

Planning and Zoning Commission
Agenda for Wednesday, September 17th, 2025
5:30pm

1. **Planning and Zoning Call to Order**
2. Roll call: **Heil, White, Hernesmaa, Councilor Roose, Palcher, Anderson, Burke.** *Staff Kochendorfer.*
3. **Approval of Minutes from August 25th, 2025.** (1-7)
4. **Additions or Deletions from Agenda**
5. **Requests to Appear**
6. **Reports**
 - a. Planning and Zoning Administrator –
 - b. Projects Committee –
 - c. Council –
7. **New Business**
8. **Old Business:**
 - a. IUP Process Update
 - b. Permissible Uses List **(8-16)**
 - c. Update City Comprehensive Plan from 2016
 - d. Business Park Covenant **(17-25)**
 - e. 900 Miners Dr
 - f. Fence Ordinance **(26-31)**
9. **Adjournment**

**Planning and Zoning Commission (Unapproved)
Meeting Minutes for Wednesday, August 25th, 2025**

Planning and Zoning Called to Order @ 5:30 PM

Roll call: **White, Hernesmaa, Councilor Roose, Heil, Palcher.** *Staff Kochendorfer.*
Excused: Anderson, Burke

Approval of Minutes from July 16th, 2025.

Motion Palcher to approve the July 16th, 2025 Minutes/ Second White. Motion carried.

Additions or Deletions from Agenda

Requests to Appear

1. Contented Critters – Teresa Floberg gave an overview of the mission of Contented Critters non-profit animal rescue. Currently, the rescue is being ran out of a private residence just outside of Ely, but the intent is to have a location in Ely to house the dogs and cats, not any farm animals. The animal rescue works closely with the college vet tech program, as well as the local veterinary.

The proposed location for the rescue is on Miners Drive, next to the Hub Building. The property is unique, and posses some challenges, but there is interest from the rescue to build a successful shelter at this location. There are no set plans at this time as this is dependent on how the space is laid out, and what all would be approved by the commission. This location would only be for dogs and cats, as the farm sanctuary would stay where it is. The current kenneling capacity is 12 dogs, and 12 cats which has worked well.

There was further discussion amongst the commission of previous conversations of dog boarding facilities in that area, and some questions/concerns that arose from that conversation. Floberg explained that the boarding wouldn't be long term, as the try and relocate the dogs when possible. She explained that having the trail close by to walk the dogs, and having an area on site where the dogs can exercise would be beneficial. She explained that their insurance is also very strict, and they are not allowed to take dangerous animals in.

Kochendorfer then explained the proposal further. The surveying of the land is irregular, and actually goes over the roadway in portions of the property, as well as a portion of the property goes through the existing outdoor rec rink. Kochendorfer further explained some of the complexities of the land, the elevation, and the need for a plat/lot line adjustment. The property is large enough to fit a sizeable building. The zoning would make sense to change from P1 to C1, as the neighboring properties are all C1 zoning. The C1 zoning would allow less restrictions on set-back requirements, but this plat is located in the Business Park, which has more restrictions on building set-backs, and overall building requirements. This use also is not currently under our permissible uses, so that would need to be added, as well as what zoning would allow that use.

This plat was originally leased to the State of Minnesota as extra parking for the Department of Revenue. Further discussion on where the zoning and permissible uses would fit.

Clerk Langowski explained that a lot of the Plats in the Business Park changed over the years, but a right of way must be maintained. This parcel has some uniqueness, and also some separation from the neighborhoods above the bluff. The right of way was never vacated where the current outdoor rink sits.

Kochendorfer will work on next steps of the project.

Reports

- a. Planning and Zoning Administrator – Kochendorfer welcomed new commission member Anna Heil. There continues to be a lot of projects this summer. The new Trailhead Building Grand Opening will be on Wednesday August 27th from 5-8 PM, with the ribbon cutting at 6 PM. There will be another variance hearing on September 17th, at 5 PM.
- b. Projects Committee – (minutes in packet). Hernesmaa mentioned there is talk of putting solar panels on the water treatment plant, the anticipated completion of Harvey St is slated for October 2nd, and the trailhead grand opening.
- c. Council – Roose explained a payment plan was set up for a property that had a special assessment on it. The IUP Ordinance draft is with the City Attorney. The permissible uses for RV and Tattoo were approved and added to the ordinance.

New Business

1. Business Park Covenant- Kochendorfer explained the current ordinance that exists related to the business park, and current businesses that are in the business park. Most of the businesses in the business park are not manufacturing other than Steger's, and the uses of the business park have changed from when it was originally written in the 1990's. Kochendorfer posed the question on whether or not the ordinance should be changed, or just fully repealed.

Roose explained that repealing the ordinance seems to be the best route. Having this covenant makes it harder for other businesses to be built, and just creates more overall restrictions for building, which is what the commission has been working on to eliminate, via the current comprehensive plan updates. Kochendorfer agreed, and explained that these lots are not selling or being used, so the restrictions aren't helping.

There was consensus amongst the commission to streamline the process, to allow growth of other businesses.

Motion Palcher to move forward with modifying the ordinance to be inclusive and support future projects, and to be flexible with development/ second White.

There was further discussion related to the current zonings within the business park, as well as the covenant ordinance.

Motion Palcher to move forward with modifying the ordinance to be inclusive and support future projects, and to be flexible with development/ second White. Motion carried without objection.

2. Dog Park Plaques- Kochendorfer presented the proposed plaques that the dog park would like place on the fencing when people donate money, to recognize the donors. The varying sizes would be 8"x8", 8"x18", and 18"x20". There was discussion on the reasoning for the signs, and the scope of the project. The approval is necessary because this is on city property, and PZ approved the original CUP. This will then go to Park and Rec for approval as well.

