Code of Ordinances for the City of Crosslake, Minnesota

CHAPTER 26

LAND USE

EFFECTIVE DATE: April 14, 2014

Revised: 1/19/2016

Ordinance information available at

www.cityofcrosslake.org

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PART I ADMINISTRATION

ARTICLE 1 GENERAL PROVISIONS

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CROSSLAKE, MINNESOTA, an Ordinance amending Chapter 26 of the City of Crosslake, Minnesota (hereinafter "the City"), Code of Ordinances regarding land use and zoning.

Sec. 26-1 Purpose

It is the purpose of this Chapter to protect, preserve, and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms, and open spaces of the City for future generations. Further, it is the goal of this Chapter to promote public health, safety, general welfare, and orderly development of the City by:

(1) Regulating land use in accordance with the Crosslake Comprehensive Plan.
(2) Promoting orderly development of the residential, commercial, recreational, and public areas of the City.
(3) Dividing the City into land use districts.
(4) Regulating the location, height, and bulk of structures.
(5) Preserving the economic and natural environmental values of shorelands.
(6) Regulating setbacks.
(7) Regulating sizes of lots, yards, and other open spaces.
(8) Preventing overcrowding of land and undue concentration of structures.
(9) Encouraging compatible developments of different land use and the most appropriate use of land within the City.
(10) Providing adequate access to air, direct sunlight, and convenience of access to property.
(11) Providing standards of criteria for the management of the Floodplains within the city.
(12) Bringing all non-complying subsurface sewage treatment systems into compliance.

Sec. 26-2 Interpretation, Intent, and Scope

This Chapter 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 Section 26-1 above, and to be in keeping with the constitutions of this State and of the United States. It is not the intent of this Chapter to repeal, abrogate, or impair any existing laws, rules, easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. This Chapter shall apply and be binding upon all of the incorporated areas of the City.

Sec. 26-3 Repeal of Existing Chapter

This ordinance repeals Chapter 26 of the City of Crosslake Code of Ordinances dated September 10, 2013 and all amendments thereto. All Ordinances, resolutions, or parts of Ordinances or resolutions of the City in conflict with the provisions of this Ordinance are hereby repealed.

Sec. 26-4 Authority and Incorporation by Reference of Statutes, Rules, and References

This chapter is established pursuant to the authority granted by the Crosslake Comprehensive Plan, adopted August 11, 2008; and by Minnesota Statutes, in particular the Municipal Planning Act, Chapters 462.351 to 462.364; the Municipal Shoreland Act, Chapter. 103F.221; The Management of Floodplain Areas of Minnesota, Chapters 103F.101 to 103F.165; the regulation of individual sewage treatment systems, Chapters 115.55, 145A.07 and Minnesota Rules, Chs. 7080-7083; the installation of water supply wells, Minnesota Rules, Chapter 4725; and any amendments thereto. The Crow Wing County Local Comprehensive Water

Management 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” (January 2012, Version 3) is incorporated herein by reference. The “Best Management Practices for Minnesota for Agriculture and Water Quality”, Minnesota Pollution Control Agency, is hereby adopted by reference for agriculture uses. The “Best Management Practices in Minnesota for Water Quality in Forest Management”, Minnesota Department of Natural Resources, is hereby adopted by reference for timber management activities. Throughout this Chapter, wherever references are made to Minnesota statutes or rules, or Federal statutes and rules, such reference shall be interpreted to include any successor statutes or rules.

Sec. 26-5 Separability

If any article, subarticle, sentence, clause, phrase, or portion of this chapter 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.

Secs. 26-6—26-42 Reserved

ARTICLE 2 GENERAL ZONING PROVISIONS

Sec. 26-43 Land Use District Map

The incorporated areas of the City of Crosslake are hereby divided into land use districts as shown on the official land use district map, as amended under Article 4 of this Chapter, and filed in the Offices of the County Recorder and the City. 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 Chapter.

Sec. 26-44 Conformance with this Chapter

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

(1) All new buildings or structures constructed, converted, enlarged, or moved shall conform to the provisions of this chapter.
(2) The use of all buildings, structures, or lands for any purpose shall conform to the provisions of this chapter, except as provided in Article 5 of this Chapter.
(3) All subsurface sewage treatment system installed, repaired, or modified shall conform to the provisions of this chapter.
(4) All dirt moving, filling, grading and private road construction shall conform to the provisions of this Chapter.
(5) No lot existing at the time of adoption of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this Chapter shall meet all minimum requirements established by this Chapter.

Sec. 26-45 Conflicting Regulations

(1) 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 Chapter, the parcel shall be classified in the land use district which encompasses the larger percentage of the lot area.
(2) 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: 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 Chapter.

Sec. 26-46 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 Chapter and subject to the enforcement provisions of Section 26-71.

Sec. 26-47 Applicant Responsibility

Actions taken pursuant to permits granted under this chapter are the sole responsibility of the property owner or his/her agents. The City 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 Chapter.

