

LAND USE ORDINANCE



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PART I - ADMINISTRATION

ARTICLE 1--GENERAL ORDINANCE PROVISIONS

AN ORDINANCE-- Amending the Crow Wing County Zoning Ordinance.

BE IT ENACTED BY THE CROW WING COUNTY BOARD OF COMMISSIONERS, pursuant to its powers under Sections 373.41, 375.51, 375.53, 394.24, 394.25, 394.30, and 394.37 of Minnesota Statutes:

1.1 SHORT TITLE

This ordinance shall be known as the "Land Use Ordinance for Crow Wing County, Minnesota."

1.2 PURPOSE

It is the purpose of this ordinance to protect, preserve, and enhance the quality of the lakes, rivers, forests, wetlands, natural landforms, and open spaces of Crow Wing County for future generations. Further, it is the goal of this ordinance to promote the health, safety, general welfare, and orderly development of Crow Wing County by:

- A. Regulating land use in accordance with the County Comprehensive Plan.
- B. Promoting orderly development of the residential, business, industrial, recreational, and public areas of Crow Wing County.
- C. Dividing the County into land use districts.
- D. Regulating the location, height, and bulk of structures.
- E. Preserving the economic and natural environmental values of shorelands.
- F. Regulating setbacks.
- G. Regulating sizes of lots, yards, and other open spaces.
- H. Preventing overcrowding of land and undue concentration of structures.
- I. Encouraging compatible developments of different land use and the most appropriate use of land within the County.
- J. Maintaining and enhancing the quality and condition of natural resources within the County.
- K. Providing adequate access to air, direct sunlight, and convenience of access to property.
- L. Bringing all non-complying subsurface sewage treatment systems into compliance.

This ordinance is also intended to protect the shoreland of public waters and the shorelands of the Mississippi River and Headwaters Lakes it flows through, and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use and protection of waters and related land resources.

1.3 INTERPRETATION AND INTENT

This ordinance shall be fairly read so as to give effect to the plain meaning of words and the definitions hereinafter set forth, to accomplish the purpose stated in Article 1.2 above and to be in keeping with the constitutions of this State and of the United States. It is not the intent of this ordinance to repeal, abrogate, or impair any existing laws, rules, easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

1.4 SCOPE

This Ordinance shall apply and be binding upon all of the unincorporated areas of Crow Wing County and for any municipality under contract with Crow Wing County.

1.5 REPEAL OF EXISTING ORDINANCES

This ordinance repeals the Crow Wing County Zoning Ordinance dated July 8, 2005 and all amendments thereto. All Ordinances, resolutions or parts of Ordinances or resolutions of the County in conflict with the provisions of this Ordinance are hereby repealed.

1.6 REFERENCE TO FIRST ADOPTION

Unless another date is specifically stated, any reference in this Ordinance to “the date upon which zoning was first adopted” shall mean January 6, 1970.

1.7 AUTHORITY AND INCORPORATION BY REFERENCES OF STATUTES, RULES, AND REFERENCES

This ordinance establishes land use regulations pursuant to Minnesota Statutes, Chapters 375.51 and 394, and the Crow Wing County Comprehensive Land Use Plan. The shoreland management standards herein are adopted pursuant to Minnesota Statutes, Chapter 103F.201 - 103F.227, and Minnesota Rules, Chapter 6120.2500-6120.3900, which are incorporated herein by reference. The floodplain management standards herein are adopted pursuant to Minnesota Statutes, Chapter 103F.101-103F.155, and Minnesota Rules, Chapter 6120.5000-6120.6200, which are incorporated herein by reference. Regulation of campgrounds, recreational vehicle parks and manufactured housing parks are adopted pursuant to Minnesota Statutes, Chapters 327.14 to 327.28; and 145A.01 to 145A.07, which are incorporated herein by reference. The Mississippi Headwaters Comprehensive Plan is incorporated herein by reference. The Minnesota Stormwater Manual, Minnesota Pollution Control Agency (2005), is incorporated herein by reference. The Minnesota Department of Natural Resources document entitled “Minnesota’s Sensitive Lakeshore Identification Manual, A Conservation Strategy for Minnesota’s Lakeshores” is incorporated herein by reference.

Throughout this Ordinance references are made to Minnesota Statutes or rules and Federal statutes and rules. Wherever such reference is made it shall be interpreted to include any successor statutes or rules.

In case of a conflict between this Ordinance and the Mississippi Headwaters Comprehensive Plan or any state or federal rule, the more restrictive standards shall apply.

1.8 SEPARABILITY

If any article, sub article, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 2--GENERAL ZONING PROVISIONS

2.1 LAND USE DISTRICT MAP

The unincorporated areas of Crow Wing County, Minnesota are hereby divided into land use districts as shown on the official land use district map, as amended under Article 4 of this Ordinance, and filed in the Offices of the County Recorder and the Department. The official land use district map may be in hard copy or electronic format. The map and all explanatory matter thereon are hereby made a part of this Ordinance.

- A. Zoning Upon Detachment – Shoreland District: Any tract of land that is part of a statutory or charter city shall be subject to the shoreland land use district if said tract of land is detached, is located in the

shoreland district, and becomes part of an adjoining township at any time on or after the effective date of this Ordinance until placed in another district by the County Board.

- B. Zoning Upon Detachment – Non-Shoreland District: Any tract of land that is part of a statutory or charter city shall be subject to the Rural Residential-20 land use district if said tract of land is detached, located outside of the shoreland district, and becomes part of an adjoining township at any time on or after the effective date of this Ordinance until placed in another district by the County Board.
- C. Land Use District Elimination – Shoreland District: Any tract of land upon which a land use district is eliminated in the ordinance and said tract is located in the shoreland district shall be subject to the land use regulations of the shoreland land use district until placed in another district by the County Board.
- D. Land Use District Elimination – Non-Shoreland District: Any tract of land upon which a land use district is eliminated in the ordinance and said tract of land is located outside the shoreland district shall be subject to the land use regulations of the Rural Residential-20 land use district until placed in another district by the County Board.

2.2 CONFORMITY WITH THIS ORDINANCE

All land uses shall conform to the provisions of this ordinance as follows:

- A. All new buildings or structures constructed, converted, enlarged, or moved shall conform to the provisions of this ordinance.
- B. The use of all buildings, structures, or lands for any purpose shall conform to the provisions of this ordinance, except as provided in Article 5 of this ordinance.
- C. All subsurface sewage treatment system installed, repaired, or modified shall conform to the provisions of this ordinance.
- D. All dirt moving, filling, grading and road construction shall conform to the provisions of this ordinance.
- E. No lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this Ordinance shall meet all minimum requirements established by this ordinance.
- F. The planting and harvesting of farm crops and trees shall not be considered a land use subject to the provisions of this ordinance.

2.3 CONFLICTING REGULATIONS

- A. For the purpose of determining land use district designation, where a parcel lies in two land use districts as outlined in Article 10 of this ordinance, the parcel shall be classified in the land use district which encompasses the larger percentage of the lot area.
- B. Where a lot in the shoreland district lies in an area where two different lake or river classifications overlap, lot standards shall be determined as follows:
 - 1. In situations where shorelands with different lake classifications overlap due to close proximity of public waters, the lake classification of the public water receiving more than 50% of the water flow from the parcel based on topography shall be used to determine the appropriate shoreland regulations according to this ordinance.

2.4 CONTRACTOR RESPONSIBILITY

Each contractor shall ascertain that all work done on the property of another person must have the proper permit to do such work. Failure of any such contractor to comply herewith shall be considered a violation of this ordinance and subject to the enforcement provisions of Article 3.5.

2.5 APPLICANT RESPONSIBILITY

Actions taken pursuant to permits granted under this ordinance are the sole responsibility of the property owner or his/her agents. Crow Wing County assumes no liability for any adverse effects to the property owner, or to third parties, caused by any actions taken pursuant to permits granted under this Ordinance.

ARTICLE 3--ADMINISTRATION

3.1 ADMINISTRATION

The Ordinance shall be administered by the Land Services Department Supervisor for Environmental Services, hereinafter referred to as "Administrator," appointed by and responsible to the Land Services Director and the Crow Wing County Board. The Administrator shall issue all approved permits and certificates under this ordinance, either as authorized or as directed by the Planning Commission/Board of Adjustment. The Administrator shall interpret this ordinance, subject to appeal. The Administrator may delegate responsibilities as appropriate.

3.2 APPLICATION FOR PERMIT

- A. **Scope of work subject to permitting.** Prior to engaging in any land use activity regulated under the provision of this ordinance, the owner of the property shall make application for the necessary permit or permits required by this ordinance. A permit or fee is not required for inside or outside residential maintenance provided the exterior dimensions of the structure remain the same.
- B. **Issuing authority/Applicant responsibility.** A permit shall be issued by the Administrator only when the applicant has met all applicable requirements of this ordinance. An authorized agent of the owner may make application for the permit or permits. Conditional Uses, variances, or permits will be processed by the Department pursuant to procedures established within this ordinance. The accuracy and completeness of all permit applications and accompanying documents are solely the responsibility of the applicant. No permit application will be approved on for property on which there are unresolved violations unless the permit will resolve the violation.
- C. **Other Permits.** The granting of any permit or variance under provisions of this ordinance shall in no way affect the property owner's responsibility to obtain the approval required under any federal or state statute, ordinance or legislation of any state agency or state subdivision thereof. Approval may be expressly given in conjunction with other permit(s) applied for, but no approval shall be implied from the granting of any Crow Wing County permits nor from the necessity to apply for a permit described in this ordinance.
- D. **Application information requirements.** The application for any permit, including public hearing requests, required under this Ordinance shall include:
 1. The legal description of the property.
 2. Property identification number.
 3. Current and proposed land use.
 4. A description of the type and scope of construction, use, development, or alteration proposed.

5. A sketch plan showing the location of public waters, wetlands, existing and proposed structures, road rights of way, driveways, parking spaces, water and sanitary facilities, and utility lines.
 6. Topographic features including but not limited to wetlands, bluffs, ordinary high-water level designations, or steep slopes.
 7. Additional information as may be required by the Department in order to determine compliance with this and other ordinances.
- E. Certificate of Survey. The Administrator may require a certificate of survey with any permit application required by this Ordinance, including variance, land use reclassification, and conditional use permit applications, upon a determination by the Administrator that such a survey will assist in achieving the purposes of this Ordinance.
- F. Sewage treatment. The application shall also include a compliance inspection conducted by a State-licensed inspector indicating the condition of any existing subsurface sewage treatment systems. The Administrator may require a site suitability upon determination by the Administrator that a site suitability will assist in achieving the purposes of this Ordinance.
- G. Fee. The application shall be accompanied by a remittance, payable to the Crow Wing County Treasurer. A current Fee Schedule is on file in the Department as approved by the County Board.
- H. Permits for activities in Flood Plain. Land use permits for activities within any flood plain zone shall meet the standards in Article 21 of this Ordinance relating to Flood Plain Management.
- I. Checklist. An application check list shall be available at the Department.

3.3 PERMIT CARD

The Administrator shall issue a permit card upon approval of a permit. Such permit card shall be continuously posted in a conspicuous location on the premises concerned, from the time the authorized work is commenced until it is completed.

3.4 EXPIRATION OF PERMITS

All permits are valid for a period of two years from the date of approval, unless otherwise specified.

3.5 ENFORCEMENT

- A. **Responsibility for enforcement.** The Crow Wing County Attorney, the Crow Wing County Sheriff, and the Department shall have a duty to enforce this Ordinance.
- B. **Civil and criminal enforcement.** Any violations of the provisions of this Ordinance or failure to comply with any of its requirements by a property owner or authorized agent, including violations of or failure to comply with the conditions and safeguards established in connection with the granting of a structure, land use, or shoreland alteration permit, or contained within variances or conditional uses, shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes 394.37. The provisions of this Ordinance may be enforced through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.
- C. **Permit does not protect permit holder.** Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Article 3.2 A. of this Ordinance.
- D. **Separate offenses.** Each day that a violation of this Ordinance continues shall constitute a separate offense.

- E. **Citations.** The Department shall have the power to enforce this Ordinance by issuing citations for criminal violations of this Ordinance upon the owner of a property and/or their authorized agent.
- F. **Cease and desist order.** The Administrator, or duly authorized representative, may issue cease and desist orders to halt the progress of any property modification, based upon probable cause that a violation of this Ordinance has been committed. When any work has been stopped by a cease and desist order, it shall not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.
- G. **Injunctive relief allowed.** The Crow Wing County Attorney, in cooperation with the Department may sue for injunctive relief on any violation, including restoration of the premises to its existing condition prior to the violation.
- H. **Administrative fee for enforcement.** The Administrator shall charge an administrative fee, according to a schedule established by the County Board of Commissioners, to compensate for staff time and other expenses incurred during the investigation and prosecution of violations.
- I. **After the fact applications and fees.** Any person making application for a permit after the commencement of work requiring a permit may be charged an administrative fee. In the event the application for a permit is denied or the activity permitted does not include all of the work commenced prior to approval of said permit, the Planning Commission/Board of Adjustment or the Administrator may require restoration of the subject property to its condition before such work commenced, including removal of structures or improvements not approved.
- J. **Certificate of Survey.** The Administrator or duly authorized representative may require a certificate of survey prepared in accordance with Article 44 when it is determined that said survey will or may assist with the resolution of a violation.

3.6 PERFORMANCE SECURITY

Upon approval of a conditional use, variance, or other permit application, the Planning Commission/Board of Adjustment, County Board or the Administrator may, if reasonably necessary to achieve the purposes of this ordinance, require a surety bond, cash escrow, or cash deposit prior to issuing a land use permit or initiation of work on a proposed improvement or development. Said security shall be irrevocable and shall guarantee conformance and compliance with the conditions of the permit, conditional use, or variance. The amount of the security may be set at up to 150% of the estimated cost of compliance with the conditions including but not limited to vegetation establishment, stormwater plan implementation, soil stabilization, water quality protection, or pollution control measures.

3.7 RIGHT OF INSPECTION

An applicant for any permit under this Ordinance does thereby give the Administrator and/or his/her agent right of access to the premises concerned for inspection, and enforcement of this Ordinance. Additionally, the Administrator and/or his/her agent is authorized to enter upon lands within the unincorporated area of the County for the purpose of carrying out the duties and functions imposed under this Ordinance, and/or make investigations of any violations of this Ordinance and/or cause proceedings to be instituted when warranted.

3.8 GENERAL REVIEW PROCEEDINGS

- A. **Timeline for review.** Pursuant to MN Statutes, Chapter 15.99, the Administrator, Planning Commission/Board of Adjustment or County Board of Commissioners must approve or deny a completed application within 60 days of a written request relating to zoning, septic system, expansions, permit, license or other approval action. Failure of the Administrator, Planning Commission/Board of

Adjustment or County Board of Commissioners to deny a request within 60 days shall constitute approval of the request. If the Administrator, Planning Commission/Board of Adjustment, or County Board denies the request, it must state in writing the reasons for denial at the time that it denies the request.

1. **Completed application.** The timeline for review in Article 3.8 A. begins upon the receipt of a completed application by the Department. An application shall be deemed complete when a written request containing all information required by this Ordinance is submitted to the Department. If the Department receives a written request that does not contain all required information, the 60 day limit shall not start if the Department sends written notice within 15 business days of receipt of the request telling the requester what information is missing.
2. **Extension of timeline for review by multiple agencies.** The time limit in Article 3.8 A. is automatically extended if:
 - a) A completed application submitted to a State agency requires prior approval of a Federal agency.
 - b) A completed application submitted to a city, county, town, school district, metropolitan, or regional entity, or other political subdivision requires prior approval of a State or Federal agency.
 - c) In cases described in this paragraph, the deadline for action by the Department is extended for 60 days after the required approval is granted.
3. **County extension of timeline.** The Administrator may extend the timeline before the end of the initial 60-day period described in Article 3.8 A. by providing written notice of the extension to the applicant. The notice must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.
4. **Extension of timeline by applicant.** The applicant may, in writing, waive the 60-day time deadline.

3.9 FEES

- A. **Schedule of fees.** The schedule of fees for all land use and zoning-related activities and permits shall be posted in the Department Office and may be altered or amended only by resolution of the County Board.
- B. **Collection of fees.** The Administrator shall collect all required fees in full in conjunction with any application.
- C. **Administrative fees.** When work has commenced before approval of a permit, or a variance, a conditional use, or other approval requiring a public hearing, the applicant may be charged an administrative fee in conjunction with a late application according to the schedule established by the Board of Commissioners.
- D. **Fee refunds.** In the event the application is made for a permit or a petition is filed and the applicable fees shall have been paid in full, and subsequent action denies the permit or petition, the fees paid may be refunded by the Administrator. Any fees paid in error may be refunded by the Administrator.

3.10 ENVIRONMENTAL REVIEW

- A. **Environmental review:** An environmental review may be required for projects that could result in significant environmental impacts. The Minnesota Environmental Policy Act of 1973 and Minnesota

Rules Chapter 4410 allow for the preparation of Environmental Impact Statements (EIS) and Environmental Assessment Worksheets (EAW) for mandatory development thresholds or discretionary environmental reviews or alternative urban area wide reviews (AUAR) ordered by the responsible government unit (RGU). The RGU is the designated review authority.

1. Approval before consideration of application. Once the environmental review process is determined to be necessary, no permits or other final approvals shall be granted until the environmental review process has been completed. No permit shall be issued unless and until all issues identified in the EAW/EIS/AUAR have been addressed.
 2. Payment for cost of review. The County shall prepare or cause to have prepared, at the developer's expense, any mandated or discretionary EAW or EIS for the project.
- B. In order to address environmental and infrastructure concerns, reduce surveying and platting costs, avoid unnecessary EAW's, and offer expertise to applicants, developers, and planning officials, the Development Review Team (DRT) shall conduct a pre-project review of all conditional use, variance, land use reclassification, and development proposals.
1. The DRT shall adopt policies and rules of business governing its timely review and reporting on conditional use, variance, land use reclassification, and development proposals.
- C. The County Board shall make all final EAW/EIS decisions.

3.11 GENERAL PUBLIC HEARING NOTICE REQUIREMENTS

All public hearings shall be conducted pursuant to Minnesota Statutes, Chapter 394.26, and the adopted Planning Commission/Board of Adjustment rules of business.

ARTICLE 4--AMENDMENTS TO ORDINANCE TEXT, LAND USE DISTRICT BOUNDARIES, AND DESIGNATION OF SENSITIVE SHORELAND DISTRICTS

4.1 INITIATION OF AMENDMENTS

- A. **Initiation of text amendments.** An amendment to this Ordinance may be initiated by the County Board or the Planning Commission/Board of Adjustment or any property owner of the County upon individual application therefore.
- B. **Initiation of land use district reclassification amendments.** An amendment to the official land use district map may be initiated by the County Board or the Planning Commission/Board of Adjustment or any property owner of the County upon individual application therefore.
- C. **Fee waived.** Action to amend this Ordinance or the official land use district map, when initiated by the County Board or the Planning Commission/Board of Adjustment, shall not require the payment of any fee otherwise required under this Ordinance.

4.2 APPLICATION AND HEARING

- A. **Application.** Applications for ordinance text or land use district reclassification amendments shall be made to the Administrator.
- B. **Hearing.** The Planning Commission/Board of Adjustment shall hold at least one public hearing on the proposed ordinance text amendment or land use district classification change conducted pursuant to Minnesota Statutes, Chapter 394.26, and the adopted Planning Commission/Board of Adjustment rules of business.

- C. **Consideration of ordinance text amendments.** Amendments may be offered when the ordinance is under consideration. If amendments are made, the sections of the ordinance amended shall be read as amended before the question of its passage is taken. After review and taking public comment, the Planning Commission shall vote to approve, deny, or amend the ordinance or ordinance amendment(s) and forward their recommendations to the County Board. Approval of the ordinance shall constitute the singular recommendation of the Planning Commission/Board of Adjustment to the County Board on the ordinance.
- D. **Criteria for consideration of land use district reclassification.** In reviewing a land use district reclassification application, the Planning Commission/ Board of Adjustment shall find that:
 - 1. The reclassification is in accord with the comprehensive plan;
 - 2. The reclassification is warranted due to changed land use circumstances or a need for additional property in the proposed land use district;
 - 3. The subject property is suitable for development in general conformance with land use standards under the proposed land use district classification;
 - 4. The reclassification will not be detrimental to uses or property in the immediate vicinity of the subject property: and
 - 5. The reclassification promotes the health, safety, and general welfare of the public.

4.3 DESIGNATION OF SENSITIVE SHORELAND DISTRICTS (SS)

- A. The County Board may assign SS district classification to the shoreland district adjacent to a bay of a lake, or to a clearly defined portion of the shoreline of a lake. The area considered for such classification must have a DNR Sensitive Lakeshore Survey Report based on the classification criteria and procedures set forth in the latest version of the Minnesota Department of Natural Resources document entitled “Minnesota’s Sensitive Lakeshore Identification Manual, A Conservation Strategy for Minnesota’s Lakeshores”.
- B. The reclassification of a shoreland district and/or water-oriented commercial district to a SS District may be initiated by:
 - 1. Verification from the Minnesota Department of Natural Resources, Division of Ecological and Water Resources that area(s) proposed to be reclassified are consistent with the classification criteria and procedures set forth in Article 4.3 A above.
 - 2. A duly approved motion by the Planning Commission sent to the County Board for approval, along with substantiating data from the Department.
- C. **Processing requests**
 - 1. The Department shall examine the official land use district maps to assure that the area(s) proposed for reclassification corresponds to existing parcel lines and that no parcel is subjected to multiple districts. District and class boundaries shall be adjusted to best protect sensitive areas.
 - 2. Within 30 days of completion of the verification process, the Planning Commission/Board of Adjustment shall set a date for a public hearing.
 - 3. The public hearing shall be conducted pursuant to the adopted Planning Commission/Board of Adjustment rules of business.
- D. **Planning Commission/Board of Adjustment Review**

1. Planning Commission/Board of Adjustment shall consider the following data and criteria when reviewing a SS district classification application:
 - a) The data listed in the DNR Sensitive Lakeshore Survey Report for the bay(s) or shoreline segment(s).
 - b) The potential benefits of reclassification for the enhancement of water quality, conservation of economic and natural environmental values of shorelands, and wise use of water and related land resources;
 - c) The public hearing testimony;
 - d) The density and characteristics of existing development in the bay(s) or shoreline segment(s);
 - e) Consistency with the policies and provisions of the Comprehensive Plan and the requirements of all County ordinances;
 - f) Other factors specific to the application that impact upon public health, safety, and welfare.
 2. The Planning Commission/Board of Adjustment shall hear the application according to its adopted rules of business and shall:
 - a) Affirm the application to establish the SS district(s), or;
 - b) Modify the district(s) for reclassification, or;
 - c) Deny the application to establish the SS district(s) and
 - d) Document the findings of fact for any decision.
- E. The Planning Commission/Board of Adjustment, if affirming and forwarding reclassification, shall:
1. Notify the Commissioner of the Minnesota Department of Natural Resources of the recommendation for reclassification
 2. Recommend to the County Board that they approve changes in the official land use district map to reflect such reclassification.

4.4 COUNTY BOARD ACTION

- A. **Text amendment actions.** Following their public hearing, the County Board shall publish its decision to approve or deny the text amendments within 15 days. The enactment of any changes shall take effect immediately upon approval by the County Board. A copy of any approved text amendment in a shoreland district shall be sent to the Commissioner of the Dept. of Natural Resources within 10 days of final action.
- B. **Land use district amendment actions.** The County Board may adopt the land use district amendment or any part thereof in such form as it deems advisable. The Administrator shall make any necessary changes to the official land use district map and provide a revised copy to the County Auditor. Pursuant to Minnesota Statutes, Chapter 394.35, the County Auditor shall record a certified copy thereof with the County Recorder. Paper and/or electronic copies shall be available in the offices of the Department. A copy of any approved map amendment in a shoreland district shall be sent to the Commissioner of the Dept. of Natural Resources within 10 days of final action.

ARTICLE 5--NONCONFORMITIES

5.1 PURPOSE

It is the purpose of this Article to provide for the regulation of non-conforming lots, buildings, structures and uses and to specify those requirements, circumstances, and conditions under which non-conforming buildings, structures and uses may continue.

5.2 EXISTING NONCONFORMING USES

- A. Any nonconforming use in existence prior to January 6, 1970 that does not conform to the standards in this ordinance or that was approved on or after January 6, 1970 but before the effective date of this ordinance and complied with Crow Wing County standards in effect at the time it was approved shall remain a legal nonconforming use and may continue provided that:
1. No nonconforming use shall be expanded, enlarged, or altered, including any increase in volume, intensity, or frequency of use of the property where a nonconforming use exists. Structural alterations, expansions, and additions to a structure devoted in whole or part to a nonconforming use are prohibited.
 2. A change from one nonconforming use to another nonconforming use is prohibited.
 3. A nonconforming use of a parcel of land may not be extended to cover more land than was occupied by that use when it became nonconforming.
 4. A nonconforming use shall not be moved to any other part of the property on which it is located or to another property where it would still constitute a nonconforming use.
 5. A lawful, nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming use has been so changed, it shall not thereafter be so altered to increase the nonconformity.
 6. If a nonconforming use is replaced by a permitted use, the nonconforming status and any rights that arise under the provisions of this section of the Ordinance are terminated.
 7. A nonconforming use that has been discontinued for a period of twelve consecutive months shall not be re-established, and any further use shall be in conformity with this Ordinance. Time will be calculated as beginning on the day following the last day in which the use was in normal operation and will run continuously thereafter.
 8. If a structure used for a nonconforming use is damaged to the extent that the cost of replacement, reconstruction, or restoration would exceed 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, then the damaged structure shall not be replaced, reconstructed, or restored except in conformity with this Ordinance.
- B. Any nonconforming structure in use as part of a nonconforming use in existence prior to January 6, 1970 that does not conform to the standards in this ordinance or that was approved on or after January 6, 1970 but before the effective date of this ordinance and complied with Crow Wing County standards in effect at the time it was approved shall remain a legal nonconforming structure and may continue provided that:
1. The structure is not changed to another nonconforming use.
 2. The nonconforming structure is not expanded except in changing the use to be consistent with the provisions of this Ordinance. The modification of an existing roof pitch or attic storage area shall

not be considered an expansion so long as the final roof pitch does not exceed 6 in 12 and the overall height of the building does not increase by more than four (4) feet.

- C. If a nonconforming use is discontinued for a period of more than one year, any subsequent use of the structure and/or property must be a conforming use.

5.3 EXISTING NONCONFORMING LOTS OF RECORD

- A. A nonconforming lot that was either of record in the office of the County Recorder prior to January 6, 1970, or was of record on or after January 6, 1970 but before the effective date of this ordinance and complied with Crow Wing County standards in effect at the time it was recorded in the office of the County Recorder, shall remain a legal nonconforming lot and shall be allowed as a residential building site without a variance provided that:
 - 1. All structure and septic system setbacks can be met;
 - 2. A Type 1 sewage treatment system consistent with Article 37 of this ordinance can be installed or the lot is connected to a public sewer: and
 - 3. The impervious surface coverage does not exceed that which is allowed in Article 41.2 of this ordinance.
- B. If, in a group of two or more contiguous lots under the same ownership in the Shoreland District that were of record in the office of the county recorder prior to January 6, 1970, any individual lot does not meet the requirements of this Ordinance for lot size or lot width, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this Ordinance.
- C. Pursuant to Minn. Stat. § 394.36, subd. 5, contiguous lots under the same ownership are exempt from this section and may be considered as separate parcels for the purposes of sale, transfer, or development if each individual lot meets all of the following requirements:
 - 1. The lot meets at least 66 percent of the dimensional standards for lot width and lot size for the land use district within which it lies; and,
 - 2. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a type 1 subsurface sewage treatment system meeting the standards contained in Article 37 of this Ordinance; and,
 - 3. Impervious surface coverage does not exceed that which is allowed in Article 41 of this ordinance; and
 - 4. Development of the lot is consistent with the Crow Wing County Comprehensive Land Use Plan.
- D. Contiguous lots under the same ownership are exempt from this section and may be considered as separate parcels for the purposes of sale, transfer, or development if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are served by a public sewer, if available, or must be suitable for the installation of a subsurface sewage treatment system meeting the standards contained in Article 37 of this Ordinance.

5.4 EXISTING NONCONFORMING STRUCTURES

Any nonconforming structure in existence prior to January 6, 1970, which does not comply with the provisions of this Ordinance, or a nonconforming structure that was approved on or after January 6, 1970 but

before the effective date of this ordinance and complied with Crow Wing County standards in effect at the time it was approved, shall remain a legal nonconforming structure and may be continued subject to the following provisions:

- A. **Maintenance and replacement.** Existing nonconforming structures may be continued, including through repair, replacement, restoration, maintenance, or improvement but not including expansion.
- B. **Conforming Sewer System.** Dwellings are connected to a conforming sewage treatment system compliant with Minnesota Rules, Chapter 7080 and Article 37 of this ordinance or the lot is connected to a public sewer.
- C. If any nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of the damage, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy, with the exception that homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes may be continued including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, if a land use permit has been applied for within 180 days of when the property was damaged. The County may impose reasonable conditions on the land use permit in order to mitigate any newly created impact on an adjacent property or water body.
- D. If a nonconforming structure, which is located less than 50 percent of the required setback from the ordinary high water mark, has been damaged by fire, explosion, natural disaster, or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, the Department may require an increased setback from the ordinary high water mark, if practicable and reasonable conditions are placed on the land use permit, to mitigate created impacts on the adjacent property or water body.
- E. Normal maintenance of a nonconforming structure including nonstructural maintenance and repair is permitted.
- F. Any construction project for which a valid land use permit was granted before the effective date of this Ordinance may be completed although the structure would not meet newly established standards of this Ordinance.

5.5 NONCONFORMITY DUE SOLELY TO WETLAND BUFFER SETBACK

A structure in existence on or before June 28th, 2005, that becomes nonconforming due only to the wetland buffer setback requirement of this Ordinance shall be deemed conforming. Any expansion of the structure shall not further infringe on the wetland buffer area.

ARTICLE 6--PLANNING COMMISSION/BOARD OF ADJUSTMENT

6.1 PLANNING COMMISSION/BOARD OF ADJUSTMENT DUTIES

- A. Acting in its capacity as the Planning Commission, the Planning Commission/Board of Adjustment is hereby designated by the County Board to:
 - 1. Review all plats, conservation developments, land use district map amendments, and amendments to the land use ordinance text, and to make recommendations to the County Board.
 - 2. Review and make final decisions regarding all conditional use permit applications.

3. Exercise all powers and perform all duties granted to the Planning Commission/Board of Adjustment under Minnesota Statutes, Chapter 394.
 4. Adopt and annually review rules of business necessary to the conduct of its affairs.
- B. Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment is hereby designated by the County Board to:
1. Review and make final decisions regarding all variance applications.
 2. Hear appeals of all administrative orders, requirements, administrative decisions, or determinations
 3. Adopt and annually review rules of business necessary to the conduct of its affairs.

6.2 MEMBERSHIP

- A. The Planning Commission/Board of Adjustment shall consist of not less than five members nor more than seven members.
- B. At least three members of the Planning Commission/Board of Adjustment shall be residents of the unincorporated area of the County.
- C. Pursuant to Minnesota Statutes, Chapter 394.30, Subd 1, no voting member of the Planning Commission/Board of Adjustment shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the county for urban and urban related purposes.
- D. No member of the Planning Commission/Board of Adjustment shall be allowed to vote on an agenda item who has received, during the two years prior to appointment, any substantial portion of their income from a source that may be considered a potential conflict of interest.

6.3 APPOINTMENT/TERMS

- A. Appointment of Planning Commission/Board of Adjustment members shall be made by the Board of County Commissioners, one member to be appointed from each Commissioner District, and such appointment shall become effective at the first meeting of the Planning Commission/Board of Adjustment in February.
- B. Up to two members shall be subject to appointment each year.
- C. Each member of the Planning Commission/Board of Adjustment shall be appointed for a term of two years.
- D. Vacancies shall be filled through appointment by the County Board for only the duration of the unexpired term.
- E. Nonperformance of duty or misconduct in office shall constitute grounds for dismissal by the County Board. Nonperformance shall include attendance at less than 80 percent of regularly scheduled Planning Commission/Board of Adjustment meetings.

6.4 OFFICERS/DUTIES

- A. Officers of the Planning Commission/Board of Adjustment shall be a Chairperson, Vice-Chairperson and other officers as needed.
- B. Officers shall be elected by the Planning Commission/Board of Adjustment at the first regular meeting held in February.

- C. In the event of a resignation of an Officer, the Planning Commission/Board of Adjustment shall fill the vacancy.
- D. The Chairperson shall preside at all meetings.
- E. The Vice-Chairperson shall assume the responsibilities of the Chairperson when he/she is unable to serve.

6.5 COMPENSATION AND MILEAGE

- A. Planning Commission/Board of Adjustment members may receive per diem as allowed by the County Board.
- B. Planning Commission/Board of Adjustment members will be reimbursed at the current County rate for mileage to and from the meeting place.
- C. Planning Commission/Board of Adjustment members, when required to make on-site inspections relating to the function of the Commission or Board, may claim mileage expense and per diem.

6.6 MEETINGS

Meetings shall be scheduled and conducted according to the established Planning Commission/ Board of Adjustment rules of business.

ARTICLE 7—CONDITIONAL USE PERMITS

7.1 CONDITIONAL USE PERMIT

Land uses shown as Conditional Uses in the Land Use Tables in Article 10.3, shall be allowed only after a Conditional Use Permit application has been made to and approved by the Planning Commission/Board of Adjustment.

A. Application Requirements

1. A Certificate of Survey prepared in accordance with Article 44, also including any additional items listed below.
 - a) Property boundary with sufficient survey and mathematical data to locate and retrace the boundary;
2. Grading and storm water plans utilizing the current certificate of survey as a base for the subject property depicting the following:
 - a) Existing contours at two (2) foot intervals.
 - b) Drainage plan, including the configuration of drainage areas and calculations.
 - c) Surface water ponding and treatment areas.
 - d) Erosion control measures.
3. After determining that the application is complete, the Administrator, shall forward the application and supporting documentation to the Planning Commission/Board of Adjustment for consideration at their next meeting.

7.2 PUBLIC HEARING

The Planning Commission/Board of Adjustment shall hold at least one public hearing on an application for a conditional use permit pursuant to Minnesota Statutes, Chapter 394.26, and its adopted rules of business.

7.3 DELAYED ACTION

In considering the application for a Conditional Use, the Planning Commission/Board of Adjustment may adjourn the hearing to a future time and defer action or consideration until further information desired from the applicant is submitted. The applicant shall be formally notified of the information needed or reason for tabling the item. The provisions for action on an application shall be in compliance with Minnesota Statutes, Chapter 15.99 and Article 3.8 A. of this Ordinance.

7.4 DETERMINATION

In considering an application, the Planning Commission/Board of Adjustment shall determine and make findings for approval or denial on:

- A. The impact of the proposed use on the health, safety, and general welfare of the occupants in the surrounding neighborhood;
- B. The ability of the proposed use to meet the standards of this ordinance.
- C. The ability of the proposed use to meet goals and policies adopted within the Comprehensive Plan;
- D. The effect of the proposed use on property values and future development of the land in the surrounding neighborhood;
- E. The effect of the proposed use on public utility, public services, roads and schools;
- F. The effects of the proposed use on the environment including its impact on groundwater, surface water and air quality;
- G. The adequacy of water supply, subsurface sewage treatment system facilities, erosion control and stormwater management are provided pursuant to applicable standards;

7.5 CONDITIONS MAY APPLY

The Planning Commission/Board of Adjustment, in approving any such application, may impose additional conditions to the granting of the permit that shall fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- A. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
- B. Special provisions for the location, use of structures, sewage treatment systems, watercraft launching and docking areas and vehicle parking areas.
- C. Performance security as prescribed in Article 3.6 of this ordinance
- D. Provisions to ensure that the conditional use will not be detrimental to the use and enjoyment of the environment or of other properties.
- E. Buffers between potentially conflicting uses or along shorelines.
- F. Designated length of time in which work must be completed.

7.6 SPECIAL REVIEW CRITERIA FOR FLOOD PLAIN CONDITIONAL USE PERMITS

In reviewing Conditional Use applications in Floodplain areas, the Planning Commission/Board of Adjustment shall consider all relevant factors specified in other sections of these standards, and:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts, or other hydraulic structures.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of these standards.

7.7 CONDITIONAL USE PERMIT DECISION

After reviewing the application, considering all pertinent facts, and hearing testimony at the public hearing, the Planning Commission/Board of Adjustment may approve, deny, or modify the conditional use requested. The Planning Commission/Board of Adjustment shall prepare written findings of fact to support its decision. A copy of the decision and findings of fact shall be forwarded to the applicant. If the conditional use is approved, the Administrator shall cause a copy of the conditional use to be recorded with the land records for the subject property in the Office of the County Recorder.

7.8 STATUS OF CONDITIONAL USE PERMIT

Any use permitted under the terms of a conditional use permit shall be established and conducted in conformity with the terms and conditions designated in connection with the approval of the permit and all other applicable provisions of this Ordinance. A conditional use permit shall remain in effect so long as the conditions agreed upon are observed. Nothing in this Article shall prevent the Board from enacting this ordinance or any other ordinance to change the status of a conditional use.

7.9 AMENDMENTS TO CONDITIONAL USE PERMITS

Amendments to approved conditional use permits or requests for changes in conditions attached to conditional use permits shall be referred to the Planning Commission/Board of Adjustment and processed in the same manner as new conditional use permits.

7.10 APPEALS OF PLANNING COMMISSION/BOARD OF ADJUSTMENT DECISION

Acting in its capacity as the Planning Commission, all Planning Commission/Board of Adjustment decisions under this Article regarding conditional use permits, and their recommendations to the County Board regarding plats, land use district map amendments, and ordinance text amendments shall be final, except that any aggrieved person or department, board, or commission of the County or of the State of Minnesota may appeal any decision of the Planning Commission relative to a conditional use permit by writ of certiorari to the Minnesota Court of Appeals within 60 days after receipt of due notice of the decision

7.11 REVOCATION OF CONDITIONAL USE PERMIT

The Planning Commission/Board of Adjustment may, subsequent to a public hearing, revoke a conditional use permit if any conditions imposed as part of granting the conditional use permit request, are violated.

ARTICLE 8—VARIANCES AND APPEALS OF ADMINISTRATIVE DECISIONS

8.1 APPLICATIONS FOR VARIANCES

Application for variances shall be filed with the Administrator who shall forward to the Planning Commission/Board of Adjustment:

- A. A copy of the application and additional information determined by the Administrator to be pertinent to the application; and,
- B. A Certificate of Survey prepared in accordance with Article 44 and with all items listed below:
 1. Stormwater Management Plan according to Article 41 of this ordinance.
 2. No-Maintenance Shoreline Buffer according to Articles 27 and 41 of this ordinance.
- C. The Administrator shall have the discretion to determine whether an application may be forwarded to the Board of Adjustment without an accompanying Certificate of Survey. A determination by the Administrator that a Certificate of Survey is not necessary shall be made in writing on a form approved by the County Board for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy of said form, signed by the Administrator, shall be forwarded to the County Administrator and to the Board of Adjustment.

8.2 PUBLIC HEARING

Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment shall hold at least one public hearing on an application for a variance pursuant to Minnesota Statutes, Chapter 394.26, and its adopted rules of business. The Planning Commission/Board of Adjustment may hold additional public hearings when it determines that such hearings will be in the public interest.

8.3 DELAYED ACTION

In considering the application for a Variance, the Planning Commission/Board of Adjustment may adjourn the hearing to a future time and defer action or consideration until further information desired from the applicant is submitted. The applicant shall be notified in writing of the information needed or reason for tabling the item. The provisions for action on an application shall be in compliance with Minnesota Statutes, Chapter 15.99 and Article 3.8 A. of this Ordinance.

8.4 VARIANCE CRITERIA

- A. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394.27 subdivision 7. No variance shall be granted that would allow any use that is prohibited in the land use district in which the subject property is located. In considering a variance request, the board of adjustment must consider the following factors:
1. Is the variance request in harmony with the purposes and intent of the Land Use Ordinance?
 2. Is the variance consistent with the Comprehensive Plan?
 3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?
 4. Is the need for a variance due to circumstances unique to the property and not created by the property owner?
 5. Will the issuance of a variance maintain the essential character of the locality?
 6. Does the need for a variance involve more than economic considerations?

8.5 CONDITIONS MAY APPLY

- A. If the variance criteria in Article 9.4 have been met, the Planning Commission/Board of Adjustment, in approving any such application, may require additional conditions and mitigating requirements to protect the public health, safety, or the environment, as may be reasonable under all circumstances concerned therewith, to be imposed as a condition for granting of the permit that shall fulfill the purposes of this Ordinance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. Such conditions may include, but are not limited to, the following:
1. Mitigation actions to off-set environmental consequences of variance approval according to Article 27 and 41;
 2. Increased setbacks from the ordinary high water level;
 3. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted according to Article 27;
 4. Special provisions for the location, design, size and use of allowed structures, sewage treatment systems, and vehicle parking areas.
 5. Performance security as prescribed in Article 3.6 of this ordinance
- B. The Department may conduct follow up inspections as necessary to ensure that the conditions established by the Board of Adjustment are met.
- C. Failure to comply with variance conditions as imposed by the Planning Commission/Board of Adjustment is a violation of this ordinance punishable under Article 3.5.

8.6 VARIANCE DECISION

After reviewing the application, considering all pertinent facts, and hearing testimony at the public hearing, the Planning Commission/Board of Adjustment may approve, deny, or modify the variance request. The Planning Commission/Board of Adjustment shall prepare written findings of fact to support its decision. A copy of the decision and findings of fact shall be forwarded to the applicant. If the variance is approved, the Administrator shall cause a copy of the variance to be recorded with the land records for the subject property

in the Office of the County Recorder. A copy of the final decision granting a variance within a shoreland area shall be sent to the Commissioner of the Department of Natural Resources within 10 days of final action.

8.7 APPEALS OF ADMINISTRATIVE ACTIONS TO THE PLANNING COMMISSION/BOARD OF ADJUSTMENT

- A. Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment shall hear all appeals of any orders, requirements, decisions, or determinations of any administrative official. Appeals to the Planning Commission/Board of Adjustment shall be filed with the Zoning Administrator within 30 days of the date the order, action, or determination was made. The appeal shall be filed in writing specifying the grounds thereof, together with a fee according to the most recent County Board-approved fee schedule. The Zoning Administrator shall, within 30 days of such notice from the Auditor, call a properly noticed public hearing to hear such appeal. The appellant may appear in person at the hearing and/or be represented by an agent.
- B. **Determination of appeal.** The Planning Commission/Board of Adjustment shall review the information submitted by the appellant, a report from the Department, and the provisions of this Ordinance, and affirm the original decision unless the Planning Commission/Board of Adjustment determines that:
 - 1. The decision was arbitrary and capricious, or;
 - 2. The decision did not comply with the standards in this Ordinance.
- C. The Planning Commission/Board of Adjustment shall decide the matter appealed within 30 days after the date of the hearing. The Planning Commission/Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed, and to that end shall have all the powers of the officer whose decision was appealed, and may direct the issuance of a permit. The reasons for the Planning Commission/Board of Adjustment decision shall be stated in writing and provided to the appellant.

8.8 APPEALS OF PLANNING COMMISSION/BOARD OF ADJUSTMENT DECISIONS

Pursuant to Minnesota Statutes, Chapter 394.27, Subd. 9, all decisions by the Planning Commission/Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final, except that any aggrieved person or persons, or any department, board, or commission of the jurisdiction or of the State shall have the right to appeal within 30 days after receipt of notice of the decision to District Court on questions of law and fact.

ARTICLE 9 SUBDIVISION OF LAND

9.1 SHORT TITLE

This Ordinance shall be known as the Subdivision Ordinance of Crow Wing County, Minnesota

9.2 PURPOSE AND POLICY

- A. Each new subdivision of land becomes a permanent unit in the basic physical structure of the County, a unit to which, in the future, communities will, of necessity, need to adhere. In order that new division of land contribute toward an attractive, orderly, stable, and wholesome community environment; adequate public services; safe streets, all divisions of land shall fully comply with the regulations hereinafter set forth in this ordinance.
- B. The Comprehensive Plan Policy

1. Encourages residential development that provides housing options for different socio-economic groups – particularly the aging population - while protecting the characteristics that people value, a sense of community, as well as a plan to provide all citizens reasonable access to a diversity of recreational and open space opportunities.

9.3 SURVEY FILING REQUIREMENTS

- A. Pursuant to Minnesota Statutes §389.08, any licensed land surveyor who shall perform a survey of any lands in the County, including municipalities, for an individual, firm, association, syndicate, partnership, corporation, trust, or any legal entity shall file a true and correct copy of the survey with the Department within 30 days after completion of the survey. The manner of filing and all incidents thereof shall be determined by the Department with all surveys filed being public record and available for viewing.
- B. A Certificate of Location of Government Corner shall be filed in the Office of the County Recorder for all public land survey corner positions determined and/or established by any Land Surveyor in the course of a survey pursuant to Minnesota Statutes §§ 160.15 and 381.12.
- C. For any land survey record to be considered in compliance with Article 9.3, the requisite Certificate of Location of Government Corner must accompany the survey or have been previously filed or an agreement put in effect between the Department and land surveyor to comply with this provision within the one-year statutory time frame from date of the submission of the survey.

9.4 CONFORMANCE TO LAND USE ORDINANCE REQUIRED

All divisions of land submitted for approval under this Article shall conform to the requirements of the Crow Wing County Land Use Ordinance.

9.5 SUBDIVISION PROCEDURES

A. Exempt Activities

Exempt activities are divisions of land that do not require approval from the county as listed below:

1. Resulting land divisions determined through Court action
2. Divisions of land where all resulting parcels (including all remnants) are greater than 10 acres and 300 feet in width.

B. Administrative Subdivision

Administrative Land Divisions are divisions of land that do not require a plat, and are listed below:

1. Boundary Line Adjustments (BLA) through the exchange of land between adjacent lands that do not create an additional parcel and do not add to or create a nonconforming parcel.
2. Registered Land Surveys (RLS) pursuant to Minnesota Statutes § 508.47.
3. Surveys prepared for public or private cemeteries in accordance with Minnesota Statutes § 306 and 307, or successor statutes.
4. Inside the First Assessment District:
 - a) Outside of the shoreland district, a division or divisions of land within a five-year period resulting in no more than three (3) total parcels, where all resulting parcels are 10 acres or less in size.

- b) Inside of the shoreland district, all divisions of land involving riparian lots and not exempted by 9.5 A above must be processed as a plat. All divisions of land involving non-riparian lots and not exempted by 9.5 A above shall be processed as a plat if more than 3 total parcels are created within a 5 year time period.

5. Outside of the First Assessment District:

- a) Outside of the shoreland district, a division or divisions of land within a three-year period resulting in no more than 6 total parcels, that are each 10 acres or less in size.
- b) Inside of the shoreland district, all divisions of land involving riparian lots and not exempted by 9.5 A above must be processed as a plat. All divisions of land involving non-riparian lots and not exempted by 9.5 A above shall be processed as a plat if more than 5 total parcels are created within a 3 year time period.

C. Plats

Plats are land divisions that create parcels that do not meet the requirements of Article 9.5 A&B and require a plat according to Minnesota Statutes § 394, 505 and 515, including preliminary and final plat submission, review by the Planning Commission and approval by the County Board.

9.6 APPLICATION REQUIREMENTS

A. Boundary Line Adjustments (BLA) Procedures:

The procedure for a boundary line adjustment shall meet the following:

1. BLA Application;
2. A Certificate of Survey prepared in accordance with Article 44.

B. Administrative Subdivision Procedure

The procedure for an administrative subdivision shall meet the following:

1. Submit required application, fees, and certificate of survey or RLS drawing prepared in accordance with Article 44 showing resulting divisions, parcels and descriptions together with details and items as set forth in the submission application on file in the Department.
2. The Department shall review all information to determine compliance with subdivision, land use and statutory requirements and approve if deemed to be in compliance.
3. All administrative subdivisions shall require a deed for each created legally described parcel of land to be recorded at the Land Services Department within twelve (12) months of approval of the subdivision, except that an applicant may make a written application to the Planning and Zoning Administrator for a time extension of up to 120 days. Failure to record an administrative subdivision shall cause the subdivision to be null and void.

C. Administrative Subdivision Design Standards

The standards for an administrative subdivision shall be as follows:

1. Record parcel must have deeded access to public road.
2. Road access easements must have a minimum width of 33 feet (66 feet if located within the First Assessment District).

3. Proposed subdivision must meet Land Use District standards.
4. Proposed subdivisions to include location of delineated wetlands, or a letter stating there are no wetlands from certified wetland delineator, if no wetlands exist.
5. Must include all of the following applicable items:
 - a) A Certificate of Survey prepared in accordance with Article 44.
 - b) County Coordinates for Public Land Survey Corners if they are not of public record.
 - c) Certificate of location of Government Corner must be prepared and placed of record for any corner(s) used in determining the boundary of the subject parcel as specified in Minnesota Statutes § 381.12 or executed Public Land Survey Corner Perpetuation and Record Agreement.
 - d) Recorded warranty or quit claim deed and statement if property is Abstract or Torrens.
 - e) Delineated wetlands or statement that none exist from a certified wetland delineator.
 - f) Completed wetland delineation submittal and review form.
 - g) Consolidation form completed (for non-conforming property to an adjacent parcel).
 - h) Once approved, electronic version of subdivision (compatible with County software).
 - i) Septic site suitability provided for two sites on each parcel planned, with supporting documentation from a MPCA licensed designer or compliance and/or inspection agreement. For the purposes of this Article and meeting the requirements set forth in Minnesota Rule 7082.0100 Subp. 3F, the parent parcel shall also fall under the same requirement. For parcels that already contain an existing septic system, and that existing system has a current and valid certificate of compliance, only one additional site need be identified for each planned parcel. The requirement that two suitable septic sites be identified on a property shall not apply to adjustments of lot lines where no new parcels are being created.

D. Development Review Team:

Prior to the preparation of a preliminary plat, the subdivider shall attend a Development Review Team (DRT) meeting in order to be made fully aware of all applicable ordinances and regulations pertaining to the area to be subdivided. The subdivider shall submit a rough sketch of the proposed area to be subdivided.

E. Preliminary Plat Procedure

The procedure for a preliminary plat shall meet the following:

1. Submission of Plat: The subdivider shall submit to the Zoning Administrator 10 copies of the preliminary plat of the proposed subdivision, the requirements of which are set forth in this Ordinance. The preliminary plat application shall be submitted by the deadlines established in the department's annual public hearing calendar and shall be accompanied by the fees set forth in the Fee Schedule.
2. At least 30 days prior to the public hearing on the preliminary plat, the Zoning Administrator shall submit one copy of the preliminary plat to the governing bodies of any city, the incorporated limits of which lie within two miles of the proposed subdivision, and to each town board of the Township wherein the subdivision is proposed. In addition, one copy shall be retained by the Zoning Administrator and one copy submitted to each of the following: the County Auditor, County Recorder, County Engineer, Soil and Water Conservation District, Watershed District (if

applicable), Mississippi Headwaters Board (if applicable), and DNR (if located in the Shoreland District).