Motion White to approve the plaques/ signs as presented/ second Hernesmaa. Motioned carried without objection.

3. Fence Ordinance- Kochendorfer explained that the current fence ordinance is outdated, and could use some updates, to include language on fence heights related to streets or avenues, and over fence heights in other zoning districts. There was further discussion on what changes may be needed, and what some of the interpretation of the current ordinance is. The fence heights in the front yard could be increased, but the fence type may have to be see through. This will continue to "old business" for the next meeting.

Old Business:

- a. IUP Process Update- The City Attorney is drafting changes and these will come back to PZ when there done.
- b. Permissible Uses List- Further discussion at a later meeting.
- c. Update City Comprehensive Plan from 2016- Continued discussion and updates to goals and objectives related to the comprehensive plan on land use controls. Changes were made in real time to pages 26-27.

Adjournment at 6:45 PM without objection.

**Board of Adjustment Public Hearing (Unapproved)
Minutes For Wednesday, August 25th, 2025 for Lakeview Ave Variance**

1. **Called to Order at 5:00 PM by Chair Roose.**
2. **Roll Call: White, Hernesmaa, Councilor Roose, Heil, Palcher.** Staff Kochendorfer.
Excused: Anderson, Burke
3. **Additions or Deletions from Agenda**
4. **Public Hearing for the consideration of a Variance request for 600 N Lakeview Ave.**

The Variance public hearing procedure was read by chair Roose.

The Public hearing notice was read by Planning and Zoning Administrator Kochendorfer

5. **The Applicant (Daniel Krings) explained the request**

Daniel Krings (owner) explained that he originally purchased this property in 2022, he received a variance to put a garage on an empty parcel without a primary structure. Since then, the front property line for the lot is roughly 25 feet from the paved roadway, and the zoning says you have to be 35 feet back from the property line. The property also contains a large rock formation in the middle, which inhibits the ability to move the garage further back in the lot. What is being sought, is really 35 feet from the street edge, which equates to a 10-foot set back from the property line, to place the garage. The garage was moved from a neighboring property that is also going through a renovation. The variance is needed to be able to put the garage on this property.

6. **Letters received/ and or phone call comments read into record**

- None

7. **Those in support may comment**

- None

8. **Those opposed may comment**

- None

9. **Comments from those who wish to provide additional information**

- None

10. **Applicant will have the opportunity to answer additional questions**

11. Closure of the hearing @ 5:08 PM

12. Reading of the Finding of Facts

Planning and Zoning Administrator Kochendorfer read the finding of the facts (included in the agenda packet). **Planning and Zoning Administrator recommends approval of the variance on the following finding of facts:**

- **FACT:** Section 11.41 of City Code states that the minimum requirements in the Shoreland Overlay of Shagawa Lake Zoning District, the required Front Yard setback is 35 feet.
 - **FINDING:** The Current building plan would deviate from the 35-foot set-back requirement in the front yard. The proposal would meet all other setback requirements of the Shoreland Overlay of Shagawa Lake Zoning District for accessory structures, which is 4 feet for the side yard and rear yard.

- **FACT:** The property in question will be used in a reasonable manor
 - **FINDING:** The Property was purchased by Krings in October of 2022, from the City of Ely. The lot does not conform to the minimum zoning requirements of the Shoreland Overlay District. The current total lot size is 3,638 sq ft. (10,000 sq ft minimum is required) and the lot dimensions are 34 ft wide by 107 ft deep, which does not conform to the minimum lot dimensions of 75 feet wide by 120 feet deep. A Variance was approved on July 20th, 2022 to allow a 24 ft by 50 ft garage to be built on the parcel, without a primary structure on the property, due to the lot being of irregular size and shape, and non-conformity.
 - The total impervious lot coverage allowed on this property is 25% (909.5) square feet. The proposed building will only be 576 total square feet.

- **FACT:** The Plight of the owner of the property in question is due to circumstances unique to their property and not created by the landowner
 - **FINDING:** The property was platted prior to zoning codes. The original plat was in the early 1900s. The property was purchased with the agreement and intent to build an accessory structure (garage). After further exploration of the land, it was determined that due to ledge rock, it wouldn't be possible to meet the 35 feet front yard setback from the property line.
 - The building would be at least 35 feet from the edge of the paved roadway, but not the property line, as required.
 - The Plat of the roadways in this area are also irregular and inconsistent.

- **FACT:** If the variance is granted, it will not alter the essential character of the locality
 - **FINDING:** The proposal is in the Residential (R1) Zoning District, along with the Shoreland Overlay of Shagawa Lake Zoning District. The neighboring properties in this area are either seasonal cabins, or homes. The proposal is not being built towards Shagawa Lake, and the setback requirements from the OHW (Original High Watermark) (75 feet) will be maintained.
 - Garages (accessory structures) are allowed in the R1 (Shoreland Overlay) Zoning District, with primary structures. This proposal is for a private garage, and will be used for residential purposes only.

- **FACT:** Economic considerations alone do not constitute a practical difficulty. Practical difficulties include but are not limited to: inadequate access to direct sunlight for solar energy systems.
 - **FINDING:** Due to the make-up of the property, non-conforming size, and the ledge rock, the property is mostly non-buildable. The only useful space is the front of the property, and this is only big enough for a small garage.
 - The property will not have any sewer or water hook-ups, but may have power sometime in the future.
 - The cost to remove the ledge rock would be substantial, and is not an option for the home owner.

