

**CITY OF BATTLE LAKE  
PLANNING COMMISSION**

The Battle Lake Planning Commission met Tuesday, March 2, 2021 with some members participating via video conference pursuant to Minn. Stat.13D.021 due to a health pandemic. The meeting was called to order at 7:00 p.m. Present were Commissioners Dawn Swisher, Richard Bullard, Steve Seufert, John A. Salvevold, and Rezin Everts. Absent were Don Maslow and Greg Maynard. Also present were Val Martin, Clerk/Treasurer/Zoning Officer and Ben Oleson, Hometown Planning.

Seufert made a motion to approve the agenda. Bullard seconded. With a roll call vote, Salvevold, Everts, Swisher, Seufert, and Bullard voted yes, and no members voted no. MCU

Seufert made a motion to approve the minutes. Swisher seconded. With a roll call vote, Salvevold, Everts, Swisher, Seufert, and Bullard voted yes, and no members voted no. MCU

Planning Commission met to explore changes to some of the Zoning Ordinances. The first discussion centered around use of sleeping quarters in an accessory structure. Ben Oleson from Hometown Planning joined the meeting and had presented some possible changes to the ordinance regarding guest cottages. Val Martin had discussed this topic with the Julie Aadlund from the DNR. She said that Otter Tail County had recently changes their language to allow it but changed their definition of Single-Family Residence to allow it. This seemed liked a better option to allow it and also to mirror the County can be helpful. We would also want to state that it cannot be rented separately. Kitchen facilities were discussed – should there be language that addresses this and not allow it? What is the definition of “kitchen facilities?” Again, this may be very difficult to enforce.

Several other items/changes were discussed and will be recommended as follows:

**150 SHORELAND MANAGEMENT:**

**DEFINITIONS: - Add to both Shoreland Management and Zoning Ordinance**

***SINGLE FAMILY RESIDENCE.*** A dwelling unit used by members of 1 immediate family, including normal appurtenances such as a garage. ***which may include multiple structures provided they meet impervious surface and sanitation standards and are not rented out separately.*** Licenses adult and child foster homes and daycare programs are permitted single family residential use of property as provided in MN Statutes 246A.11 and 245A.14.

**§ 150.036 PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES.**

(B) *Design criteria for structures.*

(2) *Water-oriented accessory structures.* Each lot that meets minimum size requirements may have one water-oriented accessory structure not meeting the normal structure setback in division (A) of this section if this water-oriented accessory structure complies with the following provisions:

(a) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point.

(b) The setback of the structure or facility from the ordinary high-water level must be at least 10 feet.

(c) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions.

(d) The roof may be used as a deck with safety rails but must not be enclosed or used as a storage area.

(e) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage-treatment facilities; and

(f) The structure or facility must be within the center 50% of the lot width measured at the ordinary high-water level.

**(g) If a lot is physically separated (i.e. public, private road right-of-way or easement) from itself or another, they will be considered two separate parcels.**

### **§ 150.037 SHORELAND ALTERATIONS.**

(B) *Topographic alterations/lot alteration.*

(1) Lot alteration excavating necessary for the construction of structures, sewage-treatment systems, and driveways under validly issued construction permits for these facilities does not require the issuance of a separate lot alteration permit. However, the lot alteration standards in this section must be incorporated into the issuance of permits for construction of structures, sewage-treatment systems, and driveways.

(2) Public roads and parking areas are regulated by § 150.038.

(3) Notwithstanding subsections (1) and (2) above, a lot alteration permit will be required for:

(a) The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and

(b) The movement of more than \*300 cubic yards of material outside of steep slopes and shore and bluff impact zones. Property owner must apply and receive a Conditional Use Permit prior to receiving a permit for the movement of more than 300 cubic yards of material.

\*Consider changing to 600 or 1000?

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### **152 ZONING CODE:**

Add Definition:

**SINGLE FAMILY RESIDENCE - A dwelling unit used by members of 1 immediate family which may include multiple structures provided they meet impervious surface and sanitation standards and are not rented out separately. Licenses adult and child foster homes and daycare programs are permitted single family residential use of property as provided in MN Statutes 246A.11 and 245A.14.**

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## 152.021 GENERAL REQUIREMENTS

The following requirements shall apply equally to all districts except where otherwise stated or where special provisions provide otherwise.

### **Subdivision 1. Bulk regulations for Residential Districts.**

- A. The principal structure shall have a floor area of not less than 768 square feet and the minimum dimension of the main body of the dwelling unit shall not be less than 20 feet.
- B. Manufactured homes shall be located and installed according to the same standards, including but not limited to, a permanent foundation system, Permanent foundations means the home cannot be removed and placed somewhere else and affixes the home to the property permanently. Permanent foundations must meet the requirements for a home to be seen as “real property.” Setbacks and minimum square footage which would apply to a site built, single family dwelling on the same lot.
- C. **Maximum Building Height.** Any principal building within 200 feet of a residential zoning district, shall have a maximum height of 55 feet or less. ***A single-family residence shall have a maximum height of 35 feet*** and all accessory structures shall have a maximum height of 25 feet or less.