Sec. 26-48 Accessibility for Buildings and Facilities

Buildings and facilities required to provide handicapped accessibility shall comply with standards pursuant to Minnesota Rules, Chapter 1341.

Secs. 26-49—26-66 Reserved

ARTICLE 3 ADMINISTRATION

Sec. 26-67 Administration

The Administrator shall issue all approved permits and certificates under this chapter, either as authorized or as directed by the Planning Commission/Board of Adjustment. The Administrator shall interpret this Chapter, subject to appeal. The Administrator may delegate responsibilities as appropriate.

Sec. 26-68 Application for a Permit

(1) Scope of work subject to permitting. Prior to engaging in any land use activity regulated under the provision of this Chapter, the owner of the property shall make application for the necessary permit or permits required by this Chapter. A permit or fee is not required for inside or outside residential maintenance provided the exterior dimensions of the structure remain the same.

(2) Issuing authority/Applicant responsibility. A permit shall be issued by the Department only when the applicant has met all applicable requirements of this Chapter. An authorized agent of the owner may make application for the permit or permits. Conditional uses, variances, or permits will be processed by the City pursuant to procedures established within this Chapter. The accuracy and completeness of all permit applications and accompanying documents are solely the responsibility of the applicant. No permit application will be approved for property on which there are unresolved violations, unless the permit will resolve the violation.

(3) Other Permits. The granting of any permit or variance under provisions of this Chapter shall in no way affect the landowner's responsibility to obtain the approval required under any federal or state statute, Chapter, 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 City permits nor from the necessity to apply for a permit described in this Chapter.

(4) Application information requirements. The application for any permit, including public hearing requests, required under this Chapter shall include:

a) The legal description of the property.

b) Property identification number.
c) Current and proposed land use.
d) A description of the type and scope of construction, use, development, or alteration proposed.
e) 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.
f) Topographic features including but not limited to wetlands, bluffs, ordinary high water level designations, or steep slopes.
g) Additional information as may be required by the City in order to determine compliance with this Chapter and other ordinances.

(5) Certificate of Survey. The Administrator may require a certificate of survey with any permit application required by this Chapter, 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 Chapter.

(6) Site suitability / Sewage treatment. The application shall also include a compliance inspection or field evaluation conducted by a State-licensed inspector indicating the condition of any existing subsurface sewage treatment systems or the site's suitability for a compliant sewage treatment system.

(7) Compliance with State Well Code. Water supply wells installed in conjunction with permitted land uses shall comply with the standards established in Minnesota Rules, Chapter 4725.

(8) Fee. The application shall be accompanied by a remittance, payable to the City of Crosslake. A current Fee Schedule is on file in the City Hall as approved by the City Council.

(9) Permits for activities in Floodplain. Land use permits for activities within any Floodplain zone shall meet the standards in Article 14 of this Chapter relating to Floodplain Management.

(10) Checklist. An application check list shall be available from the Department.

Sec. 26-69 Permit Card

The Department 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.

Sec. 26-70 Expiration of Permits

All permits are valid for a period of two years from the date of approval, unless otherwise specified. Permits are transferrable to future landowners provided the two year time limit is not exceeded.

Sec. 26-71 Enforcement

(1) Responsibility for enforcement. The Crosslake City Attorney, the Crosslake City Police Department, and the Administrator shall have a duty to enforce this Chapter.

(2) Civil and criminal enforcement. Any violations of the provisions of this Chapter or failure to comply with any of its requirements by a landowner 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 processed pursuant to Minnesota Statutes, Chapter 412.861. The provisions of this Chapter 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.

(3) Permit does not protect permit holder. Violations of this Chapter can occur regardless of whether or not a permit is required for a regulated activity pursuant to Sec 26-68 of this Chapter.

(4) Separate offenses. Each day that a violation of this Chapter continues shall constitute a separate offense.

(5) Citations. The Administrator shall have the power to enforce this Chapter by issuing citations for criminal violations of this Chapter upon the owner of a property and/or their authorized agent.

(6) **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 Chapter 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.

(7) **Injunctive relief allowed.** The Crosslake City 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.

(8) **Administrative fee for enforcement.** The Department may charge an administrative fee, according to a schedule established by the City Council, to compensate for staff time and other expenses incurred during the investigation and prosecution of violations that are found to have merit.

(9) **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 Department may require restoration of the subject property to its condition before such work commenced, including removal of structures or improvements not approved.

(10) **Certificate of Survey.** The Administrator or duly authorized representative may require a certificate of survey when it is determined that said survey will or may assist with the resolution of a violation.

Sec. 26-72 Performance Security

Upon approval of a conditional use, variance, or other permit application, the Planning Commission/Board of Adjustment, City Council, or the Administrator may, if reasonably necessary to achieve the purposes of this Chapter, 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.

