

Memorandum

To: Windemere Planning Commission
From: Kim Lindquist, Town Planner
Date: February 20, 2026
Re: Public Hearing Notice Flyer/Ad Response

The following lists out the comments from the public hearing notice flyer and responses for the Commissions use.

Top 3 Impacts:

Bigger lot rules: Harder to build/split: Many existing lots will be “nonconforming” under the new larger lot size/widths. Building, additions, or splitting your lot may be limited or require a hard-to-get variance:

Response: The increase in the shoreland lots was adopted in the 2025 Shoreland Ordinance and is not changing. There are changes in lot size for several of the zoning districts; several of which were recommended by the previously adopted Comprehensive Plan.

Much stricter if you're on/near water: shoreland properties must meet the toughest rules, and common waterfront accessory structure(gazebos, sauna, pumphouse, detached garage) won't be allowed RV/fish house use is limited and may need permits and setbacks.

Response: Water-oriented uses has been modified to permit one 100 sq ft storage shed within 25' of the OHW. However, the new ordinance relaxes the setbacks for patios and uncovered decks to 100'; the prior ordinance required these structures to be behind the principal structure.

In the shoreland overlay district there are the shoreland regulations and the underlying zoning regulations. The more restrictive regulation is what governs development on the site. This is not just in Windemere, this is how zoning works within the State of Mn.

RVs in and outside of the shoreland district were previously regulated in the 2015 zoning ordinance. They were required to meet setbacks and meet sanitary sewer system requirements, which is consistent with the proposed ordinance standards. The number was also limited to one on a property in the shoreland district and two in other zoning districts.

Approvals may be tougher and costlier: the Planning Commission can impose extra conditions and is the final decider on many permits. Expect higher permit fee, possible escrow and a 12-month wait to reapply if denied.

Response: Depending upon what application is being requested the Township could always apply conditions to a permit. There are performance standards in the existing and

proposed ordinance which must be met and conditions of approval often reflect those requirements.

The Town is investigating use of an escrow system to help defray the cost of applications for building and development within the community. An escrow works like this: the applicant submits an application fee, which is non-refundable, and an escrow which is used to defray the cost of processing the application. Monies not used from the escrow fund are returned to the applicant after disposition of the application item. Rather than subsidize the cost of development by using general funds to pay costs, the person benefiting from the application pays the cost.

Zoning Changes for entire Township:

Significant increase in non-conforming lots: if your property does not meet the new minimum lot size or lot width requirements, it will be a "nonconforming lot". These lots may only be allowed as building sites without variances provided: 1) the use is permitted in the current zoning district 2) the lot has been in separate ownership from neighboring properties at all times 3) was created in compliance with official control in effect at the tie 4) impervious surface/maximum lot coverage is not exceeded 5) sewage treatment requirement are met, and 6) the newly increased setback requirements are met.

Response: The standards for existing non-conforming lots and their buildability within the Shoreland are found in State Statutes 394.36. The draft ordinance is consistent with those standards and cannot be less restrictive than state statute.

Higher minimum lot requirement for properties (including most lake lots):
Increase minimum lot size in residential district from 20,000/40,00 sq ft to 2.5/5 acres, in agricultures district from 5 acres to 20 acres, in commercial district from 20,000 sq ft to 1.5 acres (sewered) and 2.5 acres (unsewered). Re-adopt 5 acre minimum lot size or all lots in the Shoreland Overlay District.

Response: Some of the changes in lot size were recommended by the adopted Comprehensive Plan and some are proposed through discussions at the Planning Commission. The 5-acre lot size for all parcels in the Shoreland Overlay District is consistent with the previously approved 2025 Shoreland Ordinance.

Increase lot width requirement from 100' for residential to 300; for 4-2 unsewered and 150' for 4-2 sewerd in residential areas, and 165' to 660'; for agriculture.

Response: Lot widths have been increased to reflect the increase in lot size.

Increase front yard setback from 20' to 30' unsewered and 73' sewerd for residential uses.

Response: the front yard setback for principal structures is 73' from the centerline of all county roads and streets or 30' from road right of way, whichever is more restrictive. This is consistent with the current ordinance.

Proposed land use and zoning changes that affect all property in Windemere Township

Variance: if your property is nonconforming and does not meet the ordinance requirements, you must obtain a variance from the Board of Appeals and Adjustments before modifying a structure

or lot. Variances are not granted frequently, require a public hearing, are highly discretionary and are only approved if the Board believes you meet the strict criteria.

Response: Any property development that doesn't meet required ordinance requirements (unless meets the legal non-conforming criteria) needs to obtain a variance. Variance criteria (practical difficulties) is dictated by the State Statute 462.357 and is not arbitrary or discretionary; the applicant must meet the stated criteria for granting of a variance. All variances require a public hearing per State Statute; this is not something specific to Windemere Township but is required statewide.

New Planning Commission power: The Planning Commission will now be the final decision makers on conditional and interim use permits, and can require the following conditions before granting a permit 1) increasing the required lot size or yard dimension, 2) limiting the height, size, location of buildings, 3) designation of open space, 4) annual review if deemed appropriate by the governing body, and 5) "such other conditions as deemed necessary to eliminate or reduce the negative impacts of the use." If an application is denied, owners would be required to wait twelve (12) months before submitting a new request.

Response: The Planning Commission is the final decision-maker for conditional use permits in the 2015 zoning ordinance and this ordinance continues that practice. All conditional use permits are subject to meeting the specific conditions and performance standards of the ordinance. It is not unusual to have a waiting period for reapplication of a denied permit; it does not make sense to continually reapply for a denied permit.

Increased restrictions in Shoreland: Property within the shoreland district will need to meet the shoreland standards and the regulations of the underlying zoning district. The most "restrictive regulation" will apply.

Response: The DNR requires significant regulation within the Shoreland District. Much of the current proposal is consistent with the adopted 2025 ordinance. The Town is required to have DNR approval of the Shoreland Ordinance, meaning the Town's ordinance must comply with DNR regulations.

Water-oriented accessory structure: in shoreland areas, common waterfront structures would no longer be allowed, such as gazebos, screen houses, pump houses, saunas, and detached garages.

Response: The accessory structures listed continue to be permitted so long as they meet required setbacks. In other words, development of the listed structures are not exempt from ordinance setbacks except for a 100 sq ft storage building can be located in front of the principal structure on a shoreland lot, subject to certain conditions.

New zoning land use map: the proposed zoning map changes zoning on a parcel-by parcel basis. Properties are being rezoned in ways that do not match the 2020 Comprehensive Plan.

Response: There has been discussion with the Planning Commission about rezoning for some particular lots which may result in a change from the adopted land use plan.