

Planning and Zoning Commission
Agenda for Wednesday, February 18th, 2026
5:30pm

1. **Planning and Zoning Call to Order**
2. Roll call: **Hernesmaa, Councilor Roose, Palcher, Anderson, Decker, Slage.**
Staff Kochendorfer.

Excused: Heil
3. **Approval of Minutes from January 21st, 2026.** (1-2)
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**
 1. Business Park Covenants Ordinance (3-9)
8. **Old Business:**
 - a. Permissible Uses List (10-20)
 - b. Fence Ordinance
 - c. Outdoor Wood Boilers Ordinance (21-24)
9. **Adjournment**

Planning and Zoning Commission (Unapproved)
Meeting Minutes for Wednesday, January 21st, 2026

Planning and Zoning Called to Order @ 5:30 PM

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

Excused: White

Approval of Minutes from November 19th, 2025.

Motion Palcher to approve the November 19th, 2025 Minutes/ Second Hernesmaa. Motion carried.

Additions or Deletions from Agenda

Requests to Appear

Reports

- a. Planning and Zoning Administrator – Kochendorfer reported that he is staying busy with permits and projects, as well as other duties, such as park and rec.
- b. Projects Committee – Hernesmaa reported that nothing related to planning and zoning was discussed. There were some city sidewalk plowing concerns discussed, Trailhead Building Staffing, and approved funding for the Burntside Waterline project. Hernesmaa also gave a brief 10-year history on waterline breakages over the years.
- c. Council – Roose reported that the comprehensive plan steering committee was finalized, and she will serve as the council rep for that committee, and Kochendorfer will serve as the city staff representative. The IUP ordinance update and Event License updates were approved by city council. Kochendorfer briefly explained that this should limit the number of applications coming to Planning and Zoning, as events lasting less than 4 consecutive days will apply for the event license, and events lasting longer than 4 consecutive days will apply for the Interim Use Permit.

New Business

1. Board Vacancies Update-

Kochendorfer and Roose updated with the current process of filling vacant positions. There will be interviews held for the (2) open seats, as (5) applications were received. The interview team is Roose, and Kochendorfer, and the Vice Chair.

2. Board Positions

Motion Hernesmaa to nominate Kochendorfer as the Secretary of the Planning and Zoning Commission/ Second Heil. Motion carried.

Motion Hernesmaa to nominate Roose as the Chair of the Planning and Zoning Commission/ Second Heil. Motion carried.

Motion Hernesmaa to nominate Palcher as the Vice-Chair of the Planning and Zoning Commission/ Second Anderson. Motion carried.

The interview panel will be Roose, Kochendorfer, and Palcher

3. Sanitation Committee Appointee & Projects

Motion Heil to nominate Anderson as the Sanitation Committee representative from Planning and Zoning/ Second Palcher. Motion carried.

Motion Palcher to nominate Hernesmaa as the Projects Committee representative from Planning and Zoning/ Second Anderson. Motion carried.

4. Comp Plan Steering Committee

Motion Heil to nominate Hernesmaa as the Steering Committee representative from Planning and Zoning/ Second Palcher. Motion carried.

5. Wood Boilers

Kochendorfer gave a brief explanation on the need for the discussion. Typically, every winter, the planning and zoning and building department receives complaints on outdoor wood boilers, primarily the smoke. The building code doesn't address the installation of these, but refers to manufacture recommendations, which vary by manufacturer. The primary complaints are about the smoke from the units. Information from the MPCA and some model ordinances were included in the agenda packet. Key takeaways are stack height, set back requirements, and EPA certifications for installation for new stoves. We currently don't have any reference to the wood stoves in our ordinance. The public nuisance ordinance only addresses the public safety and health aspect.

Discussion amongst the board on pros and cons of the ordinance, and what should be included in the language. Different locations in town could also affect the ordinance, and there may need to be information added to differentiate the different zones, such as commercial, residential, etc. Property set backs and dates of use may be something to be less restrictive on, but Chimney height seems to be one of the most important aspects of the ordinance. EPA approved and following manufacturers specs should also be included.

Kochendorfer will draft several ordinance models to present at the next planning and zoning meeting for further discussion.

Old Business:

- a. Permissible Uses List- No new discussion. Kochendorfer will include the current list in the next packet to allow for review.
- b. Fence Ordinance- No new discussion at this time.

