

CITY OF LAKE SHORE
PLANNING COMMISSION/BOARD OF ADJUSTMENT
AGENDA

November 10, 2025, 9:00 am

The meeting is being recorded. Anyone wishing to speak, please raise your hand until recognized by the chairperson, then state your name and residence.

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes** (*Motion to approve, amend, or table*)
 - a. October 13, 2025
4. **Additions or Deletions to Agenda**
5. **Public Hearings** (*Motion to open the hearing. Motion to approve, deny, or table each individual public hearing noted. Motion to close the hearing.*)
 - a. **Ordinance Amendment 11-25:** 02-2025 to adopt the Cannabis Business Ordinance Sections 1 through 6 to implement the provision of Minnesota Statutes Chapter 342, which authorizes the City of Lake Shore to protect the health, safety, and welfare of the City of Lake Shore's residents by regulating cannabis businesses within the legal boundaries of the City of Lake Shore. Applicant: City of Lake Shore.
 - b. **Ordinance Amendment 11-25:** 03-2025 to amend Sections 4 "Definitions," and 21 "Land Use Matrix" of the City of Lake Shore's City Code of Ordinances by adding definitions for and including the following uses in the Land Use Matrix: Cannabis Cultivating, Cannabis/Hemp Manufacturer, Cannabis Retail, Cannabis Transportation/Delivery, and Cannabis Wholesale and establishing which districts allow cannabis businesses as conditional or permitted uses. Applicant: City of Lake Shore.
 - c. **Ordinance Amendment 11-25:** 04-2025 to amend the City of Lake Shore Zoning Ordinance to revise the city's fee regarding application fees. Applicant: City of Lake Shore.
6. **New Business** (*Motion to approve, amend, or table*)
 - a. Sheila Joy & Jeffrey Wines; Metes & Bound Subdivision; PID #90-016-4101
7. **Old Business**
 - a. None
8. **Reports**
 - a. City Engineer
 - b. Chairman
 - c. Council Liaison
 - d. Planning & Zoning
 - October Permit Report
 - Proposed 2026 Fee Schedule
9. **Public Forum**
10. **Adjournment** (*Motion to adjourn*)

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
OCTOBER 13, 2025
9:00 AM**

Commission Members in attendance: Chair Jim Woll, Sean Weldon, PJ Smith, Dave Riegert; Alternate Kevin Egan; Mayor Andy Stewart; City Engineer Alex Bitter; Sourcewell Nicole Hausmann; City Clerk/Administrator Laura Fussy, and Deputy Clerk Kathy Johansen. Absent were Commission Member Alex Kuhn and Council Liaison Darcy Peterson. A quorum was present, and the Commission was competent to conduct business. There were twenty-five people in the audience including Alternate TJ Graber.

Chair Jim Woll called the meeting to order at 9:00 a.m.

Approval of the September 8, 2025, Regular Meeting Minutes – MOTION BY PJ SMITH AND SECONDED BY KEVIN EGAN TO APPROVE THE MINUTES FOR THE SEPTEMBER 8, 2025, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MOTION PASSED.

PUBLIC HEARING –

MOTION BY SEAN WELDON AND SECONDED BY DAVE RIEGERT TO OPEN THE PUBLIC HEARING AT 9:03 AM. MOTION PASSED.

Variance 10-25 (#5a) (2 Gulls & 3 Buoys) – to construct a 702 square foot addition to the south of an existing legal non-conforming dwelling with an attached 39 square foot covered entry not meeting bluff setback, and to construct a 799 square foot addition to the west of an existing legal non-conforming dwelling not meeting the side yard setback. PID's 90-437-2555 & 90-437-2560.

The subject property (PID #90-437-2555) features an existing legal non-conforming structure (1,024 sq. ft.) with an attached deck (421 sq. ft.). The subject property features a garage with living quarters (552 sq. ft.). The proposed additions will create one principal dwelling with an attached garage.

The subject property (PID #90-437-2560) features an existing legal non-conforming structure (440 sq. ft.) with an attached deck (231 sq. ft.). The guest cottage meets the size requirements specified in Section 17.3.1.6 of the Ordinance.

The applicant has submitted a new septic system that Andy Schwartz has reviewed and approved.

Staff Findings: Staff provides the following findings of fact for discussion and consideration:

1. The subject properties are located at 8784 & 8788 Interlachen Rd and are zoned Residential, Medium Density R-2 (Shoreland); (Gull Lake - General Development).
2. The subject properties are 1.09 Acres (47,794 sq. ft.) total
3. The subject property contains a legal existing non-conforming dwelling on lot 20 (PID #90-437-2555).
4. The subject property contains a legal existing non-confirming guest cottage on lot 21 (PID #90-437-2560).
5. The two parcels would be consolidated if a variance is approved.
6. The parcel directly to the north is owned by the same property owners (2 Gulls and 3 Buoys, LLC).

7. The existing accessory structure with living quarters would become part of the principal structure if a variance were approved.
8. The proposed 702 square foot addition is 14 feet from the bluff at the closest point on the south side of the property.
9. The proposed additions would meet the lake setback and the road right-of-way setback, per Certificate of Survey received 9/16/2025.
10. The applicant has provided a new septic system design to be installed with the proposed additions. This design has been reviewed and approved by Andy Schwartz.
11. The total impervious surface for the lot, including the proposed additions and existing structures provided on the Certificate of Survey received 9/16/2025, is 20.3% where 25% is the maximum impervious surface total for the parcel in the Residential, Medium Density R-2 (Shoreland) zone for a riparian GD lake (stormwater management plan required per section 17.3.3).
12. Section 8.2 of the City of Lake Shore ordinance allows for a one-time addition to a non-conforming principal structure to be permitted without the need for a variance, provided all requirements of the section are met. This section does not allow for a structure over 2,500 square feet, which can only be approved by means of a variance from the code requirements.
13. No extensive research was conducted regarding similar structures in similar locations for property within the immediate vicinity of the subject property. A review of aerial imagery obtained from GIS was utilized.
14. A stormwater management plan has been submitted to the city with the variance application and reviewed by the City Engineer.
15. The DNR has been notified of the request, and no comment has been received as of the time this staff report was drafted.
16. The City Engineer has been notified of the request, and had no additional comments per email received 10/2/2025.
17. Notice of this variance application was published in the local newspaper & distributed to property owners within the required distance to the property (500 ft.). No comments have been received as of the drafting of this staff report.

Potential Findings for approval, for discussion with the Board of Adjustment:

18. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. Yes, the applicant is proposing to continue the use of the property as a residential home with the addition (799 sq. ft.) by attaching the accessory structure to the principal dwelling. The other addition (702 sq. ft.) is not getting any closer to the bluff than the existing dwelling. These lots will be consolidated to be compliant with City Code requirements.
19. Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, the properties are non-conforming legal lots of record. There are existing structures on lots 20 and 21. The proposals will meet the lake and road right-of-way setbacks as outlined in the Certificate of Survey received on 9/16/2025.
20. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, constructing the additions will not alter the essential character of the neighborhood. The proposed improvements are consistent with other dwellings in the vicinity of the subject property. The same property owner owns the property directly to the north.
21. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Lake Shore ordinances?

- a. Yes, the request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plan, "Support growth patterns that reinforce our lake-oriented and rural development brand." (pg. 5) and "Protect the quality of the lakes and environmental resources within and around the City." (pg. 4)
- 22. Has the variance request been made based on reasons other than economic considerations alone?
 - a. Yes, the request has been made on factors other than economic considerations. Implementing a stormwater management plan will help protect the water quality of Gull Lake.

Potential Findings for denial, for discussion with the Board of Adjustment:

- 23. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. No, the plight of the landowner is due to circumstances created by the landowner proposing additions that do not meet the bluff or side yard setback. The intent of the Ordinance is to enforce setbacks to limit environmental concerns and impacts to Gull Lake.
- 24. Does the property have unique circumstances that were not created by the landowner?
 - a. No, the plight of the landowner is due to circumstances unique to the property owner, created by the landowner wanting an addition in this specific location to the principal dwelling, which is closer to the bluff than allowed by the Ordinance.
- 25. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, constructing the additions will not alter the essential character of the neighborhood.
- 26. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Lake Shore ordinances?
 - a. No, the variance is not consistent with the comprehensive plan, as decreasing the bluff and side yard setback will not provide adequate environmental considerations.
- 27. Has the variance request been made based on reasons other than economic considerations alone?
 - a. No, the variance is for economic reasons alone, and reasonable use of the property does exist under the ordinance.

Board of Adjustment Direction: The Board of Adjustment may approve, deny, or table the request if additional information is required. If the motion is for approval or denial, findings of fact should be cited to support the motion.

Staff Recommendation: Staff recommends that the Board of Adjustment discuss and provide input regarding the proposed findings for approval and/or denial. The applicant has provided their testimony regarding the practical difficulty with the application provided to the city. The City of Lake Shore zoning ordinance allows for additions to a principal structure; however, the encroachment of the side yard and bluff setback may only be allowed by variance.

If the Board of Adjustment wishes to approve the variance request, staff recommends the following conditions of approval:

- 1. All construction shall be in substantial conformance with the presented plan as shown. Deviations from the presented plan will require modified approval by the Planning Commission.

2. The variance expires 12 months after approval by the Planning Commission, if the project is not commenced, unless extended per section 70.7 of the Ordinance.
3. PID #90-437-2555 & PID #90-437-2560 must be consolidated with Cass County before issuing a zoning permit with the City.
4. Implement an erosion and sediment control plan utilizing best management practices (BMPs) before construction and dirt-moving activities. The city must approve the plan. The BMPs must remain in place until all disturbed soils are stabilized.
5. The proposed downspout gutters and stormwater retention areas, as shown on the stormwater management plan, shall be implemented upon completion of the project if/when a zoning permit is applied for and approved by the City.
6. The guest cottage shall remain accessory to the principal use and shall not be sold or rented as a separate dwelling without further city approval.

Nicole Hausmann stated the following items will become part of the record – Notice of mailing, notice of publication, signed application and attachments and staff report, and comments received. One written comment was received by the City Engineer and is in the packet. DNR was notified on September 21st and no additional comments have been received.

Nicole Hausmann presented Variance 10-25 (#5a).

Travis Miller explained the unique situation in the construction of the additions.

Dave Baudler indicated he was the owner of the property and shared the additions would accommodate some living area on the main floor for live-in parents and provide additional space for his family.

Kevin Egan remarked from his perspective the ownership of both lots is key in the decision of this request.

Jim Woll requested an explanation regarding how combining lots will reduce non-conformities from three to one.

Travis Miller explained on the north lot there is currently a stand-alone home, a detached garage with a living space, and on the south lot there is a guest cabin that has living space in it, and this goes across the property lines between Lot #20 and Lot #21. The additions are creating one primary dwelling with an attached garage and then one accessory structure on one lot.

Discussion continued regarding the structures and the lot lines.

MOTION BY PJ SMITH AND SECONDED BY KEVIN EGAN TO APPROVE THE VARIANCE 10-25 (2 GULLS AND 3 BUOYS) REQUEST BASED ON THE FINDINGS OF FACT AND SUBJECT TO THE CONDITIONS OUTLINED BY STAFF. MOTION PASSED.

Variance 10-25 (#5b) (John Allen) – to construct a new dwelling with an attached garage and covered porch not meeting the road right-of-way or side yard setback. PID 90-457-0010.

The subject property features an existing legal non-conforming structure (400 sq. ft.) with an attached deck (240 sq. ft.), which will remain on the property as a guest cottage. The guest cottage meets the size requirements as specified in Section 17.3.1.6 of the Ordinance. The existing garage will be removed (576 sq. ft.). The Board of Adjustment approved a previous variance on December 20, 2023, for rebuilding a new home, which included boat storage, and constructing a sports court on the west side of the property.

The applicant has a septic system installation dated 7/02/2025, which is deemed compliant as documented and provided to the city.