3. At the public hearing set for consideration of the preliminary plat, the Planning Commission shall evaluate the preliminary plat based on the following criteria:
 - a) Comprehensive Plan.
 - b) Applicable performance standards in this Ordinance.
 - c) Other standards, rules, or requirements that the proposed plat must meet.
 - d) Compatibility with the present land use in the area of the proposal.
 - e) Environment impacts have been adequately addressed (Stormwater, Erosion/Sediment Control, Wetlands, Floodplain, Shoreland and Septic Systems).
 - f) Public health, safety or traffic impacts have been adequately addressed
4. At the conclusion of the public hearing, the Planning Commission shall either recommend approval or denial of the preliminary plat. The Planning Commission may also table the preliminary plat for future consideration.
5. The Planning Commission and/or County Board may attach reasonable conditions to any approval based upon its consideration of the plat application.
6. The Planning Commission and/or County Board may request the subdivider to submit additional information to address any issues related to the plat application.
7. The action of the Planning Commission shall be stated in writing setting forth the conditions of approval, reasons for approval or the reasons for denial. The Planning Commission's recommendation shall then be submitted to the County Board.
8. The County Board shall consider the Planning Commission's action at a regularly scheduled meeting and shall either approve, deny, or table for future consideration. Approval shall mean the acceptance of the design as a basis for preparation and submission of the final plat. Approval by the County Board of all engineering proposals presented in the preliminary plat which pertain to such things as water supply, sewage disposal, stormwater management/ drainage, gas and electric service, road gradients and widths and the surface of roads is required prior to the approval of the final plat.

F. Preliminary Plat Submittal Requirements

When submitting a preliminary plat, the following components shall be required:

1. Completed preliminary plat application and applicable fees
2. A preliminary plat drawing prepared in accordance with Article 44 and the items listed below:
 - a) Scale: One inch equals 100 feet if possible, but not smaller than 1 inch equals 200 feet.
 - b) Confirmation from Recorder's Office stating that the plat name is not a duplicate or closely resembles the name of any plat previously recorded in the county.
 - c) Names and addresses of the owner, subdivider, surveyor, and engineer of the plan.
 - d) Existing land use district classifications for land in and abutting the subdivision.
 - e) Existing conditions in tract and in surrounding area to a distance of 100 feet.

- f) Boundary line of proposed subdivision and ownership of adjoining land.
 - g) Total acreage of parcel to be subdivided. If riparian, total area of parcel and lot area above the Ordinary High Water Level (OHWL).
 - h) Location of platted roads, right-of-way and utility easements
 - i) Sewers, water mains or wells, culverts or other underground utilities.
 - j) Site suitability showing two subsurface sewage treatment system locations on each lot or evidence of public sewer availability.
 - k) Well location or evidence of access to a public water supply.
3. Erosion and sedimentation control plan for pre-construction, construction and post- construction activities.
 4. Stormwater / drainage plan according to Article 41 of the Land Use Ordinance including preliminary road grades and shall be prepared by a Minnesota state licensed engineer.
 5. MPCA NPDES permit, if disturbing more than one acre of soil.
 6. A map of the site showing Soil Survey Data.
 7. All wetlands shall be delineated by a certified wetland delineator and include a report signed by the certified wetland delineator. The delineated boundary shall be surveyed and shown on the preliminary plat.
 8. Location of all lakes, rivers, streams, intermittent streams, public drainage ditches, water courses, bluffs, steep slopes, flood fringe and floodway boundaries (if available) including location of the OHWL. The preliminary plat shall include two foot contours for the entire land area proposed to be subdivided.
 9. Structure setbacks from any lake, river, stream, water course, wetland, bluff, right of way or lot line must be clearly shown on the plat.
 10. Buildable area as defined in Article 46 of this ordinance.
 11. Preliminary title opinion or commitment.
 12. Within 14 days of submitting the preliminary plat, the subdivider must clearly stake and identify the proposed lot corners and the proposed centerline of the road serving the subdivision.
 13. Inside of the First Assessment District: A preliminary plat application, for residential plats only, shall not be considered complete until the information required in a) and b) below has been reviewed by the County Engineer and written approval has been submitted to Land Services. Non-residential developments may be required to submit such information if the County determines during the review process that road or other improvements shall meet the same or more restrictive standards as for residential developments.
 - a) Construction plans prepared by a professional engineer licensed in the State of Minnesota for all public or private improvements, including roads (in accordance with Article 9.9 B), stormwater facilities or other such improvements as may be required or proposed by the developer, including estimated construction costs itemized per improvement.
 - b) Financial Assurance, as required by Article 9.9 of this Ordinance.

- c) A copy of a draft Developer's Agreement, prepared in accordance with the requirements of Article 9.9 of this Ordinance.

G. Final Plat Procedure

The procedure for a final plat shall meet the following:

1. The subdivider shall file with the Zoning Administrator within one year of the date of the approval of the preliminary plat, the final plat which shall substantially conform to the preliminary plat as approved. The subdivider shall submit to the Zoning Administrator 10 copies of the final plat, the requirements of which are set forth in this Ordinance. The final plat application shall be filed by the deadlines established in the department's annual public hearing calendar and shall be accompanied by the fees set forth in the Fee Schedule.
2. Final plat approval shall not be granted to any plat which is not filed within the time herein specified; unless an extension is requested in writing and for good cause, granted by the Planning Commission.
3. Final plat approval shall not be granted unless all requirements of Article 9.6(F) and Article 9.6 (G) of this Ordinance have been met. The County Board shall approve, deny, or table the final plat, and the Department shall notify the owner or subdivider of the County Board's actions within 30 days.
4. The final plat, if approved, shall then be filed with the County Recorder by the subdivider. The subdivider shall provide two sets of mylars. If any irregularity prevents recording of the final plat, the County Auditor shall notify the subdivider. Any approval of the final plat by the Board shall be null and void if the plat is not recorded with the County Recorder within one-hundred-twenty (120) days after the date of approval, unless application for an extension of time is made, in writing, during said one-hundred-twenty (120) day period, to the Board and for good cause granted by the Board.

H. Final Plat Submittal Requirements

When submitting a final plat, the following components shall be required:

1. Completed final plat application and applicable fees.
2. All required submittals for the preliminary plat.
3. Information as was found necessary and requested by the Planning Commission or the County Board.
4. Data requirements as set forth in Minnesota Statutes Chapter 505 and this ordinance, and all interior and exterior boundary lines shall be correctly designated on the plat and shall show bearings on all straight lines, or angles at all angle points, and central angle and radii and arc lines for all curves. Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that the monuments have been set.
5. An identification system for all lots and blocks. All lots shall be numbered consecutively.
6. The subdivider or owner shall submit two sets of mylars, after Board approval.

7. Notarized certification by the owner and by any mortgage holder of record, of the adoption of the plat and the dedication of roads and other public areas.
8. Certification showing that all taxes currently due on the property to be subdivided has been paid in full for the calendar year in which the plat is recorded.
9. Subdivider's agreement according to Article 9.9 of this Ordinance.
10. Final Title Commitment or Title Opinion.

9.7 PLAT DESIGN STANDARDS

- A. **Roads:** The design of all roads shall be considered in relation to existing and planned roads, reasonable circulation of traffic, topographical conditions, run off of storm waters and the proposed uses of the areas to be served and shall meet the following standards:
1. Where adjoining areas are not subdivided, the arrangement of roads in new subdivisions shall make provisions for the proper projection of roads. When a new subdivision adjoins un-subdivided land, then the new road shall be carried to the boundaries of such un-subdivided land. Where new roads extend to existing adjoining roads, their projections shall be at the same or greater width, but in no case, less than the minimum required width.
 2. The most current version of the Crow Wing County Highway Department Road Construction Specification, and the local road authority as appropriate, including road width and grade standards shall be observed by the subdivider. These minimum standards are on file in the office of the County Highway Department.
 3. Where a proposed plat is adjacent to a primary road or highway, the County Board may require the subdivider to provide a service road along the right-of-way to service the proposed plat. Segments of existing public roadways have controlled access right -of-way in place. The appropriate road authority shall be contacted to determine those locations.
 4. When a subdivision or portion thereof abuts a principal, major or minor arterial, no lot shall have direct access thereto, unless approved by the County Board. Instead, such lots shall be provided with frontage on a frontage/backage road or an interior road, or similar design feature.
 5. At road intersections, curb lines shall be rounded at a radius of not less than 30 feet.
 6. Cul-de-sacs are permitted when designed to permit future road expansion into adjoining properties or where topography, environmental, land use or existing conditions justify their use as approved by the County Board. Cul-de-sacs shall include a terminal turn-around which shall be provided at the closed end, with an outside shoulder radius of not less than 50 feet and a right of way radius of not less than 66 feet.
 7. The minimum right-of-way widths for roads shall be as follows except where existing or anticipated traffic on the roadway warrants greater right of way width as determined by a state of Minnesota licensed engineer, road authority or the County Board:
 - a) Major Collector Road 100 feet
 - b) Minor Collector Road 100 feet
 - c) Local Road 66 feet
 - d) Cul-de-sac turn-around 132 feet
 - e) Arterial - Determined on a case by case basis, but not less than 100 feet

8. Platted roads shall be either private or public per the following requirements:
 - a) Private Roads
 - 1) Shall be conveyed as outlots on the final plat with a dedicated undivided ownership among all lots served by the road. Notice that the road shall never be publicly maintained without official acceptance by the proper road authority shall be recorded on the plat in the dedications, covenants, and restrictions.
 - 2) Shall have a minimum 66-foot-wide right-of-way.
 - b) Public Roads
 - 1) Shall be dedicated to the public on the final plat.
 - 2) Shall have a minimum 66-foot right-of-way.
 - 3) Shall be constructed by the subdivider and approved by the department prior to final plat approval or subject to a developer's agreement in place according to Article 9.9 of this Ordinance.
9. All platted subdivisions in which the plat does not abut an existing public roadway shall have a minimum 66-foot-wide legal, recorded ingress and egress easement connecting the plat to the existing public roadway.

B. Easements

1. Utility easements at least 10 feet wide shall be provided for utilities where necessary. They shall be centered on rear and other lot lines or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.
2. Where a subdivision is traversed by a water course, drainage way, channel or road, there shall be provided a storm water easement or drainage right-of-way substantially with the lines of such water course, together with such further width or construction or both as will be adequate for stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

C. Lots

1. Where possible, side lot lines shall be at right angles to straight or radial to curved road lines. Each lot shall front on a public road.
2. Every lot must have adequate legal access to a public road or approved private road. If proposing to access a roadway under County authority, review the most current version of the "Driveway Access to Roads Under County Jurisdiction" on file in the office of the County Highway Department.
3. Lots must comply with the minimum lot sizes specified in the Land Use Ordinance, except in the following circumstances there shall be no minimum lot sizes or widths required except as may be imposed by the Planning Commission and/or County Board during a conditional use or preliminary plat approval process:
 - a) For conservation developments as regulated in Article 33;
 - b) For resort conversions to a residential development or to a shared-capital resort as regulated in Article 34;

- c) For non-residential subdivisions involving the creation of commercial storage buildings which are divided into separate lots.
- 4. Regard shall be shown for trees, wetlands, steep slopes, water courses, historic natural features, or other similar conditions. Plans shall be submitted to minimize the impact to these natural features.
- 5. Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans consistent with the purpose of this Ordinance for the future use of such remnants.
- 6. All new created lots shall have a primary and alternate subsurface sewage treatment system according to Minnesota Rules Chapter 7080 and Article 37 of the Land Use Ordinance.

9.8 REQUIRED IMPROVEMENTS

The following improvements are minimum improvements and shall be required in any plat subject to the requirements in Articles 9.6 and 9.7. The subdivider shall pay for the cost of all improvements required in the subdivision including but not limited to:

- A. **Monuments:** All plat boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with the survey monuments according to Minnesota Statutes §505.021.
- B. **Roads (Inside of the First Assessment District):** All public and private roads for residential developments (except those private roads in an Administrative Subdivision) shall be designed by a professional engineer licensed in the state of Minnesota and constructed according to the requirements applicable to roads within the First Assessment District (FAD) as adopted by the County Board. For non-residential developments, the County shall consider on a case-by-case basis whether roads shall be built to such standards or allowed to build to lesser standards based on the nature of the development and the extent of public use of the roadways. The right-of-way of each road dedicated in the plat shall be improved to include a roadway surface and stormwater drainage system in compliance with Article 41 and all applicable county and/or township specifications. Road name signs shall be placed at each intersection. Road names shall conform to Article 19: Addressing and Road Signs of the Land Use Ordinance and shall be approved by the Department.
 - 1. The subdivider shall be required to either:
 - a) maintain all public and private roads in the subdivision on a year-round basis until acceptance of the road by the road authority; OR
 - b) set up a homeowner’s association to be responsible for year-round road maintenance but shall ensure that the bylaws of such association provide an adequate funding and revenue collection system from the individual lot owners - including from any unsold lots.

In either case, a year-round roadway maintenance plan shall be submitted as part of the developer’s agreement in Article 9.9 and be subject to approval of the County Board

- C. **Roads (Outside of the First Assessment District):** All public roads shall be built to the requirements of the road authority and be designed by an engineer licensed in the state of Minnesota. If the local road authority has no road design specifications or for private roads, the road shall be constructed according to the requirements found in Appendix 1. The right-of-way of each road dedicated in the plat shall be improved to include a roadway surface and stormwater drainage system in compliance with Article 41 and all applicable county and/or township specifications. Road name signs shall be placed at

each intersection. Road names shall conform to Article 19: Addressing and Road Signs of the Land Use Ordinance. Road names shall be approved by the Department.

1. The subdivider shall be required to maintain all public roads in the subdivision and provide for year-round road maintenance until acceptance of the road by the road authority.

- D. **Stormwater Management:** Stormwater management facilities and drainage shall be completed in accordance with the provisions of this Ordinance and Article 41 of the Land Use Ordinance and be designed by an engineer licensed in Minnesota.
- E. **Erosion/Sediment Control:** All plats must submit an erosion and sediment control plan and time schedule that will prevent soil loss to the Department before the development activity is to begin. The subdivider must also obtain an NPDES permit from the State of Minnesota if there will be disturbance of more than one acre of land.
- F. **Water Supply:** Wherever connection with a community or public water system is possible, the public water shall be used. In other case, individual wells shall be used. Either shall be provided in accordance with State and County Regulations.
- G. **Sanitary Sewer:** Wherever sanitary sewer facilities are available the subdivider shall be required to install sanitary sewers and connect the same to such trunk line sewers. In other cases, subsurface sewage treatment systems shall be used. Either shall be used in accordance with State and County regulations.

9.9 DEVELOPERS AGREEMENT

Prior to County Board approval of a final plat of a proposed subdivision, the County Board shall have approved a developer's agreement that shall ensure the construction of all improvements required under the provision of this ordinance and that all improvements shall be completed. The subdivider shall pay for the cost of all improvements required in the subdivision along with the subdivision's share of the cost of any trunk facilities to be extended to the subdivision. The developer's agreement shall stipulate that no permit of any type shall be issued until all improvements required by this Ordinance have been met or are arranged for in a manner prescribed in the developer's agreement.

- A. **Roadway Maintenance Plan (inside of the First Assessment District only).** The subdivider shall provide a plan for the maintenance of all constructed public or private roadways until acceptance of the road by a public road authority. The provided plan shall be approved by the County Board and indicate who will be responsible for conducting the maintenance, the manner of maintenance to be completed and how frequently, and a mechanism for funding the ongoing maintenance of the road.
- B. **Financial assurance.** The subdivider shall provide a financial guarantee naming the County as first obligee to ensure completion of all improvements as required. No part of the financial guarantee will be released until all aspects of the developer's agreement are completed unless specifically stated. The amount of the financial guarantee shall be 1.25 times the estimated improvement construction cost.
1. Inside of the First Assessment District: The financial assurance amount shall be calculated as 1.25 times the estimated construction costs submitted by the developer's professional engineer licensed in the State of Minnesota and must be approved in writing by the County Engineer.
 2. Outside of the First Assessment District: It shall be the responsibility of the subdivider to determine the improvement construction cost which must be approved by the Department.
- C. **Default:** The County shall be entitled to use the financial guarantee to implement said improvements and provide maintenance if the subdivider defaults on the timeline set forth in the developer's

agreement. Upon completion of work and termination of any liability to the County, the balance remaining in the financial guarantee shall be refunded to the subdivider.

- D. **Timeline:** The subdivider shall set a guaranteed timeline and completion plan for all improvements and a provision for determining supervision of the details of the work. The developer's agreement shall include provisions for when the road authority will be responsible for maintenance of the road.
- E. **Inspections.** The subdivider shall guarantee payment for all costs incurred by the County for review and inspection. This shall include but not be limited to preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, County Highway Department, and the Department, as well as other related costs.

PART II – LAND USE DISTRICTS

ARTICLE 10--LAND USE CLASSIFICATION LIST

10.1 LISTED USES/SIMILAR USES

Many uses of land are listed in the land use classification list in Article 10.3 of this Article. For uses not included within the land use classification list, a property owner may make application to the Planning Commission/Board of Adjustment for a determination as to whether the proposed use is similar in nature to a listed use within a land use district. All uses that are not included in the land use classification list are prohibited unless determined to be similar in nature to a listed use through the process described in this paragraph.

10.2 LAND USE DISTRICT DESCRIPTIONS

This section describes the land use districts established in Crow Wing County. The land use district boundaries are identified on the official land use district map.

- A. **Shoreland District.** The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, and provide for the wise use of water and related land resources. The primary use within this district is seasonal and year-round single family residential. Compatible commercial or water-oriented commercial uses may be allowed as permitted or conditional uses.
- B. **Agricultural/forestry District (AGF).** The purpose of this district is to promote and protect those portions of the county where agricultural and/or forestry activities are present and are expected to continue to be vital elements of the local economy or where there is a pattern of large tract ownership. The primary use within this district is agriculture/livestock/forestry but may include single family residential. Compatible commercial uses may be allowed as permitted or conditional uses.
- C. **Urban Growth (UG).** The purpose of this district is to encourage orderly growth of development of an urban density and nature around incorporated municipalities. Urban residential districts shall be connected to municipal sewer and water. This district can only be designated by agreement between the affected municipality and the County under the provisions of Minnesota Statutes, Chapter 394.232.
- D. **Rural Residential-1 (RR-1).** The purpose of this district is to enable areas outside the shoreland district to be developed with higher residential densities near but not necessarily adjacent to incorporated municipalities. The primary use within this district is single family residential. Compatible commercial uses may be allowed as conditional uses.
- E. **Rural Residential-2.5 (RR-2.5).** The purpose of this district is to promote moderate-density development in those portions of the County outside the shoreland district and beyond areas of

anticipated municipal growth where such development is desired and most suitable. The primary use within this district is single family residential. Compatible commercial uses may be allowed as conditional uses.

- F. **Rural Residential-5, 10, and 20 (RR-5, RR-10, RR-20).** The purpose of these districts is to promote low- density development in those portions of the County outside the shoreland district and beyond areas of anticipated municipal growth where decreased development densities are most suitable. The primary uses within these districts are single family residential with larger lot sizes to protect agricultural areas or critical habitats or preserve the rural character of an area.
- G. **Sensitive Shoreland (SS).** The purpose of this district is to accommodate limited residential uses, agricultural uses, and forest management activities within the shoreland protection zone while conserving sensitive land areas on which more intensive development would adversely affect water quality, wetlands, lakes, shorelines, slopes, wildlife habitat, biological ecosystems, or scenic and natural values. Density is decreased and performance standards established in order to minimize disturbance of soils and vegetation in the shoreland district, to prevent damage from erosion, floods, siltation and water turbidity, to prevent the loss of vegetation, fish, wildlife and natural habitat, to protect the quality of ground and surface waters, and to conserve natural and scenic areas in the shoreland protection zone. This district can only be designated in shoreland areas determined to be sensitive by the Crow Wing County Board of Commissioners.
- H. **Commercial District 1 (C-1).** The purpose of this district is to provide adequate areas for general retail, wholesale, office, and service activities located as permitted uses in areas adjacent to incorporated municipalities. C-1 commercial districts shall be located along federal, state, or county highways.
- I. **Commercial District 2 (C-2).** The purpose of this district is to provide adequate areas for general retail and service activities in rural areas. C-2 commercial districts shall be located along federal, state, county, or township roads.
- J. **Waterfront Commercial (WC).** The purpose of this district is to accommodate commercial uses in the shoreland district where access to and use of a surface water feature is an integral part of the business. The primary uses in this district are marinas, resorts, and restaurants with transient docking facilities.
- K. **Commercial/Light Industrial District (LI).** The purpose of this district is to accommodate light industrial uses that produce few off-site impacts such as noise, odor, or vibration.
- L. **Commercial/Heavy Industrial District (HI).** The purpose of this district is to accommodate heavy industrial uses that produce off-site impacts and require separation from other uses, such as residential uses, which may be incompatible with such heavy industrial uses.
- M. **Airport District (AP).** The purpose of this district is to accommodate private and commercial aviation facilities and support services.

10.3 LAND USE TABLES

The following table establishes the permitted, conditional, and allowed uses within the land use districts of the County.

Any uses not listed in these tables are prohibited.

For the purposes of this table:

No (blank) entry means a use that is prohibited

“**P**” means a use requiring a permit

“**CU**” means a use requiring a conditional use permit

“**A**” means a use that is allowed without a permit but may have performance standards

“**SD**” means a shoreland district

“**AGF**” means an agricultural/forestry district

“**UG**” means an urban growth district

“**RR-1**” means a rural residential district with a 1-acre lot size

“**RR-2.5**” means a rural residential district with a 2.5-acre lot size

“**RR-5**” means a rural residential district with a 5-acre lot size

“**RR-10**” means a rural residential district with a 10-acre lot size

“**RR-20**” means a rural residential district with a 20-acre lot size

“**SS**” means a sensitive shoreland district

“**C-1**” means a commercial district adjacent to a municipality

“**C-2**” means a commercial district in a rural area

“**WC**” means a water-oriented commercial district

“**C/LI**” means a commercial/light industrial district

“**C/HI**” means a commercial/heavy industrial district

“**AP**” means an airport district

LAND USE TABLES

A. Agricultural Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10, 20	SS	C1	C2	WC	C/LI	C/H I	AP
Farm buildings	P	P	P	P	P	P	P	P	P		P		
Farmland: Crop growing and harvesting	A	A	A	A	A	A	A	A	A	A	A	A	P
Farmland: Livestock, poultry use, including related buildings	A	A	A	A	A	A	A	A	A				
Feedlot, Agricultural, including buildings		A			A	A							
Forest land: growth, harvest	A	A	A	A	A	A	A	A	A	A	A	A	A

B. Residential and Related Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10, 20	SS	C1	C2	WC	C/LI	C/H I	AP
Single-family dwelling (one per parcel)	P	P	P	P	P	P	P	P	P	P	CU	CU	
Two-family (Duplex) attached dwelling (one per parcel) when parcel width and size meet the minimum requirements of the relevant zoning district.	P/ CU* **	P	P	P	P	P	P	P	P	P	P	P	
Three-family (Triplex) attached dwelling (one per parcel) when parcel width and size meet the minimum requirements of the relevant zoning district.	P/ CU* **	CU	CU	CU	CU	CU		CU	CU	CU			
Four-family (Quad) attached dwelling (one per parcel) when parcel width and size meet the minimum requirements of the relevant zoning district.		CU	CU	CU	CU	CU		CU	CU	CU			

B. Residential and Related Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10, 20	SS	C1	C2	WC	C/LI	C/H I	AP
Multi-family dwelling (more than 4 dwelling units)	CU	CU	CU	CU	CU	CU		CU	CU	CU			
Guest Cottage/Quarters	P	P	P	P	P	P	P	P	P	P			
Group home, assisted living, nursing, supportive care detention or correction home (including detoxification center, rehabilitation home).	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU			
Mobile home park or development		CU	CU	CU	CU	CU							
Non-Commercial Solar and Wind Energy Systems associated with a principal use (i.e. accessory solar and wind energy systems)	P* (solar only)	P	P	P	P	P		P	P	P* (solar only)	P	P	
Accessory structure	P	P	P	P	P	P	P	P	P	P	P	P	P
Water Oriented Accessory Structure	P							P	P	P	P	P	
Home business	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Home occupation	A	A	A	A	A	A	A	A	A	A			
Sign – on site	P	P	P	P	P	P		P	P	P	P	P	P
Temporary Structure	A	A	A	A	A	A	A	A	A	A	A	A	A

C. Recreational Uses, Public and Private	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10, 20	SS	C1	C2	WC	C/LI	C/HI	AP
Campground, private	CU	CU	CU	CU	CU	CU		CU	CU	CU			
Outdoor recreation facility Park/playground	CU	CU	CU	CU	CU	CU		CU	CU	CU			P
Golf Course	CU	CU	CU	CU	CU	CU		CU	CU	CU			
Racetrack: horse, auto, motorcycle, go cart		CU				CU		CU	CU				P

C. Recreational Uses, Public and Private	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10, 20	SS	C1	C2	WC	C/LI	C/HI	AP
Shooting range, firearms, archery, private		CU				CU		CU		CU			

D. Civic, Educational and Institutional Uses	SD	AGF	UG	RR1	RR 2.5	RR 5, 10, 20	SS	C1	C2	WC	C/LI	C/H I	AP
Athletic field/stadium; arena		CU	CU	CU	CU			CU	CU				
Cemetery	A	A	A	A	A	A							
Transient Camps, Church Camps	CU	CU	CU	CU	CU	CU				CU			
Places of Worship	P	P	P	P	P	P	P	P	P	P	P	P	
Public building	P	P	P	P	P	P	P	P	P	P			P

E. Commercial and Industrial Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10, 20	SS	C1	C2	WC	C/LI	C/H I	AP
Airport: Hangar													P
Airport: Public													P
Airport: Private		CU											P
Adult uses		CU											
Amusement Park			CU						CU				
Animal Breeding and/or boarding Facility	CU	CU		CU	CU	CU		CU	CU		CU		
Extractive use, mining, gravel pit, aggregate		CU			CU	CU					CU	CU	CU
Storage buildings, Commercial	CU	CU	CU	CU	CU	CU		P	P	CU	CU	CU	
Industrial park											CU	CU	

E. Commercial and Industrial Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10, 20	SS	C1	C2	WC	C/LI	C/H I	AP
Junk salvage yard		CU									CU	CU	
Liquor: On and/or off sale	CU							P	P	P	CU		P
Manufacturing: light in general											P	P	P
Manufacturing: heavy in general											CU	P	P
Event Center	CU	CU	CU	CU	CU	CU		CU	CU	CU			
Motel, hotel	CU	CU	CU	CU	CU			CU	CU	CU	CU		P
Bed and Breakfast Residence	CU	CU	CU	CU	CU		CU	CU					
Day Care	A	A	A	A	A	A	A	A	A	A	A	A	
Office, Business and Professional	CU	CU	CU	CU	CU	CU	CU	P	P	P			
Resort		CU			CU	CU				CU			
Business-Commercial Retail			CU	CU				P	P	CU	CU	CU	P
Vehicle, Boat, Recreation Equipment Sales and / or Service								P	P		P	P	P
Sign, on site	P	P	P	P	P	P		P	P	P	P	P	
Sign, off-premises								CU	CU		CU	CU	
Non-Commercial Storage yard	A	A	A	A	A	A	A	A	A	A	A	A	A
Commercial Storage yard		CU				CU		P	P	CU	P	P	P

F. Public Service and Utility Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10, 20	SS	C1	C2	WC	C/LI	C/H I	AP
Tower-Telecommunication		CU/ P**			CU/ P**	CU/ P**			CU/ P**		CU/ P**	CU/ P**	

F. Public Service and Utility Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10, 20	SS	C1	C2	WC	C/LI	C/H I	AP
Commercial Solar and Wind Energy Systems		CU			CU	CU		CU	CU		CU	CU	

*--In shoreland districts, only solar-energy conversion systems are allowed; Wind energy conversion systems (commercial or non-commercial) are prohibited within shoreland districts.

**--Type of permit depends on tower height (see Article 43)

***--Two Family Dwellings (Duplexes) and Three Family Dwellings (Triplexes) are a permitted use on GD and RD lakes and CUP on NE Lakes

ARTICLE 11--SHORELAND DISTRICT STANDARDS

11.1 PURPOSE AND INTENT

The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, protect wetlands, steep slopes, bluff areas, riparian habitat, filter stormwater runoff and control nutrient movement and provide for the wise use of water and related land resources. The primary use within this district is seasonal and year-round single family residential. Compatible commercial or water-oriented commercial uses may be allowed as permitted or conditional uses.

11.2 PUBLIC WATERS CLASSIFICATION SYSTEM

A. **Lake classification system.** The Public Waters lakes of Crow Wing County, Minnesota are hereby classified into the following categories:

1. **Natural environment lakes (NE).** Natural Environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.
2. **Natural environment - special shallow lakes (NE-SS).** This is a subclass of the natural environment lake class. These lakes are generally large, shallow lakes with critical wildlife habitat and a history of highly valued traditional outdoor recreational uses. The lakes usually do not have much existing development.
3. **Recreational development lakes (RD).** These lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. At the time of the original classification, they were characterized by moderate levels of recreational use and existing development consisting mainly of seasonal and year-round residences and recreationally oriented commercial uses.
4. **General development lakes (GD).** These lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development at the time of the original classification. These lakes often are extensively used for recreation.

B. **River classification system.** The Public Waters rivers of Crow Wing County, Minnesota are hereby classified into the following categories:

1. **Cold Water Rivers (CWR).** This river class includes trout streams designated in Crow Wing County under Minnesota Rules, Chapter 6264.0050.
2. **Natural Environment Rivers (NER).** This river class includes previously classified remote, forested, transitional, and tributary river segments that flow into natural environment lakes. The types and intensities of recreational uses within this class vary widely.
3. **General Development Rivers (GDR).** This river class includes previously classified agricultural and urban river segments and those tributary river segments that do not flow into natural environment lakes. This class has a wide variety of existing land and recreational use characteristics.

C. A complete list of Crow Wing County protected waters is included in Appendix A of this ordinance.

11.3 LOT AREA, BUILDABLE AREA, AND WIDTH STANDARDS

After the effective date of this ordinance, all new lots in a Shoreland District created by plat, minor subdivision, or metes and bounds as described in Article 33 of this Ordinance, shall meet the minimum lot area, buildable area, and lot width requirements in the tables below. Only land above the ordinary high-water level of public waters can be used to meet lot area and buildable area standards.

Lake Classification	SINGLE FAMILY RESIDENTIAL			DUPLEX RESIDENTIAL			TRIPLEX RESIDENTIAL		
	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)
General Development - Riparian	30,000	100	12,000	40,000	200	27,000	60,000	260	30,000
General Development -Non-Riparian	40,000	150	20,000	80,000	265	40,000	120,000	375	60,000
Recreational Development-Riparian	40,000	150	16,000	80,000	225	30,000	120,000	300	60,000
Recreational Development-Non-Riparian	60,000	150	25,000	80,000	265	40,000	120,000	375	60,000
Natural Environment-Riparian	80,000	200	40,000	120,000	400	60,000	160,000	400	80,000
Natural Environment-Non-Riparian	120,000	200	60,000	160,000	400	80,000	240,000	600	120,000
Natural Environment—Special Shallow Riparian	100,000	250	50,000	*	*	*	*	*	*
Natural Environment—Special Shallow Non-riparian	140,000	265	70,000	*	*	*	*	*	*
Sensitive Shoreland Districts-Riparian--all lake classes	80,000	200	40,000	120,000	300	60,000	*	*	*
Sensitive Shoreland Districts-Non-riparian--all lake classes	80,000	200	40,000	160,000	400	80,000	*	*	*
*Duplex Residential are not allowed within natural environment - special shallow lake shorelands.									
*Triplex Residential are not allowed within natural environment - special shallow lake shorelands or sensitive shoreland districts.									

River Classification	SINGLE FAMILY RESIDENTIAL			DUPLEX RESIDENTIAL			TRIPLEX RESIDENTIAL		
	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)
Cold Water-Riparian	90,000	300	45,000	135,000	450	65,000	180,000	600	75,000
Cold Water -Non-Riparian	120,000	300	60,000	175,000	450	80,000	230,000	600	75,000
Natural Environment -Riparian	80,000	200	40,000	120,000	400	60,000	160,000	600	75,000
Natural Environment -Non-Riparian	120,000	200	60,000	160,000	400	80,000	200,000	600	75,000
General Development -Riparian	30,000	100	12,000	40,000	200	20,000	50,000	300	28,000
General Development -Non-Riparian	40,000	150	20,000	60,000	265	30,000	80,000	380	40,000

11.4 SETBACKS AND PLACEMENT OF STRUCTURES

A. Structures shall meet all required setbacks.

B. **Measurement.** All setbacks shall be measured as the shortest horizontal distance between the structure and the feature from which the setback is required. All setbacks shall be measured to the vertical side of the structure. No part of the structure, such as eaves, can overhang or reduce such setback by more than three feet.

C. Lake and River Setbacks

Class of Public Water Lakes:	Standard Setbacks	Conservation Development Structure Setback	Conservation Development Density Incentive Structure Setback	SSTS Setback
General Development (GD)	75	120	150	75
Recreational Development (RD)	100	160	200	100
Natural Environment (NE)	150	200	250	150
Natural Environment Special Shallow (NE-SP)	180	200	250	150
Sensitive Shoreland District (SS)				
All Lake Classes	150	200	250	150

Class of Public Water Rivers:	Standard Setbacks	Conservation Development Structure Setback	Conservation Development Density Incentive Structure Setback	Standard Setbacks
Cold Water	200	200	250	150
Natural Environment	150	200	250	150
General Development	100	200	200	100

Additional structure setbacks. The following additional structure setbacks apply, regardless of public water classification:

TABLE 11.3 Additional Structure Setbacks	
Setback from:	Setback (in feet)
Bluff (top, bottom – applies to septic system tanks and drainfields as well)	30
Significant Cultural or Historic Site	50
Unplatted Cemetery	50
Township, County, State, or Federal road right-of-way	35
All Other Roads	10
Property Line	10
Publicly-owned Recreational Trail (not easements)	10
Subsurface Sewage Treatment System--Septic Tank (to dwelling unit)	10
Subsurface Sewage Treatment System--Drainfield (to dwelling unit)	20
Minnesota Department of Natural Resources permitted harbors	One-half (1/2) of the lake setback for the respective class of public water
Wetland	15

A. Riparian Commercial Lots

1. Commercial, industrial, public or semipublic uses on commercially zoned lots without water-oriented needs shall meet a double setback from the ordinary high water level or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf on conditions.

B. High Water Elevations

1. For lakes, rivers, and streams by placing the lowest floor at a level at or above the established regulatory flood protection elevation. If no regulatory flood protection elevation is available, all

structures must be elevated so that the lowest floor is either three feet above the highest known water level or at least three feet above the ordinary high water level (OHWL), whichever is higher.

2. All buildings hereafter erected in the flood plain shall not be constructed unless in compliance with Article 21 of this ordinance.

11.5 SHORELAND DISTRICT PERFORMANCE STANDARDS

- A. The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Protection Zone:
 1. Analysis of existing shoreland vegetation according to the Crow Wing Shoreline Rapid Assessment Model and development of a shoreland vegetation restoration plan, if applicable, as set forth in Article 11.20.
 2. Footing placement inspection by Department staff as defined in Article 46.
 3. Analysis of stormwater runoff –BMP’s, plan, or engineered plan according to the standards in Article 41.
 4. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.
 5. Evidence of subsurface sewage treatment system (SSTS) compliance.
 6. Calculation of total impervious coverage meeting the standards set forth in Article 41.
- B. The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Buffer Zone:
 1. Analysis of stormwater runoff BMP’s, according to the standards in Article 41 of this ordinance.
 2. Evidence of subsurface sewage treatment system (SSTS) compliance.
 3. Calculation of total impervious coverage meeting the standards set forth in Article 41.

11.6 HEIGHT OF STRUCTURES

Unless otherwise specified, structures in the shoreland district shall not exceed 35 feet in height and shall be defined as the vertical distance between the lowest adjacent grade at the structure or ten feet above the lowest ground level whichever is lower, and the highest point of a flat roof or mean height between the eaves and the ridge for gable, hip, mansard, gambrel or pitched or hipped roofs.

11.7 DECKS

Construction on new decks or replacement of existing decks shall require permits and comply with the following standards:

- A. Decks adjacent to dwellings shall meet structure setbacks in Tables 11.2 and 11.3 of this Article except as provided under Article 11.7 B or E of this ordinance.
- B. A 4-foot walkway located beyond the minimum required setback required for dwellings, or within said setback when attached or immediately adjacent to a building, constructed for the purpose of providing access to an entrance door on a dwelling, may be added without a permit and without regard to its setback to the ordinary high water level.
- C. Deck construction shall comply with all provisions of Articles 11 and 41 of this ordinance

- D. Decks should be constructed as to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces.
- E. Decks that do not meet required setbacks from public waters may be allowed without a variance to structures in existence prior to January 6, 1970 if the following criteria are met:
1. An evaluation of the property and structure reveals no reasonable location for a deck meeting the OHW setback;
 2. The deck encroachment toward the OHW does not exceed 15% of the existing public water setback and does not encroach any closer than 30 feet, whichever is more restrictive;
 3. The deck is constructed as a pervious surface and is not roofed or screened; and
 4. Maximum size of the deck is 250 square feet.

11.8 PATIOS

Patios placed within the structure setback require a shoreland alteration permit.

A. Patios within the structure setback shall comply with the following standards:

1. Not be located in shore impact zone 1 except as a water-oriented accessory structure according to Article 11.13;
2. Be free standing;
3. Have no railings;
4. Be a maximum of 250 square feet in size. Up to 400 square feet in size is allowed with an approved and implemented Stormwater Management Plan according to Article 41 of this ordinance;
5. Not be more than one foot below or above natural ground level;
6. Construction complies with all provisions of Articles 11 and 41 of this ordinance; and
7. The maximum impervious surface limits for the lot shall not be exceeded.

B. Patios are allowed behind the structure setback without a permit provided that all setbacks are met and the property does not exceed the maximum allowable impervious surface standards.

11.9 STAIRWAYS, WALKWAYS, LIFTS AND LANDINGS

Stairways, walkways, lifts, and landings for public water access shall require shoreland alteration permits and comply with the following standards:

- A. Preferred to topographic changes. Stairways, walkways, and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
- B. Only one stairway or walkway shall be allowed within a shore or bluff impact zone. The combination of stairways and walkways to traverse a shore or bluff impact zone shall be allowed, provided they are constructed in a continuous manner without diverting in different directions. A parcel may contain one lift in addition to any allowed stairway/walkway. Within SIZ 1, both the lift and the walkway/stairway must be located within the allowable cleared vegetation standards in Article 11.20.
- C. Maximum width. Stairways and lifts shall not exceed four feet in width on residential lots. Up to eight-foot-wide stairways may be permitted on water-oriented commercial lots.
- D. Construction complies with all provisions of Articles 11 and 41 of this Ordinance
- E. The maximum impervious surface limits for the lot shall not be exceeded.
- F. Landings. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area and be integral to the function of the stairway and not constitute a deck. Landings for stairways and lifts on water-oriented commercial lots must not exceed 64 square feet in area and be integral to the function of the stairway and not constitute a deck.
- G. Roofs. Canopies or roofs are not allowed on stairways, lifts, or landings.
- H. Design. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
- I. Location. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions.

- J. Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed, provided that:
 - 1. The department determines that there is no other reasonable way to achieve access; and
 - 2. The dimensional and performance standards of this section are met; and
 - 3. The requirements of Minnesota Rules, Chapters 1307 and 134 are met.

11.10 GUEST COTTAGE/GUEST QUARTERS

See Article 27.

11.11 DUPLEX AND TRIPLEX DWELLINGS

See Article 28.

11.12 ACCESSORY STRUCTURES - RESIDENTIAL

- A. The total cumulative area that all residential accessory structures may occupy on a lot shall be subject to the impervious coverage limits found in Article 41 of this ordinance.
- B. A permit shall not be required for up to two accessory structures totaling no more than 160 square feet. Ground-mounted solar panel installations shall not count against this limit.
- C. No accessory structure shall be used for human habitation except to allow for a guest quarter.
- D. All setback and building height requirements shall be met.
- E. Construction complies with all provisions of Articles 11 and 41 of this Ordinance.
- F. Semi-trailers, railroad cars, manufactured houses, or similar structures shall not be used for storage. Cargo containers, as defined by this ordinance, shall be allowed with a land use permit.
- G. Private swimming pools located above or below the ground and below-ground hot tubs shall require a permit as an accessory structure and must meet all applicable setbacks. Above ground hot tubs shall not require a permit but shall meet setbacks applicable to accessory structures. Private swimming pools and hot tubs located in the ground are prohibited in shore impact zone 1, but shall be allowed in shore impact zone 2 and the rear lot zone. An in-ground pool or hot tub and any surrounding patio/deck areas shall not exceed 400 square feet in size within shore impact zone 2.

11.13 WATER-ORIENTED ACCESSORY STRUCTURES

- A. Water-Oriented Accessory Structures on Water-Oriented Commercial Lots. One water oriented accessory structure not meeting the structure setbacks in Table 11.2 of this ordinance may be placed with a permit on a water-oriented commercial lot provided the following standards are met:
 - 1. The structure or facility shall not exceed 15 feet in height and cannot occupy an area greater than 250 square feet;
 - 2. The minimum setback of the structure or facility from the OHWL level shall be 20 feet, and/or 10 feet from a DNR permitted harbor;
 - 3. The structure or facility is treated to reduce visibility as viewed from Public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - 4. The structure shall not be used for human habitation;

5. The structure shall not be located within a bluff impact zone;
 6. Construction complies with all provisions of Articles 11, 21 and 41 of this Ordinance; and
 7. The maximum impervious surface limits for the lot are not exceeded.
- B. Water-Oriented Accessory Structures on Riparian Residential Lots. One water oriented accessory structure not meeting the structure setbacks in Table 11.2 of this ordinance may be placed with a shoreland alteration permit on a riparian residential lot provided the following standards are met:
1. The structure or facility must not exceed 12 feet in height and cannot occupy a combined area greater than 120 contiguous square feet (e.g. a patio and storage structure may both be constructed but must be located contiguously and cannot exceed 120 combined square feet);
 2. The setback of the structure or facility from the ordinary high-water level must be at least 20 feet;
 3. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Department, assuming summer, leaf-on conditions;
 4. Construction complies with all provisions of Articles 11, 21 and 41 of this ordinance;
 5. The maximum impervious surface limits for the lot are not exceeded;
 6. The structure shall not be located within a bluff impact zone;
 7. The structure shall not be used for human habitation; and
 8. The structure shall not include bathroom facilities.
- C. Boathouses
1. New boathouses and boat storage structures that do not meet the setback requirements in Tables 11-2 and 11-3 of this ordinance are prohibited.
 2. Existing boathouses and boat storage structures may be repaired or replaced pursuant to Minn. Stat. §394.36, subd. 4.

11.14 RETAINING WALLS

- A. A retaining wall may be installed with a shoreland alteration permit in shore impact zones 1 or 2 provided the following standards are met:
1. The Department determines that there is no other alternative to control erosion.
 2. No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesota-licensed professional engineer.
 3. Construction complies with all provisions of Articles 11 and 41 of this ordinance.
- B. A retaining wall may be installed without a permit behind the structure setback provided that:
1. It does not significantly alter the character of the property or does not create runoff or erosion problems.
 2. Construction complies with all provisions of Articles 11 and 41 of this Ordinance.

11.15 BOARDWALKS

See Article 18.

11.16 WATERCRAFT ACCESS RAMPS

Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and shall comply with the following standards:

- A. Are permitted for private residential lots only on lakes without Public Accesses.
- B. May be permitted for Conservation Development lake access, if authorized, or water-oriented commercial uses on any lake classified General Development or Recreational Development.
- C. Shall not include asphalt in shore impact zone 1.
- D. Shall not exceed 15 feet in width from the lake to the structure setback line.
- E. Are permitted under Article 39 of this Ordinance, when applicable.
- F. Construction complies with all provisions of Articles 11 and 41 of this Ordinance.
- G. The maximum impervious surface limits for the lot are not exceeded.

11.17 CONTROLLED AND ALTERNATIVE ACCESS LOTS

- A. Controlled access lots, or any lot, tract, or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of non-riparian lots within new minor subdivisions or plats, are prohibited.
- B. Alternative access lots, or parcels of land that provide access to public waters for owners of riparian lots within subdivisions, shall be used where the Planning Commission/Board of Adjustment determines that direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat.

11.18 USE OF FERTILIZER

- A. The Use of fertilizer, pesticides, or animal wastes in shoreland districts must conform to Minnesota Statutes, chapters 18B, 18C, 18D, and 103H, and be consistent with the latest best management practices developed for such use by the Minnesota Department of Agriculture and Pollution Control Agency.

11.19 AGRICULTURAL USE STANDARDS

- A. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.
- B. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States National Resource Conservation Service.

11.20 SHORELAND VEGETATION AND BUFFER STANDARDS

- A. SHORELINE VEGETATION STANDARDS FOR GENERAL OR RECREATIONAL DEVELOPMENT LAKES.

Removal or alterations of vegetation is allowed according to the following standards:

- 1. Intensive vegetation clearing within shore impact zone 1 is not allowed except as provided under Article 11.20 C with an approved shoreland alteration permit.

2. To accommodate a permitted path not to exceed a cleared width of 15 feet to access a shoreline recreation use area.
3. Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water oriented structures or facilities, as well providing a view to the water from the principal dwelling site, in shore impact zone 1 is allowed provided that:
 - a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf on conditions, is not substantially reduced;
 - b) Along rivers, existing shading of water surface is preserved; and
 - c) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased or pose a safety hazard.

B. SHORELINE VEGETATION BUFFER STANDARDS FOR NATURAL ENVIRONMENT LAKES

Shoreline vegetation buffer standards for lots on Natural Environment Lakes include the following:

1. Any removal of woody vegetation within shore impact zone 1 requires an approved shoreland alteration permit.
2. Trees, shrubs, and low ground cover consisting of plants and understory must be maintained in a natural state as a shoreland buffer 25 feet landward from the ordinary high-water level in depth, except as follows:
 - a) To accommodate a permitted water-oriented accessory structure or the placement of a stairway or lift and associated landings;
 - b) To accommodate a permitted path not to exceed a cleared width of fifteen feet to access a shoreline recreation use area; or
 - c) To accommodate the creation of a permitted shoreline recreation use area pursuant to Article 11.20 C.

C. SHORELINE RECREATION USE AREAS

Shoreline Recreation Use Areas. Intensive vegetation clearing for the purpose of creating a new shoreline recreation use area within shore impact zone 1 is allowed with an approved shoreland alteration permit. The dimensions of a shoreline recreation use areas shall be determined as follows:

1. Only one shoreline recreation use area is allowed on each lot and the recreation use area must not exceed 30% of the total lot width and 25 feet landward from the ordinary high-water level in depth. The maximum width of a shoreline recreation use area created under this Article shall not exceed 200 feet.
 - a) Invasive species removal or the removal of trees or branches that pose a safety hazard or are diseased is allowed;
 - b) Vegetation must be maintained to screen structures with trees and shrubs so that the structures are substantially screened from view during summer, leaf-on conditions;
 - c) Sand Blankets pursuant to Article 11.21 shall be located in the shoreline recreation use area;
 - d) Stairways, lifts and landings pursuant to Article 11.9 shall terminate or be adjacent to the shoreline recreation use area;

- e) Permitted paths pursuant to Article 11.20 A shall terminate or be adjacent to the shoreline recreation use area.

D. VEGETATIVE MITIGATION

1. To protect water quality and safeguard sensitive areas, on-site vegetative mitigation is required for:
 - a) A variance granted to the standards of this ordinance;
 - b) Issuance of a permit for lots located on Natural Environment Lakes as per Article 11.20; and
 - c) Issuance of any conditional use permit where evaluation and assessment by the Planning Commission / Board of Adjustment determines the need for additional environmental protection;
2. A no maintenance shoreline buffer shall be required for the issuance of a permit on riparian lots that exceeds 20% total lot impervious coverage subject to the Shoreline Rapid Assessment Model as defined by this ordinance.
3. Mitigation shall be proportional to the impact of the proposed project.
4. Required mitigation shall be determined by the Department according to the Crow Wing County Shoreline Rapid Assessment Model approved by the County Board of Commissioners.

E. BLUFF AND STEEP SLOPE VEGETATION STANDARDS

1. A vegetation buffer consisting of trees, shrubs, and ground cover plants and understory in a natural state is required in bluff impact zones and on areas with slopes greater than 30 percent. Vegetation clearing and removal of ground cover is not allowed, except as follows:
 - a) Only removal of vegetation necessary to accommodate the placement of a stairway and associated landing, lift, and access path is allowed. Trees, shrubs, and a low ground cover consisting of plants and understory must be maintained in a natural state within these areas. An access path within this area requires a shoreland alteration permit and shall not exceed a cleared width of eight feet; and
 - b) Removal of trees or branches that pose a safety hazard or are diseased is allowed.
2. The Department shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other alterations on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion, preserve vegetation or restore vegetation to a natural state, and screen structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
3. Shoreline vegetation buffers in areas of agricultural or forestry use. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management “Best Management Practices in Minnesota.”

11.21 – DIRT MOVING

- A. The standards in this Article shall apply to all dirt moving activities within the Shoreland District. Except as specified in B, 1 through 11 below, dirt moving activities shall require permits and may require a site plan, scope of work, and additional supporting documents including, but not limited to, surveys, wetland delineation reports, engineered grading plans with profile view, engineered drainage

plans including erosion and sediment control and stormwater management plans according to Article 41 of this ordinance.

- B. The following activities shall not require a shoreland alteration permit but must meet the provisions of this Article.
1. **Dirt moving associated with construction of structures.** Grading, filling, or excavations necessary for construction of structures or septic systems, if part of an approved permit, shall not require a separate shoreland alteration permit.
 2. **Small landscaping projects.** Placement of up to 10 cubic yards of soil for the creation of a lawn or yard as long as the fill / dirt moving is not located within a bluff impact zone or shore impact zone 1.
 3. **Private roads or driveways.** The construction of a driveway, access road, or parking area provided that they:
 - a. Meet the structure setback from the ordinary high-water level from public waters
 - b. Are properly screened from public waters
 - c. Is permitted under Article 39 of this Ordinance, when applicable. Are not in a bluff impact zone or shore impact zone 1 or 2
 4. **Approved agricultural road.** Agricultural roads for machinery, livestock crossings, or shoreline stabilization on agricultural land with a stabilization plan approved by the Department.
 5. **Wetland habitat improvements with approved plan.** The creation of wetland habitat improvements, except in shore impact zone 1, by way of excavation / dredging of wetlands, consistent with Article 39 of this ordinance. Spoils shall be deposited in a manner consistent with this ordinance and shall require a shoreland alteration permit from the Department if the spoil deposits occur in the Shoreland District.
 6. **Approved agricultural improvements.** The construction of livestock watering ponds, agricultural manure treatment facilities and conservation projects approved by the Natural Resource Conservation Service (NRCS), Soil and Water Conservation District (SWCD) and / or other regulatory agencies, only in the RLZ.
 7. **Rip rap that meets standards.** Placement of natural rock riprap, including the necessary grading of the shoreline and placement of a filter blanket is allowed if it meets all applicable DNR rip-rap requirements and is not in wetlands.
 8. **Wetland Replacement Plan.** A shoreland alteration permit is not required if a wetland replacement plan, exemption, or no-loss has been approved pursuant to Minnesota Rules Chapter 8420.
 9. **Normal Agricultural Practices.** To include but not be limited to tillage, planting, harvesting, fencing and proper disposal of animal mortalities pursuant to all state and federal agricultural regulations.
 10. **Existing Sand Blankets / Beaches.** A shoreland alteration permit shall not be required to place 10 cubic yards of sand annually on an existing sand blanket / beach on residential parcels located in the shoreland district. A shoreland alteration permit shall be required for new sand blankets or expansions to existing sand blankets and shall be subject to Article 11.21 C

C. STANDARDS FOR DIRT MOVING

1. **ACTIVITIES IN THE SHORE IMPACT ZONE 1 (SIZ1)** Dirt moving activities in shore impact zone 1 shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to Article 11.21 B:
 - a. **Sand Blanket**
 - (1) The maximum dimensions shall not exceed 30 percent of the total lot width by 25 feet landward from the OHWL and shall be located within the shoreline recreation use area. The maximum width of a sand blanket created under this Article shall not exceed 200 feet. A sand blanket may also be located in shore impact zone 2 and the rear lot zone.
 - (2) The slope of the area to be covered by the sand blanket shall be less than 10 percent. The sand shall be clean with minimal amounts of organic materials.
 - (3) Sand blankets shall be limited to 10 cubic yards annually.
 - b. **Upland Fill.** A maximum of 30 cubic yards of dirt moving may be permitted, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
 - c. **Wetland Fill**
 - (1) No wetland fill shall be allowed in SIZ 1 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.
 - d. **Annual ice ridges.** Annual ice ridges may be regraded to their original shoreline contour without a shoreland alteration permit provided that the work is completed in the year in which the annual ice ridge occurred. Any such regrading shall meet the following standards:
 - (1) There shall be no topsoil or vegetative matter deposited in the lake.
 - (2) Any dirt moving from re-grading the annual ice ridge that is used on the remainder of the property shall require a shoreland alteration permit.
 - (3) Depositing any sand below the OHWL is subject to DNR public waters permit rules.
 - (4) Temporary erosion and sediment control best management practices shall be implemented.
 - e. **Historic Ice Ridges.** On those ice ridges with well-established vegetative cover, alterations for lake access shall require a shoreland alteration permit and comply with the following standards:
 - (1) One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.
 - (2) On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 at each end.
 - (3) On waterfront commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.
 - (4) Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all ice ridge alterations to prevent erosion from upland runoff.
 - (5) A stormwater management plan meeting the standards of Article 41 of this ordinance must be approved by the Department prior to any dirt moving.

