional staff for review to help inform the decision. He suggested providing an overview of decisions with the Planning Commission during the consent agenda.



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Wednesday, January 28, 2026

6:00 PM

City Center - Council Chamber

Community Development Director Wittman clarified that the administrative approvals for the site plan would be discussed further, but they did not know the defined process currently.

Chair Girard confirmed that there would be an internal review process that other people would be informed of.

Commissioner Huemann asked if they would eliminate one meeting and have a small committee review the information. Assistant Community Development Director Gilmore clarified that it would streamline the process.

Assistant Community Development Director Gilmore provided examples of situations where the code would need changes.

Commissioner Young said that the proposed façade of the building was different and would not have looked appropriate in the community. The Planning Commission was able to ensure that the building fit into the standards of the community. Community Development Director Wittman answered that in her previous work, the design guidelines and standards could be used as tools. The staff was able to approve decisions if they fell within certain guidelines. She stated that more changes to the code would help the process.

Community Development Director Wittman stated that paint color was difficult to legally regulate. She said it was important to reevaluate some of the design standards and guidelines. She said if the design conforms to code, the staff can review the information.

Commissioner Aplikowski asked how you would inform the public. Community Development Director Wittman answered that the staff should bring major items before the Planning Commission, and they wanted to inform the community of changes.

Commissioner Huemann asked if there would be a committee when making a decision. Community Development Director Wittman responded that when there is a zoning code, it would be one person administering the law. She said if an item was of concern, they would bring it back to the Planning Commission.

Assistant Community Development Director Gilmore said if an applicant is not satisfied with a minor change decision, they can appeal the decision to the Planning Commission.

Commissioner Young reviewed the suggested changes on the first page.

Assistant Community Development Director Gilmore said one issue was the definition of planned unit development.



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Wednesday, January 28, 2026

6:00 PM

City Center - Council Chamber

Commissioner Young provided feedback on the multi-family industrial definition. Assistant Community Development Director Gilmore confirmed they would double-check the definition.

Commissioner Young asked why the City Council no longer directs staff to complete the study for particular uses. She said it lessens the policymaker's ability to require studies to help inform their decisions. Assistant Community Development Director Gilmore responded that they suggested removing it because it is redundant with the zoning amendment section.

Community Development Director Wittman said they were trying to eliminate the duplicity of policy and progress.

Commissioner Aplikowski clarified that if they removed it from this section, it would not be removed from other sections.

Commissioner Young said that the Community Development Director determined whether a proposed use is substantially similar to a permitted accessory or a conditional use. She stated that the decision would impact all future applications. Community Development Director Wittman said they would make notes about the concerns about long-term impacts on future uses. She stated that the legal counsel would be consulted.

Commissioner Young voiced concerns about scope creep and that the policy and procedure would have the potential to creep.

Chair Girard asked about determination and suggested it should be on page three between items one and two.

Commissioner Young asked about the determinations that would be final unless appealed in accordance with the chapter. She asked how people would know if a decision was made. Community Development Director Wittman answered that it would refer to the applicant who could appeal the decision.

Commissioner Young discussed the subdivision north of 97. Community Development Director Wittman clarified that subdivisions would still come back before the Planning Commission, since the language referred to similar uses.

Chair Girard asked if it should read zoning ordinance text amendments so that the verbiage would be consistent.



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Wednesday, January 28, 2026

6:00 PM

City Center - Council Chamber

Commissioner Young suggested clarity for filling amendments, since she was not sure if the staff, Council, or Planning Commission should do the fee. Community Development Director Wittman said that they would look at the language while still trying to slim the code.

Chair Girard asked if it was worth separating the text amendments from the map amendments. Assistant Community Development Director Gilmore said that the deliverables they need were different, so it was helpful to define both items. He said that they had the same filing requirements and fees, but the definitions clarified what was applicable.

Community Development Director Wittman said that the City did not pay fees or put together an application, but she will check about the language with the legal counsel.

Commissioner Young said that the term reasonably on page seven was problematic and suggested a definition of reasonably. Assistant Community Development Director Gilmore responded that they would check the language with legal counsel.

Commissioner Young asked about the Planning Commission and staff reports being a part of the permanent record of the City Council meeting. Community Development Director Wittman answered that they would review the information with legal counsel. She said it would be a part of the permanent record by State statute, but she did not think it was necessary to state in the code.

Commissioner Aplikowski suggested a repository of information to be more efficient.

Commissioner Young stated that the City Council meeting minutes were part of the public record. She asked about the difference in the number of votes for the approval of a zoning ordinance amendment and a zoning map amendment. Community Development Director Wittman answered that the difference was due to the State statute.

Commissioner Young asked about the creation or reduction of non-conformities. She asked why they wanted to create them. Community Development Director Wittman responded that you did not want to create them.

Commissioner Young discussed the compatibility with surrounding development problems. She asked if it was an assumption that the long-term expectations would be that it would all be either residential or industrial. She asked about the compatibility of development and how they would consider the options. Community Development Director Wittman said that they could look at the evaluation criteria to make sure they fit Forest Lake.



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Wednesday, January 28, 2026

6:00 PM

City Center - Council Chamber

Commissioner Young requested examples of amendments that would benefit the City as a whole. Community Development Director Wittman referred to the cell phone tower ordinance as an example.

Commissioner Young clarified that any single-family detached and two-family dwelling would not require site plan review. Community Development Director Wittman stated they do not currently require site plan review. She clarified that it would not need site plan review if the zoning district allowed single-family detached and two-family dwellings, but they would still make sure it conformed to the zoning code.

Commissioner Young asked about lighting and if they would make sure a light does not impact neighboring properties. Community Development Director Wittman answered that it did not address the regulation of lighting, but the plans they did want to see for lighting. They were adding the language to provide clarity.

Chair Girard asked if they should see a preliminary plan and then a final plan. Community Development Director Wittman responded that they needed to align the nomenclature better. They wanted to align the information better with internal discussions about sketch plans.

Chair Girard suggested adding the language “prior to developing a site plan.”

Commissioner Young asked about things exempted from review that would impact the community. Chair Girard clarified that the staff would still review items, although the Planning Commission would not review certain items.

Community Development Director Wittman suggested revisiting the design guidelines.

Commissioner Aplikowski suggested referring to already established code.