Staff Findings: Staff provides the following findings of fact for discussion and consideration:

1. The subject property is located at 9110 Pebble Beach Rd and is zoned Residential, Medium Density R-2 (Shoreland); (Gull Lake - General Development).
2. The subject property is +/- .80 Acres (35,009 sq. ft. not including ROW)
3. The subject property contains a legal existing non-conforming guest cabin with an attached deck.
4. The proposed 2,998 square foot new dwelling with attached garage is 8 feet from the side yard setback (closest point at north side bump out), 10 feet (northeast corner - towards the lake), and 13 feet (northwest corner - towards the road right-of-way), where 15 feet is required.
5. The proposed 2,998 square foot new dwelling with attached garage is 26 feet from the road right-of-way (Pebble Beach Road), where 30 feet is required.
6. The proposed 2,998 square foot new dwelling with attached garage and covered porch will meet the side yard setback to the south of the property, per Certificate of Survey received 9/17/2025.
7. The proposed new dwelling with attached garage and covered porch would meet the lake setback, per Certificate of Survey received 9/17/2025.
8. The proposed 1,103 square foot covered porch will meet the lake setback and the road right-of-way setback, per Certificate of Survey received 9/17/2025.
9. The existing detached garage will be removed from the property.
10. The proposed 1,468 square foot driveway will utilize pervious material.
11. The existing septic system was installed and deemed compliant as documented on the installation form dated 7/2/2025 and was provided to the city.
12. The total impervious surface for the lot, including the proposed new dwelling with an attached garage and covered porch and existing structures provided on the Certificate of Survey received 9/17/2025, is 24.1% where 25% is the maximum impervious surface total for the parcel in the Residential, Medium Density R-2 (Shoreland) zone for a riparian GD lake (stormwater management plan required per section 17.3.3).
13. No extensive research was conducted regarding similar structures in similar locations for property within the immediate vicinity of the subject property. A review of aerial imagery obtained from GIS was utilized.
14. A stormwater management plan has been submitted to the city with the variance application and reviewed by the City Engineer.
15. The DNR has been notified of the request, and no comment has been received as of the time this staff report was drafted.
16. The City Engineer has been notified of the request, and the comment received on 10/2/2025 stated: "Provide details for pervious driveway and maintenance plan, if using the existing drainfield for home, verify the sizing is still compliant and stormwater retention is to be the 5-year, 24-hour event, not the 1 inch since the impervious is increasing more than 5%".
17. Notice of this variance application was published in the local newspaper & distributed to property owners within the required distance to the property (500 ft.). No comments have been received as of the drafting of this staff report.

Potential Findings for approval, for discussion with the Board of Adjustment:

18. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?

- a. Yes, the applicant is proposing to continue the use of the property as a residential home with an attached garage and covered porch. The new dwelling would meet the lake setback and be further from the lake than the existing non-conforming structure. This is also an existing lot of record established prior to zoning regulations.
- 19. Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, property is a non-conforming legal lot of record that is divided by Pebble Beach Road with a small building envelope. The new proposal will meet the lake setback according to the Certificate of Survey received on 9/17/2025.
- 20. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, constructing the new dwelling will not alter the essential character of the neighborhood. The proposed improvements are consistent with other houses in the vicinity of the subject property.
- 21. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Lake Shore ordinances?
 - a. Yes, the request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plan, "Support growth patterns that reinforce our lake-oriented and rural development brand." (pg. 5)
- 22. Has the variance request been made based on reasons other than economic considerations alone?
 - a. Yes, the request has been made on factors other than economic considerations. Implementing a stormwater management plan will help protect the water quality of Gull Lake.

Potential Findings for denial, for discussion with the Board of Adjustment:

- 23. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. No, the plight of the landowner is due to circumstances created by the landowner proposing a new dwelling that does not meet the side yard or road right-of-way setbacks. The intent of the Ordinance is to enforce setbacks to limit environmental concerns and impacts to Gull Lake.
- 24. Does the property have unique circumstances that were not created by the landowner?
 - a. No, the plight of the landowner is due to circumstances unique to the property owner, created by the landowner wanting a new dwelling with an attached garage, which is closer to the road and side yard than allowed by the Ordinance.
- 25. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, constructing the new dwelling will not alter the essential character of the neighborhood.
- 26. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Lake Shore ordinances?
 - a. No, the variance is not consistent with the comprehensive plan, as decreasing the side yard and road right-of-way setback will not provide adequate environmental considerations.
- 27. Has the variance request been made based on reasons other than economic considerations alone?
 - a. No, the variance is for economic reasons alone, and reasonable use of the property does exist under the ordinance.

Board of Adjustment Direction: The Board of Adjustment may approve, deny, or table the request if additional information is required. If the motion is for approval or denial, findings of fact should be cited to support the motion.

Staff Recommendation: Staff recommends that the Board of Adjustment discuss and provide input regarding the proposed findings for approval and/or denial. The applicant has provided their testimony regarding the practical difficulty with the application provided to the city.

If the Board of Adjustment wishes to approve the variance request, staff recommends the following conditions of approval:

1. All construction shall be in substantial conformance with the presented plan as shown. Deviations from the presented plan will require modified approval by the Planning Commission.
2. The variance expires 12 months after approval by the Planning Commission, if the project is not commenced, unless extended per section 70.7 of the Ordinance.
3. Implement an erosion and sediment control plan utilizing best management practices (BMPs) before construction and dirt-moving activities. The city must approve the plan. The BMPs must remain in place until all disturbed soils are stabilized.
4. The proposed downspout gutters and stormwater retention areas, as shown on the stormwater management plan, shall be implemented upon completion of the project if/when a zoning permit is applied for and approved by the City.
5. The guest cottage shall remain accessory to the principal use and shall not be sold or rented as a separate dwelling without further city approval.
6. A maintenance plan with a schedule shall be submitted to the city if/when a zoning permit is applied for and approved by the city for all pervious material being used for the driveway/walkways.

Nicole Hausmann stated the following items will become part of the record – Notice of mailing, notice of publication, signed application and attachments, staff report and comments received. One written comment was received from the City Engineer which is included in the packet. DNR was notified on September 23rd and no additional comments were received.

Nicole Hausmann presented Variance 10-25 (#5b).

John Allen shared the proposed project is the construction of a new home with attached garage and stated the variance request is for an 8 foot side yard setback and a 26 foot road right-of-way. John referenced that this home will have a 75 foot lake setback and the garage will align with four or five existing garages on surrounding properties.

Alex Bitter commented on providing details on the impervious driveway and maintenance plan and mentioned the proposed stormwater plan does not meet the ordinance.

John Allen shared that he doesn't feel there will be a storm water problem. The grade will be built up so any rain coming off the roof will go down into the front yard and on the street side there is a holding pond in place.

Alex Bitter explained that the stormwater management plan is for 1 inch, and due to the impervious increase of more than 5%, it will need to be the 5-year, 24-hour event stormwater plan.

MOTION BY KEVIN EGAN AND SECONDED BY SEAN WELDON TO APPROVE THE VARIANCE 10-25 (JOHN ALLEN) REQUEST BASED ON THE FINDINGS OF FACT AND CONDITIONS EXPANDED TO MEET THE STORMWATER REQUIREMENTS. MOTION PASSED.

Variance 10-25 (#5c) (Travis Roberts) – to allow a patio in the bluff impact zone and exceeding the allowed 250 square foot size for a Water Oriented Accessory Structure. PID 90-437-1910.

The subject property features an existing non-conforming structure (+/- 5,172 sq. ft.). During an open forum meeting, it was brought to the city's attention that work was being completed on the property without a permit. An on-site visit was conducted on the property. At a previous meeting on 8/11/2025, the Board of Adjustment determined that a violation had occurred with the construction of a patio in the bluff without a permit. The applicant has a septic system installation dated 08/25/2025, which is deemed compliant as documented and provided to the city.

Staff Findings: Staff provides the following findings of fact for discussion and consideration:

1. The subject property is located at 8638 Interlachen Road and is zoned Residential, Medium Density R-2 (Shoreland); (Gull Lake - General Development).
2. The subject property is +/- .69 Acres or 41,580 square feet.
3. The subject property contains an existing non-conforming dwelling with an attached garage with living space.
4. The proposal is for a 392-square-foot Water Oriented Accessory Structure (pervious patio) located in the bluff impact zone (top of the bluff) - Section 17.3.12.5.
5. The subject property has an existing 160 square foot Water Oriented Accessory Structure at the lake. Per Section 17.3.12.4, any combination of facilities listed in 17.3.12.2 or 17.3.12.3, provided that their combined area does not exceed 250 sq. ft.
6. Pervious material utilized for the patio with a maintenance plan submitted to the city.
7. The existing septic system has been inspected and deemed compliant as documented in the most recent compliance inspection provided to the city on 8/25/2025.
8. The total impervious surface for the lot, including the pervious patio provided on the Certificate of Survey received 9/17/2025, is 24.53% where 25% is the maximum impervious surface total for the parcel in the Residential, Medium Density R-2 (Shoreland) zone for a riparian GD lake (stormwater management plan required per section 17.3.3).
9. Section 17.3.12 of the City of Lake Shore ordinance allows each residential lot to have one water-oriented accessory structure or facility if it complies with all requirements of the section. This section does not allow for a 392-square-foot patio and a 160-square-foot covered facility, nor does it allow any structure or facility to be in the bluff impact zone, which can only be approved by means of a variance from the city code requirements.
10. No extensive research was conducted regarding similar structures in similar locations for property within the immediate vicinity of the subject property. A review of aerial imagery obtained from GIS was utilized.
11. A stormwater management plan has been submitted to the city with the variance application and reviewed by the City Engineer.
12. The DNR has been notified of the request, and no comment has been received as of the time this staff report was drafted.
13. The City Engineer has been notified of the request, and the comment received 10/2/2025 stated: "Provide detail on pervious paver installation".
14. Notice of this variance application was published in the local newspaper & distributed to property owners within the required distance to the property (500 ft.). No comments have been received as of the drafting of this staff report.

Potential Findings for approval, for discussion with the Board of Adjustment:

15. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?

- a. *Yes, to be determined by the Board of Adjustment. ***
- 16. Does the property have unique circumstances that were not created by the landowner?
 - a. *Yes, to be determined by the Board of Adjustment. ***
- 17. If the variance is granted, will the essential character of the locality remain consistent?
 - a. *Yes, to be determined by the Board of Adjustment. ***
- 18. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Lake Shore ordinances?
 - a. *Yes, to be determined by the Board of Adjustment. ***
- 19. Has the variance request been made based on reasons other than economic considerations alone?
 - a. *Yes, to be determined by the Board of Adjustment. ***

Potential Findings for denial, for discussion with the Board of Adjustment:

- 20. Will granting the variance put the property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. No, the plight of the landowner is due to circumstances created by the landowner proposing a patio that does not meet the bluff setback and is too large per City Code. The intent of the Ordinance is to enforce setbacks to limit environmental concerns and impacts to Gull Lake.
- 21. Does the property have unique circumstances that were not created by the landowner?
 - a. No, the plight of the landowner is due to circumstances unique to the property owner, created by the landowner wanting a large patio that does not meet size requirements, and which is closer to the bluff than allowed by the Ordinance.
- 22. If the variance is granted, will the essential character of the locality remain consistent?
 - a. No, allowing the patio will alter the essential character of the neighborhood.
- 23. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Lake Shore ordinances?
 - a. No, the variance is not consistent with the comprehensive plan, as allowing a patio over the permitted size and decreasing the bluff setback will not provide adequate environmental considerations.
- 24. Has the variance request been made based on reasons other than economic considerations alone?
 - a. No, the variance is for economic reasons alone, and reasonable use of the property does exist under the ordinance.

Board of Adjustment Direction: The Board of Adjustment may approve, deny, or table the request if additional information is required. If the motion is for approval or denial, findings of fact should be cited to support the motion.

