

Detroit Lakes Planning Commission
Agenda
September 22, 2022
5:30pm
Council Chambers

I. Call to Order

II. Minutes

- A. Approval of the [minutes](#) of the regular meeting held on July 28, 2022

III. Public Hearings

- A. Public hearing to give consideration to amending the [zoning ordinance](#) of the City of Detroit Lakes relative to Section 18 to allow industrial uses as a Conditional Use in selected Natural Environment Lake shoreland districts
- B. Public hearing to give consideration to amending the [zoning ordinance](#) to eliminate short term rentals as a Conditional Use in residential districts

IV. Business

- A. Consideration to the adoption of an [annexation plan](#) for the City of Detroit Lakes
- B. Consideration to adopting [City Code 616](#) requiring the licensing of short term rentals
- C. Variance/Conditional Use Status [Report](#)

V. Adjournment

Minutes
Detroit Lakes Planning Commission
City Council Chambers
City Administration Building
Thursday, July 28, 2022

Members Present: Shaun Carlson, Nancy Haggart, Dan Wenner, Eric Lundmark, Don Maristuen

Members Absent: Liz Foster-Anderson, Kyle Fode, Chris Nord, Tyler Swenson

Others Present: Larry Remmen, Community Development Director; see attached list of attendees

CALL TO ORDER

Chairman Dan Wenner called the Planning Commission to order at 5:30pm on Thursday, July 28, 2022, in the Council Chambers of the City Administration Building. All members of the Planning Commission having been duly notified of the meeting and business to be transacted.

Note: Chairman Dan Wenner informed the Commission and those in attendance that items considered at today's meeting would also be addressed at the Monday, August 8, 2022, at 11:00am Community Development meeting, followed by the City Council meeting on Monday, August 8, 2022 at 5:00pm.

MINUTES

A motion was made by Commissioner Nancy Haggart, seconded by Commissioner Eric Lundmark, and carried unanimously to approve the minutes for Thursday, June 23, 2022.

PUBLIC HEARINGS

Public hearing to give consideration to a preliminary plat for Dandrew Place at 609 Terry Street (Daniel Holzgrove)

Chairman Dan Wenner opened the public hearing.

Larry Remmen reported relative to preliminary plat of Dandrew Place at 609 Terry Street. Larry Remmen stated Daniel Holzgrove has submitted the preliminary plat of Dandrew Place. The plat is a 9 lot residential plat on a new street extending south from Terry Street. The attached subdivision drawing shows the 9 lots and a proposed public road. Larry Remmen stated staff recommends approval of the preliminary plat subject to the following conditions: 1) That the owner pay the \$12,000 park dedication fee prior to signing the final plat. 2) That the owner provide any utility or Stormwater easements. 3) That the owner apply for a Land Disturbance Permit.

Walter Laudon expressed concern about stormwater runoff and traffic on Richwood Road. Mr. Laudon was informed that the access would be on to Terry Street and then to Richwood Road. Also stormwater would be captured on site or directed to the City's stormwater system.

Scott Walz stated this was a 9 lot residential plat.

There being no further public comment, the public hearing was closed.

A motion was made by Commissioner Eric Lundmark, seconded by Commissioner Shaun Carlson, and carried unanimously to approved the preliminary plat of Dandrew Place subject to the following conditions: 1) That the owner pay the \$12,000 park dedication fee prior to signing the final plat. 2) That the owner provide any utility or Stormwater easements. 3) That the owner apply for a Land Disturbance Permit.

Public hearing to give consideration to amending the sign ordinance relative to allowing signs in residential districts

Chairman Dan Wenner opened the public hearing.

Larry Remmen reported relative to signs in residential districts. Larry Remmen stated in Section 24 of the zoning ordinance Subdivision 6 currently reads as follows: Subd. 6. Signs in Residential Districts. In all classes of residence districts, no sign, business sign, nameplate sign, or advertising sign shall be erected except the following. Because this section only mentions erecting signs our City Attorney feels this is difficult to enforce and requires some revised language.

Larry Remmen stated the proposed ordinance amendment is as follows: Subd. 6. Signs in Residential Districts. In all classes of residence districts, no sign, business sign, nameplate sign, or advertising sign shall be erected, placed established, painted, created, or maintained except the following. With this revised language the City Attorney feels the ordinance will be more enforceable. I recommend the ordinance amendment.

There being no public comment, the public hearing was closed.

A motion was made by Commissioner Shaun Carlson, seconded by Commissioner Nancy Haggart, and carried unanimously to approve to amending the sign ordinance to allowing signs in residential districts to state: Subd. 6. Signs in Residential Districts. In all classes of residence districts, no sign, business sign, nameplate sign, or advertising sign shall be erected, placed established, painted, created, or maintained except the following.

Public hearing to give consideration to a Conditional Use Permit to allow a short term rental of a two (2) bedroom home at 316 Woodcrest Boulevard (Bryce Forsberg/Kastle Ranch)

Chairman Dan Wenner opened the public hearing.

Larry Remmen reported in the matter of consideration to a Conditional Use Permit to allow a short term rental of an entire two (2) bedroom home at 316 Woodcrest Boulevard (Bryce Forsberg/Kastle Ranch). Larry Remmen stated Bryce Forsberg/Kastle Ranch has requested a conditional use permit to allow a short term rental at 316 Woodcrest Boulevard. The entire two (2) bedroom home at this location would be used as a short term rental. The zoning ordinance allows short term rentals as a conditional use in residential districts subject to the following conditions: 1) The building be of residential design. 2) The owner of the establishment obtain all required state and local licenses. 3) The owner comply with all requirements of the City Code 612, Rental Unit Registration. Also all short term rentals must pass their rental inspection prior to rentals taking place. 4) The owners pay the required lodging tax and any other required sales tax. The owner/operator must provide the City with their state and local sales tax numbers. 5) No cooking facilities be permitted in any guest bedroom. 6) At least two off street parking spaces be provided plus one space for each bedroom (4 spaces are required). The parking area shall be screened from adjacent residential property as provided in Section 3 of the zoning ordinance. All driveways and parking spaces shall be paved. 7) Signage is limited to one sign single or double faced that is non-illuminated and does not exceed four (4) square feet per sign face. The content of such sign is limited to the name and address of the facility. 8) A maximum of two (2) guest are allowed per bedroom. A maximum of four (4) guests are allowed per short term rental of this two (2) bedroom home. 9) The operator shall provide evidence of rental liability insurance. 10) The owner/operator shall maintain a log of all short term rental activity and provide it to the City upon request. 11) The owner/operator shall notify guests of all short term rental rules and regulations and provide contact information for the property manager, and emergency services. 12) The owner/operator shall maintain a safe environment by complying with building and life safety codes, prohibiting rental of accessory structures, providing smoke detectors, CO detectors, and fire extinguishers and posting the location of fire exits and escape routes. 13) Additional occupancy by use of recreational vehicles, tents, or other structures is not permitted. Larry Remmen stated staff recommends approval of a conditional use permit to allow the two (2) bedroom home at 316 Woodcrest Boulevard to be used as a short term rental subject to the conditions listed above.

Sara Ebsen, 321 Shorewood Circle, expressed concern about how this would impact the use of an access lot on the lake that has multiple owners. It was stated that the City's action would only allow the use of 316 Woodcrest Boulevard as a short term rental. The owners of the access lot would have control of how the access lot is used.

There being no further public comment, the public hearing was closed.

A motion was made by Commissioner Nancy Haggart, seconded by Commissioner Eric Lundmark, and carried unanimously to approve the Conditional Use Permit to allow a short term rental of a two (2) bedroom home at 316 Woodcrest Boulevard (Bryce Forsberg/Kastle Ranch) subject to the following conditions: 1) The building be of residential design. 2) The owner of the establishment obtain all required state and local licenses. 3) The owner comply with all requirements of the City Code 612, Rental Unit Registration. Also all short term rentals must pass their rental inspection prior to rentals taking place. 4) The owners pay the required lodging tax and any other required sales tax. The owner/operator must provide the City with their state and local sales tax numbers. 5) No cooking facilities be permitted in any guest bedroom. 6) At

least two off street parking spaces be provided plus one space for each bedroom (4 spaces are required). The parking area shall be screened from adjacent residential property as provided in Section 3 of the zoning ordinance. All driveways and parking spaces shall be paved. 7) Signage is limited to one sign single or double faced that is non-illuminated and does not exceed four (4) square feet per sign face. The content of such sign is limited to the name and address of the facility. 8) A maximum of two (2) guest are allowed per bedroom. A maximum of four (4) guests are allowed per short term rental of this two (2) bedroom home. 9) The operator shall provide evidence of rental liability insurance. 10) The owner/operator shall maintain a log of all short term rental activity and provide it to the City upon request. 11) The owner/operator shall notify guests of all short term rental rules and regulations and provide contact information for the property manager, and emergency services. 12) The owner/operator shall maintain a safe environment by complying with building and life safety codes, prohibiting rental of accessory structures, providing smoke detectors, CO detectors, and fire extinguishers and posting the location of fire exits and escape routes. 13) Additional occupancy by use of recreational vehicles, tents, or other structures is not permitted.

Public hearing to give consideration to amending the zoning ordinance to allow dental clinics with laboratories in the “I-1” Light Industrial District

Chairman Dan Wenner opened the public hearing.

Larry Remmen reported an ordinance amending the zoning ordinance of the City of Detroit Lakes relative to permitted use in the “I-1” Light Industrial District. Larry Remmen stated the proposed ordinance change will allow dental clinics with labs in the “I-1” Light Industrial District. The zoning ordinance currently allows medical, dental, and optical labs.

Larry Remmen stated that Northern Dental Access is considering the construction of an 11,000 square foot dental clinic which would serve people that do not currently have access to affordable dental care.

There being no further public comment, the public hearing was closed.

A motion was made by Commissioner Eric Lundmark, seconded by Commissioner Don Maristuen, and carried unanimously to approve amending the zoning ordinance to allow dental clinics with laboratories in the “I-1” Light Industrial District to state: W. Medical, dental, and optical laboratories and clinics with medical dental and laboratories.