Community Development Director Wittman said the goal was to refer to the standards.

Commissioner Young asked about including a definition of discretionary judgment on page 13.

Assistant Community Development Director Gilmore said that all of the requirements, definitions, and procedures would be included in one chapter to provide clarity on how to develop in Forest Lake.

Commissioner Young asked if materials were a major or minor decision. Community Development Director Wittman said she would double-check that the lists were consistent.



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Wednesday, January 28, 2026

6:00 PM

City Center - Council Chamber

Chair Girard thanked those for the feedback and suggested emailing Assistant Community Development Director Gilmore about changes to move the meetings along.

Assistant Community Development Director Gilmore said they also provided graphic suggestions to help make information more easily understandable.

9. Updates

Councilmember Larson stated he had no updates. He introduced the new deputy city clerk. He thanked Commissioner Huemann for his service on the Planning Commission.

Commissioner Huemann thanked the City staff for their time to help train him.

Community Development Director Wittman said a new commissioner will join the Planning Commission next month. They would have an election of officers at the first meeting of February. She suggested it would be beneficial to see a different chair next year.

Assistant Community Development Director Wittman discussed Chapter 150 that they would work on in future meetings.

Commissioner Aplikowski said he would miss the next meeting.

10. Adjourn

Motion: Commissioner Stehler made a Motion to Adjourn the meeting at 8:10 p.m. Motion seconded by Commissioner Huemann. Motion carried 7-0.



STAFF REPORT

MEETING DATE: February 11, 2026

TO: Chair Paul Girard and Planning Commission members

STAFF ORIGINATOR: Abbi Wittman, Community Development Director

AGENDA ITEM: Subdivision Ordinance Amendments – Infrastructure Phasing and Premature Subdivision Language

INTRODUCTION:

In late 2023, the City received an inquiry from a landowner in the SW corner of the City asking the City to explore options to help reduce roadway costs in undeveloped areas. Both the City Council and Economic Development Authority (EDA) received the request and determined including alternative designs, regulations, etc. as a *Right-size Approach* is something the City could consider to help reduce the cost of development.

In 2024 the EDA received a Washington County Predevelopment Finance Fund grant to explore infrastructure phasing alternatives. Since that time, City staff has been working with its consultant planners on a variety of opportunities the City could explore. As part of that work, infrastructure phasing standards and premature subdivision regulations were drafted for the City's incorporation into its subdivision regulations. The EDA reviewed proposed Subdivision Ordinance amendment language, as shown on the enclosed *draft* Ordinance, and made recommendation the City Council adopt these new regulations.

Staff is bringing this matter to the Planning Commission for their discussion prior to City Council consideration.

ANALYSIS:

First, City Code Section 152.074 indicates that, as part of the *approval or denial of preliminary plat*, the City may consider if the subdivision is premature. The standards for a premature subdivision are proposed to be moved to the *General Provisions/Administration* section of Chapter 152, *Subdivision Regulations*, ensuring their applicability to all types of subdivisions – not just a Preliminary Plat. No standards for a premature subdivision are proposed to be changed.

Next, under the *Right-sizing Approach*, the City may allow development to occur with minimized or “right-sized” transportation improvements at the time of development. This strategy could allow for roadways less than needed for full build out. Two examples could include:

- Developer builds a two lane road now and the roadway is expanded to four lanes as needed in future; or
- Developer builds two lanes (half of a four-lane) roadway and the other (two lane) half is built at the time of development of the land on the other side of the roadway.

Criteria for consideration of this approach may include:

- Land must be adjacent to, or contiguous with land that is already developing or developed.
- Land must be in a segment of roadway corridor that is not presently designed or planned for full buildout.
- City must have or approve a roadway design standard for roadway infrastructure that is not designed for the full buildout.
- Only for specific roadways or those with classifications of collector roads and higher.
- The existing and proposed increase in trips from pending development is less than half of expected roadway capacity.
- If half of the r-o-w/roadway width is proposed with immediate development, land must be available or possible for future development to complete the r-o-w/roadway width in the future.

This strategy assumes the following requirements for new developments benefiting from the policy:

- Developer provides adequate R-O-W according to the future street classification at time of platting and whether adjacent land is available to be platted in the future with space for road improvements.
- Developer or City calculates need for stormwater improvements to serve future infrastructure improvements, and area(s) required for future stormwater improvements are conveyed to City or platted with easements. Stormwater pond oversizing can also be required by a developer at the time of new development to reduce project costs of future roadway improvements.

There are opportunities and constraints with the City’s prospective use:

Pro	Con
<ul style="list-style-type: none"> • Developer pays for only the roadway needed at the time • City pays for only the maintenance needed at the time • Less impact on environment 	<ul style="list-style-type: none"> • Tipping point of reaching full capacity of underbuilt roadway • Uncertainty of when to build out the roadway and pressure the next developer in line must pay for it • Future cost to the city to build out the roadway

Staff believes there is little harm in having a policy indicating the City may consider reduced design standards. By allowing this, it helps the development community determine alternative options for the City's consideration.

RECOMMENDATION:

Staff recommends the Planning Commission review the enclosed ordinance and provide comment.

ATTACHMENTS:

Draft Premature Development and Interim Design Ordinance

CITY OF FOREST LAKE
WASHINGTON COUNTY, MINNESOTA
ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV, CHAPTER 152, SECTIONS 152.073, 152.074, AND 152.037,
PERTAINING TO PREMATURE SUBDIVISIONS

THE CITY COUNCIL OF THE CITY OF FOREST LAKE ORDAINS AS FOLLOWS:

Section 1. Amendment. Title XV, Chapter 152, Section 152.073 PUBLIC IMPROVEMENTS of the Forest Lake City Code is hereby amended by adding **bold and underline** proposed additions to the code and deleting the **~~strikeout~~** language as follows:

(A) Required public improvements.