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## § 152.026 PARKING

Parking areas, aisles and turnaround areas shall be ***constructed of gravel, paved*** with concrete, asphalt or comparable surfacing on all commercial and residential uses requiring six or more parking spaces within one year of the date of initiation of construction on any portion of the lot, or any approved structure.

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## § 152.064 Conditional Uses.

- A. A conditional use is a use that is permitted within the applicable zoning district, but which may be, or could become, incompatible under certain conditions with adjacent uses or generally with other uses within the applicable zoning district. As a result, a public review shall be required before the land may be used for the specified purpose. Review of the proposed site design, and conditions on the use of the property or lot under consideration may be added before approval is granted.
- B. Procedure. The applicant shall complete and submit to the Zoning Officer a conditional use permit application form, any additional information reasonably requested by the Planning Commission or the Zoning Officer and a fee to be set by the City Council by ordinance. The Zoning Officer shall determine if the application is complete prior to setting a hearing date and time and referring the application to the Planning Commission. ***The Planning Commission Board of Adjustments shall hold a public hearing –*** on the proposal after notification of the date, time and place of the hearing is published in the city’s official newspaper at least ten days before the hearing. In addition, persons who own property situated wholly or partly within 350 feet of the affected parcel or parcels shall receive similar, individual notifications by mail. The petitioner or his representative shall appear before the

Planning Commission in order to answer questions concerning the proposed conditional use permit. The Commission's recommendation shall be presented to the Council. The City Council shall make findings of fact and approve or deny a request for a conditional use permit within 60 days after receipt of the complete application. If it grants the permit, the City Council impose conditions it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

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## **155 SIGNS AND FENCES**

### **D. Placement Provisions Applicable to All Signs.**

1. No sign may be placed so as to interfere with any electric lights, or electrical or telephone wires or their supports, or placed in a manner which is deemed a detriment to public safety.
2. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic. Nor shall such signs interfere with or obscure an official traffic sign or signal. This includes indoor signs which are visible from public streets.
3. No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
4. No sign or sign structure shall be placed on or protrude over the public right-of-way except wall (maximum protrusion eighteen (18) inches), canopy, awning, or marquee. No sign shall be placed within any drainage or utility easement or within the public right-of-way except by the issuance of a Conditional Use Permit from the City and shall be located a minimum of eight (8) feet above surface grade.
5. If a sign is not a part of the principal structure or attached thereof, the sign shall conform to the Zoning Ordinance setback requirements. **Sign shall require a permit approved by the City Council.**
6. Signs defined in this chapter as Changeable Copy Signs, – Electronic, Multi-Vision Signs, Portable Signs, Animated Signs, Rotating Signs, Shimmering Signs, Stringers, Dynamic Signs, Electronic Graphic Display Signs, Video Display Signs or Suspended Signs shall require a **Conditional Use Permit permit approved by the City Council.**
7. **Billboards shall require a Conditional Use Permit approved by the City Council.**

### **155.06 Exemptions.**

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

**Display Surface.** The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.

**Signs less than Six Square Feet.** Signs six (6) square feet or less in size, approved by Zoning Officer.

**Political Signs.** Freestanding political signs, not exceeding a sign surface area of 12 square feet each, displayed consistent with the times allowed by MN Statutes 211B.045.

Residential Identification Sign. Sign must not exceed a sign surface area of 4 square feet.

Garage Sale Signs. Freestanding signs for garage sales or similar events occurring within the corporate limits of the City, erected on private property with permission of the landowner. Garage sale signs must be removed immediately after the sale is complete.

Signs at Construction Sites. Signs denoting the architect, engineer, or contractor, when placed upon work under construction, provided that the total sign surface area of all such signs does not exceed 32 square feet in a district zoned for commercial uses or 6 square feet in a district zoned for residential uses, and provided that the sign is removed upon completion of construction or prior to a date six months after the sign is first placed on the property, whichever is earlier.

Temporary Signs. *Temporary Event Signs:* Temporary signs (other than political signs) pertaining to drives or events *of civic, philanthropic, educational or religious organizations, provided permission of the Council permission of the City Zoning Officer* must be obtained to erect such signs upon or over streets or other public property, and provided further that such signs must not be erected or posted for a period of more than 30 days prior to the date of the event and must be removed within 3 days after the event.

Real Estate Signs. Real estate signs provided the total sign surface area for real estate signs on a property is not greater than 6 square feet. Directional real-estate signs off the property to be leased or sold are allowed with the property owner's permission and cannot be located within the Right of Way.

Vacation Rental Signs. Signs advertising property for vacation rental cannot be more than 6 square feet ~~and approved by the Zoning Official.~~

Business Identification Signs. One business identification sign which is designed to replace an existing business identification sign for which a valid sign permit exists, so long as the new sign has the same dimensions and is in the same location as the existing sign, and is neither a lighted sign or a prohibited sign under this Section.

Official Signs.

### **155.07 Prohibited Signs.**

Unless a sign is specifically permitted under this Section, or a temporary sign permit has been issued for the sign under this Section, or a Conditional use permit has been issued for the sign under the City's Zoning Ordinance, the sign is prohibited. By way of example and not by way of limitation, the following signs are specifically prohibited.