Public hearing to give consideration to a variance to allow a 2 foot 6 inch side yard setback instead of a 10 foot side yard setback on a residential lot at 1364 Long Lake Drive (Drew Larson)

Chairman Dan Wenner opened the public hearing.

Larry Remmen reported in the matter of consideration to a variance to allow a 2 foot 6 inch side yard setback instead of a 10 foot side yard setback on a residential lot at 1364 Long Lake Drive

(Drew Larson). Larry Remmen stated Drew Larson is requesting a variance to allow a 2 foot 6 inch side yard setback on a residential lot at 1364 Long Lake Drive. The property owner mistakenly put the measured from the wrong property pin resulting in a 2 foot 6 inch setback along the property line which abuts a 30 foot wide City stormwater easement. There is no impact to any neighbors due to this variance request. Also the cost to rebuild the home with the proper setback would be considerable. Consideration should be given to the following findings. 1) The variance is in harmony with the purpose and intent of the ordinance as the side yard setback is adjacent to a City stormwater easement. 2) The variance is consistent with the Comprehensive Plan as it will allow construction of a home in a residential district. 3) The proposal will put the property to use in a reasonable manner as it will allow a setback of 2 feet 6 inches that is adjacent to a 30 foot wide stormwater easement. 4) The circumstances are unique to the property as the lot abuts a stormwater easement with an underground stormwater collection pipe and will be unnoticeable to the neighbors. 5) The variance will maintain the essential character of the neighborhood as the side yard will not be noticeable due to the adjacent stormwater easement. Larry Remmen stated he recommends approval of the variance request based on the findings listed above.

An email from John and Elizabeth Lyngstad, 1531 Long Lake Drive, on July 24, 2022, was read into the record which stated: We received and reviewed your hearing notice regarding 1364 Long Lake Drive. We walked by the property this weekend and found it to be a beautiful house that will enhance the neighborhood. We saw no issues and support your allowing the granting of a variance to Mr. Larson.

An email from Scott Ottum on July 27, 2022, was read into the record which stated: Larry, this is from Scott & Joy Ottum at 1376 Long Lake Drive and concerning a Variance that Drew Larson has requested. History will show that anything Drew Larson does with regards to land and development has greatly benefited those around it. I've never met anyone with such an appreciation for nature and beautification of the surroundings. Everyone benefits! We have absolutely no problem with the requested variance.

An email from Steve Przybilla on July 27, 2022, was read into the record which stated: Good afternoon, Larry. As a past Detroit Lakes Planning Commission Member and as a resident of Long Lake Drive, I wanted to provide some input on the Larson Variance Request. I have reviewed the site plan sent and visited the site of the requested variance. It appears that the encroachment of the new home within the designated set back will not cause any short or long-term issues for the City of Detroit Lakes or the residents of Long Lake Drive. The properties to the East of the area in question hosts a driveway and a residential side yard. Neither of these properties would be impacted by approving the variance. Additionally, the space in question provides sufficient room for any potential excavation of the current utilities and storm drain. There is room for large equipment to still access the retention area for ongoing maintenance. I have considered this closely and the hardship on the Larson's is far greater than any inconvenience the variance may have in the future. I would support granting the requested variance. Slight Correction, the property I am referring to is to the East not West of the new development.

Drew Larson stated that he discovered the error and wanted to correct the problem before completing the project.

There being no further public comment, the public hearing was closed.

A motion was made by Commissioner Nancy Haggart, seconded by Commissioner Shaun Carlson, and carried unanimously to approve a variance to allow a 2 foot 6 inch side yard setback instead of a 10 foot side yard setback on a residential lot at 1364 Long Lake Drive (Drew Larson).

BUSINESS

Variance/Conditional Use Status Report

Variance and Conditional Use Status Report was for information only.

Larry Remmen reported working on changes to the short term rental ordinance and changing gto a licensing process versus a Conditional Use Permit.

Larry Remmen noted that the planning consultant RDG would be working with the City in August on the Pavilion, West Lake Drive, and Arena/Fairgrounds plan.

ADJOURNMENT

There being no further business to bring before the Board the meeting was adjourned.

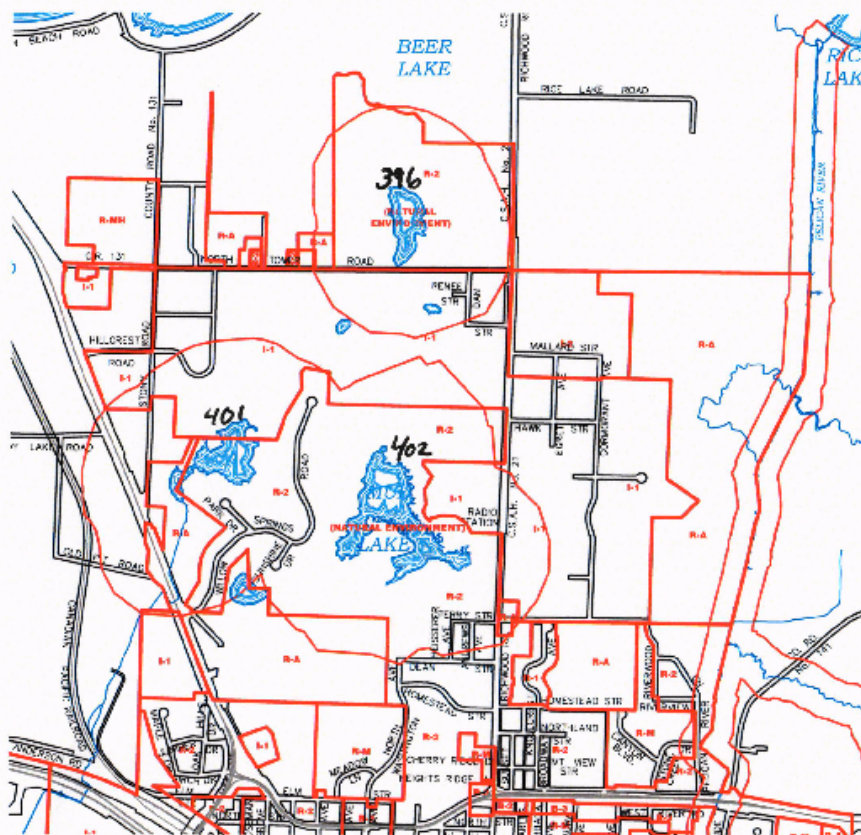
Respectfully submitted,
Larry Remmen
Community Development Director

August 4, 2022

STAFF REPORT

RELATIVE TO AMENDING THE ZONING ORDINANCE OF THE CITY OF DETROIT LAKES TO ALLOW INDUSTRIAL USES AS A CONDITIONAL USE ON LAKE 402 – MUD LAKE AND 396 – UNNAMED, BOTH NATURAL ENVIRONMENT LAKES

The City of Detroit Lakes currently has an exemption in its shoreland regulations to allow industrial uses as a conditional use on the Natural Environment Lake Number 401 – Unnamed. There are two other Natural Environment Lakes this same area, with shoreland districts that contain industrially zoned property. The intent of the proposed amendment is to allow industrial uses by a Conditional Use Permit on Lake 402 – Mud Lake and Lake 396 – Unnamed. There are areas within the shoreland district of these lakes that have been zoned industrial for many years. The zoning map below shows the shoreland district for each lake. See proposed ordinance on the following page.



ORDINANCE NO.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE
CITY OF DETROIT LAKES RELATIVE TO SUBD. 4B.3. LAND USES**

The City Council of the City of Detroit Lakes does hereby ordain:

Section 1: Amendment

Section 18 of the Zoning Ordinance of the City of Detroit Lakes is hereby amended as follows:

Section 18 Subd. 4.B.(3) The Table of Land Uses shall remain the same with an N* in the Industrial Section for Natural Environment Lake. The text for the asterisk shall be deleted in its entirety and replaced as follows:

*Except that in the Shoreland District of unnamed Lake 401, Mud Lake 402, and unnamed Lake 396 industrial uses will be permitted as a Conditional Use.

The following conditions are required for the shoreland districts of Mud Lake 402 and Unnamed Lake 396:

1. Industrial uses must not have impervious surface in excess of 30% for riparian lots and 35% for nonriparian lots of the land area above the OHWL.
2. Wetlands shall not be impacted by industrial development or other industrial uses.
3. Industrial uses on riparian lots shall meet a private structure setback of not less than 150' from the OHWL.
4. Industrial uses on riparian lots shall provide a 120' buffer of native vegetation (from the OHWL).
5. Industrial uses shall be governed by an approved stormwater management plan and must obtain a Land Disturbance permit from the City of Detroit Lakes, a Pelican River Watershed District permit, and a Construction Storm Water permit from the Minnesota Pollution Control Agency prior to issuance of a building permit.

Section 2: Effective Date

This ordinance shall take effect upon passage and publication as provided by Law.

Passed and adopted this 7th day of November 2022.

Approved this 7th day of November 2022.

Matt Brenk, Mayor

Glori French, City Clerk

First Reading: October 11, 2022

Second Reading: November 7, 2022

August 4, 2022

STAFF REPORT

RELATIVE TO AMENDING THE ZONING ORDINANCE TO ELIMINATE SHORT TERM RENTALS AS A CONDITIONAL USE IN RESIDENTIAL DISTRICTS

This amendment to the zoning ordinance would be required if the City adopts a licensing procedure to address short term rentals.

The adoption of this amendment should take place after the licensing regulations for short term rentals are approved.

ORDINANCE NO.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF
DETROIT LAKES RELATIVE TO ELIMINATING SHORT TERM RENTALS AS A
CONDITIONAL USE IN SECTION 6 AND SECTION 9**

The City Council of the City of Detroit Lakes does hereby ordain:

Section 1: Amendment

Section 6 Subd.4.f. and Section 9 Subd.3.j. are deleted in their entirety.

Section 2: Effective Date

This ordinance shall take effect upon passage and publication as provided by Law.