Adjournment at 6:25 PM without objection.

ORDINANCE NO. 398, 2nd Series

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA, REVISING THE ELY CITY CODE
CHAPTER 11, SECTION 2. BUSINESS PARK COVENANTS

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. Chapter 11, Section 2 of the Ely City Code is amended to read as follows:

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.
- G. Commercial Businesses allowed under Ch. 11.40 Permissible Uses List (Specific zoning designations)

~~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.~~

~~**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. **All conditions outlined in City Code Chapter 10, and the International Building Code must be adhered to.**

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.** Follow the standards of the zoning district designation. 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. ———~~

~~**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.~~

F. Signage.

~~1. All signage must comply with Chapter 14 of the City Code, and is subject to approval by the Planning and Zoning Administrator. 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.~~

~~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.~~

A. Parking.

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 may be 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.

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.

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.

~~**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.~~

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. ???????? KEEP or REMOVE~~

~~**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: ?????????????????? KEEP or REMOVE~~

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
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.

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 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.

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.

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.

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 thirty (30) days after final adoption and publication.

First Reading:

Second Reading:

Adopted this _____ day of _____, 2026.

Mayor

Clerk-Treasurer

Publication Dates:

Newspaper: Ely Echo

ORDINANCE NO. 398, 2nd Series

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA, REVISING THE ELY CITY CODE CHAPTER 11, SECTION 40 CONDITIONAL USES.

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. Chapter 11, Section 4 of the Ely City Code is amended to read as follows:

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 “I” 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.

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Animal Rescue				O	O	O				
Dog/Cat Boarding				O	O					

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 thirty (30) days after final adoption and publication.

First Reading:

Second Reading:

Adopted this _____ day of _____, 2026.

Mayor

Clerk-Treasurer

Publication Dates:

Newspaper: Ely Echo

ORDINANCE NO. 397, 2nd Series

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA, ADDING TO THE ELY CITY CODE, CHAPTER 20, SECTION 20.1.33, ENTITLED ZONING MAP AMENDMENT

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. A new Section shall be added to Chapter 20 as Section 20.1.33, of the Ely City Code to read as follows:

Section 20.1.33 Zoning Map Amendment. The zoning classification of parcels of land located in the City of Ely, County of St. Louis, State of Minnesota, which have the following legal descriptions:

That part of Lot 5, Block 2 of the plat of "Ely Business Park" located in Section 27, Township 63 North, Range 12 West of the Fourth Principal Meridian, St. Louis County, Minnesota, described as follows:

Assuming the West line of said Lot 5, Block 2 to bear North 00° 12' 30" West and from the Southwest Corner of said Lot 5, Block 2, being the POINT OF BEGINNING, run North 00° 12' 30" West along said West line, a distance of 145.67 feet to the Northwest corner of said Lot 5, Block 2; thence North 83° 53' 09" East, a distance of 400.67 feet; thence South 00° 07' 42" East, a distance of 131.45 feet to the southerly boundary of said Lot 5, Block 2; thence South 70° 33' 48" West along said southerly boundary, a distance of 213.15 feet; thence North 27° 10' 02" West along said southerly boundary, a distance of 81.41 feet; thence South 69° 56' 17" West along said southerly boundary, a distance of 170.59 feet to the POINT OF BEGINNING.

Said parcel contains 1.3 acres, more or less.

are hereby changed from the current zoned classification of Public 1 (P1) to Commercial 1 (C1)

SECTION 2. Effective Date: Pursuant to Section 3.08 of the Charter of the City of Ely, Minnesota, the adoption of this Ordinance is 30 days after final adoption and publication.

First Reading:

Second Reading:

Adopted this ____ day of _____, 2026.

Mayor

Clerk Treasurer

Publication Date:
Newspaper: Ely Echo

§ 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 “I” 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: Amending of 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
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		
Dog/cat Boarding						O				
Dog Park				O	O	O	O	O	O	O
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

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Grocery: wholesale, warehouse					X	X				
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				
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				
Mini Storage				X	X	O			O	
Motorized vehicles: sales, parts, repair				O	X	X				
Museum	O	O	O	X	X		X	O		O
Message 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

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Sporting goods, mfg.					O	X				
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				

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
Effective Date: May 5, 2009
Source: Ordinance No. 272, Second Series
Effective Date: June 8, 2014
Source: Ordinance No. 312, Second Series
Effective Date: March 7, 2017

Office of the County Recorder
St. Louis County, Minnesota
Recorded on 07/24/2025
At 3:02PM

Document No. 01514481

Wendy Levitt
County Recorder

By R Marunich Deputy
AFR 10212557

Auditor

Recording Fee: \$46.00
Well Certificate Fee: \$0.00

This page has been added by the St. Louis County Recorder/Registrar of Titles to add the recording information to the attached document.