(1) All improvements required by this chapter shall be constructed in accordance with city design standards and the plan requirements of this chapter. The following improvements shall be constructed at the expense of the developer:

- ~~(1)~~ (a) Site grading, road grading and surfacing;
- ~~(2)~~ (b) Erosion control and related appurtenances to meet local Watershed District permitting requirements;
- ~~(3)~~ (c) Concrete curbs and gutters;
- ~~(4)~~ (d) Pedestrian sidewalks or trails, if required;
- ~~(5)~~ (e) Sanitary wastewater facilities;
- ~~(6)~~ (f) Water distribution facilities;
- ~~(7)~~ (e) Storm water drainage facilities;
- ~~(8)~~ (f) Street signs and pavement markings;
- ~~(9)~~ (g) Streetlights;
- ~~(10)~~ (h) Private utility services and utility relocation if required;
- ~~(11)~~ (i) Permanent reference monuments and monument boxes;
- ~~(12)~~ (j) Landscaping and screening;
- ~~(13)~~ (k) Site restoration;
- ~~(14)~~ (l) Sealcoat on public roads on a schedule determined by the city;
- ~~(15)~~ (m) Other improvements specified by an approved PUD; and
- ~~(16)~~ (n) Other public improvements as may be required by the City Council.

- (2) Interim Design and Construction of Public Roads. In certain situations, the City Council may choose to allow for public roadway infrastructure to be constructed in a manner that does not represent full buildout conditions. The City Council shall only consider such approvals for projects that meet the following criteria:
- (a) The following collector roadways qualify for this type of approval: Fenway Avenue North, 180th Street North, 190th Street North, Harrow Avenue North, and Imperial Avenue North.
 - (b) The proposed plat must be adjacent to, or contiguous with land that is already developing or developed.
 - (c) The proposed plat must contain a segment of roadway corridor that is not presently designed or planned for full buildout.
 - (d) City must have or approve a roadway design standard for roadway infrastructure that is not designed for the full buildout.
 - (e) An assessment of right of way or easements needed at full buildout will be required to demonstrate that sufficient right of way or easement area will be available at full buildout.
 - (f) Right of way dedication and/or easements for a plat or project must be consistent with the requirements for roadway and stormwater management at full buildout.

Section 2. Amendment. Title XV, Chapter 152, Section 152.074 APPROVAL OR DENIAL OF PRELIMINARY PLAT of the Forest Lake City Code is hereby amended by adding **bold and underline** proposed additions to the code and deleting the ~~strikeout~~ language as follows:

- ~~(B) Premature subdivisions. Any plat of a proposed subdivision deemed premature for development shall be denied by the City Council.~~
- ~~(1) Conditions establishing premature subdivisions. A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist:~~
 - ~~(a) Lack of adequate drainage.~~
 - ~~(b) Lack of adequate water supply.~~
 - ~~(c) Lack of adequate roads or highways to serve subdivision.~~
 - ~~(d) Lack of adequate wastewater treatment systems.~~
 - ~~(e) Inconsistency with the adopted comprehensive plan.~~
 - ~~(f) Public improvements, such as recreational facilities, or other public facilities reasonably necessitated by the subdivision which must be provided at public~~

~~expense cannot be reasonably provided for within the next 2 fiscal years.~~

~~(g) The proposed subdivision is inconsistent with the Minnesota Environmental Review Program, Minnesota Rules Ch. 4410, as may be amended, and could adversely impact critical environmental areas, or potentially disrupt or destroy historic areas which are designated or officially recognized by the city, in violation of federal and state historical preservation laws.~~

~~(2) The burden shall be upon the applicant to show that the proposed subdivision is not premature.~~

~~(C)~~ **(B)** Denial of preliminary plat. The City Council may deny the subdivision if it makes any 1 or more of the following findings:

Section 3. Enactment. Forest Lake City Code Title XV, Chapter 152, Section 152.037 PREMATURE SUBDIVISION PROHIBITED is hereby enacted as follows:

§ 152.037 PREMATURE SUBDIVISION PROHIBITED

Any plat of a proposed subdivision deemed premature for development shall be denied by the City Council. The burden of proof shall be upon the applicant to show that the proposed subdivision is not premature.

A subdivision may be deemed premature should any of the conditions set forth in the provisions that follow exist:

- (A) **Lack of adequate drainage.**
- (B) **Lack of adequate water supply.**
- (C) **Lack of adequate roads or highways to serve subdivision.**
- (D) **Lack of adequate wastewater treatment systems.**
- (E) **Inconsistency with the adopted comprehensive plan.**
- (F) **Public improvements, such as recreational facilities, or other public facilities reasonably necessitated by the subdivision which must be provided at public expense cannot be reasonably provided for within the next 2 fiscal years.**
- (G) **The proposed subdivision is inconsistent with the Minnesota Environmental Review Program, Minnesota Rules Ch. 4410, as may be amended, and could adversely impact critical environmental areas, or potentially disrupt or destroy historic areas which are designated or officially recognized by the city, in violation of federal and state historical preservation laws.**

Section 4. Summary Publication. Pursuant to Minnesota Statutes Section 412.191, in the case

of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This is an amendment of the City’s Ordinance to relocate the City’s premature subdivision into the General Provisions/Administrative Code section.

Section 5. Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the _____ day of _____, 2026.

CITY OF FOREST LAKE

By: _____
Blake Roberts
Its: Mayor

Attested:

By: _____
Jolleen Chaika
Its: Assistant City Administrator

(Published in the *Forest Lake Times* on _____, 2026)



Date: February 11, 2026
To: Chair Girard and Planning Commissioners
From: Steven Gilmore, Assistant Community Development Director
Re: BOOST Initiative – Proposed Chapter 150

BOTTOM LINE UP FRONT

Staff is proposing a new Chapter 150 to clarify and centralize administrative procedures and decision-making roles across Title XV, including how land use approvals and building permits relate to one another. The draft does not change zoning or development standards and is presented for discussion only; staff is seeking Planning Commission feedback and direction before refining the draft.

PURPOSE

The purpose of this memorandum is to introduce and seek Planning Commission feedback on a draft new Chapter 150 – Land Use and Development Administration, proposed as part of the City’s ongoing effort to modernize and clarify Title XV of the City Code. This item is presented for discussion and direction only; no formal action is requested at this time.

NOTE: The proposed creation of a new Chapter 150 would require renumbering of existing chapters for organizational purposes only. The current Chapter 150 - Building Regulations chapter would be renumbered but not substantively amended as part of this action as those regulations are governed by state law.