Sec. 26-73 Right of Inspection

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

Sec. 26-74 General Review Proceedings

Timeline for review. Pursuant to MN Statutes, Chapter 15.99, the Administrator, Planning Commission/Board of Adjustment or City Council 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 City Council to deny a request within 60 days shall constitute approval of the request. If the Administrator, Planning Commission/Board of Adjustment, or City Council 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 this section begins upon the receipt of a completed application by the City. An application shall be deemed complete when a written request containing all information required by this Chapter is submitted to the City. If the City receives a written request that does not contain all required information, the 60 day limit shall not start if the City sends written notice within 15 business days of receipt of the request telling the applicant what information is missing.

(2) Extension of time line for review by multiple agencies. The time limit in this section 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 City is extended for 60 days after the required approval is granted.

(3) City extension of time line. The Administrator may extend the time line before the end of the initial 60 day period described in this section 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 time line by applicant. The applicant may, in writing, waive the 60 day time deadline.

Sec. 26-75 Fees

(1) Schedule of fees. The schedule of fees for all land use and zoning-related activities and permits shall be posted in the City Hall and may be altered or amended only by resolution of the City Council.

(2) Collection of fees. The Department shall collect all required fees in full in conjunction with any application.

(3) Administrative fees. When work has commenced before approval of a permit, 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 City Council.

(4) 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 Department. Any fees paid in error will be refunded by the Department.

(5) Certification of Unpaid Charges. Nothing in this section shall be held or construed as in any way stopping or interfering with the city's right to certify as unpaid service charges or assessments against any premises affected, any past due and/or delinquent fees, including interest and late fees. Each and every unpaid fee is hereby made a lien upon the lot, land, or premises served, and such charges that are past due and/or delinquent on May 15 and/or October 15 of each year shall be certified to the Crow Wing County Auditor. The charges shall be collected and the collection thereof enforced in the same manner as Crow Wing County and State of Minnesota taxes, subject to penalties, costs and interest charges. Upon certification to the Crow Wing County Auditor, any past due and/or delinquent fees shall be due and payable to the office of the Crow Wing County Auditor.

Sec. 26-76 Environmental Review

(1) 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.

a) 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.

b) Payment for cost of review. The City shall prepare or cause to have prepared, at the developer's expense, any mandated or discretionary EAW or EIS for the project.

(2) Development Review Team. 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.

a) 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.

(3) The City Council shall make all final EAW/EIS decisions.

Sec. 26-77 General Public Hearing Notice Requirements

All public hearings shall be conducted pursuant to Minnesota Statutes, Chapter 462.357 and 462.359, and the adopted Planning Commission/Board of Adjustment rules of business.

Secs. 26-78—26-104 Reserved

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

Sec. 26-105 Initiation of Amendments

(1) Initiation of amendments. An amendment to this Chapter or to the official land use district map may be initiated by the City Council, the Planning Commission/Board of Adjustment, the Administrator, or any landowner within the City upon individual application therefore.

(2) Fee waived. Action to amend this Chapter or the official land use district map, when initiated by the City Council, the Planning Commission/Board of Adjustment, or the Administrator, shall not require the payment of any fee otherwise required under this Chapter.

Sec. 26-106 Application and Hearing

(1) Application. Applications for ordinance Chapter text or land use district reclassification amendments shall be made to the Department.

(2) Hearing. The Planning Commission/Board of Adjustment shall hold at least one public hearing on the proposed Chapter text amendment or land use district classification change conducted pursuant to Minnesota Statutes, Chapter 462.357 and the adopted Planning Commission/Board of Adjustment rules of business.

(3) Consideration of ordinance Chapter text amendments. Amendments may be offered when the Chapter is under consideration. If amendments are made, the sections of the Chapter amended shall be read as amended before the question of its passage is taken. After review and taking public comment, the Planning Commission/ Board of Adjustment shall vote to approve, deny, or amend the ordinance Chapter or ordinance Chapter amendment(s) and forward their recommendations to the City Council. Approval of the Chapter shall constitute the singular recommendation of the Planning Commission/Board of Adjustment to the City Council on the Chapter.

(4) 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:

a) The reclassification is in accord with the comprehensive plan;

b) The reclassification is warranted due to changed land use circumstances or a need for additional property in the proposed land use district;

c) The subject property is suitable for development in general conformance with land use standards under the proposed land use district classification;

d) The reclassification will not be detrimental to uses or property in the immediate vicinity of the subject property, and;

e) The reclassification promotes the health, safety, and general welfare of the public.

Sec. 26-107 Designation of Sensitive Shoreland Districts (SS)

(1) The City Council 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".

(2) The reclassification of a shoreland district and/or water-oriented commercial district to a SS District may be initiated by:

- **a)** 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 Section 26-107, (1) above.
- **b)** A duly approved motion by the Planning Commission/Board of Adjustment sent to the City Council for approval, along with substantiating data from the Department.

(3) Processing requests

- **a)** 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.
- **b)** Within 30 days of completion of the verification process, the Planning Commission/Board of Adjustment shall set a date for a public hearing.
- **c)** The public hearing shall be conducted pursuant to the adopted Planning Commission/Board of Adjustment rules of business.