Staff Recommendation: Staff recommends that the Board of Adjustment discuss and provide input regarding the proposed findings for approval and/or denial. The applicant has provided their testimony regarding the practical difficulty with the application provided to the city. The City of Lake Shore zoning ordinance allows for one Water Oriented Accessory Structure (at-grade patio) not exceeding 250 square feet, not in the bluff impact zone, unless allowed by variance.

If the Board of Adjustment wishes to approve the variance request, staff recommends the following conditions of approval:

- 1. All permits and applicable fees must be paid and applied for within two months of this approval.

Nicole Hausmann stated the following items will become part of the record – Notice of mailing, notice of publication, signed application and attachments, staff report and comments received. One written comment was received from the City Engineer which is included in the packet. DNR was notified on September 23rd and received two additional comments over the weekend.

Nicole Hausmann presented Variance 10-25 (#5c).

Nicole Hausmann informed the Planning Commission to review and discuss the application as a variance request, not an after the fact variance.

Nicole Hausmann verified that the shed on the property is an existing legal non-conforming structure so it is not a consideration in this variance.

Travis Roberts shared that he had hired Carter Reece to regrade the property to create a better structure to alleviate water issues and to run the patio back. Travis stated that he put his trust into Carter as Carter was the one speaking with Teri Hastings on the project.

Kevin Egan inquired as to approval for the project from Teri Hastings when she was the City Administrator and if she gave Carter approval for the patio.

Carter Reece responded he did not have approval for the patio.

Alex Bitter commented he saw a maintenance plan on the impervious pavers installation, but he did not see formal details on how it was constructed.

Carter Reece explained the materials used and process of construction.

Jim Woll reminded the public in attendance that comments will be received regarding the variance application and not the civil portion of the issue.

Mark Maki shared his disappointment in not getting the packet information prior to the meeting. Mark Maki approached the water issue and stated the water is running into the lake.

Laura Fussy explained that the packet was too large to put online, and property owners can request a copy of the information they need and it would be sent to them.

Ron Faust stated he lives next to the Roberts' residence and he observed construction beginning and that the Roberts' property level was raised with fill. Ron commented that the water running off the property into the lake would not be a best practice.

Jim Woll reiterated that this issue concerns the patio being constructed without a permit.

Mayor Stewart shared his disappointment in anyone building without a permit.

Committee Members continued discussion regarding the variance and whether it would have been approved before the patio was constructed.

Nicole Hausmann clarified that the stormwater management plan will be mandatory and implemented regardless of approval or denial of the variance.

Jim Woll stated there are three possible decisions in this matter: to deny the variance and removal of the

patio and returned to natural vegetation; grant the variance; or grant the variance with some stipulation for penalty or violation for failing the permit requirement. Jim Woll shared he felt the first decision would be extreme without notification but does feel the message of building without a permit is not acceptable and needs to be conveyed to the community. Jim commented he would be in support of issuance of the variance with some form of penalty to send a signal that what was done is not acceptable.

Kevin Egan referenced the distinct problem of some contractors not respecting the rules.

Jim Woll stated the Committee will break this down into two parts. Decide on the variance approval/denial and then decide on a motion for sanctions, if needed.

MOTION BY SEAN WELDON SECONDED BY PJ SMITH TO APPROVE VARIANCE 10-25 (TRAVIS ROBERTS) WITH THE FOLLOWING FINDINGS OF FACT AND CONDITIONS TO ALLOW A PATIO IN THE BLUFF IMPACT ZONE EXCEEDING THE ALLOWED 250 SQUARE FOOT SIZE FOR A WATER ORIENTED ACCESSORY STRUCTURE FOR PID #90-437-1910.

Potential Findings for approval, for discussion with the Board of Adjustment:

15. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. Yes, the patio was constructed correctly and with the pervious pavers being used there shouldn't be a problem with the bluff impact zone.
16. Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, the area is in the bluff impact zone and it's not a structure that could create rainwater issues.
17. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, it's not obstructing views by neighbors and not obstructing enjoyment of the lake.
18. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Lake Shore ordinances?
 - a. Yes, it is in keeping with the woodsy feel and everyone wants their patios for enjoyment.
19. Has the variance request been made based on reasons other than economic considerations alone?
 - a. Yes, we're looking at this as a variance and not an after-the-fact variance and it's within the impact zone and the previous owner built the house prior to the 30 foot setback.

MOTION PASSED.

Jim Woll moved the discussion into the second part of the variance decision regarding assessing a penalty for building the patio with no permit.

Discussion followed regarding sanctioning a penalty.

MOTION BY KEVIN EGAN AND SECONDED BY PJ SMITH TO IMPOSE THE MAXIMUM SANCTION OF \$1,000.00 FOR FAILING TO SEEK A PERMIT BEFORE CONSTRUCTION.
MOTION PASSED.

Variance 10-25 (#5d) (Michael Guy Smith) – to construct a new dwelling with an attached garage, an entry, a porch, and a deck not meeting the side yard setback. PID 90-437-1650.

The subject property features an existing legal non-conforming structure (472 sq. ft.) and deck (392 sq. ft.), both of which will be removed. The existing septic system on the property is failing. The applicant has submitted a new septic system dated 9/15/2025 and has been reviewed by Andy Schwartz. Per his comments dated 9/22/2025: "I'd like to see the pressure bed located more than a foot away from the driveway, but it is a tight site and there isn't much room to do it any other way, so we can allow it. And as indicated in the design, the existing shallow well needs to be capped/sealed. Also, if the new sewer line is less than 50' from the proposed well, it will need a pressure test. Otherwise, we are good to go."

Staff Findings: Staff provides the following findings of fact for discussion and consideration:

1. The subject property is located at 8561 Nottingham Rd and is zoned Residential, Medium Density R-2 (Shoreland); (Margaret Lake - General Development).
2. The subject property is +/- .50 Acres (23,552 sq. ft.)
3. The subject property contains a legal existing non-conforming structure that will be removed.
4. The proposed new dwelling with attached garage, entry, porch totaling 2,230 square feet, and a 168 square foot deck is 11 feet from the side yard setback on the north side and south side of the property, where 15 feet is required.
5. The proposed new dwelling with attached garage, entry, porch totaling 2,230 square feet, and a 168 square foot deck will meet the lake setback and road right-of-way setback, per the Certificate of Survey received 9/17/2025.
6. The applicant has provided a new septic design and will be installing a new septic system. The current septic system is failing.
7. The total impervious surface for the lot, including the proposed new dwelling with an attached garage, entry, porch and deck provided on the Certificate of Survey received 9/17/2025, is 23.5% where 25% is the maximum impervious surface total for the parcel in the Residential, Medium Density R-2 (Shoreland) zone for a riparian GD lake (stormwater management plan required per section 17.3.3).
8. No extensive research was conducted regarding similar structures in similar locations for property within the immediate vicinity of the subject property. A review of aerial imagery obtained from GIS was utilized.
9. A stormwater management plan has been submitted to the city with the variance application and reviewed by the City Engineer.
10. The DNR has been notified of the request, and no comment has been received as of the time this staff report was drafted.
11. The City Engineer has been notified of the request, and the comment received on 10/2/2025 stated: "Stormwater retention is to be the 5-year, 24-hour event, not the 1 inch since the impervious is increasing more than 5%".
12. Notice of this variance application was published in the local newspaper & distributed to property owners within the required distance to the property (500 ft.). No comments have been received as of the drafting of this staff report.

Potential Findings for approval, for discussion with the Board of Adjustment:

13. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. Yes, the applicant is proposing to continue the use of the property as a residential home with an attached garage. The proposal does not come closer to the lake than the existing dwelling. This is also an existing lot of record established prior to zoning regulations.
14. Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, the property is a non-conforming legal lot of record that is very narrow. The proposals will meet the lake and road right-of-way setbacks according to the Certificate

of Survey received 9/17/2025.

15. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, constructing the new dwelling will not alter the essential character of the neighborhood. The proposed improvements are consistent with other houses in the vicinity of the subject property.
16. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Lake Shore ordinances?
 - a. Yes, the request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plan, "Support growth patterns that reinforce our lake-oriented and rural development brand." (pg. 5) and "Protect the quality of the lakes and environmental resources within and around the City." (pg. 4)
17. Has the variance request been made based on reasons other than economic considerations alone?
 - a. Yes, the request has been made on factors other than economic considerations. Implementing a stormwater management plan will help protect the water quality of Lake Margaret.

Potential Findings for denial, for discussion with the Board of Adjustment:

18. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. No, the plight of the landowner is due to circumstances created by the landowner proposing a new, bigger dwelling that does not meet the side yard setback. The intent of the Ordinance is to enforce setbacks to limit environmental concerns and impacts on Lake Margaret.
19. Does the property have unique circumstances that were not created by the landowner?
 - a. No, the plight of the landowner is due to circumstances unique to the property owner, created by the landowner wanting a bigger dwelling in this specific location, which is closer to the side yard than allowed by the Ordinance.
20. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, constructing the additions will not alter the essential character of the neighborhood.
21. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Lake Shore ordinances?
 - a. No, the variance is not consistent with the comprehensive plan, as decreasing the side yard setback will not provide adequate environmental considerations.
22. Has the variance request been made based on reasons other than economic considerations alone?
 - a. No, the variance is for economic reasons alone, and reasonable use of the property does exist under the ordinance.

Board of Adjustment Direction: The Board of Adjustment may approve, deny, or table the request if additional information is required. If the motion is for approval or denial, findings of fact should be cited to support the motion.

Staff Recommendation: Staff recommends that the Board of Adjustment discuss and provide input regarding the proposed findings for approval and/or denial. The applicant has provided their testimony regarding the practical difficulty with the application provided to the city.

If the Board of Adjustment wishes to approve the variance request, staff recommends the following conditions of approval:

1. All construction shall be in substantial conformance with the presented plan as shown. Deviations from the presented plan will require modified approval by the Planning Commission.
2. The variance expires 12 months after approval by the Planning Commission, if the project is not commenced, unless extended per section 70.7 of the Ordinance.
3. Implement an erosion and sediment control plan utilizing best management practices (BMPs) before construction and dirt-moving activities. The city must approve the plan. The BMPs must remain in place until all disturbed soils are stabilized.
4. The proposed downspout gutters and stormwater retention areas, as shown on the stormwater management plan, shall be implemented upon completion of the project if/when a zoning permit is applied for and approved by the City.

Nicole Hausmann stated the following items will become part of the record – Notice of mailing, notice of publication, signed application and attachments and staff report, and comments received. One written comment was received by the City Engineer and is in the packet. DNR was notified on September 23rd and three additional comments have been received.

Nicole Hausmann presented Variance 10-25 (5d).

Robin Carbone referenced the plan for the proposed construction and stated it appears that the plan doesn't adhere to three conditions for a variance. The lot is 50 feet and the house appears to be around 4000 square feet on a small lot.

Todd Pries stated he lives on the south side of the property and feels the house is being built on a small lot and the setbacks will be put closer to his home.

Chuk Batko stated he lives a couple of doors down and the rules have been followed by community members and his concern is that by allowing this build, it will shrink properties down by building larger things on them.

Kathy Lundberg shared concerns about the setback causing homes to be too close together. Kathy also mentioned using the solar energy systems could be decreased.

John Carbone stated this is going to be big home.

Robin Carbone stated concerns regarding drainage coming down the driveway.

Discussion followed regarding size of home to be constructed and meeting setbacks.

MOTION BY KEVIN EGAN SECONDED BY DAVE RIEGERT TO DENY VARIANCE APPLICATION 10-25 (MICHAEL SMITH) WITH THE FINDINGS OF FACT IN STAFF REPORT.

Patrick Cline stated his attendance was to verify consistency in the committee's decision to make the denial.

MOTION PASSED.

MOTION BY KEVIN EGAN SECONDED BY SEAN WELDON TO CLOSE THE PUBLIC HEARING AT 10:44 AM. MOTION PASSED.