Passed and adopted this ____ day of _____ 2022.

Approved this ____ day of _____ 2022.

Matt Brenk, Mayor

Glori French, City Clerk

First Reading:

Second Reading:

August 4, 2022

STAFF REPORT

RELATIVE TO CONSIDERATION TO AN ANNEXATION PLAN FOR THE CITY OF DETROIT LAKES

As part of its Strategic Planning, the City formed a development and annexation strategy committee to review plans for future annexations to the City of Detroit Lakes.

Based on input from this committee, staff has prepared a draft annexation plan. The plan includes: policy statements, benefits of annexation, annexation procedures, and a list of areas to be annexed.

The Planning Commission will review the plan and make a recommendation to the City Council relative to the plans adoption.

**CITY OF DETROIT LAKES
ANNEXATION PLAN 2022**

**By: Larry Remmen
Community Development Director
2022**

I. Introduction

According to Minnesota Statute 414.01 urban development is to take place in cities while townships are to administer rural and agricultural areas.

Annexation can take place in several ways under Minnesota Statute 414.

- A. Administrative Law Judges Order (Contested Case)
- B. Orderly Annexation
- C. Annexation by Ordinance

The City of Detroit Lakes is concerned about future growth and annexation. These concerns are related to the need for land for residential and commercial growth and development as well as the need to provide orderly and cost effective expansion of streets and utilities to serve residents and businesses. In order to provide for future growth and development the City must plan for annexation. Therefore, the City has decided to prepare an annexation plan to develop specific annexation policies.

II. Annexation Policy Statements

- A. Provide Areas for Future Growth
Cities and developers initiate annexation in order to provide areas for future growth and development.
- B. Promote Proper Development Through Planning
The City's Comprehensive Plan and Land Use Regulations provide for a uniform, systematic method for development that preserves open space, the environment, and property rights.
- C. Assertion of Zoning or Other Regulatory Control
Annexation brings territory into the full regulatory authority of a City. While state statutes provide cities with limited extraterritorial regulatory authority, annexation into a City allows application of full land use controls, building codes, nuisance regulations, and development standards.
- D. Promote Municipal Services
Provide for the extension of municipal services to areas in the process of being developed for intensive use for residential, commercial, industrial, institutional, and government purposes or are needed for such purposes already in existence.
- E. Promote Extension of Municipal Utilities
Municipal water and wastewater utilities promote safe environmental practices and provide for protection of the City's water supply as designated by the Wellhead Protection Plan. Annexation provides for the extension of municipal utilities in the most economical and efficient manner.
- F. Extend Electric Service Territory
Detroit lakes Public Utilities will "Grow with the City" by extending its electric service territory into all areas annexed by the City. This will provide a continuity of services into the annexed areas.
- G. Promote Fair Distribution of Property Tax

Township residents use city services (library, police, community center, golf course, parks, etc.) but pay less in local property taxes than city residents. Annexation increases the City's tax base and spreads the costs for municipal services. In turn, annexation sustains the vitality of the community by providing a critical mix of services for its residents and businesses.

H. Annexation by Ordinance

For the reasons listed above, it is the Policy of the City of Detroit Lakes to pursue annexation by ordinance when conditions to do so are met or by any other annexation process under State law. The City reserves the option not to pursue annexation if doing so creates an undue burden on city services or if a preexisting annexation agreement disallows the annexation at the current time.

III. Benefits of annexation

There are many benefits to annexation as stated below:

- A. Police Protection – The City of Detroit Lakes provides its own 24-hour police coverage and those within city limits are provided its full accompaniment of services.
- B. Improved Fire Department ISO Rating – Properties located within city limits generally benefit from an improved ISO rating that may result in lower property insurance premiums.
- C. Economic Development Assistance – Commercial properties benefit from the City's staff of a Community Development Director and its wide array of economic development incentives ranging from tax benefits such as Tax Increment Financing to loan pool resources such as the Development Authority's revolving loan pool.
- D. Building Code Enforcement – The City's adoption of the State's Building Code and inspection by the City's Building Inspector has inherent value to properties as buyers and mortgage lenders are increasingly more cognizant of buying and financing structures that meet building code. The City's building inspection services also receive an ISO rating that may result in lower property insurance rates.
- E. Enforceable Zoning and Nuisance Regulations – The City protects property values and rights by enforcing zoning regulations and the abatement of nuisances. These protections from your neighbor improve your enjoyment of your property and its subsequent resale value.
- F. Municipal Utilities – Where economically feasible, the City can extend water, wastewater, and sanitary sewer service to newly incorporated areas. These extensions are mostly funded through special assessments charged to benefiting properties.
- G. Electric service – The Detroit Lakes Public Utilities will expand its territory and acquire electric service territory of all annexed areas. This is important for continuity of service and providing low cost service to all customers.
- H. Curbside Recycling – Garbage haulers within the city limits are required to provide curbside recycling.

- I. Street Lighting – City provides street lighting to all residents within city limits.

IV. Annexation Procedures.

State Statutes provide for several methods of annexation that will be described in this section. The types of annexation include the following:

- Annexation by Ordinance
- Administration Law Judges Order
- Orderly Annexation

A. Annexation by Ordinance

1. Minnesota Statute 414.033 provides for annexation by ordinance. The statute states that “a municipal council may by ordinance declare land annexed to the municipality and any such land is deemed to be urban or suburban in character or about to become so if:
 - a. The land is owned by the municipality;
 - b. The land is completely surrounded by land within the municipal limits;
 - c. The land abuts the municipality and the area to be annexed is 120 acres or less...and the municipality receives a petition for annexation from all the property owners of the land.
 - d. The land has been approved after August 1, 1995, by a preliminary plat or final plat for subdivision to provide residential lots that average 21,780 square feet or less in area and the land is located within two miles of the municipal limits.”
2. Minnesota Statute 414.033, Subd. 3, further explains that “if the perimeter of the area to be annexed by a municipality is 60 percent or more bordered by the municipality and if the area to be annexed is 40 acres or less, the municipality shall serve notice of intent to annex upon the town board and the chief administrative law judge...The town board shall have 90 days from the date of service to serve objections to with the chief administrative law judge, the chief administrative law judge shall conduct hearings and issue an order...”. Therefore, a municipality can annex by ordinance in the case of a property being bordered 60 percent or more but additional notice is required and there is an opportunity for the township board to object.

B. Administrative Law Judges Order

Minnesota Statute 414.031 provides for annexation by Administrative Law Judge’s Order. Annexation under this statute can be initiated as stated in Subdivision 1.

Subdivision 1. **Initiating the proceeding.**

(a) A proceeding for the annexation of unincorporated property abutting a municipality may be initiated by submitting to the chief administrative law judge and the affected township one of the following:

- (1) a resolution of the annexing municipality;
- (2) a resolution of the township containing the area proposed for annexation;
- (3) a petition of 20 percent of the property owners or 100 property owners, whichever is less, in the area to be annexed;

Subd. 1a. Notice of intent to annex.

At least 30 days before submitting a petition or resolution to the chief administrative law judge under this section, the petitioning municipality or petitioning property owner or supporting municipality must serve the township clerk of the affected township by certified mail a notice of the petitioning municipality's or the petitioning property owner's intent to annex property within the township. The notice must clearly identify the boundaries of the area proposed to be annexed.

Once the process is started by the Administrative Law Judge a hearing will be scheduled as required by law. Annexation initiated under this section are generally referred to as contested case annexations.

C. Orderly Annexation

Chapter 414.0325 provides for orderly annexations. This requires both the City and the Township to pass a joint resolution designating an area in need of orderly annexation. The passage of a joint resolution would take place after the City and Township have reached an agreement on orderly annexation.

V. Annexation Plan

The purpose of this annexation plan is to determine the areas to be annexed, the time frame for annexation and the proposed method of annexation to be used. The plan will serve as a guide for future annexations by providing elected officials with an organized and thoughtful framework for annexation.

The planning period for this report is 20 years. The proposed annexation areas represented which reasonably have the potential to be annexed within the next 20 years. The report will include maps and tables which will show the location, method of annexation and the anticipated timing of annexation.

Table I on the following page provides a list of potential annexation areas along with methods of annexation and potential timing.