(4) Planning Commission/Board of Adjustment Review. The 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 City ordinance Chapters;
- **f)** Other factors specific to the application that impact upon public health, safety, and welfare.

(5) 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.

(6) The Planning Commission/Board of Adjustment, if affirming and forwarding reclassification, shall:

- **a)** Notify the Commissioner of the Minnesota Department of Natural Resources of the recommendation for reclassification
- **b)** Recommend to the City Council that they approve changes in the official land use district map to reflect such reclassification.

Sec. 26-108 City Council Action

(1) **Text amendment actions.** Following their public hearing, the City Council shall publish its decision to approve or deny the text amendments within 15 days. The enactment of any changes shall take effect no sooner than 30 days after the date of their approval. 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.

(2) **Land use district amendment actions.** The City Council may adopt the land use district amendment or any part thereof in such form as it deems advisable. After adoption, a copy of the official map, or sections thereof with a copy of the adopting ordinance attached shall be recorded with the County Recorder pursuant to Minnesota Statutes, Chapter 462.359, Subd. 2. 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.

Secs. 26-109—26-135 Reserved

ARTICLE 5 NONCONFORMITIES

Sec. 26-136 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.

Sec. 26-137 Existing Nonconforming Uses and Lots of Record

(1) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

a) The nonconformity or occupancy is discontinued for a period of more than one year; or,

b) Any nonconforming use is destroyed by fire 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, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(2) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adult uses as defined in Article 43 of this Chapter and regulated under Chapter 6, Article IV of the Code of Ordinances of the City of Crosslake.

(3) Notwithstanding paragraph (1), the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

(4) Paragraphs (4) to (10) apply to shoreland lots of record in the office of the county recorder on February 6, 1992, the date of adoption of local shoreland controls, which do not meet the requirements for lot

size or lot width. The City shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to paragraphs (4) to (10).

(5) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

a) All structure and septic system setback distance requirements can be met;

b) A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and

c) The impervious surface coverage does not exceed 25 percent of the lot.

(6) In a group of two or more contiguous lots of record under a common ownership, an individual lot must not be considered as a separate parcel of land for the purpose of sale or development, unless it meets the following requirements:

a) The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;

b) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and this Chapter;

c) Impervious surface coverage must not exceed 25 percent of each lot; and

d) Development of the lot must be consistent with the Crosslake Comprehensive Plan.

(7) A lot subject to paragraph (6) not meeting the requirements of paragraph (6) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

(8) Notwithstanding paragraph (6), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Statutes, Chapter 115.55 and Minnesota Rules, Chapter 7080, or connected to a public sewer.

(9) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

(10) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the land use district for a new lot and the newly created parcel is combined with an adjacent parcel.

(11) A nonconforming commercial use existing at the time of the adoption of this chapter and complying with City standards in effect at the time it was approved, shall remain a legal nonconforming use and may be continued unless the commercial use is:

a) Changed to a different use;

b) Expanded by 25% of the current building size;

c) Discontinued for a period of five years.

If any of the conditions in (11) a) through c) of this Section exist, any subsequent commercial use at the same location shall meet all the pertinent standards of this Chapter including but not limited to Articles 20, 26, 28, and 29.

Sec. 26-138 Existing Nonconforming Structures

A nonconforming structure existing at the time of the adoption of this chapter and complying with City standards in effect at the time it was approved, shall remain a legal nonconforming structure and may be continued subject to the following provisions:

(1) **Maintenance and replacement.** Existing nonconforming structures may be continued, including through repair, replacement, restoration, maintenance, or improvement but not including expansion. Expansions that meet setbacks and other provisions of this ordinance shall not require a variance.

(2) **Conforming Sewer System.** Dwellings are connected to a conforming sewage treatment system compliant with Minnesota Rules, Chapter 7080 and Article 31 of this Chapter or the lot is connected to a public sewer.

New structures shall meet all pertinent standards of this Chapter.

Secs. 26-139—26-161 Reserved

ARTICLE 6 PLANNING COMMISSION/BOARD OF ADJUSTMENT

Sec. 26-162 Planning Commission/Board of Adjustment Duties

(1) Acting in its capacity as the Planning Commission, the Planning Commission/Board of Adjustment is hereby designated by the City Council to:
- **a)** Review all plats, conservation developments, land use district map amendments, and amendments to the land use Chapter text, and make recommendations to the City Council.
- **b)** Review and make final decisions regarding all conditional use permit applications.
- **c)** Exercise all powers and perform all duties granted to the Planning Commission/Board of Adjustment under Minnesota Statutes, Chapter 462.354.
- **d)** Adopt and annually review rules of business necessary to the conduct of its affairs.

(2) Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment is hereby designated by the City Council to:
- **a)** Review and make final decisions regarding all variance applications.
- **b)** Hear appeals of all administrative orders, requirements, administrative decisions, or determinations
- **c)** Adopt and annually review rules of business necessary to the conduct of its affairs.