NEW BUSINESS – Sean and Vinci Mills-Deviation from building plans-PID #90-399-0140. Variance approved August 11, 2025, with the following conditions.

Approved Conditions:

1. All construction shall be in substantial conformance with the presented plan as shown. Deviations from the presented plan will require modified approval by the Planning Commission.
2. The variance expires 12 months after approval by the Planning Commission, if the project is not commenced, unless extended per section 70.7 of the Ordinance.
3. The proposed concrete areas marked on the Certificate of Survey as “to be removed” shall be removed within 12 months of the approval of any land use permit related to the proposal in this application and shall be revegetated to adequate standards.
4. The proposed downspout gutters & stormwater retention areas, as shown on the stormwater management plan, shall be implemented upon completion of the project if/when a land use permit is applied for and approved by the City.

Nicole Hausmann referenced Variance 10-25 (Sean and Vinci Mills).

Travis Miller explained the details of the plan to be approved.

MOTION BY PJ SMITH AND SECONDED BY KEVIN EGAN TO APPROVE THE REQUEST BASED ON THE FACT THAT IT IS UNDER THE EAVES AND DOESN'T CHANGE THE GROUND CONFIGURATION AND IS WITHIN THE SETBACKS OF THE ORIGINAL APPROVAL. MOTION PASSED.

OLD BUSINESS – Shon Jensen – Vegetation/Tree Removal – PID #90-409-0010.

- New Business item on May 12, 2025, Meeting
 - The city received a complaint regarding vegetation removal on the bluff. Per the approved minutes, the Planning Commission will review this in six months.
 - The owner purchased the property in January of 2022. Attached is the property survey, along with photos taken from 2022 to 2025, and aerial photos from the Cass County GIS map.

Planning Commission Direction: The Planning Commission will need to determine if a violation of vegetation removal has occurred, and if so, the remedy. The city does have an administrative fine/fee schedule, and corrective action is also an option.

Chair Woll provided a review of a complaint regarding vegetation removal on a property owned by Mr. Jensen. The complaint was reviewed at the May Planning and Zoning Commission meeting and it was discussed whether or not a violation had occurred. Four committee members indicated there was not enough information to make the determination of whether a violation had occurred. Jim Woll recommended that a decision be delayed for six months giving time to the property owner to consider the situation and for the committee members to gather additional information upon which to make a decision.

Shon Jensen inquired into the actual complaint.

Chair Woll indicated the complaint was not in reference to the logs out by the road, but rather for vegetation removal on the bluff and the shore impact zone.

Shon Jensen stated there has been no change to any vegetation in three years as shown in the pictures. Shon believes the complaint is referencing the logs by the road that came down last fall. Shon stated the hillside has not changed in three years.

Discussion followed regarding the southern portion of the property. Committee members shared their confusion in where the clearing in the impact zone occurred.

MOTION BY PJ SMITH SECONDED BY SEAN WELDON TO DISMISS THE ISSUE WITH NO FURTHER REQUESTS BASED ON THE FACT THAT THE COMMITTEE ISN'T AWARE OF ANY CLEARING IN THE BLUFF IMPACT ZONE. MOTION PASSED.

REPORTS

City Engineer – Alex Bitter commented on a remark by a community member regarding the total square footage of the house and Alex wanted to be clear that square footage does not transfer to impervious coverage.

Chair – Jim Woll had nothing to report.

Council Liaison – Darcy Peterson – absent.

Zoning Administrator – Nicole Hausmann referenced the September Permit Report. Nicole stated work has been started on creating a potential fee schedule for changing fees for 2026 and once finalized, will do a pre-review with City Council for feedback and will also be brought to Planning Commission in November for feedback.

PUBLIC FORUM –

MOTION BY SEAN WELDON AND SECONDED BY KEVIN EGAN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF OCTOBER 13, 2025, AT 11:18 AM. MOTION PASSED.

Transcribed by Kathy Johansen
Lake Shore Deputy Clerk

CITY OF LAKE SHORE

REPORT TO PLANNING COMMISSION

**Concerning: Amendment to the Zoning & Subdivision Ordinance
02-2025: Cannabis Land Use & Regulations**

PUBLIC HEARING | NOVEMBER 10th, 2025

**Report Prepared by: Nicole Hausmann
Community Development Administrator -- Sourcewell**

Date: November 10th, 2025

Subject: Ordinance Amendment 02-2025 to adopt the Cannabis Business Ordinance Sections 1 through 6 to implement the provision of Minnesota Statutes Chapter 342, which authorizes the City of Lake Shore to protect the health, safety, and welfare of the City of Lake Shore's residents by regulating cannabis businesses within the legal boundaries of the City of Lake Shore.

03-2025 to amend Sections 4 "Definitions," and 21 "Land Use Matrix" of the City of Lake Shore's City Code of Ordinances by adding definitions for and including the following uses in the Land Use Matrix: Cannabis Cultivating, Cannabis/Hemp Manufacturer, Cannabis Retail, Cannabis Transportation/Delivery, Cannabis Wholesale, Cannabis Lower-Potency Hemp Edibles, and establishing which districts allow cannabis businesses as conditional or permitted uses.

04-2025 to amend the City of Lake Shore Zoning Ordinance to revise the city's fee regarding application fees. Applicant: City of Lake Shore.

Overview: The following report will detail the proposed language for definitions to be added to Section 4 of the City Ordinance as well as the proposed additions of such definitions as uses established within the Land Use Matrix, Section 21.

Report:

Definitions proposed to be added to Section 4:

- **Cannabis Cultivation:** A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. Harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

- **Cannabis/Hemp Manufacturer:** A business licensed to conduct the activities to turn raw, dried cannabis and cannabis parts into other types of cannabis products, including but not limited to edibles, topicals, vaporizers, etc.
- **Cannabis Retail Business:** A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers conducting sales of Cannabis directly to consumers.
- **Cannabis Transportation/Delivery:** Cannabis Businesses licensed or endorsed by the State Office of Cannabis Management for delivery or transportation of Cannabis Products.
- **Cannabis Wholesale:** The operation to purchase from a business growing or manufacturing cannabis or cannabis products and sell to a cannabis business engaged in retail.

Land Use Matrix Proposed additions (see attached)

Planning Commission Action Requested:

Staff asks that the Planning Commission review this report & seek clarification as needed. The Planning Commission may recommend approval by motion of these Ordinance amendments to be forwarded to the City Council, or table these amendments for further information if necessary.

ORDINANCE NO. 02-2025
AN ORDINANCE AMENDING THE CITY CODE TO REGULATE CANNABIS BUSINESSES
CITY OF LAKE SHORE
COUNTY OF CASS, STATE OF MINNESOTA

Purpose and Intent. The purpose and intent of this Ordinance is adopt the Cannabis Business Ordinance Sections 1 through 6 to implement the provision of Minnesota Statutes Chapter 342, which authorizes the City of Lake Shore to protect the health, safety, and welfare of the City of Lake Shore's residents by regulating cannabis businesses within the legal boundaries of the City of Lake Shore.

Amendments. This ordinance hereby establishes the Lake Shore Cannabis Business Ordinance. The following underlined language will be added.

The City Council of the City of Lake Shore hereby ordains:

LAKE SHORE CANNABIS BUSINESS ORDINANCE

<u>Section 1</u>	<u>Administration</u>
<u>Section 2</u>	<u>Registration of Cannabis Business</u>
<u>Section 3</u>	<u>Requirements for a Cannabis Business (Time, Place, Manner)</u>
<u>Section 4</u>	<u>Temporary Cannabis Events</u>
<u>Section 5</u>	<u>Use of Cannabis in Public</u>
<u>Section 6</u>	<u>Lower-Potency Hemp Edibles</u>

Section 1. Administration

1.1 Findings and Purpose

The City of Lake Shore makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City of Lake Shore to protect the public health, safety, welfare of the City of Lake Shore residents by regulating cannabis businesses within the legal boundaries of the City of Lake Shore.

The City of Lake Shore finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City of Lake Shore, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

1.2 Authority & Jurisdiction

The City of Lake Shore has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of

a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.
- e) Ordinance shall be applicable to the legal boundaries of the City of Lake Shore.

1.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.4 Enforcement

The City of Lake Shore is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

1.5 Definitions

- 1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
- 2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
- 3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding lower-potency hemp edible retailers.

4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
8. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the City of Lake Shore to a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within the City of Lake Shore without first registering with the City of Lake Shore.

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of up to \$2,000 for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

2.2 Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, the City of Lake Shore shall conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of Lake Shore shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

2.3 Registration & Application Procedure

2.3.1 Fees.

The City of Lake Shore shall not charge an application fee.

A registration fee, as established in the City of Lake Shore's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by the City of Lake Shore shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2.3.2 Application Submittal.

The City of Lake Shore shall issue a retail registration to a [state-licensed](#) cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

- (A) An applicant for a retail registration shall fill out an application form, as provided by the City of Lake Shore. Said form shall include, but is not limited to:
- i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. The address and parcel ID for the property which the retail registration is sought;
 - iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.

- (B) The applicant shall include with the form:
 - i. the registration fee as required in Section 2.3.1;
 - ii. a copy of a valid state license or written notice of OCM license preapproval;
- (C) Once an application is considered complete, the City of Lake Shore shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.
- (D) The application fee shall be non-refundable once processed.

2.3.3 Application Approval

- (A) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.
- (B) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- (C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

2.3.4 Annual Compliance Checks.

The City of Lake Shore shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and this ordinance.

The City of Lake Shore shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

2.3.5 Location Change

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of the City of Lake Shore.

2.4 Renewal of Registration

The City of Lake Shore shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by the City of Lake Shore.

A cannabis retail registration issued under this ordinance shall not be transferred.

2.4.1 *Renewal Fees.*

The City of Lake Shore may charge a renewal fee for the registration starting at the second renewal, as established in City of Lake Shore's fee schedule.

2.4.2 *Renewal Application.*

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.

2.5 Suspension of Registration

2.5.1 *When Suspension is Warranted.*

The City of Lake Shore may suspend a cannabis retail business's registration if it violates the ordinance of the City of Lake Shore or poses an immediate threat to the health or safety of the public. The City of Lake Shore shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2.5.2 *Notification to OCM.*

The City of Lake Shore shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City of Shore and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

2.5.3 *Length of Suspension.*

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

The City of Lake Shore may reinstate a registration if it determines that the violations have been resolved.

The City of Lake Shore shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the City of Lake Shore may impose a civil penalty, as specified in the City of Lake Shore's Fee Schedule, for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

The City of Lake Shore shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within the City of Lake Shore.

If Cass County has one active cannabis retail business registration for every 12,500 residents, the City of Lake Shore shall not register additional state-licensed cannabis retail businesses.

Section 3. Requirements for Cannabis Businesses

3.1 Minimum Buffer Requirements

The City of Lake Shore shall prohibit the operation of a cannabis business within 1,000 feet of a school.

The City of Lake Shore shall prohibit the operation of a cannabis business within 500 feet of a day care.

The City of Lake Shore shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.

The City of Lake Shore shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

3.2 Zoning and Land Use

3.2.1. *Cultivation.*

Cannabis businesses licensed or endorsed for cultivation are permitted as a conditional use in the following zoning districts:

- Rural Residential/Agriculture Zone

3.2.1. *Cannabis Manufacturer.*

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a conditional use in the following zoning districts:

- Rural Residential/Agriculture Zone

3.2.1. *Hemp Manufacturer.*

Businesses licensed or endorsed for low-potency hemp edible manufacturers are permitted as a conditional use in the following zoning districts:

- Rural Residential/Agriculture Zone

3.2.1. *Wholesale.*

Cannabis businesses licensed or endorsed for wholesale are permitted as a conditional use in the following zoning districts:

- Rural Residential/Agriculture Zone

3.2.1. *Cannabis Retail.*

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a conditional use in the following zoning districts:

- Neighborhood Commercial Business

3.2.1. *Cannabis Transportation.*

Cannabis businesses licensed or endorsed for transportation are permitted as a conditional use in the following zoning districts:

- Rural Residential/Agriculture Zone

3.2.1. *Cannabis Delivery.*

Cannabis businesses licensed or endorsed for delivery are permitted as a conditional use in the following zoning districts:

- Rural Residential/Agriculture Zone

3.3 Hours of Operation

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, and cannabis products between the hours of 10 a.m. and 10 p.m., Monday-Sunday.

