

SUNFISH LAKE, MINNESOTA PLANNING COMMISSION

September 23, 2025

**First Calvary Baptist Church, Sunfish Lake
5495 South Robert Trail**

AGENDA

7:00 PM

- 1) Call to Order
- 2) Adopt the Agenda
- 3) Minutes – August 21, 2025, Planning Commission Meeting:
 - A. Additions / Corrections
 - B. Approval
- 4) Public Hearing: 2152 Comprehensive Revision to the City's Zoning Ordinance
 - A. Staff Review and Recommendation
 - B. Public Comment
 - C. Commission Discussion
- 5) Adjourn

Please note: The procedure for Public Hearings is written on the back of this agenda.

CITY OF SUNFISH LAKE PUBLIC HEARING PROCEDURE

To increase the understanding of the procedure being followed in public hearings, the following steps are used:

1. Chair – Description of request/Introduction
2. Staff – Description of request, analysis, recommendations
3. Applicant – Added comments and statements
4. General Public – Comments and presentations
5. Chair – Call for Planning Commission discussion and questions
6. General Public – Additional comments and questions
7. Chair – Close public hearing
8. Chair – Additional Commission discussion / call for motion

Memorandum

To: Sunfish Lake Planning Commission and City Council

From: Lori Johnson

Date: September 17, 2025

Re: Sunfish Lake Zoning Ordinance Update

The public hearing for the proposed overall zoning ordinance update will be held by the Planning Commission on Tuesday, September 23, at 7:00 p.m. Prior to the Planning Commission meeting, staff will present a summary overview of the zoning ordinance to the public at 6:00. This meeting will be a time for questions from the Planning Commission and the public. Please use this link to review the ordinance prior to the meeting: [020928-000 Sunfish Lake Zoning Ordinance Update](#). I will have a hard copy of the ordinance for our use at the meeting.

The proposed ordinance has been online for a month now and several public comments have been received so far. I have also received some via email, including the letter sent to property owners from the Buell's. They all are attached to this document for review. If more comments come in, I will provide them at the Planning Commission meeting. You may be aware that many of the comments relate to the proposed 100-foot setback from the OHWL and the nonconforming ordinance. Regarding the 100-foot setback issue, this was proposed by the Planning Commission to be consistent with what the DNR allows in their model ordinance.

The summary memo for the ordinance is below, and this was presented to the Planning Commission on July 9. I will present this information at the meeting on the 23rd.

Since November 2024, the Planning Commission has met monthly, with one or two exceptions, to discuss draft chapters of the new zoning ordinance created by me and the City Attorney. The City Attorney and I drafted new chapters of the ordinance based on our experience and knowledge of other communities and state law. This has been a fruitful endeavor—the Planning Commission has done an excellent job of thoroughly reviewing our work and providing comments and direction to get us to the final draft that we now have.

I am pleased to provide you with a summary report of the major changes that are being proposed with the new ordinance. We will discuss these changes at our work session on July 17, 2025.

We will also discuss our preferred method of presenting the final draft of the ordinance to the public for their review. One of the methods that we will be discussing is the use of a project website where people can read the ordinance and provide their input. A summary review will also be added to the website. This will be available prior to a public hearing on

the project. The Planning Commission and City Council would be provided with a summary of comments obtained through the website or via email at the public hearing and subsequent meetings.

The information below is presented to you on a chapter-by-chapter basis. Again, only major changes will be discussed, but you will be provided with the entire ordinance after this meeting to review and comment further before a public hearing is held.

Title and Application

- *This is the first chapter of the zoning ordinance which establishes the purpose of the ordinance and its relation to the comprehensive plan.*
- *The contents of this ordinance have been taken from Chapter 1201 Short Title, Purpose and Scope, particularly Section 1201.03 Intent.*
- *You will see that the proposed Chapter 1 is much shorter than 1201. The City Attorney and I have either moved some information to another chapter or have deemed that some of the contents are no longer needed.*
- *The nonconforming section has been worded and vetted to meet the requirements of current state statutes.*

Rules and Definitions

- *This chapter establishes definitions for all terms within the zoning ordinance and sets up rules of word construction. Visuals have been added where it makes sense.*