Sec. 26-163 Membership

The Planning Commission/Board of Adjustment shall consist of not less than five members nor more than seven members.

Sec. 26-164 Officers/Duties

(1) Officers of the Planning Commission/Board of Adjustment shall be a Chairperson, Vice-Chairperson and other officers as needed.

(2) Officers shall be elected by the Planning Commission/Board of Adjustment at the first regular meeting held in February.

(3) In the event of a resignation of an Officer, the Planning Commission/Board of Adjustment shall fill the vacancy.

(4) The Chairperson shall preside at all meetings.

(5) The Vice-Chairperson shall assume the responsibilities of the Chairperson when he/she is unable to serve.

Sec. 26-165 Meetings

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

Secs. 26-166—26-184 Reserved

ARTICLE 7 CONDITIONAL/INTERIM USE PERMITS

Sec. 26-185 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. An Application for a conditional use permit shall be filed with the Department including:

(1) A certificate of survey signed by a Registered Land Surveyor licensed in the State of Minnesota, unless the Administrator determines otherwise. A negative determination, signed by the Administrator, shall be made in writing and forwarded to the applicant and the Planning Commission/Board of Adjustment setting forth the facts upon which the determination was made. Required certificates of survey shall indicate information pertinent to the application which may include the following:
- **a)** Graphic scale;
- **b)** North point;
- **c)** Bearing/coordinate system;
- **d)** Date of Preparation;
- **e)** Legal description of subject parcel boundary and resulting parcels;
- **f)** Property boundary with sufficient survey and mathematical data to locate and retrace the boundary;
- **g)** Location of right of ways, public roads and easements of record;
- **h)** Structure setbacks including all pertinent dimensions;
- **i)** Area of parcel(s) in square feet and acres;
- **j)** Total area of riparian parcel and area above ordinary high water elevation level;
- **k)** Buildable area of parcel(s);
- **l)** Building envelope;
- **m)** Location, square footage and height of all existing and proposed structures/additions;
- **n)** Location of all wells (existing and proposed) and septic systems;
- **o)** Location and size of all existing and proposed driveways, roads and easements;
- **p)** Nonconforming structure setbacks including all pertinent dimensions;
- **q)** Bluff or steep slopes including all pertinent dimensions and setbacks;
- **r)** Shoreline and ordinary high water elevation line, if riparian;
- **s)** Location of delineated wetlands;
- **t)** Impervious coverage calculation

(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.

Sec. 26-186 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 462.357, subd. 3 and its adopted rules of business. The Administrator must submit hearing notices for proposed variances to the Department of Natural Resources sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

Sec. 26-187 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 Section 26-74 of this Chapter.

Sec. 26-188 Determination

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

(1) The impact of the proposed use on the health, safety, and general welfare of the occupants in the surrounding neighborhood;
(2) The ability of the proposed use to meet the standards of this Chapter.
(3) The ability of the proposed use to meet goals and policies adopted within the Crosslake Comprehensive Plan;
(4) The effect of the proposed use on property values and future development of the land in the surrounding neighborhood;
(5) The effect of the proposed use on public utility, public services, roads and schools;
(6) The effects of the proposed use on the environment including its impact on groundwater, surface water and air quality;
(7) The adequacy of water supply, public sewer or subsurface sewage treatment system facilities, erosion control and stormwater management are provided pursuant to applicable standards;

Sec. 26-189 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 Chapter. Such conditions may include, but are not limited to, the following:

(1) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
(2) Special provisions for the location, use of structures, sewage treatment systems, water craft launching and docking areas, and vehicle parking areas.
(3) Performance security as prescribed in Section 26-72 of this Chapter.
(4) Provisions to insure that the conditional use will not be detrimental to the use and enjoyment of the environment or of other properties.
(5) Buffers between potentially conflicting uses or along shorelines.
(6) Designated length of time in which work must be completed.

Sec. 26-190 Special Review Criteria for Floodplain 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:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) 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.
(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
(5) The importance of the services provided by the proposed facility to the community.
(6) The requirements of the facility for a waterfront location.
(7) The availability of alternative locations not subject to flooding for the proposed use.
(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
(9) The relationship of the proposed use to the comprehensive plan and Floodplain management program for the City.
(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
(12) Such other factors which are relevant to the purposes of these standards.

Sec. 26-191 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 shall determine if the conditional use requested be approved, denied, or modified. 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 by the Planning Commission/Board of Adjustment, the Department 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. A copy of the final decision granting a conditional use within a shoreland or floodplain area shall be sent to the Commissioner of the Department of Natural Resources within 10 days of final action.

Sec. 26-192 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 Chapter. A conditional use permit shall remain in effect so long as the conditions agreed upon are observed. Nothing in this Article shall prevent the City Council from enacting this Chapter or any other Chapter or Ordinance to change the status of a conditional use.

Sec. 26-193 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.