Notes:

ORDINANCE NO. 391, 2nd Series

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA, REVISING THE ELY CITY CODE CHAPTER 11, SECTION 40 CONDITIONAL USES.

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. Chapter 11, Section 4 of the Ely City Code is amended to read as follows:

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 "I" 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.

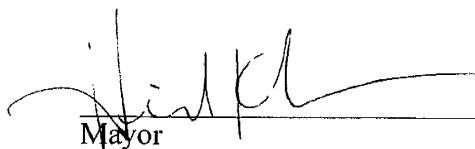
Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Resorts			O	<u>O</u>	O				O	O
<u>Recreational Camping Area/RV ParkRV Park</u>			<u>O</u>	O	O		O	O		O
<u>Tattoo Shop</u>				<u>X</u>	<u>X</u>					

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 thirty (30) days after final adoption and publication.


First Reading: July 1, 2025

Second Reading: July 15, 2025

Adopted this 15th day of July, 2025.



Mayor



Clerk-Treasurer

Publication Dates: July 5, 2025
Public Hearing: July 15, 2025
Newspaper: Ely Echo



SECTION 11.05. REGULATION OF OUTDOOR WOOD BURNING FURNACES (SFHD)

Subd. 1. Definition: Solid Fuel-Fired Heating Device (SFHD) A solid fuel-burning device manufactured or used to burn wood and designed to create heat on a continual basis, by sending heat through water, antifreeze or steam into interconnected piping. An SFHD may also be called by other names, such as: outdoor wood furnace; outdoor wood boiler; outdoor wood burner; closed combustion solid-fuel-burning appliance; accessory boiler; alternative fuel-burning device; or outdoor wood-fired hydronic heater.

Subd. 2. Regulations

A. Fuel. The only fuel permitted to be burned is untreated fuel. Wood may not be treated, processed, stained, finished, or painted; specifically prohibited woods include plywood, particle board and similar products. Other fuels, such as corn, shall not contain additives, treatments or chemicals. No petroleum products or processed materials of any kind may be burned. No burning of hazardous or industrial waste, including, yard waste. No burning of any other prohibited materials as outlined in the manufacturer's guidelines.

B. EPA approved. Any outdoor wood burning furnace (SFHD) shall be an EPA certified stove. New installations must meet the latest EPA approval standards. Outdated certifications will not be allowed for re-installation.

C. Structure setback. An outdoor wood burning furnace must be setback a minimum of ten feet from any principal or accessory structure.

D. Chimney stack height. An outdoor wood burning furnace shall have chimney height that extends at least 15 feet above the ground level unless the furnace is within 100 feet of a dwelling unit not on the same property of the wood burning furnace. If the furnace is within 100 feet of a dwelling unit of adjacent properties the chimney terminus is to extend two feet above the height of the roofs of all such residences.

E. Any other requirements not addressed in this ordinance, please refer to the manufacturer specific guidelines for installation. If the manufacturer

guidelines are stricter than this ordinance, it will be the requirement to follow the manufacturer guidelines.

F. Non-conforming. REMOVAL WHEN USEFUL LIFE ELAPSES. When the use of a nonconforming existing SFHD is discontinued for a period of more than one year, it must be immediately removed from the property by the property owner and not installed elsewhere in the Community.

REMOVAL AFTER DESTRUCTION BY FIRE OR OTHER PERIL. If any nonconforming existing SFHD is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no building permit has been applied for within 180 days of when the property is damaged, the SFHD may only be replaced by a conforming SFHD.

NO EXTENSION, ENLARGEMENT, OR EXPANSION. No existing legal nonconforming SFHD shall be extended, enlarged, or expanded after the date of effectiveness of this ordinance.