(6) All disturbed material shall be graded landward or removed from the site.

(7) Any alteration below the OHWL may require approval from the Department of Natural Resources and / or U.S. Army Corps of Engineers.

2. **ACTIVITIES IN THE SHORE IMPACT ZONE 2 (SIZ 2)** Dirt moving activities in shore impact zone 2 shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to Article 11.21 B:

a. Upland Fill.

(1) A maximum of 50 cubic yards of dirt moving may be permitted. Applications to move larger quantities shall be processed as conditional uses.

b. Wetland Fill

(1) No wetland fill shall be allowed in SIZ 2 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

3. **ACTIVITIES IN THE REAR LOT ZONE (RLZ)** Dirt moving activities in the rear lot zone shall require shoreland alteration permits and meet the following standards and meet the following standards unless the activity is exempt according to Article 11.21 B:

a. **Upland Fill.** A maximum of 100 cubic yards of dirt moving may be permitted per calendar year. Applications to move larger quantities shall be processed as conditional uses.

b. **Wetland Fill**

(1) No wetland fill shall be allowed in RLZ except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

D. GENERAL STANDARDS

All dirt moving activities shall comply with the standards of Article 41 of this Ordinance.

1. No more than one dirt moving permit shall be allowed on the same property in any three-year period. This limitation shall apply to each of the SIZ1, SIZ2 and RLZ areas separately.
2. Soil used as fill shall be free of state-regulated contaminants.
3. Exposure of bare ground. Dirt moving must be designed to ensure that the smallest amount of bare ground is exposed for the shortest period of time.
4. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.
5. Permanent vegetative coverage shall be established within 21 days of the completion of construction, or when vegetation establishment is not possible, other protective measures such as erosion control fabric or mulch blankets shall be installed until permanent vegetation can be established.
6. Dirt moving in a bluff impact zone is prohibited, except for the placement of stairways, lifts, or landings permitted under Article 11.9 of this ordinance.
7. Steep slope stabilization. Dirt moving on steep slopes may be permitted with a stormwater and erosion control plan approved by the Department.

8. Lake access across wetlands in the shore impact zone shall be by boardwalk according to Article 11.15 of this Ordinance.

E. MINE PIT LAKES

Due to the fragile nature of slopes along those lakes created due to the cessation of mineral mining activities the following shall apply:

1. **Setback.** There shall be no dirt moving / filling or excavating within 125 feet of an eroding bluff or steep slope. Where slumping is evident, the setback shall be measured from the top edge of the eroding bluff or crest of a steep slope.
2. **Erosion control.** Slope and bluff erosion control measures and time frame for implementation shall be submitted to and approved by the Department.
3. **Access.** Access down steep slopes or bluffs shall be by above ground stairways.
4. **Blasting prohibited.** Blasting for foundation / footings is prohibited in mine pit areas.
5. **Other provisions.** All other Shoreland Alteration provisions of this Ordinance shall apply.

ARTICLE 12—AGRICULTURAL/FORESTRY DISTRICT STANDARDS

12.1 PURPOSE

The purpose of this district is to promote and protect those portions of the county where agricultural and/or forestry activities are present and are expected to continue to be vital elements of the local economy or where there is a pattern of large tract ownership. The primary use within this district is agriculture/livestock/forestry but may include single family residential. Compatible commercial uses may be allowed as permitted or conditional uses. The Agricultural/ Forestry District is intended to implement the following policies and strategies of the Crow Wing County Comprehensive Plan:

- A. **Agricultural Policy, Strategy 5.** Allow marginal farmland along existing roads to be developed at higher densities to allow development while preserving areas for agricultural production, and to discourage piece-meal lot splits and rezoning.
 1. Implementation: Consider the use of clustering to encourage higher density development in suitable areas.
- B. **Agricultural Policy, Strategy 6.** Encourage developers and property owners to permanently preserve green space in new developments with appropriate infrastructure or environmental concerns. In other areas, encourage developers and property owners to permanently preserve green space and give them options to do so.
 1. Implementation: Share information with developers and property owners proposing subdivisions and construction on agricultural land, giving them options for permanently preserving open space in their developments.
 2. Implementation Task 6. Consider preserving open space in developments when updating the land use ordinance.

12.2 DENSITY AND DIMENSIONAL STANDARDS

- A. All lots, structures, and uses permitted in the Agricultural/Forestry District shall meet the following density and dimensional requirements:

Table 12.1 Lot Size, Width, Setback and Height Standards for the Agriculture/Forest District						
District	Minimum Lot Area	Minimum Lot Width	Structure Lot Line Setbacks	Road Right-of-Way Setback	Wetland Setback	Structure Height
Ag/Forest	35 acres	330'	10'	35'	15'	35' **

**--Agricultural storage buildings, barns, silos, grain elevators, and similar structures are exempt from building height standards.

- B. **Lot fronting on two roads.** Where a lot is located at the intersection of two or more roads or highways, structures shall meet required setbacks from both roads.
- C. **Maximum impervious surface coverage:** The maximum impervious surface coverage for any lot shall meet the standards in Article 41.2.
- D. **Guest Cottages/Guest Quarters:** See Article 27

12.3 AGRICULTURAL USES ON STEEP SLOPES

General cultivation, farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the Natural Resource Conservation Service.

12.4 NOTIFICATION OF AGRICULTURAL AND FORESTRY USES IN AGF DISTRICT FOR NEW DWELLINGS ADJACENT TO ACTIVE AGRICULTURAL PRODUCTION AREAS

As a part of any subdivision of land creating four or more lots adjacent to land being used for an agricultural/forestry use, the owners of the property on which the residential development is located shall grant to the owners of all property adjacent to the development, a perpetual nonexclusive easement as follows:

- A. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated in an agricultural/forestry area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands. Such operations include the cultivation, harvesting, and storage of crops and livestock raising and the application of chemicals, operations of machinery, application of irrigation water, spreading of animal manure, and other accepted and customary agricultural activities conducted pursuant to federal and state laws. These activities ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with Grantors' use of Grantors' property of residential purposes. Grantors hereby waive all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent property owners for such activities.
- B. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors

from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.

- C. This easement is appurtenant to all property adjacent to the residential development and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjoining property owners, their heirs, successors, and assigns. The adjacent property owners, their heirs, successors, and assigns are hereby expressly granted the right of third-party enforcement of the easement.
- D. This easement shall be filed on forms provided by the Department.

ARTICLE 13—RESERVED

ARTICLE 14---RURAL RESIDENTIAL DISTRICT STANDARDS

14.1 PURPOSE

- A. **Rural Residential-1 (RR-1).** The purpose of this district is to enable areas outside the shoreland district to be developed with higher residential densities near but not necessarily adjacent to incorporated municipalities. The primary use within this district is single family residential. Compatible commercial uses may be allowed as conditional uses.
- B. **Rural Residential-2.5 (RR-2.5).** The purpose of this district is to promote moderate-density development in those portions of the County outside the shoreland district and beyond areas of anticipated municipal growth where such development is desired and most suitable. The primary use within this district is single family residential. Compatible commercial uses may be allowed as conditional uses.
- C. **Rural Residential-5, 10, and 20 (RR-5, RR-10, RR-20).** The purpose of these districts is to promote low-density development in those portions of the County outside the shoreland district and beyond areas of anticipated municipal growth where decreased development densities are most suitable. The primary uses within these districts are single family residential with larger lot sizes to protect agricultural areas or critical habitats or preserve the rural character of an area.
- D. The Rural Residential District is created to implement the following policy and strategy of the Crow Wing County Comprehensive Plan:
 - 1. **Housing and Residential Development Policy, Strategy 2.** Update the existing residential ordinances and subdivision regulations to reflect current growth conditions and development trends and property owner’s needs.

14.2 DENSITY AND DIMENSIONAL STANDARDS

All lots, structures, and uses in the Rural Residential District shall meet the following density and dimensional requirements:

Table 14.1 Lot Size, Width, Setback and Height Standards for Rural Residential Districts						
District	Minimum Lot Area	Minimum Lot Width	Structure Lot Line Setbacks	Road Right – of-Way Setback	Wetland Setback	Structure Height
RR-1	1 acre	150'	10'	35'	15'	35' **
RR-2.5	2.5 acres	165'	10'	35'	15'	35' **
RR-5	5 acres	300'	10'	35'	15'	35' **
RR-10	10 acres	300'	10'	35'	15'	35' **
RR-20	20 acres	400'	10'	35'	15'	35' **

**--Agricultural storage buildings, barns, silos, grain elevators, and similar structures are exempt from building height standards as long as the use is for agricultural purposes.

14.3 GENERAL STANDARDS

- A. Lot fronting on two roads. Where a lot is located at the intersection of two or more roads or highways, structures shall meet all required setbacks from both roads.
- B. Maximum impervious surface coverage: The maximum impervious surface coverage for any lot shall meet the standards in Article 41.2.
- C. Guest Cottages/Guest Quarters
See Article 27

ARTICLE 15—RESERVED

ARTICLE 16—COMMERCIAL AND COMMERCIAL/INDUSTRIAL DISTRICT STANDARDS

16.1 PURPOSE

- A. **Commercial District 1 (C-1).** The purpose of this district is to provide adequate areas for general retail, wholesale, office, and service activities located as permitted uses in areas adjacent to incorporated municipalities. C-1 commercial districts shall be located along federal, state, or county highways.
- B. **Commercial District 2 (C-2).** The purpose of this district is to provide adequate space areas for general retail and service activities in rural areas. C-2 commercial districts shall be located along federal, state, county, or township roads.
- C. **Waterfront Commercial (WC).** The purpose of this district is to accommodate commercial uses in the shoreland district where access to and use of a surface water feature is an integral part of the

business. The primary uses in this district are marinas, resorts, and restaurants with transient docking facilities.

- D. **Commercial/Light Industrial District (LI).** The purpose of this district is to accommodate light industrial uses that produce few off-site impacts such as noise, odor, or vibration.
- E. **Commercial/Heavy Industrial District (HI).** The purpose of this district is to accommodate heavy industrial uses that produce off-site impacts and require separation from other uses, such as residential uses, which may be incompatible with such heavy industrial uses.
- F. The Commercial and Commercial/Industrial Districts are created to implement the following policies and strategies of the Crow Wing County Comprehensive Plan:
 - 1. **Commercial Economic Development Policy 1.** Encourage the location of additional commercial development to existing cities and discrete nodes along growth corridors on trunk highways. Do not allow commercial development in areas lacking the necessary supporting infrastructure.
 - 2. **Industrial Economic Development Policy 1.** Locate industrial development in designated industrial parks and pre-defined development nodes along heavy growth corridors. Do not allow industrial development in areas lacking the necessary supporting infrastructure.

16.2 INTENT

The intent of this article is to support the development of commercial and commercial/industrial districts that will accommodate a wide range of commercial goods and services and maintain the up-north character of the area without degrading the natural resources and to:

- A. Promote business property by enhancing the appeal and attraction of the commercial and commercial/industrial districts to residents, visitors and tourists with uniform lot width and area, and setbacks;
- B. Promote the improvement of appearance through good landscaping emphasizing natural occurring trees for screening;
- C. Encourage lighting that provides safety, utility, and security without glare onto public roads, private residences, and atmospheric light pollution;
- D. Manage storm water runoff and its associated effects and to provide for the protection of natural and artificial water storage and retention areas, and public waters;
- E. Alleviate potential traffic congestion on local streets and adjacent highways by the provision of adequate off street parking, traffic circulation patterns and arrangement of uses;
- F. Treat wastewater to protect public health and safety, and to protect ground and surface water; and
- G. Establish reasonable regulation for design, construction, installation, and maintenance of all exterior signs.

16.3 PLAN SUBMISSION REQUIREMENTS

No site development, structure construction, or vehicular use area modifications are allowed, unless the information requirements of this article are met. The property owner or developer shall provide:

- A. A development plan according to format and standards established by the Department;
- B. A site plan with setbacks and wetlands identified;
- C. A screening and landscape plan meeting the standards in Article 36 of this ordinance;

- D. A lighting plan meeting the standards in Article 16.6 of this ordinance;
- E. An off-street loading and parking plan meeting the standards in Article 32 of this ordinance;
- F. A sign plan meeting the standards in Articles 40.5 – 40.7 of this ordinance;
- G. A stormwater management plan meeting the requirements in Article 41 of this ordinance;
- H. A waste disposal plan consistent with local, state, and federal requirements including Article 37 of this ordinance;
- I. Evidence that plans comply with the Americans with Disabilities Act Accessibility Code (MN Statute 326B.16) as certified by an Accessibility Specialist licensed by the State of Minnesota. The project must also be certified following completion of construction that the “as-built” project conforms to the Accessibility Code as well; and
- J. Where bleachers are being constructed, evidence of plans that comply with all applicable state and federal regulations.

16.4 MINIMUM LOT SIZE REQUIREMENTS AND OTHER STANDARDS

Table 16. 1 LOT DIMENSIONS AND SETBACKS	
Minimum Requirements	
Lot size (C1, C2, C/LI, C/HI)	40,000 square feet of lot areas with 15,000 square feet buildable
Lot Size (WC)	120,000 square feet of lot area with 40,000 square feet buildable
Lot Width (C1, C2, C/LI, C/HI)	100 feet
Lot width, (WC)	400 feet
R.O.W. setbacks	
Public Roads	35 feet
Private Roads	10 feet
Side Yard	10 feet
Wetland setbacks	15 feet
Structure Height – Shoreland District	35 feet
Structure Height – Non-Shoreland District	45 feet **

**--Agricultural storage buildings, barns, silos, grain elevators, and similar structures are exempt from building height standards in non-shoreland districts only.

16.5 SCREENING, DIRT MOVING, AND STORMWATER MANAGEMENT

- A. Screening shall meet the requirements of Article 36 of this ordinance.

- B. All dirt moving in the shoreland district shall comply with the standards in Article 11 of this ordinance.
- C. All construction in Commercial Districts shall comply with the stormwater management standards in Article 41 of this ordinance.

16.6 LIGHTING

A. Lighting guidelines are as follows:

- 1. No portion of the lamp or lens may extend beyond the housing or shield so as not to be visible from offsite or cause disabling glare;
- 2. All light fixtures shall be directed downward so the source of illumination is not visible; and
- 3. Height limitations for exterior lighting shall be measured from surrounding natural grade, with a 35 feet height maximum; and

B. Light pollution shall be avoided by keeping with the following standards:

- 1. The light cast by these fixtures shall be baffled so the light does not protrude past the property line;
- 2. All island canopy ceiling fixtures are required to be recessed;
- 3. Holiday temporary decorative lighting is exempt; and
- 4. Light pollution shall be avoided by keeping within the intensity levels of the following maximum illumination levels. When two differing districts are adjacent, the lower light level value shall take precedence.

Land Use District	Average Vertical Foot Candles	Average Horizontal Foot Candles
Residential	.5	1
Commercial	1.5	3
Commercial/Industrial	1.5	3

16.7 OFF-STREET LOADING AND PARKING

All parking in the Commercial and Commercial/Industrial Districts shall meet the standards in Article 32 of this Ordinance.

16.8 SIGNS

All signs in the Commercial and Commercial/Industrial Districts shall meet the standards in Article 40 of this Ordinance.

16.9 GUEST COTTAGES/GUEST QUARTERS

See Article 27

ARTICLE 17—RESERVED

ARTICLE 18---BOARDWALKS AND BRIDGES

- A. Boardwalks and bridges require permits as per set forth in the following table and standards:
1. May be placed on temporary or permanent supports;
 2. May have railings attached;
 3. Shall meet property line setbacks; and
 4. Must me the requirements of Article 21.

Approvals Required for Boardwalks and Bridges Over Non-Public Waters (Any project involving work within public waters would fall under the DNR’s jurisdiction and may require a DNR Public Waters Work Permit)			
	Boardwalk over non-public waters (8 ft width or less)	Bridge over non-public waters (greater than 8 ft width)	
SIZ1	Shoreland Alteration Permit	Not permitted	
SIZ2	Shoreland Alteration Permit	Not permitted	
RLZ	Shoreland Alteration Permit	TEP review and Accessory structure permit	
Non-Shoreland	Allowed - No Permit Required	TEP review and Accessory structure permit	

Key: SIZ1 = Shore impact zone 1; SIZ2 = Shore impact zone 2; RLZ = Rear lot zone (see Article 46 for definitions). TEP = Technical Evaluation Panel as established in MN Statutes 103G.2242.

ARTICLE 19--ADDRESSING AND STREET NAME SIGNS

19.1 PURPOSE AND STATUTORY AUTHORIZATION

- A. The purpose of these regulations is to establish an official plan for a coordinated address system for locating 911 emergencies, maintaining continuity in addressing throughout Crow Wing County, and providing for the administration thereof. This Ordinance has been designed to be compatible with the 911 Emergency Telephone System established by Minnesota Statutes, Chapter 403.

19.2 ROAD NAMES LISTED ON OFFICIAL COUNTY MAP

- A. Road names for 911 addressing may differ from original plat names. Road names as shown on the official County Map will be accepted under this ordinance for 911 addressing purposes and shall only be subject to change by the authority of the department.

19.3 ROAD NAMING CRITERIA

- A. A road name may not be duplicated with that of any presently represented street, avenue, road, drive, circle, court, etc. within the jurisdictional area of any fire department, community, or surrounding township. Exceptions may be made if the proposed road is in general alignment with a road, which in

all probability will connect, or is a continuation of an existing named road. A separate road name may not be approved for a proposed road if it is a continuation, projection, or part of the alignment of an existing named road.

- B. Any structure located on and using access to a Crow Wing County road shall be addressed using the county road number unless local jurisdictional governments have chosen to use a historical name attached to the road and it has been approved by the Department.
- C. All roads or private driveways shall be named and indicated on the Official County Map if they service more than two residential or commercial structures.
- D. Names with similar spellings, pronunciations or meanings may be construed as being duplications.
- E. Road names shall not exceed sixteen (16) characters in length in order to facilitate sign specifications.

19.4 STREET NAME SIGNS

- A. A governmental jurisdiction where addressing is maintained by the County but chooses to assume responsibility for erecting their own street name signs, shall receive approval from the County Engineer to ensure compliance with Crow Wing County current practices.
- B. Existing street name signs may be utilized providing the street name is accurately depicted and the sign meets placement and reflective specifications.
- C. When a new subdivision is recorded or whenever a new road is established by other means within a governmental jurisdiction where street name signs are maintained by the County, it shall be the responsibility of the subdivider or individual petitioning to establish the road(s) to pay the established fees to the County for the installation and cost of street name signs which comply with Crow Wing County current practices.

19.5 911 NUMBER SIGNS

- A. A governmental jurisdiction where addressing is maintained by the County but chooses to assume responsibility for installation of 911 number signs, shall receive the approval of the County Engineer to ensure compliance with Crow Wing County current practices.

19.6 CROW WING COUNTY CURRENT PRACTICES AND 911 SIGN SPECIFICATIONS

- A. The County Engineer shall update and maintain information related to design, standards and placement templates related to current practices and E-911 sign specifications. These specifications will be available through the Crow Wing County Highway Department upon request.

19.7 CROW WING COUNTY MASTER STREET ADDRESS GUIDE (MSAG)

- A. The department shall maintain an official up-to-date list of existing road names and address ranges of all public and private roads in Crow Wing County. This list will be available through the department upon request.

19.8 NUMBERING CRITERIA FOR 911 ADDRESSING

- A. Address numbers for individual sites and structures shall be determined and assigned using the Crow Wing County Single Quadrant Datum Addressing System utilizing a Global Positioning System (GPS) to obtain the latitude and longitude location of the driveway. The "0" point of this addressing system is two miles west from the south section corner common to Sections 34 and 35 in Fort Ripley Township on the extension of the south line of the county.

- B. Address numbers shall increase by 1,000 addresses per mile, east and north from the "0" point, allowing 500 possible addresses for each side of a road.
- C. Each road will be designated either an east/west or north/south road. Even numbers will be applied to the north and east sides, and odd numbers will be applied to the south and west sides. All address numbers will increase or decrease consecutively according to direction of travel on a road.
- D. The GPS coordinates for each site or structure shall be taken from the point where the edge of the traveled roadway and the center point of the driveway intersect.
- E. R V. Parks or campground resorts with less than 100 sites or resort properties with less than 20 structures/sites and having less than 3 interior roads located in a governmental jurisdiction, where addressing is maintained by the County, can be addressed using one main address set forth as follows; The park, campground or resort owner shall provide the department with a detailed drawing of the property layout identifying roads and structures/sites with road names and sequential numbers assigned to each site/structure. The department shall GPS each road and site/structure for location purposes on the Official County Map. The owner is responsible to ensure all sites/structures are visibly marked with the site/structure number, and, for emergency purposes, notify all occupants of their location address on an ongoing basis. If there is more than one road within the park or campground area, roads shall be signed and site/structures numbers located on an adjoining road shall be designated and visibly marked at the road intersection (i.e. Site 1-10 or Cabin #1-7/Site #2-8).
- F. R V. Parks or campground resorts with more than 100 sites or resort properties with more than 20 structures/sites and having more than 3 interior roads located in a governmental jurisdiction, where addressing is maintained by the County, shall be individually addressed and roads named and signed by the County. It will be the responsibility of the Park/Resort owner to maintain the 911 address signs for each site/structure with the address number visibly displayed for emergency purposes. This option can also be selected by the R V. Park or campground resort under 100 sites or resort properties with less than 20 structures at their discretion.

19.9 EMERGENCY SERVICE ZONE (ESZ) BOUNDARY CHANGES

- A. A change in emergency service provider(s) within any given ESZ will require map updates and an exchange of information with the data base provider in order to conform to the 911 emergency telephone response system. Any change in the ESZ boundaries may be subject to the following:
 1. Determination of Fee. Every public or private emergency service agency, whether or not it is based within the County, which requests a change in its ESZ boundary, shall be assessed a fee determined by calculating the number of telephone subscriber records affected by the change and multiplying it by the current subscriber fee as established by the Board.
 2. Imposition of Fee. Fees imposed under this section shall be estimated and paid by the requesting agency prior to implementing any change of ESZ boundaries. Upon completion of the necessary changes to the E-911 map and data base, the County shall prepare a final billing statement based on the exact number of telephone subscriber records changed. The requesting agency shall be billed for any outstanding balance or reimbursed for any overpayment.

19.10 ASSIGNMENT OF RURAL ADDRESSES AND COMPLIANCE

- A. When any new road is proposed by any person, governmental body, or department; the proposal shall be referred to the department to be checked for road name duplication, spelling, and conformity with this ordinance.

- B. When a final subdivision plat is under review, or whenever a new road is to be established by other means; it shall be the responsibility of the subdivider or person petitioning for the road to provide the department with a copy of a map depicting the road name and placement to ensure the proposed name meets the 911 addressing requirements and the road can be placed on the Official County Map accurately.
- C. Any person constructing or relocating a structure in a governmental jurisdiction where addressing is maintained by the County, shall obtain an Address Application and Notification Form from their jurisdiction. This form must be filled out in its entirety and submitted to the department with the designated fee before a valid address may be issued.
- D. No utility operating in the County, shall furnish its utility service to any newly built or relocated structure in a governmental jurisdiction, where addressing is maintained by the County, until a valid address has been issued by the department.
- E. The resident or caretaker of any site or structure shall be responsible for keeping the 911 number sign clear of snow, dirt vegetation, debris, or any other obstruction.
- F. No person may alter, deface, or remove any 911 number signs or road signs erected in accordance with this Ordinance.
- G. R V. Parks, campgrounds or resort properties located in a governmental jurisdiction, whose addressing is maintained by the County, shall comply with Article 19.08. of this ordinance.

ARTICLE 20--AIRPORT DISTRICT AND RUNWAY ZONES STANDARDS

20.1 POLICY

It shall be the policy of this Standard to discourage the increase in the number of airports within the County and to encourage the further improvement of existing airports, except as may unduly encroach upon existing incompatible land use. It shall be the policy of this Standard to encourage decreased density of use of land in approach zones and other areas adjoining any such airports.

20.2 AIRPORT DISTRICT

No airport or supporting facility can be used as an airport, except permitted private landing strips in the AG District, unless the premises used therefore shall be within an Airport District.

20.3 REGULATIONS INCORPORATED

The standards for the Airport District and associated runway zones are contained in the following regulations which are incorporated herein by reference:

- A. Brainerd-Crow Wing County Airport Zoning Ordinance No. 861 governing the Brainerd-Crow Wing County Airport located in the Town of Oak Lawn, Crow Wing County, Minnesota.
- B. The General Airport Standards of the State Department of Aeronautics.

20.4 RELATIONSHIP OF AIRPORT RUNWAY ZONES TO OTHER LAND USE DISTRICTS

The Airport Runway Zones established in the regulations referenced in Article 20.3 overlay land use districts such as the AGF or RR districts. The Airport Runway Districts provide regulations that shall apply to structures and the use of land in addition to the regulations of the underlying land use districts and other development standards. Where requirements for Airport Runway Zones impose greater restrictions than the underlying land use district or other development standards, the requirements of the Airport Runway Zones shall apply.

ARTICLE 21--FLOODPLAIN OVERLAY DISTRICT STANDARDS

21.1 POLICY

- A. This Article regulates development in the flood hazard areas of Crow Wing County. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this Article to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- B. National Flood Insurance Program Compliance. This Article is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- C. This Article is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

21.2 GENERAL PROVISIONS

- A. This Article adopts the floodplain maps applicable to Crow Wing County and includes three floodplain districts: Floodway, Floodway Fringe, and General Floodplain.
 - 1. Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in this Article will apply.
 - 2. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in this Article apply unless the floodway boundary is determined, according to the process outlined in this Article. Once the floodway boundary is determined, the Flood Fringe District standards in this Article may apply outside the floodway.
- B. **Lands to Which This Article Applies.** This Article shall apply to all lands within the jurisdiction of Crow Wing County shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.
 - 1. The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing land use districts. The standards imposed in the overlay districts shall be in addition to any other requirements in this Ordinance. In case of a conflict, the more restrictive standards shall apply.
 - 2. Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Crow Wing County, Minnesota, and Incorporated Areas, dated August 15, 2017 and the Flood Insurance Rate Map Index for Crow Wing County, Minnesota, and Incorporated Areas, all dated August 15, 2017 and prepared by the Federal Emergency Management Agency. These materials are on file in the Land Services Office.

- C. **Regulatory Flood Protection Elevation.** The regulatory flood protection elevation (RFPE) shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- D. **Interpretation.** The boundaries of the land use districts shall be determined by scaling distances on the Flood Insurance Rate Map.
 - 1. Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator shall interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
 - 2. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission/Board of Adjustment and to submit technical evidence.
- E. **Warning and Disclaimer of Liability.** This Article does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Article does not create liability on the part of Crow Wing County or its officers or employees for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.
- F. **Detachments.** The Flood Insurance Rate Map panels adopted by reference will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of Crow Wing County after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

21.3 ESTABLISHMENT OF FLOOD LAND USE DISTRICTS.

- A. Districts.
 - 1. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Article 21.2 B. For lakes, wetlands and other basins within Zones A or AE that do not have a floodway delineated, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
 - 2. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Insurance Rate Map adopted in Article 21.2 C, as being within Zones AE but being located outside of the floodway. For lakes, wetlands and other basins within Zones A or AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
 - 3. General Floodplain District. The General Floodplain District shall include those areas designated as Zone A without a floodway on the Flood Insurance Rate Map adopted in Article 21.2 C.
- B. **Compliance.** Within the floodplain districts established in this Article, the use of any land, the use, size, type and location of structures on lots, the installation and maintenance of transportation, utility, water supply and waste treatment facilities, and the subdivision of land shall comply with the terms of

this Article and other applicable regulations. All uses not listed as permitted uses or conditional uses in this Article shall be prohibited. In addition, a caution is provided here that:

1. New and replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this Article.
2. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Article.
3. As-built elevations for elevated or flood-proofed structures must be certified by a registered professional engineer, land surveyor or other qualified person designated by the local governing body as specified in the general provisions of this Article.

21.4 FLOODWAY DISTRICT (FW)

A. **Permitted Uses.** The following uses, subject to the standards set forth in Article 21.4, are permitted uses if otherwise allowed in the underlying land use district or any applicable overlay district:

1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Industrial-commercial loading areas, parking areas, and airport landing strips.
3. Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
4. Residential lawns, gardens, parking areas, and play areas.
5. Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit, and that the standards in this Article are met.

B. Standards for Floodway Permitted Uses.

1. The use shall have a low flood damage potential.
2. With the exception of the uses listed in Article 21.4 A 5, the use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.
3. Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

C. **Conditional Uses.** The following uses may be allowed as conditional uses following the standards and procedures set forth in Article 21.10 E and further subject to the standards set forth in Article 21.4 D, if otherwise allowed in the underlying land use district or any applicable overlay district:

1. Structures accessory to the uses listed in Article 21.4 A, above and the uses listed in 2-6 below.
2. Extraction and storage of sand, gravel, and other materials.
3. Marinas, boat rentals, docks, piers, wharves, and water control structures.

4. Commercial storage yards for equipment, machinery, or materials.
5. Placement of fill or construction of fences that obstruct flood flows.
6. Road-ready recreational vehicles meeting the exception standards in Article 21.9 C

D. Standards for Floodway Conditional Uses.

1. All Uses. No conditional use shall be allowed that will cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
2. Fill; Storage of Materials and Equipment.
 - a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - b) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
 - c) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood shall only be allowed if Crow Wing County has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

E. Accessory Structures.

1. Accessory structures shall not be designed for human habitation.
2. Accessory structures, if permitted, must be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
 - a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - b) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
3. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. All flood proofed accessory structures must meet the following additional standards:
 - a) The structure must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls: and
 - b) Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed.
4. As an alternative, an accessory structure may be internally/wet flood proofed to the FP-3 or FP-4 flood proofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. A detached garage may only be used for parking of vehicles and limited storage. All structures must meet the following standards:

- a) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - b) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- F. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.
- G. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- H. Floodway developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

21.5 FLOOD FRINGE DISTRICT (FF)

- A. **Permitted Uses.** Permitted uses are those uses of land or structures allowed in the underlying land use district(s) that comply with the standards in Article 21.5 B below.
- B. Standards for Flood Fringe Permitted Uses.
1. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed 576 square feet in size may be internally flood proofed in accordance with Article 21.4 E.
 2. The cumulative placement of fill or similar material on a parcel shall not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Article 21.5B 1, or if allowed as a conditional use under Article 21.5 C 3.
 3. The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
 4. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 5. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method.
 6. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to Crow Wing County.
 7. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity

(in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

8. Interference with normal manufacturing/industrial plant operations shall be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration shall be given to the needs of industries with operations that require a floodplain location.
9. Flood fringe developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
10. Manufactured homes and recreational vehicles must meet the standards of Article 21.9.

C. **Conditional Uses.** The following uses and activities may be allowed as conditional uses, if allowed in the underlying land use district(s) or any applicable overlay district, following the procedures in Article 21.10. Conditional uses shall meet the standards in Article 21.5 B 4-10 and Article 21.5 D.

1. Any structure that is not elevated on fill or flood proofed in accordance with Article 21.5 B 1.
2. Storage of any material or equipment below the regulatory flood protection elevation.
3. The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Article 21.5 B 1.

D. Standards for Flood Fringe Conditional Uses.

1. The standards listed in Article 21.5 B 4-10 apply to all conditional uses.
2. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. These alternative elevation methods are subject to the following additional standards:
 - a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment, including ductwork, and other service facilities are placed at or above the regulatory flood protection elevation or are designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood. The design plans must stipulate that A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be a maximum of one foot above grade. The automatic openings shall have a net area of at least one square inch for every square foot of enclosed area subject to flooding, unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters without any form of human intervention; and That the enclosed

area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles, or storage.

3. Basements, as defined in Article 46 of this Ordinance, shall be subject to the following:
 - a) Residential basement construction is not allowed below the regulatory flood protection elevation.
 - b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Article 21.5 D4.
4. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet flood proofed to the FP-3 or FP-4 classification shall not be permitted.
5. Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

21.6 GENERAL FLOODPLAIN DISTRICT (GF)

A. Permitted Uses.

1. The uses listed in Article 21.4 A, Floodway District Permitted Uses, shall be permitted uses.
2. All other uses shall be subject to the floodway/flood fringe evaluation criteria specified in Article 21.6. Article 21.4 shall apply if the proposed use is determined to be in the Floodway District. Article 21.5 shall apply if the proposed use is determined to be in the Flood Fringe District.

B. Procedures for Floodway and Flood Fringe Determinations.

1. Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review, and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
2. If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information shall be consistent with accepted hydrological and hydraulic engineering standards and the standards in Article 21.6 B 3.
3. The determination of floodway and flood fringe must include the following components, as applicable:
 - a) Estimate the peak discharge of the regional (1% chance) flood.
 - b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a

result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

4. The Zoning Administrator shall review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
5. Once the Floodway and Flood Fringe District Boundaries have been determined, the Zoning Administrator shall process the permit application consistent with the applicable provisions of Articles 21.4 and Article 21.5.

21.7 LAND DEVELOPMENT STANDARDS

- A. **In General.** Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within Crow Wing County.
- B. **Subdivisions.** No land shall be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this Article.
 1. All lots within the floodplain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
 2. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by Crow Wing County. The plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation.
 3. For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
 4. In the General Floodplain District, applicants shall provide the information required in Article 21.6 B to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
 - a) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal shall be reviewed to assure that:
 - 1) All such proposals are consistent with the need to minimize flood damage within the flood prone area;
 - 2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage: and
 - 3) Adequate drainage is provided to reduce exposure of flood hazard.
- C. **Building Sites.** If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall be:

1. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
2. Constructed with materials and utility equipment resistant to flood damage,
3. Constructed by methods and practices that minimize flood damage, and
4. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

21.8 PUBLIC TRANSPORTATION FACILITIES: ROADS AND BRIDGES

- A. **Public Utilities.** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood proofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.
- B. **Public Transportation Facilities.** Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Articles 21.4 and 21.5. These transportation facilities shall be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- C. **On-site Water Supply and Sewage Treatment Systems.** Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Ordinance.

21.9 MANUFACTURED HOMES, MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLES

- A. **Manufactured Homes.** New manufactured home parks, expansions to existing manufactured home parks, and new or replacement manufactured home units on lots of record are prohibited in the Floodway District. If allowed in the Flood Fringe District, these uses shall be subject to the requirements of Article 21.5 and the following standards.
- B. **Placement of Manufactured Homes.** New and replacement manufactured homes in the Flood Fringe District must comply with the following standards:
 1. New and replacement manufactured homes must be elevated in compliance with Article 21.5 and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
 2. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Article 21.7 B 2.

C. Recreational Vehicles. Placement of recreational vehicles in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this Article.

1. Recreational vehicles are exempt from the provisions of this Article if they are placed in any of the following areas and meet the criteria listed in Article 21.9 C 2:
 - a) Individual lots or parcels of record.
 - b) Existing commercial recreational vehicle parks or campgrounds.
 - c) Existing condominium-type associations.
2. Criteria for Exempt Recreational Vehicles.
 - a) The vehicle must have a current license required for highway use.
 - b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
 - c) No permanent structural type additions may be attached to the vehicle.
 - d) The vehicle and associated use must be permissible in any pre-existing, underlying land use district.
 - e) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in article 21.9 B 2.
 - f) An accessory structure shall constitute a minimal investment.
3. Recreational vehicles that are exempt in Article 21.9 C 2 lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and flood proofing requirements of Article 21.5. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.
4. New commercial recreational vehicle parks or campgrounds, subdivisions or condominium associations, and the expansion of any similar existing use exceeding five (5) units or dwelling sites may be allowed subject to the following:
 - a) On any new or replacement recreational vehicle site in the Flood Fringe District, the recreational vehicle and its contents must be placed on fill at or above the regulatory flood protection elevation and adequate road access to the site must be provided in accordance with Article 21.7 B 2.
 - b) Any new or replacement recreational vehicle site located in the Floodway District or as an alternative to (a) above in the Flood Fringe District, may be allowed as a conditional use in accordance with the following provisions and the provisions of Article 21.10 E.
 - 1) The applicant must submit an emergency plan for the safe evacuation of all vehicles and people acceptable to Crow Wing County, as specified in Article 21.7 B 2. The plan shall demonstrate that adequate time and personnel exist to carry out an evacuation, and that the exemption provisions of Article 21.9 C 1 will be met;

- 2) All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Article 21.8 C; and
- 3) Any fill placed in the floodway to meet the requirements of this section must not increase the flood stage of the regional (1% chance) flood.

21.10 FLOODPLAIN OVERLAY DISTRICT ADMINISTRATION

- A. Permit Requirements.** In addition to the other requirements of this Ordinance, the following shall require a permit in the Floodplain Overlay District:
1. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this Article 46 of this Ordinance.;
 2. The use or change of use of a building, structure, or land;
 3. The construction of a dam, fence, or on-site septic system;
 4. The change or extension of a nonconforming use;
 5. The repair of a structure that has been damaged by flood, fire, tornado, or any other source;
 6. The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain;
 7. Relocation or alteration of a watercourse, unless a public waters work permit has been applied for; and
 8. Any other type of “development” as defined in this Article 46 of this Ordinance.
- B. Certification.** Applicants shall be required to submit certification by a registered professional engineer, land surveyor or other qualified person designated by the local governing body that the finished fill and building elevations were accomplished in compliance with the provisions of this Article. Flood proofing measures shall be certified by a registered professional engineer, land surveyor or other qualified person designated by the local governing body.
- C. Record of First Floor Elevation.** The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood proofed.
- D. Notifications for Watercourse Alterations.** Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- E. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.** As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.
- F. Variances.**

1. **Adherence to State Floodplain Management Standards.** A variance must not permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
2. **Additional Variance Criteria.** The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - a) Variances shall not be issued by the Planning Commission/Board of Adjustment within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b) Variances shall only be issued by the Planning Commission/Board of Adjustment upon a determination that failure to grant the variance would result in exceptional hardship to the applicant, and the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. **Flood Insurance Notice.** The Zoning Administrator shall notify the applicant for a variance that:
 - 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and
 - 2) Such construction below the base or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
4. **General Considerations.** The Planning Commission/Board of Adjustment shall consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:
 - a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
 - b) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
 - d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
 - e) The importance of the services to be provided by the proposed use to the community;
 - f) The requirements of the facility for a waterfront location;
 - g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
 - h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - i) The relationship of the proposed use to the Comprehensive Land Use Plan and Floodplain management program for the area;
 - j) The safety of access to the property in times of flood for ordinary and emergency vehicles; and

- k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- 5. **Record-Keeping.** The Zoning Administrator shall maintain a record of all variance actions, including justification for their issuance, and shall report such variances in an annual or biennial report to the Zoning Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

G. Conditional Uses

- 1. **Factors Upon Which the Decision of the County Shall Be Based.** In passing upon conditional use applications, the Planning Commission/Board of Adjustment shall consider all relevant factors specified in Article 21.10 D 4.
- 2. **Conditions Attached to Conditional Use Permits.** The Planning Commission/Board of Adjustment may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Article. Such conditions may include, but are not limited to, the following:
 - a) Modification of waste treatment facilities.
 - b) Limitations on period of use, occupancy, and operation.
 - c) Imposition of operational controls, sureties, and deed restrictions.
 - d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - e) Flood proofing measures. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

21.11 NONCONFORMITIES

- A. **Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this Article, but which is not in conformity with the provisions of this Article, may be continued subject to the following conditions:
 - 1. No such use, structure, or occupancy shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
 - 2. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted below.
 - 3. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises shall conform to this Article. The Assessor shall notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

4. If any nonconformity is substantially damaged, as defined in Article 46 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Article. The applicable provisions for establishing new uses or new structures in Articles 21.4 or 21.5 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
5. If any nonconforming use or structure experiences a repetitive loss, as defined in Article 46 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Article.
6. Any substantial improvement, as defined in Article 46 of this Ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Articles 21.4 or 21.5 for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

21.12 AMENDMENTS

- A. **Floodplain Designation – Restrictions on Removal.** The floodplain designation on the Official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.
- B. **Amendments Require DNR Approval.** All amendments to this Article must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.
- C. **Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Article 21.2.

PART III – DEVELOPMENT STANDARDS

ARTICLE 22—CLOSED COUNTY LANDFILL STANDARDS

22.1 PURPOSE

- A. It is the purpose of this article to apply development standards at the Crow Wing County Landfill Site located in sections 24, 25, 26 and 36 of Oak Lawn Township.

22.2 DEVELOPMENT STANDARDS

- A. **Closed Landfills not under MPCA Remediation Plan.** All activities on the landfill site must protect the integrity of any existing or planned remediation systems and the ability to take environmental response actions at the landfill.
1. **No Development on Closed Landfills.** No development activities are allowed at any point on a closed county landfill or within four hundred (400) feet of a closed county landfill closure boundary as identified in the MPCA approved post closure report. Development closer than four hundred (400) feet is allowed only upon demonstration to the satisfaction of the Zoning Administrator that water and methane risk is inconsequential.
 2. **Development Prohibited on Contaminated Areas, Methane Areas.** No development is permitted on areas surrounding a closed county landfill site that have been identified as having areas of contaminated groundwater or a methane area of concern.
 3. **Groundwater Areas of Concern.** Within mapped groundwater areas of concern, all applicants for subdivision or permits for new dwelling units must provide a hydrologic analysis demonstrating that the development will not alter the normal groundwater flows or accelerate the movement of contaminated groundwater. For drinking water supply prior to final plat approval, a comprehensive water test must be submitted to the Department. The water test must be taken by an independent state approved laboratory and must show that the state drinking water levels are met.
 4. **Testing Required.** All applications for subdivision or construction of new dwellings that includes a closed county landfill on the lot or in the subdivision, or is within one thousand (1,000) feet of a closed county landfill closure boundary as identified in the MPCA approved post closure report must document that no contamination plume is within any area slated for development.
 5. **Documentation Required.** An affidavit must be filed with the County Recorder in the following circumstances:
 - a) When the closed county landfill is within a proposed subdivision, the applicant must record a notarized affidavit with a detailed description of the closed county landfill with the County Recorder. This document shall include a legal description of the boundaries of the filled area, the size of the filled area in acres, the depth of fill and anything that is known about the types of waste buried. The affidavit should also reference any investigation reports.
 - b) When the closed county landfill closure boundary as identified in the MPCA approved post closure report is within one thousand (1,000) feet of any proposed residential lot, the applicant must record a notarized affidavit stating knowledge of the closed county landfill.
 6. **Additional Conditions.** The Department may impose conditions on any land use permit or subdivision within one thousand (1,000) feet of a closed county landfill closure boundary as identified in the MPCA approved post closure report to protect public health and safety. Conditions may include, but are not limited to:

- a) Prohibiting uses or limiting allowed uses;
- b) Limiting location or technology of individual drinking water wells; and
- c) Limiting the movement, excavation, and removal of soil and underground materials.

ARTICLE 23-ADULT USES AND SEXUALLY-ORIENTED BUSINESSES

The standards in this Article shall apply to adult uses and sexually-oriented businesses in all land use districts where such uses are allowed.

23.1 PERMITTING OR LICENSES

A. Permit or License Required

No person, firm or corporation shall own or operate an adult use or sexually-oriented business in Crow Wing County without having first secured a permit or license as provided herein. Permit or license shall be one of two types:

- 1. Adult use principal; or
- 2. Adult use accessory

B. Applications

The department shall prepare an application for an adult use or sexually oriented business conditional use permit or license. This application shall include:

- 1. The name, residence, phone number and birth date of the applicant, if an individual; and, if a corporation, partnership, LLC, or similar entity, the names, residences, phone numbers and birth dates of those owners holding more than five (5) percent of the issued and outstanding stock of the corporation or ownership interest in a partnership, LLC or similar entity.
- 2. The name, address, phone number and birth date of the operator and manager of such operation, if different from the owners.
- 3. The name, address, phone number and birth date of all employees of such operation. As new employees are added/hired, this information shall be provided to the department for each new employee prior to their hire date.
- 4. The address and legal description of the building, establishment, or premises where the adult use or sexually oriented business is to be located.
- 5. A statement detailing each misdemeanor, gross misdemeanor, or felony relating to any sex offense and/or the operation of adult uses and related activities of which the applicant or, for a corporation, the owners of more than five (5) percent of the issued and outstanding stock of the corporation, or ownership interest in a partnership, LLC or similar entity, have been convicted, and whether the applicant has ever applied for or held a license to operate a similar type of business in other counties, cities or states.
- 6. The activities and type of business to be conducted.
- 7. The hours of operation
- 8. The provisions made to restrict access by minors

9. A building plan of the premises detailing internal operations and activities.
 10. A description or building plan that details all proposed interior and exterior changes to an existing building or structure.
 11. A statement detailing each misdemeanor, gross misdemeanor, or felony relating to any sex offense and/or the operation of adult uses and related activities of which the manager and/or any employee has been convicted of and whether said manager and/or employee ever applied for or held a license to operate a similar type of business in other counties, cities or states.
- C. All applications, whether for initial licensing or renewals, shall be referred to the appropriate law enforcement agency for verification and investigation of the facts set forth in the application. The issuing authority shall make a written report and recommendation to the department as to the issuance/renewal or non-issuance/non-renewal of a license. The department may order and conduct such additional investigation as it deems necessary.

23.2 PERMIT OR LICENSE FEES

- A. Each application for a conditional use permit/license shall be accompanied by a fee, as set by the county for payment in full of the required application and investigative fee for the license. All fees shall be paid at time of application.
- B. All permits/licenses shall expire on the last day of December in each year. The department shall issue each permit/license for one (1) year, except if part of the permit/license year has elapsed when the application is made, the department may issue a permit license for the remainder of the year for a prorated fee. In computing such fee, the department shall count any unexpired fraction of a month as one (1) month.
- C. The annual fee and the investigative fee for the adult use or sexually oriented business permit/license shall be established by way of County Board Resolution.
- D. No part of the fee paid by any permit/license issued under this Ordinance shall be refunded except in the following instances: upon application to the County Board of Commissioners within thirty (30) days of the event. The department shall refund a pro-rated portion of the fee for the permit/license for the unexpired period of the permit/license, computed monthly, when operation of the permitted/licensed business ceases not less than one (1) month before the expiration of the permit/license because of:
 1. Destruction or damage of the permitted/licensed premises by fire or other catastrophe;
 2. The licensee's illness;
 3. The licensee's death; or
 4. A change in the legal status making it unlawful for the licensed business to continue.
- E. Each application shall contain a provision on the application in bold print stating that any withholding of information or the providing of false or misleading information will be grounds for the denial or revocation of a permit/license. Any changes in the information provided on the application or provided during the investigation shall be reported to the County Board of Commissioners by the applicant or permittee/licensee. If said changes take place during the investigation, the date shall be provided to the Zoning Administrator in writing, and the Zoning Administrator shall report the changes to the County Board of Commissioners. Failure to report said changes by the applicant (s) or the permittee/licensee may result in the denial or revocation of a permit/license.

23.3 GRANTING OF PERMIT/LICENSE

- A. The department shall investigate all facts set out in the application and approve or deny the application based on the facts presented and the conditions in the following subdivisions and all other provisions of this Ordinance and of any applicable County, State and Federal Law.
- B. The department shall only issue the permit/license to the applicant. The permit/license shall not be transferred to another holder. The department shall only issue each permit/license for the premises or location described in the application. No permit/license may be transferred to another location or place without the approval of the County Board of Commissioners.

23.4 RENEWAL

- A. All licenses issued under this Ordinance shall be effective for a period of one year from the date of issuance at which time it will expire. An application for the renewal of an existing license must be made prior to the expiration day of the license and shall be made in such form as the department requires. The appropriate renewal fee shall be paid in full before the renewal application is accepted. If, in the judgment of the department, good and sufficient cause is shown for failure to submit a renewal application before the expiration of the existing license, the department may, if the other provisions of this Ordinance are complied with, grant a renewal of the license.
- B. The department shall establish a renewal investigation fee, which shall be separate from any renewal fee. The fee shall cover the costs involved in verifying the renewal application and cover the expense of any investigation needed to assure continued compliance with this Ordinance. This fee may be waived by the department when there has been no change in circumstances concerning the license.
- C. A licensee obtains no vested interest in a license issued under this Ordinance and the department reserves the right to not renew the same. A license under this Ordinance will not be renewed if the department determines that the licensee has failed to comply with the provisions of this Ordinance and/or all applicable Minnesota Law.

23.5 PERSONS INELIGIBLE FOR PERMIT/LICENSE

The department shall not grant a permit/license to, nor may one be held by, any person who:

- A. Is under 21 years of age;
- B. Has been convicted of a felony or of violating any Minnesota Law;
- C. Is not the proprietor of the establishment for which the permit/license is issued;
- D. Has not paid the permit/license and investigative fees required by this Ordinance;
- E. Is not a citizen of the United States; or
- F. Has had an adult use or similar permit or license revoked under an ordinance statute similar to this.

23.6 PLACES INELIGIBLE FOR PERMIT/LICENSE

- A. No permit/license shall be granted for adult uses or sexually-oriented businesses on any premises where a permittee/licensee has been convicted of a violation of this Ordinance, or where any permit/license hereunder has been revoked for cause until one (1) year has elapsed after such conviction or revocation.
- B. Except uses lawfully existing at the time of this Ordinance, no permit/license shall be granted for any adult use or sexually-oriented business that does not meet all County Ordinance requirements, and all provisions of State and Federal Law.

23.7 NON-CONFORMING USES

- A. No such adult uses or sexually oriented business shall be expanded or enlarged except in conformity with the provisions of the Ordinance;
- B. A non-conforming adult uses or sexually oriented business shall be required to apply for and receive an adult use permit/license from the department. The department does not require a public hearing before issuing a permit/license for the non-conforming adult use or sexually oriented business.

23.8 CONDITIONS OF PERMIT/LICENSE GENERALLY

- A. Every conditional use permit/license may be granted subject to the conditions in the following subdivisions and all other provisions of this Ordinance and of any applicable County, State and Federal Law.
- B. All licensed premises shall have the permit/license posted in a conspicuous place.
- C. No minor shall be allowed in or on the premises of an adult use or sexually oriented business.
- D. Any designated inspection officer or law enforcement officer of the County shall have the right to enter, inspect, and search the premises of a permittee/licensee during business hours.
- E. Every permittee/licensee shall be responsible for the conduct of their place of business and shall maintain conditions consistent with this Ordinance and County Ordinances generally.
- F. No adult goods, materials or services shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.