Section 4. Temporary Cannabis Events

4.1 License or Permit Required for Temporary Cannabis Events

4.1.1 License Required.

A license or permit is required to be issued and approved by the City of Lake Shore prior to holding a Temporary Cannabis Event.

4.1.2 Registration & Application Procedure

A registration fee, as established in City of Lake Shore's fee schedule, shall be charged to applicants for Temporary Cannabis Events.

4.1.3 Application Submittal & Review.

The City of Lake Shore shall require an application for Temporary Cannabis Events.

- (A) An applicant for a retail registration shall fill out an application form, as provided by the City of Lake Shore. Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
- (B) The applicant shall include with the form:
 - i. the application fee as required in Section 4.1.2;
 - ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the City of Lake Shore, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

- (C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.

- (D) The application fee shall be non-refundable once processed.

- (E) The application for a license for a Temporary Cannabis Event shall meet the following standards:

- (F) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

- (G) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The (insert city/town/county) shall notify the applicant of the standards not met and basis for denial.

Temporary cannabis events shall only be held at licensed retail cannabis establishments.

There shall be no onsite consumption of cannabis flower or cannabis products at Temporary Cannabis Events.

Section 5. Use in Public Places

No person shall use cannabis flower, cannabis products, in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site

consumption of adult-use.

Section 6. (Optional) Lower-Potency Hemp Edibles

A jurisdiction can establish different standards or requirements regarding Low-Potency Edibles. A jurisdiction can consider including the following section and subsections in their cannabis ordinance.

6.1 Sale of Low-Potency Hemp Edibles

The sale of Low-Potency Edibles is permitted, subject to the conditions within this Section.

6.2 Zoning Districts

If sales are permitted, a jurisdiction can limit what zone(s) the sales of Low-Potency Edibles can take place in. A jurisdiction can also determine if such activity requires a Conditional or Interim Use permit.

Low-Potency Edibles businesses are permitted as a (type of use) in the following zoning districts:

- Neighborhood Commercial Zone
- Waterfront Commercial Zone

6.3 Additional Standards

6.3.1 Sales within Municipal Liquor Store.

A jurisdiction that already operates a Municipal Liquor Store may sell Low-Potency Edibles within the same store.

The sale of Low-Potency Edibles is permitted in a Municipal Liquor Store.

6.3.2 Age Requirements.

A jurisdiction is able to restrict the sale of Low-Potency Edibles to locations such as bars.

The sale of Low-Potency Edibles is permitted only in places that admit persons 21 years of age or older.

6.3.3 Beverages.

The sale of Low-Potency Hemp Beverages is permitted in places that meet requirements of this Section.

6.3.4 Storage of Product.

A jurisdiction is able to set requirements on storage and sales of Low-Potency Edibles.

Low-Potency Edibles shall be sold behind a counter, and stored in a locked case.

Effective Date: This ordinance amendment shall be in full force and effect from and after passage and publication according to state law.

Passed by the City of Lake Shore Council this _____ day of _____, 2025, by a ____/5ths vote.

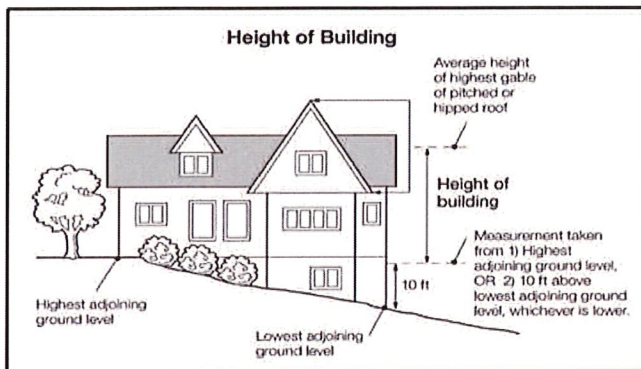
Andy Stewart, Mayor

Attest: _____
Laura Fussy, City Clerk

4.46 Buildable Area. Any site, lot, parcel or any portion thereof that does not contain designated flood plain, wetlands or areas in excess of twenty-five percent (25) percent slope.

4.47 Building. Any structure used or intended for storage, shelter or occupancy.

4.48 Building Height. The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height between the eaves and the highest ridge of gable, hip or gambrel roofs or ten feet below the peak, whichever is greater.



4.49 Building Line. A line parallel to a lot line or the ordinary high-water level at the required setback beyond which a structure may not extend.

4.50 Campground. Any area, whether publicly or privately owned, consisting of designated campsites with appropriate facilities and management services designed for temporary occupation by tents or recreational vehicles. In order to qualify as a Campground pursuant to this definition, a Campground shall also be fully licensed and permitted under appropriate state and local regulations.

4.51 Camping. Habitation of a temporary structure.

4.52 Campsite. A parcel within a resort or campground designated for the occupancy of one (1) family on a periodic basis in a tent or recreational vehicle.

4.53 Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. Harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

4.54 Cannabis/Hemp Manufacturer: A business licensed to conduct the activities to turn raw, dried cannabis and cannabis parts into other types of cannabis products, including but not limited to edibles, topicals, vaporizers, etc.

4.55 Cannabis Retail Business: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers conducting sales of Cannabis directly to consumers.

4.56 Cannabis Transportation/Delivery: Cannabis Businesses licensed or endorsed by the State Office of Cannabis Management for delivery or transportation of Cannabis Products.

4.57 Cannabis Wholesale: The operation to purchase from a business growing or manufacturing cannabis or cannabis products and sell to a cannabis business engaged in retail.

4.58 Cemetery, Unplatted. Any human remains or burials found outside of platted, recorded or identified cemeteries pursuant to Minnesota Statutes, Chapter 307.08.

4.59 Chairman. The individual elected by the Planning Commission to chair their meetings. A vice-chair may also be elected and would serve as chairman when the elected chairman was absent.

4.60 Child Care, Center. A facility that is maintained, for the whole or part of the day, for the care of five (5) or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term shall not include any facility licensed as a foster care home or any facility defined as a Child Care, Family Home.

4.61 Child Care, Family Home. A primary residence where, for the whole or part of the day, an owner of the residence, licensed as a child care provider, cares for five or more children who are eighteen (18) years of age or younger and who are not related to the owner, whether such facility is operated with or without compensation for such care.

4.62 Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship and related community activities.

4.63 City Administrator. The appointed person responsible for administration of the City affairs.

4.64 Clear Cutting. See Vegetation Removal, Clear Cutting.

4.65 City Council. The duly elected governing body of the City.

4.66 City Sewer or Water System. A system of municipally maintained utilities, approved by the State, and serving more than one (1) building or property.

4.67 Commercial Use. The principle use of land or buildings for the sale, lease, rental, trade of products, goods or services.

4.68 Commercial Wireless Telecommunication Services. All commercial wireless telecommunications services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

4.69 Commissioner. The Commissioner of the Department of Natural Resources.

4.70 Community Park. A park designed to provide recreational opportunities to serve the entire community.

4.71 Conservation Parcel. A parcel of land set aside from development in a Conservation Subdivision.

19.3.15.2 The city shall give no more than a 50% credit of the total area covered by an artificial pervious surface in meeting the total impervious on a specific site.

19.3.15.3 All artificial pervious surface areas shall be installed by a professional, in accordance with the Minnesota Pollution Control Agency's Stormwater Best Management Practices and meet the following criteria below in order to receive credit for impervious surface.

19.3.15.3.1 The base of the pervious surface product shall be installed with an infiltration system that maintains no less than a minimum of a 3 foot separation from the seasonally saturated soils, bedrock or water table to ensure soil absorption, contaminate removal and enhanced retention of storm-water.

19.3.15.3.2 The artificial pervious system should be set back from structures having basements, septic systems, steep slopes and wells.

19.3.15.3.3 The city shall be notified when construction is taking place so the site may be inspected for compliance.

19.3.15.3.4 The designer of the system must include maintenance instructions to the property owner along with a maintenance schedule with copy to the Zoning Administrator.

20. Public District (P). To establish and maintain a land use district that is publicly owned for public buildings and public facilities.

20.1 Lot and Use Requirements:

Lot widths - feet minimum	100
Frontage on a public right-of-way - feet minimum	33
Buildable area - square feet minimum square feet	20,000
Setback, City road - feet minimum	35
Setback, County road - feet minimum	50
Setback, side - feet minimum	15
Setback, waterfront	100
Setback, rear - feet minimum	35
Setback, corner, side - feet minimum	20
Setback, sign - feet minimum	1
Maximum impervious coverage	25%
Building height - feet maximum	25
Building above highest known groundwater - feet minimum	3

21. Land Use Matrix.

21.1 The land use matrix shown in Table 1 establishes the allowable, permitted, accessory, conditional and excluded uses within the City of Lake Shore.

21.2 All uses are considered prohibited unless specifically allowed in this Code, even if they are not listed specifically under excluded uses.

21.3 All accessory uses require a permit, unless otherwise indicated.

A- allowed w/o a permit, P - permitted, C- conditional use, AC - accessory use, E - excluded

*All uses and structures must meet all other requirements of the ordinance.

<u>USE</u>	<u>Rural Residential/Agriculture and Wooded Residential</u>	<u>Open Space</u>	<u>Residential - Low Density</u>	<u>Residential Medium- Density</u>	<u>Commercial Waterfront</u>	<u>Neighborhood Commercial</u>	<u>Public Ownership</u>	<u>Rural Residential & Ag.</u>
Camping	A	E	A	A	A	E	E	
Cannabis Cultivation	E	E	E	E	E	E	E	C
Cannabis /Hemp Manufacturer	E	E	E	E	E	E	E	C
Cannabis Retail Business	E	E	E	E	E	C	E	E
Cannabis Transportation/Delivery	E	E	E	E	E	E	E	C
Cannabis Wholesale	E	E	E	E	E	E	E	C
Lower-Potency Hemp Edibles	E	E	E	E	A	A	E	E
Cemetery	C	E	E	E	E	E	C	
Child Care, Center (1)	C	E	C	C	C	C	C	
Child Care, Family Home (2)	A	E	A	A	C	C	A	
Church	C	E	C	C	C	C	C	
Commercial Use (Other, Not Classified)	E	E	E	E	C	C	E	
Community Park	A	A	A	A	A	A	A	
Conservation Development	C	E	C	C	C	C	E	
Controlled Access Lot	E	E	E	E	E	E	E	
Deck	AC	E	AC	AC	AC	AC	AC	
Dock	A	A	A	A	A	A	A	
Dormitory	C	E	E	P	E	E	E	
Duplex, Triplex or Quad	C	E	C	C	C	C	E	
Dwelling, Multi-Family	C	E	C	C	C	C	E	
Dwelling, Single-Family	P	E	P	P	C	C	E	
Dwelling, Townhouse	C	E	C	C	C	C	E	
Exterior Storage	AC	E	AC	AC	AC	AC	AC	
Extractive Use-Gravel Pit	C	E	E	E	E	E	E	
Feedlot	E	E	E	E	E	E	E	
Fence	A	A	A	A	A	P	A	

Miscellaneous Fees	
Sign	\$50
On-Site Septic	\$225
Road Approach/Driveway Entrance	\$25
Address Sign	\$75
Road Vacation	\$300
City Sewer Fees	
City Sewer Connection	\$100 permit only, does not include connection fee
User Fee – (flat fee)	\$169
Connection Fee (in 2026)	\$7,700 (increases \$100 per year)
Public Hearing Fees	
Variance	\$450 + recording fee
Conditional Use Permit	\$450 + recording fee
Ordinance Amendment	\$550 + recording fee
Rezoning Request	\$500
Subdivisions	
Preliminary Plat	\$350 + \$10 for each lot
Final Plat	\$350 + recording fee
Lot Split (metes & bounds)	\$300
Lot Split (Administrative)	\$100
Cannabis Business Registration	
Initial Registration Fee	\$500 or 50% of initial state license fee, whichever is less
Registrational Renewal Fee	\$1,000 or 50% of renewal state license fee, whichever is less
Administrative Fees	
Planning & Zoning Special Meeting	\$200 + all costs associated with the meeting, including the city engineer, the city attorney, and publication costs.
City Council Special Meeting	\$200 + all costs associated with the meeting, including the city engineer, the city attorney, and publication costs.
Short Term Rental Fee	\$250
Copy of property file	\$5-\$15, depending on the size of the file
Copy of city map	\$5



RE: City of Lake Shore - Draft Cannabis Ordinance

From Tom Pearson <tpearson@gqlaw.net>
Date Tue 10/21/2025 12:45 PM
To Nicole Hausmann <Nicole.Hausmann@sourcewell-mn.gov>
Cc Laura Fussy <lfussy@cityoflakeshore.gov>

EXTERNAL

Hi Nicole-

I have reviewed this draft Ordinance and I don't see any revisions necessary.