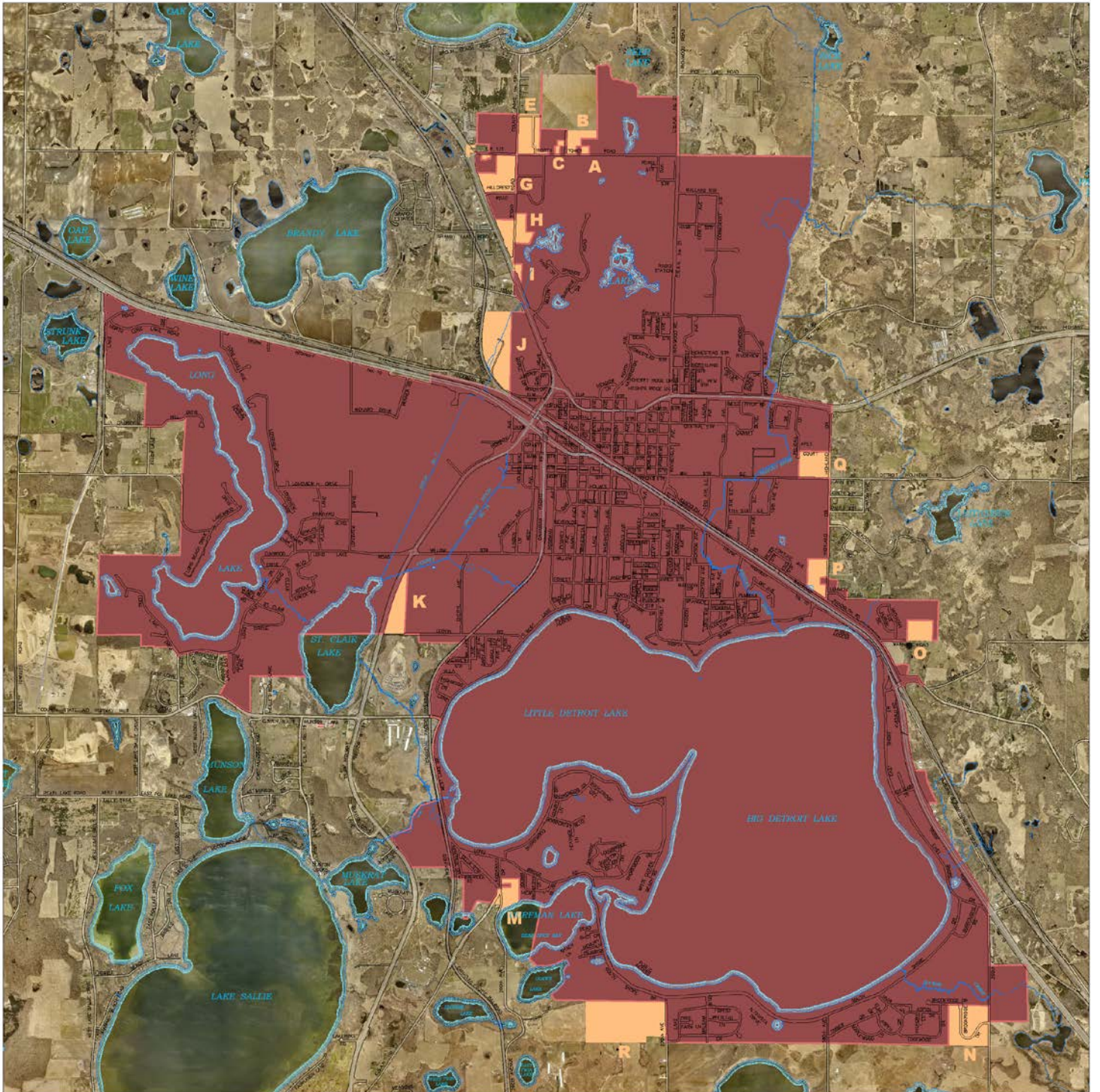
TABLE 1: Potential Annexation Areas, Methods, and Timing		
Annexation Area	Method of Annexation	Anticipated Timing
A. Mack Property (1.6 acres)	Ordinance (100% Surrounded)	1 to 2 years
B. Shea/Schmidt/West (10.45 acres)	Ordinance (72% Surrounded)	2 to 5 years
C. Friesen/Thielen (2.03 acres)	Ordinance (100% Surrounded)	1 to 2 years
E. Broadlawn Estates (23.2 acres) Various Landowners	Ordinance (84% Surrounded)	2 to 5 years
F. 4 Parcels (1.12 acres)	Ordinance (100% Surrounded)	2 to 5 years
G. Tower Rd, Stony Rd, Hillcrest (25.98 acres)	Ordinance (86% Surrounded)	2 to 5 years
H. Stony Road Various Landowners (21.38 acres)	Ordinance (70% Surrounded)	2 to 5 years
I. Hagen Property (2.55 acres)	Ordinance (85% Surrounded)	2 to 5 years
J. City of Detroit Lakes (47.10 acres)	Ordinance (City Owned)	1 to 2 years
K. Business Builders Hwy 59 Property (20.52 acres)	Ordinance (86% Surrounded)	2 to 5 years
M. Dead Shot Bay (13.78 acres) Various Owners	Ordinance (72% Surrounded)	5 to 10 years
N. Brookridge (40.00 acres) Various Landowners	Ordinance (60% Surrounded)	10 – 15 years
O. Warnake Road (12.65 acres) Swansen/Seelye	Ordinance (72% Surrounded)	2 to 5 years
P. Highland Drive (15.34 acres) Various Owners	Ordinance (85% Surrounded)	2 to 5 years
Q. Highland Drive /8 th Street (20.50 acres)	Ordinance (77% Surrounded)	2 to 5 years
R. Former Rosentreter Property (79.46 acres)	Ordinance (By Petition of New Owners)	1 to 2 years
S. Randolph Road Area (59.02 acres)	Orderly Annexation	1 to 2 years

Appendix A. Annexation Map

The map attached as Appendix A shows the current City boundaries and the annexation areas listed in Table 1.

Appendix B. Annual Annexations 1990-2021

Appendix A



Appendix B

Annual Annexations

<u>Date</u>	<u>Reference</u>	<u>Area</u>	<u>Acres</u>	<u>Population</u>	<u># of Housing Units</u>
<u>1990</u>					
June, 1990	Ordinance #44	Kmart Area	96.2	2	0
August, 1990	Ordinance #46	Busker (Petition)	25.6	0	0
August, 1990	Ordinance #47	Industrial Park (Petition)	1.1	0	0
December, 1990	Ordinance #55	West Willow (Petition)	9.3	27	0

<u>1991</u>					
May 7, 1991	Ordinance #63	Long Bridge & 22		2.19	3
May 31, 1991	Petition	Big Detroit lake	864	510	210 (Year Round)
November 5, 1991	Ordinance #65	WWTF	350	0	0

<u>1992</u>					
March 5, 1992	Ordinance #74	The Lake	3,520	0	0

<u>1993</u>					
January 5, 1993	Ordinance #88	Randolph Road Area (60% Bordered)	38	0	0
March 12, 1993	Ordinance #89	Highway 59 South (100% Surrounded)	186	1	1
October 5, 1993	Ordinance #98	Snappy Park (City Owned)	31.38	0	0

<u>1994</u>					
June 7, 1994	Ordinance #107	Soccer Field (Petition)	36.78	0	0

<u>1995</u>					
March 7, 1995	Orderly Annexation	New Industrial Park	390	0	2
October 3, 1995	Ordinance #126	Cheryl Avenue	41.51	7	3

October 3, 1995	Ordinance #127	Holzgrove	27	0	0
November 7, 1995	Orderly Annexation	North 700 Feet Cheryl Avenue	1.06	0	0

1996

NONE					
------	--	--	--	--	--

1997

December 2, 1997	Ordinance #160	Glawe Lake Area Don Busker (Petition)	3	0	0
---------------------	----------------	--	---	---	---

1998

NONE					
------	--	--	--	--	--

1999

June 1, 1999	Ordinance #177	Cheryl Avenue	40	5	3
June 1, 1999	Ordinance #178	Richwood	4.43	0	0
June 1, 1999	Ordinance #179	8th Street	15.1	0	0
July 6, 1999	Ordinance #183	Zitzow/Erie Estates/Hwy 34	31.3	43	20
July 9, 1999	Ordinance #186	Walmart	60	0	0
October 5, 1999 State 12/3/99	Ordinance #191	Jacoby/McCarthy	13.3	4	2

2000

NONE					
------	--	--	--	--	--

2001

January 2, 2001 (State 3- 16-01)	Ordinance #208	Wenner Farm (100% Surrounded)	17.3	2	1
January 2, 2001 (State 3- 16-01)	Ordinance #209	Lakeview General Store	8.4	9	4
August 7, 2001 (State 9-14-01)	Ordinance #214	Paul Renner - Timber Creek (Petition)	57	0	0
August 7, 2001 (State 9-14-01)	Ordinance #215	Paul Renner - Timber Creek (Petition)	50	0	0
October 2, 2001	Ordinance #217	Douglas & Carol McDougal	0.71	3	1

2002

October 1, 2002	Ordinance #232	Don & Shirley Bristlin	0.407	2	1
October 1, 2002	Ordinance #233	Helen Taylor	0.32	1	1

2003

June 16, 2003	Orderly	Long Lake Area	436	7	3
March 4, 2003	Ordinance #235	Stonebrooke (Petition)	24.57	0	0
November 5, 2003	Ordinance #246	Pelican River/Hwy 34 (60% Bordered)	13.2	15	11

2004

July 6, 2004	Ordinance #258	Lakebreeze Estates	51.86	0	0
July 6, 2004	Ordinance #259	Schoenberger	10.5	18	10
August 1, 2004	Ordinance #260	Pelican River Heights	37.52	0	0
October 1, 2004	Ordinance #257	Lakebreeze Estates	19.24	0	0

2005

February 1, 2009	Ordinance #263	Clear Creek	54	0	0
March 1, 2005	Resolution #19	Dick Pettit (Detroit Twsp)	126.4	2	1
March 1, 2005	Resolution #18	Dick Pettit (Lakeview Twsp)	10.79	0	0
April 4, 2005	Resolution	Clear Creek	27	0	0

2005

July 5, 2005	Ordinance #276	Detroit Lakes North Ind. Park First Addition	20.05	0	0
October 4, 2005	Ordinance #281	River Hills	58	3	1
October 4, 2005	Ordinance #282	Dean Chadbourne	4.37	3	1

2006

May 2, 2006	Ordinance #289	Lefebvre Land	39.23	0	0
October 10, 2006	Ordinance #297	Cheryl Avenue	1.44	0	0
May 2, 2006	Ordinance #298	Ray J. Anderson	141.74	0	0

November 14, 2006	Ordinance #302	The Preserve	24.1	4	2
----------------------	----------------	--------------	------	---	---

2007

March 13, 2007	Ordinance #308	Nustad Property	1.4	2	1
May 8, 2007	Orderly Annexation	Richwood/Tower Road	226.04	12	6
September 11, 2007	Ordinance #302	Bristlin/Richwood Road	49.81	0	0

2008

July 23, 2008	Orderly Annexation Resolution 4/8/08	Long Lake/Lake View	17.21	18	9
July 23, 2008	Orderly Annexation Resolution 4/8/08	Long Lake/Detroit	167.6	7	102
November 12, 2008	Ordinance #326	Huberty	8.4	3	1

2009

May 19, 2009	Ordinance #330	Mark Olsen	7.6	0	0
--------------	----------------	------------	-----	---	---

2010

January 13, 2010	Ordinance #344	US Fish & Wildlife Service	86	0	0
October 12, 2010	Ordinance #345	James & Paulette Schmitz 26394 North Tower Road	0.92	2	1

