

## **Zoning Ordinance Update Memorandum**

The following is a list which highlights some of the major changes proposed to the Windemere zoning ordinance. Much of the policy direction for the changes came from discussions with Planning Commission members and recommendations from the adopted Comprehensive Plan.

The ordinance when approved will be a "repeal and replace" so all aspects of the old ordinance will be removed and replaced with the new, approved zoning and subdivision ordinance. The reason for choosing this process is the there were many changes to the format of the document and moving several sections to other locations in the document. These changes involved significant redlining which made it difficult to follow the final recommended text.

The proposed draft ordinance dated 1/28/2026 reflects the following:

- The structure of the ordinance is different. The structure is based upon a template provided by the Township Attorney. That set up the order of the Articles and what contents would go in each Article. For this reason it is not possible to provide a redline document comparing the current ordinance and the proposed.
- One of the main changes is to include the Shoreland Ordinance within the zoning ordinance. The shoreland Title creates an overlay district. That means the additional regulations apply to all properties within the Shoreland Overlay District which is the land 1,000 feet from a DNR lake and 300 feet from a DNR river. These performance standards are in addition to the underlying zoning district regulations that are found in the various other sections of the zoning ordinance. In other words, development within the shoreland district must meet the shoreland standards and also the regulations of the underlying zoning district. A new shoreland map is provided that shows the land use districts based upon the criteria from the DNR.

### ***Other changes in the Shoreland Section of the ordinance include:***

- Definitions have been moved into the zoning ordinance definitions section.
- Administration and processing of permits, planning applications and subdivisions have been moved into the zoning ordinance. For example, the process for approving a conditional use permit in the shoreland overlay district is the same as it is in the R-2 district. Most of these processes are directed by state law and shaped by prior

court cases. The City Attorney has reviewed these sections to ensure legal compatibility.

- All new lots within the Shoreland District are required to be 5 acres and have a 300' width at the OHW.
- The shoreland ordinance is based upon the 2025 ordinance. The four new lakes have been added into the ordinance. And a new shoreland zoning map has been created so the public can understand what regulations are required. As mentioned, the shoreland ordinance is an overlay, and properties within the district must meet the shoreland and underlying zoning district regulations.
- The RV section has been modified to clarify permitting requirements. Within the shoreland ordinance, a property owner may store one RV and outside of the shoreland district the property owner can store two RVs. If an RV is intermittently occupied, it requires a permit.
- Any site alteration within the shoreland district that requires the movement of more than 10 cubic yards of fill requires a zoning permit for grading.
- Feedlots are removed as an acceptable use from the shoreland district.
- Modified Water-Oriented Accessory structures or facilities so they do not include gazebos, screen houses, pump houses, saunas and detached decks. The regulations will allow a small above ground storage building closer to the public waters than the normal structure setback.
- Changed section to note that subsurface sewage treatment facilities must meet Pine County regulations rather than listing out specific standards. The Town does not permit or regulate the county does.
- Planning Unit Developments in the Shoreland District remains unchanged.

***Other zoning ordinance changes:***

- The subdivision ordinance has also been modified. There are options for land development including a lot line adjustment, minor subdivision and major subdivision. The later is defined by creation of greater than three lots.
- The Attorney has reviewed the more administrative sections dealing with the roles and responsibilities of the Zoning Administrator, Planning Commission, and Board of Appeals and Adjustments. In the draft, the Planning Commission is the final decision maker for conditional use permits, interim use permits and minor subdivisions and lot line adjustments. The City Attorney has also crafted the enforcement section of the ordinance.

***The following provides a high level review of recommended areas of change:***

- Revised numerous definitions and removed those not found in ordinance. There are more definitions as the include the shoreland ordinance definitions also.
- The previous ordinance draft required a principal use in order to have an accessory use constructed. The current draft requires a principal structure to construct an accessory structure, for lots under 40 acres and in the R-2, R-3, and C-1 zoning districts. Parcels in other zoning districts that are permitted accessory structures in compliance with zoning regulations.
- A summary table has been compiled with all the zoning districts and lot dimensional requirements. Setbacks are also listed in the same table. There are proposed increases in lots in the R-2 and R-3 zoning districts and an increase in the SP-2 district, which has been renamed from the FP-2 district.
- Generally, the uses in the various zoning districts are similar to what was in the prior ordinance. Mining and borrow pits have been removed from residential districts along with some other non-residential uses. Similarly, the commercial district is more focused on commercial or light industrial uses.
- Sections which are repetitive or addressed elsewhere in the zoning ordinance have been deleted or reference the process found within the administration section of the ordinance.
- There are more requirements for application information for borrow pits and mining and more performance standards that must be met to receive approval.

- The section on fencing has been expanded to provide additional clarity.
- More in-depth review and application materials were added to the PUD section.
- Home occupations and cannabis uses are recently approved ordinance amendments, and they are codified into the proposed ordinance.
- There is some ability to have solar for individual use but not commercial solar or solar farms in the agricultural district.
- The administrative section references escrows, which is a process not currently being used. This allows the town to obtain funds and pay consultant fees and administrative fees without using general fund dollars. Additional investigation into the implementation of this process will be needed.