WHAT IS BEING PROPOSED

Staff is proposing the creation of a new Chapter 150 that would consolidate and standardize administrative provisions currently dispersed throughout (CURRENT) Chapters 150 (Building Regulations), 151 (General Provisions), 152 (Subdivision Regulations), 153 (Zoning), and 154 (Floodplain Management).

The draft Chapter 150 would establish uniform administrative procedures applicable across all land use regulations in Title XV; clarify roles and decision-making authority, including the Community Development Director (or designee) as Zoning Administrator and the Building Official as responsible for building code enforcement and permitting; distinguish between administrative, discretionary, and legislative decisions; integrate land use approvals and building permitting into a cohesive, sequential process; centralize shared provisions related to



application submittal, completeness, public notice and hearings, findings of fact, conditions of approval, appeals, and enforcement; and consolidate commonly used definitions into a single location for consistency and ease of reference.

The intent is that current Chapters 150, 151, 152, 153, and 154 would continue to contain substantive development standards, while Chapter 150 would function as an administrative umbrella chapter governing how those standards are applied.

WHAT STAFF ARE PROPOSING THIS CHANGE

Over time, administrative language and procedures have been repeated, modified, or interpreted differently across multiple chapters of Title XV. This has resulted in:

- Redundant or inconsistent procedures
- Unclear lines of authority for applicants, commissioners, and staff
- Difficulty navigating the code for both the public and decision-makers

The proposed Chapter 150 is intended to:

- Improve clarity, predictability, and transparency in land use decision-making
- Reduce duplication and internal inconsistencies within Title XV
- Better align City processes with current industry norms and Minnesota practice
- Provide clearer guidance to the Planning Commission, City Council, applicants, and staff regarding how decisions are made, not just what standards apply

Importantly, the draft does not propose changes to zoning districts, allowed uses, density, or development standards.

KEY POLICY AND PROCESS CLARIFICATIONS

As drafted, Chapter 150 would confirm that land use approvals establish eligibility for development but do not authorize construction until all required building permits are issued; clarify that appeals of zoning decisions follow Title XV procedures while building code decisions are appealed under state law; and replace the legal term “quasi-judicial” with the more accessible term “discretionary decision,” while retaining the requirement for written findings of fact.

PLANNING COMMISSION FEEDBACK REQUESTED

Staff is seeking Planning Commission feedback and direction on the following questions:

1. Does the draft Chapter 150 clearly explain how land use decisions move through the City’s review process?



2. Are the roles of the Planning Commission, City Council, staff, and the Building Official clear and appropriate?
3. Is the distinction between administrative, discretionary, and legislative decisions understandable and useful?
4. Are there procedural elements that the Commission believes should remain in individual chapters rather than being centralized?
5. Are there additional clarifications or safeguards the Commission would like staff to explore before advancing a refined draft?

NEXT STEPS

Following Planning Commission discussion and direction, staff will refine the draft Chapter 150 and identify any corresponding conforming amendments needed in other chapters of Title XV. A revised draft would then be brought forward for further review prior to any formal consideration.

Please feel free to provide comments during the meeting or submit written feedback following the discussion. Staff appreciates the Planning Commission's guidance as this work continues.

ATTACHMENTS

Attachment 1: Draft Crosswalk: Title XV Provisions Proposed for Consolidation into New Chapter 150

Attachment 2: Proposed Chapter 150 Text

ATTACHMENT 1: Draft Crosswalk: Title XV Provisions Proposed for Consolidation into New Chapter 150

Clarification on Chapter Numbering: References to “Chapter 150” in this table refer to the proposed new Chapter 150. Under this proposal, the City’s existing Chapter 150 (Building Regulations) would be renumbered as Chapter 151, with subsequent chapters renumbered accordingly. The table below reflects procedural provisions proposed for consolidation into the new Chapter 150 and removed from the original chapter language, as deemed appropriate to reduce redundancy, and is not intended to suggest changes to the substance of the City’s current building regulations.

Current Chapter	Section(s)	Topic	Proposed Action	Explanation / Intent
Ch. 151 – General Provisions	§151.01(A)–(B)	Purpose; applicability	Remove	Consolidated into §150.01 to establish a single, citywide statement of applicability
Ch. 151	§151.03 (definitions only)	General definitions	Remove (definitions only)	Definitions centralized in §150.18 for consistency
Ch. 151	§151.11	Enforcement authority	Remove	Enforcement provisions consolidated into §150.16
Ch. 152 – Subdivision	§152.002; §152.004	Purpose; interpretation	Remove	Duplicative of §§150.01 and 150.04
Ch. 152	§152.025	Application submittal; pre-application	Remove (procedural portions)	Administrative procedures centralized in Chapter 150
Ch. 152	§152.030	Application completeness	Remove	Consolidated into §150.08 with Minn. Stat. §15.99



Ch. 152	§152.035	Staff review; referrals	Remove (procedural portions)	Review flow consolidated into §§150.09 and 150.13
Ch. 152	§152.045	Conditions of approval	Remove	Centralized into §150.12
Ch. 152	§152.050	Expiration of approvals	Remove	Consolidated into §150.14
Ch. 152	§152.055	Appeals	Remove	Appeals framework centralized into §150.15
Ch. 153 – Zoning	§153.010 (partial)	Administrative authority; definitions	Remove (partial)	Definitions and authority consolidated into Chapter 150
Ch. 153	§153.033– §153.038 (procedural)	Zoning permits; site plan review	Remove (procedural portions)	Process governed by Chapter 150; standards unchanged
Ch. 153	§153.036	Variances – procedures and findings	Remove (procedural portions)	Findings and appeals centralized
Ch. 153	§153.087	PUD procedures	Remove (procedural portions)	PUD standards retained; process centralized
Ch. 154 – Floodplain	§154.010 (procedural)	Administration; appeals	Remove (procedural portions)	Procedural language centralized
Multiple Chapters	Various	Repeated appeal language	Remove	Single appeal framework in §150.15



Attachment 2: DRAFT NEW CHAPTER 150 - LAND USE AND DEVELOPMENT ADMINISTRATION

§150.01 PURPOSE AND APPLICABILITY

(A) The provisions of this title are minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the City.