Administration and Enforcement

- *This chapter lays out the process for reviewing each type of land use application.*
- *This chapter clearly addresses Minnesota Statutes Section 15.99 (60-day rule) which applies to timelines for review and approval of land use items.*
- *The public hearing process is clearly laid out. Staff and the Planning Commission are **suggesting a change to 500 feet for notices to properties**, so we are still providing more notice than is required by state law (350 feet) without getting too far away from the applicant's property. You may recall that the current ordinance requires 1,000 feet for public notices.*
- *Each section for the different types of land use applications will refer back to the sixty-day rule and hearing process.*
- *Most importantly, staff and the Planning Commission are suggesting a change to the way the city processes site plan applications. **The proposed ordinance would not require a public process for every new home in the city**, but it would require staff to continue to do their thorough review of the building permit plans as they do now. If there are no variances or conditional use permits required, the Planning Commission and City Council will not review new home applications. This is a big change for the city as we move away from acting like a large homeowner's association and more like a city.*
- *This proposed change also would **eliminate the minor site plan approval process**. The proposal is being presented to make it easier for those building a home, an*

addition or an accessory building that meets all zoning requirements to get a building permit.

- This proposed ordinance chapter also addresses denials, lapses, appeals, revocation, and amendments to approved applications.

General Districts Provisions

- Each zoning district is established in this chapter, and these districts include the R-1, INS, and Shoreland Overlay Districts.
- The **Wetland District has been eliminated** because the wetlands are regulated by the watershed district rather than by the city.
- The **Airport Noise Attenuation District has also been removed** because all requirements listed in this district are now part of the building code for new construction and the district is no longer needed.
- This **chapter exempts essential services** and allows them in any zoning district within the city without specifically stating this in each chapter.

R-1 Single Family

- This chapter lays out the standards for single family home construction within the city and establishes permitted, accessory and conditional uses as well as setbacks, lot size, building height and exterior materials.
- **Please note that under permitted uses (A.2) there is a provision for state-licensed residential facilities that is not optional.** This is a state mandated provision that must be in the ordinance in the residential zoning district.
- The Planning Commission has chosen to pursue an ordinance to **allow attached accessory dwelling units as permitted uses.** The ordinance is drafted to ensure that these units will not be noticeable from the exterior of the home. Allowing attached ADU's may be beneficial for future discussions related to the 2050 Comp Plan Update required by the Met. Council.
- The setbacks and lot sizes have not changed from the current ordinance.
- The **accessory uses section allows up to two detached accessory buildings/garages on site.**
- The **conditional use section allows more than two but no more than four detached accessory buildings/garages on site.**
- **Driveway setbacks have been changed to 15 feet.** (from 25 feet)

INS (Institutional)

- This chapter lays out the standards for all uses within the Institutional (INS) District, which includes all church properties within the city. Places of worship are the only permitted use in this district.
- New to this ordinance is that **one accessory structure is allowed as an accessory use.**
- Communications towers are still listed as a conditional use.
- Ground mounted solar systems are still allowed as a conditional use.

- Setbacks and lot sizes have not changed.
- *Underground irrigation will be required for all NEW sites or redevelopment.*

Performance Standards

- This chapter encompasses many items that were previously in separate chapters within the ordinance.
- The lighting standards have been modified to beef up the requirements for lights and light fixtures within the city. Changes include: *all decorative or landscape lighting must be downcast fixtures with concealed light source, pole mounted lighting is limited to 20 feet in height, .4 foot candles or below are required at the property line, right -of-ways and the lake edge, times have been placed on recreational light fixtures, which are now allowed –no lights after 9 p.m. or before 8 a.m., lighting plans are required for all new home construction and institutional construction.*
- The land reclamation, earth removal section will prohibit major landscape work without the city's knowledge.
- The fence section of the ordinance will be a major change for the city. The proposed ordinance will allow *fences to go right up to the property line on all lots.* The current ordinance requires that fences meet building setbacks, which is not always possible.
- Tree preservation has been embedded in this section and has been blessed by Jim Naves. To sum up the proposed requirements, all significant trees removed will need to be replaced with development activities, which is the same standard applied now. The *new ordinance also allows payment to what could be a newly established reforestation fund if the property owner is unable to meet the replacement requirements.* For tree removal not associated with development activities, *property owners can only remove two trees per year unless a reforestation plan has been submitted to the City Forester.* Removal of diseased, dead or dangerous trees are not counted toward the two trees per year. In essence, if the City Forester would like to allow the removal of additional trees for justifiable reasons, there is a process to allow for this.
- The home occupation ordinance allows for those home businesses that do not have traffic, employees or storage, and that only take up a certain percentage of the home. The ordinance allows property owners the opportunity to apply for a conditional use permit if the standards can't be met.
- As stated earlier, ADU standards would be applied through this chapter.
- The solar energy systems standards that are in the current ordinance have been duplicated in this ordinance. The current ordinance requirements seem reasonable and can be easily understood.
- Accessory structures are regulated through the Performance Standards chapter.

