

ORDINANCE NO. 191, 2ND SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA,
AMENDING CITY CODE SECTION 152.227, TABLE 4,
OF SHORELAND ORDINANCE (RE: SIDE YARD SETBACK)

THE CITY COUNCIL OF THE CITY OF WINDOM ORDAINS:

WHEREAS, the ordinance (City Code) for the Shoreland District controls the development of land adjacent to waterbodies including lakes, rivers, and streams; and

WHEREAS, Windom's Shoreland District is an overlay district in numerous zoning districts in the City of Windom and covers property adjacent to or within 1,000 feet of Cottonwood Lake; adjacent to or within 300 feet of the Des Moines River; and adjacent to or within 300 feet of Perkins Creek; and

WHEREAS, Section 152.227, Table 4, entitled: "Setbacks and Size Requirements Regardless of the Classification of the Waterbody", sets forth the setbacks and size requirements for lots within the Shoreland District; and

WHEREAS, Section 152.227, Table 4 lists the side yard setback for lots within the Shoreland District (*both riparian and non-riparian lots*) as 20 feet on each side of the structure; and

WHEREAS, the Economic Development Authority of Windom has requested that the City Council consider allowing the side yard setback in the Shoreland District to revert to the side yard setback in the underlying zoning district; and

WHEREAS, the Minnesota Department of Natural Resources ("DNR") provides a model Shoreland Ordinance. There is no recommended side yard setback in the DNR's model ordinance which allows cities to determine their own side yard setback for the Shoreland District; and

WHEREAS, other communities in the area with shoreland districts were contacted and City Staff verified that the side yard setback in their shoreland districts is the same as the underlying zoning district; and

WHEREAS, it is in the best interests of the citizens of Windom that the side yard setback for the Shoreland District, as set forth in Section 152.227, Table 4, be amended as set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, ORDAINS:

THE CITY CODE OF THE CITY OF WINDOM IS HEREBY AMENDED BY DELETING THE SIDE YARD SETBACK SET FORTH IN TABLE 4 OF SECTION 152.227 AND INSERTING THE FOLLOWING IN LIEU THEREOF:

SECTION 152.227 DESIGN CRITERIA FOR STRUCTURES.

Table 4: Setbacks and Size Requirements Regardless of the Classification of the Waterbody:

Side yard setback	Same as underlying Zoning District
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THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS:

ALL OTHER SETBACKS AND SIZE REQUIREMENTS SET FORTH IN SECTION 152.227, TABLE 4, SHALL REMAIN IN FULL FORCE AND EFFECT.

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS:

EFFECTIVE DATE: This ordinance, or an approved Title and Summary of this ordinance, shall be published in the COTTONWOOD COUNTY CITIZEN; and this ordinance shall be in full force and effect immediately upon publication.

ADOPTED AND PASSED by the City Council of the City of Windom, Minnesota, this 16th day of November, 2021.

Dominic Jones, Mayor

ATTEST:

Steven Nasby, City Administrator

1st Reading: November 2, 2021

2nd Reading: November 16, 2021

Adoption: November 16, 2021

Published Ordinance or Title & Summary: November 24, 2021