Source: §151.01(A); §152.002

(B) This chapter establishes uniform administrative provisions, procedures, definitions, and standards of interpretation applicable to all land use regulations contained in Title XV of the City Code. Source: §151.01; §152.002; §152.004

(C) The provisions of this chapter shall apply to all chapters of Title XV except where a provision of another chapter expressly provides different or additional requirements, or where state or federal law requires otherwise. Source: §151.01(B); §152.004

(D) This chapter is intended to improve clarity, consistency, and predictability in the administration of land use regulations by consolidating shared procedures, definitions, and decision-making standards applicable across Title XV.

(E) Land use approvals under this title establish eligibility for development but do not authorize construction unless and until all required building permits have been issued by the Building Official.

§150.02 AUTHORITY AND ADMINISTRATION

(A) The City Council shall have the authority to administer and enforce the provisions of this title. Source: §152.003; §151.01

(B) The Planning Commission shall review applications and make recommendations or decisions as provided in this title. Source: §152.035; §153.036; §153.087

(C) The Community Development Director, or such official's authorized designee, shall serve as the Zoning Administrator and shall administer and enforce the provisions of this title, including the authority to review applications, make administrative determinations, issue permits where authorized, and take enforcement action as provided herein. Source: §152.006; §153.010; §153.200

(D) The Building Official shall be responsible for the administration and enforcement of the Minnesota State Building Code and for conducting building plan reviews, issuing building permits, and performing inspections as required by law. Nothing in this chapter is intended to expand or limit the authority of the Building Official as provided under state law.



(E) The Floodplain Administrator shall administer and implement the floodplain management regulations of this title. Source: §154.010

(F) The City Council may delegate administrative authority to City officials or agents as necessary to carry out the provisions of this title. Source: §152.006; §153.010

(G) Unless expressly stated otherwise in this title, administrative land use and zoning decisions made by the Zoning Administrator constitute final administrative action for purposes of appeal under this title. Decisions made by the Building Official under the Minnesota State Building Code are not subject to appeal under this chapter and shall be appealed in accordance with applicable state law.

§150.03 RELATIONSHIP TO OTHER LAWS

(A) Where the provisions of this title impose greater restrictions than those of any other statute, ordinance, or regulation, the provisions of this title shall govern. Source: §151.01(B)

(B) Nothing in this title is intended to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, deed restriction, or other agreement, except where this title imposes a greater restriction, in which case the provisions of this title shall govern. Source: §152.004

§150.04 RULES OF INTERPRETATION

(A) The provisions of this chapter apply citywide and govern the interpretation and administration of all chapters of Title XV unless expressly stated otherwise.

(B) The words “shall” and “must” are mandatory. “May” is permissive. “May not” states a prohibition.

(C) Words used in the singular include the plural, and words used in the plural include the singular.

(D) In the event of conflicting provisions, the more restrictive provision shall apply.

(E) If a word or phrase is not defined in this chapter, or subsequent chapters of Title XV, it shall be given its ordinary meaning as reflected in common English-language dictionaries, unless the context clearly indicates otherwise.

(F) Questions on applicability or interpretation should be directed to the Community Development Department; formal interpretations and appeals shall follow the applicable appeal procedures of this chapter.

§150.05 APPLICATION TYPES



(A) Applications under this title may be administrative, discretionary, or legislative in nature.

Source: §§153.010; 153.036; 153.087

(B) Administrative applications involve the application of clear, objective standards and are reviewed and decided by the Zoning Administrator or other authorized City official. Source: §153.010

(C) Discretionary applications involve the application of adopted standards that require the exercise of judgment based on site-specific facts and circumstances and shall be supported by written findings of fact and shall be decided by the Planning Commission or City Council as provided in the applicable chapter. Source: §§153.036; 153.087; 154.010

(D) Legislative applications shall establish or amend policies or regulations of general applicability and shall be decided by the City Council.

§150.06 PRE-APPLICATION MEETINGS

(A) The City may require or encourage a pre-application meeting prior to submission of an application to review applicable requirements and procedures. Source: §152.025; §153.036

§150.07 APPLICATION SUBMITTAL REQUIREMENTS

(A) All applications required under this title shall be submitted on forms provided by the City. Source: §152.025

(B) Applications shall include all information required by the applicable chapter and any additional information reasonably necessary to evaluate compliance. Source: §§152.025; 153.036

(C) Applications may be submitted concurrently where multiple approvals are required for a single project. Source: §152.035

§150.08 APPLICATION COMPLETENESS

(A) The City shall review applications to determine whether the application is complete. Source: §152.025

(B) An application shall not be considered complete until all required information has been submitted and accepted by the City. Source: §152.030

(C) Incomplete applications shall not be scheduled for consideration by the Planning Commission or City Council. Source: §152.030

(D) Determination of application completeness and subsequent review timelines shall be governed by Minn. Stat. §15.99, as amended.



(E) When an applicant submits additional information in response to a determination of incompleteness, the City shall review the resubmittal for completeness in accordance with Minn. Stat. §15.99.

§150.09 STAFF REVIEW AND REFERRALS

(A) Upon determination that an application is complete, the application shall be reviewed by City staff for compliance with the provisions of this title. Source: §152.035; §153.036

(B) Applications may be referred to other City departments, consultants, or governmental agencies for review and comment. Source: §152.035; §154.010

§150.10 NOTICE AND PUBLIC HEARINGS

(A) Public hearings shall be required for applications identified in the applicable chapter, including variances, conditional use permits, planned unit developments, and zoning amendments. Source: §§153.036; 153.087

(B) Notice of public hearings shall be provided as required by law. Source: §§153.036; 154.010

(C) The City may require or encourage neighborhood meetings prior to public hearings for land development activities or changes in use that may affect nearby residential properties. Such meetings are intended to supplement, and not replace, required public notice and hearings.

§150.11 DECISIONS AND FINDINGS

(A) Decisions on applications shall be based on the standards contained in this title and the applicable chapter. Source: §§153.036; 153.087

(B) All discretionary decisions shall be supported by written findings of fact based on the record. Source: §§153.036; 153.087; 154.010(C)

(C) When acting in an advisory capacity, the Planning Commission shall adopt findings supporting its recommendation to the City Council.