Environmental Standards

- *This chapter is new and it includes soil erosion and sedimentation control standards as well as standards for the preservation of natural drainage ways.*

Shoreland Management Overlay District

- This chapter has been *completely rewritten based on the model ordinance* prepared by the Mn DNR. Most standards remain the same.
- The Planning Commission and staff are recommending changing the *dock width limit from 4 feet to 5 feet.*
- This ordinance will need to be reviewed and approved by the Mn DNR.

Other Notes about the New Ordinance:

- The signage chapter has been drafted and will be moved to the general code of ordinances instead of being located within the zoning ordinance.
- Nuisances—noise, odor, vibration, will all be regulated within the general code of ordinances—look for new ordinances on those items soon.

Attachments:

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Flow Chart of Development Process—New Home Construction

Public Comments

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- 1207.012 Accessory Dwelling Units (ADUs)
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- 1207.014 Accessory Structures

1208: Environmental Standards

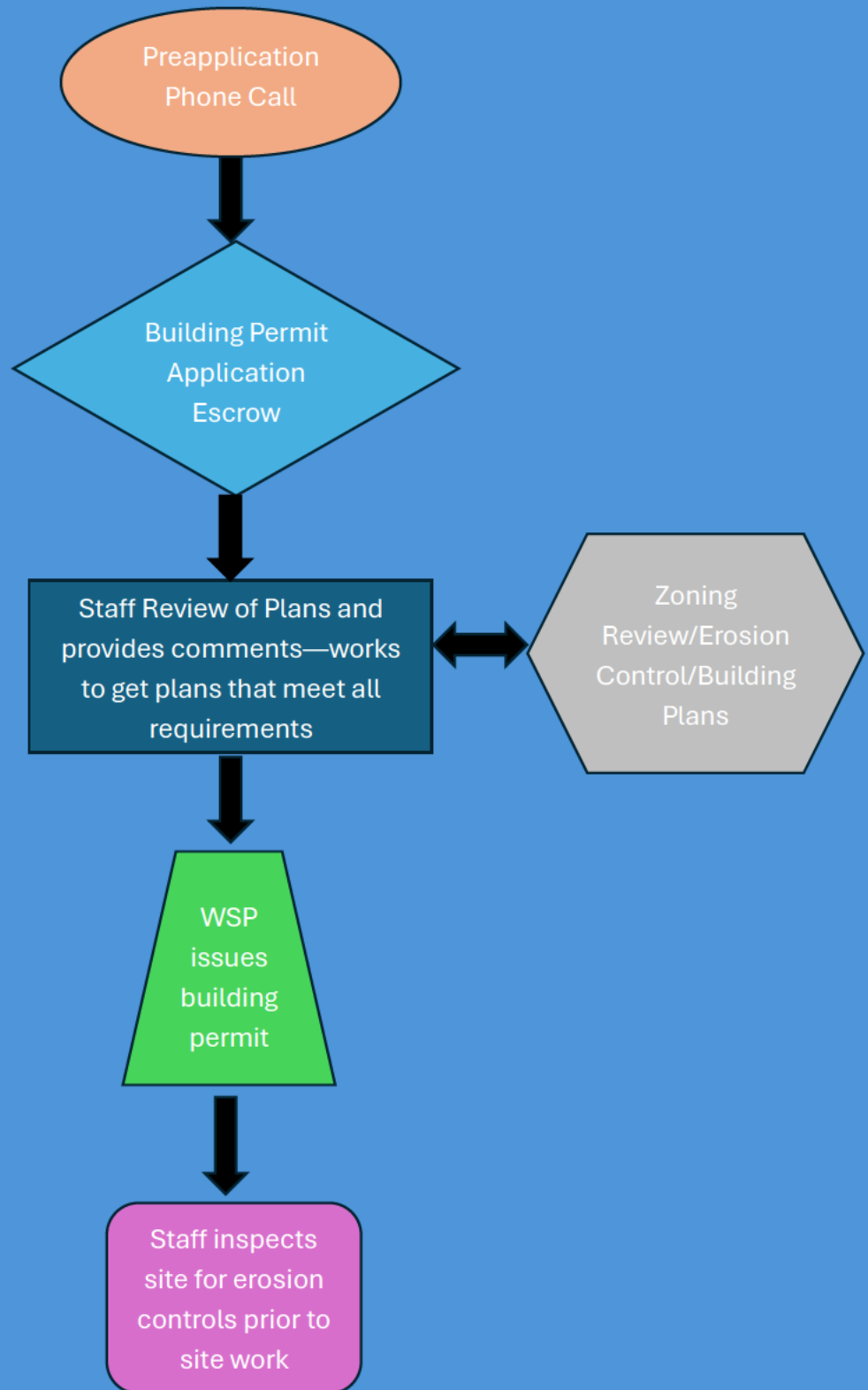
- 1208.01 Soil Erosion and Sedimentation Control
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1209: Shoreland Management Overlay District