2011

NONE					
------	--	--	--	--	--

2012

January 10, 2012	Ordinance #356	Clayton & JoAnn Schott	10.02	2	1
July 13, 2012	Ordinance #361	Highway 34 East Jennie-O	2.3	0	0
November 13, 2012	Orderly Annexation Resolution 10/9/12	Long Lake Area III	129	74	28

2013

December 1, 2013	Ordinance #372	Drew Larson	7.51	2	1
------------------	----------------	-------------	------	---	---

2014

April 8, 2014	Ordinance 374	Upstream Sucker Creek	52.7	0	0
---------------	---------------	-----------------------	------	---	---

2015

October 23, 2015	Orderly Annexation	Long Lake Area IV	249	90	41
November 10, 2015	Ordinance #392	Bob Spilman	4.64	0	0

2016

April 12, 2016	Ordinance #396	Solmon	21.25	0	0
September 1, 2016	Ordinance #403	Becker County	16.83	0	0

2017

NONE					
------	--	--	--	--	--

2018

May 31, 2018	Orderly Annexation Resolution 02/13/18	Randolph Road/Warnake Road - Parcel 19.0004.00 and 19.0004.001	62.14	1	0
July 30, 2018	Ordinance #426	Foltz Trucking	9.06	0	0
September 13, 2018	Ordinance #430	Michael and Sara Thielen	1	2	1

2019

February 13, 2019	Amendment to Orderly Annexation Resolution	Marvin Fingalson	3.12	1	0
January 24, 2019	Ordinance #434	Cleveland Farms/Adkins Equipment	60.3	0	0
March 8, 2019	Ordinance #437	Bob Bergquist	81.8	0	0
June 11, 2019	Ordinance #447	Robert & Joyce Spilman	3.65	2	1

October 8, 2019	Ordinance #453	Foltz Acres	1.2	3	0
October 8, 2019	Ordinance #454	Long Lake (Lake Only)	414.52	0	0
December 10, 2019	Ordinance 456	Willow Springs	215.5	124	65

2020

January 14, 2020	Ordinance 458	Robert Bristlin/Rolland Amundson	36.55	2	0
---------------------	---------------	-------------------------------------	-------	---	---

2021

November 10, 2020 (State 3/18/2021)	Ordinance 473	U Storage, LLP	3.8	0	0
February 9, 2021 (State 2/19/2021)	Ordinance 474	Nodsle	1.13	0	0
April 13, 2021 (State 4/29/2021)	Ordinance 478	Arvig	4.82	0	0

2022

December 14, 2021 (State 2/24/2022)	Ordinance 485	Douglas Branchaud & Chad Benck	4.58	4	2
---	---------------	-----------------------------------	------	---	---

August 4, 2022

STAFF REPORT

RELATIVE TO CONSIDERATION TO ADOPTING CITY CODE 616 REQUIRING THE LICENSING OF SHORT TERM RENTALS

The City of Detroit Lakes currently allows short term rentals by approval of a Conditional Use Permit. This process gives the applicants a property right to use their property for short term rental. It is also more difficult to rescind this right for any violation of the ordinance that might take place.

The idea of licensing short term rentals was raised as a way to address the issue of violations of the City Code. The proposed ordinance would have the same conditions or requirements as the Conditional Use. Also, it is easier to rescind a license which can be done by administrative procedures as stated in the proposed ordinance.

Permitters would be required to obtain an annual license which is good for a calendar year. The license will expire every December 31st and will need to be renewed.

Violations of the ordinance can lead to the license being revoked.

If this ordinance is adopted the zoning ordinance will need to be amended to remove short term rentals as a Conditional Use.

ORDINANCE NO.

**ESTABLISHING SECTION 616 OF THE CITY CODE REQUIRING
LICENSING OF SHORT TERM RENTALS**

The City Council of the City of Detroit Lakes does hereby ordain:

Section 1: City Code is amended to include Section 616 as follows:

Section 616. Short Term Rental

616.01 Purpose. The purposed of this ordinance is to establish a licensing procedure to regulate short term rental of residential property in the City of Detroit Lakes in order to protect the health, safety, and welfare both of guests using short term rentals and of citizens impacted by short term rentals. This ordinance is adopted to ensure that short term rental of dwelling units is conducted, operated, and maintained so as not to become a nuisance to the surrounding neighborhood or an influence that fosters blight and deterioration or creates a disincentive to reinvest in the community. The operation of short term rental property is a business enterprise that entails responsibilities required of the owner, local agent, and guests.

616.02 Objectives.

Subd. 1. To establish a licensing procedure for short term rentals in the City of Detroit Lakes.

Subd. 2. To provide local governance to promote the health, safety, and welfare of local residents and patrons of short term rental establishments.

Subd. 3. To prevent conditions that may adversely affect citizens and person utilizing short term rental establishments.

Subd. 4. To provide and enforce standards, design, operation, and maintenance of short term rentals that will reduce negative impacts to the community.

616.03 Definitions. The following terms when used in this ordinance have the following definitions:

Subd. 1. Bedroom. A part of the inside of a short term rental that is divided from other areas by walls and a doorway and that has its own floor and ceiling that is furnished primarily as sleeping quarters, containing a bed or furniture that can convert to a bed, and having more than one means of egress.

Subd. 2. Code Enforcement Officer. An employee of the City designated as the Code Enforcement Officer. The term Code Enforcement Officer also includes all City employees authorized to issue citations.

Subd. 3. Dwelling. Means any building or other permanent or temporary structure, including a manufactured or mobile home which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

Subd. 4. Guest. Any person or persons renting a short term rental.

Subd. 5. Hotel. A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public. May also be referred to as a motel.

Subd. 6. Owner. Any person who, alone or with others, has title or interest in any building, property, dwelling, dwelling unit or portion thereof, with or without accompanying actual possession thereof, including any person who as tenant, agent, executor, administrator, trustee, or guardian or an estate has charge, care, control or any dwelling or dwelling unit.

Subd. 7. Person. Any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

Subd. 8. Primary Residence. Means the dwelling unit within which a person lives for six months plus a day during a calendar year.

Subd. 9. Primary Resident. Means a person living on a property where the property is the person's primary residence.

Subd. 10. Property Manager. Means a natural person residing within 30 miles of the City of Detroit Lakes who is authorized by the rental unit owner to make decisions for the owner about rental, occupancy and maintenance of the rental unit, or a licensed, or bonded, and/or insured company engaged primarily in providing such services for hire.

Subd. 11. Rent, Lease, Let, or Sublet. Means the leasing or rental unit to a non-owner for a fixed or non-fixed period of time, and shall include other similar

arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination or contract for deed procedure, or a statutory repossession procedure.

Subd. 12. Short Term Rental. A dwelling or part of a dwelling that is used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a 30-day time period and is not a bed and breakfast, resort, hotel or motel, or any such location required to be licensed by the Commissioner of Health under Minnesota Statutes 157.16.

Subd. 13. Short Term Rental, Hosted. (Hosted shore term rental) A dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where a primary resident of the property is present while the transient guests are present.

Subd. 14. Short Term Rental, Un-hosted. (Un-hosted shore term rental) A dwelling unit that is offered to transient guest for a period of less than 30 consecutive days, where the property serves as a person's primary residence but a primary resident of the property is not present while the transient guests are present.

Subd. 15. Short Term Rental, Dedicated. (Dedicated short term rental) A dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property does not serve as a person's primary residence.

616.04 License Required. No person or entity shall operate or permit the operation of a short term rental regardless of whether a fee is charged for such use, unless they have obtained a valid license from the City of Detroit Lakes, which is in full force and effect. Only a person who complies with the requirements of this ordinance shall be entitled to hold a license. The license for a short term rental is nontransferable, either to a different person or location.

616.05 License Procedure.

Subd. 1. License Application. Any property owner desiring to undertake short term rentals must apply to the City of Detroit Lakes for a short term rental license on the form provided by the City. The application must include all the information requested. A license must be approved prior to operating a short term rental within the City. A license will not be approved until the applicant has applied for the rental registration and the unit has passed inspection. A license will not be approved until the applicant has registered to pay the lodging tax.

Subd. 2. The license application shall include the following information.

- A. Name, residence and mailing address of property owner;
- B. Address and Parcel Identification Number of the subject property;
- C. Legal description (from the deed) of the subject property;
- D. Name of property manager including address and phone number;
- E. Number of bedrooms and sleeping areas in the subject property;
- F. Building plans clearly dimensioned and scaled;
- G. A site plan showing the following:
 - 1) Exterior property lines showing lot width, lot depth, and lot area;
 - 2) Location and size of buildings showing setbacks from lot lines;
 - 3) Number of parking spaces;
 - 4) Screening plan listing all plants or fences;
 - 5) Adjacent streets with names.
- H. Type of short term rental
 - 1) Hosted short term rental;
 - 2) Un-hosted short term rental;
 - 3) Dedicated short term rental.
- I. Proof of registration to pay lodging tax;
- J. Proof of rental registration and successfully completed inspection.

Subd. 3. Processing Application.

- A. The City Administrator will refer the application to City staff for review.

- B. The license will be issued if the application meets all the conditions in Section 616.06 including passing the rental registration inspection and registration to pay the lodging tax.
- C. The City will not issue more than 100 short term rental licenses.
- D. The City will notify the applicant in writing if the application is denied. The applicant may appeal the denial by filing a written notice to the City Administrator within 15 days of the date of the notice of denial.

616.06 Conditions of License. Short term rentals shall be subject to the conditions and standards identified in this subdivision.

Subd. 1. Design. The building shall be of residential design.

Subd. 2. Licenses. The owner must obtain all required State and local license.

Subd. 3. Rental Registration. The owner must apply for rental registration and rental unit must pass the required inspection.

Subd. 4. Lodging Tax. The owner must apply for and pay the required lodging tax and provide the City with their State and local sales tax numbers.

Subd. 5. No cooking facilities. Cooking facilities are not permitted in any guest bedroom.