§150.12 CONDITIONS OF APPROVAL

(A) The approving authority may impose conditions upon an approval as necessary to ensure compliance with this title. Source: §§152.045; 153.036

§150.13 PLANNING COMMISSION AND CITY COUNCIL ACTION

(A) The Planning Commission shall take final action on applications where authority is delegated by this title. Source: §153.036



(B) For applications requiring City Council approval, the Planning Commission shall conduct a public hearing and forward a recommendation to the City Council. Source: §§152.035; 153.087

(C) The City Council shall take final action on applications requiring Council approval under this title. Source: §153.087

§150.14 EXPIRATION, AMENDMENTS, AND EXTENSIONS

(A) Approvals granted under this title shall expire if not exercised within the time specified in the applicable chapter. Source: §152.050; §153.087

(B) Amendments to approvals shall be processed in accordance with the procedures applicable to the original approval. Source: §153.087

(C) Amendments to approvals may be classified as minor or major changes as defined in §150.18, with review authority determined by the Zoning Administrator for minor changes and by the original approving authority for major changes, unless otherwise specified in the applicable chapter

§150.15 APPEALS

(A) Any person aggrieved by a decision made under this title may appeal such decision in the manner provided by law and the applicable chapter. Source: §§152.055; 153.036; 154.010

(B) Appeals shall be based on the record of the proceedings. Source: §153.036

(C) Appeals of administrative zoning decisions shall be heard by the City Council unless otherwise provided by law or this title.

§150.16 ENFORCEMENT

(A) The City may enforce the provisions of this title by any lawful means. Source: §151.11; §153.200

(B) Violations of this title shall be subject to the penalties provided by law. Source: §154.999

§150.17 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this chapter.

§150.18 DEFINITIONS

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them in this section. Source: §§151.03; 152.021; 153.010; 153.036; 153.087; 154.010



ACCEPTED FOR REVIEW. A determination by the City that an application has been submitted in sufficient form and with sufficient information to begin formal review and apply applicable statutory timelines. Acceptance for review does not constitute approval of the application.

ACCESSORY STRUCTURE. A smaller structure located on the same lot as a principal structure and used for purposes incidental to the main use of the property. Examples include detached garages, sheds, poolhouses, and greenhouses.

ADMINISTRATIVE DECISION. A decision made by the Community Development Director, or designee, based on the application of objective standards, without the exercise of discretion.

ALTERATION. Any change or modification to the exterior or interior of a structure that does not constitute new construction or expansion of the building footprint.

APPEAL. A request for review of a final decision made under this title, filed by an aggrieved party in accordance with the procedures and timelines established by this title or applicable law.

APPLICANT. Any person, firm, partnership, association, corporation, or other entity who submits an application for approval under this title. Source: §152.021

APPLICATION. A request for approval submitted in accordance with the requirements of this title. Source: §§152.025; 153.036

APPROVAL. Authorization granted under this title, including approval subject to conditions. Source: §§152.045; 153.036

BUILDING PERMIT. A permit required from the responsible governmental agency before any site work, construction, or alteration to structures can be started. (Issued in accordance with § 153.030 and the Minnesota State Building Code.)

BUILDING OFFICIAL. The designated authority charged with the administration and enforcement of the State Building Code.

BUILDING SETBACK. The minimum required distance between a structure and a street right-of-way, lot line, or other reference point. (See also SETBACK).

CERTIFICATE OF OCCUPANCY. A certificate issued by the Building Official authorizing the use or occupancy of a building or structure.



CERTIFICATE OF SURVEY. A legal document depicting property information that is signed by a registered land surveyor under Minnesota state laws.

CITY COUNCIL. The governing body of the City of Forest Lake.

COMMON PLAN OF DEVELOPMENT OR SALE. A contiguous area where multiple separate and distinct construction activities may be taking place under a single plan. Source: §151.03

COMMUNITY DEVELOPMENT DIRECTOR. The official designated by the City to administer and enforce this chapter, or such official's authorized designee.

COMPLETE APPLICATION. An application submitted on forms required by the city and determined by the Community Development Department to contain all information, fees, escrows, plans, and supporting materials required by this chapter and any adopted submittal checklists in order to begin formal review and apply statutory timelines.

(See also ACCEPTED FOR REVIEW; APPLICATION, COMPLETE.)

COMPREHENSIVE PLAN. The policies, statements, goals, and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned implementation, documented in texts, and maps which constitute the guide for the future development of the city. Source: §153.001

CONCEPT PLAN. Written and graphic documents submitted by the applicant that indicate in a conceptual or minimally detailed form the proposed land uses, design, and overall impact on the subject tract and surrounding lands. Source: §152.060

CONDITIONAL USE. A use that may be allowed within a zoning district only after review and approval in accordance with the standards and procedures of this chapter. (Approval required in accordance with § 153.034; See also USE, CONDITIONAL; CONDITIONAL USE PERMIT.)

CONDITIONAL USE PERMIT. A permit issued by the City Council in accordance with procedures specified in § 153.034, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the potential issues the proposed use presents. (See also CONDITIONAL USE.)

CONSTRUCTION ACTIVITY. Clearing, grading, excavating, or other land-disturbing activities that result in disturbance of one (1) acre or more, or less than one (1) acre when part of a larger common plan of development or sale that will ultimately disturb one (1) acre or more.



Construction activity includes land disturbance that changes existing topography or existing soil cover, whether vegetative or non-vegetative, and that may result in increased stormwater runoff, soil erosion, or sediment movement.

Construction activity does *not* include land disturbance of less than five (5) acres for the purpose of routine maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of a facility. Routine maintenance does not include repairs, replacement, or other non-routine maintenance activities. Pavement rehabilitation that does not disturb underlying soils, including mill-and-overlay projects, is not construction activity.

DECISION. A final determination made by the authorized decision-making body under this title. Source: §153.036

DECISION, FINAL. A decision constituting the City's final action on an application, after which any applicable appeal period begins. (Appeals processed in accordance with §153.215; See also ADMINISTRATIVE DECISION; APPEAL.)

DENSITY. The number of dwelling units permitted per acre of net developable acres of land as regulated by the applicable zoning district.

DENSITY UNITS. The number of individual dwelling units that can be located on a parcel of land as established through the use of a yield plan. For the purpose of this chapter, a multi-family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached. The individual dwelling units used to calculate density. Source: §153.010

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including buildings, grading, excavation, filling, subdivision of land, or changes in use. (Development approvals governed by Chapters 152 and 153.)