23.9 CONDITIONS OF PERMIT/LICENSE – ADULT PRINCIPAL

The department may issue adult uses principal and sexually oriented conditional use permits/licenses to businesses located in the Agricultural/Forestry land use district, subject to the following conditions:

- A. No adult uses principal or sexually oriented business shall be located closer than 1,320 feet from any other adult use principal or sexually-oriented business in any County. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest point of the actual business premises of any other adult use principal or sexually-oriented business.
- B. No adult uses principal or sexually-oriented business shall be located closer than 1,320 feet from any residential lot line, place of worship, school, public park, open space, licensed family day care home, playground, public library, or licensed child care or day care center in any city or county. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest property line of the premises or building used as a dwelling or residence, place or worship, school, public park, open space, licensed day care home, licensed group family day care home, public library or licensed child care or day care center.
- C. No adult use principal or sexually oriented business shall be located closer than 1,320 feet from any residential lot line, any residential land use district or any residential development. Measurements shall be in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use or sexually-oriented business to the nearest residential lot line, boundary of the residential land use district or residential development.

- D. All adult uses and sexually oriented businesses must meet all of the provisions of this Ordinance.
- E. The County prohibits any building owner or operator from having more than one of the following uses, tenants, or activities in the same building structure:
1. Adult body painting studio;
 2. Adult book store;
 3. Adult cabaret;
 4. Adult car wash;
 5. Adult companionship establishment;
 6. Adult entertainment facility;
 7. Adult hotel or motel;
 8. Adult modeling studio;
 9. Adult sauna/steam room/bathhouse;
 10. Adult motion picture theater;
 11. Adult mini-motion picture theater;
 12. Adult massage parlor
 13. Adult health/sports club;
 14. Adult novelty business; or
 15. Any business or establishment in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” that the public can see.
- F. An adult uses principal and sexually oriented business shall not sell or dispense non-intoxicating or intoxicating liquors, nor shall it be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors.
- G. No adult uses principal and sexually-oriented business’ entertainment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult uses establishment that is prohibited by any ordinance of Crow Wing County, the laws of the State of Minnesota or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes or ordinances.
- H. No adult uses principal or sexually-oriented business shall be conducted in any manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
- I. Adult uses principal and sexually-oriented businesses shall prominently display a sign at the entrance, located within two feet of the door opening device of the adult use establishment or section of the establishment devoted to adult books or materials which states: “This business sells or displays material containing adult themes. Persons under 18 years of age shall not enter.”
- J. Adult uses principal and sexually oriented businesses shall not be open between the hours of 12:00 a.m. and 10:00 a.m. on any day.

23.10 CONDITIONS OF PERMIT/LICENSE – ADULT USE ACCESSORY

The department may issue Adult Uses Accessory permits/licenses to businesses or establishments located in the Agricultural/Forestry land use districts subject to the following requirements.

- A. The adult uses accessory shall comprise no more than 20 percent of the floor area, or up to 500 square feet, whichever is smaller, of the establishment, space, structure or building in which it is located.
- B. Display areas for adult movies or video tape rentals or other products shall be restricted from general view and shall be located within a separate room, for which the access is in clear view and in the control of the person responsible for the operation.

23.11 SIGN RESTRICTIONS

The following sign regulations shall apply to all adult uses and sexually oriented businesses in Crow Wing County. These regulations are to protect children from exposure to sexually oriented or shocking signs and materials and to preserve the value of property near adult uses and sexually oriented business. These regulations are aside from any other provisions of the County's regulations.

- A. All signs shall be flat wall or freestanding signs. No sign shall be located on the roof, or contain any flashing lights, moving elements or electronically or mechanically changing messages.
- B. The County's sign regulations for zoning business where the business is located shall regulate the number of signs allowed for an adult use or sexually oriented business.
- C. No merchandise, photos, illustrations, representations or pictures of the sexually oriented products, activities or entertainment offered on the licensed premises may be displayed in an area where such items can be viewed from a sidewalk, public right-of-way, or any building or structure adjoining or adjacent to the sexually oriented business;
- D. No signs shall be placed in any window. The licensee shall prominently display, on the door of the licensed premises, a sign containing the following language: "This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter." The sign shall be in clear, legible letters, each letter at least one inch high.

ARTICLE 24--RESERVED

ARTICLE 25--ANIMALS IN RESIDENTIAL DISTRICTS

The standards in this Article shall apply to the keeping of animals on lots less than 10 acres in size in all land use districts where such uses are allowed.

25.1 LIMITATIONS ON ANIMALS IN RESIDENTIAL DISTRICTS

- A. Household pets which do not constitute a public nuisance are allowed in all Land Use Districts.
- B. Agricultural animals shall be allowed in all land use districts subject to the following performance standards:
 - 1. One animal unit is allowed per 2.5 acres.
 - 2. No more than .25 animal units shall be allowed on parcels less than 2.5 acres of land.

3. The keeping or pasturing of such animal unit does not pollute the waters of the State or the ground water under the land.
4. No such animal unit shall be kept or pastured within 100 feet of any other dwelling.
5. All animal units shall be kept or pastured meeting the required lake setback to the OHWL of a public water.
6. Accumulation of animal wastes or manure shall not be allowed.

ARTICLE 26--CAMPGROUND STANDARDS

The standards in this Article shall apply to campground uses in all land use districts where such uses are allowed.

26.1 POLICY

It shall be the policy of this Standard to permit campground facilities within the County under controls as shall be necessary to allow such campground facilities to be compatible with adjoining or nearby land use.

26.2 COMPLIANCE WITH OTHER REQUIREMENTS

All requirements of any law, regulation or Ordinance otherwise pertaining to a campground must be complied with. Specifically, State Department of Health campground regulations (Minn. Rules Chapter 4630) shall apply except where this Article or other provisions of this ordinance may require stricter regulations.

26.3 MOBILE AND MANUFACTURED HOMES

No mobile home or manufactured home shall be allowed in a campground, except for use by the owner or manager.

26.4 YEAR-ROUND RESIDENTIAL USE PROHIBITED

Residential use of camping vehicles, except as permitted for a campground owner or caretaker, shall be prohibited from November 1 to April 1.

26.5 APPLICABILITY

The campground standards in this section shall apply to:

- A. Lots or parcels used exclusively for campground purposes;
- B. Lots or parcels used for both campground and residential uses but shall apply only to the portion of the lot or parcel used for campground purposes including facilities that are available for use by both campground and residential uses. Standards for residential uses shall apply to portions of lots or parcels used exclusively for residential purposes; and
- C. A camp operated for use by an organization serving youth groups, such as Boy Scouts, Campfire Girls, church affiliated groups, etc. shall not be considered a campground unless less than 25 percent of the people housed thereon are housed in structures.

26.6 CAMPGROUNDS IN SHORELAND AREAS

In addition to the standards contained in this Article, new campgrounds located in Shoreland Areas must meet all conditions contained in the Development Standards, Article 33, or Resort Standards, Article 34 (whichever applicable) with the most restrictive standards to apply in all cases, except:

- A. New campgrounds may be established with a permit at a resort with 5 or more housekeeping cabins or rental living space units, if all other requirements of this Article and the Land Use Ordinance are met.

26.7 PREREQUISITE TO CHANGE

No existing campground or campsite may be changed or modified in any way unless it shall be made to fully comply with all provisions of this Article and Land Use Ordinance with the following exceptions:

- A. **Better individual campsite compliance.** Existing individual campsites may be changed or modified to bring them into compliance with Articles 26.8 and 26.9 and Ordinance without requiring the entire campground to come into compliance; and
- B. **Small increases.** Up to three, cumulative for the life of the campground, new campsites that comply with the provisions of Articles 26.8 and 26.9 may be added to the number of sites existing at a campground on the effective date of this Ordinance. A permit shall be approved by Department before any new campsites are constructed.

26.8 MINIMUM CAMPSITE SIZE

New campsites shall be at least 4,000 square feet in size with the following exceptions:

- A. **Seasonal use.**
 - 1. A modern facility campground for seasonal use may provide campsites of 3,000 square feet or more.
 - 2. **Recreational Vehicles, Travel trailers, and motor homes.** A modern facility campground for seasonal use exclusively for travel trailers and motor homes may provide:
 - a) **Size.** Campsites of 2,250 square feet or more with a minimum lot width of 30 feet at the midpoint where a recreational vehicle is set.
 - b) **Reduction for common areas.** The Planning Commission/Board of Adjustment may reduce the square footage requirements by 10 percent if the campground operator utilizes some land in the site area for some common recreation area such as shuffleboard, playground equipment, recreational hall, swimming pool, horseshoe court, etc. No recreational use in a shore impact zone, setback areas, or on internal roads shall be construed as meeting the requirements to reduce camping lot size.
- B. **Part time use.** A primitive facility campground for part time use may provide campsites of 2,000 square feet or more.

26.9 ADDITIONAL REQUIREMENTS FOR CAMPSITES AND CAMPGROUNDS

- A. **Campsite Setbacks.** New campsites shall comply with the following requirements:
 - 1. **Roads.** Setbacks from the right-of-way line of principal and minor arterials shall be at least 500 feet. Setbacks from the right-of-way line of all other public roads shall be at least 100 feet, except that a modern facility campground for seasonal use for only travel trailers and motor homes shall be setback at least 35 feet from the right-of-way line of all roads.
 - 2. **Lakes and rivers.** Setbacks from the Ordinary High-Water Level of public waters shall be at least 200 feet. Setbacks from the water's edge of any other body of water shall be at 100 feet, except that a modern facility campground for seasonal use for only travel trailers and motor homes shall be setback at least 75 feet from a General Development Lake, 100 feet from a Recreational Development Lake and 150 feet from a Natural Environment Lake.
 - 3. **Property lines.** Setbacks from all property lines shall be at least 75 feet, except 10 feet for a modern facility campground for seasonal use for only travel trailers and motor homes.

- B. **Campground setback near residences.** No campground for part time use or combination time use shall be allowed within one-eighth (1/8) mile of any residence without approval in writing from the owner of such residence.
- C. **Boundary marking.** All campgrounds shall require a simple method of signage, simple fencing, vegetative screening, or a combination of same in order to show clearly where the boundaries of the campground are located to minimize inadvertent trespass.
- D. **Utilities.** A modern facility campground for seasonal use for only travel trailers and motor homes shall require a centralized sewage disposal and water supply system with individual sewer, water, and electrical hookups to each site.
- E. **Specifications and approval for utility plans.** All plans for installation, alteration, or extension of any such sewage disposal or water supply system shall meet those specifications so designated by the Minnesota State Department of Health and the Department. Prior to commencement of any construction, all plans must be reviewed and approved by the Department with final review and approval to be made by the Minnesota State Department of Health.
- F. **Sanitary facilities setbacks.** No supporting sanitary facility for the campground can have a lesser setback from the property lines than allowed for a campsite. Sewage disposal beds or trenches shall be setback 60 feet from a General Development Lake, 85 feet from a Recreational Development Lake and 150 feet from a Natural Environment Lake.
- G. **Screening.** Each campsite shall be screened from view from beyond the campground property lines by solid fence, trees or plantings which are at least 85 percent effective under 100 feet of setback, are at least 60 percent effective for 101 to 175 feet of setback and are at least 30 percent effective for setbacks of 176 feet or more.
- H. **Campsite identification.** Every separate campsite available for use on every campsite shall be identified by a number. Campgrounds which provide for a rotational use must remove such identifying signs on campsites temporarily removed from use.
- I. **Campsite rotation.** Except for Part Time Use Campgrounds or Part Time Use portion of a combination time use campground, all other campground plans for operation must include a plan to rest campsites or rotate the use of campsites to protect the individual campsites from overuse.

ARTICLE 27—GUEST COTTAGE/GUEST QUARTERS

27.1 SHORELAND DISTRICTS

A guest cottage or guest quarter in the Shoreland District, where listed as allowed or permitted in Article 10.3, shall comply with the following standards:

- A. All required setbacks shall be met.
- B. The maximum impervious surface limits for the lot shall not be exceeded.
- C. The maximum building footprint and livable area for a guest cottage does not exceed 700 square feet.
- D. The building footprint for an accessory structure containing a guest quarter is limited by impervious surface limits according to Article 11.10 B and the livable area shall not exceed 700 square feet.
- E. Construction complies with all provisions of Articles 11 (Shoreland Management Standards) and 41 (Stormwater Management) of this ordinance.

- F. A guest cottage shall not exceed 15 feet in building height.
- G. A guest quarter shall not exceed 30 feet in building height.
- H. It is located or designed to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.
- I. Analysis of existing shoreland vegetation according to the Crow Wing Shoreline Rapid Assessment Model and development of a shoreland vegetation restoration plan, if applicable, as set forth in Article 11. At a minimum all new guest quarters and guest cottages shall provide for a no maintenance buffer between the structure and the lake.
- J. Lots which contain a two-, three-, four- or multi-family dwelling shall not be allowed a guest cottage or guest quarter.

27.2 NON-SHORELAND DISTRICTS

A guest cottage or guest quarter shall comply with the following standards:

- A. All required setbacks shall be met.
- B. The maximum impervious surface limits for the lot shall not be exceeded.
- C. The maximum building footprint and livable area for a guest cottage does not exceed 900 square feet.
- D. A guest quarter shall not exceed 30 feet in building height.
- E. No more than one (1) guest cottage or guest quarter shall be allowed per single-family residential lot.
- F. Lots which contain a two-, three-, four- or multi-family dwelling shall not be allowed a guest cottage or guest quarter.

ARTICLE 28-- TWO-, THREE- AND FOUR-FAMILY (DUPLEX, TRIPLEX AND QUAD) DWELLINGS

28.1 SHORELAND DISTRICTS

A duplex or triplex dwelling may be permitted on a residential lot in the Shoreland District provided it meets the standards listed in Table 11.1 of this Ordinance. Quads are not allowed within the Shoreland District.

Travel trailers used as dwelling units shall not be allowed on a lot containing a duplex, triplex, quad or multi-family dwelling for longer than 14 consecutive days in a calendar year.

28.2 NON-SHORELAND DISTRICTS

A duplex, triplex or quad dwelling may be permitted in non-shoreland districts as identified in Article 10.3 provided it meets the following standards:

- A. The dwelling is located on a lot that meets the minimum size requirements of the district in which it is located. Existing legal lots which are nonconforming to current lot size requirements shall not be eligible for placement of a duplex, triplex or quad.
- B. Individual dwelling units within a duplex, triplex or quad must be attached by a common wall(s) such that no unit is a freestanding structure. Each building shall have conforming sewage treatment and water systems.

C. The parcel and all construction shall comply with all provisions of Article 41 (Stormwater Management) of this ordinance.

Travel trailers used as dwelling units shall not be allowed on a lot containing a duplex, triplex, quad or multi-family dwelling for longer than 14 consecutive days in a calendar year.

ARTICLE 29--EXTRACTIVE USE

The standards in this Article shall apply to extractive uses in all land use districts where such uses are allowed.

29.1 POLICY

Extractive Use mining is an important industry in Crow Wing County and contributes directly and indirectly to the economy of the County. Construction sand and gravel are used in concrete, aggregates, concrete products, asphalt, road base, fill, snow and ice control and other miscellaneous uses. Peat, black dirt, rock, and other soils are used extensively for landscaping. Other extractive uses are or may be used to a lesser degree in Crow Wing County.

29.2 GRAVEL EXTRACTION PERMIT CLASSIFICATIONS:

G1. Topsoil Removal for Commercial purposes.

- Temporary borrow sites incidental to construction.
- No processing of materials or stockpiling of recyclable bituminous or demolition materials.
- Extraction and reclamation to occur in same construction season.
- Peat and humus extraction.

G2. All G1 uses.

- Natural material removal only, no processing with exception for screening equipment.
- Site may be used for many years and developed in phases.
- Site may be used for stock piling of screened materials.

G3. All G1 and G2 uses.

- Site may include crushing, screening, washing, and processing of bituminous and demolition materials.
- Stock piling of recyclable demolition and bituminous can occur.

G4. All G1, G2 and G3 uses.

- Site may include hot mix operations and bituminous reprocessing.

G5. All G1, G2, G3, G4 uses.

- Site may include a ready-mixed concrete plant.

29.3 CONDITIONAL USE PERMIT REQUIRED

Extractive uses shall only be allowed as a conditional use in those districts indicated in the use classification list in Article 10.3. In addition to the general conditions that may be imposed by the Planning Commission/Board of Adjustment, the specific conditions in this Article shall apply to conditional use permit.

29.4 APPLICABILITY

All forms of extractive use shall be subject to the provisions of this Article including, but not limited to, gravel, sand, topsoil, quarry rock, mineral, peat, humus, sub-surface in-situ leach extraction, petroleum and any other similar uses in which material is removed from the ground, except for the following:

- A. **Personal, non-commercial use.** Personal non-commercial extractive use by the owner of the land on which the extractive use takes place is exempt from permitting requirements, but are subject to restoration requirements in Article 29.6 F within one year of suspension of extraction activities if the site is visible from the public road.

29.5 ADDITIONAL CUP INFORMATION AND REVIEW CRITERIA

As stated in Article 29.3, above, a conditional use permit is required for all new extractive uses, with the exception of the owner's extractive use for personal/non-commercial purposes. In addition to the application, information, and review criteria for a general conditional use permit in Article 7, the following specific requirements shall be met for an extractive use conditional use permit:

- A. **Specific evaluation criteria.** In addition to the general criteria for evaluating a conditional use permit in Article 7, the following specific criteria shall be used in evaluating an application for an extractive use conditional use permit:
 1. The ability of roads to handle extractive related traffic.
 2. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties according to MPCA Standards.
 3. Groundwater protection.
 4. Property controlling access.
 5. Control of erosion and sedimentation.
 6. Impact within watershed.
 7. In harmony with the Crow Wing County Comprehensive Plan, using Township Comprehensive Plans as advisory documents.
 8. Compatibility with adjacent and surrounding land use, zoning patterns and patterns of development.
- B. **Notification of township.** The Zoning Administrator will notify officials in the township in which the extractive use is located in at the time an application is made for an extractive use.
- C. **Application information.** In addition to the general application information for a conditional use permit in Article 7, the following specific application information shall be provided by the applicant for an extractive use conditional use permit:
 1. A written description of the extractive use and operation thereof, including GPS coordinates;
 2. Amount of truck activity at highest and average levels; ADT (Average daily total) counts;
 3. Dust control measures;
 4. Buffer area, on all sides of the operation;
 5. Hours of operation, along with duration of proposed activity;
 6. Truck routes to and from site;

7. Types of barriers established if necessary for safety of people and livestock by the active area of excavation;
8. Property line location; and full legal description of the site and easement documentation;
9. Reclamation plans;
10. Plans for screening from adjacent properties;
11. Plans for drainage from the site;
12. Long range plans for the site; phase development and reclamation;
13. Anticipated vegetative and topographic alterations;
14. Proposed mitigation of effects on wildlife;
15. Erosion and Storm water control plan;
16. Proposed mitigation for cultural and/or archaeological sites;
17. Noise abatement plan; and
18. A description of all land uses within one mile radius of the proposed extraction site.

D. **Site plan.** In addition to the general application information for a conditional use permit in Article 7, the following site plan information shall be provided by the applicant for an extractive use conditional use permit:

1. Location of all extractive use operations;
2. Horizontal and vertical dimensions of the extractive site;
3. All setbacks from roads and adjacent property lines;
4. Location, size and use of all structures on the parcel;
5. Location of all adjacent structures and their uses within 1/4 of a mile;
6. Area of excavation or phases of proposed excavation;
7. Extent of vegetation in buffer area;
8. All lakes, streams, and wetlands on property;
9. Location of proposed stock piles or slag piles;
10. Location of reclamation materials;
11. Depth to saturated soil and average water table depth;
12. All wells, both proposed and existing, all water sources and discharge sites; and
13. USGS topographical map of the area delineating the site boundaries and access road.

E. **DNR permit.** The applicant is responsible for obtaining any applicable permits from the Minnesota Department of Natural Resources or other statutory regulatory agencies, including permits required under Minnesota Statutes 103G.245 (Work in Public Waters) and 103G.265 (Water Appropriation). A copy of such DNR-approved permit shall be on file prior to commencement of operations.

29.6 REQUIRED CONDITIONS FOR EXTRACTIVE USES

In addition to the general conditions that may be imposed on a conditional use permit in Article 7, the following specific conditions shall be imposed on conditional use permits for extractive uses:

- A. Buffer area.** A 50-foot buffer area, and additional area needed to maintain a 3:1 slope, shall be established between the extractive use site and the property line containing the extractive use. This buffer area may be altered through a written agreement with the adjacent property owner. Proof of the agreement shall be filed with the Department and recorded with the County Recorder and specifically shall state what activities may take place in the buffer area. Without such agreement the buffer area may be used under the following circumstances:
1. The buffer area may contain the haul road if it is determined by the County that for safety purposes the extractive site access needs to be within the buffer area.
 2. The haul road may also be placed in the buffer area to avoid wetlands.
- B. Depth to groundwater separation.** The applicant must indicate depth to groundwater table in plan.
- a) Boring may be required. A minimum separation of one foot above the groundwater table must be maintained unless permit is on file.
- C. Reclamation during operation.** All slopes shall be stabilized, equipment and structures removed, topsoil properly placed and permanent seeding established, banks rounded, and other reclamation actions completed on an ongoing basis.
1. Slope the banks at a minimum of 3:1 and otherwise properly guard and keep any pit or excavation in such condition so as not to be dangerous from caving or sliding banks.
 - a) The tops of banks shall be rounded to conform to the surrounding topography.
 - b) Properly drain, fill, or level any excavation, after created, so as to make the same safe and healthful as the Planning Commission/Board of Adjustment shall determine.
 2. All trees, brush, stumps, and any other debris removed for the sole purpose of operation of an extractive use site, shall be disposed of in a manner acceptable to the fire warden and the local Solid Waste Department. A copy of the letter of acceptance shall be filed with the Department. In no case shall vegetation from over a 10-acre area be kept on the property unless it is burned or buried.
 3. Keep any extractive use, excavation, or impounded waters within the limits for which the particular permit is granted.
 4. **Closing reclamation plan.** Before any permit is issued, the applicant must submit a reclamation plan for approval by the County. The plan shall meet the following minimum reclamation standards:
 - a) Reclamation of the site within one year of the expiration of the Operator Permit. All buildings, structures, and plants incidental to such operation shall be dismantled and removed by, and at the expense of the extraction operator last operating such buildings.
 - b) The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a topography in generally substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed a 3:1 slope ratio.

- c) Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to be seeded with compatible plants.
 - d) Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosions and be based on SWCD recommendations.
 - e) Extractive use sites may also be reclaimed for wetland mitigation or creation and, if it is the intent of the operator to reclaim in that manner, it must be done pursuant to a plan approved by the Department.
 - f) Reclamation must occur within one year of the cease of operation.
5. **Permit review.** Conditional use permits for extractive uses shall be reviewed by staff for compliance with the approved conditions every two years at no additional cost to the applicant.
 6. **Mississippi River corridor.** No extractive use, processing plant, crushing plant, wash plant, asphalt plant, concrete plant or other extractive use shall be located within the Mississippi River corridor.
 7. **Water quality.** The extractive use operation shall not adversely affect the quality or quantity of surface or subsurface water resources as defined by MPCA, DNR, USACOE or MDH. Surface water originating outside and passing through the extraction district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.
 8. **Facilities setback.** No processing equipment, such as screening, crushing, washing plants etc. may operate closer than 1000 feet to a residence in existence at time of application unless the written consent of the resident is on file with the Department.
 9. **Hours of operation.** Hours of operation shall be set by the Planning Commission/Board of Adjustment.

29.7 PERFORMANCE SECURITY

The Planning Commission/Board of Adjustment shall require performance security, as specified in Article 3.6 of this ordinance, in an amount sufficient to pay all costs associated with restoration of the extractive use site.

ARTICLE 30--HOME OCCUPATION /HOME BUSINESS STANDARDS

The standards in this Article shall apply to home occupation/home business uses in all land use districts where such uses are allowed.

30.1 HOME OCCUPATION STANDARDS

- A. A home occupation is allowed without a permit in all land use districts.
- B. The home occupation shall be incidental and secondary to the use of the single-family dwelling for residential purposes.
- C. There shall be a primary residence on the property that is occupied by the business owner. The business enterprise shall be conducted within the primary residence, or within accessory structures.
- D. No person other than the occupants of the primary dwelling may be employed in the business enterprise.

30.2 HOME BUSINESS STANDARDS

- A. A home business requires a conditional use permit in all land use districts.
- B. The home business shall be incidental and secondary to the use of the single-family dwelling for residential purposes.
- C. There shall be a primary residence on the property that is occupied by the business owner. The business enterprise shall be conducted within the primary residence, outside, or within accessory structures.
- D. Persons other than those that occupy the primary dwelling may be employed in the business enterprise.
- E. There may only be one sign, with a permit, on the parcel advertising the business which shall not be illuminated and shall not measure greater than 70 square feet in area.
- F. The outdoor storage of those items not generally considered to be retail display items shall be screened from view from public roads, abutting residences, public surface water and public recreational facilities.
- G. The Planning Commission/Board of Adjustment may impose conditions on home businesses such as, but not limited to, number of employees, hours of operation, parking provisions, and equipment storage.

30.3 EXEMPTIONS

The following exemptions apply to this Article:

- A. Commercial businesses or operations that store vehicles, products and materials required for the business or operation are exempt from this Article provided that the business or operation activity does not occur at the property.

ARTICLE 31--MOBILE HOME AND MOBILE HOME PARK STANDARDS

The standards in this Article shall apply to mobile homes and mobile home parks in all land use districts where such uses are allowed.

31.1 POLICY

The policy of this Standard shall be to set requirements for Mobile Home Development and Mobile Home Parks as well as to regulate the placement of individual mobile homes in such manner as will not impede other growth and planning for various land use districts.

31.2 CONSTRUCTION PROJECT USES

- A. Mobile homes may be used:
 - 1. For office space on construction sites for up to 1 year.
 - 2. To house workers on construction sites for up to 1 year.
- B. These uses of mobile homes shall require permits and meet all setbacks in this ordinance.

31.3 STORAGE ALLOWED

Mobile homes not used for residential purposes may be located and stored in mobile home sales yards without permit for mobile home.

31.4 MOBILE HOME PARKS

A Mobile Home Park shall meet all laws and regulations of the State as well as the requirements of the Zoning Ordinance.

31.5 INDIVIDUAL LOT SIZE

The individual lots within a Mobile Home Park shall be at least 50 feet wide and at least 6,000 square feet in size.

31.6 INFORMATION FOR APPLICATION

The applicant shall submit a plan addressing the requirements of this Article with their application.

31.7 CONDITIONS

The Planning Commission/Board of Adjustment may impose conditions in conjunction with approvals mobile home parks.

31.8 COMPLIANCE

All structures shall comply with the standards in this Land Use Ordinance and any conditions required by the Planning Commission/Board of Adjustment.

31.9 WATER SUPPLY AND SEWAGE SYSTEMS

All sewer and water systems shall receive local and State approval before construction begins.

ARTICLE 32--PARKING AND OFF-STREET LOADING STANDARDS

The standards in this Article shall apply to parking and off-street loading uses in all commercial land use districts or where such commercial uses occur.

32.1 ADDITIONAL REQUIREMENTS

Additional requirements are or may be applicable and may be found within the other Standards of the Crow Wing County Land Use Ordinance.

32.2 OFF-STREET LOADING

- A. Space for off-street loading and unloading of service vehicles shall be provided for every building.
- B. One such space shall be provided for every 10,000 square feet of floor area, or fraction thereof, on a premises.
- C. For industrial buildings, such spaces shall measure at least 10 feet in width and 60 feet in length.
- D. For commercial buildings in Commercial 1 and Commercial 2 Districts, such spaces shall measure at least 10 feet in width and 35 feet in length.
- E. For all other buildings, such spaces shall be as necessary in size. The space provided therefore shall be such as will not hinder normal traffic flow on or off the premises concerned.

32.3 PARKING AREAS PERFORMANCE STANDARDS

- A. **General parking standards.** All land use permit applications for commercial uses or commercial buildings shall include provisions for off-street parking according to table 32.1 unless approved for alternative parking standards in Article 32.3D below.

- B. When a commercial structure is enlarged, off-street parking spaces shall be added to meet the minimum parking space requirements in Table 32.1
- C. If the use of a commercial structure is changed to a different use requiring additional spaces, the additional parking spaces shall be provided.
- D. Alternative parking standards:
1. The Zoning Administrator may approve alternative parking standards if it is determined that alternative standards as set forth in this article achieve the purposes of this ordinance. An application for alternative parking standards may be submitted if:
 - a) A new business or use wishes to defer construction of a portion of the required parking spaces until a future date or,
 - b) A parking study indicates that fewer parking spaces are required, or,
 - c) Maximum parking capacity is needed only on a seasonal or special event basis and overflow parking can be accommodated using a designated pervious vegetated area, or,
 - d) Parking spaces are shared with another business or group of businesses.
 2. An application for alternative parking standards shall include:
 - a) For deferred parking construction, a site plan indicating the area reserved to meet the minimum parking space requirements in Table 32.1 along with a parking construction schedule indicating when the total number of required parking spaces will be completed.
 - b) For reduced parking space requirements, a parking study indicating the actual history of past parking use or parking use by similar businesses. An area to accommodate additional parking spaces to meet the minimum parking space requirements in Table 32.1 shall be preserved as open space.
 - c) For overflow parking, a site plan indicating the vegetated area that is reserved for parking, stabilization treatment of the parking area (geo-grid, etc.) if any, and how stormwater is to be managed.
 - d) For shared parking, a plan indicating the minimum parking requirements for all businesses, the number of parking spaces to be shared, and the location of shared spaces relative to the businesses.
 3. Alternative parking performance standards:
 - a) Total parking spaces required in table 32.1 shall be used when calculating impervious surfaces, measuring setbacks, and determining other requirements for parking areas.
 - b) For deferred parking construction applications, a minimum of 50% of the required parking spaces shall be constructed within two years of permit approval unless the standards for reduced parking are met.
 - c) For reduced parking space requirement applications, an area to accommodate additional parking spaces to meet the minimum parking space requirements in Table 32.1 shall be preserved as open space for future parking. Within 3 years from the date of permit approval, the applicant shall submit a follow up report on parking usage. If, after reviewing the follow up report, the Zoning Administrator finds that additional parking area is required, such parking spaces shall be added.

- d) For vegetated overflow parking applications, the total parking area must meet the minimum parking space requirements in Table 32.1. A maximum of 40% of the total required parking spaces may be vegetated overflow parking. Overflow parking areas must be preserved as open space. No sediment from vegetated overflow parking areas shall be transported onto public roads or streets.
- e) For shared parking applications, an easement, or in the case of shared wall construction a party wall easement or planned community agreement, between the participating property owners shall be recorded in the office of the County Recorder and a copy submitted to the Department specifying the number and location of shared parking spaces, who is authorized to use the shared spaces and under what conditions, how access to those spaces is achieved from a public street or road, and a plan indicating how the shared parking spaces will be managed and maintained. Within 3 years from the date of permit approval, the applicant(s) shall submit a follow up shared parking report. If, after reviewing the follow up report, the Zoning Administrator finds that additional parking area is required, such parking spaces shall be added.

Table 32.1 Minimum Required Parking Spaces	
FACILITY OR USE	MINIMUM REQUIRED PARKING SPACES
Auto body or repair shop, vehicle sales—automobile, boat, recreational equipment	1 space for each 300 square feet of gross floor area
Bed and breakfast residence	2 spaces plus one additional space for each rented room
Bowling lanes	5 spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant
Carwash	3 spaces
Church, funeral home, theater, auditorium, athletic field, arena, racetrack, or other places of gathering	1 space for each 4 seats based on maximum design capacity
Community center, post office, studio, library, club, lodge, museum, or public building	10 spaces plus 1 for each 350 square feet of floor area in excess of 2,000 square feet in the principal building
Daycare facility	4 spaces plus 1 for each 500 square feet in excess of 1,000 square feet of floor area in the principal building
Assisted care home, rest home, or nursing home	1.9 spaces per bed, plus 1 space per 300 square feet of gross floor area for any outpatient medical facilities
Gas station, convenience store w/fuel sales	4 spaces plus 2 spaces for each fueling stall
Home business or home occupation	2 spaces in addition to those required for the residence
Hotel, motel	1.4 spaces per unit
Manufacturing-- fabrication, or processing of a product or material, assembly; contractor services, machine shop	1 space for each 400 square feet of floor area
Medical, dental, or veterinary clinic	1 space for each 300 square feet of gross floor area
Multispecialty outpatient clinic	1 space for each 200 square feet of gross floor area
Multi-family residence	2 spaces per unit

Office—business or professional, office building, bank, or financial institution	1 space for each 300 square feet of gross floor area
Open sales lot	3 spaces for each 5,000 square feet of the open sales lot area
Public auction house, golf driving range, miniature golf, and similar uses	15 spaces plus 1 for each square foot of floor area over 2,000 square feet
Restaurant, cafe, bar, tavern, nightclub	1 space for each 2.5 seats for restaurant area; 1 space for each 2.0 seats in bar area
Retail sales and service establishment, light equipment repair shop, rental equipment sales and service, adult use, and convenience store	1 space for each 250 square feet of gross sales floor area
School	1 space for each 7 students based on design capacity, plus 2 additional spaces for each classroom
Skating rink, amusement park, or dance halls	100 spaces plus 1 for every 200 square feet of floor area in the principal building
Speculative building (use not known) for industrial	1 space for every 700 square feet of floor area
Uses not specifically noted	Determined by the Zoning Administrator
Warehouse/storage handling of bulk goods, wholesaling	1 space for each 1,000 square feet of floor area plus 1 for each truck loading bay

32.4 HANDICAPPED ACCESSIBLE PARKING REQUIREMENTS

- A. The Minnesota Accessibility Code, as may be amended, shall govern and regulate all accessible parking standards and improvements within the unincorporated areas in the county. The scoping requirements are found in the International Building Code (IBC), chapter 11-2006; the ICC/ANSI A117.1-2003 technical criteria; state amendments found in Minn. Rules Chapters. 1341-2007; and the International Residential Code (IRC), including, but not limited to, section R322.1.
- B. The number of accessible parking spaces to be provided shall be determined by the following table:

Table 32.2 Minimum Number of Accessible Spaces	
Total Parking Spaces Provided	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100, or fraction thereof, over 1,000

32.5 SCREENING OF PARKING AREAS

A. Off-street commercial parking areas, for six or more vehicles, shall be screened according to Article 36 of this ordinance.

32.6 ACCESS

- A. **PARKING AREAS.** Parking areas, used to serve a building and containing provision for six or more parking spaces, must use a restricted access between the parking area and an adjacent road
- B. **Access.** In situations where access is shared between multiple commercial property owners, an easement, or in the case of shared wall construction, a party wall easement or planned community agreement, between the participating property owners shall be recorded in the office of the County Recorder and a copy submitted to the Department specifying where the shared access is located, who is authorized to use the shared access and under what conditions, and a plan indicating how the shared access will be managed and maintained.

ARTICLE 33--RESIDENTIAL DEVELOPMENT STANDARDS

33.1 POLICY

Residential developments in Crow Wing County should provide a choice of housing types and a variety of recreational opportunities. These standards address the following policies and strategies from the Crow Wing County Comprehensive Plan:

- A. **Water Resources Policy.** Minimize the adverse effects of development county-wide on Crow Wing County’s water resources.
- B. **Water Resources Strategy 3.** Revise, strengthen, and enforce the County Shoreland Ordinance to address current and anticipated development patterns.
- C. **Water Resources Implementation.** Reduce high density development, reduce impervious surfaces, and limit manipulation of the vegetation in the shoreland impact zones.

33.2 PURPOSE AND APPLICABILITY

A. The purpose of this part is to allow for greater flexibility and creativity in the design of residential subdivisions; facilitate the construction of streets, utilities, and public services in a more economical and efficient manner; and promote conservation subdivisions to ensure that citizens in residential developments and the public benefit from the conservation of natural features of the land, including wetlands, forests, shorelines, steep slopes, plants, wildlife, historic sites, and scenic areas.

- B. Applicability. These standards shall apply to all subdivisions of real estate in the unincorporated areas of Crow Wing County creating four or more lots, except for minor boundary line corrections, resolution of encroachments, and additions to existing lots of record.
- C. Options. This Article provides for flexibility in designing new subdivisions and establishes procedures and criteria for evaluating new subdivisions by allowing two forms of development--conventional developments and conservation developments.
1. Conservation developments and conventional developments are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings.
 2. Conservation developments on riparian parcels shall have a minimum of three (3) contiguous acres of suitable area and a minimum lot width of 400 feet.
 3. All lots within a conventional development shall meet the minimum lot size and width requirements applicable to the zoning district in which they are located.
 4. Lots within a conservation development may be allowed lots which do not meet the minimum lot size and width requirements applicable to the zoning district in which they are located, provided the reduced lot sizes are consistent with the purpose of a conservation development as defined by this ordinance.
 5. An applicant shall choose whether they want their development to be regulated as a conservation development or a conventional development.
 - a) Conservation developments shall, in addition to the requirements of Articles 33.3 through 33.7 and 33.14, adhere to the requirements of Articles 33.8 through 33.11.
 - b) Conventional developments shall, in addition to the requirements of Articles 33.3 through 33.7 and 33.14, adhere to the requirements of Articles 33.12 through 33.13.

33.3 DEVELOPMENT APPLICATION PROCESS

Development applications shall follow the procedures established in the Crow Wing County Subdivision Ordinance.

33.4 ENVIRONMENTAL REVIEW

Environmental review shall be conducted pursuant to the procedures and standards in Article 3.10 of this ordinance.

33.5 CRITERIA FOR EVALUATION

Before the Planning Commission/Board of Adjustment recommends approval of a development proposal, they shall find that the following criteria are satisfied:

- A. The development complies with all county ordinance standards.
- B. The development or unit thereof is of sufficient size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit.
- C. The development will not create an excessive burden on parks, schools, streets and other public facilities and utilities that serve or are proposed to serve the development.

- D. Access in the form of dedicated right-of-way or easement, as appropriate, shall be provided to adjacent undeveloped properties that do not have direct access to a public road. Developers or subsequent owners may be entitled to compensation for providing such access.

33.6 DESIGN CHANGES

Changes made after final plat approval shall be approved as follows:

- A. During construction of the development, the Department may approve minor changes in the location of buildings, design of roads, or other circumstances not foreseen at the time the development was approved.
- B. Changes in uses, rearrangement of lots, blocks, dwelling unit lots, or any changes in the provision of common open space shall require re-approval by the Planning Commission/Board of Adjustment and Townships if applicable.

33.7 MAINTENANCE AND ADMINISTRATION REQUIREMENTS

To ensure the continued existence and functioning of common open space and the development as a community, the following administrative requirements shall be met when common open space is created as part of a development:

- A. **Development organization and functioning for developments of ten (10) or more lots or dwelling unit lots.** Unless an equally effective alternative community framework is approved by the Planning Commission/Board of Adjustment and established, when there is common open space or any other common element, all residential developments of ten (10) or more lots or dwelling unit lots shall include an owners' association with the following features:
 - 1. Membership shall be mandatory and automatic for each lot or dwelling unit lot owner and any successive owners.
 - 2. Require that each owner in the development have an undivided ownership in the common open space and other common elements.
 - 3. Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 - 4. Assessments shall be adjustable to accommodate changing conditions.
 - 5. The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities, and shall enforce covenants, deed restrictions, and easements.
 - 6. The association shall develop a Long-Term Management Plan for any common open space and shall administer the plan pursuant to the terms of Crow Wing County's conservation easement (see Article 33.7.B) on the open space.
 - 7. **Amendments or revisions to covenants or deed restrictions.** Before establishing or recording any common interest community, the developer shall submit documents, including all covenants, conditions, restrictions, easements, and operating rules and procedures associated with the development, for review and approval by the Planning Commission/Board of Adjustment pursuant to Minnesota Statutes, section 515 B.1-106. Such documents shall provide that no amendments or revisions of covenants or deed restrictions may be made unless approved in advance by the Department and the Planning Commission/Board of Adjustment. Any such amendments or revisions made without such approval shall not be effective.

- B. Common open space preservation.** A permanent conservation easement to ensure perpetual preservation and maintenance of common open space shall be created pursuant to Minnesota Statutes, Chapter 84C. The form of the easement shall be approved by Crow Wing County and the executed easement shall be recorded in the Office of the County Recorder and a copy of said easement provided to the Department and retained by the Department in its records. The instruments of the easement shall incorporate the provisions of Article 33 governing common open space, including without limitation all of the following protections:
1. Regulate construction impervious surfaces and/or recreation facilities pursuant to the Long-Term Management Plan.
 2. Prohibit beaching of motorized watercraft when used as an unauthorized mooring space.
 3. Prohibit dumping, storage, or burning of solid or other wastes.
 4. Allow the use of common open space for subsurface sewage treatment systems if other use of the space is restricted to avoid adverse impacts on the sewage treatment system.
 5. Restrict in perpetuity the common open space from further subdivision and/or land development.
- C. Other common elements.** Common elements such as areas designated for storage of vehicles and personal property may be designated, provided that open space requirements are met, pursuant to the Long-Term Management Plan.
- D. Residential developments of nine or less lots or dwelling unit lots with common open space.** The common open space may be retained by the property owner, owner's association and/or the developer and may be sold to any subsequent property owner, provided:
1. The common open space boundaries are documented with a Certificate of Survey; and
 2. The common open space remains undivided and is restricted from further development by means of a permanent conservation easement. Any permanent conservation easement shall comply with the provisions of Article 33.7.B.
 3. The property owner, owner's association and/or the developer which owns the common open space shall be responsible for insurance, taxes, and maintenance of all common open space, property and facilities, and shall enforce covenants, deed restrictions, and easements.
 4. The property owner, owner's association and/or the developer shall have and administer a Long-Term Management Plan for any common open space, property, and facilities.
- E.** In the event the person or entity responsible for administration of the Long-Term Management Plan fails to administer and perform all or any portion of the plan relating to common open space, the County may serve written notice upon such person or entity setting forth the manner in which the such person or entity has failed to administer and perform the plan. Such notice shall set forth the nature of corrections required and a reasonable time within which to complete corrective action. If corrective action is not completed within a reasonable time, the County may, but the County is not required to, assume responsibility for administration and performance of the plan with respect to such failures, and in furtherance of such action the County may enter the premises and take all corrective action as may be reasonable, including extended maintenance. The costs of such corrective action may be charged to the person or entity responsible for administration of the Long-Term Management Plan or individual property owners who make up a homeowners' association and may include administrative costs. Such costs shall become a lien upon and assessed against the properties that have the right of enjoyment of the common open space.

33.8 CONSERVATION DEVELOPMENT STANDARDS

Conservation development standards are intended to provide a relationship between buildings, and between buildings and sites, that cannot be accomplished by the one building-one lot application of the land use provisions of this ordinance. In order to encourage well designed building groups, this section provides for the development of more than one structure upon a single lot or tract as well as the integral development of one or more lots as a single tract.

33.9 CONSERVATION DEVELOPMENT DESIGN PROCESS AND CRITERIA

A. Before submitting an application, applicants are required to demonstrate to the Planning Commission/Board of Adjustment that the following design process was used to determine the layout of proposed streets, dwelling unit lots, and open space as shown on the site plan:

1. Step One: Identifying conservation areas:
 - a) First, identify and delineate the primary conservation areas including wetlands, bluff impact zones, cultural features such as historic and archeological sites, and structure setback areas; and secondary conservation areas including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and scenic views.
 - b) Second, the developable area shall be identified and shall consist of land completely outside primary conservation areas, and, to the maximum extent feasible, outside secondary conservation areas.
2. Step Two: Calculate the number of dwelling unit lots allowable under Article 33.10 and locate the approximate sites of individual houses within the developable area. Include the delineation of private yards and shared amenities so as to reflect an integrated community, with emphasis on consistency with the County's Comprehensive Plan.
3. Step Three: Aligning the streets and trails. Align streets in order to access the dwelling unit lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
4. Step Four: Draw in the lot lines.
5. Step Five: Identify on a design plan map all parts of the project parcel to be permanently protected as part of the open space.

B. Conservation development design criteria.

1. At least fifty percent (50%) of the total project area shall be permanently preserved as common open space. Common open space shall include structure setbacks and bluff impact zones, areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - a) To the maximum reasonable extent all open space shall be part of a larger continuous and integrated open space system within the parcel being developed. Areas shall be considered contiguous if they are within 100 feet of each other and there are no impediments to access between the areas.
 - b) Natural features included in open space shall generally be maintained in their natural condition, but may be managed to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with the Long-term Management Plan approved by the County. Permitted management activities may include:
 - 1) Woodland management.
 - 2) Reforestation.
 - 3) Meadow management.
 - 4) Wetlands management.
 - 5) Water body bank protection.

- 6) Buffer area landscaping.
 - 7) Wildlife management
 - 8) Recreation management
 - c) The common open space shall maximize common boundaries with existing or future open space on adjacent lands.
 - d) Common open space shall serve and enhance all dwelling unit lots, cluster groups, and other common facilities.
2. Dwelling unit lot areas, structures and all road rights-of-way shall not be included in the computation of common open space.
 3. Dwelling unit lots may be clustered into one or more groups located on suitable areas of the development and must meet all external property line, road, and structure setbacks.
 4. Dwelling unit lot impervious surface coverage shall meet the standards in Article 41.
 5. There shall be at least one access corridor to the shore impact zone common open space as approved by the Planning Commission/Board of Adjustment. The corridor shall:
 - a) Be accessible to all residents of the conservation development.
 - b) Have a minimum width of 50 feet.
 - c) Provide upland access to the shore impact zone common open space without impacting wetlands.
 - d) Have a trail and vegetation management plan addressed in the Long-Term Management Plan.
 6. New developments and redevelopments of existing developments shall meet vegetation management standards in Article 27 of this ordinance.
 7. No impervious surfaces shall be allowed within the shore impact zone, except stairways, lifts, or landings. Those portions of boat launching ramps greater than 10 feet landward from the OHWL shall be constructed of pervious materials.
 8. Roads within and serving conservation developments shall be constructed according to American Society of Civil Engineers (ASCE) standards (Residential Streets, 2001, 3rd edition or later, ASCE) and the development plan approved by the Planning Commission/Board of Adjustment, and the local road authority, if applicable.
 9. The boundaries of the permanent conservation easement area and the common open space shall be clearly and visibly marked.
 10. Access in the form of dedicated right-of-way or easement, as appropriate, shall be created for future road connection to adjacent undeveloped properties or public lands that do not have direct access to a public road or may be required when deemed necessary for avoiding a disconnected road network by the County in the approval of the conservation development. Developers or subsequent owners may be entitled to compensation for providing such access.

33.10 CONSERVATION DEVELOPMENT DENSITY EVALUATION

A. Shoreland District:

1. The project parcel must be divided into two tiers:

- a) The first tier shall consist of all areas within the following distances landward from the OHWL of public waters:

Lake or River Class	First Tier Landward in Feet
General Development	200
Recreational Development	267
Natural Environment	400
Sensitive Shoreland Districts	400
All river classes	300

- b) The second tier shall consist of all remaining area in the project parcel.
2. The number of dwelling unit lots allowable in each tier is calculated by dividing the suitable area in square feet within each tier by the density factor for the shoreland class in Table 33.1:

Classification	Conservation Development Structure Setback in Table 11.2	Conservation Development Density Incentive Structure Setback in Table 11.2	
	First Tier	First Tier	Second Tier
General development lakes and rivers	27,000	24,000	22,500
Recreational development lakes	34,000	32,000	30,000
Natural Environment lakes and rivers, Sensitive Shoreland Districts	68,000	64,000	60,000
Cold water rivers	72,000	67,500	67,500

3. Allowable dwelling unit lots may be transferred from the first tier to the second tier, but not from the second tier to the first tier.

B. Non Shoreland Districts:

1. The number of dwelling unit lots allowable is calculated by dividing the total project parcel area in square feet by:
- a) 43,560 in the Rural Residential-1 District; or,
 - b) 108,900 in the Rural Residential-2.5 District; or,
 - c) 217,800 in the Rural Residential-5 District; or,
 - d) 435,600 in the Rural Residential-10 District; or,
 - e) 871,200 in the Rural Residential-20 District.

33.11 CENTRALIZATION AND DESIGN OF FACILITIES

A Long-Term Management Plan shall be submitted to and approved by the Planning Commission/Board of Adjustment. In addition to other required provisions, the plan must include or provide for:

- A. Conservation developments shall be connected to publicly owned water supply and sewer systems, if available. Sewage treatment systems may be centralized and shall have an operating plan and third-party manager.
- B. A lake use and access area plan including:
 - 1. The location and configuration of pathways, launching ramps, dock configuration and location, and other facilities within the structure setback area, if any.
 - 2. Provisions that allow all residents of the conservation development to use the shore recreation area, exclusive of the dedicated continuous mooring spaces.
 - 3. The size, location, and configuration of the shore recreation area, including but not limited to swimming areas, docks, launching ramps, and watercraft mooring areas, if any.
 - a) The total width of the shore recreation area(s) shall not exceed the greater of 50 feet or a distance equal to 10% of the lot width, riparian. The depth of the shore recreation area may extend to the structure setback line, subject to the stormwater plan approved by the Planning Commission/Board of Adjustment.
 - b) All such facilities shall be centralized and located in areas most suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, upland and aquatic vegetation, presence of wetlands, soils, depth to groundwater, or other relevant factors.
 - c) Identification of potential safety issues created by and addressing conflicts among the uses permitted under the plan,
 - d) All such facilities may be used by all occupants of the conservation development, subject to the provision of Article 33.11, B., 4, 5 and 6.
 - 4. Prohibit shore recreation facilities or uses outside of the designated lake use and access area and adjacent littoral areas.
 - 5. The number of allowable continuous watercraft mooring spaces for conservation developments abutting public waters shall not exceed the number of allowable dwelling unit lots in the first tier. Individual docks are not allowed.
 - 6. Unless prohibited by the conservation easement created under Article 33.7, B. launching ramp facilities, including a dock for loading and unloading equipment may be used by all occupants of the conservation development, provided that all watercraft, other than those afforded continuous mooring spaces, are stored outside the structure setback area such that they are not visible from the public water.
- C. Accessory structures, parking areas, storage and other facilities shall meet the required principal structure setback and be centralized, be treated to reduce visibility as viewed from Public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Department, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided.

D. Prohibit commercial uses.

33.12 CONVENTIONAL DEVELOPMENT STANDARDS, DESIGN PROCESS, AND CRITERIA

Conventional development standards are intended to provide a one primary residence per lot application of the land use provisions of this ordinance.

- A. Conventional developments shall use the design procedures established in the Crow Wing County Subdivision Ordinance as well as the residential lot area standard for the respective land use district classifications in this ordinance.
- B. All roads within conventional developments, whether public or private, shall be constructed to meet specifications in the Article 35 of this ordinance.
- C. A shoreland vegetation buffer plan shall be designed and implemented meeting the standards in Article 27 of this ordinance.
- D. No impervious surfaces shall be allowed within the shore impact zone, except, stairways, lifts, or landings. If permitted under Article 11, those portions of boat launching ramps greater than 10 feet landward from the OHWL shall be constructed of pervious materials.
- E. Access in the form of dedicated right-of-way or easement, as appropriate, shall be created for future road connection to adjacent undeveloped properties or public lands that do not have direct access to a public road or may be required by the County when deemed necessary for avoiding a disconnected road network in the approval of the conventional development.
- F. Common Elements. Common elements such as areas designated for storage of vehicles and personal property may be designated.

33.13 CONVENTIONAL DEVELOPMENT DENSITY EVALUATION – SHORELAND AND NON-SHORELAND AREAS.

The number of lots allowable is calculated:

- A. In the Shoreland District, according to the standards in the Crow Wing County Subdivision Ordinance, as well as the residential lot area standard for the respective land use district classification in Article 11.3 of this ordinance.
- B. Outside the Shoreland District, according to the standards in the Crow Wing County Subdivision Ordinance, as well as the residential lot area standards for the respective land use district classifications in Articles 12 and 14 of this ordinance.

33.14 EROSION CONTROL, STORMWATER MANAGEMENT, AND SEDIMENT CONTROL

All developments shall comply with the provisions of Article 41 of this Ordinance.