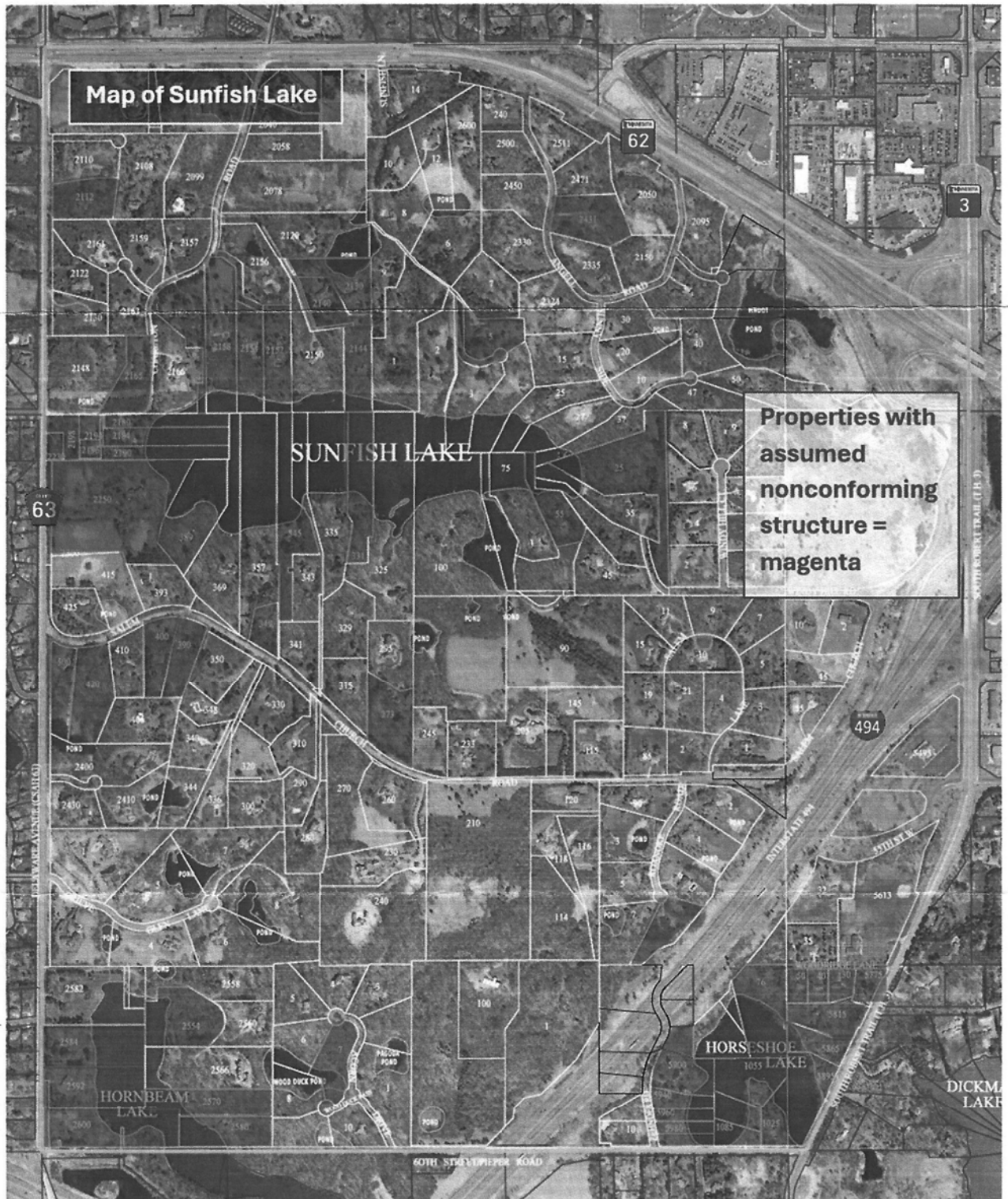
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Approval of New Home
permits in Sunfish Lake