Sec. 26-194 Appeals of Planning Commission/Board of Adjustment Decision on Conditional Use Permits

Acting in its capacity as the Planning Commission, all Planning Commission/Board of Adjustment decisions under this Chapter regarding conditional use permits are final. Any aggrieved person or department, board, or commission, County, or Department of the State of Minnesota may appeal such Planning Commission/Board of Adjustment decision by writ of certiorari to the Minnesota Court of Appeals.

Sec. 26-195 Revocation of Conditional Use Permit

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

Sec. 26-196 Interim Use Permits

(1) Applications for interim uses as designated in the land use tables in Section 26-281 shall be processed in the same manner as conditional uses under this Article with the exception that the Planning Commission/Board of Adjustment shall make a recommendation to the City Council. The City Council shall take final action on the interim use application.

(2) The Planning Commission/Board of Adjustment may recommend approval of an interim use of property to the City Council if:

- **a)** the use conforms to the land use district regulations;
- **b)** the date or event that will terminate the use can be identified with certainty;
- **c)** permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- **d)** the user agrees to any conditions that the governing body deems appropriate for permission of the use.

(3) Any interim use may be terminated by a change in zoning regulations.

Secs. 26-197—26-221 Reserved

ARTICLE 8 VARIANCES/APPEALS

Sec. 26-222 Applications

Application for variances shall be filed with the Department. The Department shall forward to the Planning Commission/Board of Adjustment:

(1) A copy of the application and additional information determined by the Administrator to be pertinent to the application; and,

(2) A Certificate of Survey shall be required showing:

- **a)** Property boundary with dimensions shown including square footage of parcel;
- **b)** Buildable area;
- **c)** Location, size and height dimensions of all existing and proposed structures/additions;
- **d)** Location of all wells (existing and proposed) and septic systems;
- **e)** Location and size of all existing and proposed driveways, roads and easements;
- **f)** Nonconforming structure setbacks including all pertinent dimensions;
- **g)** Two foot contours;
- **h)** Existing and proposed impervious surface calculations;
- **i)** Bluff or steep slopes;
- **j)** Ordinary high water elevation;
- **k)** Delineated Wetlands;
- **l)** Stormwater Management Plan according to Article 20 of this Chapter;
- **m)** No-Maintenance Shoreline Buffer according to Article 19 of this Chapter;

(3) The Administrator shall have the discretion to determine whether an application may be forwarded to the Planning Commission/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 City Council 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 City Council and to the Planning Commission/Board of Adjustment.

Sec. 26-223 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 462.357, subd. 3 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. The Administrator must submit hearing notices for proposed variances to the Department of Natural Resources sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

Sec. 26-224 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 Section 26-74 of this Chapter.

Sec. 26-225 Variance Criteria

(1) Variances shall only be permitted in accordance with Minnesota Statutes, Chapter 462.357 subd. 6.
(2) 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.
(3) In considering a variance request, the Planning Commission/Board of Adjustment must determine that practical difficulties exist according to the following factors:
- **a)** Is the variance request in harmony with the purposes and intent of this Chapter?
- **b)** Is the variance consistent with the Crosslake Comprehensive Plan?
- **c)** Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?
- **d)** Is the need for a variance due to circumstances unique to the property and not created by the property owner?
- **e)** Will the issuance of a variance maintain the essential character of the locality?
- **f)** Does the need for a variance involve more than economic considerations?

(4) Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, Chapter 216C.06, subd. 14, when in harmony with the Chapter.
(5) The Planning Commission/Board of Adjustment may permit as a variance the temporary use of a one family dwelling as a two family dwelling.

Sec. 26-226 Conditions May Apply

(1) If the variance criteria in Section 26-225 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 Chapter. 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:
- **a)** Mitigation actions to off-set environmental consequences of variance approval according to Articles 19 and 20;
- **b)** Increased setbacks from the ordinary high water level;
- **c)** Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted according to Article 19;

d) Special provisions for the location, design, size and use of allowed structures, sewage treatment systems, and vehicle parking areas;
e) Performance security as prescribed in Section 26-72 of this Chapter.
f) Extension of the time frame upon which the variance must be substantially completed.

(2) The Department may conduct follow up inspections as necessary to insure that the conditions established by the Board of Adjustment are met.

(3) Failure to comply with variance conditions as imposed by the Planning Commission/Board of Adjustment is a violation of this Chapter punishable under Section 26-71.

Sec. 26-227 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. Variances must be substantially completed within two years of receiving approval. A copy of the final decision granting a variance within a shoreland or floodplain area shall be sent to the Commissioner of the Department of Natural Resources within 10 days of final action.

Sec. 26-228 Appeals of Administrative Actions to the Planning Commission/Board of Adjustment

(1) Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment shall hear all appeals of final administrative orders, requirements, decisions, or determinations. Appeals to the Planning Commission/Board of Adjustment shall be filed with the Department 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 City Council approved fee schedule. The Administrator shall notify the Planning Commission/Board of Adjustment of the appeal within 5 working days. The Administrator shall, within 30 days of such notice 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 or attorney.