- **FACT:** A Variance may not be granted for any use that is not a permitted use under this chapter for property in the district where the affected land is located.
 - **FINDING:** The use of a garage (accessory structure) without a primary dwelling is not allowed by ordinance. On July 20th, 2022, the Planning Commission approved this in a variance to allow the use.

Accessory structures may not exceed 1,200 sq ft in residential zoning. The proposal is for a 576 sq ft building, which is allowed in this zoning district.

- Staff recommends Conditions to be added to the variance to include: No additional structures may be added to the property, and the proposed structure cannot be enlarged at any point.
- No sewer or water may be installed on the property

13. Decision rendered by the Planning Commission

Motion Hernesmaa to approve the variance, a 10 feet front yard setback, with the following conditions: No additional structures may be added on the property, the proposed structure cannot be enlarged at any point, and no sewer or water may be added to the property unless it is to add housing/ second White. Motion carried without objection.

14. Adjournment at 5:20 PM

§ 11.40

SEC. 11.40. LIST OF PERMISSIBLE AND CONDITIONAL USES. On the following table, the uses listed are the primary use in the district. An open circle, “O”, means that the use is permitted in that district, only if a conditional use permit is granted by the Board of Adjustment. An “T” means that the use is permitted in that district only if an interim use permit is granted by the Board of Adjustment. An “X” means that the use is permitted in the district, subject to the general provisions of the Zoning Chapter. A blank space means that the use is not permitted in the district. For uses not included on this list, application shall be made to the Board of Adjustment for a determination that the proposed use is or is not of the same general character as a permitted, not permitted, or conditional use.

Source: Amended by Ordinance No. 232, Second Series

Effective Date: May 5, 2009

Source: Ordinance No. 376, Second Series

Effective Date: March 23, 2024

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Agricultural implements: service, sales					X	X				
Airplane hangar										O
Ambulance Garage & Office		O	X	X		X	X			
Amusement Park					O					
Animal hospital, veterinarian			O	O	O	X				
Apartment: 1, 2, 3, & 4 units	X	X	X	X	X		X	X		X
Apartment: 5 or more units		X	X	X	X		X	X		O
Appliances: equipment, sales, repair				X	X	O				
Association: clubs, lodges, private				X	X					O

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Athletic field							X	X	O	
Auditorium, assembly hall				X	X					
Auto/Truck: sales, parts, repair				X	X	O				
Baked Goods: mfg., sales			O	X	X					
Bank, Trust Co., Bonding Co., Credit Union				X	X					
Bar, Tavern, Saloon, Billiard Parlor, Bowling Alley, brewery/distillery				X	X					
Barber/Beauty Shop			O	X	X					
Beach: public, private							X	X	X	X
Bed & Breakfast		O	O	O	X					O
Beverages: wholesale & storage					X	X				
Boat mfg., storage						X				
Broadcasting Tower					X	X				
Broadcasting station			O	X	X					
Building materials: mfg., storage, sales				X	X	X				
Bus line depot				X	X		X	X		

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Cannabis retail business and lower-potency hemp edible retailer				X	X					
Cannabis microbusiness, Cannabis mezzobusiness, Cannabis cultivator, Cannabis manufacturer, Cannabis wholesaler, Cannabis transporter, Cannabis testing facility, Cannabis delivery service, Lower-potency hemp edible manufacturer and Medical cannabis combination business						O				
Car Wash				X	X					
Carpentry, cabinet shop	O	O	O	O	O	X				O
Carpet/rug: sales, storage				X		X				
Cement/concrete products: mfg., sales, storage						X				
Cemetery							X	X	X	
Child care center	O	O	O	X	X		X	X		O
Clay products: mfg., storage						X				
Clinic			O	O	O	X	X	X		
College							X	X		O
Community Center							X	X		
Community Residential Facility serving six (6) or fewer persons	O	O								

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
			O							O
Community Residential Facility serving seven (7) to sixteen (16) persons	O	O	O							O
Community Residential Facility serving seventeen (17) to thirty-two (32) persons	O	O	O							O
Contractor (general): equipment, storage yard					O	X				
Customs house, US					O		X	X		O
Day Care: Family Day Care serving six (6) or less	X	X	X		O	O				
Day Care: Family Day Care serving seven (7) or more	O	X	O	O	O	O	X	X		O
Day Care (public): serving six (6) or more							X	X		
Drive-in restaurant			O	X	X					O
Driving range, miniature golf, go- karting, batting cages			O	O	O				O	O
Dry cleaning & laundry: processing & pickup			O	X	X	X				

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Dwelling, single family	X	X	X	X	X					X
Dwelling, two family	X	X	X	X	X					X
Dwelling, multiple family		X	O	X	X		X	X		O
Festival, community event			I	I	I	I	I	I	I	I
Fire station			O	X	X		X	X		
Fish or meat, wholesale, curing, storage						X				
Florist, greenhouse, nursery					X	X				O
Florist, sales			O	X	X	O				
Freight depot, office, wholesaling					O	X				
Fuel storage, distribution				O	O	O	O	O		
Funeral parlor, mortuary			O	X	X					
Furs: mfg., assembly						O				
Gasoline/filling station, convenience store				X	X					
Gravel pit							O	O	X	
Grocery store, retail			O	X	X					O
Grocery: wholesale, warehouse					X	X				

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Home: retirement, children, nursing, group, assisted living	O	O	O	O	O	O	O	O		O
Hospitals				O	O		X	X		O
Hotel, Motel			O	X	X					O
House of Worship	X	X	X	X	X	X	O	O	O	X
Iron or woodworking			O	O	O	X				
Jail							X	X		
Laundries, self-service			O	X	X					
Library	O	O	O	X	X		X	X		O
Liquor: off-sale, storage				X	X					
Lockers, food storage				O	O	X				O
Machine Shop				X	X	X				
Manufactured Home Park	O	O	O							O
Manufactured Home Sales					X	X				
Meat Packers						O				
Metal fabrication, processing						X				