Subd. 6. Parking. At least two off street parking spaces are required plus one space for each bedroom. The parking area shall be screened from adjacent residential property as provided in Section 3 of the zoning ordinance.

Subd. 7. Signage. Signage is limited to one sign single or double faced that is non-illuminated and does not exceed four (4) square feet per sign face. The content of such sign is limited to the name and address of the facility.

Subd. 8. Number of Guests. A maximum number of two guests are allowed per bedroom (not counting children under the age of 3) with a maximum of 10 guests per short term rental. Additional occupancy by the use of recreational vehicles, trailers, tents or other structures is not permitted.

Subd. 9. Insurance. The owner shall provide evidence of rental liability insurance.

Subd. 10. Inspections. The owner will allow the licensed premises to be inspected by City employees during normal business hours.

Subd. 11. Guest Records. The owner shall keep a record of all short term rental activity. The information shall include name, address, phone number, and vehicle license plate information for all guests. Such information shall be provided to the City upon 48 hours notice.

Subd. 12. Events. No events can be hosted at the facility.

Subd. 13. Guest Disclosure. The license must disclose in writing to their guests the following information.

- A. Contact information and phone number for the Property Manager;
- B. Emergency phone numbers;
- C. The maximum number of guests allowed at the short term rental;
- D. Property rules related to outdoor features of the rental;
- E. That the City's noise ordinance will be enforced by the Detroit Lakes Police Department;
- F. That disorderly behavior is prohibited;
- G. That no events can be hosted at the facility.

Subd. 14. Zoning. Short Term Rentals are allowed in residential and business zoning districts.

Subd. 15. Posting of License. The licensee must post the license at the licensed property and post the license number on all print, posters, or web advertisements.

Subd. 16. Dwelling Maintenance. The short term rental licensed premises must meet the requirements of City Code 1002 – Dwelling Maintenance Code and City Code 612 – Rental Unit Registration and any other relevant City codes.

Subd. 17. Property Manager. Each short term rental must have a property manager residing within 30 miles of the City of Detroit Lakes.

616.07 License Period.

Subd. 1. Term. Licenses shall be issued for a calendar year and expire on December 31st of each year.

Subd. 2. Non-Transferable Licenses. Licenses are non-transferable and shall expire upon change of ownership of the property.

616.08 License Fee. The license fee for 2022 shall be \$350. Thereafter, license fees shall be established by City Council resolution as set forth in part 210 fees. Fees shall not be prorated.

616.09 Ordinance Enforcement and License Revocation.

Subd. 1. Enforcement.

- A. Injunctive Relief. In the event of a violation or threatened violation of this ordinance, the City, in addition to other remedies, is entitled to seek injunctive relief or proceedings to prevent, restrain, correct or abate such violations or threatened violations. The City shall be entitled to recover its costs, disbursements and attorney fees incurred in obtaining such injunction, as a condition of issuance of the license.
- B. Misdemeanor. The penalty for a violation of this ordinance shall be a misdemeanor.
- C. Fines. In addition to penalty provisions in (A) and (B) above, the administrative fines for violations of this Section shall be as established by the City Council in the schedule. For 2022, the fine for the first substantial and relevant violations shall be \$250. The fine for the second violation shall be \$500 and the fines for the third violation shall be \$750 and automatic license revocation.

Subd. 2. License Revocation. Any short term rental license may be revoked for any violations related to this Section including but not limited to the following:

- A. Failure to meet the provisions of Section 616. Licensing of Short Term Rental;
- B. Failure to meet the provisions of Section 1002. Dwelling Maintenance Code;
- C. Failure to meet the provisions of Section 612. Rental Registration;
- D. Failure to meet the provisions of Section 506. Lodging Tax;
- E. Failure to meet the provisions of Section 505. Noise Ordinance;
- F. Disorderly Conduct.

Subd. 3. License Revocation for Disorderly Conduct. Disorderly conduct is prohibited at all short term rentals. It shall be the responsibility of the owner to ensure that all guests occupying or visiting the licensed short term rental property conduct themselves in such a manner as not to cause the licensed short term rental to be disorderly. For the purposes of this Section disorderly conduct includes but is not limited to the following Statutes or ordinances.

- A. Minn. Stat. §§ 609.75 – 609.76, which prohibits gambling;
- B. Minn. Stat. §§ 609.321 – 609.324, which prohibits prostitution and acts relating thereto;
- C. Minn. Stat. §§ 152.01 – 152.07, which prohibits the unlawful sale of possession of controlled substances;
- D. Minn. Stat. §§ 340A.401, which prohibits the unlawful sale of alcoholic beverages;
- E. Minn. Stat. §§ 340A.503, which prohibits the underage consumption of alcoholic beverages;
- F. Minn. Stat. §§ 609.595, which prohibits damage to property;
- G. Minn. Stat. §§ 97B.021, 97B.045, 609.66 – 609.67, and 624.712 – 624.716, which prohibit the unlawful possession, transportation, sale, or use of a weapon;

- H. Minn. Stat. §§ 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the other occupants of the permitted premises or other surrounding premises;
- I. Minn. Stat. §§ 152.027, Subd. 4, which prohibits the unlawful sale of possession of small amounts of marijuana;
- J. Minn. Stat. §§ 152.092, which prohibits the unlawful possession or use of drug paraphernalia;
- K. City Code Section 901, which prohibits public nuisances;
- L. City Code Section 505, which prohibits nuisance noise;
- M. Minnesota State Fire Code 302 and 307 – 307.5, which limit recreational fires to no larger than 3' x 3' feet, natural wood only, attended until extinguished, conditions permitting; and
- N. Minn. Stat. §§ 624.20 – 624.21, which prohibits exploding fireworks.

Subd. 4. Determination of Disorderly Conduct.

- A. Upon determination by the City that a licensed short term rental was used in a disorderly manner, the City shall notify the owner by mail of the violation and the amount of the fine (\$250) to be levied and direct the owner to take appropriate action to prevent further violations.
- B. If a second instance of disorderly use of the licensed property occurs within 120 days of the first violation, the City shall notify the owner by mail of the violation and require the owner to submit, within 15 days, a written report of the actions taken and actions proposed to be taken to prevent further disorderly use of the premises and notify the owner that the amount of fine (\$500) to be levied.
- C. If a third violation of disorderly use occurs within one year of the second of any two previous instances of disorderly conduct for which notices were sent to the owner pursuant to this Section, mailed notice will be sent to the owner notifying him/her of the fine to be levied (\$750) and that the short term rental license is revoked. If a license is revoked under this Section the owner cannot apply for any licenses for a short term rental for a period of one year.

Section 2: EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by Law.

Passed and adopted this _____ day of _____ 2022.

Approved this _____ day of _____ 2022.

Glori French, City Clerk

Matt Brenk, Mayor

First Reading:
Second Reading:

**VARIANCE/CONDITIONAL USE PERMIT
LAND DISTURBANCE PERMIT
STORMWATER MITIGATION PERMIT
STATUS REPORT
SEPTEMBER 13, 2022**

• **B & W Properties of DL, LLC – 1048 West Lake Drive 6-13-17**

Request: Conditional Use Permit to allow a planned unit development with six single family homes at 1048 West Lake Drive

Status: Conditional Use Permit granted with the following conditions:

1. That the project not exceed 6 single family homes;
2. That the property be platted to show the proposed lot layout and provide for dedication of utility easements and the West Lake Drive road right of way;
3. That the owner pay for a preliminary engineering report for water sewer and petition the City of installation of this infrastructure;
4. That the Developer apply for a Land Disturbance Permit from the City and sign a Stormwater Facilities Maintenance Agreement prior to issuance of a building permit;
5. That the Developer obtain any permits required from the Pelican River Watershed District or the Minnesota Pollution Control Agency;
6. That the owner provide a development schedule for the project;
7. That the property owner association documents or deed restrictions provide that 50% of the land area be preserved as open space and 20% of the land area be preserved as useable open space;
8. That 2 parking spaces be provided per unit and ½ space per unit be provided for guest parking;
9. That a Property Owner’s Association documents requiring mandatory membership be approved by the City prior to issuance of a building permit;
10. That all buildings be setback at least 25 feet from the private drive;
11. That the distance between buildings be a minimum of 10 feet;
12. That one centrally located dock with 6 slips be allowed;
13. That the drives shall be approved by the City Engineer and the Fire Chief prior to issuance of a building permit;
14. That the impervious surface coverage not exceed 25%

• **Boys and Girls Club of Detroit Lakes: 150 Richwood Road 12-12-17**

Request: Request for a variance to build a 40 foot high building and a parking variance to allow 53 parking spaces to meet the parking requirement

Status: The City Council hereby approves the requested variance, subject to the following conditions:

1. That the facility be constructed as shown on the approved site plan;
2. That the building be setback 30 feet from all lot lines;
3. That a landscape buffer at least 6 feet high be provided between the North and East lot lines and the building;
4. That the developer obtain a Land Disturbance Permit from the City prior issuance of a building permit.

- **Tomlinson Schultz Partners, LLC: 839 South Shore Drive 1-9-18**

Request: Request for a Conditional Use Permit to allow a Planned Unit Development of 15 Twin Homes (30 Units Total)

Status: The City Council hereby approved the requested Conditional Use Permit, subject to the following conditions:

1. That the project not exceed 15 Twin Homes or 30 units total;
2. That the property be platted to show the proposed lot layout and provide for dedication of utility easements;
3. That the Developer apply for a Land Disturbance Permit from the City and sign a Stormwater Facilities Maintenance Agreement prior to issuance of a building permit;
4. That the Developer obtain any permits required from the Pelican River Watershed District or the Minnesota Pollution Control Agency;
5. That the owner provide a development schedule for the project;
6. That the property owner association documents or deed restrictions provide that 50% of the land area preserved as open space of 20% of the land area be preserved as useable open space as required by the Shoreland Ordinance;
7. That 2 parking spaces be provided per unit and ½ space per unit be provided for guest parking;
8. That a Property Owner’s Association documents requiring mandatory membership be approved by the City prior to issuance of a building permit;
9. That all buildings be setback at least 25 feet from the private drive;
10. That the private drive be not less than a 22 foot wide paved surface and off-street parking is constructed as shown on the site plan;
11. That the project be constructed generally as shown on the approved site plan except as noted in condition #14;
12. That connection to City sewer and water is required;
13. That the impervious surface coverage in the Shoreland District not exceed 25%;
14. All units must not exceed a height of 25 feet;
15. No other accessory structures shall be added to the property that are in addition to the approved site plan.