ARTICLE 34--RESORT STANDARDS

34.1 POLICY

There is good public policy for allowing a qualified resort the opportunity to expand and improve their business. Some of these are:

- A. **2003-2023 Crow Wing County Comprehensive Plan.** In the economic development section of the plan, the Crow Wing County Board refers the policy “encourage a diverse business mix that provides livable wage employment opportunities for all socio-economic factions of the labor force and enhances tourism and the quality of life for residents”. One of the strategies to implement this policy is to “retain existing resorts; assist them with expansion and improvements to allow them to meet growing needs in a manner that does not degrade natural resources.” The Crow Wing County Board has recognized the importance of our local resort community to our local economy and way of life.

34.2 PURPOSE

It is the purpose of this Article to provide standards for new resorts, structure replacement within an existing resort, expansions to existing resorts and resort conversions. Resorts are allowed for new projects on undeveloped land, redevelopment of previously built sites or conversions of existing buildings and land.

34.3 PROCESSING OF APPLICATIONS FOR RESORTS

Applications for resort developments shall be processed according to the following provisions:

- A. **Permitted use:** Applications for:
 - 1. Structure replacement pursuant to Article 34.11.
 - 2. Resort expansion pursuant to Article 34.12 (A).
- B. **Conditional use:** Other than permitted uses listed in 34.3 (A) above, all other applications regarding resorts shall be processed as a conditional use as provided for in Article 7 in this ordinance.
- C. **Environmental review:** All environmental reviews of resort applications shall be conducted pursuant to the standards in Article 3.10 of this ordinance.
- D. **Additional studies or information.** In considering a resort development application, the Planning Commission/Board of Adjustment or County Board may request a report by the Zoning Administrator or other County staff, a consultant; additional information from the applicant; input from any affected public service facility provider or special service district; and input from contiguous, affected, or potentially affected jurisdictions. If so required, the applicant shall bear the full cost of meeting this requirement.

34.4 STAFF REVIEW OF APPLICATION

The Department shall conduct the following reviews of applications.

- A. **Initial Conference & Sketch Plan.** In order to ensure that all applicants for resorts are informed of the application process and procedure, as well as the requirements of this ordinance and related ordinances, the applicant is required to consult with the Zoning Administrator at the initial conference. At the time of this initial conference the applicant shall present a sketch plan for review.
 - 1. Sketch plan requirements. The sketch plan need not be drawn to scale but must show the proposed resort boundaries, intended use of the property, proposed location of structures, significant topographical and physical features including shoreline edge vegetation, and adjacent land use.

2. Shall also include a concept statement describing the project and explaining how it is designed and will function.

- B. Review of application for completeness.** After the initial conference has been conducted, the applicant may submit an application based on Article 34.5 below. The Zoning Administrator shall review the application and shall determine if the application is complete pursuant to the requirements of this Ordinance. If the Zoning Administrator determines the application is not complete, then the application shall be returned to the applicant, and the applicant shall be informed in writing as to the additional information needed.
- C. On-site review by staff.** Within 15 working days of receipt of a completed application, Department staff will conduct an on-site review of the property to gather information and photographs to aid in review of the application and to ensure there are no violations of County Ordinances on the property. Prior to the on-site review by staff, the applicant shall locate and identify all proposed lot and exterior boundary corners and the boundaries of the primary access drive with flags or stakes. The applicant shall also flag the location of any water-based recreation and access sites.

34.5 APPLICATION REQUIREMENTS FOR RESORTS

The applicant for new resort development, resort expansion, structure replacement, or resort conversions shall submit an application with the Zoning Administrator that meets all of the following requirements:

- A. Forms:** Completed application for the proposed project on forms provided by the County.
- B. Fee:** A fee in the amount listed in the fee schedule adopted by the County Board shall be paid upon determination by the Zoning Administrator that the application is complete.
- C. Density calculation:** Calculations showing all information necessary to determine conformance with the density standards in Article 34.7, below, shall be included. Applications exceeding the allowed density shall not be accepted.
- D. Site plan:** A site plan meeting the requirements of Article 34.6.
- E. Plat:** A subdivision plat meeting the requirements of the Crow Wing County Subdivision Ordinance if any land division is proposed.
- F. Owners association:** A property owner's association agreement with mandatory membership, and all pursuant to the requirements of Article 34.9 of this Article.
- G. Restrictions:** Deed restrictions, covenants, permanent easements, or other instruments that:
1. Properly address future vegetative and topographic alterations, construction of additional buildings, beaching and mooring of watercraft;
 2. Ensure the long-term preservation and maintenance of open space pursuant to the criteria and analysis specified in Article 34.8 of this Ordinance including the perpetual renewal of the covenants and deed restrictions; and
 3. Rental requirements for shared capital resorts including restrictions on personal use of "establishment".
- H. Master plan:** A master plan/drawing describing the project.
- I. Floor plans:** Floor plans for all structures including heights of buildings.
- J. Additional documents.** Any additional documents as requested by the Planning Commission/Board of Adjustment necessary to explain how the resort will be designed and function.

34.6 SITE PLAN REQUIREMENTS

Certificates of survey are required for new resort development applications, expansions and conversion and shall include the following information:

- A. Name of Resort.
- B. Legal description of property involved.
- C. Name and address of owner, applicant, registered land surveyor, and designer of plan.
- D. North arrow.
- E. Date of plan preparation.
- F. All current and proposed property boundaries and lot lines, including dimensions.
- G. Boundary, dimensions, and area of all shoreland tiers.
- H. Total acreage of property involved.
- I. Existing soil conditions and topographic contours at 10-foot intervals except areas of slopes over 12 percent shall be shown at two foot intervals.
- J. All roads, existing and proposed, showing right of way widths.
- K. Location and design of all on-site sanitary waste treatment facilities, existing and proposed, and domestic water supply.
- L. All structures, recreational and/or accessory facilities, both existing and proposed, including but not limited to: cabins, campsites, housing facilities, lodges, offices, sheds, swimming pools, tennis courts, laundries, stores, boat storage, and fish cleaning houses, etc.
- M. All surface water features, including, but not limited to, lakes, rivers, streams, floodplains, ponds, and wetlands, including the location of the Ordinary High-Water Level.
- N. Existing or proposed marinas, harbors, permanent mooring sites, docking facilities, and other related implements, including rafts and buoys, markers delineating swimming and bathing areas, beaches, and other facilities.
- O. Lake study showing aquatic vegetation in the water, water depth in one-foot intervals to a depth of six feet, and bottom substrate type and conditions. (For new resorts or resorts expanding shoreland property).
- P. Grading and drainage plans which meet the requirements of Article 34. 8 (D).
- Q. All easements and rights-of-way, including document number.
- R. Existing zoning classification for property and land abutting property.
- S. Percent of impervious surface existing and proposed.

34.7 RESORT DENSITY CALCULATION

- A. **Tiers.** The tract of land occupied by the establishment shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high-water level. The following table indicates the first tier width for each lake classification:

Table 34.2 First Tier Width Standards	
Public Waters Classification	Feet
General Development Lakes – First Tier	200
Recreational Development Lakes – all tiers	267
Natural Environment Lakes	400
All River Classes – All Tiers	300

1. The second tier is all the remaining area in the parcel outside the first tier and within the shoreland district.

B. Select the appropriate ratio to determine the land surface area that can be covered by structures from the following table:

Table 34.3 Resort Floor Area Ratios		
Public Waters Classes	First Tier	Second Tier
General Development Lakes	0.125	0.075
Recreational Development Lakes	0.075	0.075
Natural Environment Lakes	0.038	0.038
All River Classes – All Tiers	0.038	0.038

- C. Multiply the area within each tier, excluding all wetlands, bluffs, and land below the ordinary high water level of public waters, by the ratio in Article 34.7 B above, to yield the total land surface area that can be covered by structures in each tier. For resort camp sites, each site shall be minimally set to 500 square feet. However, overall impervious surface limits cannot be exceeded.
- D. Allowable densities may be transferred from any tier to any other tier further from the shoreline of the lake or river but must not be transferred to any other tier closer to the shoreline.
- E. All numbers calculated are rounded down to the nearest whole number.

34.8 RESORT DESIGN CRITERIA

Proposed resort developments shall meet all of the design criteria in the following provisions.

- A. **Minimum development area required:** The minimum area for consideration of a new resort development is three contiguous acres of buildable area and 400 feet of lot width.
- B. **Access:** Any such development, which fronts on a Principal arterial, minor arterial, or collector roads shall be served by a frontage/backage road as determined by the Planning Commission/Board of Adjustment based on information by the County Highway Department.
- C. **Open Space Requirements:** New resorts must contain open space meeting all of the following criteria:
 - 1. At least 50 percent of the total project area must be permanently preserved as open space; however, 25 percent of the open space must be suitable area for recreational use. Creation of stormwater

ponds or rain gardens on area originally considered upland shall not be deducted from the buildable area.

2. The land area of all dwelling units/sites and accessory structures, the space between buildings in a cluster, and areas of 25 feet around each structure, all road right-of-way and all land covered by impervious surfaces, road surfaces, parking areas or structures, are developed areas and shall not be included in the computation of minimum open space;
3. Open space must include areas with physical characteristics unsuitable for development in their natural state, areas containing significant historic sites or unplatted cemeteries;
4. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in units or sites and by the general public;
5. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
6. The appearance of open space areas, including topography, vegetation and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance or equally and permanent means;
7. The shore and bluff impact zones, based on normal structure setbacks, shall be included as open space. At least 60 percent of the shore impact zone area must be preserved in its natural state; and
8. A shoreland vegetation buffer plan designed and implemented meeting the standards in Article 27.

D. **Stormwater Management:** A stormwater management plan designed by a Minnesota-licensed professional engineer meeting the standards in Article 41 of this ordinance shall be submitted to the Department and implemented.

E. **Centralization and Design of Facilities:** Centralization and design of facilities and structures must be done according to the following standards:

1. Resorts shall be connected to both publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health, MPCA and Article 11.7 and Article 37 of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the Ordinary High-Water Level, elevation above the surface water features and maximum height.
3. Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock or other relevant factors. Boating facilities shall be located adjacent to the deepest water available. The number of allowable continuous watercraft mooring spaces abutting public waters shall not exceed the number of allowable dwelling unit lots in the first tier. Individual docks are not allowed. Continuous docking spaces shall only be used by transient lodgers at the resort, except for the allowance of one dock for the primary service provider. Launching ramp facilities including a small dock for loading and unloading equipment

may be provided for use by occupants of dwelling units/sites. Non-moored watercraft shall be stored so they are not visible from the lake.

4. Structures, parking areas and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means acceptable to the Planning Commission/Board of Adjustment, assuming summer leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
5. Roads and cul-de-sacs must be wide enough to meet current Fire Code widths of 20 feet wide and 66 feet in diameter at the cul-de-sac, or approved by the local fire authority.
6. Accessory structures and facilities must meet the required principal structure setback and must be centralized.

F. **Water supply and sewage systems:** No sewage treatment system shall be installed or modified without approval by the Department.

34.9 MAINTENANCE AND ADMINISTRATION REQUIREMENTS

All new resort development, resort expansions and resort conversions, if applicable, shall meet all of the following maintenance and administration requirements:

- A. **Open space protection:** Before final approval, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the establishment. A one-time fee for purposes of monitoring and enforcing terms and conditions of any open space governing instruments may be assessed.
1. Deed restrictions, covenants, permanent easements, public dedication and acceptance or other equally effective and permanent means must be provided to ensure perpetual preservation and maintenance of open space. The instruments must include all of the following protections:
 - a) Vegetation and topographic alterations other than to prevent personal injury or property damage and for restoration efforts based on an approved shoreland vegetation buffer plan shall be prohibited;
 - b) Construction of additional buildings, impervious surfaces, or storage of vehicles and other materials shall be prohibited;
 - c) Uncontrolled beaching of watercraft shall be prohibited; and
 - d) Dumping, storage, processing, or landfill of solid or other wastes shall be prohibited.
- B. **Development organization and functioning:** Unless an equally effective alternative community framework is established, all shared capital resorts shall use an owners association with the following features:
1. Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 2. Each member shall pay a pro rata share of the association's expenses and unpaid assessments can become liens on units or sites;
 3. Assessments shall be adjustable to accommodate changing conditions;
 4. The resort shall be responsible for insurance, taxes and maintenance of all commonly owned property and facilities;

5. The resort is responsible for the enforcement of all rules, regulation, restrictions, and easements, and must notify the County of all violations immediately. Any changes to management documents must be filed with the Department;
6. The shared capital resort must file by March 1st annual reports with the Department detailing all use of the facility and all dwelling units. The report shall separately break out personal use and rental use on a dwelling unit basis. Failure to do so will result in suspension and permit revocation of all applicable permits;
7. No shared capital camp sites, dwelling sites, or camping facilities, etc. shall be allowed; and
8. Proposed shared capital resorts which exceed resort density allowances in Article 34.7 shall identify within their management documents which dwelling units are to be abated upon failure to qualify as a resort.

34.10 NEW RESORTS

The creation of new resorts is allowed provided they meet all of the requirements of Article 34 and the Land Use ordinance in addition to the following standards:

A. Structure setbacks and maximum height must meet the following standards:

1. Minimum structure setbacks for new structures must be at least:

Table 34.4 New Resort Minimum Structure Setbacks	
Public Waters Lakes Classes	OHWL setback (feet)
General Development Lakes	125
Recreational Development Lakes	150
Natural Environment Lakes	200
Public Waters River Classes	OHWL setback (feet)
General Development Rivers	100
Natural Environment Rivers	150
Cold Water Rivers	200

2. **Height.** Maximum height of any structure cannot exceed 35 feet in height.

34.11 STRUCTURE REPLACEMENT WITHIN AN EXISTING RESORT

Resorts are allowed to maintain and replace any non-conforming structures, so long as the establishment continues to operate as a resort and provided all the following standards are met:

A. Pursuant to Minnesota Statutes, Chapter 103F.227, Subd. 3, resort owners may:

1. Maintain structures, including the replacement of aging or outdated components or systems of the structure, while not increasing the structure's footprint on the land; and,
2. Replace structures damaged or lost to fire or natural disaster.

- a) This applies only when an application for a building permit is made within 180 days of the damage or loss.
 - b) Structural replacement under this Article must not result in a structure that is any larger than the original structure or any closer to the shoreline of a public water.
- B. Pursuant to Minnesota Statutes, Chapter 103F.227, Subd. 4, a resort owner may increase a structure footprint to minimally meet federal, state, or local dwelling standards or codes. To "minimally meet" the standards or codes means that the replacement structure does not add new architectural elements, such as more bedrooms, that did not exist in the original structure. Structural expansion under this subdivision must not result in a structure that is any larger than required to meet standards or codes or a structure or any portion that is any closer to the shoreline of a public water than prior to the expansion.
- C. A sketch plan complete with proposed scope of work, shall be submitted with any permit application.
- D. A shoreline buffer meeting the standards in Article 27 of this ordinance shall be approved by the Department and implemented.

34.12 RESORT EXPANSION

A resort may expand so long as it continues to operate as a resort, the information required in Article 34.5 and 34.6 is provided, and the following criteria are met:

- A. Resorts licensed by, and in good standing with, the State of Minnesota as of August 15, 2005 will be allowed to expand up to 6 dwelling units during the life of the resort (not per owner) provided that the resort has not gone through the conditional use permit process and consists of less than 20 dwelling units.
 - 1. There is available additional density as calculated in Article 34.9, and the impervious surface limits provided in Article 41 are not exceeded.
 - 2. At least 60 percent of the shore impact zone shall be preserved in or restored to its natural state or, alternatively, in front of each structure for its entirety, a buffer strip consisting of native vegetation of trees, shrubs, understory and forbs extending from the shoreline landward 35 feet shall be created according to a plan approved by the local government.
 - 3. For those resorts created after August 15, 2005 structure setbacks and maximum heights shall meet the standards in Article 34. 10 A. For those resorts established prior to August 15, 2005, structure setbacks and maximum heights shall meet the standards in Articles 11.2 and 11.6.
 - 4. On-site water supply and sewage treatment systems shall be designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, and those in Article 37. On-site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient area free of limiting factors must be provided for a replacement soil treatment system for each sewage system. Alternative onsite sewage treatment processes, such as the use of aerobic treatments systems to prolong the life of drainage fields, may be allowed if they meet the standards listed in Minnesota Rules 7080.
 - 5. Erosion control and stormwater management for resorts must meet the standards in Article 41 of this ordinance.
 - 6. If required, a marina permit must be obtained from the DNR as under DNR Rules part 6115.0211 for the development.

- B. Except as provided in Article 34.12 A, all expansions of resorts shall meet the standards in Article 34.12.

34.13 RESORT CONVERSIONS

Resorts may be converted to a residential development, or shared capital resort if all of the following standards are met:

- A. For conversions to residential developments, proposed conversions shall be evaluated using the same procedures and standards in Article 33. All inconsistencies between existing features of the development and these standards shall be identified and corrected, except there shall be no minimum lot size or width requirement for lots created to contain existing dwellings or dwelling units.
- B. Dwelling unit or dwelling site densities shall meet the standards in Article 33.10 for conversion to residential developments and the standards in Article 11 for conversions to residential lots.
- C. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities shall be corrected as part of the conversion or as specified in the conditional use permit.
- D. Shore and bluff impact zone deficiencies shall be corrected as part of the conversion. Where applicable, these improvements must include the following:
 - 1. Removal of extraneous buildings, docks, boat launching areas and ramps, or other facilities located in shore or bluff impact zones;
 - 2. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water to meet shoreland vegetation buffer standards Article 36 of this ordinance; and
 - 3. For conversions to shared capital resorts all pertinent requirements of Article 34 and the subdivision ordinance, if applicable, shall be met.

ARTICLE 35--ROAD, STREET, HIGHWAY AND ROADSIDE STANDARDS

The standards in this Article shall apply to road, street, and highways in all land use districts.

35.1 ROAD RIGHTS-OF-WAY

The right-of-way of all public roads, streets or highways shall be used only for:

- A. The purpose of providing the way for roads, streets, and highways thereon.
- B. For the placement of signs thereon by the authority or government agency concerned with each right-of- way.
- C. For the placement of public utilities thereon or thereunder.

35.2 RAILROAD RIGHTS-OF-WAY

The right-of-way of all railroad property shall be used for:

- A. The purpose of providing for such railroad track as placed thereon together with such other railroad facilities necessary for the operation and maintenance of such tracks;

- B. Such signs as railroad authority shall place thereon and used for the operation of such railroad or to preclude trespassers thereon; or
- C. For the placement of public utilities thereon or thereunder.

35.3 RAILROAD CROSSINGS

All railroad crossings shall provide for a line of sight on any approach road lane of traffic which will:

- A. At a point 50 feet from the center line of the closest railroad track, an open line of sight will extend at least 50 feet in either direction down the track; and
- B. At a point 100 feet from the center line of the closest railroad track, an open line of sight extends at least 250 feet in either direction down the railroad track.

35.4 RAILROAD CROSSING SIGNAGE

All railroad crossings shall be marked by appropriate warning signs.

35.5 DRIVEWAY ENTRANCES

Driveway access to private property from a public road or highway shall be subject to the requirements and standards of the local road authority.

35.6 ROAD RIGHT-OF-WAY WIDTHS

The right of way width of all public roads, streets, or highways shall be pursuant to accepted industry standards which establish the right of way widths for roads or highways at not less than 66 feet and for streets at not less than 60 feet. Such widths shall be considered minimum requirements and shall not preclude greater widths that are required due to topography, drainage, or other related engineering concerns in satisfying industry standards and good engineering practice.

35.7 SHORELAND DISTRICT ROAD STANDARDS

- A. Private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from public waters. They must be designed and constructed to control runoff and erosion to public waters consistent with best management practices.
- B. Roads, driveways, and parking areas must meet public water structure setbacks and must not be placed within bluff and shore impact zones.
- C. Water-oriented parking areas and approach roads must not be placed within bluff and shore impact zones when other reasonable and prudent placement alternatives exist. Water-oriented accessory structures, related parking areas, ramp approach roads and access paths shall not be placed within a bluff but may be placed in shore impact zones 1 and 2 but must be designed and constructed to control runoff and erosion to public waters consistent with best management practices.
- D. Trails providing access to or vistas of the water may be placed within the bluff and shore impact zone but must be designed and constructed to control runoff and erosion to public waters consistent with best management practices.

ARTICLE 36--SCREENING AND FENCING STANDARDS

The standards in this Article shall apply to screening and fencing in all land use districts.

36.1 POLICY

It shall be the policy of the County to require the use of screening and fencing practices to aid in the visual and audio separation of commercial land use districts or commercial uses from residential.

36.2 SCREENING PERFORMANCE STANDARDS

A. Residential Areas: Commercial and industrial uses shall be screened from residential areas and shall screen the business activity on a commercial property from adjacent residential areas. Screening shall be provided where a business or industry is across the street from a residential use, but not on any side of a business or industry considered to be the frontage as determined by the Zoning Administrator, unless specifically required as part of a conditional use permit or as otherwise required by this ordinance. Screening shall be equally effective in the winter and summer and may be accomplished by the use of one or more of the following:

1. The placement of the building on the lot or the placement of a building on an adjacent lot.
2. The use of berms and landscaping.
3. Planting of vegetative screens.
4. Construction of walls or fences.

B. Screening Design Standards:

1. Vegetative screens shall consist of healthy, hardy plant materials that provides effective visual screening year round.
2. A minimum of a 6 foot wall or fence may be utilized as an alternative to vegetative screening.
3. Screening and fences shall be maintained and repaired.

C. Screening between adjacent commercial uses. No screening is required between adjacent commercial uses, unless specifically required as part of a conditional use permit or as otherwise required by this ordinance.

36.3 FENCES

Partition fences in all land use districts shall not require a permit but shall meet the following standards:

- A. Construction and maintenance of partition fences shall comply with the requirements of Minnesota Statutes, Chapter 344.01-344.20
- B. Fences shall not exceed 4.5 (four and one-half) feet in height in shore impact zones 1 and 2. Where a fence is constructed on a commercially zoned land use district within the shore impact zone for the purposes of meeting the screening requirements in Article 36.1, the maximum height of the fence shall still be a maximum of 4.5 (four and one-half) feet in height.
- C. No fence or wall shall be constructed so as to obstruct the view for drivers exiting a driveway

ARTICLE 37—SUBSURFACE SEWAGE TREATMENT SYSTEMS-TECHNICAL STANDARDS AND CRITERIA

37.1 PURPOSE AND AUTHORITY

The purpose of the Subsurface Sewage Treatment System (SSTS) Ordinance is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) including the proper location, design and construction; their necessary

modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the County Comprehensive Plan and the County Land Use Ordinance.

37.2 INTENT

It is intended by the County that this Ordinance will promote the following:

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in Crow Wing County essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the County.
- B. The regulation of proper SSTS construction, reconstruction, repair, and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair, and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

37.3 JURISDICTION

The jurisdiction of this Ordinance shall include all lands of the County except for incorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Ordinance.

37.4 EFFECTIVE DATE

The provisions set forth in this Ordinance shall become effective on February 26, 2014.

37.5 SCOPE

This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

37.6 COUNTY ADMINISTRATION

- A. The Crow Wing County Land Services Department shall administer the SSTS program and all provisions of this ordinance.
- B. The County's duties and responsibilities include, but are not be limited to, the following:
 - 1. Review all applications for SSTS;
 - 2. Issue all permits required in this Article;
 - 3. Inspect all work regulated in this Article;
 - 4. Investigate all complaints regarding SSTS;

5. Issue certificates of installation, certificates of compliance or notices of noncompliance where applicable;
6. Enact enforcement provisions of this Article as necessary;
7. Refer unresolved violations of this Article to the County Attorney;
8. Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents;
9. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program; and
10. Submit annual reports to MPCA as required.

37.7 STATE ADMINISTRATION

The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain an SDS permit from the agency according to chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day. For proposed SSTS, the flow must be determined according to 7081.0110. For existing SSTS, the flow is determined by the greater of the average maximum seven-day measured flow or flow amounts according to part 7081.0110. The highest calculated value of the various methods in Table I under part 7081.0130, subpart 1, must be used to make this determination, with no reduction allowed. An SDS permit is not required if a factor of safety is added to the design flow that results in a design flow that is in excess of the SDS permit threshold.

37.8 CITIES AND TOWNSHIPS ADMINISTRATION

Any jurisdiction within the County that regulates SSTS must comply with the standards and requirements of this Ordinance. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this Ordinance.

37.9 LIABILITY

The County's involvement in administration of this Ordinance does not create a special duty to any person and, further liability or responsibility shall not be imposed upon the County or any of its officials, employees, or other contract agents, for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster SSTS regulated under this Ordinance or by reason of any standards, requirements, or inspections authorized by this Ordinance hereunder.

37.10 ALL SSTS

Except as explicitly set forth in Article 37.12, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

37.11 EXISTING PERMITS

Unexpired permits which were issued prior to the effective date of this Article shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

37.12 SSTS ON LOTS CREATED AFTER JANUARY 23, 1996

All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support Type 1 systems as defined by Minnesota Rule 7080.2200.

37.13 UPGRADE, REPAIR, REPLACEMENT AND ABANDONMENT

A. SSTS Capacity Expansions

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.

B. Bedroom Addition

Any addition to a structure that includes bedroom(s) that require a land use permit from the County shall require that the SSTS meet the required design flow according to Minnesota Rule 7080.1860 or be upgraded to meet Class 1 sizing for both the septic tanks and soil absorption area. Any required upgrades shall be completed within two years.

C. Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule 7080.1500, Subp.4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.

D. Imminent Threat to Public Health or Safety

An SSTS posing an imminent threat to public health or safety shall be pumped within 24 hours and managed as a holding tank in accordance with Minnesota Rule 7080.1500, Subp. 4(A) and said SSTS shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860

E. Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rule 7080.2500.

37.14 SSTS IN FLOODPLAINS

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rule 7080.2270 and all relevant local requirements are met.

37.15 CLASS V INJECTION WELLS

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, Title 40, Part 144, are required by the Federal Government to submit a UIC Class 5 Inventory Form to the Environmental Protection Agency as described in 40 CFR Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

37.16 SSTS PRACTITIONER LICENSING

- A. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules Chapter 7083 except as exempted in Rule 7083.0700.
- B. An MPCA license is not required of an individual who is constructing a SSTS on land that is owned by the individual and functions solely as a dwelling for that individual pursuant to Minnesota Rule 7083.0700. Installation of the system shall be based upon a design by a licensed designer. The

system shall be inspected before it is covered and a 24-hour notification to the Department for inspection is required.

37.17 PROHIBITIONS

A. Occupancy or Use of a Building without a Compliant SSTS

It is unlawful for any person to maintain, occupy, or use any building intended for habitation or that contains plumbing fixtures that is not provided with a wastewater treatment system or that disposes of wastewater in a manner that does not comply with the provisions of this Ordinance.

B. Sewage Discharge to Ground Surface or Surface Water

It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.

C. Sewage Discharge to a Well or Boring

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rule 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.

D. Discharge of Hazardous or Deleterious Materials

It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

37.18 ALTERNATIVE LOCAL STANDARDS ADOPTED BY REFERENCE

A. Adoption of Rule by Reference

1. The County hereby adopts by reference the provisions of Minnesota Rules Chapters 7080 -7083 in their entirety except as referenced under Article 37.18(B), except as otherwise expressly modified by this Ordinance.
2. When “2006 version of Minnesota Rules Chapter 7080” is utilized, the reference is to the rules effective April 3, 2006, otherwise the County is referencing the current rules in effect.
3. All new construction or replacement of SSTS shall employ sewage tanks, distribution media and treatment products which have been registered by the Minnesota Pollution Control Agency.

B. Alternative Local Standards for New and Existing SSTS

1. The County hereby adopts the 2006 version of Minnesota Rules Chapter 7080 for all new and existing residential Type I, Type II and Type III SSTS and SSTS that serve any Food, Beverage and Lodging Establishment under 2,500 gallons per day provided the effluent discharge does not exceed the standards in Minnesota Rule 7080.2150, Subp. 3(K).

37.19 DIFFERENCES IN STANDARDS

A. List of Different Adopted Standards

1. A current Certificate of Compliance or Certificate of Installation that has not expired according to Article 37.26 C of this ordinance is required as follows:

- a) In all zoning districts:
 - 1) For all public hearing applications;
 - 2) For all property transfers; and
 - 3) For administrative subdivisions – one certificate for all systems involved in the subdivision
 - b) In shoreland zoning districts:
 - 1) For any permit application
 - c) In non-shoreland zoning districts:
 - 1) For living space additions to a dwelling;
 - 2) For accessory structures which contain sewage-generating fixtures;
 - 3) For the construction of an attached garage; and
 - 4) For the construction or placement of a dwelling unit for periods of longer than 14 cumulative days.
 - d) A Certificate of Compliance or Certificate of Installation is not required in non-shoreland districts for the following:
 - 1) For accessory structures which do not contain sewage-generating fixtures;
 - 2) For a roof reconstruction permit; and
 - 3) For the construction of a deck, whether covered or uncovered.
2. At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.
 3. Class I sizing is required on all new construction. New construction will be defined as placement of a new structure or replacement structure that is served by pressurized water.
 4. Minimum septic tank sizing shall be 1,500 gallons. This can be accomplished through a compartmentalized tank, multiple tanks in series, or a single existing 1,500-gallon tank with the use of an effluent filter for the last baffle. The filter must be of such a design that when the filter is removed from the filter housing, the flow of water leaving the tank is not allowed. The first tank or compartment shall be no less than 1,000 gallons in size and applies to new and replacement SSTs. Any additional septic tanks shall be a minimum of 1,000 gallons. All other tank sizing shall follow Minnesota Rule 7080.1930 with 1,500-gallon tank sizing replacing 1,000 gallon tank sizing for 3 bedrooms or less according to Table V.
 5. Pump tank sizing shall follow Minnesota Rule 7080.2100.
 6. Soil pits shall be required to verify soils prior to the issuance of a certificate of installation. The soil pit shall be excavated to a depth that will allow the verification of redoximorphic features and the three feet of vertical separation as required. Location of soil pits shall be adjacent to the lowest trench or next to the down slope side of an elevated treatment area. The pit shall not impact the hydraulic performance of the ISTS. A certificate of installation will not be issued until the soils are verified. Soils may be verified by a licensed and certified inspector. The inspector may not share the same license as the person who designed or installed the system. The soil profile must be submitted to the county inspector or its designee on the county approved form at or before the time

of the installation inspection. If the soil profile is not provided by the installation inspection, county staff will verify the soils via a soils pit during the installation inspection.

7. All dwellings or buildings that contain plumbing fixtures shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures, including but not limited to, decks, screen decks, porches, sheds, garages and pole buildings shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system.

37.20 COMPLIANCE CRITERIA FOR EXISTING SSTS

For an SSTS built before April 1, 1996, and outside of areas designated as “SWF” – Systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments – there must be at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

37.21 HOLDING TANKS

Holding tanks may be allowed for the following applications: as replacements for existing failing SSTS and SSTS that pose an imminent threat to public health or safety, on lots with limitations that will not allow for the installation of a Type 1 SSTS or for uses that are seasonal or intermittent in nature and will not use more than 150 gallons of water per day.

37.22 VARIANCE REQUESTS

A property owner may request a variance from the standards as specified in this ordinance pursuant to Article 8 of this Ordinance.

37.23 STATE AGENCY VARIANCE REQUESTS

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency. No permits will be issued by the County until all required State Agency variances have been approved.

37.24 PERMIT REQUIREMENTS

A. Activities Not Requiring a Land Use Permit

A land use permit is not required for minor repairs or replacements of system components that do not alter the original function of the system; change the treatment capacity of the system; change the location of the system; or otherwise change the original system design, layout, or function. Examples are, but not limited to, pumps, baffles, and effluent filters.

B. Activities Requiring a Land Use Permit

A land use permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, or capacity expansion including the use of advanced treatment components of a SSTS. It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the Department including repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system’s design, layout, or function. The issuing of any permit, variance, or conditional use under the provisions of this ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

C. Permit Requirements

Land Use Permit applications shall be made on forms provided by the Department and signed by the applicant or applicant's agent, and must include the following information and documentation:

1. Applicant name, mailing address, telephone number, and email address.
2. Property Identification Number, property address and legal description of property location.
3. Site Evaluation Report, as defined by Article 37.18, and shall be made on form provided by the Department
4. Design Report, as defined by 37.18, and shall be made on form provided by the Department.
5. A management plan, as defined by Minnesota Rule 7082.0600.
6. All site evaluation and design reports and management plans shall be based on work completed within five (5) years period of when the design is approved. If more than five (5) years has passed, a new site evaluation report, design report and management plan shall be submitted and consistent with local and state regulations in effect at the time of submittal.

D. Application Review and Response

The Department shall review a permit application and supporting documents according to Article 3 of this Ordinance.

E. Appeal

The applicant may appeal any decision of the Department in accordance with Article 8.7 of this Ordinance.

F. Permit Expiration

A Land Use Permit for a new SSTS is valid for a period of no more than two years from its date of issue. A Land Use Permit for the replacement of SSTS failing to protect groundwater is valid for 10 months. A Land Use Permit for the replacement of SSTS that are imminent threats to public health is valid for 10 months. Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the Department or a licensed inspection business, which is authorized by the Department and independent of the owner and the SSTS installer.

G. Transferability

A Land Use Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.

H. Suspension or Revocation

The Department may suspend or revoke a Land Use Permit issued under this section for any false statements, misrepresentations of facts on which the Land Use Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Land Use Permit is obtained.

I. SSTS Assessment Requirements

For those SSTS without a management plan or operating permit according to the provisions of this Article, the following provisions apply:

1. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.
2. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25 percent of the tank's liquid capacity. Removal of accumulated sludge, scum, and liquids from septic tanks and pump tanks must be through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks.

37.25 OPERATING PERMIT

- A. An Operating Permit shall be required for the following SSTS:
 1. SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp. 3(K);
 2. SSTS serving three or more connections;
 3. Type 4 and Type 5 SSTS;
 4. SSTS that exceed a daily flow of 2,500 gallons per day; or
 5. MSTs designed under Minnesota Rules Chapter 7081.
- B. Operating Permits shall be a signed agreement between the Department and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.
- C. A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit.
- D. Owners of holding tanks shall provide the Department upon request a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner and prevents an illegal discharge in accordance with Minnesota Rule 7082.0100, Subp. 3(G). This requirement is waived if the owner is a farmer who is exempt from licensing under Minn. Stat., § 115.56, subd. 3(b)(3).
- E. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- F. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Article 37.13(E).
- G. Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with Article 37.25. The Department shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To

consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.

- H. A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.
- I. The Department may suspend or revoke any Operating Permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
- J. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
- K. At the Department's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

37.26 COMPLIANCE INSPECTION PROGRAM

A. Department Responsibility

It is the responsibility of the Department, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Ordinance are met.

- 1. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
- 2. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.
- 3. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
- 4. A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers, permit applications and designs to the Department between November 1 and April 30, at the Department's sole discretion, provided the required information is submitted to the Department by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance.

A. New Construction or Replacement

- 1. New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to this section. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.
- 2. It is the responsibility of the SSTS owner or the owner's agent to notify the Department 24 hours prior to the installation inspection.
- 3. If the installer provides proper notice and the department does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with

a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.

4. A Certificate of Installation for new SSTS construction or replacement shall be issued by the Department within 30 days of inspection if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
5. The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
6. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
7. Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue unless the Department finds evidence of noncompliance.

B. Existing Systems

1. Compliance inspections shall be required when any of the following conditions occur:
 - a) When applying for a land use permit, shoreline alteration permit, minor subdivision, plat, land use map amendment, conditional use permit or variance and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - b) Within 90 days of conveyance of any real property and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - c) Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system.
 - d) At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
2. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed, or verified:
 - a) Watertightness assessment of all treatment tanks including a leakage report;
 - b) Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical soils separation verification report unless soils have been verified according to Minnesota Rule 7082.0700, Subpart 4B; and
 - c) Sewage backup, surface seepage or surface discharge including a hydraulic function report.
3. The Certificate of Compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the requirements of this Article. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Department if the required corrective action is not a minor repair.
4. The Certificate of Compliance or notice of noncompliance must be submitted to the Department no later than 15 calendar days after the date the inspection was performed.

5. Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.

C. Transfer of Property

1. Any property on which a SSTS is located shall not be transferred or sold unless the parties to the transaction have complied with one of the following:
 - a) A current Certificate of Compliance, as provided by Article 37.26 C
 - b) A winter agreement, as provided by Article 37.26 A.
 - c) In the event the seller does not provide a Certificate of Compliance or compliant Operating Permit, the seller and buyer may establish a written agreement or contract to repair, replace or upgrade the existing SSTS according to the terms of this Ordinance.
 - d) The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading. In the absence of a written agreement according to Article 37.26 (D)(1)(b), the buyer shall be responsible for the necessary upgrading of said SSTS.

D. Commercial SSTS

1. Septic tank effluent testing for Carbonaceous Biochemical Oxygen Demand (CBOD), Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Nitrogen and oil / grease combination is mandatory for all SSTS that serve commercial establishments that serve food and beverages or have a flow that exceeds 1000 gallons per day as part of any compliance inspection.
2. Effluent testing shall not be required for commercial SSTS that have a current operating permit as of the date this Ordinance is effective. If all provisions of the operating permit are met, the SSTS shall be considered to be in compliance.
3. An SSTS with effluent testing that does not meet the standards in the Minnesota Rule 7080.2150, Subpart 3(K) shall be upgraded within 3 years to meet said standards and be placed on an Operating Permit as provided in this Ordinance.

E. Vertical Separation Reduction

Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Article 37.20.

37.27 ENFORCEMENT

Enforcement of this Article shall follow the standards in Article 3 of this Ordinance.

37.28 STATE NOTIFICATION OF VIOLATION

The Department shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Ordinance. The department shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statute 115.55 Subdivision 11.

37.29 RECORD KEEPING

The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, Certificates of Compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings,

management plans, maintenance reports, Operating Permits, an annual list of all sewage tanks installed in the County sorted by licensed installation businesses, and other records the County deems relevant to a particular system.

37.30 ANNUAL REPORT

The Department shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

37.31 FEES

From time to time, the County Board shall establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

37.32 DISPUTE RESOLUTION

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation of soils and other technical issues shall follow Minnesota Rule 7082.0700, Subp. 5.

ARTICLE 38--SHOOTING RANGE STANDARDS

The standards in this Article shall apply to shooting range uses in all land use districts where such uses are allowed.

38.1 PERFORMANCE STANDARDS

Shooting ranges shall meet the noise and performance standards in Minnesota Statutes 87A.

38.2 NONCONFORMING SHOOTING RANGES

Shooting ranges that do not meet the performance standards in Minnesota Statutes 87A shall be considered nonconforming shooting ranges. Nonconforming shooting ranges shall be allowed to continue and conduct shooting activities within the range's lawful property boundary as of May 28, 2005 provided that the shooting range remains in compliance with the noise and shooting range performance standards in Minnesota Statutes 87A.

38.3 AUTHORIZED ACTIVITIES

Shooting ranges that meet the performance standards in Minnesota Statutes 87A shall be allowed to engage in the following authorized activities within the property boundaries of the range:

- A. **Discharge of firearms.** Operate the range and conduct activities involving the discharge of firearms.
- B. **Membership.** Expand or increase its membership or opportunities for public participation related to the primary activity as a shooting range.
- C. **Meet standards.** Make those repairs or improvements desirable to meet or exceed requirements of shooting range performance standards.
- D. **Activities.** Increase events and activities related to the primary activity as a shooting range.
- E. **Time of operations.** Conduct shooting activities and discharge firearms daily between 7:00 a.m. and 10:00 p.m.

F. **Purchase additional land.** Acquire additional lands to be used for buffer zones or noise mitigation efforts or to otherwise comply with this chapter.

38.4 MITIGATION AREA

A mitigation area is established for a distance of 750 feet from the perimeter property line of an outdoor shooting range. Within the mitigation area, the following provisions apply:

- A. **Development prohibited.** No change in use, new development, or construction of a structure shall be approved for any portion of property within the mitigation area.
- B. **Exemption for existing development.** Uses, development and structures in existence or for which approval has been granted by October 1, 2005 are exempt from the mitigation area requirements.
- C. **Exemption if mitigation provided.** A change in use, new development, or construction of a structure may occur within the mitigation area if the person seeking the approval agrees to provide any mitigation necessary to keep the shooting range in compliance with the performance standards. The mitigation agreement shall be signed by the person seeking approval and the shooting range. If no mitigation is required to keep the shooting range in compliance with the performance standards, an agreement shall be signed by the person seeking approval and the shooting range stating that mitigation is not required. Agreements required under this section shall be in written form and subject to approval by the Crow Wing County Board. Failure to obtain an agreement required under this section shall exempt the shooting range from being found out of compliance with the performance standards in relation to the property or person where the agreement was not obtained if the failure to provide mitigation is the sole reason for the shooting range being out of compliance with the performance standards.

ARTICLE 39--WETLAND PROTECTION STANDARDS

39.1 POLICY

Crow Wing County hereby serves as the local government unit for the implementation of the Minnesota Wetland Conservation Act (WCA) and adopts the most current versions of Minnesota Statutes, Chapter 103G, and Minnesota Rules, Chapter 8420 by reference. Except as noted in this Article, the provisions of Minnesota Statutes, Chapter 103G, and Minnesota Rules, Chapter 8420, as they may be amended, will govern the manner in which Crow Wing County processes applications submitted in accordance with the Wetland Conservation Act. This Article supersedes and replaces any prior ordinance or resolution governing the County's implementation of the Wetland Conservation Act and its corresponding rules.

39.2 APPLICABILITY AND PERMITS

- A. The standards in this section shall apply to all activities that impact wetlands by draining or filling in the unincorporated areas of Crow Wing County and in incorporated areas by written agreement. The Minnesota Wetland Conservation Act requires that persons proposing to impact wetlands by draining or filling have demonstrated that the activity impacting a wetland has complied with all of the following principles in descending order or priority:
 - 1. Avoid direct or indirect impacts to the wetland that may destroy or diminish the wetland;
 - 2. Minimize the impact to the wetland by limiting the degree or magnitude of the wetland activity and its implementation;
 - 3. Rectify the impact by repairing, rehabilitating, or restoring the affected wetland;
 - 4. Reduces or eliminates the impact to the wetland over time by preservation and maintenance operations; and

5. Replaces unavoidable impacts to the wetland by restoring or, if wetland restoration opportunities are not reasonably available, creating substitute wetland areas having equal or greater public value.
 6. Pursuant to Minnesota Rules Chapter 8420.0420, Exemption Standards are exempt from this section of the ordinance.
- B. Crow Wing County, in fulfillment of its responsibilities as the local government unit, shall make exemption, no-loss, replacement plan, and banking determinations and decisions, as well as making other determinations specified by the Wetland Conservation Act and the Wetland Conservation Act Rules.
1. Pursuant to Minnesota Rule 8420.0200, subpart 2C, the County's Land Services Supervisor responsible for Environmental Services and Programs is delegated the authority to make decisions on the following matters:
 - a) Exemption and no-loss determinations;
 - b) Sequencing and replacement plan decisions; and
 - c) Decisions involving the approval of wetland bank plans, the certification of wetland bank deposits, and the monitoring and enforcement of banked wetlands.
 2. All wetland exemption activities as scoped in Minnesota Rules 8420.0420 shall require a written notice of decision from Crow Wing County prior to the beginning of the proposed project.
 3. Decisions made by the Land Services Supervisor responsible for Environmental Services and Programs may be appealed to the Board of Adjustment for an evidentiary public hearing. An appeal of the Land Services Supervisor's staff decision must be made, in writing, within thirty (30) days of the date the County provides notice of the staff decision. The appeal must be submitted to the Land Services Supervisor responsible for Environmental Services and Programs. If served by mail, the appeal must be postmarked within the thirty (30) day appeal period. Upon receipt of a timely appeal, the Board of Adjustment will conduct an evidentiary public hearing and issue a decision within thirty (30) days of the date of the appeal, unless the Appellant and the County agree, in writing, to an extension.
- C. In addition to the requirements of the Minnesota Wetland Conservation Act, activities that impact wetlands under the jurisdiction of this Article may also require permits under Article 11 of this Ordinance

39.3 APPEALS

- A. All decisions by the county to approve, approve with conditions or deny a wetland conservation act application are final if not appealed to the Board of Water and Soil Resources within 30 days after the date on which the decision is sent to those required to receive notice of the decision pursuant to Minnesota Rules Chapter 8420.0905 Subpart 3.

ARTICLE 40—SIGNS

The standards in this Article shall apply to signs in all land use districts where signs are allowed.

40.1 PURPOSE AND INTENT

- A. **Purpose.** The purpose of this section is to establish reasonable regulations for the design, construction, installation, and maintenance of all exterior signs in areas under the jurisdiction of this ordinance in order to:
1. Balance the right of individuals to identify their businesses and convey messages with the community rights against unregulated billboard or sign construction or placement;
 2. Further the objectives of the comprehensive plan;
 3. Protect the public health, safety and welfare;
 4. Reduce traffic hazards;
 5. Facilitate the creation of an aesthetically pleasing and harmonious community and preserve the characteristics of the commercial, rural and residential character of the community;
 6. Protect property values; and
 7. Promote economic development.

40.2 PROHIBITED SIGNS

After the adoption of this ordinance:

- A. **Traffic safety.** No sign shall be erected or maintained which purports to be or resembles an official traffic control device, sign or signal, or railroad sign or signal, or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign or signal, or railroad sign or signal, or which obstructs or interferes with the drivers' view of approaching, merging or intersecting traffic on a public or private road for a distance of at least 500 feet, not including private residential name plate signs;
- B. **Prohibited words.** No sign shall be erected or maintained which prominently displays the word "stop" or "danger".
- C. **Signs in right-of-way restricted.** No sign shall be erected or maintained on any right-of-way, except as otherwise provided by law or allowed by the Commissioner of the Department of Transportation, Commissioner of the Department of Natural Resources, as outlined in Minnesota Statutes, County Highway Department or local Township Board.
- D. **Property owner consent required.** No sign shall be erected or maintained on private land without the consent of the owner or person with legal authority thereof.
- E. **Flashing or moving lights prohibited.** No sign shall be erected or maintained which has distracting flashing or moving lights that create a traffic hazard.
- F. **Maintenance and safety required.** No sign shall be erected or maintained that is structurally unsafe, in disrepair, or is abandoned.

40.3 RURAL RESIDENTIAL AND AGRICULTURE FORESTRY DISTRICTS

- A. **Sign standards.** The following standards shall apply within these districts:
1. The following signs shall be prohibited:
 - a) Off-premises Sign
 - b) Illuminated Sign

- c) V-Sign
 - d) Changing Message Sign
 - e) Inflatable Sign
2. The following on-premises signs will be allowed without a permit, but shall meet the requirements of Article 40.6:
- a) Government Sign
 - b) Real Estate Sign
 - c) Incidental Sign
 - d) Rummage or Garage Sale Sign
 - e) Political Sign
 - f) Home Occupation Sign
3. The following on-premises signs shall require a permit within residential land use districts and meet the requirements of Article 40.6:
- a) Area Identification Sign
 - b) Business Identification Sign

40.4 SHORELAND DISTRICT

A. Sign standards. The following standards shall apply within these districts:

1. The following signs shall be prohibited:
- a) Off-premises Sign
 - b) Illuminated Sign
 - c) V-Sign
 - d) Changing Message Sign
 - e) Inflatable Sign
2. The following on-premises signs shall be allowed without the need for permit, but shall meet the requirements of Article 40.6:
- a) Government Sign
 - b) Real Estate Sign
 - c) Incidental Sign
 - d) Rummage or Garage Sale Sign
 - e) Political Sign
 - f) Window Sign
 - g) Home Occupation Sign
 - h) Nameplate Sign
 - i) Construction Sign

- j) Area Identification Sign
- 3. The following on-premises signs shall require a permit:
 - a) Business Identification Sign

40.5 COMMERCIAL/INDUSTRIAL

- A. For the purpose of this section the following land use districts shall be defined as commercial/industrial districts:
 - 1. Waterfront Commercial
 - 2. Commercial 1
 - 3. Commercial 2
 - 4. Commercial/Light Industrial
 - 5. Commercial/Heavy Industrial
- B. The following standards shall apply within these districts:
 - 1. The following signs shall be prohibited within commercial/industrial land use districts:
 - a) None
 - 2. The following signs will be allowed without a permit within commercial/industrial land use districts, but shall meet the requirements of Article 40.6:
 - a) Government Sign
 - b) Real Estate Sign
 - c) Incidental Sign
 - d) Rummage or Garage Sale Sign
 - e) Home Occupation Sign
 - f) Political Sign
 - g) Nameplate Sign
 - h) Window Sign
 - i) Inflatable Signs
 - 3. **Construction permit required.** The following signs shall require a permit within commercial/industrial land use districts, subject to the requirements of Article 40.6:
 - a) Area Identification Sign
 - b) Illuminated Sign
 - c) Construction Sign
 - d) Business Identification Sign
 - e) Wall Sign
 - f) Changing Message Sign

40.6 ON-SITE SIGN GENERAL PROVISIONS

A. **Setbacks.** The following setbacks shall be required:

1. **Side lot.** No sign shall be placed closer than 15 feet from side lot lines in all districts.
2. **Public waters setbacks.** All signs shall meet structure setbacks from the Ordinary High Water Level of public waters.
3. **Right of way setbacks.** No sign shall be placed within road right-of-way or easement. In areas designated by an approved comprehensive plan as having future frontage roads, setbacks shall be a minimum of 50 feet from existing road right-of-way.
4. **Wetlands protected.** No sign shall be placed within a Type 3, 4 and 5 wetland.
5. **Residential uses protected.** A Changing Message or Illuminated Sign shall not be located closer than 100 feet from any private single family residence.

B. **Size.** Signs shall meet the following size limitations.

1. **Size to frontage ratio.** On a parcel where the primary use is commercial or industrial, the cumulative total of all exterior signage on the property shall not exceed the lesser of one square foot per lineal foot of frontage along the public roadway or 1,000 square feet per frontage including off-premises sign areas.
2. **Free-standing sign size limit on commercial or industrial properties.** No single free standing sign on a parcel where the primary use is commercial or industrial shall exceed 200 square feet in area per face.
3. **Residential sign size limit.** On residentially zoned property, the total of all sign area shall not exceed 16 square feet per lot.
4. **Identification signs.** The size for area identification signs shall not exceed 32 square feet.
5. **Wall signs.** A wall sign shall not exceed 25 percent of the square footage of the wall of the building facing the public roadway on commercially zoned property.

C. **Height Standards.** Signs shall not exceed the following height limits:

1. **Height above existing grade.** No sign within Rural Residential and Shoreland Districts shall exceed 10 feet in height above the existing grade.
2. **Commercial height above existing grade.** No free standing on-site advertising sign in commercial/industrial land use districts shall exceed 25 feet above the existing grade.
3. **Height above structure.** No sign attached to structures in commercial/industrial land use districts shall project more 25 feet above the finished grade or 10 feet above the height of the structure to which it is than attached, whichever is less.

D. **Number of Signs.** The number of signs on any lot shall be limited as described below.

1. **Commercial zones.** A commercially zoned parcel of land shall not be allowed more than two free standing signs advertising the business or operation on that parcel, not including legally existing off-premises signs.
2. **Residential zones.** No more than two residential identification signs shall be allowed per residential lot.

3. **Identification signs per entrance.** The number of area identification signs shall not exceed one per entrance.
 4. **Non-conforming signs.** All signs not meeting the provisions of this ordinance amendment shall be considered non-conforming signs and shall be subject to the provision of Article 5 of this ordinance.
 5. **Political Signs.** The placement and maintenance of political signs used during a campaign shall be regulated by the provisions in Minnesota State Statutes.
 6. **Window Signs.** The placement of window signs within a structure or building shall be permitted in all land use districts without a permit.
 7. **Signs for watercraft.** Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - a) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff;
 - b) Other informational or public service signs within public or government zones shall be allowed within the shore impact zone provided the primary use is not commercial in nature and no sign shall not exceed 32 square feet in area; and
 - c) Signs in waterfront commercial zones may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
 8. **Inflatable Signs.** Inflatable signs shall be allowed on commercially zoned property for a period not to exceed 72 continuous hours. No inflatable sign shall be allowed for more than one 72-hour period in any 30 day period. The use of inflatable signs not attached to structures or the ground shall meet all Federal Aviation Administration regulations pertaining to height and flight patterns.
- E. **Calculation of Area.** The area of a sign shall be calculated as the area within the outside framing of the sign. If the sign does not have an outside framing, the dimensions for calculating square footage shall be the area extending six (6) inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof, unless exact dimensions can be provided by the applicant. The area of a sign with more than one visible sign face will be calculated as the sum of the area of each sign face divided by two (2).