DEVELOPMENT AGREEMENT. A written agreement, approved by the City Council, between the city and an applicant/property owner that establishes project-specific obligations, timing, financial guarantees, dedications, construction standards, and other requirements authorized by law and this chapter

DEVELOPMENT APPROVAL. Any approval required by this chapter prior to commencement of development, including administrative approvals, permits, site plans, conditional use permits, variances, or subdivision approvals.



DISCRETIONARY DECISION. A decision that requires the application of adopted standards to site-specific facts and the exercise of judgment, and that must be supported by written findings of fact.

DWELLING or DWELLING UNIT. A residential building or portion thereof consisting of one or more rooms physically arranged so as to create an independent housekeeping establishment intended for occupancy by one household but not including lodging units, nursing homes, or recreational vehicles.

EASEMENT. Authorization by a property owner for use of land by another for a specific use by persons other than the owner. Source: §152.010

FACADE IMPROVEMENT (also EXTERIOR ALTERATION). An alteration to the exterior appearance of a building that does not expand the building footprint or floor area. (See also ALTERATION)

FAMILY. One or more persons living together in a dwelling as a single household, sharing living, cooking, and bathroom facilities. A family may include people who are related or not related, a person living alone, or persons with disabilities living together, as protected by state and federal fair housing laws.

FINAL ADMINISTRATIVE DECISION. A decision that constitutes final action for purposes of appeal. Source: §152.055

FINAL PLAT. The final map or drawings and accompanying material described in §§ 152.80 et seq. on which the developer's plan or subdivision is presented to the City Council for approval and which, if approved, will be submitted to the Office of the County Recorder or Registrar of Titles for filing.

FINANCIAL GUARANTEE. A form of security, including a letter of credit, escrow, or bond, provided by an applicant to ensure completion of required improvements in accordance with approved plans and City standards.

FINDINGS OF FACT. Written statements adopted by the reviewing authority that explain the factual basis and reasoning for approval or denial of an application based on the standards of this chapter. Source: §§153.036; 153.087; 154.010(C)

FLOODPLAIN. Lands adjacent to watercourses subject to inundation by a regional flood. Source: §154.010

FOOTPRINT. The area of the land covered by a building's foundation. Source: §153.010



IMPERVIOUS SURFACE. An artificial or natural material or surface that allows very little or no penetration of water into the soil or ground. Examples include, but are not limited to, buildings, rooftops, or covered decks; roads, driveways, parking areas (whether paved or not), asphalt, or concrete; patios, sport courts, swimming pools, sidewalks, or trails; various compacted materials such as aggregate, limestone or recycled bituminous; and any other structure. Source: §151.03

INTERIM USE. A temporary use of property allowed for a specified period of time, until the occurrence of a particular event, or until a zoning change renders the use no longer allowed. (Approval required in accordance with § 153.035.; See also USE, INTERIM.)

LAND ALTERATION. A change in the use or appearance of land. Source: §151.03

LAND CLEARING. The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any 12-month period. (Regulated in accordance with §§ 153.196–153.203.)

LANDSCAPING. Plant materials and features used to enhance appearance and environmental quality. Source: §153.010

LIMITS OF DISTURBANCE. The boundary, shown on plans, of the maximum area proposed for grading, clearing, excavation, filling, construction activity, or other land disturbance associated with development.

LOT. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, separated from other parcels or portions by said description for the purpose of sale, lease, or separation, and occupied or used or intended for occupancy or use by an individual principal permitted use in this zoning code abutting on a city-approved street, equipped with sanitary facilities and with sufficient size to provide the yards required by this zoning code. Source: §153.010

LOT OF RECORD. A parcel of land, whether subdivided or otherwise legally described and recorded with the County, as of the effective date of this zoning code, or approved by the City as a lot subsequent to such date and 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 zoning code, and having its principal frontage on a street or a proposed street approved by the City Council.

LIGHTING TERMS. Terms related to lighting, including luminaire, shielding, and light spillage, shall have the meanings assigned in the applicable zoning district standards.



MAJOR CHANGE. A change to an approved plan that does materially alter site layout, intensity of use, circulation/access, required public improvements, or compliance with the conditions of approval, or that increases impacts such that public review is warranted.

MEDIAN GROSS HOUSEHOLD INCOME. The median income level for the Seven-County Metropolitan Area, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, adjusted for household size.

MINOR CHANGE. A change to an approved plan that does not materially alter site layout, intensity of use, circulation/access, required public improvements, or compliance with the conditions of approval, and that can be evaluated using the objective standards of this chapter.

MIXED RESIDENTIAL DEVELOPMENT. A development consisting of single-family detached and single-family attached dwelling units.

MIXED-USE BUILDING. A building containing a combination of residential and nonresidential uses, either vertically (stacked) or horizontally (side-by-side), where the uses are designed to function as an integrated development.

MIXED-USE DEVELOPMENT. A development containing two or more different land uses, such as residential and commercial uses, integrated within a single site or building.

NATURAL RESOURCES. The physical values of the land supplied by nature, including, but not limited to, animal life, plant life, soil, rock, minerals, and water.

NEIGHBORHOOD. An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference where people live in close proximity to one another.

NONCONFORMING. Lawfully established before the adoption or amendment of this chapter but no longer meeting current zoning requirements.

NONCONFORMING LOT. A separate parcel or lot of record on the effective date of this chapter that does not conform to area or dimensional standards. (Regulated in accordance with § 153.052.)

NONCONFORMING STRUCTURE. Any structure lawfully existing on the effective date of this chapter that does not conform to current dimensional standards. (Regulated in accordance with § 153.053.)



NONCONFORMING USE. Any use lawfully existing on the effective date of this chapter that does not conform to the regulations of the district in which it is located. (Regulated in accordance with § 153.051.)

ORDINARY HIGH WATER LEVEL (OHWL). The boundary of public waters and wetlands as defined by state law and rules and as shown by the physical characteristics commonly used to establish the ordinary high water level. The ordinary high water level is 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.. Source: §154.010

OVERLAY DISTRICT. A zoning district shown as an overlay on the Zoning Map. Development within an overlay district is subject to the regulations of both the underlying zoning district and the overlay district.