Sunfish Lake Map – Properties with Nonconforming Structures (highlighted in magenta):



PUBLIC COMMENTS ON WEBSITE FOR PROPOSED ORDINANCE

Some commenters chose to leave names and addresses. If you do not see a name or address, those commenting did not provide either.

1201.07_Nonconforming_Structure	Subsection A.1 changes how the code was written previously with regard to nonconforming structures. We have a nonconforming structure on a nonconforming lot. We had previously confirmed with the City that we could replace, enlarge and extend the structure as long as we do not increase the nonconformity, meaning we cannot allow any of the structure to get any closer to the lake. If the new code is implemented, a plain interpretation could make it impossible to improve the current structure. We have no other way to rebuild or expand to make this property suitable for a family of more than a few individuals. We would like to find out how the City can allow us or future owners of our property to be able to replacement/enlarge/extend our existing structure without being worried that the proposed code would disallow any enlargement or replacement/enlargement/extension of the existing nonconforming structure. Otherwise the proposed code greatly devalues our property, and that of many others.
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1203.04_Site_Plan_Review	It appears the major vs. minor site plan distinction is no longer in this proposed ordinance update. And that single family dwellings (new builds or alternations/remodels/additions) will not be required to go through a public process, and will only be required to obtain a building permit. Am I correct about that interpretation?
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1204.01_Establishment_of_distri	Will there be any updates to the shoreland zoning district portion of the ordinance?	
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1205.02_Uses	are pools and other "private recreational facilities" now permitted accessory structures, and no longer required CUP? How about in the shoreland district? Are properties within 1000' of the three main lakes consider R1 and shoreland, or just shoreland? Would a pool be a conditional use in shoreland, or a permitted accessory structure?	
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1207.09_Permitted_Encroachments	Are encroachments like open porches and attached decks allowed to similarly encroach 25% of the way into the required 200' setback from the OHWM for shoreland district properties?	
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Section 1209 was not included in the comment draft. Please resend or provide. Thank you!

1209.04_Shoreland_Classificatio

Please correct section Section D, Item 1
- OHWL Setback for Structures and Sewage Treatment Systems so that it returns to the prior lakeshore setback distances - Structures 200 feet from OHWL; Septic 150 feet from OHWL. Any reductions to these levels will a)
Increase the risk of shoreline erosion
b) Shrink the riparian buffer that protects water quality and wildlife habitats c) Detract from the natural and aesthetic character of our lakes and shorelands and d) Raise the risk of septic effluent reaching surface waters.

As a lakeshore resident, this issue is of vital importance to have as much distance from the OHWL. Have to believe Minnesota DNR would also favor the increased buffer approach.

Thank you for your time.