40.7 OFF-PREMISES SIGN GENERAL PROVISIONS

Policy: On July 25, 1995, the Crow Wing County Board placed a limit on the number of off-premises advertising signs that would be allowed along local and state highways. That number shall not exceed the number of such devices that existed, were approved by the zoning authority, or were pending review at 2:00 p.m. on July 25, 1995. Only in the event that an existing off-premises advertising sign is removed within the county, shall another off-site advertising sign be allowed to replace it or be erected. The Department shall maintain a current record of all legally existing off-premises advertising signs located within the county.

- A. **District Locations.** An off-premises sign shall be located only in districts listed in Article 10.3.

- B. **Size Limitations.** No off-premises sign shall exceed 350 square feet per direction of visibility. No stacked signs shall be allowed.
- C. **Changing Messages.** Nothing in this amendment shall be construed to limit the ability of off-premises sign owners/leasers to change the sign messages or alter the facing of an off-premises sign. This provision shall also apply to all legally existing non-conforming signs.
- D. **Separation Requirements.** Separation From Off-premises and On-site Advertising Signs/Road Setbacks
 - 1. No off-premises sign or billboard shall be located closer than 600 feet to any other off-premises sign or billboard;
 - 2. All off-premises signs or billboards shall meet setbacks from the Ordinary High Water Level of public waters;
 - 3. No off-premises sign shall be placed within road right-of-way or easement. In areas designated by an approved comprehensive plan as having future frontage roads, setbacks shall be a minimum of 50 feet from existing road right-of-way;
 - 4. No off-premises sign shall be erected or constructed within 300 feet of an intersection or two public roadways;
 - 5. No off-premises sign shall be placed within a Type 3, 4 and 5 wetland;
 - 6. No off-premises sign shall be located closer than 500 feet from park/playground, school building or church building or private residence.
- E. **Height Restrictions.** No billboard shall be constructed so as to exceed 35 feet in height from existing road grade, not including temporary sign extensions.

ARTICLE 41--STORMWATER MANAGEMENT

41.1PURPOSE AND INTENT

- A. The purpose of this part is to protect surface waters and private property from damage resulting from storm water runoff and erosion, ensure the annual storm water runoff rates and volumes from post-development site conditions mimic the annual runoff rates and volumes from predevelopment site conditions, ensure site development minimizes the generation of storm water and maximizes storm water treatment and infiltration, and protect water quality from nutrients, pathogens, toxins, debris, and thermal stress.
- B. The Department shall evaluate the storm water management needs of each lot in doing all reviews, approvals, and permit issuances.
- C. Treated storm water runoff shall use existing natural drainage ways and vegetated soil surfaces to convey, store, further filter, and retain storm water runoff before discharge to public waters. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

41.2 IMPERVIOUS SURFACE STANDARDS

- A. Shoreland District--Shoreland Protection Zone. Impervious surface coverage shall not exceed the limits as set forth in Table 41.1:

1. On lots with total impervious surface coverage that does not exceed 15%, a stormwater management plan shall not be required for permit approval except as required under Article 41.3, and the following:
 - a) The Department shall consider proper stormwater management and recommend to applicant's best management practices as set forth in the Minnesota Stormwater Manual.
2. On lots with total impervious surface coverage that exceeds 15% but does not exceed 20%, a stormwater management plan shall be prepared by the applicant or their designated agent pursuant to the stormwater management plan design guide and worksheet provided by the Department and be submitted to the Department for approval prior to issuance of a permit and shall be effectively implemented, subject to the provisions of Article 41.3, and the following:
 - a) Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.
 - b) The Department shall conduct an on-site inspection of stormwater management system to ensure compliance with the approved stormwater management plan.
 - c) The Zoning Administrator shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Zoning Administrator that an engineered stormwater plan is necessary shall be made in writing on a form approved by the County Board for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy of said form, signed by the Zoning Administrator, shall be forwarded to the County Administrator.
3. On lots with total impervious surface coverage that exceeds 20% a stormwater management plan shall be prepared by the applicant or their designated agent pursuant to the stormwater management plan design guide and worksheet provided by the Department and be submitted to the Department for approval prior to issuance of a permit and shall be effectively implemented, subject to the provisions of Article 41.3, and the following:
 - a) A no maintenance shoreline buffer shall be created on riparian lots pursuant to Article 11.20 of this ordinance.
 - b) A permitted path not exceeding 15 feet and a new shoreline recreation use area shall be allowed pursuant to Article 11.20 of this ordinance.
 - c) Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.
 - d) The Department shall conduct an on-site inspection of stormwater management systems to ensure compliance with the approved stormwater management plan.
 - e) The Zoning Administrator shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Zoning Administrator that an engineered stormwater plan is necessary shall be made in writing on a form approved by the County Board for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy of said form, signed by the Zoning Administrator, shall be forwarded to the County Administrator.
4. Maximum impervious surface coverage in the Shoreland Protection Zone shall not exceed the following:

Table 41.1 Shoreland Protection Zone Impervious Surface Limits (see “Shoreland Protection Zone” as defined in Article 46)

Development or Use	Maximum Impervious Surface	Applicable Area
Residential lots with no stormwater plan required as per Article 41.2 A 1	15%	Total lot area above the OHW
Residential lots with stormwater plan as per Article 41.2 A 2	20%	Total lot area above the OHW
Residential lots with stormwater plan & shoreline buffer as per Article 41.2 A 3	25%	Total lot area above the OHW
New Conservation Developments with stormwater plans as per Article 33*	30%	Average Dwelling unit lot
Existing Planned Unit Developments with stormwater plans as per Article 41.3*	60%	Average Dwelling unit lot
Resorts with stormwater plans as per Article 34.8	25%	Total project area and any tier above the OHW
Commercial with stormwater plans as per Article 16.3	30%	Total lot area above the OHW

*Provided the total impervious coverage for the lot is not exceeded and that a minimum of 50% of the lot is common open space.

B. Shoreland District--Shoreland Buffer Zone. Impervious surface coverage shall not exceed the limits in table 41.2.

1. The Department shall consider proper stormwater management for all permits in the shoreland buffer zone and recommend to applicant’s best management practices as set forth in the Minnesota Stormwater Manual.

Table 41.2 Shoreland Buffer Zone Impervious Surface Limits (see “Shoreland Buffer Zone” as defined in Article 46)

Development or Use	Maximum Impervious Surface	Applicable Area
Residential lots with BMP’s per Article 41.2 B	25%	Total lot area
New Conservation Developments with stormwater plans as per Article 41.3*	30%	Average Dwelling unit lot
Existing Planned Unit Developments with stormwater plans as per Article 41.3*	60%	Average Dwelling unit lot
Resort with stormwater plans as per to Article 34.8	30%	Total project area and any tier

Commercial with stormwater plans as per Article 16.3	35%	Total lot area
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*Provided the total impervious coverage for the lot is not exceeded and that a minimum of 50% of the lot is common open space.

C. **Non-Shoreland Districts.** Impervious surface coverage outside the Shoreland District shall not exceed the limits in table 41.3:

Table 41.3 Non-Shoreland Impervious Surface Limits		
Development or Use	Maximum Impervious Surface	Applicable Area
Residential lots	25%	Total lot area
New Conservation Developments with stormwater plans as per Article 41.3*	40%	Average dwelling unit lot
Existing Planned Unit Developments with stormwater plans as per Article 41.3*	75%	Average dwelling unit lot
Resort with stormwater plans as per Article 34.8	40%	Total project area and any tier
Commercial with stormwater plans as per Article 16.3	60%	Total lot area

*Provided the total impervious coverage for the lot is not exceeded and that a minimum of 50% of the lot is common open space.

41.3 GENERAL STANDARDS

- A. All Stormwater plans shall be designed for permanent on-site treatment of one inch of stormwater runoff on all impervious surface coverage on the lot. This means that a volume of water equal to one inch multiplied by the area of impervious surface must be treated. Preference should be given to volume reduction techniques that include infiltration basins, rain gardens, enhanced infiltration swales, filter strips, disconnected impervious areas, soil amendments, bioretention, and other approved volume reduction techniques. The plan shall be approved by the Department and effectively implemented.
- B. For approved permits that create over 10,000 square feet of new impervious surface on a lot in the Shoreland District and for all plats, the Department shall require the applicant to submit a plan for permanent on-site treatment of one inch of stormwater runoff designed by a Minnesota-licensed professional engineer.
- C. All stormwater management systems shall be capable of safely passing a 100 year-24-hour storm event, including grassed swales, grit chambers, vegetated filter strips, bioretention areas, off-line retention areas, and natural depressions for infiltration, is required before the runoff leaves the project site or enters surface waters. Constructed storm water outfalls to public waters and non-incident wetlands must provide for filtering or settling of suspended solids and skimming of surface debris before discharge into said waterbody or basin.
- D. All management technologies must be consistent with the most current version of the Minnesota Stormwater Manual, which is incorporated herein by reference.

- E. Performance security as specified in Article 3.6 may be required to assure implementation of stormwater plan recommendations or designs. For engineered designs, certification that installation meets the design standards must be received from the design engineer before the performance security will be released.
- F. A minimum 12-foot wide driveway from the nearest road right-of-way to the principal structure must be included in the impervious surface coverage calculation. The Department shall use actual on-site driveway dimensions if such data is provided by the applicant.
- G. The Department may give credit for up to 100% of the area covered by a permeable surfacing system as pervious surface if it is designed and inspected by a Minnesota-licensed professional engineer and is certified annually to the Department that it is functioning as a pervious surface. Best management practices shall be followed in design, installation, and maintenance as found in the latest Minnesota Stormwater Manual, subject to the following standards:
 - 1. No credit may be given for a permeable pavement system in a shore impact zone 1 or a bluff impact zone, except as otherwise allowed for watercraft access ramps;
 - 2. The base of the installed permeable pavement system must have a minimum of three feet separation from the seasonally saturated soils or from the bedrock; and
 - 3. The design of a permeable pavement system must allow the infiltration of one inch of stormwater on the pavement surface.
 - 4. Permeable surfacing systems for projects 400 square feet in size or smaller shall not require an engineered design provided that the manufacturer's specifications, industry standards, the Minnesota stormwater Manual and all other aspects of this ordinance are followed.

41.4 MANAGEMENT OF STORMWATER FACILITIES

- A. All storm water management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes. The Board may require a developer to enter into a contract providing for access to perform maintenance and inspection to public or private storm water management facilities.
- B. Newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse grained material as specified by the Department. Such basins shall be cleaned when sediment or other material has accumulated to occupy 25% percent of the basin's original volume.

41.5 MINNESOTA POLLUTION CONTROL AGENCY PERMIT

Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency (MPCA). Construction activity that results in the disturbance of less than one acre may also require a MPCA permit depending on the nature of the activity. Permit applicants are responsible to contact MPCA to determine if a permit is required.

ARTICLE 42--SOLAR ENERGY SYSTEMS

42.1 STANDARDS FOR SOLAR ENERGY SYSTEMS, ACCESSORY

Solar energy systems are a permitted accessory use in all zoning districts, subject to the administrative requirements of Article 3.2 and the following standards.

A. Permitting Requirement.

1. Roof-mounted solar energy systems shall not require a permit, but shall adhere to the standards of this section.
2. Ground-mounted solar energy systems shall require a permit and adhere to the standards of this section.

B. Height. Accessory solar energy systems are subject to the following height requirements:

1. Building or roof-mounted solar energy systems shall not exceed the maximum allowed structure height in the zoning district where it is located. For purposes of height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed.
2. Ground or pole-mounted solar energy systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt.

C. Location within Lot. Solar energy systems must meet the accessory structure setback for the zoning district.

1. Roof-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two (2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
2. Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

ARTICLE 43--TOWER FACILITY STANDARDS

The standards in this Article shall apply to Commercial Use towers in all land use districts where such uses are permitted.

43.1 INTENT AND PURPOSE

The unique and diverse landscapes of Crow Wing County are among its most valuable assets. Destroying these assets risks undermining the very characteristics responsible for our economic vitality and future potential. Protecting these assets will require that location and design of tower facilities be sensitive to, and in scale and harmony with, the aesthetics of Crow Wing County. This article will provide standards for the proper placement and design of tower facilities in order to ensure their compatibility with surrounding aesthetics and development. The purpose of this article is to provide predictable and balanced standards for the siting and screening of tower facilities on both public and private property within the jurisdiction of Crow Wing County. These standards will protect the health, safety, and general welfare of persons in the area

surrounding such tower facilities from possible adverse effects related to the placement, construction, or modification of such tower facilities. Leasing of public buildings, publicly owned structures, and/or public rights-of-way for the purposes of locating wireless telecommunication services facilities and/or equipment is encouraged. In cases where a facility is proposed on County property, specific locations and compensation to the County shall be negotiated in lease agreements between the County and the provider on a case-by-case basis, and would be subject to all of the review criteria contained in this section. Such agreements would not provide exclusive arrangements that could tie up access to the negotiated site(s) or limit competition, and must allow for the possibility of “co-locating” (sharing of facilities) with other providers. Specifically, the Telecommunication Act of 1996, affirms local government’s right to control the site, construction, and modification of cellular and other wireless telecommunication facilities. The permitting process of this article will not discriminate among providers of functionally equivalent services and will not prohibit the provisions of personal wireless services.

43.2 APPLICABILITY

It shall be unlawful for any person, firm, or corporation to erect, construct in place, or place any tower facility without first receiving permit(s) from Department. Nor may any person, firm, or corporation alter, modify, transform, add to, or change in any way an existing tower facility without first receiving permit(s) from Department.

43.3 TOWER FACILITIES GENERALLY ALLOWED

The following tower facilities will be generally allowed within Crow Wing County without having to make application or meeting the general standards of this article:

- A. Antenna(s) incidental to residential use;
- B. Routine maintenance of existing tower facilities or modification of lighting to meet the standards in Article 43.13

43.4 ADMINISTRATIVE PERMIT

The following tower facilities may be given an administrative permit from the Department after completing the application requirements and meeting the standards of this article:

- A. Tower facilities that are located outside Shoreland and Residential Districts, unlit, camouflaged, monopole tower, and do not exceed 99 feet above the average ground level;
- B. The addition of antenna(s) on existing structures such as but not limited to buildings, flagpoles, church steeples, cupolas, ball field lights, power line support device that does not require modifications to the structure; and
- C. The addition of antenna(s) to an existing tower facility which does not increase the height of the tower facility accept as allowed by a co-location according to Article 43.9 B.

43.5 CONDITIONAL USE PERMIT

The following tower facilities require a conditional use permit approved by the Planning Commission/Board of Adjustment and may be granted a conditional use permit after completing the application requirements, having conditions placed on the tower facility, and findings of fact that support the tower facility:

- A. Tower facilities that are located inside Shoreland and Residential Districts, unlit, camouflaged, monopole tower, and do not exceed 99 feet above the average ground level, whichever is less;

- B. Tower facilities that are located outside Shoreland and Residential Districts, unlit, from 100 feet 199 feet in height and are designed to accommodate several levels of antennae.

43.6 GENERAL STANDARDS

- A. **SETBACK.** The tower facility shall have a minimum distance to the parcel and or recorded easement boundary, equal to the height of the tower plus 10 feet.
- B. **FENCING.** The tower facility shall be protected by a security fence a minimum of six feet in height to prohibit access by unauthorized persons.
- C. **SIGNAGE.** The owner's name, telephone number and site ID number shall be posted on the gate of a perimeter fence. No other advertising or identification sign of any kind is permitted on the tower facility, except applicable warning and equipment information as required by the manufacturer or by Federal, State, or local authorities.
- D. **LIGHTING.** The light source for any necessary security lighting shall feature down-directional, sharp cut-off luminaries that ensure there is no spillage of illumination off the parcel or easement boundary.

43.7 PERMIT APPLICATION REQUIREMENTS

- A. The Department may contract with an independent technical expert to review technical materials submitted by the applicant, and/or to determine if additional information is necessary. The tower facility applicant shall pay the cost of such review and/or independent analysis.
- B. Name and address of the tower facility owner, record property owner of parcel and any duly appointed agents of the parties.
- C. A visual study depicting where within a one-mile radius any portion of the proposed tower facility will be visible.
- D. Site plan(s) drawn to a scale of one inch equals 20 feet or less, specifying the location of tower facility, support structures, transmission buildings and/or other accessory uses, access, parking, fences, signs, lighting, and all adjacent land uses within 240 feet of the base.
- E. Elevation drawings of "before" and "after" simulating and specifying ground levels, the location and height of antenna(s), support structures, equipment buildings and/or other accessory uses, fences, and signs of the tower facility.
- F. Map showing the search radius for the antenna location and the proposed broadcast coverage obtained by the tower facility, including a narrative describing a search radius of not less than one mile for the requested site, clearly explaining why the site was selected, identifying and locating landing and takeoff areas of aircraft within the search radius, locating all existing tower facilities, and identifying all other structures that may be potential co-location sites. In addition, the applicant must demonstrate that the selected site will meet gaps in service that cannot be addressed by existing sites and that the service gaps exist due to unique topographic, land ownership or other environmental issues that can only be resolved by construction of a higher tower. In addition, the applicant shall demonstrate whether there will be a reduction of the number of towers required to gap service if a higher tower is approved.
- G. A letter that requires the tower facility owner and successors to allow co-location of antenna on the tower facility if an additional user(s) agrees in writing to meet reasonable industry terms and conditions for shared use.

- H. A copy of the FAA determination or a signed statement that the proposed tower facility has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or that no compliance with Part 77 is required, and the reasons therefore.
- I. A copy of the FCC's license or a signed statement from the proposed operator of the tower facility attesting to the fact that the tower facility complies with current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emissions, or a statement from the applicant that no such compliance is necessary, and the reasons therefore.
- J. Tower design and their antennas shall be certified by a licensed professional engineer to ensure that they conform to applicable state structural building standards.
- K. The applicant shall submit proof, in the form of a signed affidavit, demonstrating a good faith effort to lease or purchase space on an adjacent existing tower facility. The affidavit shall state why space is not available such as:
- L. The planned tower facility would exceed the structural capacity of the tower facility and the structural capacity cannot reasonably be increased;
- M. The planned tower facility would cause interference with the usability of other existing or planned equipment at the tower facility; and/or
- N. Existing tower facility cannot accommodate the planned antenna at a height necessary to function reasonably.
- O. The owner of the tower facility shall provide performance security as specified on Article 3.6 to the County in an amount equal to one and one-half times the cost to remove the tower facility and restore the site. This amount shall be determined by the Crow Wing County Planning Commission/Board of Adjustment based on input from an independent technical expert.
- P. All wetlands within 50 feet of the proposed infrastructure related to tower construction and access shall be delineated. A letter or report shall be submitted to Crow Wing County by the wetland professional performing the work which describes the presence or absence of wetlands.

43.8 FACTORS CONSIDERED IN GRANTING A CONDITIONAL USE PERMIT

The Crow Wing County Planning Commission/Board of Adjustment shall consider the following factors in determining whether to issue a Conditional Use Permit.

- A. Height of the proposed tower facility;
- B. Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider's equipment;
- C. Proximity of the tower to residential structures and residential land use district boundaries;
- D. Nature of uses on adjacent and nearby properties;
- E. Surrounding topography;
- F. Surrounding tree coverage and foliage;
- G. Design and siting of the tower with particular reference to design characteristics and location that have the effect of reducing or eliminating visual obtrusiveness;
- H. Proposed ingress and egress;

- I. Availability of suitable existing towers and other structures as discussed in Article 43.7 G; and
- J. Impact to the existing aesthetics and character of the surrounding area.
- K. Level of adherence to the provisions set forth in 43.1 of this article.

43.9 EXISTING TOWER FACILITIES

- A. Existing tower facilities may continue in use and perform routine maintenance for the purpose now used and may not alter, convert, modify, transform, vary, add to or change in any way the approved use or form of the tower except as allowed in Article 43.9 B.
- B. Existing tower facilities shall be allowed for the co-location of antenna(s). The following are not considered substantial changes for co-location of antenna(s) and shall be allowed with a permit:
 - 1. For towers outside of public rights-of-way, an increase in height by more than 20 feet or 10 percent, whichever is greater;
 - 2. For towers in public rights-of-way, an increase in height of the tower by 10 percent or 10 feet, whichever is greater;
 - 3. For towers outside of public rights-of-way, protrudes are allowed from the edge of the tower more than 20 feet or more than the width of the tower at the level of the appurtenance;
 - 4. For towers inside the public rights-of-way and all base stations, protrudes are allowed from the edge of the structure more than six feet;

43.10 ROUTINE MAINTENANCE

All tower facilities shall be maintained in a safe and clean manner. The tower facility owner shall be responsible for maintaining a graffiti, debris, and litter free site. The landscape plan shall be maintained for the life of the tower facility. Trimming the tops of trees on site shall be allowed, only to maintain the average height of the canopy used to establish tower facility height. All tower facilities shall be subject to periodic inspection to ensure continuing compliance with all conditions of the application submitted and approval requirements.

43.11 TIME LIMIT ON TOWER FACILITY CONSTRUCTION

Construction of an approved tower facility must be completed within two years following the date of the approval. Landscaping must be installed within the first growing season immediately following construction.

43.12 ABANDONMENT AND REMOVAL

Tower facilities that are not in use for 180 consecutive days shall be considered abandoned and shall be removed by the owner within 180 days. Removal includes the complete tower facility including related infrastructures, footings, and other underground improvements to a depth of 36 inches below existing grade, and restoration to pre-existing vegetative cover. Failure to do so shall be just cause for Crow Wing County to seek legal avenues that will remove the tower facility and restore the site.

43.13 LIGHTING STANDARDS FOR TOWER FACILITIES

- A. The tower facility owner shall provide a lighting plan and photometric study indicating the size, height, location, and wattage of all tower facility lighting sources. This study must also include a graphic indicating the spread and degree/intensity of light from each source/fixture.
- B. Tower facility owner shall reduce the impact of current and future obstruction lighting requirements, as much as technology and FAA and FCC rule will allow. Visual impact shall be reduced by the use of

techniques such as, but not limited to, directional lighting, tilting, shields, etc. Maximum intensity of lighting, if necessary, shall be the minimum required by FAA and/or FCC in order of preference, a tower facility shall have:

1. Only incandescent red lighting at night, both side and beacon lights;
 2. Minimum required intensity white strobe lighting daytime; red incandescent nighttime lighting;
 3. Minimum required intensity white strobe lighting daytime; minimum required intensity red strobe nighttime lighting; then
 4. Minimum required intensity white strobe daytime lighting; minimum required intensity white strobe nighttime lighting.
- C. The light source for any necessary security lighting shall feature down-directional, sharp cut-off luminaries to direct, control, screen, or shade in such a manner as to ensure that there is no spillage of illumination off-site.

43.14 SEVERANCE CLAUSE

If any part of this Article is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Article unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Article.

ARTICLE 44--CERTIFICATES OF SURVEY/PRELIMINARY PLAT

44.1 REQUIRED INFORMATION

Whenever a Certificate of Survey or preliminary plat drawing is required by this Ordinance, the following information shall be required to be depicted on the certificate of survey or preliminary plat drawing.

SURVEY REQUIREMENT TYPE	LAND USE PERMIT	BOUNDARY LINE ADJUSTMENT	ADMINISTRATIVE SUBDIVISION	PRELIMINARY PLAT	CONDITIONAL USE PERMIT	VARIANCE
EXISTING PARCEL LINES AND THEIR DIMENSIONS	(*)	X	X	X	X	X
PROPOSED PARCEL LINES AND THEIR DIMENSIONS	(*)	X	X	X		
EXISTING PARCEL DESCRIPTION(S), INCLUDING SECTION, TOWNSHIP AND RANGE	(*)	X	X	X	X	X
LOT #, BLOCK#, PLAT NAME (IF PLATTED)	(*)	X	X	X	X	X
PLS FRACTION (IF METES AND BOUNDS)	(*)	X	X	X	X	X
PROPOSED PARCEL DESCRIPTION(S), INCLUDING SECTION TOWNSHIP AND RANGE	(*)	X	X	X		
EXISTING STRUCTURES/IMPROVEMENTS AND THEIR DIMENSIONS/AREAS	(*)	X	X	X	X	X
BUILDING HEIGHTS EXIST. & PROPOSED	(*)				X	X
PROPOSED STRUCTURES/ADDITIONS AND THEIR DIMENSIONS/AREAS	(*)	X			X	X
SETBACKS/BUILDABLE AREA-NUMERIC	(*)		X	X	X	X
BUILDING ENVELOPE LINES	(*)				X	X
EXISTING AND PROPOSED STRUCTURE SETBACKS BETWEEN STRUCTURES/IMPROVEMENTS AND EXISTING AND PROPOSED PROPERTY BOUNDARY LINES, INCLUDING THOSE LOCATED ON ADJACENT PROPERTIES WITHIN 50 FEET.	(*)	X	X	X	X	X
EXISTING PARCEL ID NUMBERS	(*)	X	X	X	X	X
EXIST. WELL/SUBSURFACE SEWAGE TREATMENT SYSTEM COMPONENTS	(*)	X	X	X	X	X

SURVEY REQUIREMENT TYPE	LAND USE PERMIT	BOUNDARY LINE ADJUSTMENT	ADMINISTRATIVE SUBDIVISION	PRELIMINARY PLAT	CONDITIONAL USE PERMIT	VARIANCE
WITHIN OR ADJACENT TO ANY AFFECTED LOTS;						
LAND USE CLASSIFICATION	(*)	X	X	X		
ROADS, RIGHT OF WAYS WITHIN OR ADJACENT TO ANY AFFECTED LOTS;	(*)	X	X	X	X	X
EXISTING EASEMENTS WITHIN OR ADJACENT TO ANY AFFECTED LOTS;	(*)			X	X	X
PARCEL(S) AREA(S) EXISTING & PROPOSED	(*)	X	X	X	X	X
DELINEATED WETLANDS, NAME LIC.#, DATE	(*)		X	X	X	X
O.H.W./SHORELINE(RIPARIAN)	(*)	X	X	X	X	X
OWNERS NAME, ADDRESS	(*)	X	X	X	X	X
SOIL SURVEY DATA	(*)			X		
ADJOINING OWNERS	(*)			X		
SCALE, NORTH ARROW, DATE OF SURVEY	(*)					
ALL UTILITIES	(*)			X		
TRANSMISSION LINES, PIPELINE MARKERS	(*)		X	X		
2 FOOT CONTOURS	(*)			X	X	X
DRIVEWAYS	(*)			X	X	X
BLUFFS W DIMENSIONS/STEEP SLOPES	(*)		X	X	X	X
IMPERVIOUS SURFACE CALCULATIONS	(*)				X	X
FEMA FLOOD ZONE	(*)			X	X	X
BEARING/COORDINATE SYSTEM	(*)					
DATE OF PREPARATION	(*)					
NONCONFORMING STRUCTURE SETBACKS	(*)				X	X
(*) AS DETERMINED BY THE ZONING ADMINISTRATOR						

ARTICLE 45--JUNK/SALVAGE

45.1 POLICY AND PURPOSE

A. **Policy.** The County Board of Commissioners acknowledge the necessity for firm management of un-permitted and permitted Junk/Salvage Facilities and similar activities in Crow Wing County. It incorporates recent changes to pertinent statutes, rules, ordinances, and manuals that provide specific guidance to owners, prospective owners, and operators of facilities and those required to regulate such activities.

1. It has been determined that if not regulated, Junk/Salvage Facilities will proliferate and if not properly managed will become a threat to human health and the environment. The impacts of unregulated junk/salvage facilities can be minimized or eliminated by comprehensive planning, proper zoning, educational and training opportunities, minimal and updated regulatory and enforcement authority.
2. The County Board of Commissioners assumes, in the absence of regulatory activity by the State, the responsibility for overall permitting, regulation, and enforcement of all Junk/Salvage facilities within the County.
3. Responsibility for regulation, education, training, and enforcement remains a shared activity between the Department and the Solid Waste Coordinator or an appointed representative. This Ordinance presupposes the need to update the previous Junk/Salvage Ordinance.

B. **Purpose.** This Ordinance is intended to apply controls to un-permitted or illegal and existing junk/salvage facilities and the establishment, licensing, location and operation of junk and/or salvage yards or similar activities in the unincorporated area of Crow Wing County or in the absence of rules, in the incorporated areas of the County.

1. The Minnesota Pollution Control Agency (MPCA) Motor Vehicle Salvage Facility Environmental Compliance Manual to include all subsequent changes is hereby adopted by reference.
2. The following Statutes, Rules and Ordinances are adopted by reference to include all subsequent changes: MN Statutes 88.171; 115.061; 115A.90-908;115A915-9152; 115.916; 115A932; 115E.02116.66; 116.731; 116.92; 161.242; 168B.03; 168B.011; 168.27, subd 3a & 3b; 325E.10-113; 325E.115-12; 325E.32; 609.675; 1103.3.6. MN Rules: 7001.1035; 7001.3050; 7027.1100; 7045.125; 7045.0205; 7045.0208; 7045.0221; 7045.0275; 7045.0685; 7400.4000; 9220.0230. Ordinances: Crow Wing County Land Use Ordinance and the Crow Wing County Solid Waste Ordinance.
3. All junk and salvage or similar operations shall comply with the minimum standards for operation, safety, storage and all waste management as listed in the *MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual, Second Addition, April 1998; or successor manual.*

C. **Location.** Junk/Salvage facilities must be located in Agricultural, Commercial/Light Industrial or Commercial/Heavy Industrial land use districts. Those Junk/Salvage facilities in existence prior to adoption of the Crow Wing County Zoning Ordinance (prior to January 4, 1972) or for which a conditional use permit has been granted shall be considered compliant with the intent of this Ordinance insofar as location is concerned but subject to the performance standards contained within this Ordinance.

45.2 GENERAL PROVISIONS

- A. **MPCA Motor Vehicle Salvage Facility Compliance Manual**--This manual is incorporated by reference as a requirement for all Motor Vehicle Salvage Facilities (Junk/Salvage Facilities) within the unincorporated geographic boundaries of the County. The manual provides guidance for:
1. General Operating Procedures
 2. Draining, Dismantling and Storage Practices
 3. Waste Handling, Storage and Disposal Practices,
 4. General Information on Water, Hazardous Waste, Oil Related Wastes and Fuels, Batteries, Spills, Refrigerants, Solvents, Waste Tires and Miscellaneous information.
- B. **Jurisdiction**--The jurisdiction of this Ordinance shall apply to all areas of Crow Wing County outside the incorporated limits of municipalities and to all incorporated areas which either do not have a Junk/Salvage Ordinance with provisions similar to this Ordinance or whose governing body requests assistance from the County regarding matters addressed by this Ordinance. Article IV of this Ordinance shall apply in as much as facilities shall serve or shall have served the entire county. The Minnesota Department of Transportation (MNDOT) shall have jurisdiction over all junk/salvage facilities within one-half (½) mile of any state or trunk highway and interstate highway.
- C. **Application**--It shall be unlawful for anyone to operate a junk/salvage facility or similar activity without a permit and not in compliance with the standards identified in this ordinance and other relative ordinances in any location in the unincorporated area of Crow Wing County. The provisions of this Ordinance shall be held to be the minimum requirements for the protection of public health, safety and welfare and the lands and waters of the State. Where conditions imposed by any provision of this Ordinance and supporting Ordinances are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the standards which are more restrictive or which impose higher requirements shall prevail. In addition to the conditions set forth in this Ordinance, compliance with State and Federal standards are required.
- D. **Solid Waste Department and Planning and Zoning Department**--The Crow Wing County Board of Commissioners established the Solid Waste and Planning and Zoning Departments with sufficient personnel to discharge the duties of these Departments. The Departments' designated staff has the necessary authority and power to implement and carry out the provisions of this Ordinance including but not limited to the following:
1. To review and evaluate all applications and supporting materials referred to the Departments for facilities and similar activities and operations within the areas of the County to which this Ordinance applies.
 2. To enter upon property, facilities and or operations to investigate complaints about potential violations of this Ordinance and/or to conduct inspections.
 3. To recommend to the County Attorney that legal proceedings be initiated against a person or group of persons to compel compliance within the provisions of this Ordinance.
 4. To conduct studies, investigations and research relating to Junk/Salvage facility management, including but not limited to methodology, chemical and physical considerations engineering and rule changes.

5. To advise, consult and cooperate with the public and other governmental agencies in furtherance of the purpose of this Ordinance.
6. To enforce the provisions of this ordinance by issuance of criminal citations, and cease and desist orders; to require performance bonds and remediation or restoration procedures

45.3 VEHICLES

A. **Abandoned Vehicles**--Abandoned motor vehicles constitute a hazard to the health and welfare of the people of the county in that such vehicles can harbor noxious diseases; furnish shelter and breeding places for vermin; and present physical dangers to the safety and well-being of children and others. Abandoned motor vehicles and other scrap metals also constitute a blight on the landscape of the county and therefore a detriment to the environment. The abandonment and retirement of motor vehicles and other scrap metals constitutes the waste of a valuable source of useful metal and the improper management of fluids and other waste. It is therefore in the interest of public health, safety and welfare that the present accumulation of abandoned motor vehicles, associated fluids, hazardous waste and other scrap metals be eliminated; that future abandonment of motor vehicles and other scrap metals be prevented; that the expansion of existing scrap recycling facilities be developed; and that other acceptable and economically useful methods for the disposal of abandoned motor vehicles and other forms of scrap metal be developed. For the purposes of this Ordinance an abandoned motor vehicle includes the following:

1. Has remained illegally for a period of more than 48 hours on any property owned or controlled by a local unit of government or more than 4 hours on a property when it is properly posted;
2. Has remained on private property for a period of time without the consent of the property owner or person in control of the property;
3. Lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions; it may be kept in an enclosed garage or storage building.
4. A classic or pioneer car is not considered an abandoned vehicle.
5. Vehicles on the premises of permitted and licensed junk/salvage facilities are not considered abandoned vehicles.
6. A vehicle held for storage by agreement or held under police authority or pursuant to a writ or court order is not considered abandoned nor may it be processed as abandoned while a law enforcement agency/department hold, writ or court order is in effect.

B. **Authority to Impound Vehicles**

1. The County may take into custody and impound any unauthorized vehicle. A vehicle may also be impounded after it has been left unattended in a public location or on a county or township road or in a manner so as to constitute an accident or traffic hazard to the traveling public or that is left in a parking facility or other public property owned or controlled by the County.
2. The County may also cause an abandoned motor vehicle to be taken into custody and impounded if it is left on private property that is: a single family or duplex residential property; is a private, nonresidential property; or is any residential property properly posted.

C. **Sale Waiting Period; Notice of Taking and Sale; Right to Reclaim.** The sale waiting period, notice of taking and sale and right to reclaim are governed by Minnesota Statute 168B.051; .06, and .07

45.4 PERMITTING, LICENSING, AND FEES

- A. It shall be unlawful for anyone to operate a junk/salvage facility or similar activity in any location in the unincorporated area of Crow Wing County except when in possession of the required permits and are located in Agricultural/forestry, Commercial/Light Industrial or Commercial/Heavy Industrial Districts.
- B. Those Junk/Salvage Facilities or similar activities currently licensed by the County shall be considered an operational facility as permitted under the previous ordinance. Any junk/salvage facility regardless of its operational date must conform to the requirements of this amended ordinance. The permit application shall include when the facility was initially permitted and its zoning classification.
- C. Those Junk/Salvage activities not currently permitted and not located in an Agricultural/forestry, Commercial/Light Industrial or Commercial/Heavy Industrial District are considered in violation of this ordinance and Solid Waste Ordinance and subject to enforcement actions.
- D. The owners of the land on which these junk/salvage or similar activities are occurring must make application pursuant to established procedures; have the application reviewed by staff; request a zoning change to Agricultural/forestry, Commercial/Light Industrial or Commercial/Heavy Industrial and must make application for a Conditional Use permit to operate said Junk/Salvage Facility or similar activities. Should the requested zoning change and/or conditional use be denied, the junk/salvage yard shall be considered in violation of this Ordinance and be required to be removed and/or otherwise dispose of all materials by the owner in a manner satisfactory to the County within 180 calendar days of denial. Should the zoning change and conditional use be approved, the owner shall apply for a permit to operate the junk/salvage facility within 30 days after the zoning change has been granted. If the owner fails to apply for a license within the 30 days, the conditional use will be considered revoked and the owner will be considered in violation of this and all other relevant ordinances or rules.
- E. A permit will not be issued until an existing facility is in compliance with all appropriate planning and zoning and solid waste rules and requirements of this ordinance.
- F. An annual fee will be paid by the property owner for annual operation before issuance or re-issuance of the license. All other requirements must be met before issuance of the license.

45.5 INSPECTIONS

A. Right of Inspection

An applicant for any permit under this Ordinance or supporting Ordinances does thereby give the Crow Wing County Planning and Zoning and Solid Waste Enforcement Officer the right of access to the premises concerned for inspection and enforcement of this Ordinance. Additionally, the Planning and Zoning Office Enforcement Officer, the Solid Waste Coordinator are authorized to enter upon lands within the unincorporated area of the County for the purpose of carrying out the duties and functions imposed under this and all other supporting ordinances and/or make investigations of any violations of this Ordinance and/or cause proceedings to be instituted if any action so warrants.

B. Inspections

The Crow Wing County Enforcement Officer will inspect all facilities at least annually. Facility owners will be notified one week before the annual inspection. Owners and operators will be present for the inspection. Minnesota Pollution Control Agency staff may also be present. There may be unannounced inspections at any time.

1. The areas of inspection shall include but not be limited to permits, licenses, insurance, employee training, reports, plans, and operation of the facility. The Enforcement Officer will complete a standard inspection form. One copy of the inspection results shall be provided the owner and/or operator; a copy will be kept on file at the Solid Waste and Planning and Zoning Offices and a copy may be forwarded to the Minnesota Pollution Control Agency's Regional Office in Brainerd. The results of the inspection will be provided the facility owner or operator within 15 days following the inspection. The facility owner may request a meeting to further review items listed on the inspection form.
2. The owner or operator shall have 30 days to correct any faults found during the inspection and submit by mail, proof of correction to the Enforcement Officer. The Enforcement Officer may conduct a follow-up inspection to determine if corrections have been satisfactorily completed.

45.6 REQUIREMENTS AND REGULATIONS

A. Operational Requirements

The operation of a junk/salvage facility or similar activity must conform to the tenants of Minnesota Statute, MPCA Rules, Crow Wing County Ordinance and the MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual for day-to-day operation and done in a manner that the operation does not have a negative effect on the general safety, health and welfare of the public. Further, operation of a junk/salvage facility or similar activity must adhere in its daily operations to standards set forth in this Ordinance.

B. Performance Standards

New junk and salvage operations shall be subject to the administrative provisions of this ordinance, the Solid Waste Ordinance, and the Junk/Salvage Ordinance. Both new and existing junk and salvage operations are subject to the following performance standards:

Upon approval of a conditional use or other permit application, the Departments and/or the Planning Commission/Board of Adjustment may require a surety bond, cash escrow or cash deposit prior to issuing a land use permit or initiation of work on a proposed facility or clean-up of an existing junk/salvage facility. Said security shall guarantee conformance and compliance with conditions imposed by the Planning Commission/ ~~or~~ Board of Adjustment and within a specified period of time.

1. The facility shall be served by a minor collector or higher functional classification of roadway.
2. The use shall comply with all applicable Federal, State statute and rules, County Ordinances, and policies.
3. Buildings or structures of any kind must meet the setback requirements presented in this ordinance. Any exterior storage including but not limited to: vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal and all other items or materials shall meet a minimum of a 35 foot buffer zone along all property lines except when a fence has been established up to and parallel to a property line and pursuant to the provisions of this Ordinance.
4. Parking shall meet the requirements of Article 16 of this ordinance.
5. A transportation management plan shall be submitted by existing facilities by January 1 of the year following the adoption of this Ordinance. New facilities must include a transportation management plan accompanying the application for a permit. This plan must address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.

6. No vehicles or vehicle parts may be placed within the public right-of-way or on public property.
7. The junk/salvage yard shall be screened on all sides from public view by a solid fence or dense planting of not less than eight feet in height. In meeting this requirement, the junk/salvage yard shall either be solidly fenced or shall have approved plantings planted within one calendar year after the date of the initial junk/salvage yard operating license. Should plantings be unable to meet this requirement, such plantings shall be approved by the County and be of such type and planting density so as to provide a solid screening of the junk/salvage yard within three calendar years after planting. Other types of screening may be acceptable if approved by the Planning Commission/Board of Adjustment.
8. Exterior storage of vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal shall be limited to a maximum height of 12 feet above grade.
9. Hazardous materials and waste stored at the facility must be stored in a manner consistent with Federal and State statutes. The facility owner or operator shall inform the County's Solid Waste Coordinator of the type and amount of hazardous materials and waste stored at the facility.
10. An environmental management plan, including: an emergency management plan which should be coordinated with the local fire chief, storm water and drainage plan addressing the impact of the facility on the environment must be submitted to the County's Solid Waste Office and Planning and Zoning Office. These plans must be submitted by existing and permitted facilities no-later-than January 1 of the year following adoption of this ordinance. Facilities applying for a permit to operate must include these plans in the application. The plan will be reviewed by staff and approved or returned for corrections within 30 days of receipt.
11. Signs and lighting shall conform to Article 16 of this ordinance.
12. Any new or existing Junk/Salvage Facilities or activities located along a corridor of ¼ mile on either side of Highway 371 in the First Assessment area extending from the current municipal boundaries of the cities of Baxter/Brainerd and Nisswa will comply with Article 16 – Commercial Corridor Standards as well as all requirements in this ordinance.
13. One owner/operator residence may be allowed at a permitted Junk/Salvage Facility. The residence is to be used only for the owner or operator and his/her family members. This residence must meet all the performance standards of this ordinance.
14. The facility must meet all performance standards for MPCA Rules, Chapter 7080, Individual Sewage Treatment Systems and Article 37 of this ordinance.
15. The junk/salvage facility owner or operator shall keep a written record of all fluids, including but not limited to motor oil, transmission and/or transfer case lubricants, differential lubricants, fuel, antifreeze, refrigerants, and window washing fluids. Fluids must be removed from the vehicle within 10 days of receipt of the vehicle and managed in a manner consistent with Minnesota State Statute and Minnesota Pollution Control Agency Rules and all applicable Ordinances. Un-permitted, illegal junk/salvage facilities or similar activities will be required to remove all such waste types as directed in the enforcement action.
16. All lead acid batteries; mercury containing devices, fluids etc., and hazardous materials must be removed from the vehicle within 30 days of receipt of the vehicle at the facility and managed in a manner consistent with Minnesota State Statute and Minnesota Pollution Control Agency Rules and all applicable Ordinances. Un-permitted, illegal junk/salvage facilities or similar activities will be required to remove all such waste types as directed in the enforcement action.

17. Vehicles that are not to be used for salvage and are kept intact for resale and recorded in the facility records for such purposes are exempt from the requirements listed in parts xv and xvi above. However, each vehicle retained for resale must be examined for leaking fluids and such steps taken to prevent fluids from contaminating soils and water.
18. Onsite disposal or burning of trash, refuse, garbage, or other waste materials is prohibited. Salvage of materials by fire, burning, explosives or chemical decomposition is prohibited.
19. Waste tires are a regulated portion of the waste stream and a by-product of junk/salvage operations. All tires not left on vehicles will be managed pursuant to Section 14 of the Crow Wing County Solid Waste Ordinance.
20. Owners or operators of a junk/salvage facility or similar activity shall submit a written report to the Department by March 1 of each year. The report shall include the number of vehicles stored onsite for salvage, vehicles stored onsite for resale, an inventory of fluids, lead acid batteries, refrigerants, mercury containing devices and other hazardous materials collected and how the materials collected were disposed of. A copy of the facility's written record for vehicles as required in Section V of this Ordinance shall be attached to the report. Failure to submit reports may result in suspension of the permit to operate, criminal or civil actions.
21. Junk/Salvage Facilities or similar activities shall be subject to a minimum of an annual inspection by the Enforcement Officer.
22. Vehicles stored in holding or staging areas shall be exempt from Section V; p and q of this Ordinance for a period of 15 days. The holding or staging area designated to temporarily store vehicles before processing shall not exceed storage for a maximum of 85 vehicles. The holding or staging area shall have an impervious surface constructed of concrete, bituminous surface or eight inches of compacted Class 5 gravel. The area shall be curbed or diked to a minimum of six inches above the impervious surface to prevent precipitation from running off the holding or staging area. As an option to curbing, the holding or staging area may be sloped so that all precipitation is directed to the center of the holding or staging area. The center of the area shall be a minimum of eight inches lower in elevation than the lowest edge of the holding or staging area.
23. A good neighbor policy will be established for the benefit of all existing and newly permitted junk/salvage facilities or similar activities and all adjacent property owners notified of the establishment of such land use activities.

C. Education and Training

1. All owners, operators and selected employees are required to attend an initial training session. The Zoning Administrator and, if necessary, Minnesota Pollution Control Agency, Planning and Zoning or Solid Waste staff will conduct the initial training session for all permitted facilities. The session teaches the concepts and principles of the Minnesota Pollution Control Agency Motor Vehicle Salvage Facility Environmental Compliance Manual; statute and rules relative to Junk/Salvage Facilities and the County's relative portions of the Zoning, Solid Waste and the Junk/Salvage Ordinances. All Facility owners and operators are required to attend an annual training update. Each facility will be provided with a copy the manual which is required to be kept on file.
2. Junk/Salvage Facility owners and operators are required to insure all employees receive initial and, at a minimum, annual training according to the concepts and principles in the Motor Vehicle Salvage Facility Environmental Compliance Manual for the operation of the facility. Additional training may be required by other agencies and is the responsibility of the owner or operator.

3. Education and training requirements may be changed as technology changes.

D. Reports

Each Junk/Salvage Facility or similar activity is required to record data that will be used as an Annual Facility Report to the County's Enforcement Officer and submit necessary reports to the Minnesota Pollution Control Agency. All information except amounts and types of waste will be considered proprietary and not released to the public. The following information must be included in the annual report to the County including, type of waste; manner in which the material is stored and location; disposal location and licensed waste hauler transporting the waste material.

1. Record of all incoming vehicles
2. Record use and/or reuse of fluids
3. Amount and type of fluids
 - a) Oil
 - b) Antifreeze
 - c) Refrigerants
 - d) Fuel
 - e) Sodium Azide (airbag propellant)
4. Solids
 - a) Oil filters
 - b) Oil Absorbents
 - c) Lead acid batteries
 - d) Lead parts
 - e) Solvent rags
 - f) Mercury switches
 - g) Tires
 - h) Catalytic converters
5. Major Appliances
6. Any other waste materials by type and amount
7. Amounts and type of recyclable material

45.7 PLANS AND MAPS

- A. **Site map.** A site map is required of all junk or motor vehicle salvage facilities or similar activities and must include at a minimum:
1. Overview of the entire facility with property lines and structure setbacks
 2. Location, title and dimensions of all structures and equipment in the facility
 3. Description of activities and mechanical components of the facility
 4. Listed description of all potential pollutants

B. Plans. Plans required of all junk or motor vehicle salvage facilities and similar activities must include at a minimum the following:

1. Spill Prevention Plan
2. Spill Response Plan
3. Waste Fluid Management Plan
4. Storm Water Management Plan (NPDES/SDS)
5. Emergency Response Plan (Fire, Explosion, and Injury)
6. Record Keeping Plan
7. Permits, Licenses and Training
8. Tire Storage Plan
9. Major Appliance Collection, Storage and Disposal Plan

45.8 REGULATED WASTES

Regulated wastes include but are not limited to: major appliances, electronics, household hazardous waste, tires and any other waste materials having the potential to negatively impact health, safety and general welfare of the public or affect the water and lands of the State. All such waste types must be managed according to applicable statutes, rules and ordinances and may require special permits in order for a facility to accept, handle and manage such waste types.

ARTICLE 46--DEFINITIONS

46.1 PURPOSE

For the purposes of this Ordinance, certain terms and words are hereby defined. The word PERSON indicates a firm, association, organization, partnership, trust, company, or corporation as well as the individual. The present tense includes the future tense and the singular number shall include the plural and plural shall include the singular. The words MUST and SHALL are mandatory and the word MAY is permissive; the words USED or OCCUPIED include the words INTENDED, DESIGNED or ARRANGED TO BE USED OR OCCUPIED. The words LOT, PLOT, or PARCEL are interchangeable. Specific definitions used within the Ordinance, unless another meaning is clearly given, are listed below:

46.2 DEFINITIONS

1. **ABANDONED MOTOR VEHICLE** - The same as a junk vehicle and meets the criteria as identified in Section III of this Ordinance.
2. **ACCESS LOT, ALTERNATIVE** - Parcels of land that provide access to public waters for owners of riparian lots within subdivisions. These shall be used where the Planning Commission/Board of Adjustment determines that direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat.
3. **ACCESS LOT, CONTROLLED** - Any lot, tract, or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of non-riparian lots.
4. **ACCESS PATH** - An area designated to provide ingress and egress to public waters.

5. **ACCESSORY USE OR STRUCTURE** - A use or structure which is incidental and subordinate to and on the same lot as the principal structure and does not include living quarters. Such structures include sheds, storage shelters, pole buildings, detached garages, cargo containers, in-ground pools, and similar structures.
6. **ACCESSORY USE** - A use incident and subordinate to the main use of the premises. An accessory use cannot, by definition, exist without the establishment of a primary use.
7. **ADJACENT PROPERTY, ADJOINING PROPERTY** - Any portion of a lot or larger tract of land that is not over one-quarter (1/4) mile from the concerned premises, or has common property line with the concerned premises. A lot or larger tract of land that is squarely across a road, other than a Principal or minor arterial, from the concerned premises, shall be construed as having a common property line. A lot or larger tract of land that corners the concerned property shall be considered as having a common property line at such cornering point.
8. **ADMINISTRATIVE FEE** - A fee charged by the Department as set by the Board to compensate for time spent involving the investigation and prosecution of violations, including other additional expenses incurred during the investigation.
9. **ADMINISTRATIVE SUBDIVISION** - A division of land that does not require a plat but is subject to department approval meeting the requirements of Articles 9.5 & 9.6.
10. **ADMINISTRATOR** - The Crow Wing County Land Services Department Supervisor for Environmental Services, or their authorized representative, who is responsible for administering this ordinance.
11. **ADULT USES** - Adult body painting studios, adult book stores, adult car washes, adult hotels or motels, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health/sports clubs, adult sauna/steam room/bathhouses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcade, adult modeling studios and other premises, enterprises or establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation or display, depiction or description of "specified sexual activities" or "specified anatomical areas" which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by state licensed or registered persons. Activities classified as obscene, as defined by Minnesota Statutes Section 617.241, are not lawful and are not included in the definition of adult uses.
12. **ADULT USES – ACCESSORY** - The offering of goods and/or services classified as adult uses on a limited scale that are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.
13. **ADULT USES – PRINCIPAL** - The offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:
14. **ADULT BODY PAINTING STUDIO** - An establishment or business that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude or the application of paint or other substance by a patron to the body of another person.
15. **ADULT BOOK STORE** - A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tapes, video tapes, motion picture films, digital video discs, compact discs or other computer generated images, if such building or portion of a building excludes minors by reason of age or if a substantial or significant portion of the items bartered,

rented or sold are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".