G. A city of Ely Building Permit is required for installation of all Outdoor Wood Burning Furnaces.

Optional additions:

H. Property line set back. An outdoor wood burning furnace must be setback a minimum of 50 feet from all property lines

I. Dates of use. An outdoor wood burning furnace may not be used from May 1 to October 1 of each year.

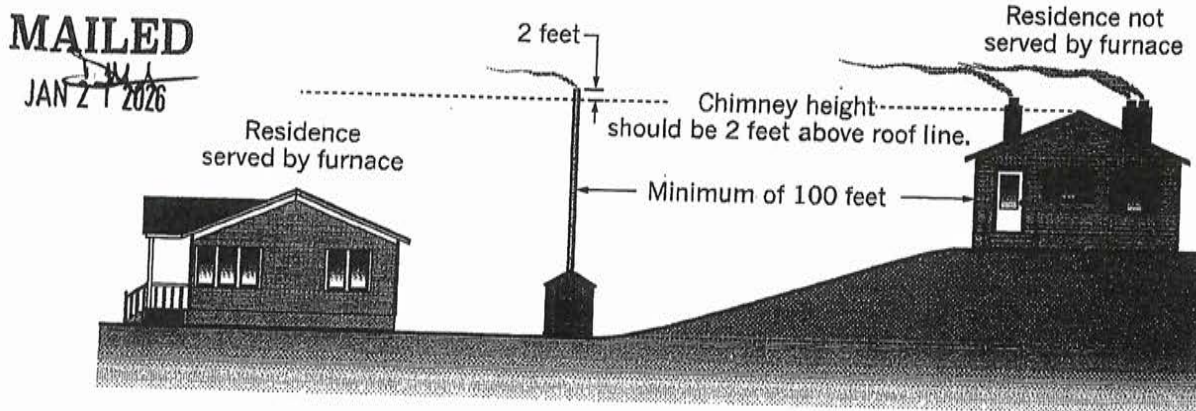
J. Starters. Do not use lighter fluids, gasoline or chemicals

Subd. 3. Violation. Violations of this section may be subject to civil enforcement from the Ely Building Official, or Police Department via civil citation.

OUTDOOR WOOD FURNACE BEST BURN PRACTICES

1. Read and follow all operating instructions supplied by the manufacturer.
2. **FUEL USED:** Only those listed fuels recommended by the manufacturer of your unit. Never use the following: trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure treated wood), leaves, paper products, and cardboard.
3. **LOADING FUEL:** For a more efficient burn, pay careful attention to loading times and amounts. Follow the manufacturer's written instructions for recommended loading times and amounts.
4. **STARTERS:** Do not use lighter fluids, gasoline, or chemicals.
5. **LOCATION:** It is recommended that the unit be located with due consideration to the prevailing wind direction.
 - Furnace should be located no less than 100 feet from any residence not served by the furnace.
 - If located within 100 feet to 300 feet to any residence not served by the furnace, it is recommended that the stack be at least 2 feet higher than the peak of that residence.

Chimney Height Installation Scenario



6. Always remember to comply with all applicable state and local codes.



OUTDOOR FURNACE MANUFACTURERS CAUCUS

July 2006

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Some Things to Consider When Dealing with Outdoor-Wood Boilers within a Municipal Jurisdiction;

1. Lacking an ordinance to address/enforce the proper installation of outdoor-wood boilers (setbacks, stack height) leaves us with a 'Chapter 10 issue'(public nuisance) which, I feel, would be an 'overboard' approach in most situations.
2. The most recently installed outdoor-wood boiler was manufactured prior to the 2015 Federal Emission Standards which only applies to **new** SFHDs (solid-fuel heating devices) installed, manufactured or operated on, or after May 15, 2015. The appliance then falls into a 'legal-non-conforming' status for which there are no legal requirements other than to follow "Manufacturers installation instructions".
3. Many manufacturers have information about appliance setbacks and stack height under 'recommendations' or 'best burn practices' while the MN-Building/Mechanical/Fire Code Codes lean on manufacturer's "installation **instructions**"- This leads to a debate with homeowners as to the provided information about location and stack height being, simply a recommendation rather than an instruction.

In addition to the challenges presented above-Thus far, a majority of our city administration has not been concerned about how, or where these types of appliances are installed.

It would be nice to have some solid ground to stand on when faced with inadequate direction from our local, State and Federal Administrations.