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Mining operations: gravel, quarries, crushing						X				
Motorized vehicles: sales, parts, repair				O	X	X				
Museum	O	O	O	X	X		X	O		O
Massage Therapy			X	X	X					X
Outfitters: recreational			O	X	X					O
Paper & wood products: mfg., storage						X				
Park, playground	X	X	X	O	O		X	X	X	X
Parking lot			O	X	X	X	X	O	X	O
Paving materials, storage						O				
Pharmacy			O	X	X					
Police station			O	X	X		X	X		
Post Office			O	X	X		X	X		
Professional office: doctors, lawyers, etc.	O	O	O	X	X					O
Public or private schools (all schools)	O	O	O	O	X		X	X		O

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Public beach							X	X		X
Public campground							X	X	X	O
Public utilities & storage area					O	X	O	O	O	
Reservoirs, water towers						O	X	X		
Resorts			O		O				O	O
Restaurants, cafes			O	X	X	O				
Retail store: general, specialty			O	X	X	O				
Roadside park or wayside			O	X	X		X	X	X	O
Roadside sales stand				O	O				O	O
Rooming House		X	O	O	O					O
RV Park				O	O		O	O		O
Sauna, steam bath, commercial			O	X						O
Short Term Rental	X	X	X	X	X					X
Second Hand Goods Dealer			X	X	X	X				
Skating rink, public							X	X	X	X
Sporting goods, mfg.					O	X				

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Storage yard: bulk material, equipment					O	X	O	O	O	
Swimming pool: public					O	O	X	X		
Taxidermist			O	X	X					
Temporary Cannabis Events				I	I					
Theatres, indoor				X	X					
Tires: repair, equipment, supplies				X	X	X			O	
Utility structure, substation			O	O	O	X	X	X	O	
Warehouses, all types					X	X				
Welding shop: service, storage				O	O	X				
Dog/Cat Boarding						O				
Dog Park				O	O	O	O	O	O	O
Mini Storage				X	X	O			O	

Source: Ordinance No. 92, Second Series
Effective Date: March 18, 1999

Source: Ordinance No. 142, Second Series
Effective Date: December 3, 2002

Source: Ordinance No. 172, Second Series
Effective Date: December 16, 2004

Source: Amended by Ordinance No. 232, Second Series

Source: Ordinance No. 43, Second Series
Effective Date: June 7, 1994

Subd. 46. "Recreational Trail Overlay (RTO) District" –The Recreational Trail Overlay District (RTO) is hereby created to be defined by an area within fifteen (15) feet on each side of the centerline of recreational trails throughout the City of Ely, unless otherwise depicted on the Recreational Trails Overlay (RTO) District Map (Exhibit A). The intent of the district is to provide a buffer from incompatible uses along trails, while recognizing that the trails themselves cross private lands where reasonable uses must be permitted.

Source: Ordinance No. 261, Second Series
Effective Date: December 24, 2012
Source: Ordinance No. 272, Second Series
Effective Date: June 8, 2014

Subd 47. "Cannabis Business" shall include the following, all of which must be licensed through the State and the Office of Cannabis Management under Minn. Stat. §342: cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis manufacturer, cannabis retailer, cannabis wholesaler, cannabis transporter, cannabis testing facility, cannabis event organizer, cannabis delivery service, lower-potency hemp edible manufacturer, lower-potency hemp edible retailer, medical cannabis combination business.

SEC. 11.02. ELY BUSINESS PARK COVENANTS.

Subd. 1. Recommended Permitted Uses. The land uses in the Ely Business Park as presently zoned are limited to the following categories:

- A. Professional offices;
- B. Research laboratories;
- C. Electronics manufacturing and assembly;
- D. Other light manufacturing and assembly;
- E. Governmental buildings;
- F. Light industry and assembly.

Only low impact or office type businesses are allowed within the Ely Business Park. No storage sheds, public garages or unheated warehouses will be allowed, except that accessory structures may be permitted for storage if approved by the Projects Committee and if a subsequent conditional use permit is granted by the Board of Adjustment.

Source: Ordinance No. 92, Second Series
Effective Date: March 18, 1999
Source: Ordinance No. 229, Second Series
Effective Date: February 3, 2009
Source: Ordinance No. 231, Second Series
Effective Date: April 7, 2009
Source: Ordinance No. 241, Second Series
Effective Date: October 5, 2010

(10-05-2010)

Subd. 2. Maintenance and Repairs. All lots and improvements shall be constructed, kept, and maintained by the owner or occupant in first class condition, repair, and appearance. All repairs, alterations, replacements, or additions to improvements shall be at least equal to the original work in class and quality.

A. Buffering. Wherever a commercial parcel is located adjacent to an area or areas being actually used for residential purposes, a buffer material shall be placed upon the boundary of the commercial parcel. The buffer material may be vegetation or opaque fencing, and shall be of sufficient height to provide a screening effect between the residential area and the commercial usage.

B. Maintenance. Wherever in this code there is a requirement for installation of any device for aesthetic or screening purposes, or for the maintenance of any particular type of exterior material, such materials or devices shall at all times be maintained in an attractive, safe and neat condition.

Source: Ordinance No. 241, Second Series
Effective Date: October 5, 2010

Subd. 3. Utility Lines and Antennas. Underground or concealed placement only, except that temporary placement of above ground utilities is permitted during reasonable construction periods.