16. **ADULT CABARET** - A building or portion of a building which provides exotic dancing, striptease or other live entertainment if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".
17. **ADULT CAR WASH** - A wash facility for any type of motor vehicle that allows employees, agents, independent contractors, or persons to appear in a state of partial or total nudity in terms of "specified anatomical areas".
18. **ADULT COMPANIONSHIP/CONVERSATION/RAP ESTABLISHMENTS**—A companionship, conversation, or rap establishment which excludes minors by reason of age, or which provides customers the service of engaging in or listening to conversation, talk or discussion that is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
19. **ADULT ENTERTAINMENT FACILITY** - A building or space in which an admission is charged for the entrance or where food or non-alcoholic beverages are sold or intended for consumption, and in which may be observed live presentation of entertainment distinguished by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".
20. **ADULT ESTABLISHMENT** - An establishment, building or business engaging in any of the following activities or which uses any of the following business procedures or practices, either:
 - a. Any business conducted exclusively for the patronage of adults and about which minors are specifically excluded from patronage thereat either by law or by the operator of such business: or,
 - b. Any other business that offers its patrons services, products or entertainment characterized by an emphasis on matters depicting, exposing, describing, discussing, or relating to "specified sexual activities" or "specified anatomical areas". Specifically included in the term, but without limitation, are adult book stores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult health clubs, adult saunas, adult companionship establishments, adult cabarets, adult car washes, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels and adult body painting studios.
21. **ADULT HEALTH CLUB/SPORT CLUB/ MASSAGE PARLOR** - A health club, sports club or massage parlor that excludes or restricts minors by reason of age, or that provides services distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
22. **ADULT HOTEL OR MOTEL** - A hotel or motel from which minors are specifically excluded from patronage and in which material is presented that is distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
23. **ADULT MINI-MOTION PICTURE THEATER** - A building or portion of a building with a capacity for less than fifty (50) persons used for presenting of still or motion pictures if such building or portion of a building excludes minors by reason of age, or if such pictures are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
24. **ADULT MODELING STUDIO** - An establishment whose business is the provision to customers of figure models who are provided with the intent of giving sexual stimulation or sexual gratification to such

customers and who engage in “specified sexual activities” or display “specified anatomical areas”, while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

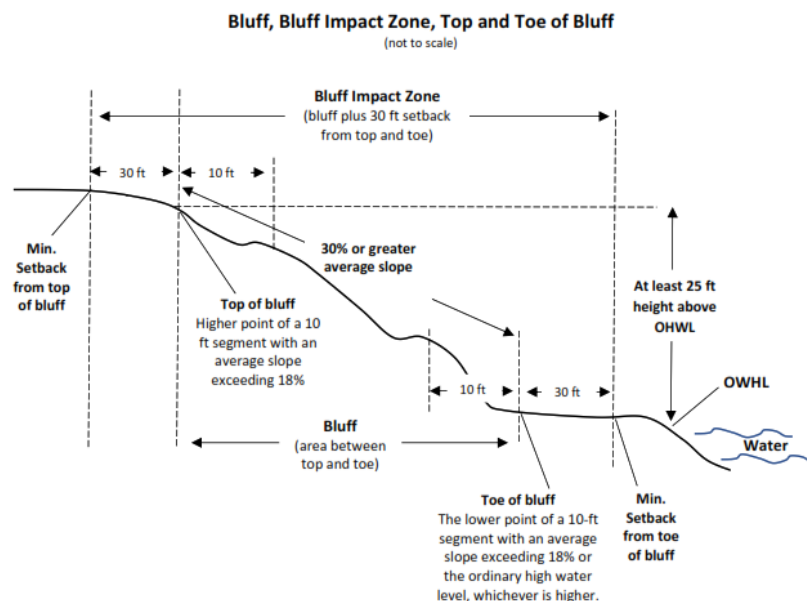
25. **ADULT MOTION PICTURE ARCADE** - A building or portion of a building wherein coin or slug operated, or electronically, electrically or mechanically controlled, or operated still or motion-picture machines, projectors, or other image-producing devices show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas”.
26. **ADULT MOTION PICTURE THEATER** - A building or portion of a building with a capacity of fifty (50) or more persons used for presenting still or motion pictures if such building or portion of a building excludes minors by reason of age, or if such pictures are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
27. **ADULT NOVELTY BUSINESS** - A building or portion of a building used for the barter, rental or sale of toys, instruments, devices, clothing or paraphernalia designed or used in connection with the presentation, display depiction, or description of “specified sexual activities” or “specified anatomical areas”.
28. **ADULT SAUNA/STEAM ROOM/BATHHOUSE** - Means a sauna, steam room or bathhouse which excludes minors by reason of age, or which provides a sauna, steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, which utilizes steam water, or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
29. **AGENCY** - The Minnesota Pollution Control Agency or MPCA
30. **AGENT** - Any person acting on behalf of a property owner in dealing with activities under the jurisdiction of the Ordinance, including but not limited to realtors, contractors, or attorneys.
31. **AGRICULTURAL/FORESTRY DISTRICT (AGF)** - A land use district established to promote and protect those portions of the county where agricultural and/or forestry activities are dominant and are expected to continue to be vital elements of the local economy or where there is a pattern of large tract ownership or extensive recreational use of property.
32. **AIRPORT** - An area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any
33. **AIRPORT: HANGER** - An accessory structure used for storage, maintenance, and repair of aircraft
34. **AIRPORT: PUBLIC** - Any airport, whether privately or publicly owned, where the public use for aeronautical purposes is invited, permitted, or tolerated by the owner or person having right of access and control.
35. **AIRPORT: PRIVATE** - Any restricted airport, whether privately or publicly owned. The persons who may use the airport are determined by the owner of the airport. A private airport may not be held out for public use nor may it be displayed on aeronautical charts except as a restricted facility
36. **ALLEY** - A public way used primarily as a service access to the rear or side of a property which abuts on a road.

37. **AMUSEMENT PARK** - Establishments engaged in providing entertainment for a fee including such activities as games of chance or skill, rides, dance halls, theatrical productions; bands and other musical entertainment; and coin operated amusement devices.
38. **ANIMAL BREEDING AND/OR BOARDING FACILITY** - Any lot or premises on which dogs, cats and other household pets are kept, boarded, or raised for breeding or sale.
39. **ANIMAL UNIT** - A unit of measure to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. Animal units are calculated by dividing the average animal weight for a species by 1,000 pounds. For purposes of these regulations, the following equivalents apply:

	Animal Unit (A.U)
1 mature dairy cow	1.4
1 slaughter steer or heifer	1.0
1 horse	1.0
1 swine over 55 lbs.	0.4
1 sheep	0.1
1 swine under 55 lbs.	0.05
1 turkey	0.018
1 chicken	0.01

40. **ANTENNA** - Any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antennae such as whip- antennae.
41. **APARTMENT** - A room or suite of rooms that is designed for, intended for, or occupied as a residence by a family or individual.
42. **APPLIANCE** - Washers, dryers, electric and gas ranges or stoves, refrigerators, freezers, dehumidifiers, water heaters, residential furnaces, dishwashers, garbage disposal trash compactors, microwave ovens, air conditioners and heat pumps.
43. **AREA, BUILDING** - The entire area of ground covered by a structure.
44. **ATHLETIC FIELD** - A parcel prepared and equipped for playing a game(s).
45. **ATTORNEY** - The County Attorney for Crow Wing County, Minnesota.
46. **AUDITOR - TREASURER** - The County Auditor-Treasurer for Crow Wing County, Minnesota
47. **BASE FLOOD** - The flood having a one percent change of being equaled or exceeded in any given year
48. **BASE FLOOD ELEVATION** - The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

49. **BASEMENT** - Any area of a structure, including crawl spaces or any sunken room or sunken portion of a room, having its floor base subgrade (below ground level) on all four sides regardless of the depth of excavation below ground level
50. **BED AND BREAKFAST RESIDENCE** - A dwelling in which four or fewer guest rooms are rented within the principal structure on a nightly basis for less than one week and where at least one meal per day is provided in connection with the sleeping accommodations. The operator of the residence lives on the premises or in an adjacent premise.
51. **BEDROOM** - A room or unfinished area within a dwelling that might reasonably be used as a sleeping room as determined by the local unit of government.
52. **BERM** - A hill of land that acts as a visual barrier between a lot and adjacent properties, alleys, or streets, or that provides a barrier to the flow of stormwater from one property to another property or a waterway.
53. **BEST MANAGEMENT PRACTICES** - Erosion and sediment control and water quality management practices that are the most effective and practical means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction- phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices.
54. **BIORETENTION** - Areas that capture sheet flow runoff from impervious surfaces and treat the stormwater using a combination of microbial soil processes, infiltration, evapotranspiration, and plants.
55. **BLUFF** - A topographical feature such as a hill, cliff or embankment having all of the following characteristics:
- Part or all of the feature is located in a shoreland area;
 - The slope rises at least 25 feet above the toe of the bluff;
 - The grade of the slope from the toe of the bluff to the top of the bluff averages 30 percent or greater; and
 - The slope must drain toward the water body.
56. **BLUFF IMPACT ZONE** - A bluff and land located within 30 feet of the top and toe of a bluff.



57. **BLUFF, TOE** - For the purpose of measuring setbacks, the point at the bottom of a bluff that is the lower end of a 10 foot segment with an average slope of 18 percent or is the OHWL, whichever is higher.
58. **BLUFF, TOP** - For the purpose of measuring setbacks, the point at the upper end of a bluff that is the higher end of a 10 foot segment with an average slope of 18 percent.
59. **BOARD OR COUNTY BOARD** - The Crow Wing County Board of Commissioners
60. **BOARD OF ADJUSTMENT** - The Board of Adjustment for Crow Wing County, Minnesota, as created by this ordinance.
61. **BOATHOUSE** - A structure designed and used solely for the storage of boats or boating equipment.
62. **BOAT SLIP** - A space adjacent to a dock or between two docks or piers where one boat may be moored.
63. **BOUNDARY LINE ADJUSTMENT:** - A procedure for changes in property lines through the attachment of land to a contiguous lot, tract, or parcel. A boundary line adjustment is intended to modify or correct the location of a boundary line or to remedy adverse topographical features or encroachments. A boundary line adjustment may be allowed provided any residual tract of land or any existing structures does not become noncompliant with the provisions of this ordinance.
64. **BROADCAST** - To convey, generate, transmit or receive electromagnetic signals regardless of frequency, power level or communications use.
65. **BUFFER** - Land that is used to protect adjacent lands and waters from development and more intensive land uses. The land is kept in a natural state of trees, shrubs, and low ground cover and understory of plants and functions to filter runoff, control sediment and nutrient movement, and protect fish and wildlife habitat. In areas of agricultural use, the land may be used for less intensive agricultural purposes provided its function as a buffer remains intact.
66. **BUILDABLE AREA** - The minimum required area remaining on a newly created parcel of land or platted lot after all, public road rights-of- way, road easements, setbacks, and wetlands are subtracted. In the Shoreland District, all land below the ordinary high water level (OHWL) of public waters, bluffs, areas with slopes greater than 25%, and floodways shall also be subtracted.
67. **BUILDING ENVELOPE:** - A drawing showing the outline of where structures can be built meeting setbacks to public waters, road-right-of way, easements, bluffs, lot lines, wetlands, and subsurface sewage treatment systems.
68. **BUSINESS – COMMERCIAL RETAIL** - Any establishment, employment, or enterprise wherein merchandise is manufactured, exhibited, stored, or sold, or where services are offered for compensation.
69. **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.
70. **CAMOUFLAGE** - A covering or disguise of any kind to hide or conceal.
71. **CAMP, TRANSIENT OR CHURCH** - A parcel upon which an organization, religious or otherwise, offers group accommodations and organized recreation and/or instruction.
72. **CAMPER** - A structure capable of providing shelter and mounted on a self-propelled vehicle.
73. **CAMPGROUND OR RECREATIONAL CAMPING VEHICLE PARK** - A development that is used for the purpose of providing five or more sites for nonpermanent overnight use by campers using tents, trailers, recreation camping vehicles, or other temporary shelters.

74. **CARGO CONTAINER** - A sealed metal box receptacle of size and type commonly used for shipping items via railroad or water vessels. A cargo container must be free of visible rust and in overall good repair to be used as an accessory structure.
75. **CEASE AND DESIST ORDER** - A document issued upon discovery of a potential violation or actual violation to prevent additional violations or a continuation of a violation.
76. **CEMETERY** - An area set apart for or containing graves, tombs, or funeral urns; a burial ground or graveyard.
77. **CERTIFICATE OF COMPLIANCE** - A document written after a compliance inspection, certifying that an existing sewage treatment system is in compliance with applicable MPCA 7080 requirements at the time of inspection.
78. **CERTIFICATE OF INSTALLATION** - A document issued by Crow Wing County after the initial inspection and certifying that a new septic system meets the performance standards of MPCA 7080.
79. **CERTIFICATE OF SURVEY** - A drawing completed by a Registered Land Surveyor licensed in the State of Minnesota and meeting the requirements of this Ordinance.
80. **PLACES OF WORSHIP**- A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
81. **COLLECTOR ROAD, MAJOR/MINOR** - A road that serves as a principal connection between a minor arterial or principal arterial and minor roads.
82. **COMBINATION TIME USE CAMPGROUND** - A campground with part of its campsites available for seasonal use and part of its campsites available for part-time use. A campground open and intended for use not to exceed four days at one time and not to exceed 20 days in any calendar year.
83. **COMMERCIAL** - Any use or establishment pertaining to commerce or mercantile for the sale, lease, rental or trade of products, goods, and services.
84. **COMMERCIAL DISTRICT 1 (C-1)** - A land use district established to provide adequate areas for general retail, wholesale, office, and service activities located as permitted uses in areas adjacent to incorporated municipalities.
85. **COMMERCIAL DISTRICT 2 (C-2)** - A land use district established to provide adequate areas for general retail and service activities as conditional uses in rural areas.
86. **COMMERCIAL STORAGE YARD:** Land exceeding a cumulative total of 250 square feet per parcel which is used for the regular display of goods for sale, rent, lease or trade, or which is used for the outdoor storage of boats, vehicles, recreational vehicles or other items which are not the personal property of the property owner on which it is stored. The growing or temporary storage of agricultural products, including trees, shall not be considered a commercial sales/storage lot.
87. **NON-COMMERCIAL STORAGE YARD** – A use of land for the outside storage of equipment and materials of building, plumbing, painting, heating, landscaping, septic system or other contractors in the building trades that perform their work off-site and where the equipment and materials are being stored only temporarily until used at an off-site job location.
88. **COMMISSIONER, (DNR)** - The Commissioner of the Department of Natural Resources or his/her authorized representative.

89. **COMMON INTEREST COMMUNITIES** - Contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.
90. **COMMON OPEN SPACE** - A portion of a development that:
- a. Is permanently set aside to preserve elements of the natural landscape for public or private use;
 - b. Will not be developed or subdivided; and
 - c. Is generally owned in common by the individual owners in the development or by a permanently established management entity.
91. **CONDITIONAL USE** - A land use that would not be generally appropriate in a land use district, but may be allowed with appropriate restrictions as provided by official controls upon a finding that:
- a. Certain conditions as detailed in the ordinance exist, and
 - b. The use or development conforms to the comprehensive land use plan and
 - c. Is compatible with the existing neighborhood.
92. **CONDOMINIUM** - A common interest community in which:
- a. Portions of the real estate are designated as units,
 - b. The remainder of the real estate is designated for common ownership solely by the owners of the units, and,
 - c. Undivided interests in the common elements are vested in the unit owner.
93. **CONFORMING** - To be, act, use or exist pursuant to this ordinance and any regulations or standards promulgated hereunder, and with any special conditions or requirements imposed hereunder, and with any special conditions or requirements imposed in the issuance of any permits hereunder
94. **CONSERVATION DEVELOPMENT** - A method of subdivision characterized by common open space, compact residential structure unit lots that may or may not be clustered, and the flexibility to create lots with reduced size and width than what is otherwise required by this ordinance and/or in a conventional subdivision. The purpose of a conservation development is to create greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities.
95. **CONTOUR LINE** - A line connecting points that are at the same elevation. Contour interval is the vertical height between contour lines.
96. **CONVENTIONAL DEVELOPMENT** - A method of subdivision characterized by lots that are spread evenly throughout a parcel in a lot and block design and which meet the minimum required lot size and width required by this ordinance. Conventional developments have a one primary residence per lot configuration.
97. **CORRECTIVE ACTION** - The steps taken to return a development, structure, or use to a condition that complies with the standards of this ordinance and any conditions required by the Department or the

Planning Commission/Board of Adjustment, or no longer poses a threat to human health and the environment; or is no longer a public nuisance.

98. **COUNTY** - Crow Wing County, Minnesota.
99. **COUNTY COMPREHENSIVE PLAN** - The plan for the orderly growth of Crow Wing County as adopted and amended by the Planning Commission/Board of Adjustment and the County Board. This includes the group of maps, charts and texts that make up the comprehensive long range plan for Crow Wing County.
100. **COUNTY RECORDER** - The County Recorder and Registrar of Titles for Crow Wing County, Minnesota
101. **CRITICAL FACILITIES** - Facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.
102. **CUL-DE-SAC** - A permanent road terminating at one end, which is circular in design, without connecting with another road
103. **DECK** - A horizontal, unenclosed platform which is attached or functionally related to a dwelling, and may or may not have attached railings, seats, trellises, or other features.
104. **DEDICATION TO THE PUBLIC: - Parks:** All property in a plat dedicated to the public as parkland shall operate to convey fee title to the property to the designated political subdivision for the use and purposes named or intended.
105. **Roads:** Any street, road, alley, trail, or other public way dedicated or donated on a plat shall convey an easement only. All roads in a plat designated to the public are described town roads including for purposes of Minnesota Statutes § 163.16.
106. **DEPARTMENT** - The Crow Wing County Land Services.
107. **DEVELOPMENT** - Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
108. **DEVELOPMENT REVIEW TEAM (DRT)** - A committee to provide preliminary review of applications for variances, conditional uses, and development proposals.
109. **DIRT MOVING** - Any movement, excavation, grading, or filling of dirt on a lot.
110. **DISPOSAL OR DISPOSE** - The discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
111. **DNR** - Minnesota Department of Natural Resources.
112. **DRIVEWAY** - A road, easement or strip of land serving as vehicular access to not more than two (2) residential lots or parcels and which is not dedicated to nor maintained by a public agency.
113. **DUMP** - An area used for disposal of wastes.

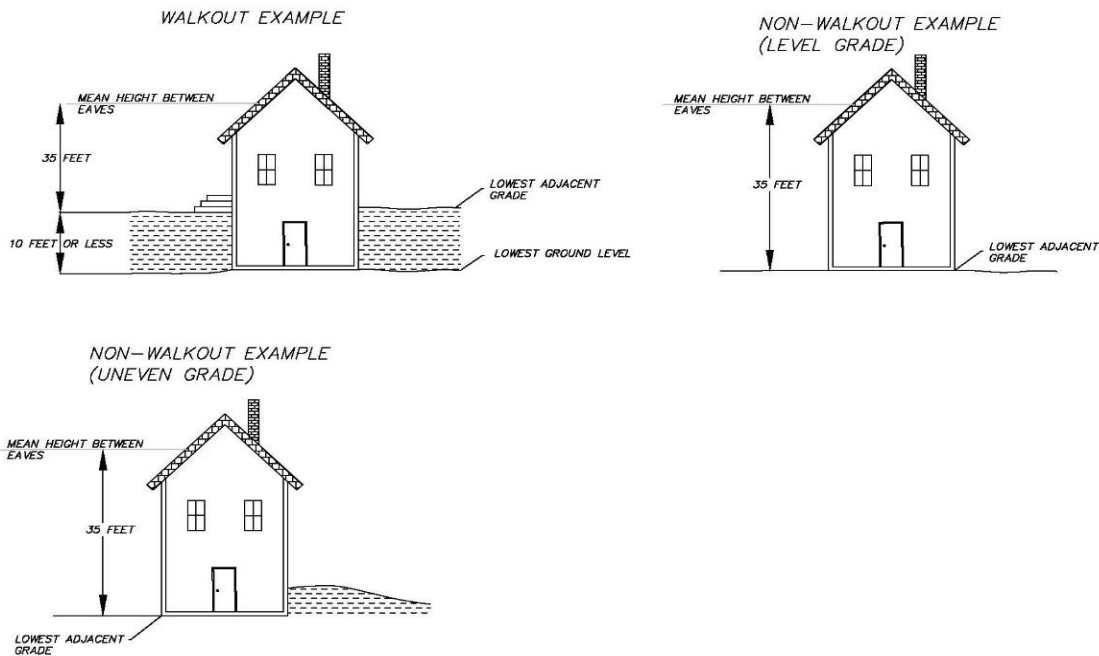
114. **DUPLEX RESIDENTIAL LOT** - A lot meeting the size and width requirements of Article 28 for a duplex.
115. **DWELLING, SINGLE-FAMILY** - A detached residence designed for or occupied by one family only.
116. **DUPLEX, TRIPLEX, AND QUAD** - A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
117. **DWELLING SITE** - A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
118. **DWELLING UNIT** - Any structure or portion of a structure or other shelter, designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.
119. **EASEMENT** - A non-possessory interest held by one person in the land of another whereby the non-possessory person is given partial use of the land for a specified purpose.
120. **EMERGENCY SERVICE AGENCY (PUBLIC OR PRIVATE)** - Any agency providing police, fire, rescue, or emergency medical services; whose service boundaries are established by Minnesota State Statute, local governing authorities, or the Commissioner of Public Safety, and are to be included as part of an emergency service zone (ESZ) for Enhanced 911.
121. **EMERGENCY SERVICE ZONE (ESZ)** - A specified area served by public or private Emergency Service Agencies.
122. **ENGINEER** - The Crow Wing County Highway Engineer or authorized agent.
123. **ESSENTIAL SERVICES** - Essential Services or Essential Service Systems shall be above ground or underground electrical, gas, communication, steam, liquid or sewer systems for collection, distributing or transmission purposes, used by governmental departments, or commissions or by public utilities (including cooperatives) each having the power of eminent domain, as are required for protection of the public health, safety, or general welfare. Such systems shall include, but not be limited to, towers, poles, pole mounted appurtenances, wires, cables, conduits, pipes, sewers, drains manholes, fire alarm boxes, police call boxes, public telephone booths and accessories thereto. Electrical substations, communication repeater stations, pipe line pumping or metering stations, sewer lift stations, water wells and accessories thereto, including buildings that are an integral and protective part thereof, shall be considered as structures which are parts of such Essential Service Systems.
124. **EQUAL DEGREE OF ENCROACHMENT** - A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
125. **EVENT CENTER** - A commercial or not-for-profit facility or operation that makes use of land and/or buildings for non-industrial recreational or tourist-related activities and is secondary or related to a primary rural, shoreland or agricultural use or setting of the property. Examples include, but are not limited to farms, orchards or wineries or other properties which hold festivals or fairs; petting zoos; corn mazes; wedding, meeting, party or retreat venues; wine or food tasting events; brew pubs; or concerts. An event center may include food, liquor, and retail sales.
126. **EXPANSION** - Any increase in a dimension, size, area, volume, or height, or increase in the area of use, or placement of a structure.

127. **EXTRACTIVE USE** - All forms of, but not limited to, gravel, sand, topsoil, quarry rock, mineral, peat, humus, sub-surface in-situ leach extraction, petroleum and any other similar uses in which material is removed from the ground.
128. **FAILING SYSTEM** - Any subsurface sewage treatment system that discharges sewage to a seepage pit, cesspool, drywell or leaching pit, and any system with less than the required vertical separation as described in Minnesota Rule 7080.1500 Subparts. 4 (D & E).
129. **FAMILY** - One or more persons, each related to the other by blood, marriage, adoption or foster care, or a group of no more than three persons not so related but maintaining a common household and using common kitchen facilities.
130. **FARM BUILDINGS** - Agricultural buildings are structures designed for farming and agricultural practices, including but not limited to: growing and harvesting of crops and raising livestock and small animals. Specific examples of farm buildings include: barns, greenhouses, storage buildings for farm equipment, animal supplies or feed storage buildings for equipment used to implement farming and/or agricultural practices, storage buildings for crops grown and raised on site (cold storage), and horticultural nurseries.
131. **FARMLAND** - Land specifically used for agricultural purposes in the raising of crops or livestock.
132. **FEEDLOT** - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered animal feedlots under these parts.
133. **FENCE** - An artificially constructed barrier on or within 5 feet of a property boundary. An open type fence of posts and wire is not considered to be a structure under this ordinance.
134. **FINANCIAL ASSURANCE** - Assurance in the form of a surety bond, cashier's check, or cash to guarantee conformance and compliance with ordinances and conditions of the county.
135. **FLOOD** - A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
136. **FLOOD FREQUENCY** - The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
137. **FLOOD FRINGE** - The portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Crow Wing County, Minnesota.
138. **FLOOD INSURANCE RATE MAP** - An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
139. **FLOOD PLAIN** - The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
140. **FLOOD-PROOFING** - A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
141. **FLOOD PRONE AREA** - Any land susceptible to being inundated by water from any source.

142. **FLOODWAY** - The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
143. **FOOTING PLACEMENT INSPECTION** - An inspection conducted after a permit for a structure has been issued but before construction begins when there is evidence on the ground (such as footing forms or footing trenches) as to where the structure will be located so as to verify that all required setbacks will be met.
144. **FOREST LAND** - Land covered with forest or reserved for the growth of forests.
145. **FOREST LAND CONVERSION** - The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.
146. **FRONTAGE/BACKAGE ROAD** - A local road parallel to and adjacent to a principal or minor arterial, designed to provide direct access to land in lieu of direct access from a principal or minor arterial.
147. **GARBAGE** - Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
148. **GOLF COURSE** - An area of land laid out for the game of golf with a series of 9 or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. A golf course may include food, liquor, and retail sales.
149. **GROUND WATER** - The water contained below the surface of the earth in the saturated zone including and without limitation all waters whether under confined, unconfined, or perched conditions in near surface unconsolidated sediment or region or in rock formations deeper underground. The term ground water shall be synonymous with underground water.
150. **GROUP CARE FACILITY** - A facility which provides residential services for individuals that are handicapped, aged, disabled, or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, intellectually disabled, chemically dependent, foster children, maternity shelters, and half-way houses.
151. **GROUP HOME** - A facility which provides residential services for individuals that are handicapped, disabled, or undergoing rehabilitation and that is not required to be regulated as a single- or multi-family home by MN Statutes 245A. This includes uses such as homes for the physically handicapped, intellectually disabled, chemically dependent, foster children, maternity shelters, and half-way houses, assisted living, and supportive care.
152. **GROUP HOUSING** - A housing project consisting of a group of three or more buildings or family unit spaces constructed on a parcel of ground of one acre or more in size.
153. **GUEST COTTAGE** - A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
154. **GUEST QUARTERS** - An accessory structure that contains a dwelling unit that may contain sleeping spaces and/or kitchen and/or bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
155. **HAULER** - Any person who owns, operates, or leases vehicles for the purpose of collection and transportation of junk, salvageable material, appliances, snowmobiles, four-wheelers, garden tractors, automobile parts or automobiles.
156. **HAZARDOUS WASTE** - Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semi- solid, liquid or contained gaseous form which because of

its quantity, concentration or chemical, physical or infectious characteristics may: a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. Categories of hazardous waste materials include but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste does not include source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954 as amended.

157. **HEIGHT OF BUILDING** - The vertical distance between the lowest adjacent grade at the structure or ten feet above the lowest ground level whichever is lower, and the highest point of a flat roof or mean height between the eaves and the ridge for gable, hip, mansard, gambrel, or other pitched or hipped roofs.



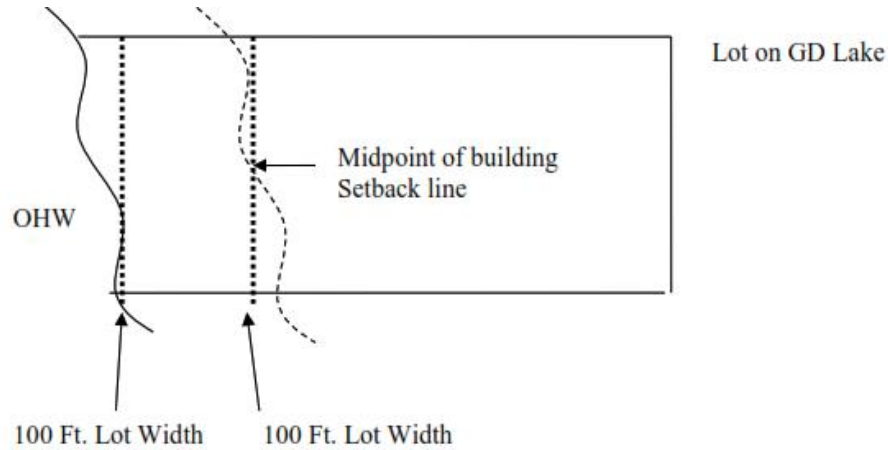
158. **HOME BUSINESS** - A use of a commercial nature conducted by an occupant of a single family dwelling and/or employees which may be conducted inside as well as outside the dwelling or accessory buildings, where the use is clearly incidental and secondary to the use of the dwelling for residential purposes.
159. **HOME OCCUPATION** - A use of a commercial nature conducted within a single family dwelling entirely within the dwelling, or accessory buildings, where the use is clearly incidental and secondary to the use of the dwelling for residential purposes.
160. **HOTEL** - A building containing five or more guest rooms which are used, rented, or hired for sleeping purposes by transient guests and with access to units primarily from interior lobbies, courts, or halls.
161. **ICE RIDGE, ANNUAL** - A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice within a calendar year.

162. **ICE RIDGE, HISTORIC** - A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice over a period of two or more years upon which well-established herbaceous and woody vegetation is growing.
163. **IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY** - A subsurface sewage treatment system that creates the potential to immediately and adversely affect or threaten public health and safety as described in Minnesota Rule 7080.1500 Subp. 4 (A). At a minimum, this includes discharge of sewage or sewage effluent to the ground surface, agricultural or other drainage systems, ditches, storm water drains or discharges directly to surface water, sewage backup into a dwelling, electrical hazards, or sewage tanks with unsecured or weak maintenance covers.
164. **IMPERVIOUS SURFACE** - A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; sidewalks; patios; parking lots; storage areas; concrete, asphalt, or gravel driveways; and other similar surfaces.
165. **INDUSTRIAL** - Manufacturing rather than commercial or agricultural pursuits; in general, meaning the use of the land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items, but where the sale or use thereof is not generally conducted on the premises concerned.
166. **INDUSTRIAL PARK** - An area of land subdivided and developed for the use of several industrial businesses simultaneously and in close proximity, providing the necessary infrastructure and access to transportation while reducing environmental and social impacts.
167. **INDUSTRIAL DISTRICT, COMMERCIAL LIGHT** - A land use district established to accommodate light industrial uses that produce few off-site impacts such as noise, odor, or vibration.
168. **INDUSTRIAL USE, LIGHT** - The production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items; locally supplied sawmills; electronics manufacturing; welding shops; auto repair; and similar uses.
169. **INDUSTRIAL DISTRICT, COMMERCIAL HEAVY** - A land use district established to accommodate heavy industrial uses that produce off-site impacts and require separation from other uses, such as residential uses, which may be incompatible with such heavy industrial uses.
170. **INTENSIVE VEGETATION CLEARING** - The complete removal of trees, shrubs or ground cover in a contiguous patch, strip, row, or block.
171. **INTERIOR ROAD** - A roadway located within a subdivision.
172. **JUNK** - Old or scrap hazard signs, copper, brass, rope, rags, batteries, paper; synthetic or organic, trash, rubber debris; waste or junked, dismantled or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.
173. **JUNK VEHICLE** - A vehicle that is extensively damaged including such things as broken or missing wheels, motor, drive train or transmission; is apparently inoperable; and does not have a valid and current registration plate.
174. **JUNK YARD, SALVAGE YARD** - Any premises where three or more used motor vehicles not containing current license plates are stored within view from a public road; or any premises where three or more inoperable motor vehicles are stored for other than immediate repair; and/or any premises on which are conducted the commercial salvaging and scavenging of any goods, articles, or merchandise and where such operations are not conducted entirely within enclosed buildings. For the purposes of this

Section, a motor vehicle with a license plate which has been expired for less than six months shall be construed as having a current plate.

175. **LAND USE DISTRICT** - An area or areas within the limits of the County for which the regulations and requirements governing use are uniform. District boundaries are shown on the official land use district map.
176. **LAND USE DISTRICT MAP** - The map showing the various land use districts into which the unincorporated areas of the County are divided.
177. **LAND USE PERMIT** - A permit issued by the County authorizing certain works to be done pursuant to the standards of the Ordinance.
178. **LEAD ACID BATTERIES** - Typically but not limited to those used in an automobile, boat or other recreational vehicle and lawn, garden, and farm tractors
179. **LICENSED FAMILY DAY CARE, LICENSED GROUP FAMILY DAY CARE, LICENSED CHILD CARE CENTER** - A facility holding a license pursuant to Minnesota Statutes, Chapter 245A and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.
180. **LICENSED PREMISES:** - That physical area of a sexually oriented business devoted to uses or activities which emphasize the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities, which is required to be licensed under this Ordinance and which is specifically identified in the license granted to the Sexually Oriented Business.
181. **LIQUOR SALES, OFF SALE** - A retail establishment that sells prepackaged alcoholic beverages intended to be consumed off-premises.
182. **LIQUOR SALES, ON SALE** - A licensed establishment such as a bar, tavern, nightclub, or restaurant which offers the sale of alcoholic beverages intended for consumption on-premises.
183. **LIVABLE AREA** - An enclosed area in an accessory structure that is suitable for year round use with walls, ceilings, and floors that are similar to a dwelling that includes but is not limited to bedrooms, bathrooms, kitchens, living rooms and dining areas.
184. **LOCAL ROAD OR STREET** - A road which serves primarily to provide access to adjacent lands and provides service to travel over relatively short distances as compared to collectors or other roads.
185. **LOT** - A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of use, occupancy, sale, lease, or separation.
186. **LOT AREA** - Square footage or acreage included within the boundaries of a parcel or platted lot. For riparian lots, land above the Ordinary High Water Level.
187. **LOT, RIPARIAN** - A lot that abuts public waters.
188. **LOT, NON-RIPARIAN** - A lot that does not abut public waters.
189. **LOT AREA** - Square footage or acreage included within the boundaries of a parcel or platted lot.
190. **LOT OF RECORD** - A lot which is part of a subdivision as recorded in the Office of the Register of Deeds or the Registrar of Titles in and for the County; or a tract of land described by metes and bounds and on record in the Office of the Register of Deeds or the Registrar of Titles in and for the County in existence prior to January 6, 1970.

191. **LOT WIDTH, NON-RIPARIAN** - The shortest distance between side lot lines as measured at the midpoint of the longest axis of the lot.
192. **LOT WIDTH, RIPARIAN** - The minimum distance between:
- Side lot lines measured at the midpoint of the building setback line; and
 - The minimum distance between side lot lines at the ordinary high water level



193. **LOWEST FLOOR** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.
194. **MAINTENANCE** - Normal upkeep of a structure including but not limited to the replacement of windows, siding, external roof surfaces, or exterior finish such as paint or stain.
195. **MANUFACTURED HOME** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
196. **MANUFACTURED HOME PARK** - Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
197. **MANUFACTURING, LIGHT** - Uses that include fabrication, welding, machining, assembly, or processing of materials that are produced elsewhere, packaging of parts and finished products.
198. **MANUFACTURING, HEAVY** - Uses that include manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing, and trucking. These uses are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire, or explosion hazards.
199. **MARINA, COMMERCIAL** - Either an inland or offshore commercial mooring facility for the concentrated mooring of more than 2 watercraft or seaplanes, wherein commercial ancillary services common to marinas are provided.

200. **MASTER STREET ADDRESSING GUIDE (MSAG)** - The official listing maintained by the County Land Services and GIS Department depicting names and address ranges of all roads on the Official County Map.
201. **METEOROLOGICAL TEST STATION** - Instruments and equipment installed on a tower for a specified time period to measure wind and predict wind climate and electrical energy yield of wind energy conversion systems (WECS).
202. **METES AND BOUNDS** - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property, or a description which delineates a fractional portion of a section, lot or area by described lines or portions thereof.
203. **MERCURY (Hg)** - A heavy, silver-white metallic chemical element in a liquid or gaseous state and often used in thermometers and switches.
204. **MID SIZED SUBSURFACE SEWAGE TREATMENT SYSTEMS** - Systems designed to treat 5000 to 10,000 gallons of effluent per day. These systems require operating permits.
205. **MINOR** - A natural person under the age of eighteen (18) years.
206. **MOBILE HOME** - A factory built dwelling that is not a manufactured home and used generally for year-round occupancy as a single family dwelling constructed for movement from place to place occasionally; generally less than 17 feet wide; generally requiring a special tow vehicle together with a special towing permit for travel on public highways; also used as temporary office space.
207. **MOBILE HOME PARK/DEVELOPMENT** - A residential area permitted by Conditional Use Permit which has been planned and improved for the rental placement of two or more mobile homes and licensed by the State of Minnesota.
208. **MODERN FACILITY CAMPGROUND** - All sanitary facilities are modern, hook-ups for sanitary and electrical use are provided to some campsites, and telephone service is available to the campground.
209. **MOTEL** - A building or series of detached, semi-detached or attached buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.
210. **MOTOR HOME** - A portable, temporary dwelling equipped with cooking, water, and toilet facilities, designed for travel, recreational and vacation uses and constructed as an integral part of a self-propelled vehicle. A Pickup Camper with facilities as described above shall be allowed.
211. **MOTOR VEHICLE** - An automobile, truck or any other vehicle that is self-propelled or driven otherwise than by human power, not including railways.
212. **MPCA** - Minnesota Pollution Control Agency.
213. **MULTI-FAMILY DWELLING** - A building containing more than four dwelling units, including units that are located one over the other.
214. **NEW CONSTRUCTION** - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

215. **NO MAINTENANCE BUFFER** - A strip of land on a riparian parcel adjacent to a public water upon which vegetation is to be maintained in its natural state, and not be mowed, cut or removed shorter than 8 inches in height and is consistent with the standards set forth in the Department's Shoreline Rapid Assessment Model.
216. **NONCONFORMITY** - Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written.
217. **NPDES** - National Pollution Discharge Elimination System authorized by Section 402 of the Federal Water Pollution Control Act Amendment of 1972.
218. **NUDITY** - The showing of the human male or female genitals or pubic area with less than fully opaque covering, the showing of the female breast with less than fully opaque covering of any portion thereof below a point immediately above the top of the areola, or the depiction of or showing of the covered male genitals in a discernibly turgid state.
219. **OBSTRUCTION** - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, water course or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
220. **OFFICE, BUSINESS AND PROFESSIONAL** - A room, set of rooms, or building where the business of a commercial or industrial organization or of a professional person is conducted.
221. **OFFICIAL COUNTY MAP** - The County map maintained by the County Land Services and GIS Departments which depicts all public and private roads, which service more than two residences or businesses.
222. **ONE HUNDRED YEAR FLOODPLAIN** - Lands inundated by the "Regional Flood" (see definition).
223. **OPEN BURNING** - Burning of any matter whereby the resultant combustion products are emitted directly to open atmosphere without passing through a stack, duct or chimney that meets MPCA standards.
224. **OPEN SPACE** - A portion of a development site that is permanently set aside for public or private use and will not be developed.
225. **OPERATOR** - The person responsible for the overall operation of a facility or business.
226. **ORDINARY HIGH WATER LEVEL (OHWL)** - The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the Ordinary High Water Level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the Ordinary High Water Level is the operating elevation of the normal summer pool.
227. **OUTLOT** - A lot remnant or any parcel of land included in a plat, which may be used as open space. Such outlot may be a large tract that could be subdivided in the future or may be too small to comply with the minimum size requirements of zoning and subdivision ordinances or otherwise unsuitable for development.

228. **OWNER** - Any individual, firm, association, syndicate, partnership, public or private corporation, trust or other legal entity having sufficient property interest in a property to commence and maintain proceedings under this Ordinance, or the owner of record or the person or persons who own a facility or part of a facility.
229. **PARK MODEL** - A travel trailer that lacks holding tanks and dual-voltage appliances, requiring to be connected to water, sewage, and electrical facilities in order to function as a dwelling.
230. **PARKING SPACE, OFF-STREET** - Parking area not within a public way but accessible from a public way.
231. **PART TIME USE** - A campground open and intended for use not to exceed four days at one time and not to exceed 20 days in any calendar year.
232. **PATIO** - An open recreation area adjacent to a dwelling, or free standing, that is covered with a pervious or an impervious surface such as asphalt, paving stones, wood, or other approved material.
233. **PERFORMER:** - An individual, including but not limited to employees, independent contractors, and patrons of a sexually oriented business, who personally presents, displays, depicts, or describes "specified sexual activities" or "specified anatomical areas".
234. **PERMIT** - Authorization issued by Crow Wing County under the standards of this Ordinance permitting the construction of a structure, or a parcel of land to be used for a prescribed purpose.
235. **PERMITTEE** - A person who has received an approved permit from the Department to carry out any of the activities for which a permit is required under the provisions of this Ordinance.
236. **PERSON** - Any human being, municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association or other organization, any receiver, trustee, assignee, agent, or other legal entity.
237. **PERVIOUS SURFACE** - A surface that allows inflow of rainwater into the underlying construction or soil.
238. **PLANNING COMMISSION/BOARD OF ADJUSTMENT** - The Planning Commission and Board of Adjustment for Crow Wing County, Minnesota as created by this Ordinance.
239. **PLAT** - A map or drawing, conforming to Minnesota State Statutes 505 and 515, which graphically delineates the boundaries and dimensions of land parcels for the purpose of identification and record or title.
240. **PLAT MANUAL** - The Manual of Standard Procedures for Subdivision Plats adopted by Crow Wing County.
241. **POLLUTANT** - The meaning given it in Minnesota Statutes, Chapter 115A.
242. **PRACTICAL DIFFICULTY** - As used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the property owner is due to circumstances unique to the property not created by the property owner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties
243. **PREMISES** - A structure or structures or part of a structure, together with its attendant real estate. May cover one store in a shopping center or the entire shopping center, depending on the subject of discussion; may apply to one apartment within an apartment house or the entire apartment house; may

apply to part of a tract of real estate or a whole tract, or several tracts considered together, with or without structures on any part thereof.

244. **PRESENTATION:** - The display, depiction, or description of "specified sexual activities" or "specified anatomical areas".
245. **PRINCIPAL ARTERIAL ROAD** - A road or highway which is part of a system which consists of a connected network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or inter- regional travel.
246. **PRINCIPAL USE OR STRUCTURE** - The primary purpose for which land or a structure is arranged, designed, intended, or used.
247. **PRIMITIVE FACILITY CAMPGROUND** - An area that consists of individual remote campsites accessible only by foot or water.
248. **PRIVATE ROAD** - A road, easement or strip of land serving as vehicular access to more than two (2) residential lots or parcels and which is not dedicated to nor maintained by a public agency.
249. **PUBLIC BUILDING** - A structure or building that is owned and managed for public purposes by any department or branch of government, or non-governmental organization.
250. **PUBLIC NUISANCE** - A condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of the neighborhood or any considerable number of members of the public.
251. **PUBLIC PARK** - A park, reservation, open space, playground, beach or recreation and/or community center in the County owned, leased, or used wholly or in part by a city, county, state, school district, or federal government for recreational purposes.
252. **PUBLIC WATERS** - Lakes, rivers, streams and wetlands designated under Minnesota Statutes, section 103G.005, subdivision 15, any lakes or wetlands listed in the DNR Public Waters Inventory, and any other lakes, rivers, streams, or wetlands listed in Appendix A of this ordinance.
253. **RACE TRACK** - An area devoted to the racing of motor and non-motorized vehicles or animals for non-personal use, and all improvements normally associated with racing such as off-street parking, patron seating, concessions, and a fixed race track, but excluding gambling facilities or activities.
254. **REACH** - A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man- made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
255. **REAR LOT ZONE (RLZ)** - Land located between the structure setback line and the landward boundary of the shoreland district.
256. **RECREATIONAL VEHICLE** - A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."
257. **REDOXIMORPHIC FEATURES** - Features formed in saturated soils by the process of reduction, translocation and oxidation of iron and manganese compounds or other soil, landscape, or vegetative indicators. Redoximorphic features are commonly known as mottling.

258. **REFUSE** - Putrescible and non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.
259. **REGIONAL FLOOD** - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.
260. **REGISTERED LAND SURVEY** - A method of surveying Torrens, or Registered, land following the procedures in Minnesota Statutes § Chapter 508.47, as amended.
261. **REGULATORY FLOOD PROTECTION ELEVATION** - The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
262. **REPETITIVE LOSS:** - Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
263. **RESORT, TRADITIONAL** - A commercial establishment that includes lodges, dwelling units, dwelling sites, structures or enclosures kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are furnished to the public, and having for rent three or more cabins, rooms, dwelling units or enclosures. Resorts must be primarily service-oriented for transient occupancy for guests seeking recreation. All cabins, rooms, dwelling units, or enclosures must be included in the resort rental business and rates set by resort. The entire parcel of land must be owned, controlled, and managed by the single business entity which comprises the commercial establishment. In order to qualify as a resort pursuant to this definition, the commercial establishment shall also be fully licensed and permitted under the appropriate state and local regulation.
264. **RESORT, SHARED CAPITAL** - A commercial establishment that includes lodges, dwelling units, dwelling sites, structures or enclosures kept, used maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are furnished to the public, and having for rent three or more cabins, rooms, dwelling units or enclosures. Resorts must be primarily service-oriented for transient occupancy for guests seeking recreation. All cabins, rooms, dwelling units or enclosures must be included in the resort rental business, at rates set by the resort, with personal use not exceeding 42 calendar days in any given year with the only exception being service provider dwellings. The entire parcel of land must be controlled and managed by the single business entity which comprises the commercial establishment. In order to qualify as a resort pursuant to this definition, the commercial establishment shall also be fully licensed and permitted under the appropriate state and local regulation.
265. **RESPONSIBLE GOVERNMENT UNIT (RGU)** - The local unit of government with the authority to conduct environmental review processes.
266. **RESPONSIBLE PERSON:** - An individual appointed by the licensee who is responsible for the conduct of the sexually oriented business when the licensee is not present.
267. **RESTRICTED ACCESS** - A driveway between a road and a parking area.
268. **RIGHT-OF-WAY** - Land dedicated for public use including, but not limited to, streets, pedestrian ways, and authorized utilities.

269. **ROAD** - A public way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, or other designation. For E911 purposes a road is considered any public or privately owned road, which accesses more than two addressed structures or sites.
270. **RUBBISH** – Non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.
271. **RUNOFF** - That portion of precipitation draining from an area as surface flow.
272. **RUN-ON** - That portion of precipitation draining onto an area as surface flow.
273. **RURAL RESIDENTIAL DISTRICT (RR-2.5, RR-5, RR-10, RR-20)** - Residential land use districts having 2.5, 5, 10, or 20 acre minimum lot sizes respectively and established to promote low-density rural development in those portions of the County outside the shoreland zone and beyond areas of anticipated municipal growth where less development is desired and most suitable.
274. **SALVAGEABLE MATERIAL** - Any item or substance that can be recycled or reused
275. **SCHOOL** - A building or space that is principally used as a place where persons receive educational instruction.
276. **SEASONALLY SATURATED SOIL** - The highest elevation in the soil that is in a reduced chemical state due to the soil pores filled with water causing anaerobic conditions. Saturated soil is determined by the presence of redoximorphic features in conjunction with other established indicators, and determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner of the MPCA.
277. **SEASONAL USE** - A campground open and tended over an entire camping season.
278. **SEMPUBLIC USE** - The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
279. **SENSITIVE RESOURCE MANAGEMENT** - The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.
280. **SENSITIVE SHORELAND DISTRICT** - A land use district established to accommodate limited residential uses, agricultural uses, and forest management activities in the shoreland zone while conserving sensitive land areas on which more intensive development would adversely affect water quality, wetlands, lakes, shorelines, slopes, wildlife habitat, biological ecosystems, or scenic and natural values.
281. **SETBACK** - The minimum horizontal distance between a structure, sewage treatment system or other facility and the Ordinary High Water Level, sewage treatment system, top of bluff, road, highway, property line or other facility.
282. **SEWER SYSTEM (SEWERED)** - Common or publicly owned pipelines, conduits, pumping stations, force mains and all other construction devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of common, approved off-site disposal.
283. **SEXUAL CONTACT:** - Touching between a patron, performer, or employee involving contact by or with a patron's, performer's, or employee's specified anatomical areas, whether covered or not, or

kissing, when such contact can reasonably be construed as being for the purpose of sexual arousal or sexual gratification of either party or any observer.

284. **SEXUALLY-ORIENTED BUSINESS** - Any business or enterprise where the primary or dominant theme is the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities; or 2) Any business or enterprise where the sum total of floor, wall, or shelf area devoted to uses or activities which emphasize the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities, for more than seven (7) days per year, exceeds forty (40) square feet. This term includes, but is not limited to, adult body painting studios, adult cabarets, adult companionship/conversation/rap establishments, adult health/sport clubs, adult massage parlors, adult modeling studios, adult sauna/steam room/bathhouse facilities, adult mini-motion picture theatres, adult motion picture arcades, adult motion picture theatres, adult bookstores, and adult novelty businesses. This term does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by state registered or licensed individuals, nor does it include businesses which engage in uses or activities that are obscene and, therefore, prohibited by law.
285. **SHOOTING RANGE, PUBLIC OR PRIVATE** - A facility designed to provide a confined space for safe target practice with firearms, archery equipment or other weapons whether open to the public, open only to private membership, open to organizational training such as law enforcement personnel, or any combination thereof.
286. **SHORE IMPACT ZONE 1 (SIZ 1)** - Land located between the ordinary high water level (OHWL) of public waters and a line parallel to it at a setback of 50 percent of the required structure setback. The shore impact zone serves as all or part of the shoreline buffer.
287. **SHORE IMPACT ZONE 2 (SIZ 2)** - Land located between shore impact zone 1 and the structure setback line.
288. **SHORELAND DISTRICT** - Land located within the following distances from the ordinary high water level (OHWL) of public waters:
- a. 1,000 feet of a lake or pond, or;
 - b. 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on a river or stream, whichever is greater.

This land use district is established to allow low to medium density seasonal and year-round residential uses on lands suitable for such uses within the shoreland district. It is also intended to regulate the establishment of commercial, industrial, and other uses in these areas that have the potential to cause conflicts with residential uses.

289. **SHORELAND BUFFER ZONE (SBZ)** - The area between:
- a. 500 and 1000 feet from the ordinary high water level (OHWL) of protected waters lakes, or
 - b. 150 and 300 feet from the ordinary high water level (OHWL) of protected waters rivers or streams (except the Mississippi River).
 - c. 250 and 500 feet from the Mississippi River, in areas covered by the Mississippi Headwaters Board Comprehensive Plan, unless such area is considered to be part of the shoreland protection zone (see below).
290. **SHORELAND PROTECTION ZONE (SPZ)** - The area between the ordinary high water level (OHWL) of a public water and a line parallel to the OHWL at:

- a. 500 feet from a lake or pond, or;
 - b. 150 feet of a river or stream (except the Mississippi River) or the landward side of a floodplain delineated by ordinance on a river or stream, whichever is greater.
 - c. 250 feet from the Mississippi River, in areas covered by the Mississippi Headwaters Board Comprehensive Plan, or the landward side of a floodplain delineated by ordinance on the Mississippi River, whichever is greater.
291. **SHORELINE RAPID ASSESSMENT MODEL (SRAM)** - A process and criteria incorporated herein by reference and used by the Department to determine the extent of natural vegetation present on a lot, the degree of natural protection that a shoreline has, and options for property owners to bring their shoreline into compliance in conjunction with permit or variance applications.
292. **SIGN** - A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, service, place, activity, person, institution or business.
293. **SIGN, ABANDONED** - A sign that advertises an activity no longer available on the premises where the sign is displayed, has not been available for a continuous period of at least six months, and may have been for a business, lessor, owner, use, or product.
294. **SIGN AREA** - The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border, not including support posts. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices.
295. **SIGN, AREA IDENTIFICATION** - Shall mean any free-standing sign allocated within 50 feet of the entrance to a neighborhood, a residential subdivision, a multiple residential complex, a shopping center or area, an industrial area, an office complex or any combinations of the above involving three or more principal buildings.
296. **SIGN, BUSINESS IDENTIFICATION** - Shall mean an on-premises sign located on the same property as a retail, commodity, service or other business.
297. **SIGN, CHANGING MESSAGE** - A commercial sign that uses movement of or change of lighting to depict action create a special effect or rapidly change the message of the sign, including signs that provide public service messages such as time, temperature or notices.
298. **SIGN, CONSTRUCTION** - A sign placed at a construction site identifying the project or the name of the project, engineer, contractor, developer, financier, or other involved parties.
299. **SIGN EXTENSION** - A temporary addition or enlargement on a sign face that extends beyond the approved sign dimensions.
300. **SIGN FACE** - That part of a flat surface advertising device on which advertising is displayed and which provides visibility from one geographic direction.
301. **SIGN, FREESTANDING** - Any self-supporting sign which is placed in the ground and not affixed to any part of any building.
302. **SIGN, GOVERNMENT** - Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, street, property, facility or recreational trail.