-Tom

THOMAS C. PEARSON
ATTORNEY



14275 Golf Course Drive, Suite 200
Baxter, MN 56425
Telephone: (218) 828-9511
Fax: (218) 824-8545

100 First Street Southeast
Little Falls, MN 56345
Telephone: (320) 632-3606
Fax: (320) 632-3567

<http://www.gqlaw.net>

IRS Circular 230 Notice:

To ensure compliance with requirements imposed by the IRS, we inform you that, except to the extent expressly provided to the contrary, any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

CONFIDENTIALITY NOTICE

The information in this communication, including any attachments, is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, retransmission, dissemination or other use of, or taking any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender immediately and delete the material from all sources. This communication was not intended to waive the attorney/client or any other privilege.

ELECTRONIC TRANSACTIONS DISCLAIMER: If this communication concerns negotiation of a contract or agreement, this communication does not indicate agreement to conduct transactions by electronic means under Minn. Stat. § 325L.05 or other applicable electronic transactions law. Furthermore, if an electronic transaction is contemplated, no signature in any document attached to this communication is intended to be valid unless "hand-signed."

From: Nicole Hausmann <Nicole.Hausmann@sourcewell-mn.gov>
Sent: Friday, October 3, 2025 11:03 AM
To: Tom Pearson <tpearson@gqlaw.net>
Cc: Laura Fussy <lfussy@cityoflakeshore.gov>
Subject: City of Lake Shore - Draft Cannabis Ordinance

Good morning Tom,

I have attached the draft copy of the Cannabis Ordinance that the City of Lake Shore's cannabis committee discussed this week. Would you please review and provide feedback? The committee would like to see the Cannabis Ordinance included on the November agenda for a public hearing.

Thank you,
Nicole

Nicole Hausmann | Community Development Administrator

Office: 218-541-5538

Website: mn.sourcewell.org



STAFF REPORT

Agenda Item:	6a
Application:	Metes & Bounds Subdivision Approval
Property Owner/Applicant:	Wines, Sheila Joy & Jeffrey

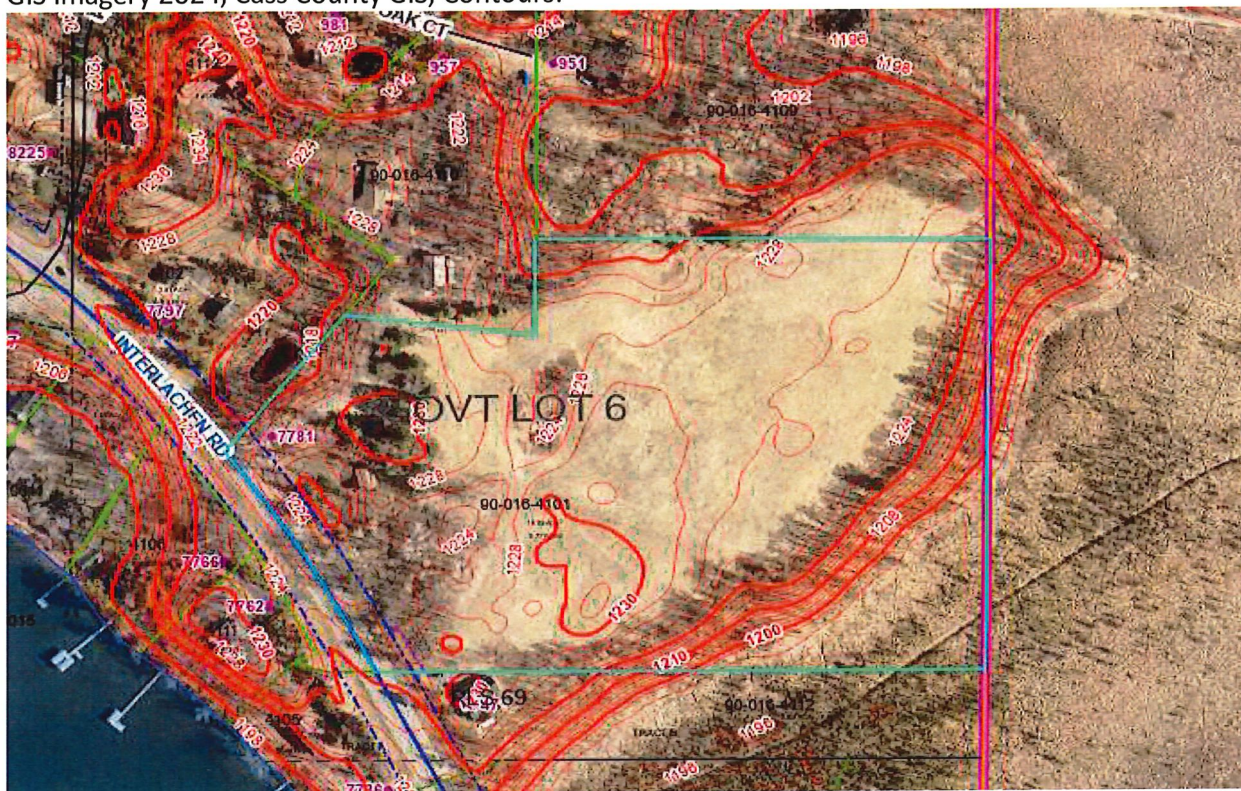
PROPERTY INFORMATION:

PID:	90-016-4101
Area:	Tract A: 2.98 acres Tract B: 13.13 acres
Zoning:	Residential, Low-Density R-1 & Open
Physical Address:	7781 Interlachen Road
Location:	16/135/29
Septic:	7/18/2024 – Septic CI (Tract A), 10/28/2024 – Septic Design
(Tract B)	

GIS Imagery 2024, Cass County GIS, Aerial View:



GIS Imagery 2024, Cass County GIS, Contours:



GIS Imagery 2024, Cass County GIS, NWI Wetland Layer:



Background Information:

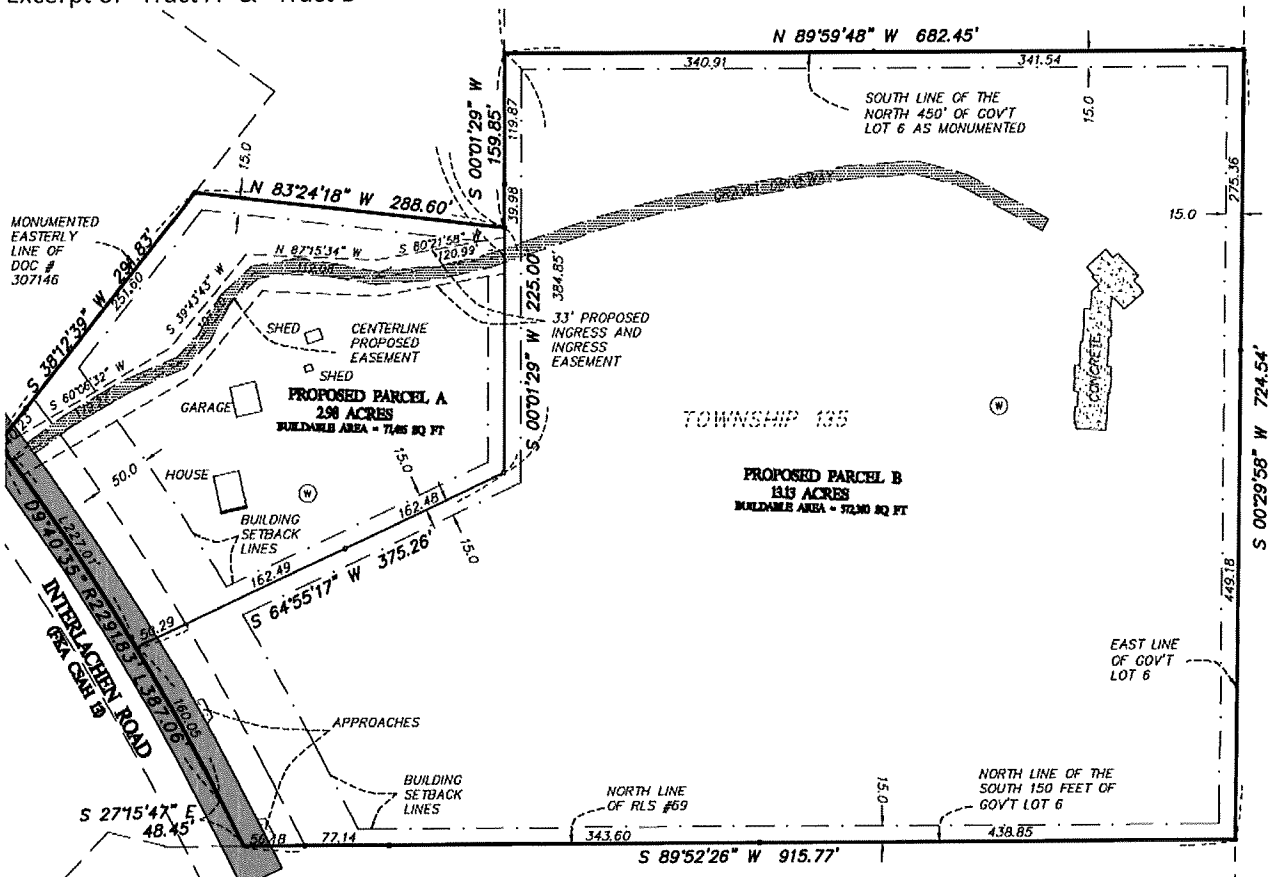
The applicant is proposing to subdivide "Tract A" & "Tract B" from the subject parcel, PID #90-016-4101, located east of Interlachen Road. The full legal descriptions of the subject property & proposed tracts are located on the Certificate of Survey, dated 10/16/2025, provided within the application.

The subject property is approximately 16.11 acres and is zoned Residential, Low-Density R-1 (Includes Off Lake Shoreland) & Open District - Gull Lake (General Development).

The proposed "Tract A," as shown on the Certificate of Survey, is 2.98 acres with 77,435 square feet of buildable area.

The proposed "Tract B," as shown on the Certificate of Survey, is 13.13 acres with 572,360 square feet of buildable area.

Excerpt of "Tract A" & "Tract B"



Applicable Regulations: The following ordinance regulations apply to this request:

14. Open District (O) (Corresponds to Department of Natural Resources Special Protection District).

14.1 Purpose. To establish and maintain a zoning district to prevent development from occurring in the environmentally sensitive wetlands and green space whether publicly or privately owned, to enhance wildlife and passive recreation.