Subd. 4. Development Standards.

A. Setbacks. Structures require a minimum front yard setback of 25 feet from the front property line. This area must be grassed and or landscaped. Require side yard setbacks of 15 to 20 feet with allowances for landscaping and drainage between buildings.

Minimum setbacks are as follows: Front Yard 25 feet
Side Yard 20 feet
Rear Yard 20 feet

Sufficient setbacks shall be required to allow for access by emergency vehicles around all buildings and structures. Setbacks may vary according to the layout of the lot upon which the primary and accessory uses are located and only based upon sound environmental and site planning criteria and standards applied to the proposed use. Criteria shall include the need for buffering via beams and landscape materials, adjacent lots, buildings and structures, utilities, vegetated areas and steep slopes. Exceptions to setback requirements include landscaping, sidewalls, steps, paving, planters, fences, and utilities.

(10-05-2010)

B. Site Coverage (building density). Site coverage shall not be greater than 33% of the lot by the principle structure. If coverage of the site by impervious surface exceeds 15% or standards contained in or adopted pursuant to the adopted plans of the City of Ely, on-site mitigation measures must be employed and incorporated into the site plan.

C. Minimum Lot size. Minimum lot size is as platted.

D. Minimum Building size. Minimum building size shall be 2500 gross square feet.

E. Building Heights. 45 ft. maximum. Higher buildings may be permitted if approved by the Projects Committee and if a subsequent variance is granted by the Board of Adjustment considering setback criteria: avoidance of excessive density impact on other properties impervious surface and stormwater management impact and fire protection needs. Structures higher than 20 feet shall contain architectural features designed to punctuate the facade of the building and bring the structure into a unified relationship with its surroundings. Suitable elevation drawings shall be prepared to evaluate the sale and impact of such structures.

Source: Ordinance No. 92, Second Series

Effective Date: March 18, 1999

Source: Ordinance No. 231, Second Series

Effective Date: April 7, 2009

Source: Ordinance No. 241, Second Series

Effective Date: October 5, 2010

F. Signage.

1. All signs must be approved by the Planning Commission. No rooftop or pylon signs, fluorescent colors, flashing lights, or moving signs are permitted. Exterior lighting fixtures are not permitted unless the light source (e.g. the fixture) is not visible from roadways. A maximum area of 80 sq. ft. is permitted with a maximum height of 8 feet. Signs advertising products or services other than those produced or provided on the premises or by affiliates are prohibited.

(10-05-2010)

§ 11.02

2. No sign or billboard as defined in the City's sign ordinances or codes shall be permitted on any commercial parcel except as may be utilized in connection with the business or businesses being operated on that parcel. Signage materials shall be compatible aesthetically with the buildings on the parcel, and shall be so designed to minimize potential safety hazards for passing motorists. To this end, signs shall be designed so as to provide information, as opposed to attracting attention to the sign itself. Only small on-building or on-premise signage that uses colors consistent with the period design of the building.

A directory sign at each end of the Business Park will be maintained by the city.

G. Parking.

Source: Ordinance Number 231, Second Series
Effective Date: April 7, 2009

1. **Common Driveways.** Driveways may be shared between lots to reduce curb cuts and turning movement locations.

2. **Material.** All driveways and parking areas shall be surfaced with asphalt or concrete paving, and cured with cast-in-place barrier concrete curbs. Drainage for paved surfaces shall be facilitated in all cases by the use of bituminous curb and gutter around the perimeter of all parking lots and all public driveways. Where particular engineering problems exist, the City may require concrete curbing. Temporary exceptions maybe granted by the commission when appropriate for plans that incorporate phased construction.

3. **Parking lot Setbacks.** There shall be a 10 foot setback between all lot lines and the back of the curb on parking lots and driveways. There shall be an 8 foot spacing between back of curb of all parking lots and buildings. The space within the setback area shall be governed by the ground cover requirements found elsewhere in this ordinance. The lot line setbacks shall not apply where adjoining property owners wish to use common parking.

4. **Loading Docks.** Loading docks shall be located to the rear or side of buildings, in areas that are as much as possible screened from view from adjacent public roadways.

5. **Sidewalks.** All areas where members of the public or employees must walk for access to any location shall be paved or covered with a hard surface material.

Source: Ordinance No. 229, Second Series
Effective Date: February 3, 2009

(10-05-2010)

H. Loading and Storage. No materials, supplies or equipment shall be stored in any area on a lot except inside a closed building or behind visual barrier screening such areas from the view of adjoining properties and public streets. Garbage and refuse containers shall be concealed from the view of adjoining properties and public streets by means of screening walls that complement the exterior of the adjoining building.

I. Exterior Storage and Facilities.

1. Fencing. All fences located in the Park shall be of complete opaque materials, so as to substantially screen from outside view the contents of the fenced area. Where chain link fence is used, the fence shall be fully screened either by the use of vegetation of the same height, or by the use of inserts rendering a substantially opaque result.

2. Other Fence Standards. Fences shall be not less than 6 feet and not more than 12 feet in height.

3. Outside Storage. The outside storage of any shall be prohibited, unless the storage is completely screened from view by fencing, by natural topography, or by vegetation which completely screens the stored materials from view from any outside sources. No storage shall be permitted which is not required as a part of the business operated on the premises.

Source: Ordinance No. 92, Second Series
Effective Date: March 18, 1999

Source: Ordinance No. 231, Second Series
Effective Date: April 7, 2009

Source: Ordinance No. 241, Second Series
Effective Date: October 5, 2010

4. Exception for Inventory. Articles which comprise completed product inventory being displayed for current retail sale may be stored outside, but may be subject to conditions for such storage to be imposed on a case-by-case basis by the City.