- **Spitfire Bar and Grill: 1100 North Shore Drive 7-10-18**

Request: Request for a variance to allow an existing covered patio to be moved 18 feet to the east, the addition of a 1720 square foot patio, 70.5 percent impervious surface coverage, and to allow 111 parking spaces

Status: The City Council hereby approved the requested variance, subject to the following conditions:

1. That the building not be enlarged;
2. That the project be constructed as shown on the approved site plan;
3. That the owner obtain a Pelican River Watershed District Permit prior to issuance of a building permit;
4. That the impervious surface coverage not exceed 70.5;
5. That the patio area not exceed 1720 square feet;
6. That the owner provide 111 parking spaces;
7. That the owners provide the City with a road and utility easement of approximately 1700 square feet as defined by the City Engineer;

8. That the owner install and maintain a 6 foot high vegetative screening between the parking lot and North Shore Drive; Met per landscaping by patio.
9. That the owners install and maintain 5% of the interior of the parking lot in landscaping.

- **Broadway Welding: 1090 Legion Road 05-14-2019 Extended 1 Year 05-14-2023**

Request: Request for a non-conforming use permit to allow construction of a 35,000 square foot addition to an existing industrial building with a 17 foot side yard setback

Status: The City Council hereby approved the requested non-conforming use permit, subject to the condition:

1. Constructed as shown on the approved site plan.

- **Broadway Welding: 1090 Legion Road 05-14-2019 Extended 1 Year 05-14-2023**

Request: Request for a variance from the Airport Zoning requirement to allow an 110,500 square foot building on a 5.56 acre lot in land use safety zone B of the Airport

Status: The City Council hereby approved the requested variance, subject to the following conditions:

1. That the project be constructed as shown on the approved site plan.
2. That at least 15% of the lot be landscaped.
3. That the number of employees on the largest shift not exceed 83 people.
4. That the owner obtain a Land Disturbance Permit from the City of Detroit Lakes prior to issuance of a building permit.
5. That the owner obtain a Pelican River Watershed District permit prior to issuance of a building permit.
6. That the owner obtain an NPDES permit from the Minnesota Pollution Control Agency prior to issuance of a building permit.
7. That the owner provide the City with a survey of the property prior to issuance of a building permit.
8. That the owner provide the City with any road right of way easements deemed necessary by the City.

- **Broadway Welding: 1090 Legion Road 05-14-2019 Extended 1 Year 05-14-2023**

Request: Request for a variance to allow paving of 71 parking spaces for a 110,500 square foot manufacturing facility

Status: The City Council hereby approved the requested variance, subject to the following conditions:

1. That the project be constructed as shown on the approved site plan.
2. That at least 15% of the lot be landscaped.
3. That the number of employees on the largest shift not exceed 83 people.
4. That the owner obtain a Land Disturbance Permit from the City of Detroit Lakes prior to issuance of a building permit.
5. That the owner obtain a Pelican River Watershed District permit prior to issuance of a building permit.
6. That the owner obtain an NPDES permit from the Minnesota Pollution Control Agency prior to issuance of a building permit.

• **Jay Schurman: 1106 – 1110 West Lake Drive & 1390 County Road 6 03-10-2020**

Request: Request for a conditional use permit to allow the conversion of residential properties to a 10 unit Planned Unit Development in the Shoreland District

Status: The City Council hereby approved the requested conditional use permit, subject to the following conditions:

1. That development in the Shoreland District be limited to 10 units and 30% impervious surface coverage;
2. That the owner provide any utility easements required by the City;
3. That the Developer obtain a Land Disturbance Permit and a mitigation permit from the City prior to issuance of a building permit;
4. That the Developer obtain any permits required from the Pelican River Watershed District;
5. That the project be constructed as shown on the approved site plan with an exception that for utility installation some garage locations may change;
6. That the property owner association documents or deed restrictions provide that 50% of the land area preserved as open space and 20% of the land area be preserved as usable open space;
7. That 2 parking spaces be provided per unit and ½ space per unit be provided for guest parking;
8. That the drive be at least 22 feet wide and parking be allowed on one side only and one side be signed no parking;
9. That property owners association documents requiring mandatory membership be approved by the City prior to issuance of a building permit;
10. That the project is allowed 10 boat slips on Detroit Lake;
11. That no parking of vehicles is allowed on the property on the lake side of West Lake Drive.

• **Long Pine Estates: 915 – 1035 Village Lane 05-12-2020**

Request: Request for a conditional use permit to allow a 22 twin home Planned Unit Development

Status: The City Council approved the conditional use permit, subject to the following conditions:

1. That development in the Shoreland District be limited to 22 units and 50% impervious surface coverage;
2. That the owner provide any utility easements required by the City;
3. That the Developer obtain a Land Disturbance Permit and a mitigation permit from the City prior to issuance of a building permit;
4. That the Developer obtain any permits required from the Pelican River Watershed District;
5. That the project be constructed as shown on the approved site plan;
6. That the property owner association documents or deed restrictions provide that 50% of the land area preserved as open space and 20% of the land area be preserved as usable open space;

7. That 2 parking spaces be provided per unit and ½ space per unit be provided for guest parking;
8. That the drive be at least 24 feet wide and units be setback at least 25 feet from the drives;
9. That a property owners association documents requiring mandatory membership be approved by the City prior to issuance of a building permit.

- **Strive Properties, LLC: 1854 Nodaway Drive 06-09-2020**

Request: Request for a conditional use permit to allow a 9 unit storage unit condominium in a “B-3” Auto-Oriented Business District

Status: The City Council approved the conditional use permit, subject to the following:

1. That the owner obtain plat approval for a Common Interest Community;
2. That the property be properly divided from the existing Strive Chiropractic site prior to issuance of a building permit;
3. That Strive Chiropractic obtain a Stormwater Mitigation Permit prior to issuance of a building permit for construction of any storage buildings;
4. That the owner obtain a stormwater mitigation permit prior to issuance of a building permit for this project;
5. That the building not exceed 25 feet in height;
6. That the project be constructed as shown on the approved site plan and that the drive areas be paved;
7. That the owner obtain a Pelican River Watershed District Permit prior to issuance of a building permit.

- **James & Paula Schulz: 1235 Shorewood Drive 08-10-2020 Extended 1 Year 08-10-2022**

Request: Request for a variance to allow a 10-foot easterly rear yard setback instead of a 30-foot rear yard setback to expand an existing garage approximately 13 ½ feet southerly and adding an approximately 17-foot-wide garage stall on the easterly side of existing garage

Status: The City Council approved the variance, subject to the following conditions:

1. That the project be constructed as shown on the approved site plan;
2. That the property not exceed the 25% impervious surface coverage.

- **Glenn Disse: 1844 Nodaway Drive 06-08-2021**

Request: Request for a conditional use permit to allow expansion of a self storage facility in a “B-3” Auto Oriented Business District

Status: The City Council approved the conditional use permit, subject to the following conditions:

1. That the owner obtain a Stormwater Mitigation Permit prior to issuance of a building permit for construction of any buildings.
2. That the building not exceed 25 feet in height.
3. That the project be constructed as shown on the approved site plan and that any new drive areas be paved.

4. That the owner obtain a Pelican River Watershed District Permit prior to issuance of a building permit.
 5. That the owner provide and maintain screening at least six (6) feet high along County Road 22 and also plant and maintain at least three (3) evergreen trees along the north end of the new building as approved by City staff.
- **Leighton Broadcasting: 804 Randolph Road 06-08-2021**
 Request: Request for a variance to allow from the tower setback requirements to construct a 100 foot tower in the side yard
 Status: The City Council approved the variance.
 - **MOKE Properties: 1415 US Highway 10 West 07-13-2021**
 Request: Request for a conditional use permit to allow a car wash in a “B-3” District
 Status: The City Council approved the conditional use permit, subject to the following conditions:
 1. The architectural appearance and functional plan of the building and site shall not be dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 2. Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30 minute period and shall be subject to the approval of the City Engineer.
 3. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 3, Subd. 2G, of this ordinance.
 4. Each light standard island and all islands in the parking lot landscaped or covered.
 5. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 3, Subd. 2G, of this ordinance.
 6. The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.
 7. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
 8. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 3, Subd. 2H, of this ordinance.
 9. Vehicular access points shall be limited, shall create a minimum conflict with through traffic movement and shall be subject to the approval of the City Engineer.
 10. All signing and informational or visual communication devices shall be in compliance with the sign ordinance.
 11. Provisions are made to control and reduce noise.
 12. That the project satisfactorily meets the following provisions.
 - A. Relationship to municipal comprehensive plan.
 - B. The geographical area involved.
 - C. The character of the surrounding area.
 - D. The demonstrated need for such use.
 13. That the project be constructed as shown on the approved site plan.

14. That the owner obtain a Pelican River Watershed District Permit if required prior to issuance of a building permit.
15. That the owner obtain a Land Disturbance Permit if required prior to issuance of a building permit for construction of a car wash.

- **Mike Whitmore: 1239 Long Beach Drive 09-14-2021**

Request: Request for a non-conforming use to allow a 10 x 12 addition to a deck with a 37 foot setback from the Ordinary High Water Mark

Status: The City Council approved the non-conforming use permit

- **Boys and Girls Club Thrift Store: 1305 Highway 10 West 09-14-2021**

Request: Request for an amended variance to allow 343 parking spaces instead of the required 408 spaces, a 0 foot setback for parking spaces, and a waiver of the payment in lieu of spaces to allow a future lot division

Status: The City Council approved the amended variance, subject to the following conditions:

1. That condition # 3 from the original variance be eliminated.
2. That the property be split as shown on the approved site plan.
3. That an additional 34 parking spaces be provided at the time when American National constructs its addition or on or before September 14, 2026, whichever comes first.
4. That the green space be enlarged to include the area where the mature evergreens are located and the trees not be removed unless they become diseased or damaged.