14.2 Lot, Use and Density Requirements (O). The setbacks of the most restrictive adjacent zoning district shall apply.

14.3 Mixed Zone Lots (O). The lot crossing the Open District boundary into another zoning district, the minimum lot size shall be the same as the other zoning district with no buildable area credit given for the Open District area.

15. Residential, Low Density (R-1) (Includes Off Lake Shoreland).

15.1 Purpose. To establish and maintain a low density zoning district within the shoreland area, which will provide a buffer between rural residential/Agriculture (RR/AG) and higher density residential zones. This zoning district does not have lake frontage.

15.2 Lot Use and Density Requirements (R-1).

	Lake Classification: General Development or Recreational Development	Lake Classification: Natural Environment
Lot Width – feet	150	200
Lot Area – square feet	40,000	80,000
Buildable Area – square feet	20,000	40,000
Setback, City Road – feet	30	30
Setback, County Road – feet	50	50
Setback, side – feet	15	15
Setback, corner side – feet	15	15
Setback, side for storage sheds (<200 sq ft) - feet	5	5
Setback, rear-feet	20	20
Setback, top of bluff	50	50
Setback, unplatted cemetery – feet	50	50
Setback – wetland - feet	30	30
Setback, sign – feet	50	50
Parking/driveway setback from property line – feet/minimum	10	10
Maximum impervious coverage	25%	20%
Maximum building height – feet	25	25
Maximum building height, accessory structure	20	20
Accessory Structure Size –	1,200 square feet for parcels	1,200 square feet for parcels

square feet, maximum, cumulative	40,000 square feet or less, 1% increase for lot area over 40,000 square feet	80,000 square feet or less, 1% increase for lot area over 80,000 square feet
Building above highest known ground water or lake level – feet	3	3
Lot width w/guest cabin or duplex – feet/minimum	265	400
Minimum dwelling width - feet	24	24

71. Subdivisions.

71.1 Pre-Application Meeting. A pre-application meeting shall be held including the subdivider, City Zoning Administrator, City Engineer, if requested by the Zoning Administrator, and the City Clerk. Discussion at this meeting shall be limited to procedure, Ordinance requirements and timing.

71.2 Sketch Plan Review Meeting with Planning Commission. A sketch plan review meeting by the Planning Commission is mandatory prior to a public hearing.

71.2.1 The subdivider shall submit fifteen (15) copies of the sketch plan, fourteen (14) days prior to the normal Planning Commission meeting, and request a position on the formal agenda.

71.2.2 The Planning Commission shall not take action on the proposal, but may make suggestions to facilitate the preparation of an approvable Preliminary Plat or plan.

71.3 Metes and Bounds Subdivision Approval, Subdivisions ten (10) acres or greater in size and five hundred (500) feet or greater in width or where there is no net increase in the number of parcels.

71.3.1 Shall be subject to approval by the Zoning Administrator if both of the resulting parcels are ten (10) acres or greater and five hundred (500) feet of width or greater.

71.3.2 Such subdivisions shall be limited to no more than one (1) split of a parcel into two (2) parcels in a three (3) year period of time.

71.3.3 The proposed legal description for subdivision of land by Metes and Bounds shall be prepared and certified by a Registered Land Surveyor and must contain the essential information of a preliminary plat.

71.3.4 Approval by the City shall be indicated by the stamp of approval affixed by the City Clerk to said legal description. The County Recorder or Registrar of Deeds may accept each such Certificate for filing and recording upon compliance with these provisions.

71.4 Metes and Bounds Subdivision Approval, Subdivisions less than ten (10) acres in size or less than five hundred (500) feet in width.

71.4.1 Where appropriate, under the provisions of this Ordinance, the subdivider shall submit documents containing the essential information of a proposed plat or plan and including dimensions computed to one hundredth (1/100th) of a foot and bearing computed to equivalent accuracy to the Planning Commission for approval.

71.4.2 The review of the Planning Commission need not include a public hearing.

71.4.3 The subdivider shall submit fifteen (15) copies of his proposal to the Zoning Administrator thirty (30) days prior to the normal Planning Commission meeting and pay the corresponding fee.

71.4.4 The Zoning Administrator shall review the proposed lot split for compliance with the Zoning Ordinance including a field review at his discretion.

71.4.5 The Planning Commission shall decide on the subdivision within the required time based on the resulting lots complying with the Ordinance, the feasibility of the resulting lots for their intended purpose, and the provision for access to adjacent properties. Conditions may be attached to an approval requiring appropriate improvements. No more than one (1) split into two (2) parcels shall be allowed in a three (3) year period of time. An additional parcel for right-of-way or commonly owned driveway access may also be allowed.

71.4.6 The decision of the Planning Commission may be appealed to the City Council.

71.4.7 The resulting land descriptions shall be prepared and signed by a Registered Land Surveyor and shall comply with all provisions of this Ordinance.

71.4.8 Failure of the subdivider to act after an approval of a Metes and Bounds subdivision within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new review by the Planning Commission.

71.4.9 Approval by the City shall be indicated by the stamp of approval fixed by the City Clerk to said legal description. The County Recorder or Registrar of Deeds may accept each such Certificate for filing and recording upon compliance with these provisions.

Staff Findings: Staff provides the following findings of fact for consideration:

1. The metes and bounds subdivision request is to split the subject parcel, PID 90-016-4101, into proposed "Tract A" & "Tract B."
2. The subject parcel is owned by Sheila Joy & Jeffrey Wines, who are the applicants for this Metes & Bounds subdivision.
3. The subject property is approximately 16.11 acres and is zoned Residential, Low-Density R-1 (Includes Off Lake Shoreland) & Open District. The full legal description of the subject property is detailed on the Certificate of Survey submitted with the application.
4. Proposed "Tract A" as shown on the Certificate of Survey is 2.98 acres with 77,435 square feet of buildable area.
5. Proposed "Tract B" as shown on the Certificate of Survey is 13.13 acres with 572,360 square feet of buildable area.
6. The subject parcel is accessed via Interlachen Rd.
7. Proposed "Tract A" contains a proposed easement along the Northern side of the parcel for access to "Tract B".
8. The subject parcel is described on the COS as "vacant, with no improvements."
9. The lot widths of the proposed parcels meet the minimum requirements of the Residential, Low-Density R-1.

10. The proposed lot configurations meet the minimum buildable area requirements of the Residential, Low-Density R-1.
11. The property is suitable in its natural state for the intended purpose, and this lot split would not be harmful to the health, safety, or welfare of future residents or of the community.
12. The proposed lot layout meets the requirements of the ordinance.
13. Each of the proposed parcels has a proposed dedicated easement and access to its parcels as described on the Certificate of Survey.
14. The subject property meets the requirements of the code for stormwater management.
15. There are no public streets proposed within the development.
16. The applicants submitted relevant SSTS documentation in the form of a septic compliance inspection for proposed "Tract A" & septic design for "Tract B".
17. The Certificate of Survey provided with the Metes and Bounds subdivision application was prepared by Terry Strus, PLS #50319 of Lakes Area Surveying, and was submitted to the city on 10/16/2025.
18. This subdivision request is consistent with the Comprehensive Plan for the City of Lake Shore, specifically on page 5, which outlines the "Goals" objectives of the Comprehensive Plan with consideration to "Ensure new residential development/redevelopment is efficient, environmentally sensitive, and offset any increased demand for services through valuation."

Planning Commission Direction: The Planning Commission may approve the request, deny the request or table the request if additional information is needed. If the motion is for approval or denial, findings of fact should be cited.

Staff Recommendation: The planning commission should discuss and provide input regarding the subdivision (lot line adjustment) request.

If the Planning Commission wishes to approve the subdivision (lot line adjustment) request, staff recommends the following conditions of approval:

1. The New legal descriptions for Tract A and Tract B must be recorded with Cass County within 12 months of this approval.

**CITY OF LAKE SHORE BOARD OF ADJUSTMENT
APPLICATION FOR A LOT SPLIT/SUBDIVISION**

Applicant (Fee Owner) BRENDEN JAMES WINES

Address 7781 INTERLACHEN ROAD Phone # 406 580 5533

Authorized Agent _____ Phone # _____

Legal Description of Property PART of GOVT LOT 6 161135129

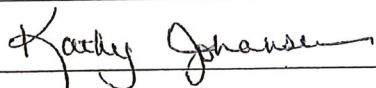
Zoning District R-1 Lake Classification BULL LAKE

Property ID Number 90-016-4101

Metes and Bounds Subdivision ☒ or Plat ☐

Signature of Applicant 

Fee \$ 300 Paid in Full Date 10-15-25 CR # 159

Clerk Signature 

Date of Planning Commission Hearing _____

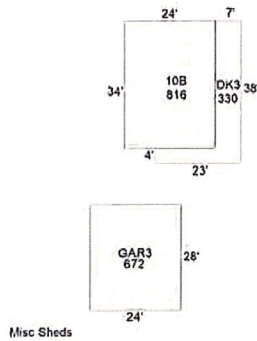
Application Approved ☐ / Denied ☐ by Planning Commission

Conditions _____

Planning and Zoning Administrator

Date

90-016-4101



Fee Owner: 114114 FALCO:
 WINES, BRENDEN
 Taxpayer: 114114 FALCO:FO
 WINES, BRENDEN
 7781 INTERLACHEN RD
 LAKE SHORE MN 56468-8780
 Primary Address/911 #:
 7781 INTERLACHEN RD
 LAKE SHORE

DISTRICTS:
 Twp/City : 90 LAKE SHORE CITY
 School : 181 BRAINERD SCHOOL

LEGAL DESCRIPTION:
 Sec/Twp/Rge : 16 135.0 29 Acres: 16.05
 PT OF GOV LOT 6, SEC 16-135-29

SALES HISTORY: -----						TRANSFER HISTORY: -----			
Buyer/Seller		Date	Inst	Reject	Sale	Adjusted	Doc Date	Doc Nbr	To
WINES, BRENDEN J.	JENNIFER MARY MOO	07/19/2024	T	4	4	203,000	203,000	2024/07/19	A A00070525 WINES, BRENDEN
WINES, BRENDEN J	MOORES, RANDALL J	07/19/2024	W	4	4	406,000	406,000	2024/07/19	A A00070525 BOERBOOM, PAMELA J
								2024/07/19	A A00070525 MOORES, RANDALL J
								2024/07/19	A A00070525 WINES, BRENDEN
								2022/07/07	A A00068596 MOORES, RANDALL J
								2022/07/07	A A00068596 BOERBOOM, PAMELA J
								2022/07/07	A A00068596 JENNIFER M MOORES REVOC
								2019/11/27	A A00065628 MOORES, RANDALL J
								2019/11/27	A A00065628 BOERBOOM, PAMELA J
								2019/11/27	A A00065628 MOORES, JENNIFER M

ASSESSMENT DETAILS: -----						Acres	CAMA	Estimated	Deferred	Taxable
2025 Rcd: 1	Class: 151 Non-Comm Seasonal Residential Recreationa					Land 16.05	126,249	126,200		126,200
	Hstd: 0 seasonal					Building	169,852	169,900		169,900
	MP/Seq: 90-016-4101 000					Total MKT	296,101	296,100		296,100
	Own% Rel AG% Rel NA% Dsb%									
2024 Rcd: 1	Class: 151 Non-Comm Seasonal Residential Recreationa					Land 16.05	111,476	111,500		111,500
	Hstd: 0 seasonal					Building	143,876	143,900		143,900
	MP/Seq: 90-016-4101 000					Total MKT	255,352	255,400		255,400
	Own% Rel AG% Rel NA% Dsb%									
2023 Rcd: 1	Class: 151 Non-Comm Seasonal Residential Recreationa					Land 16.05	108,521	108,500		108,500
	Hstd: 0 cabin					Building	163,324	163,300		163,300
	MP/Seq: 90-016-4101 000					Total MKT	271,845	271,800		271,800
	Own% Rel AG% Rel NA% Dsb%									