1. ~~Billboards.~~
2. Flashing signs, searchlights, flags, or whirling devices.
3. Signs which emit sound, odor, or visible matter.
4. ~~Signs attached to or trailered by a vehicle parked primarily for use as a sign for any period of time.~~
5. Any sign that obstructs any part of a doorway, stairway, or fire escape.
6. ~~Signs within the public right of way, public property, or public easement.~~

Addressed in D4.

7. Signs which project beyond the property line of the property upon which the sign is located.

8. Signs which have a structural member or other portion closer than 10 feet to a side lot line.
9. Any sign which by reason of its location, color, or intensity, creates a hazard to the safe and efficient movement of vehicles or pedestrian traffic, including any sign which might be construed as a traffic control or which otherwise resembles any official marker erected by a governmental body or agency.
10. Content classified as obscene as defined by Minnesota Statutes Section 617.241.
11. Abandoned Signs as defined by Section 1140:40:03(1).
12. Any sign within the shore impact zone of a riparian lot.

### **155.08 Temporary Signs Permit.**

The City Zoning Officer will have the authority to allow temporary sign permits under the following conditions:

#### **Temporary Signs will be allowed with the following conditions:**

- (a) in keeping with the character and development of the property on which it is located.
- (b) is reasonably necessary for the proposed use of the property on which it is located; and not likely to have a detrimental effect on values of property in the surrounding area.

### **155.10 General Provisions for Permitted Signs**

- A. Signs advertising goods or services available on commercial premises, not to exceed a total of 250 square feet in area, placed to observe the setback requirements in § 155.05.
- B. Advertising on free-standing structures, vehicles, or any other type of mobile property shall be considered a sign and included in calculation of the overall square footage.
- C. Monument signs shall not exceed seventy-five (75) total square feet of display area and shall not exceed eight (8) feet in height as measured from grade five (5) feet from the base of the monument or V-shaped sign. The total permitted square foot display area includes all faces of a monument or V-shaped sign.
- D. Canopies and fixed awnings are to be considered an integral part of the structure to which they are attached. They must meet the following requirements.
  1. Awnings or canopies may have no part of the structure other than supports nearer the ground surface than seven feet.
  2. The architectural style of the awning or canopy must be consistent with the building being served.
  3. Awnings and canopies proposed to be built as to encroach into a required yard setback and public right of way must obtain a Conditional use permit.
- E. The installation of electrical signs shall be subject to the State's electrical code. Electrical service to such sign shall be underground.
- F. The owner or agent of the building and/or property shall remove any sign that has become obsolete by reason of termination of the business or vacation of the premises.
- G. The owner, lessee, or manager of the property where a sign is located shall remove or correct a sign within thirty (30) days of the receipt of written notice from the Zoning Administrator that the sign is in violation or prohibited by the Ordinance.
- H. When a professional office or home occupation is approved for location, an identification sign no larger than six square feet may be affixed to the structure.

- I. Signs located within state or county right-of-way must also follow regulations set by those government entities, specifically if they are more restrictive than this ordinance.

**Signs allowed in the Residential District will not require a permit and will be allowed under the following regulations:**

- A. **Single-sided Signs only**
- B. **No larger than 8 square feet, unless otherwise stated.**
- C. **Free-standing or attached to the main structure.**
- D. **Signs cannot be located in the right-of-way.**
- E. **Permanent residential signs must follow residential set-back requirements.**
- F. **When a professional office or home occupation is approved for location, an identification sign no larger than six square feet may be affixed to the structure. In the case of a home occupation, as defined in Chapter 152, an identification sign, no large than six square feet may be affixed to the structure.**
- G. **Temporary signs – must follow the same requirements for size, type, and location.**
- H. **Political Signs.** Freestanding political signs, not exceeding a sign surface area of 12 square feet each, displayed consistent with the times allowed by MN Statutes 211B.045.
- I. **Residential Identification Sign.** Sign must not exceed a sign surface area of 4 square feet.
- J. **Garage Sale Signs.** Freestanding signs for garage sales or similar events occurring within the corporate limits of the City, erected on private property with permission of the landowner. Garage sale signs must be removed immediately after the sale is complete.
- K. **Signs at Construction Sites.** Signs denoting the architect, engineer, or contractor, when placed upon work under construction, provided that the total sign surface area of all such signs does not exceed 6 square feet in a district zoned for residential uses, and provided that the sign is removed upon completion of construction or prior to a date six months after the sign is first placed on the property, whichever is earlier.
- L. **Signs within the residential district cannot be lighted, animated, shimmering, rotating or in any way interfere with visibility or be a distraction for drivers. Off-premises commercial signs will not be allowed in a residential district with the exception of construction signs as stated above.**
- M. **Vacation Rental Signs.** Signs advertising property for vacation rental cannot be more than 6 square feet.

Martin will provide on-line training options to new members.

Adjourn 8:42 p.m.

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Valerie Martin, Zoning Officer/Secretary