5. Storage. Unscreened outside storage is prohibited and inoperable vehicles and equipment cannot be stored on-site or in the open for longer than 5 working days.

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J. Landscaping. Landscaping plans are required for all developments and are subject to the approval of the Projects/Land/Streets and Infrastructure Committee as part of the site plan approval process outlined in Subd. 6 and Subd. 7. All lots shall be landscaped within 90 days of substantial completion of construction and issuance of Certificate of Occupancy in accordance with approved plans, weather permitting.

Source: Ordinance No. 92, Second Series

Effective Date: March 18, 1999

Source: Ordinance No. 231, Second Series

Effective Date: April 7, 2009

K. Subdivision. No lot may be subdivided, and no portion of a lot may be sold or otherwise conveyed, without the written consent of the Ely City Council.

Subd. 6. Committee. The Projects/Land/Streets and Infrastructure Committee will review and recommend approval to the Planning Commission all plans for development in the Park. Approval of the Committee does not imply compliance with other applicable building codes, permitting process, or other requirements. The Projects/Land/Streets and Infrastructure Committee will also negotiate directly with all interested businesses seeking development in the Ely City Business Park. The Projects/Land/Streets and Infrastructure Committee will review and recommend approval to the Planning Commission all preliminary agreements/contracts between the City of Ely and prospective businesses.

Source: Ordinance No. 148, Second Series

Effective Date: November 6, 2003

Source: Ordinance No. 231, Second Series

Effective Date: April 7, 2009

Subd. 7. Construction Improvements. All proposals for development must be submitted to the Projects/Land/Streets and Infrastructure Committee and approved by the Planning Commission prior to submission of construction documents. Work scheduling and estimated completion dates should be included with plans. Approvals under this section do not remove the obligation to obtain all other necessary construction permits that may be required by the City or other agency. Submissions shall include the following:

A. Site Plan

1. Building footprints and dimensions to property lines
2. Building roof overhangs
3. Configuration of parking and vehicular circulation areas
4. Parking lot lighting locations
5. Truck service, loading area, trash enclosures
6. Setback lines and easements

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7. Location of on-site transformers, gas meters, switchgear
8. Adjacent roadways
9. Parcel area, building floor area, coverage ratios, total parking, estimated employment at peak, anticipated shift schedules.

B. Grading, drainage and erosion control plan

1. Proposed finish grades, slopes, building pad elevation
2. Site drainage structures and runoff calculations
3. Grades of existing streets and curbs

Site drainage and erosion control plans must be integrated with the Park's regional stormwater management plans. Drainage and erosion control submittals shall follow the format prescribed by Ely City Ordinances.

Source: Ordinance No. 231, Second Series
Effective Date: April 7, 2009

C. Landscape Plan

1. Plant materials, Spacing, and sizes
2. Walkways and paved areas
3. Other landscape features

D. Building elevations

1. Wall and roof material, textures and colors
2. Location of wall mounted signs and lighting
3. Roof and parapet heights above ground floor line
4. Profile or room-mounted equipment
5. Roof elevations above finished floor

E. Conceptual graphics

1. Ground, wall mounted, and directional signs
2. Locations, designs, materials, colors, textures, heights, area, illumination, typography.

F. Process Time. Land purchase agreements with the City of Ely will take a minimum of 60 days to be final. Additional time requirements are project/development specific.

Subd. 8. Stormwater Control. Stormwater runoff shall be properly channeled into storm drains and/or pond areas and shall not be permitted to flow over walkways. All roof stormwater must be collected by a system constructed inside the exterior walls of the building or by

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a system that blends into the facade of the building and discharged less than 2 feet above grade of the point of discharge, or be conducted directly to the storm drainage system. Alternatives other than gutter and downspout systems shall be considered relative to impacts on pedestrian and vehicle areas and integration with other lot-based and regional stormwater management systems, structures and objectives.

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§ 11.02

Infiltration on each property is encouraged. Improvements which direct stormwater runoff to the detriment of other property owners are prohibited.

Each owner shall take the necessary precautions to ensure that stormwater drainage from the owner's lot is not contaminated with motor vehicle fuels and lubricants, salt, or other chemical compounds that are detrimental to aquatic life.

Source: Ordinance No. 72, Second Series
Effective Date: February 18, 1997

Subd. 9. Park and Recreational Uses Facilities. The Council of the City of Ely finds that it would be beneficial for the help and welfare of the City of Ely and to enhance the amenities in the Ely Business Park to provide for the construction and improvement of park space and recreational facilities and improvements in the area of the Ely Business Park. To fulfill that purpose, the Ely Business Park Covenants, Section 11.02 of the Ely City Code are hereby amended to exempt park uses and improvements and recreational uses and facilities from the operation of the Ely Business Park Covenants.

Source: Ordinance No. 148, Second Series
Effective Date: November 6, 2003

Source: Amended by Ordinance No. 229, Second Series
Effective Date: February 3, 2009

Source: Ordinance No. 231, Second Series
Effective Date: April 7, 2009

SEC. 11.03. HERITAGE PRESERVATION COMMISSION.

Subd. 1. Declaration of Public Policy and Purpose. The Council of the City of Ely hereby declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the community. The purposes of this section are to:

A. Safeguard the heritage of the City of Ely by preserving sites which reflect elements of the City's cultural, social, economic, political, engineering or architectural history;

B. Protect and enhance the City of Ely's appeal to residents, visitors and tourists, and serve as a support and stimulus to business and industry;

C. Enhance the economic viability of heritage preservation sites through the protection and promotion of their unique character;

D. Enhance the visual and aesthetic character, diversity and interest of the City of Ely;

E. Foster civic pride in the beauty and notable accomplishments of the past;

F. Promote the preservation and continued use of historic sites for the education and general welfare of the people of the City of Ely.