(2) **Determination of appeal.** The Planning Commission/Board of Adjustment shall review the information submitted by the appellant, a report from the Administrator, and the provisions of this Chapter, and affirm the original decision unless the Planning Commission/Board of Adjustment determines that:
a) The decision was arbitrary and capricious, or;
b) The decision did not comply with the standards in this Chapter.

(3) 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 and the City Council.

Sec. 26-229 Appeals of Planning Commission/Board of Adjustment Decisions

Pursuant to Minnesota Statutes, Chapter 462.361, 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.

Secs. 26-230—26-250 Reserved

ARTICLE 9 RESERVED

Secs. 26-251—26-278 Reserved

PART II LAND USE DISTRICTS

ARTICLE 10 LAND USE CLASSIFICATION LIST

Sec. 26-279 Listed Uses/Similar Uses

Many uses of land are listed in the land use tables in Section 26-281 of this Article. For uses not included within the land use tables, a landowner 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 tables are prohibited unless determined to be similar in nature to a listed use through the process described in this paragraph.

Sec. 26-280 Land Use District Descriptions

This section describes the land use districts established in the City of Crosslake. The land use district boundaries are identified on the official land use district map.

(1) Shoreland District (SD). 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. Lot dimensions and density limitations are controlled by lake or river classifications. Compatible commercial or water-oriented commercial uses may be allowed as permitted or as conditional uses.

(2) Rural Residential-5 (RR-5). The purpose of this district is to establish and maintain a low density residential district with 5 acre minimum lot sizes outside the shoreland zone, preserving the character of the city and providing a rural single family setting with limited agriculture/forestry uses. The primary use within this district is single family residential and agriculture/forestry. Compatible commercial uses may be allowed as permitted or as conditional uses.

(3) 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.

(4) Limited Commercial District (LC). The purpose of this district is to establish and provide a commercial environment with a limited mixture of commercial and office related development and services. A commercial district may be located within or outside the shoreland zone.

(5) Downtown Commercial District (DC). The purpose of this district is to establish and provide a commercial environment with a mixture of commercial and office related development and services and maintain a pedestrian-oriented commercial district consisting of retail, offices and professional services. A downtown commercial district may be located within or outside the shoreland zone.

(6) Commercial/Light Industrial District (C/LI). The purpose of this district is to establish and maintain a district for light industrial purposes with commercial activities which can provide the employment opportunities for the residents of the community, allow for the production and manufacture of goods and products, provide for the retail display and sale of the goods and products manufactured on the site

with other related products or services, and provide professional contractor services and related office uses.

(7) 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 City Council.

Sec. 26-281 Land Use Tables

The following table establishes the permitted, conditional, and allowed uses within the land use districts of the City. Any uses not listed in these tables are prohibited.
For the purposes of this table:

"P"	means a use requiring a permit
"PP"	means a use requiring a permit with performance standards
"CU"	means a use requiring a conditional use permit
"I"	means an interim use
"A"	means a use that is allowed without a permit but may have performance standards
"SD"	means a shoreland district
"RR-5"	means a rural residential district—5 acre minimum lot size
"WC"	means a waterfront commercial district
"LC"	means a limited commercial district
"DC"	means a downtown commercial district
"C/LI"	means a commercial/light industrial district
"SS"	means a sensitive shoreland district

LAND USE TABLES	SD	RR 5	SS	LC	DC	WC	C/LI
(1) Agricultural Uses							
Farm buildings (barns, silo, hay shed, etc.)	P	P	P	P			
Farmland: Crop growing and harvesting	A	A	A	A			
Farmland: Livestock, poultry use, including related buildings	A	A		A			
Forest land: growth, harvest	A	A	A	A		A	A
(2) Residential and Related Uses							
Accessory structure	P	P	P	P	P	P	P
Auxiliary quarters/cottage	PP	PP	PP	PP	PP	PP	PP
Controlled access lot							
Energy systems assoc. with a principal use (i.e. solar collectors and wind generators under 50KW)*	P/CU*	P		P		P/CU*	P
Garage/Yard Sales (Maximum 3 per calendar year)	A	A	A	A	A	A	A
Group home, detention or correction home (including detoxification center, rehabilitation home, etc.)	CU	CU	CU	CU		CU	
Home business	CU	CU		PP	PP	CU	PP
Home occupation	A	A	A	A	A	A	
Home: assisted living, nursing, supportive care	CU	CU		CU	CU		
Meteorological test station for wind energy conversion systems (WECS)	I	I		I		I	I
Mobile home park or development		CU					
Multi-family dwelling	CU	CU		CU	CU	CU	
Portable or temporary storage	P	P	P	P	P	P	P
Single-family dwelling—24' or wider	P	P	P	P	P	P	CU
Two-family dwelling—duplex	CU	P	P	P	CU	P	
Water-oriented accessory structures	P					P	
(3) Recreational Uses							
Campground, private, or commercial	CU	CU		CU		CU	
Shooting range, fire arms, archery - private		CU		CU			CU
(4) Civic, Educational and Institutional Uses							
Athletic field/stadium; arena		CU		CU			
Cemetery	A	A		A			
Church/Synagogue	P	P	P	P	P	P	
Transient Camps, Church Camps	CU	CU				PP	