PARCEL. A lot, piece or portion of land designed by metes and bounds, registered land survey, auditor's plat or other means separated from other parcels and portions by said description for the purpose of separation thereof. (SEE LOT)

PARCEL IMPERVIOUS SURFACE. The total impervious surface area on a parcel. Source: §151.03

PERVIOUS SURFACE. Surface materials that admit the passage of water.

PLANNED UNIT DEVELOPMENT (PUD). A development approach that allows flexibility from otherwise applicable zoning, subdivision, and design standards for a comprehensively planned project, when such flexibility results in a development that is consistent with the Comprehensive Plan and provides equal or greater public benefit than would be achieved through conventional development standards. Public benefits may include, but are not limited to, preservation of natural features or open space, enhanced site or building design, diversified housing types, efficient use of infrastructure, or improved pedestrian, bicycle, or community amenities. Source: §153.087

PLANNING COMMISSION. The duly appointed planning commission of the city.

PRE-APPLICATION MEETING. A meeting between an applicant and city staff conducted prior to formal application submittal to discuss applicable regulations, site constraints, required studies, and submittal requirements. A pre-application meeting does not constitute an approval or denial.



PRELIMINARY PLAT. A map showing the proposed layout of a subdivision for review and approval before final platting. Source: §152.060

PRINCIPAL(PRIMARY) USE. The main use of land or buildings on a lot, as distinguished from an accessory use. A "principal use" may be either permitted or conditional.

PRINCIPAL STRUCTURE. The main building or structure on a lot where the primary use occurs.

PRIVATE IMPROVEMENT. An improvement serving a development that is not intended for public ownership or maintenance, including private streets, drives, utilities, lighting, or stormwater facilities. (See also PUBLIC IMPROVEMENT; FINANCIAL GUARANTEE.)

PUBLIC HEARING. A meeting conducted by the Planning Commission or City Council after notice is provided as required by law, at which interested persons are given the opportunity to present testimony or written comments on a proposed application or amendment.

PUBLIC IMPROVEMENT. An improvement required by the City to be installed and dedicated for public use or public benefit, including public streets, sidewalks, trails, utilities, stormwater facilities, street lighting, or similar infrastructure. (Construction and acceptance governed by Chapter 152; See also PRIVATE IMPROVEMENT; FINANCIAL GUARANTEE.)

PUBLIC IMPROVEMENT ACCEPTANCE. Formal City action acknowledging that required public improvements have been completed in accordance with approved plans and City standards and authorizing public ownership or maintenance where applicable. (Acceptance and warranty provisions in accordance with Chapter 152; See also WARRANTY PERIOD.)

PUBLIC LAND. Land owned and/or operated by a governmental unit, including school districts.

PUBLIC PARK. An open space, playground, athletic field, or other indoor or outdoor recreational facility owned by the city, a school district, the county, or other public entity that is open to and regularly used by minors.

RECORD. All documents, testimony, reports, and materials submitted or considered in connection with an application. Source: §§153.036; 154.010

REASONABLE / REASONABLY NECESSARY. Fair, proper, and moderate under the circumstances and directly related to the impacts of the proposed activity. Source: §§152.045; 153.036; 154.010

SCREENING. The presence of an artificial barrier, vegetation, or topography which makes any structure on any property visually inconspicuous. Includes earth mounds, berms, or ground



forms, fences and walls, or landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object throughout the year.

SETBACK. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, the top of a bluff, road, highway, property line, or other facility. Distances are measured as a straight line from the lot line to the closest part of a building.

SHIELDING. A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing the light fixture.

SITE PLAN REVIEW. A process to review the layout of buildings, parking, access, landscaping, and utilities on a site to ensure compliance with this chapter. (Procedures and approval authority in § 153.038.) (SEE APPENDIX XXXX)

STRUCTURE. Anything constructed or erected, the use of which requires permanent or temporary location on the ground. Source: §153.010

STRUCTURE, NONCONFORMING. A structure lawfully existing at the time of adoption of this chapter or amendment thereto that does not conform to current dimensional or structural requirements. (See also NONCONFORMING STRUCTURE.)

SUBDIVISION. The process of dividing land into 2 or more parcels for the purpose of transfer of ownership, building development, or tax assessment purposes. (Regulated in accordance with Chapter 152)

SUBDIVISION, MINOR. Any subdivision containing three or fewer lots and not involving the creation of new streets or public improvements. (Processed in accordance with §§ 152.040–152.047.)

SUBDIVISION, MAJOR. All subdivisions not classified as minor subdivisions. (Processed in accordance with §§ 152.060–152.999.)

TREE CANOPY. The horizontal extension of a tree's branches in all directions from it's trunk.

TREE, ORNAMENTAL. Small trees which are grown for their colorful flowers, leaves, fruit and exceptional fall color.



TREE, PREMIUM. All those significant deciduous and evergreen trees subject to the premium tree replacement constant and not included within the definition of secondary tree.

TREE, SECONDARY. All those significant deciduous trees subject to the secondary tree replacement constant characterized by rapid rate of growth and softwood fiber including all those trees in the Poplar family, Silver Maple and Russian Olive, and other similar trees as may be determined by the Zoning Administrator.

TREE, SIGNIFICANT. Any healthy, living, deciduous tree larger than eight (8) inches in caliper (excepting Box Elder and Chinese Elm) and any healthy, living evergreen tree at least six (6) inches in diameter.

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 zoning code.

VARIANCE. Any modification or variation of this zoning code approved in accordance with § 153.036 where it is determined that, because of physical hardships unique to the individual property under consideration, strict enforcement of this zoning code is impractical and would cause unnecessary hardships.

WARRANTY PERIOD. The period following acceptance during which the developer remains responsible for repair or replacement of defective public improvements. (Governed by Chapter 152; See also PUBLIC IMPROVEMENT ACCEPTANCE.)

WATERSHED. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

WETLAND BUFFER. A vegetated area adjacent to a wetland that is intended to protect water quality, habitat, and ecological functions, as regulated by this chapter and applicable state or watershed rules.

ZONING ADMINISTRATOR. The Community Development Director, or authorized designee.

ZONING DISTRICT. An area or areas within the limits of the city in which the regulations and requirements of this chapter are applied uniformly.

ZONING PERMIT. A certificate issued by the city documenting that a proposed development will meet all development and zoning standards if the project proceeds in accordance with the plans. (In accordance with § 153.033)