(02-02-99)

ORDINANCE NO. 296, 2nd SERIES

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA,
AMENDING THE ELY CITY CODE, CHAPTER 11, SECTION 11.01 RELATED
TO LAND USE REGULATION (ZONING) AND ADDING SECTION 11.04
RELATED TO FENCES

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. Chapter 11 of the Ely City Code is amended to read as follows:

SECTION 11.04. FENCES

Subd. 1. Definitions. For the purposes of this section, the following terms are defined as follows:

- A. Berm:** An earthen mound designed to provide visual interest on a site, to screen undesirable views, or to reduce noise.
- B. Fence:** A structural enclosure or barrier used as a visual boundary, means of protection /privacy, or concealment.
- C. Boundary Fence:** A fence specifically located on or within the property line specific to visually defining the property line.
- C. Screen:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation, including hedges.
- D. Snow Fence:** Temporary fencing used to prevent snow from drifting onto walks, driveways or roads.
- E. Safety Fence:** A barrier which prevents passage into a dangerous area, commonly used within construction areas.
- F. Hedge:** A fence or boundary formed by closely growing bushes or shrubs.

Subd. 2. General Regulations. All fences in all zoning districts are subject to the following requirements:

- A. Permit required.** No person, firm or corporation, shall hereafter construct or cause to be constructed or erected any fence, wall, screen, hedge or similar without first obtaining a permit from the City of Ely.

B. Locations. All boundary, ~~concealment, and privacy~~ fences, ~~berms, screens, hedges or walls~~ shall be located entirely upon the private property of the persons, firm or corporation placing, constructing or causing the construction of the fence, berm or screen, ~~unless the owner of the property adjoining agrees in writing that the fence, berm or screen may be erected or placed on the division line of the respective properties.~~ The Zoning Administrator may require the property owner desiring to erect or place a fence, ~~berm, screen or wall is required~~ to establish the boundary lines of his or her property by a survey thereof to be made by any registered land surveyor.

C. The side of a fence without primary structural supports shall be considered the finished side and must face outward from the property on which it is constructed towards the adjacent property. If a fence has two (2) similarly finished sides either side may face the adjacent property.

D. Any fence, berm, or screen maintained within a Corner Triangle shall have a maximum height of 36 inches and support post height of 42 inches. A "Corner Triangle" is defined as the triangle formed by the intersection of the front and side lot lines forming the corner of the lot adjacent to the intersection of two or more public right-of-ways. The dimensions of the Corner Triangle are determined from the point of intersection of the front and side lot lines forming the Corner Triangle by three legs measuring (1) 20 feet along the front lot line from the point of intersection, (2) 20 feet along the side lot line from the point of intersection, and (3) the third leg as the line connection the end points of legs one and two. ~~Where there is no sidewalk at the corner, the lot lines are determined by measuring from the center line of the adjacent public right of way one half the distance of the right of way as depicted on the official plat map to the lot line.~~ The lot lines must be determined via a certified survey, and at a minimum, the property owner must have the surveyor locate the property pins, which will be verified by the city of Ely. A certificate of survey may be required by the planning and zoning administrator as deemed necessary.

E. If the property of the person, firm or corporation placing, constructing or causing the construction of a fence, berm or screen borders a sidewalk ~~or public right of way~~, it is required to maintain a setback of 18 inches from the ~~property line~~. Any fence constructed adjacent to street or avenue right of ways shall maintain a setback of 18 inches from the right of way.

F. Barbed wire fences are prohibited in all zoning districts except P1, P2, and M. Electric fences are prohibited.

G. Any fences may not exceed ~~six~~ seven feet in height, as measured from the ground to the top of the fence with exceptions of a two-inch ground clearance and posts not higher than six feet six inches. Fences on any street or avenue may not exceed ~~four~~ six feet, structural supports may be ~~four~~ six feet six inches in height, as measured from the ground to the top of the fence. ~~Exceptions: Fences may be built up to six feet in height on streets or avenues, so long as the fence is not considered to be in the "front yard" as defined by city code, and the fence does not extend past the front most~~

corner of the house/primary structure. Fences in the “front yard” may be built at a height not taller than six feet, only if the fence is transparent, or see through. Examples include chain link fencing, and rod iron fencing. If the fence is not transparent, the maximum fence height in the “front yard” may not exceed four feet.

Fences located in C1, C2 and M Zoning may erect up to a ten-foot-high fence, only with the approval of the Zoning Administrator, and must submit a building permit for fences exceeding 7 feet, per the international building code.

H. Fences shall be maintained and kept in good repair by property owners. Any hazardous fence or fence in a state of disrepair shall be repaired or removed by the property owner within thirty (30) days of notice by the City of Ely. If a property owner fails to comply with such notice, the City of Ely may remove the fence and assess the property owner the cost of such removal in addition to all other applicable penalties under City Code.

I. Permitted fence materials. Permitted fence materials shall be limited to brick, stone, wood planks, split rail, wrought iron, or chain link, vinyl, welded wire/ galvanized wire, or composite material. Materials commonly used for temporary snow or safety fencing shall not be permitted material for a permanent fence.

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Subd. 3. Exceptions. Any deviation from this Section shall require a variance in accordance with Section 11.43A of this chapter except the following:

A. Tennis Courts, Basketball Courts, Athletic Fields and Playgrounds in all zoning districts may have a single perimeter fence no higher than ten (10) feet.