- **John Flynn: 739 North Shore Drive 01-11-2022**

Request: Request for a variance to allow 46% impervious surface coverage and a 55 foot setback from the Ordinary High Water Mark to allow construction of a second story addition to a home

Status: The City Council approved the variance subject to the following conditions:

1. That the addition be constructed as shown on the approved site plan.
2. That the owner treat a 1.1 inch rainfall on a 4 to 1 basis for all impervious surface over 25%.
3. That the owner obtain a Pelican River Watershed District Permit prior to issuance of a building permit.

- **AK Properties: 2359 US Highway 10 West (2-08-2022)**

Request: Request for a conditional use permit to convert a resort to a residential PUD (Planned Unit Development)

Status: The City Council approved the Conditional Use Permit subject to the following conditions:

1. That the development be comprised of 18 residential units and 12 storage units as shown on the approved site plan.
2. That the property be platted into a CIC plat and provide all required utility easements.
3. That the owner obtain any required permits from the Pelican River Watershed District.
4. That the project not exceed 30% impervious surface coverage.

5. That the owner sign a Developers Agreement relative to installation of public sanitary sewer and watermains.
6. Mandatory membership in a homeowners association is required and the association documents must stipulate that 50% of the project area must be maintained as open space in perpetuity.
7. That docking cannot exceed 18 slips for watercraft.
8. That connection to City sewer and water is required.

- **Tanner and Stephanie Goodrich: 611 North Shore Drive (3-08-2022)**

Request: Request for a variance to allow a 71 foot, a 58 foot, and a 50 foot setback from the Ordinary High Water mark to allow additions to a home

Status: The City Council approved the variance subject to the following conditions:

1. That the additions be constructed as shown on the approved site plan.
2. That the 96 square foot shed be removed.
3. That the owners obtain the required Pelican River Watershed District Permit prior to obtaining a building permit for the project.

- **James Benedict: 1209 West Lake Drive (4-12-2022)**

Request: Request for a variance to allow a 15 foot setback from the road right of way to construct a 12 x 12 shed

Status: The City Council approved the variance subject to the following condition:

1. That the shed be 12 feet by 12 feet and constructed as shown on the approved site plan.

- **Robin Harrison: 289 Long Lake Lane (5-10-2022)**

Request: Request for a variance to allow a 3/12 roof pitch

Status: The City Council approved the variance

- **The Refuge: 921 8th Street SE (06-14-2022)**

Request: Request for a Conditional Use Permit to allow the operation of a State licensed substance use disorder treatment facility serving up to 28 individuals including a 2,200 square foot building addition

Status: The City Council approved the Conditional Use Permit subject to the following conditions:

1. That the facility house no more than 28 individuals;
2. That the owner obtain the appropriate State license to operate a substance use disorder treatment facility;
3. That the owner meet all of the on-site parking requirements for the facility;
4. That all of the design, operating and licensing requirements of appropriate Federal, State, and local agencies are met.
5. That the 2,200 square foot addition with a 3 foot side yard setback be constructed as shown on the approved site plan.

- **Patrick Bakken: 517 North Shore Drive (7/12/2022)**

Request: Request for a nonconforming use expansion permit to enlarge a nonconforming storage shed by 24 square feet and to raise the sidewall height from 8 to 9 feet and to grant a variance to allow a 3 foot side yard setback

Status: The City Council approved the nonconforming use expansion permit and variance

• **Bryce Forsberg/Kastle Ranch: 316 Woodcrest Boulevard (8/8/2022)**

Request: Request for a conditional use permit to allow a short term rental of a two (2) bedroom home

Status: The City Council approved the conditional use permit subject to the following conditions:

1. The building be of residential design.
2. The owner of the establishment obtain all required state and local licenses.
3. The owner comply with all requirements of the City Code 612, Rental Unit Registration. Also all short term rentals must pass their rental inspection prior to rentals taking place.
4. The owners pay the required lodging tax and any other required sales tax. The owner/operator must provide the City with their state and local sales tax numbers.
5. No cooking facilities be permitted in any guest bedroom.
6. At least two off street parking spaces be provided plus one space for each bedroom (4 spaces are required). The parking area shall be screened from adjacent residential property as provided in Section 3 of the zoning ordinance. All driveways and parking spaces shall be paved.
7. Signage is limited to one sign single or double faced that is non-illuminated and does not exceed four (4) square feet per sign face. The content of such sign is limited to the name and address of the facility.
8. A maximum of two (2) guest are allowed per bedroom. A maximum of four (4) guests are allowed per short term rental of this two (2) bedroom home.
9. The operator shall provide evidence of rental liability insurance.
10. The owner/operator shall maintain a log of all short term rental activity and provide it to the City upon request.
11. The owner/operator shall notify guests of all short term rental rules and regulations and provide contact information for the property manager, and emergency services.
12. The owner/operator shall maintain a safe environment by complying with building and life safety codes, prohibiting rental of accessory structures, providing smoke detectors, CO detectors, and fire extinguishers and posting the location of fire exits and escape routes.
13. Additional occupancy by use of recreational vehicles, tents, or other structures is not permitted.

• **Drew Larson: 1364 Long Lake Drive (8/8/2022)**

Request: Request for a variance to allow a 2 foot 6 inch side yard setback on a residential lot

Status: The City Council approved the variance.

LAND DISTURBANCE PERMITS

- **Land Disturbance Permit** 2016-01 Antler Ridge: County Highway 22 Solmon Tract
- **Land Disturbance Permit** 2017-05 Airport: Airport Rd
- **Land Disturbance Permit** 2017-08 B&W Properties of DL, LLC: 1048 West Lake Drive
- **Land Disturbance Permit** 2018-01 839 South Shore
- **Land Disturbance Permit** 2018-03 Long Pine Estates First Addition
- **Land Disturbance Permit** 2018-06 Lake Forest 7th Addition
- **Land Disturbance Permit** 2018-07 Highland Estates
- **Land Disturbance Permit** 2020-01 Detroit Lakes High School: 1301 Roosevelt Ave
- **Land Disturbance Permit** 2020-02 EVCO Petroleum: 1321 11th Street SE
- **Land Disturbance Permit** 2020-03 Lakes Area Property Group, LLC (Strive Properties): 1852 and 1854 Nodaway Drive
- **Land Disturbance Permit** 2020-04 Long Pine Estates Phase II: 1798 Brainerd Blvd
- **Land Disturbance Permit** 2020-05 Lakeview on Detroit Development: 1106 West Lake Drive
- **Land Disturbance Permit** 2020-06 Friesen's Inc: 1389 Cormorant Avenue
- **Land Disturbance Permit** 2020-07 ALDIs, Inc: 1305 US Highway 10 West
- **Land Disturbance Permit** 2021-01 Joseph Crary: 2696 Long Lake Road
- **Land Disturbance Permit** 2021-02 Lake Forest 8th Addition: SE of South Shore Drive & 270th Avenue
- **Land Disturbance Permit** 2021-03 HRA of Detroit Lakes: 1111 Washington Avenue
- **Land Disturbance Permit** 2021-04 R & G Subaru: 1140 Highway 59 South
- **Land Disturbance Permit** 2021-05 Mary Ann Apartments LLP: 1473 Legion Lake Road
- **Land Disturbance Permit** 2021-06 Wold RV Sales: 2221 Highway 10 West
- **Land Disturbance Permit** 2021-07 The Storage Place: 1200 8th Street SE
- **Land Disturbance Permit** 2021-08 Lakeshirts Warehouse: 903 8th Street South East
- **Land Disturbance Permit** 2021-09 Becker County Public Works Facility: 1771 North Tower Road
- **Land Disturbance Permit** 2021-10 John Bergquist: 2447 Long Lake Road
- **Land Disturbance Permit** 2022-01 Lakecrest Estates: 2359 US Hwy 10 W
- **Land Disturbance Permit** 2022-02 Accessories Unlimited LLC: 1147, 1446, 1457, and 1456 Eagle Street
- **Land Disturbance Permit** 2022-03 Long Pine Estates Third Addition: 1884 & 1885 Longview Drive

STORMWATER MITIGATION PERMIT

- M2019-03 DeWayne and Mona Streyle: 904 South Shore Drive
- M2019-04 Tyler Brandt: 940 South Shore Drive
- M2019-07 Bradley Richards: 1085 Villa Lane
- M2020-01 Kevin and Joy Reski: 1558 East Shore Drive
- M2020-02 Timothy and Lori Saylor: 812 South Shore Drive
- M2020-03 Lakes Area Properties, LLC (Strive Properties, LLC): 1852 and 1854 Nodoway Dr.

- M2020-04 Lakeview on Detroit (Jay Schurman): 1106 West Lake Drive
- M2020-05 Chad Weatherman: 911 North Shore Drive
- M2020-06 Duane and Susan Gunderson: 663 Lake Forest Circle
- M2020-07 Dennis Smith: 1346 East Shore Drive
- M2021-01 Mark and Cindy Fritz: 1492 East Shore Drive
- M2021-02 Glenn Disse: 1844 Nodaway Drive
- M2021-04 Nathan & Gretchen Hunter: 624 Shorewood Drive
- M2021-05 Steven & Rebecca Kraljic: 1298 South Shore Drive
- M2021-06 Lakes Area Landscaping/David & Mary Maring: 560 South Shore Drive
- M2022-01 Jim Kalberer: 734 South Shore Drive
- M2022-02 Josh Herzog: 1010 Villa Lane
- M2022-03 Ron Schultz: 1052 South Shore Drive
- M2022-04 Timothy & Angela Oehlke: 1836 East Shore Drive
- M2022-05 Daniel Porter: 632 Shorewood Drive