303. **SIGN, HOME OCCUPATION** - Shall mean a sign designating a home business operated from residential property.
304. **SIGN, ILLUMINATED** - Shall mean a sign illuminated in any manner by an artificial light source.
305. **SIGN, INCIDENTAL** - Shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot which the sign is located shall be considered incidental.
306. **SIGN, INFLATABLE** - Shall mean any sign which uses helium, air, or other gases as the primary support for the sign structure.
307. **SIGN, NAMEPLATE** - Shall mean a sign indicating the name, address, and other non-commercial messages on residentially zoned property.
308. **SIGN, OFF-PREMISES** - Shall mean a sign which advertises or directs attention to a product, service, business or event that is not available or does not take place on the same premises as the sign, including billboards. A sign related to an abandoned or discontinued use on the same property shall be considered an off-premises sign.
309. **SIGN, ON-PREMISES** - Shall mean a sign which advertises or directs attention to a product, service, business, or event that is available or takes place on the same premises as the sign.
310. **SIGN, POLITICAL** - Shall mean a temporary sign advertising election issues or the candidacy of person running for office.
311. **SIGN, REAL ESTATE** - Shall mean a temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.
312. **SIGN, RUMMAGE OR GARAGE SALE** - Shall mean the infrequent, temporary display and sale of used personal property by a tenant or owner on his residential premises.
313. **SIGN, "V"** - Shall mean a commercial sign consisting of two essentially equal faces, positioned at an angle extending less than 90 degrees which are essentially connected (maximum eight foot separation at closest point).
314. **SIGN, WALL** - Shall mean a commercial sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.
315. **SIGN, WINDOW** - Shall mean a sign painted, stenciled, or affixed on a window or door, which is visible from a right-of-way.
316. **SIGNIFICANT HISTORIC SITE** - Any archaeological site, standing structure or other property that meets the criteria for eligibility the National Register of Historic Places or is listed in the State Register of Historic Sites or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A Historic Site meets these criteria if it is presently listed on either Register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are considered to be Significant Historic Sites.
317. **SITE(s)** - For E911 purposes, a site is considered any designated area within a campground, R V Park or resort used for the purpose of permanent or temporary camping including vacant property used for similar purposes.

318. **SITE PLAN** - A detailed drawing indicating the current and intended use of a particular parcel or group of parcels of property.
319. **SOIL AND WATER CONSERVATION DISTRICT (SWCD)** - The Soil and Water Conservation District for Crow Wing County, MN
320. **SOLAR ENERGY SYSTEM** - A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy of transferring heat from a collector to another medium using mechanical, electrical, or chemical means
321. **SOLAR ENERGY SYSTEM, ACCESSORY** - A solar panel or array mounted on a building, pole or rack which is directly connected to or designed to serve the energy needs of the primary use within that building or on the same property.
322. **SPECIAL FLOOD HAZARD AREA** - Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
323. **SPECIFIED ANATOMICAL AREAS** - Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, anus, or female breast(s) below a point immediately above the top of the areola or any combination of the foregoing; and exposed or opaquely covered human male genitals in discernibly turgid state.
324. **SPECIFIED SEXUAL ACTIVITIES** - Activities consisting of the following: Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock, or female breast, flagellation or torture in a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zoerasty; or Presentation, display, depiction, or description of human genitals in the state of sexual stimulation, arousal, or tumescence; or Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus or masturbation; or Fondling or touching of human genitals, pubic regions or pubic hair, buttocks, or female breasts; or Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or Human excretion, urination, menstruation, vaginal or anal irrigation; or Any combination of the above.
325. **START OF CONSTRUCTION** - Includes substantial improvement and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
326. **STATE** - The State of Minnesota

327. **STEEP SLOPE** - Land located in the Shoreland District having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more that is not a bluff and drains to a public water.
328. **STORAGE BUILDING, COMMERCIAL** - A building or group of buildings on a property where space is rented, leased, or sold to others for the storage of items.
329. **STRUCTURE** - Anything constructed, placed, or erected on the ground or to the ground or on-site utilities by humans, including but not limited to homes, cabins, buildings, factories, sheds, detached garages, accessory buildings, manufactured housing, recreational vehicles left on a site for 14 consecutive days, signs, storage buildings, deck, fences, pergolas, ground-mounted solar energy systems, fish houses and other similar items. For E911 purposes a structure can also include a physical point (i.e. bridge, telephone booth, tower, etc.), which is addressed for the purpose of location in emergency situations
330. **SUBDIVIDER** - The property owner or authorized agent who submits an application to the department requesting to subdivide land.
331. **SUBDIVISION OF LAND AND SUBDIVIDE** - The division of a tract of land into two or more lots for the purpose of transfer of ownership, or for lease, or for building development. Transfers of interest in land pursuant to Court Order shall not be deemed a subdivision.
332. **SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
333. **SUBSTANTIAL IMPROVEMENT** - Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - b. (b)Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.
334. **SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS)** - A sewage treatment system, or part thereof, serving a dwelling, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Subsurface sewage treatment system includes holding tanks and privies.
335. **SURVEY COORDINATOR** - The Crow Wing County Surveyor or authorized agent.
336. **TEMPORARY STRUCTURE** - The placement of a structure that is limited to 14 days in a calendar year and that complies with setbacks and other regulations of the land use district in which the lot is located.
337. **TOWER, TELECOMMUNICATION** - Structures 35 feet or more in height and that may include a tower, antenna(s), equipment building(s), anchor points and other related equipment used by broadcast services and/or wireless telecommunications services.

338. **TOWER HEIGHT** - The vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.
339. **TOWER, MONOPOLE** - A tower consisting of a single pole, constructed without guy wires and/or ground anchors.
340. **TRACT OF LAND** - For the purposes of this Ordinance, a tract of land is a parcel of ground which a subdivider desires to subdivide, examples of which include but are not limited to:
- a. A 40-acre tract which is a quarter of a quarter section of land;
 - b. A government lot;
 - c. A platted lot per a duly recorded plat which is of record in the Office of the County Recorder: or
 - d. A metes and bounds description recorded in the Office of the County Recorder
341. **TRAILER, TENT** - A trailer towed by a motor vehicle; provides primitive living accommodations with folding tent shelter which folds up into the trailer for moving from place to place.
342. **TRAILER, TRAVEL** - A recreational vehicle built on a single chassis with a rigid walled shelter, mounted on wheels and have a gross trailer area not exceeding 400 square feet. For the purposes of this ordinance, the term travel trailer is synonymous with the term “recreational vehicle.”
343. **TRANSMISSION LINE** - 35KV or larger electric lines; Telephone lines between exchanges served on an open wire basis; Any pipeline not defined as a distribution line; and Other communication lines not defined as distribution lines.
344. **TRANSMISSION SYSTEM** - A Transmission System includes Transmission lines and such other structures which are used together to make such a system.
345. **TYPE 1 SYSTEMS (STANDARD SYSTEMS)** - Septic systems that utilize trenches, beds, mounds, at-grades, chambers, dual field, or gray water systems and provide treatment of effluent strengths for most domestic strength waste. Standard systems must be placed on natural, undisturbed soils and installed in a manner that allows for at least 36 inches of verticals separation between the bottom of the systems distribution media and periodically saturated soils or bedrock.
346. **TYPE 2 SYSTEMS** - Systems designed as holding tanks, privies and septic systems installed within floodplains.
347. **TYPE 3 SYSTEMS** - Systems that deviate from 7080.2210 to 7080.2240. A system built on fill or disturbed soil is an example of this type of system.
348. **TYPE 4 SYSTEMS** - Systems that utilize registered treatment or pretreatment technologies in order to meet various treatment requirements that standard system s may not accomplish. These systems require operating permits.
349. **TYPE 5 SYSTEMS** - System associated with collector systems, treatment of high strength wastes, nutrient removal, and groundwater mounding. These systems require operating permits.
350. **USED GOODS; USED EQUIPMENT SALES YARD** - Any premises where used goods or equipment, including motor vehicles, are bought and sold and stored prior to sale in other than enclosed buildings and where such business constitutes over 25 percent of the dollar volume of the business conducted on the premises or where the space such goods or equipment is stored amounts to over 25 percent of the portion of the premises used for the entire business.

351. **UTILITIES** - All utility service providers whether the same is government owned facilities or furnished by private utility companies to include, but not limited to, landline telephone, gas and electric.
352. **VARIANCE** - Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause a practical difficulty.
353. **VEHICLE, BOAT, RECREATIONAL EQUIPMENT SALES/SERVICE** - Any person, firm, or corporation who engages in the business of selling, offering for sale, repairing or servicing, buying or taking in trade for the purpose of resale, or exchanging any vessel or vessels, or recreational vehicles and receives or expects to receive money, profit, or any other item of value.
354. **VICINITY MAP** - Also known as a key map or location map. A map or sketch which shows the area proposed to be platted in relation to known geographical features, i.e. town centers, lakes, roads.
355. **WALKWAY** - A continuous path no wider than four feet created of a material other than natural groundcover vegetation at grade level.
356. **WASTE** - Solid waste, demolition debris, sewage sludge, household hazardous waste and hazardous waste.
357. **WASTE DISPOSAL** - The handling and disposing of Solid Wastes as defined within the regulations of the Pollution Control Agency (PCA) of the State of Minnesota.
358. **WASTE FACILITY** - Includes junk and salvage yards. A waste facility is all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facilities include but are not limited to junk/salvage yards, transfer stations, processing facilities and disposal site and all other facilities.
359. **WASTE OIL** - Any used oil in or from a motor vehicle or any other mechanism.
360. **WASTE TIRE** - A tire or tires no longer suitable for their original intended purpose because of wear, damage, or defect.
361. **WASTE TIRE STORAGE FACILITY** - A licensed waste facility used for the collection of waste tires. This includes the retreading of waste tires, shredding, slicing, processing, or manufacturing of usable materials from waste tires and may include retreading of tires.
362. **WATER COURSE** - Any perennial or intermittent stream, river, or drainage in which surface water drains from surrounding land or another water course.
363. **WATER MONITORING SYSTEM** - A system of wells, lysimeters or other mechanisms used to obtain representative samples of both underground water and surface water where required in the vicinity of a licensed junk/salvage facility.
364. **WATERFRONT COMMERCIAL DISTRICT** - A land use district established to accommodate commercial uses in the shoreland zone where access to and use of a surface water feature is an integral part of the business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
365. **WATER ORIENTED ACCESSORY STRUCTURE** - A small, above ground building or other improvement, except stairways, fences, docks, pergolas attached to a deck or patio and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located

closer to the public waters than the normal structure setback. Examples of such structures and facilities include equipment storage buildings, gazebos, screen houses, free-standing pergolas, fish houses, pump houses, patios, and detached decks.

366. **WATER-ORIENTED COMMERCIAL USE** - The use of land for commercial purposes, where access to and use of surface water feature is an integral part of the normal conducting of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
367. **WATERSHED DISTRICT** - The Thirty Lakes Watershed District located in Crow Wing County, Minnesota
368. **WATER SUPPLY WELLS** - Any public or private water well which when constructed meets County and/or State of Minnesota standards.
369. **WETLAND** - Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:
- a. Have a predominance of hydric soils; and,
 - b. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and,
 - c. Under normal circumstances support a prevalence of such vegetation.
370. **WETLAND IMPACT ACTIVITY** - A loss in the quantity, quality, or biological diversity of a wetland caused by draining or filling of wetlands, wholly or partially, or by excavation in the permanently and semi-permanently flooded areas of type 3, 4, or 5 wetlands, and in all wetland types if the excavation results in filling, draining, or conversion to non-wetland.
371. **WIND ENERGY CONVERSION SYSTEM (WECS)** - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including, but not limited to, power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on site or distributed into the electrical power grid.
372. **WIND TURBINE** - Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
373. **WIRELESS TELECOMMUNICATION** - Any ground or roof mounted structure of more than 35 feet in height above average ground level built for the purposes of supporting, elevating or attaching antenna(s) for broadcasting of cellular, personal communications, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services. For all sections of this ordinance, wireless telecommunication shall not be considered a public utility.
374. **YARD** - A required open space occupied and unobstructed by any structure or portion of a structure from 30 inches above the ground level of the graded lot upward; a yard may allow for the placement of structures as otherwise specified within the Ordinance.

ARTICLE 47--ADOPTION

BE IT ORDAINED THAT:

The Crow Wing County Land Use Ordinance is hereby adopted by the Crow Wing County Board of Commissioners on this 9th day of August 2022.

Chairman, Crow Wing County Board of Commissioners

ATTEST:

Crow Wing County Administrator

EFFECTIVE DATE: August 9th, 2022

Appendix A – Table of Regulated Public Waters

Lakes:

Lake Name	DNR ID:	Classification	Ordinary High Water Elevation (OHW) Datum: NGVD 29 (ft)	Base Flood Elevation (BFE) Datum: NGVD 29 (ft)	Regulatory Flood Protection Elevation (RFPE) Datum: NGVD 29 (ft)
Adney	18-225	GD	1215.80	1217.9	1219.4
Agate	18-60	RD	1248.3	1250.50	1252.0
Ann	18-65	NE	1251.90		
Arbor	18-80	NE		1274.0	1275.5
Arrowhead	18-366	RD	1229.57	1231.0	1232.5
Barbour	18-30	NE	1254.9		
Bass	18-11	NE			
Bass	18-36	RD			
Bass	18-173	NE			
Bass	18-191	NE			
Bass	18-229	NE	1214.6	1216.9	1218.4
Bass	18-256	RD	1207.0	1208.8	1210.3
Bass	18-306	RD	1209.3	1212.0	1213.5
Bass	18-358	GD	1206.9	1209.7	1210.6
Bassett	18-26	NE			
Bay	18-34	RD	1261.4	1262.80	1264.30
Berglund	18-426	NE			
Bertha	18-355	GD	1229.57	1231.0	1232.5
Big Trout	18-315	GD	1229.57	1231.0	1232.5
Birch	1-206	NE	1276.4	1278.20	1279.70
Birchdale	18-175	NE			
Black	18-59	NE		1250.7	1252.2
Black Bear	18-140	RD	1178.0	1180.8	1182.3
Black Hoof	18-117	RD	1195.5	1198.2	1199.7
Bonnie	18-259	NE	1206.9	1208.9	1210.4
Borden	18-20	GD	1255.4	1257.4	1258.9
Bordwell	18-77	NE			
Brown	1-210	NE			
Bulldog	18-14	RD	1257.0	1260.3	1261.8
Butternut	18-108	NE			
Camp	18-18	GD	1255.1	1255.9	1257.4
Campbell	18-307	RD	1212.3		

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Caraway	18-179	NE			
Carlson	18-83	NE	1198.6	1202.80	1204.3
Carlson	18-395	NE	1200.5		
Cartie	1-189	NE			
Cascade	18-61	NE	1250.1		
Casey	18-87	NE	1206.5		
Cedar	1-209	RD	1200.3	1202.4	1203.9
Chandler	18-25	NE			
Chrysler	18-95	NE	1296.42		
Clamshell	18-356	GD	1229.57	1231.0	1232.5
Clark	18-374	GD	1198.7	1200.18	1202.68
Clear	18-364	RD	1213.4	1215.6	1217.1
Clears	18-420	NE			
Clearwater	18-38	RD	1251.1		
Clinker	18-131	NE	1197.44		
Clough	18-414	NE	1333		
Coffee	18-39	NE			
Cole	18-127	NE	1200.1	1201.80	1203.30
Coon	1-211	NE			
Cranberry	18-168	NE			
Crato	18-125	NE			
Crooked	18-6	NE			
Crooked	18-41	RD	1264.3	1267.2	1268.5
Cross	18-312	GD	1229.57		
Crow Wing	18-155	GD	1170.3	1172.4	1173.9
Crystal	18-341	RD	1214.3		
Dahler	18-204	GD			
Deadman's	18-188	NE			
Deer	18-182	NE			
Dewing	18-15	NE			
Dog	18-107	NE-SP	1235.5		
Dogfish	18-58	NE			
Dolney	18-195	RD			
Duck	18-178	NE-SP			
Duck	18-314	RD			

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Eagle	18-99	RD	1228.6	1231.0	1232.5
East Twin	18-257	NE			
Eastham	18-202	NE	1238.5		
Edward	18-305	GD	1207.3	1208.6	1210.1
Emily	18-203	GD	1249.9		
Erskine	18-9	RD			
Esden	18-51	NE			
Faupel	18-237	NE			
Fawn	18-240	NE	1202.4	1205.3	1206.8
Fawn	18-309	RD	1215.8		
Finn	18-71	NE			
Flanders	18-247	NE			
Flynn	18-132	NE			
Fool	18-224	NE			
Fuchs	18-141	NE			
Garden	18-329	NE	1205.7	1207.5	1209.0
Gibson	18-462	NE			
Gilbert	18-320	GD	1178.2	1181.70	1183.2
Gladstone	18-338	GD	1201.2	1202.3	1203.8
Goggle	18-223	RD	1187.9		
Goodrich	18-226	GD	1237.5	1239.1	1240.6
Goose	18-57	NE			
Goose	18-177	NE			
Grass	18-230	NE			
Grass	18-362	NE			
Grave	18-110	GD	1215.1	1218.5	1220.0
Green	18-233	NE			
Greenwood	18-246	NE			
Guida	18-332	NE			
Gull	11-305	GD	1194.0	1195.2	1196.7
Half Moon	18-238	NE			
Hamlet	18-70	RD	1257.8	1259.5	1261
Hampton	18-149	NE			
Hanks	18-44	RD	1264.3	1267.2	1268.5
Hannah	49-14	NE			

Lake Name	DNR ID:	Classification	Ordinary High Water Elevation (OHW) Datum: NGVD 29 (ft)	Base Flood Elevation (BFE) Datum: NGVD 29 (ft)	Regulatory Flood Protection Elevation (RFPE) Datum: NGVD 29 (ft)
Happy	18-101	NE	1251.57		
Hartley	18-392	RD	1199.6	1201.7	1203.2
Hay	18-120	NE	1208.7		
Hay	18-444	NE			
Henry	18-313	NE			
Holt	18-29	RD	1254.4	1255.1	1256.6
Horseshoe	18-43	NE			
Horseshoe	18-144	NE	1199.7		
Horseshoe	18-234	NE	1191.7		
Horseshoe	18-251	RD	1208.5	1209.8	1211.3
Horseshoe	18-317	NE			
Horseshoe	11-229	RD			
Hubert	18-375	GD	1198.7	1199.8	1201.3
Hunter	18-126	NE	1236.2		
Indian Jack	18-190	NE			
Island	18-52	NE			
Island	18-129	GD		1211.60	1213.10
Island	18-183	GD	1216.82	1218.8	1220.3
Island	18-193	NE			
Island	18-365	NE			
Jack Pine	18-23	NE			
Jacks	18-394	NE	1204.6		
Jail	18-415	RD	1321.4		
Jennison	18-4	NE			
Jim (Bullhead)	18-64	NE			
Jinks	18-156	NE			
Johnson	18-328	NE	1205.8	1207.5	1209.0
June	18-116	GD			
Kenney	18-19	RD	1261	1264.0	1265.5
Kimball	18-36	GD	1206.1	1208.2	1209.7
Klondyke	18-124	NE	1266.1		
Knieff	18-35	RD			
Lake	18-248	NE			
Larson	18-62	NE			
Little Bass	18-199	NE			

Lake Name	DNR ID:	Classification	Ordinary High Water Elevation (OHW) Datum: NGVD 29 (ft)	Base Flood Elevation (BFE) Datum: NGVD 29 (ft)	Regulatory Flood Protection Elevation (RFPE) Datum: NGVD 29 (ft)
Little Bass	18-254	NE			
Little Black Hoof	18-118	NE			
Little Cranberry	18-370	NE			
Little Hamlet	18-75	RD			
Little Hubert	18-340	RD	1199.8	1201.7	1203.2
Little Markee	18-324	NE			
Little Menomin	18-448	NE			
Little Pelican	18-351	GD	1207.4	1208.3	1209.8
Little Pickerel	18-194	NE			
Little Pine	18-176	NE			
Little Rabbit	18-139	NE	1175.9		
Little Round	18-357	RD			
Little Star	18-360	NE			
Lizzie	18-416	RD	1311.7	1314.3	1315.8
Long (Tamefish)	18-2	RD	1260.9	1262.4	1263.9
Long	18-31	NE			
Long	49-15	RD	1260.1	1262.5	1264.0
Long	18-501	NE			
Lookout	18-123	NE	1266.5	1268.2	1269.7
Loon	18-40	NE			
Loon	18-111	NE			
Lost Long	18-85	NE			
Lougee	18-342	RD	1208.4	1210.3	1211.8
Love	18-388	GD	1194.0	1195.2	1196.7
Lower Dean	18-181	NE			
Lower Hay	18-378	GD	1229.57		
Lower Mission	18-243	RD	1180.8	1182.4	1183.9
Lows	18-180	NE-SP	1269.6	1272.4	1273.9
Mahnomen	18-126	GD			
Mahnomen, Arco, Louise	18-440	NE			
Mallard	18-334	NE	1204.0		
Maple	18-22	NE			
Maple	18-45	RD			
Markee	18-343	GD	1208.4	1210.3	1211.8
Mary	18-185	GD	1249.9		

Lake Name	DNR ID:	Classification	Ordinary High Water Elevation (OHW) Datum: NGVD 29 (ft)	Base Flood Elevation (BFE) Datum: NGVD 29 (ft)	Regulatory Flood Protection Elevation (RFPE) Datum: NGVD 29 (ft)
Middle Cullen	18-377	GD	1195.1	1196.9	1198.4
Milford	18-130	NE	1213.1	1214.4	1215.9
Mille Lacs	48-2	GD	1252.8	1256.3	1257.8
Miller	18-21	RD	1269.6	1272.1	1273.6
Miller	18-133	RD	1178.4	1180.80	1182.3
Moburg (Moberg)	18-389	RD			
Mollie	18-335	NE	1206.8	1208.8	1210.3
Moody	18-339	NE			
Moulton	1-212	RD			
Mud	18-10	NE			
Mud	18-54	NE			
Mud	18-94	GD			
Mud	18-137	NE			
Mud	18-160	NE			
Mud	18-166	NE	1217.32	1219.8	1220.8
Mud	18-198	NE			
Mud	18-151	NE			
Mud	18-253	NE			
Mud (Carp)	18-321	NE	1207.8		
Mud	18-322	NE	1208.0		
Mud	18-326	NE	1208.2		
Mud	18-353	NE			
Mud	18-391	RD	1205.1		
Mud	18-579	NE			
Nelson	18-164	NE-SP	1218.2		
Nelson	18-411	RD			
Nokay	18-104	RD	1228.3	1230.0	1231.50
North Long	18-372	GD	1198.3	1198.65	1200.15
O'Brien	18-227	GD	1236.1	1236.5	1238.0
Olander	18-91	NE			
Olson	18-171	NE			
Ossawinnamakee	18-352	GD	1206.1	1208.1	1209.6
Partridge	18-48	RD	1275.7	1277.1	1278.6
Pascoe	18-114	GD			
Pelican	18-308	GD	1207.4	1208.3	1209.8

Lake Name	DNR ID:	Classification	Ordinary High Water Elevation (OHW) Datum: NGVD 29 (ft)	Base Flood Elevation (BFE) Datum: NGVD 29 (ft)	Regulatory Flood Protection Elevation (RFPE) Datum: NGVD 29 (ft)
Perch	18-304	NE	1207.9	1209.9	1211.4
Perry	18-186	RD	1227.0	1229.4	1230.9
Peterson	18-79	NE			
Pickerel	18-200	NE			
Pickerel	18-205	NE			
Pickerel	18-232	NE			
Pig	18-354	GD	1229.57	1231.0	1232.5
Pine	18-46	NE			
Pine	18-261	GD	1197.1		
Placid	18-76	RD	1265.6	1269.20	1270.70
Platte	18-88	GD	1255.15	1258.3	1259.8
Pointon	18-105	RD	1227.9	1229.7	1231.2
Portage	18-50	RD	1264.3	1267.2	1268.5
Portage	18-69	NE	1232.3	1234.90	1236.4
Portage	18-115	NE			
Rabbit	18-93	GD	1197.2	1200.70	1202.20
Rasset	18-134	NE			
Rat	18-410	NE		1251.30	1252.80
Red Sand	18-386	RD	1199.9	1200.20	1201.70
Rice	18-53	NE			
Rice	18-68	NE		1257.50	1259.0
Rice	18-121	NE			
Rice	18-145	GD		1177.7	1179.2
Rice	18-316	NE			
Rice	18-327	NE	1200.1	1203.3	1204.8
Rice	18-405	NE			
Rice	11-227	NE			
Rice Bed	18-187	NE			
Ringhand	18-509	NE			
Rock	18-16	RD	1256.6	1259.3	1260.8
Roe Mine	18-119	NE			
Rogers	18-184	RD	1233.1	1234.4	1235.9
Roosevelt	11-43	GD	1269.9		
Rose	18-122	NE			
Ross	18-165	RD	1239.3	1241.5	1243

Lake Name	DNR ID:	Classification	Ordinary High Water Elevation (OHW) Datum: NGVD 29 (ft)	Base Flood Elevation (BFE) Datum: NGVD 29 (ft)	Regulatory Flood Protection Elevation (RFPE) Datum: NGVD 29 (ft)
Round	18-32	NE-SP			
Round	18-147	NE			
Round	18-373	GD	1194.0	1196.37	1197.87
Round	1-204	RD	1258.6	1260.1	1261.6
Round	49-19	RD	1255.1		
Rush	18-311	GD	1229.57	1231.0	1232.5
Rushmeyer	18-82	NE	1205.6		
Russell	18-142	NE			
Sagamore Mine	18-523	NE			
Scott	18-33	RD			
Sebie	18-161	RD	1147.8		
Serpent	18-90	GD	1246.8	1248.60	1250.1
Sewells Pond	18-446	NE			
Shaffer	18-348	NE	1211.7	1214.2	1215.7
Shirt	18-72	RD	1271.5	1274.0	1275.5
Silver	18-239	RD	1205.7	1207.70	1209.2
Slough	18-192	NE			
Smith	18-28	RD	1254.9	1255.90	1257.40
Snodgrass	18-174	NE			
Sorenson	18-323	RD	1214.6		
South Long (lower)	18-136	GD	1193.8	1196.0	1197.5
Spider	18-241	NE			
Spring	18-17	NE			
Spruce	18-138	NE			
Square	18-196	NE			
Stanley	18-189	NE			
Star	18-359	RD	1207.4	1209.6	1211.1
Stark	18-169	GD	1240.9	1244.0	1245.5
Stevens	18-325	NE	1207.9		
Stewart	18-367	NE			
Strawberry	18-363	GD			
Sullivan	18-163	RD	1218.4		
Sunfish	18-27	NE	1279.8		
Sunset	1-208	RD	1266.7		
Swamp	18-97	NE			

Lake Name	DNR ID:	Classification	Ordinary High Water Elevation (OHW) Datum: NGVD 29 (ft)	Base Flood Elevation (BFE) Datum: NGVD 29 (ft)	Regulatory Flood Protection Elevation (RFPE) Datum: NGVD 29 (ft)
Tamarack	18-318	NE			
Tamefish (see Long)					
Taylor	18-236	NE			
Terry	18-162	NE			
Thompson	18-172	NE			
Townline	1-207	RD	1265.4		
Turner	18-135	NE			
Turtle	18-47	RD	1275.7		
Twenty Two	18-8	NE			
Twin	18-148	NE			
Twin	18-167	RD	1241.1	1243.6	1245.1
Twin	18-336	RD	1215.9		
Twin Island	18-106	NE			
Upper Cullen	18-376	RD	1195.1	1196.9	1198.4
Upper Dean	18-170	RD			
Upper Hay	18-412	GD	1231.4	1232.4	1233.9
Upper Mission	18-242	GD	1180.8		
Upper South Long	18-96	GD	1195.5	1198.50	1200.00
Vang	18-078	NE			
Virginia Mine	18-521	NE			
West Twin	18-258	NE			
Whipple (upper)	18-387	RD	1195.5		
Whitefish	18-1	RD	1253.4	1254.8	1256.3
Whitefish	18-310	GD	1229.57	1231.0	1232.5
Williams	18-24	NE			
Wilson	18-49	NE			
Wilson	18-89	NE			
Wise	18-319	RD	1207.9	1209.9	1211.4
Wolf	18-112	NE		1263.1	1264.6
Young	18-252	NE	1208.8	1210.8	1212.3
Unnamed (sanders)	1-205	NE			
Unnamed	18-3	NE	1271.1		
Unnamed	18-7	NE			
Unnamed	18-12	NE			

Lake Name	DNR ID:	Classification	Ordinary High Water Elevation (OHW) Datum: NGVD 29 (ft)	Base Flood Elevation (BFE) Datum: NGVD 29 (ft)	Regulatory Flood Protection Elevation (RFPE) Datum: NGVD 29 (ft)
Unnamed	18-13	NE			
Unnamed	18-37	NE			
Unnamed	18-42	NE			
Unnamed	18-55	NE			
Unnamed	18-56	NE			
Unnamed	18-63	NE			
Unnamed	18-66	NE			
Unnamed	18-73	NE			
Unnamed	18-74	NE			
Unnamed	18-81	NE			
Unnamed	18-86	NE			
Unnamed	18-92	NE			
Unnamed	18-98	NE			
Unnamed	18-100	NE			
Unnamed	18-102	RD			
Unnamed	18-113	NE			
Unnamed	18-143	NE			
Unnamed	18-146	NE			
Unnamed	18-154	NE	1252.3		
Unnamed	18-156	NE			
Unnamed	18-158	NE			
Unnamed	18-159	NE			
Unnamed	18-197	NE	1226.8		
Unnamed	18-228	NE			
Unnamed	18-235	NE			
Unnamed	18-245	NE			
Unnamed	18-249	NE			
Unnamed	18-250	NE			
Unnamed	18-255	NE			
Unnamed	18-260	NE			
Unnamed	18-330	NE			
Unnamed	18-331	NE			
Unnamed	18-333	NE			
Unnamed	18-337	NE			
Unnamed (Cree Bay)	18-349	GD	1207.4		

Lake Name	DNR ID:	Classification	Ordinary High Water Elevation (OHW) Datum: NGVD 29 (ft)	Base Flood Elevation (BFE) Datum: NGVD 29 (ft)	Regulatory Flood Protection Elevation (RFPE) Datum: NGVD 29 (ft)
Unnamed	18-350	NE	1209.1		
Unnamed	18-368	NE			
Unnamed	18-390	RD	1198.7		
Unnamed	18-393	NE	1202.2		
Unnamed	18-413	NE	1321.4		
Unnamed (West Mahnomen)	18-418	NE			
Unnamed	18-423	NE			
Unnamed	18-427	NE			
Unnamed	18-428	NE	1239.3		
Unnamed	18-432	NE			
Unnamed	18-445	NE			
Unnamed	18-455	NE			
Unnamed	18-459	NE			
Unnamed	18-474	NE			
Unnamed	18-480	NE			
Unnamed	18-484	NE			
Unnamed	18-485	NE			
Unnamed	18-486	NE			
Unnamed	18-496	NE			
Unnamed	18-498	NE			
Unnamed	18-500	NE			
Unnamed	18-502	NE			
Unnamed	18-504	NE			
Unnamed	18-506	NE			
Unnamed	18-510	NE			
Unnamed	18-522	NE			
Unnamed	18-526	NE			
Unnamed	18-527	NE	1199.1		
Unnamed	18-543	NE			
Unnamed	18-544	NE	1190.2		
Unnamed	18-549	NE			
Unnamed	18-553	NE			
Unnamed	18-554	NE			
Unnamed	18-555	NE	1207.6		
Unnamed	18-556	NE			

Lake Name	DNR ID:	Classification	Ordinary High Water Elevation (OHW) Datum: NGVD 29 (ft)	Base Flood Elevation (BFE) Datum: NGVD 29 (ft)	Regulatory Flood Protection Elevation (RFPE) Datum: NGVD 29 (ft)
Unnamed	18-557	NE			
Unnamed	18-562	NE			
Unnamed	18-565	NE			
Unnamed	18-566	NE			
Unnamed	18-567	NE			
Unnamed	18-571	NE			
Unnamed	18-578	NE			
Unnamed	18-580	NE			
Unnamed	18-585	NE			
Unnamed	18-593	NE	1207.4		
Unnamed	18-600	NE			
Unnamed	18-610	NE			
Unnamed	18-611	NE			
Unnamed	18-612	NE			
Unnamed	18-613	NE			
Unnamed	18-615	NE			
Unnamed	18-616	NE			
Unnamed	18-630	NE			
Unnamed	18-632	NE			
Unnamed	18-633	NE			
Unnamed	18-634	NE			
Unnamed	18-635	NE			
Unnamed	18-661	NE			
Unnamed	18-663	NE			
Unnamed	18-665	NE			
Unnamed (Section Six)	18-667	NE			
Unnamed	18-669	NE			
Unnamed	18-670	NE			
Unnamed	18-691	NE			
Unnamed	18-692	NE			
Unnamed	18-695	NE			
Unnamed	18-708	NE			
Unnamed	18-711	NE			
Unnamed	18-712	NE			
Unnamed	18-720	NE			

Lake Name	DNR ID:	Classification	Ordinary High Water Elevation (OHW) Datum: NGVD 29 (ft)	Base Flood Elevation (BFE) Datum: NGVD 29 (ft)	Regulatory Flood Protection Elevation (RFPE) Datum: NGVD 29 (ft)
Unnamed	18-721	NE			
Unnamed	18-722	NE			
Unnamed	18-723	NE			
Unnamed	18-724	NE			
Unnamed	18-726	NE			
Unnamed (Horseshoe)	49-13	NE			

Rivers:

COLD WATER RIVERS (FROM MR 6264.0050)

No.	River Name	Sec.	Twp.	Rge.	to	Sec.	Twp.	Rge.
045R	Black Hoof Creek	14	46	29		18	46	29
018R	Borden Creek	20	44	28		9	44	28
059R	Cullen Brook	13	136	29		10	135	29
012R	Round Creek	22	43	31		14	43	31
087R	Spring Brook	27	138	28		34	138	28
081R	Van Sickle Brook (VSB)	15	138	26		26	138	26
036R	Whitley's Creek (WhC)	21	45	30		17	45	30
001R	Camp Creek (To Basin 18)	5	43	28		4	43	28
016R	Black Bear Creek	7	44	28		9	44	28
020R	Barbour Creek (To Basin 28)	28	44	28		28	44	28
023R	Long Brook, Upper South Long	6	44	29		7	44	29
026R	Long Brook, Lower South Long	12	44	30		13	44	30
033R	Sand Creek	11	45	30		27	46	30
034R	Unnamed to Whitleys Creek	16	45	30		16	45	30
035R	Unnamed to Whitleys Creek (From R.R.)	20	45	30		16	45	30

No.	River Name	Sec.	Twp.	Rge.	to	Sec.	Twp.	Rge.
046R	Hay Creek	31	46	29		2	45	30
082R	Unnamed to Van Sickle Brook	24	138	26		23	138	26

NATURAL ENVIRONMENT RIVERS

No.	River Name	Sec.	Twp.	Rge.	to	Sec.	Twp.	Rge.
053R	Unnamed Kruny L. to Terry L.	1	136	25		1	136	25
054R	Unnamed- Nelson L to Lower Dean L.	9	136	25		8	136	25
055R	Mississippi (MHB)	Border of Crow Wing/Aitkin Co.				Border of Crow Wing/Morrison Counties		
088R	Willow Creek	30	138	28		6	137	28
070R	Pine	Border of Crow Wing/Cass Co.				Confluence with Mississippi in 25/136/27		

GENERAL DEVELOPMENT RIVERS

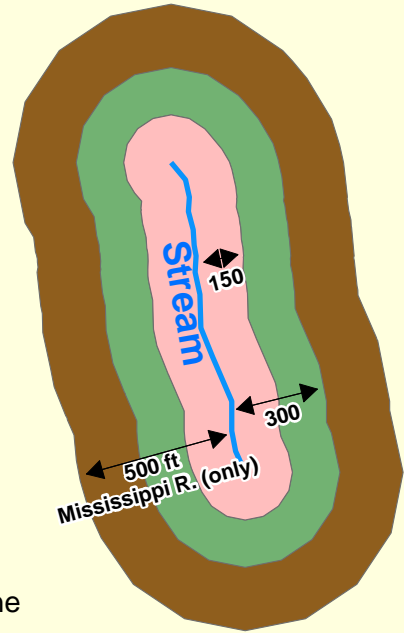
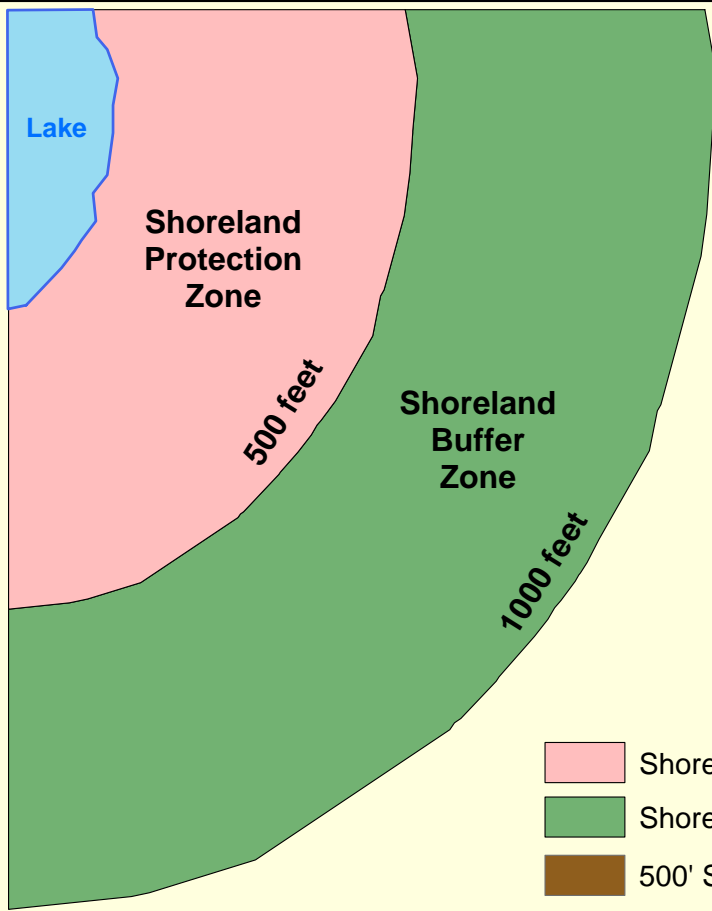
No.	River Name	Sec.	Twp.	Rge.	to	Sec.	Twp.	Rge.
002R	Unnamed to Unnamed (From Basin 9)	17	43	28		29	43	28
003R	Unnamed to Platte Lake (Basin 8 to Basin 88)	22	43	28		30	43	28
004R	Unnamed to Whitefish Lake (Basin 17 to Basin 1)	35	43	28		12	43	28
005R	Daggett Brook (DB) (To Basin 485)	3	43	29		3	43	30
006R	Unnamed to Daggett Brook	3	43	29		10	43	29
007R	Platte River	34	43	29		32	43	29
008R	Unnamed to Platte River	35	43	29		34	43	29
009R	Coon Creek	13	43	30		27	43	30
010R	Black Brook	34	43	30		26	43	30
011R	Hay Creek	2	43	31		9	43	31
013R	Unnamed to Little Nokasippi River (From Basin 462)	28	43	31		32	43	31
014R	Little Nokasippi River (LNR)	34	43	31		26	43	32
015R	Little Nokasippi River (LNR)	36	43	31		34	43	31
017R	Garrison Creek (Basin 20 to Basin 48-2)	11	44	28		12	44	28
019R	Unnamed to Sequiche Creek (From Basin 28)	27	44	28		34	44	28

No.	River Name	Sec.	Twp.	Rge.	to	Sec.	Twp.	Rge.
21R	Sequiche Creek (SC) (Basin 18 to Basin 48-2)	34	44	28		36	44	28
022R	Hay Creek	3	44	29		33	45	29
024R	Unnamed to Long Lake (CSAH 23 to Basin 136)	30	44	29		26	44	30
025R	Unnamed to Little Buffalo Creek	6	44	30		31	45	30
027R	Unnamed Tributary	35	44	30		34	44	30
028R	Buffalo Creek	12	44	31		3	44	31
029R	Nokasippi River (From Basin 38)	5	45	28		27	43	32
030R	Unnamed Tributary (Basin 53 to Basin 2)	32	45	28		1	45	28
031R	Unnamed to Borden Lake (Basin 1-204 to Basin 20)	36	45	28		11	44	28
032R	Unnamed to Eagle Lake (Basin 111 to Basin 99)	2	45	29		12	45	29
037R	Little Buffalo Creek	28	45	30		35	45	31
038R	Unnamed to Mississippi River (From Basin 382)	14	133	29		26	133	29
039R	Sugarbush Creek (Basin 372 to Basin 373)	5	134	28		31	135	28
040R	Gull River	22	134	29		34	134	29
041R	Unnamed to Unnamed (From Basin 58)	2	46	28		2	46	28
042R	Cedar Brook (Basin 69 to Basin 1-209)	21	46	28		12	46	28
043R	Unnamed to Portage Lake (Basin 70 to Basin 69)	21	46	28		28	46	28
044R	Serpent Creek (Basin 90 to Basin 126)	11	46	29		3	46	29
047R	Mission Creek (From Basin 243)	9	135	27		15	135	27
048R	Unnamed to Nisswa Lake (Basin 329 to Basin 399)	16	135	28		14	135	29
049R	Unnamed to Clark Lake (Basin 375 to Basin 374)	18	135	28		18	135	28
050R	Unnamed to Gull Lake (Basin 373 to Basin 305)	35	135	29		35	135	29
051R	Unnamed to Cedar Lake (Basin 87 to Basin 1-209)	36	47	28		1	46	28
052R	Rabbit River (Basin 93 to Basin 139)	25	47	29		7	46	29
056R	Deadmans Creek (From Basin 188)	22	136	26		35	136	26
057R	Pelican Brook (From Basin 352)	2	136	28		8	136	27
058R	Unnamed to Ossawinnamakee Lake (Basin 308 to Basin 352)	11	136	28		3	136	28
060R	Unnamed to Mayo Lake	22	136	29		27	136	29

No.	River Name	Sec.	Twp.	Rge.	to	Sec.	Twp.	Rge.
	(Basin 404 to Basin 408)							
061R	Johnson Creek (To Basin 165)	13	137	25		22	137	25
062R	Ross Brook (From Basin 165)	21	137	25		17	137	25
063R	Dean Brook (DB) (From Basin 170)	31	137	25		21	136	25
064R	Unnamed to Dean Brook	31	137	25		31	137	25
065R	Unnamed to Coon Lake (Basin 169 to Basin 1-211)	35	137	25		25	137	25
066R	Unnamed to Ossawinnamakee Lake (Basin 277 to Basin 352)	19	137	27		27	137	28
067R	Unnamed to Pine River (From Basin 653)	23	137	27		27	137	27
068R	Unnamed to Pine River (From Basin 287)	35	137	27		34	137	27
069R	Unnamed to Ossawinnamakee Lake (Basin 364 to Basin 352)	33	137	28		33	137	28
071R	Unnamed to Willow Creek (From Basin 611)	12	137	29		6	137	28
072R	Hay Creek (To Basin 310)	27	137	29		19	137	28
073R	East Creek (To Basin 176)	2	138	25		2	138	25
074R	West Creek (To Basin 176)	3	138	25		3	138	25
075R	Unnamed to Little Pine River	5	138	25		20	138	25
076R	Unnamed to Little Pine River	9	138	25		10	138	25
077R	Little Pine River (LPR) (From Basin 176)	11	138	25		12	136	27
078R	Unnamed to Little Pine River	13	138	25		15	138	28
079R	Mud Brook (From Basin 1-212)	36	138	25		33	137	26
080R	Crooked Creek (Basin 11-43 to Basin 294)	8	138	26		12	138	27
083R	Daggett Brook (To Basin 312)	1	138	27		17	137	27
084R	Unnamed to West Fox Lake (Basin 293 to Basin 297)	16	138	27		21	138	27
085R	Fox Creek (From Basin 298)	27	138	27		35	138	27
086R	Thompson Creek (To Basin 310)	14	138	28		4	137	28
089R	Unnamed to Lizzie Creek (Basin 415 to Basin 416)	2	138	29		3	138	29
090R	Lizzie Creek (LC) (From Basin 416)	3	138	29		3	138	29
091R	Arvig Creek	27	138	29		34	138	29

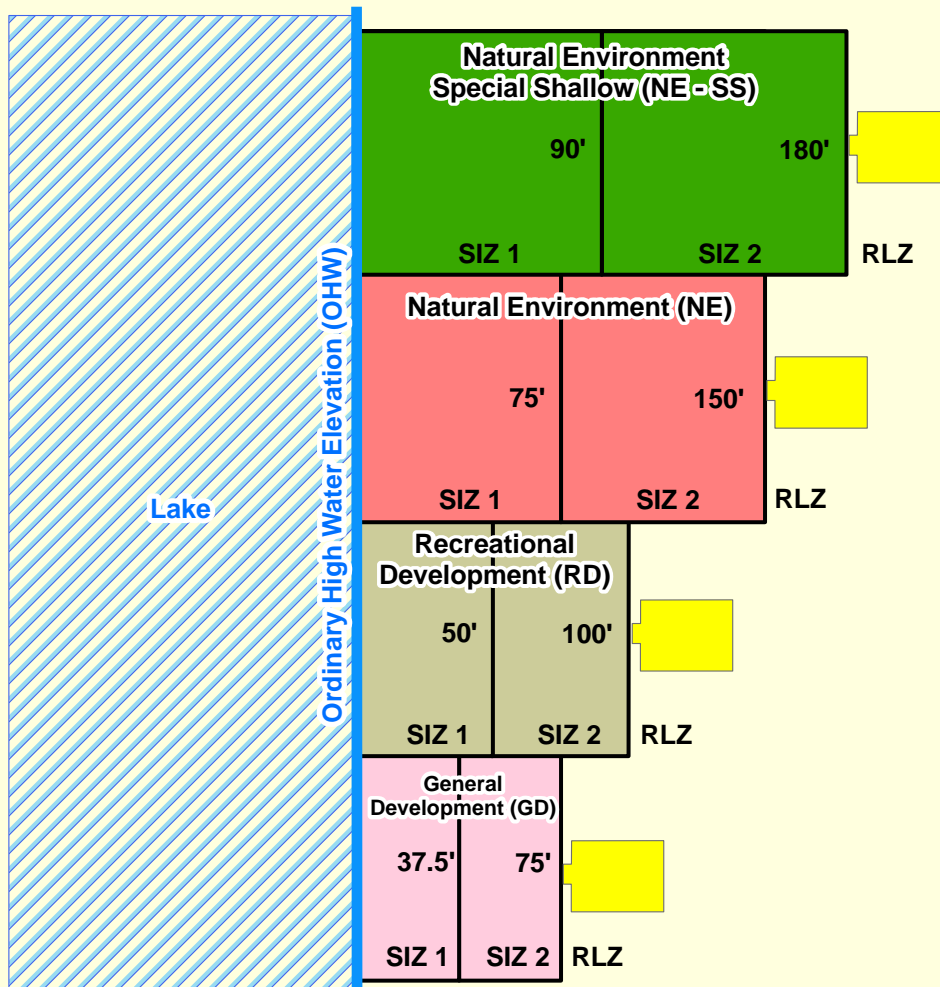
Appendix B - Shoreland District

Shoreland Zones



- Shoreland Protection Zone
- Shoreland Buffer Zone
- 500' Shoreland Protection Zone for Mississippi R.

Lake Setbacks



Appendix C: SHORELINE RAPID ASSESSMENT MODEL



Crow Wing County's Shoreline Rapid Assessment Model (SRAM) is a tool for quickly and objectively determining the degree of natural vegetation along a shoreline and the amount of natural buffer required to meet Ordinance requirements. With this model, the Shore Impact Zones (SIZ-1 & SIZ-2) are evaluated for natural vegetative cover and a cumulative score is tallied. Vegetative restoration that may be necessary must be performed according to Article 27.

Shoreline:

Condition of Shoreline	Score:
Stable shoreline	0
< 25% of shoreline is eroding or unstable	-1
25-50% of shoreline is eroding or unstable	-2
50-75% of shoreline is eroding or unstable	-3
> 75% of shoreline is eroding or unstable	-4

Ground cover:

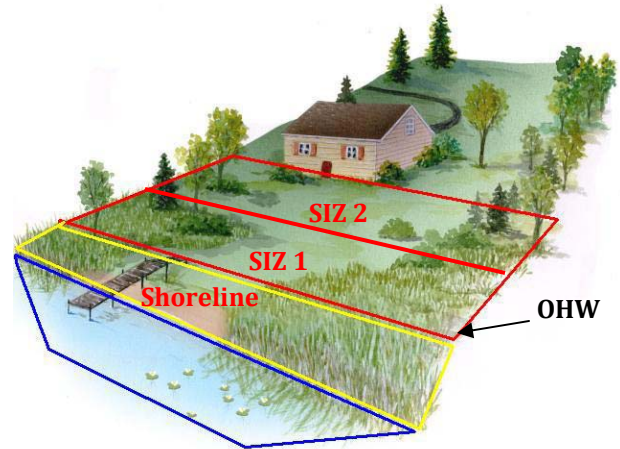
% Naturally Vegetated Cover in SIZ 1	Points:
< 25% natural ground cover	1
25-50% natural vegetative cover	3
50-75% natural vegetated cover	5
> 75% natural vegetated cover	7

% Naturally Vegetated Cover in SIZ 2	Points:
< 25% natural ground cover	1
25-50% natural vegetative cover	2
50-75% natural vegetative cover	3
> 75% natural vegetated cover	4

Trees / shrubs:

% Naturally Vegetated Cover in SIZ 1	Points:
< 25% of surface is covered by shrubs and trees	1
25-50% of surface is covered by shrubs and trees	3
50-75 % of surface is covered by shrubs and trees	5
> 75% of surface is covered by shrubs and trees	7

% Naturally Vegetated Cover in SIZ 2	Points:
< 25% of surface is covered by shrubs and trees	1
25-50% of surface is covered by shrubs and trees	2
50-75 % of surface is covered by shrubs and trees	3
> 75% of surface is covered by shrubs and trees	4



If score is 0-5:

- Leave a 20' No Mow Buffer & possible other mitigation efforts

If score is 6-10:

- Leave a 15' No Mow Buffer

If score is 11-15:

- Leave a 10' No Mow Buffer

Above buffers shall allow for an access area to lake, per Ordinance requirements

Landowner _____ Permit or Parcel Number _____

Score _____ (Max Score = 22)

Environmental Services Staff Signature _____ Date _____