B. Fences bordering highways or properties with a P1, P2, and M zoning classification may erect a fence, berm, or screen in excess of three feet in height provided it complies with Subdivision 2 of this ordinance.

C. Snow fencing shall be temporary in nature and may only be issued upon the approval of a permit. Snow fencing shall not be erected prior to October 15th of each year and shall be removed no later than May 30th of each year. Snow fences must comply with all regulations set forth by this chapter.

D. Safety fencing may be erected temporarily, without a permit, only after a building permit has been issued by the building official.

SECTION 2. Effective Date: Pursuant to Section 3.08 of the Charter of the City of Ely,

Minnesota, the adoption of this Ordinance is effective immediately after final adoption and publication.

First Reading: December 16, 2014

Second Reading: February 3, 2015

Adopted this 3rd day of February, 2015.

Mayor

Clerk-Treasurer

Publication Dates: December 19, 2014 and February 7, 2015

Newspaper: Ely Timberjay and Ely Echo

Suggested Edits

§ 11.01

Subd. 28. "Structure" - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things,

structures include buildings, mobile homes, walls, fences, billboards and poster panels.

Subd. 29. "Variance" - A variance is an appeal for the relief from certain requirements of the Zoning Chapter as deemed necessary by the Board of Adjustment when the strict interpretation of the Zoning Chapter would create undue hardship because of irregular lot size, topographic or other characteristics of any land. No variance shall have the effect of allowing in any district uses prohibited in that district.

Subd. 30. "Yard" - A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward; provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

Subd. 31. "Yard, Front" - A yard extending between side lot lines across the front of a lot. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of 30 inches and ten feet

Subd. 32. "Yard, Side" - A yard extending from the rear line of the required front yard to the rear lot line.

Subd. 33. "Yard, Rear" - A yard extending across the rear of the lot between inner side yard lines.

EXAMPLE

§ 160.030 FENCING, SCREENING AND LANDSCAPING.

(A) Height. No fence shall exceed eight feet in height, and in the case of grade separation, such as the division of properties by a retaining wall, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade.

(B) Intersections. No structures or plantings 30 inches or more in height, or fences shall be permitted within 30 feet of any corner formed by the intersection of street property lines or the right-of-way of a railway intersecting a street, except properly constructed chain link fences. The chain link fences shall not exceed 48 inches in height from the grade level at the lot line and shall have openings in the wire mesh of not less than one and five-eighths inches, nor more than two and one-fourth inches. The fences may follow the lot line to the lot corner. The 30-foot restriction noted above shall consist of the triangle formed by connecting the two points on intersecting lot lines that are each 30 feet from the lot corner.

(C) Location.

(1) Except as provided in division (B) above, fences not to exceed 48 inches in height may be located on any part of a lot. Fences not to exceed 96 inches in height may be erected on any part of a lot behind the front line of the principal building. The City Council may require or approve fencing up to 96 inches in height in a front yard to satisfy a buffer or screening condition of a development review or conditional use permit.

(2) A fence or retaining wall shall be installed on the applicant's property. The fence or retaining wall shall not be installed directly over the property line, but shall not otherwise be subject to a setback requirement, except as provided in division (C)(3) below.

(3) Fences on corner lots whose side yard abuts a roadway may be six feet in height beginning at the front building line of the principle structure.

(D) Landscaping required. In all zoning districts, the lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveway, building site and/or other requirements shall be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or treatment generally used in landscaping. The requirements of § 160.419 of this chapter must be met for all new developments in the R-3, R-4, B-1, B-2, B-3, B-4, I-1 and PUD Districts.

(E) Surface of fences.

(1) Any fence shall be so constructed that the surface facing adjoining properties or public rights-of-way shall be of finished construction.

(2) No fence or wall shall obstruct natural drainage or impede the function and flowage within a dedicated drainage easement.

(3) Fences located on public and semi-public properties may be erected to a height of eight feet anywhere on the property.

(F) Required screening. The fencing and screening required by this chapter shall be subject to divisions (A) through (E) above and shall consist of either a fence or a green belt planting strip the height of which shall be sufficient to adequately shield the activity from the abutting properties.

(1) A green belt planting strip shall consist of evergreen ground cover and shall be of sufficient width and density to provide an effective screen. This planting strip shall contain no structures or other use. The planting strips shall not be less than eight feet in height. Earth mounding or berms may be used but shall be limited to an average of five feet of the height of the required screen. The planting plan and type of shrub shall require the approval of the Planning and Zoning Commission based upon a recommendation of the Director of Public Works/Parks and Recreation and Building Inspector.

(2) A required screening fence shall be constructed of masonry, brick, wood or steel. The fence shall provide a solid screening effect and not exceed eight feet in height or be less than six feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the Planning and Zoning Commission based upon a recommendation by the Director of Public Works/Parks and Recreation and Building Inspector.

(3) Ground cover shall be established within six months, weather permitted, following issuance of the building permit. Ground cover material shall be of a type as to control erosion.

(G) Prohibited materials.

(1) Barbed wire, razor wire or other materials which could cause bodily harm shall be prohibited, and no fence or property shall be wired and designed to conduct and emit an electrical charge, except as allowed for below.

(2) Facilities providing essential services or municipal and governmental services may erect barbed wire, or other materials having a similar deterrence, upon notice to properties within 350 feet and upon approval of the City Council.

(Prior Code, § 1103.08) (Ord. 658, passed 08-14-2000; Ord. 773, passed 08-14-2006; Ord. 785, passed 12-10-2007; Ord. 909, passed 11-09-2015) Penalty, see § 160.999