1201.04_Applications_of_this_Or	Subpart C foreshadows the unnecessarily restrictive new nonconforming section; see below proposed revised section to instead signal some allowance for expansion: C. From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the City of Sunfish Lake, shall be in conformity with the provisions of this Ordinance. Any existing building or structure, and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be repaired, maintained, replaced, and improved but not expanded, except as allowed by the special regulations herein provided with respect to nonconforming properties or uses.
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1203.04_Site_Plan_Review	I can see how making single-family dwellings and accessory structures exempt from site plan review as a good way to simplify the make more private the home development process for all residents in Sunfish Lake. If the site plan review process does not apply for home construction, what process does apply? Will there still be oversight by the Enforcement Official to ensure district standards are being met? Can the City still impose reasonable conditions/restrictions on proposed single-family dwellings and accessory structures which are exempt from site plan review? What process will apply and what application materials will be required?
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1209.05_Dimensional_and_General	We understand the City's proposed new Shoreland District section largely follows the MN DNR's model code. However, we chose as a community years ago to require larger setbacks from the OHWM for principal structures and for sewage treatment systems, and therefore set the distances to be 200' for homes, and 150' for septic systems. We don't understand how reducing those setbacks to 100' and 75', respectively, follows the comprehensive plan's stated goals, and feel the City's Elected Officials should reconsider these setbacks, and keep the larger original setbacks of 200' and 150' to continue to protect the natural setting and water health of our lakes as best we can.
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Enforcement for several of these categories is weak or vague - both with the penalties for not following the rules and also "who" is responsible for enforcing the various rules	
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1209.04_Shoreland_Classificatio,1209.05_Dimension
al_and_General,1209.06_Performance_Standards_f,
1209.07_Vegetation_and_Land_Alt,1209.08_Subdivis
ion/Platting_Pr

I am very concerned about the proposed reduction in setback rules for structures and septic systems. This is a shocking development and really presents risks to our beautiful and most precious asset - Sunfish Lake itself. Between the increased risk of shoreline erosion (already a problem), the reduction increases the risk of septic contamination as well.

Protection of wildlife habitat and protection of the natural beauty of our lake has already been under threat with the trend of building bigger and bigger homes - with more and more features and more and more lighting.

Please reconsider and leave the current setbacks in place. We can not replace what is lost.

1209.04_Shoreland_Classificatio,1209.05_Dimension
al_and_General

The Shoreline setback to buildings is shown to be changed to 100 feet from 200 feet. We strongly object to this change and find it to be in total violation of the goals of this zoning ordinance. Also, I feel because that there was no chart showing the difference in the setbacks that few people reading this huge document would notice this huge Change. Also, in as much as the deck is a big part of the visual structure of the house, we feel that the setback measurement should be from the shoreline to the beginning of the deck.

Thank you.