ASSESSMENT SUMMARY: -----												
Year	Class	Hstd	Land Mkt	Land Dfr	Building	Total Mkt	Total Dfr	Limited Mkt	Limited Dfr	Exemptions	Taxable	New Imp
2025	151	0	126,200	0	169,900	296,100		296,100			296,100	0
2024	151	0	111,500	0	143,900	255,400		255,400			255,400	0
2023	151	0	108,500	0	163,300	271,800		271,800			271,800	0

CAMA LAND DETAILS: -----										NOTES: -----				
Land market: 90		LAKESHORE CITY				Last calc date/env: 02/24/25 B								
Neighborhood: 900FWAT		LAKESHORE CITY OFF WATER				1.00 Asmt year: 2025								
COG: 114114		1 Ac/FF/SF:		16.05		Lake:								
Wid: .00		Dth: .00		Avg CER:										
Land/Unit Type	Units	Qlt/Acc	-Other-	OV	Base Rate	Adj Rate	Value	Asmt Cd	Acreage	PTR	Value	Improvement	CER	Factors
	Size		Comment	Df	Est/Dfr	Est/Dfr	Est/Dfr	Typ New						

SB	AC	1.00	20000.00	20000.00	20000	1	151	1.00	3900
		16.05					SV		
TP	AC	8.00	7325.00	7325.00	58600	1	151	8.00	1700
		16.05					TV		
WD	AC	5.00	9325.00	9325.00	46625	1	151	5.00	
		16.05					TW		
MH	AC	1.28	800.00	800.00	1024	1	151	1.28	
		16.05					WA		
RD	AC	.77				1	151	.77	
		16.05					RD		

Front feet: .00 Other Acres: 16.05 Totals: 126,249
 FF/SF acres: .00 CAMA acres: 16.05

Mineral:

CAMA SUMMARY:

Schedule: 2025 Quintile date: 09/27/2023 Insp/By/Cmp: 01/07/2025 CN R
 Neighborhood: 90OFFWAT LAKESHORE CITY OFF WATER

Nbr	Typ	Subtype	Description	Wid	Len	Size	Class	Qlt	H/G	Est Value	New Imp	Class Code
1	RES	1-3		+	+	816	055	H		147,886	0	151
2	RES	GAR	DET	24	28	672	3	G		20,966	0	151
3	OTH	SHED	MISC			1	6			1,000	0	151
Estimated land value :										126,249		
Mineral value :												
Improvement value . . :										169,852		
Total value :										296,101		

CAMA IMP DETAILS: 1 RES 1-3
 House/Garage: H Schedule: 2025
 Construction class/Quality: 055
 Actual/Effective year built: 1972 1980
 Condition:

DEPRECIATION PCT GOOD FACTORS:
 Physical: RES .75
 Functional incurable . . .
 Economic: 90OFFWAT 1.30
 Additional
 Total percent good98

NOTES: -----

Characteristics/Areas	Wid	Len	Units	Str	Fdt	Wal	OV	Rate	RCN	Sum	PD	Curable	%Cmp	%New	New Imp	RCNLD
010 MEASURED	Y	YES														
020 VIEWED	N	INTERIOR														
030 COLOR	TAN	TAN/BEIGE														
040 CONSTRUCTN	1	FRAME														
050 FOUNDATION	1	CONC BLOCK														
060 EXT WALLS	MAS	MASONITE														
070 ROOF TYPE	1	GABLE														
080 ROOF MAT	1	ASPHLT SHG														
090 WINDOWS	7	GLIDERS														
100 FURN TYPE	2	BASEBOARD														
110 FUEL TYPE	2	ELECTRIC														
120 ELEC SERV	1	200 AMP														
130 WELL	Y	YES														
140 SEPTIC	Y	YES														
150 INT WALL	1	DRYWALL														
160 INT FLOOR	2	CPT/TL/WD														
200 PATIO	3	CONC SLAB		1				1,200.00		1,200	1		1.00			1,170
240 FIREPLACE1	5	SMALL/OLD		1				2,000.00		2,000	1		1.00			1,950
260 WALKOUT 1	4	SRV DRW/WD		1				2,000.00		2,000	1		1.00			1,950
270 BF	3	W/PT BATH	24	34	816			30.00		24,480	1		1.00			23,868
300 STYLE	RAM	RAMBLER														
BAS BASE AREA	055	D5.5	24	34	816			143.00		116,688	1		1.00			113,771
DK DECKING	3	W/RAIL		330				15.00		4,950	1		1.00			4,826
DK DECKING	3	W/RAIL	4	6	24			15.00		360	1		1.00			351
Effective BAS rate: 139.43 Totals: 151,678 147,886																
Ground floor area: 816																
Gross floor area: 816																

CAMA IMP DETAILS: 2 RES GAR DET
 House/Garage: G Schedule: 2025
 Construction class/Quality: 3
 Actual/Effective year built: 1980
 Condition:

DEPRECIATION PCT GOOD FACTORS:
 Physical: RES .75
 Functional incurable . . .
 Economic: 90OFFWAT 1.30
 Additional
 Total percent good98

NOTES: -----

Characteristics/Areas	Wid	Len	Units	Str	Fdt	Wal	OV	Rate	RCN	Sum	PD	Curable	%Cmp	%New	New Imp	RCNLD
BAS GARAGE	3	TYPICAL	24	28	672			32.00		21,504	1		1.00			20,966

Effective BAS rate:	31.20	Totals:	21,504	20,966
Ground floor area:	672			
Gross floor area:	672			

CAMA IMP DETAILS: 3 OTH SHED	MISC	DEPRECIATION PCT GOOD FACTORS:	NOTES: -----
House/Garage: Schedule: 2025		Physical:	1.00
Construction class/Quality: 6		Functional incurable . . .	
Actual/Effective year built:		Economic: 90OFFWAT O	1.00
Condition:		Additional	
		Total percent good	1.00

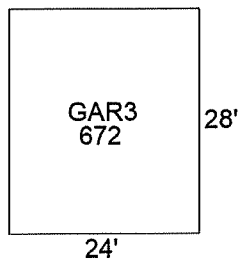
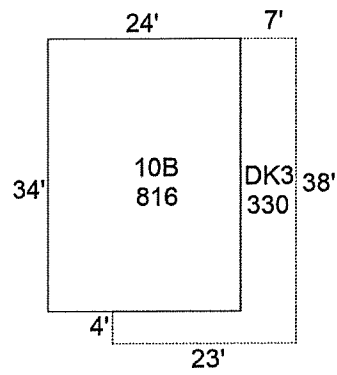
----	Characteristics/Areas	---	Wid	Len	Units	Str	Fdt	Wal	OV	Rate	RCN	Sum	PD	Curable	%Cmp	%New	New Imp	RCNLD
----	BAS SHED	6	SVRL/BTR		1					1,000.00	1,000	1			1.00			1,000

Effective BAS rate:	1,000.00	Totals:	1,000	1,000
Ground floor area:	1			
Gross floor area:	1			

Field check value:	Appraiser's initials:	Date of inspection:
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90-016-4101



Misc Sheds

Sketch by Apen Sketch

**CITY OF LAKE SHORE
PERMIT SUMMARY
OCTOBER 2025**

DWELLINGS: 1

GUEST CABIN: 0

ADDITIONS (Residential): 0

ACCESSORY STRUCTURES: 0

DECKS/PORCHES/PATIOS: 6

SEPTIC SYSTEMS: 1

GRADING/ShORELINE ALT/STEPS: 3

COMMERCIAL (new): 0

COMMERCIAL ADD/LANDCAPING/PORCH: 0

SEPTEMBER 2025 PERMIT TOTAL YTD: 67

City of Lake Shore Fee Schedule

Residential Construction	
Up to 1,000 square feet	\$250
1,001 – 2,000 square feet	\$500
2,001 – 3,000 square feet	\$750
3,001 – 4,000 square feet	\$1,000
Each additional 1,000 square feet	\$250
Residential – Accessory Structures (Additions, decks, porches, detached garages)	
Up to 200 square feet	\$100
201 – 500 square feet	\$200
501 – 800 square feet	\$300
801 – 1,000 square feet	\$400
1,000 – 2,000 square feet	\$500
Each additional 1,000 square feet	\$250
Commercial Construction	
Up to 1,000 square feet	\$500
1,001 – 2,000 square feet	\$750
2,001 – 5,000 square feet	\$1,000
5,001 – 10,000 square feet	\$1,250
10,001 square feet and greater	\$1,500
Commercial Accessory Structures (Additions, decks, porches, detached garages)	
Up to 500 square feet	\$200
501 – 1,000 square feet	\$400
1,001 – 3,000 square feet	\$600
3,001 – 5,000 square feet	\$800
5,001 – 10,000 square feet	\$1,000
Each additional 1,000 square feet	\$1,000
Shoreland Fees	
Water Oriented Accessory Structure/Patio	\$75
Grading/Filling/Alteration/Riprap	\$75
Steps/sidewalk to the lake	\$75

Miscellaneous Fees	
Sign	\$50
On-Site Septic	\$225
Road Approach/Driveway Entrance	\$25
Address Sign	\$75
Road Vacation	\$300
City Sewer Fees	
City Sewer Connection	\$100 permit only, does not include connection fee
User Fee – (flat fee)	\$169
Connection Fee (in 2026)	\$7,700 (increases \$100 per year)
Public Hearing Fees	
Variance	\$450 + recording fee
Conditional Use Permit	\$450 + recording fee
Ordinance Amendment	\$550 + recording fee
Rezoning Request	\$500
Subdivisions	
Preliminary Plat	\$350 + \$10 for each lot
Final Plat	\$350 + recording fee
Lot Split (metes & bounds)	\$300
Lot Split (Administrative)	\$100
Cannabis Business Registration	
Initial Registration Fee	\$500 or 50% of initial state license fee, whichever is less
Registrational Renewal Fee	\$1,000 or 50% of renewal state license fee, whichever is less
Administrative Fees	
Planning & Zoning Special Meeting	\$200 + all costs associated with the meeting, including the city engineer, the city attorney, and publication costs.
City Council Special Meeting	\$200 + all costs associated with the meeting, including the city engineer, the city attorney, and publication costs.
Short Term Rental Fee	\$250
Copy of property file	\$5-\$15, depending on the size of the file
Copy of city map	\$5

Copy of zoning ordinance	\$10
Copy of the Comprehensive Plan	\$5
General Fees	
Assessment Search Charge	\$15
Copy charge	.10 per page (black) -.50 per page (color)
Fax charge	\$1 per page
Audio copy of the meeting	\$5
Returned check fee	\$35
Election filing fee	\$2
Dog license	\$10 (2 years)
Cemetery plot	\$600
Cemetery plot – cremation	\$400
Summer plot digging	\$600 (actual cost of grave digging)
Summer cremation digging	\$200 (actual cost of grave digging)
Winter plot digging	\$700 (actual cost of grave digging)
Winter cremation digging	\$200 (actual cost of grave digging)
City Buy-back of cemetery plot	\$50 (Admin fee)
Cemetery Lot Staking Fee	\$50
Fireworks Display	\$25
Liquor Licenses	
Off Sale	\$100
On Sale	\$2,000
Special Sunday	\$200
Optional 2:00 am Closing	Determined by Sales
Tobacco	\$12
Police – Administrative/Report Fees	
Crash/Accident Reports	\$5 first two pages, .25 each additional page
Investigative Reports	\$5 first two pages, .25 each additional page
Media Copy CD/DVD	\$5
Black & White Photocopy	.25 per page
Color Photocopy	.50 per page
Postage/Envelope	Actual Costs
Handgun Permit to Purchase	\$10 Administrative Fee
Golf Cart license	\$30 (valid for 3 years)
Vehicle Impound/Storage	\$25 per day
Vehicle Tow	Tow bill plus an admin fee of \$50
False Alarm Fee	\$150 after the second false alarm within 12 12-month period