1201.07_Nonconforming_Structure	We, [REDACTED] strongly oppose the update to non-conforming structures. Not only does it negatively impact our property value, it may force our family to move away from this beautiful place due to not being able to expand upwards and add a bedroom for our kids. Due to the property layout it is not possible to EVER be in conformity. Please update the language to protect those homeowners as I'm not the only one. Thank you, [REDACTED]
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1201.07_Nonconforming_Structure	We strongly oppose the update to Section 1201.07 - Nonconforming Structures, Uses. The language is far too restrictive by prohibiting any enlargement of a nonconforming building or structure unless it is brought into conformity. This change will impact over 50 properties in Sunfish Lake (nearly one-quarter of the total properties in the city) in a significant way. The proposed code is highly limiting, unnecessary, and will reduce our ability to improve our homes, negatively impact property values, and deter investment within the city. For several properties, it is impossible to bring existing nonconforming structures into conformity due to lot size, shape, or location. For the rest, it is impractical. We believe there is an opportunity to draft this section of the proposed code in a manner which is fair, reasonable, and in conformance with state law. The current proposal is neither fair nor reasonable.
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1209.05_Dimensional_and_General	Part D.1. of this section reduces setbacks from those outlined in the current zoning ordinance by half. This proposed change increases the risk of shoreline erosion, shrinks the riparian buffer that protects water quality and wildlife habitats, detracts from the natural character of our lakes and shorelands, and raises the risk of effluent reaching surface waters. Why would anyone in Sunfish Lake support this change? Our city is beautiful and unique, and we wish to protect our lakes and shorelands. Reducing setbacks to the DNR minimums, especially when our current setbacks exceed those DNR minimums, is a disservice to our environment. What is the intention of these setback reductions? Certainly those goals can be achieved in a way that doesn't harm our environment.
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1203.04_Site_Plan_Review	Decks are a prominent aesthetic and construction feature which should be included in the setback requirement as it is in other cities.
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1209.04_Shoreland_Classificatio,1209.06_Performance_Standards_f	Decks are a prominent aesthetic and construction feature which should be included in the setback requirement as it is in other cities. Fertilizers and herbicides should not be allowed at all on lakeside runoff areas. Fertilizers are running off into the lake and then we have to pay to remove the resultant lake weeds and algae. Rip rap should not be allowed as it is not a natural componet of the shoreline. This has recently gone unenforced. Thank you, 
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1209.06_Performance_Standards_f	#5 The words "dead trees " should be defined. " Dying trees" is too subjective and can allow owners to remove trees that will have many years of useul life ahead. Often, our best trees i.e. white pines and oaks will have hollow centers and yet live much longer. We have seen some of these removed which is counter productive. #6. Use of any fertilizers on lakeside slopes should be totally prohibited. This only chokes the lake with faster growing weeds.
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1201.07_Nonconforming_Structure	this is a negative change to current home owners. Needs more input and discussion. At a minimum consider grandfathering current owners until they sell. Please give this more thought. dave fernald 390 salem church rd
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See comments on 1201.07 A. Nonconforming Structures. I am in opposition of the restrictions in the 1201.07_Nonconforming_Structure nonconforming use section. This proposal is too restrictive and will bring property values down.	This proposal is too restrictive. Over 50 properties have been identified as having nonconforming structures according to the current ordinance, and are negatively impacted by this proposed zoning ordinance. If the identified properties are prohibited from adding to or enlarging the current home, it will severely reduce their ability to maintain and improve the homes and negatively impact property values. This will bring down values of properties across the city of Sunfish Lake.
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We have lived out here in Sunfish Lake since 1978. We feel that this section as proposed is unnecessarily very restrictive concerns our property home and detached garage. We feel we should be able to our home or garage even though it is called a nonconforming structure. My family already said once we pass on and they inherit the home they have changes they want to make, ie add onto the house to make it larger maybe add a swimming pool or rebuild. Any new buyer always has their own ideas but under this section they may change their minds to buy. In summary we would like you to find a way so in the future we can add to our home or other structures to our nonconforming property. Thank You in advance for your time and consideration. [REDACTED]	
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Lori Johnson

From: [REDACTED]
Sent: Thursday, September 11, 2025 6:53 AM
To: Lori Johnson
Subject: Zoning plan comments

EXTERNAL EMAIL

Here are our additional suggestions for the zoning plan:

1. No further zoning variations should be allowed to properties that have already received a zoning variation. The buyers of these properties knew the statute when they bought the property and should've understood the city's intention that the permit should not be further modified.
2. The city should have an inspections periodically to see that in new building that zoning plans are being conformed to. We were told in the past that the city did not have the money to perform these inspections. However, our suggestion would be that the city build in an amount for these inspections into the building permit cost.



Lori Johnson

From: Daniel O'Leary <olearytriallaw@yahoo.com>
Sent: Monday, September 8, 2025 8:25 AM
To: [REDACTED]
Subject: Fw: Zoning meeting

EXTERNAL EMAIL

Hi Lori,

Wanted you to have this citizen feedback and concern. I have encouraged Bob to write any concerns directly to you so they can be discussed at the Planning Commission meeting on the 23rd.

Warmest regards,

Dan

Daniel B. O'Leary, Esq.
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(651) 238-0904

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[REDACTED]
To: Daniel O'Leary <olearytriallaw@yahoo.com>
Sent: Monday, September 8, 2025 at 03:09:41 AM CDT
Subject: Zoning meeting

Hello Dan ,

Thank you to you and your team for what must have been a huge job preparing this zoning statement. We are very sorry to miss this important meeting. However, we are in France until the 24th without any options to change.

We have gone through the zoning document as many as five times now and have responded to the server about four different times. Our main serious concern is that the shoreline setback requirement for homes be set at 200 feet in the future.

Again, thank you for your continued effort on behalf of all of us.