*--Type of Permit depends on wind energy tower height and power output

LAND USE TABLES	SD	RR 5	SS	LC	DC	WC	C/LI
(5) Commercial and Industrial Uses							
Adult uses							CU
Amusement Park		CU		CU			
Athletic club				PP	PP	PP	
Auto body shop				PP			PP
Auto repair shop, lubrication service station				PP	PP		PP
Bank or financial institution				P	P		PP
Beauty shop, barber shop				PP	PP	PP	PP
Bed and Breakfast Residence	CU	CU	CU	PP	PP	PP	
Bowling Lanes				PP	PP	PP	PP
Breeding and boarding of animals	CU	CU		CU	CU		CU
Bulk liquid storage				CU			PP
Business or professional office space				PP	PP	PP	PP
Car wash				PP	PP		PP
Cement/concrete/redi-mix plant, permanent							P
Commercial greenhouse/nursery		CU		PP			PP
Commercial storage building/storage unit rental		CU		CU	CU	CU	P
Concrete/asphalt plant, portable				I			PP
Construction and contractor services-carpentry, electrical, plumbing, heating, ventilation, mechanical, flooring, insulation, siding, etc				P	P		P
Day care facility	PP	PP		PP	PP	PP	
Demolition Landfill							CU
Dry cleaners				CU	CU		CU
Extractive use, mining, gravel pit, aggregate		CU					CU
Funeral home with crematorium				CU			
Funeral Home without crematorium				PP			
Gas station/convenience store with or without fuel sales	CU	CU		PP	PP	PP	
Golf Course	CU	CU		CU		CU	
Industrial park development							CU
Liquor: On and/or off sale	CU			CU	CU	CU	CU
Lumber yard				PP	PP		PP
Manufacturing: light in general, assembly plant, machine shop, welding shop, packaging plant				CU			PP
Marina						CU	
Medical or dental clinic				PP	PP		PP
Miniature golf	CU	CU		PP	PP	PP	PP
Motel/hotel	CU	CU		CU	CU	CU	CU
Outdoor seasonal sales		CU		PP	PP	PP	PP
Over-the-counter print shop				PP	PP		PP
Portable concrete and asphalt plants				I			P
Private clubs and lodges	CU	CU		PP	PP		PP
Race track: horse, auto, motorcycle, go cart		CU		CU			CU
Recycling collection site		I		I			PP
Rental equipment sales and service	CU	CU		PP	PP		PP
Repair shop, equipment				PP	PP		PP
Restaurant	CU	CU		PP	PP	PP	

LAND USE TABLES	SD	RR 5	SS	LC	DC	WC	C/LI
Retail store				PP	PP	PP	PP
Sawmill		CU		CU			PP
Sign – on site	P	P	P	P	P	P	P
Storage buildings, Commercial	PP	PP		PP		PP	PP
Studio-art, music, photo, decorating, dance				P	P		
Telecommunication tower							CU
Temporary real estate office/model home	P	P		P	P	P	
Theater				PP	PP		PP
Vehicle, boat, recreational equipment sales				PP	PP		PP
Veterinary clinic				CU	CU		PP
Wholesaling and/or warehousing, freight terminal				PP	PP		PP

Sec. 26-282 Administration of Permits with Performance Standards

(1) In addition to the general requirements of this Chapter, the Zoning Administrator shall determine specific performance standards in conjunction with applications for those uses and locations where they are allowed. Performance standards may include but are not limited to regulation of:
- **a)** Types of business activities allowed;
- **b)** Screening or fencing;
- **c)** Signs;
- **d)** Storage of materials, equipment, and vehicles;
- **e)** Hours of operation;
- **f)** Parking;
- **g)** Waste management;
- **h)** Abatement of noise, smoke, and fumes.

(2) The Zoning Administrator may refer an application to the Development Review Team (DRT) if:
- **a)** Additional input on performance standards is needed, or,
- **b)** It is determined that a proposed use may impact the health, safety, or general welfare of surrounding properties.

(3) If, after consulting the DRT, it is determined that the proposed use impacts the health, safety, or general welfare of surrounding properties, the Zoning Administrator shall notify the applicant that the application will be processed as a conditional use according to Article 7 of this Chapter.

Secs. 26-283—26-304 Reserved

ARTICLE 11 SHORELAND DISTRICT STANDARDS

Sec. 26-305 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, 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.

Sec. 26-306 Public Waters Classification System

(1) Lake classification system. The Public Waters lakes of the City of Crosslake, Minnesota are hereby classified into the following categories:

a) 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.

b) 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.

c) 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.

(2) River classification system. The Public Waters rivers of the City of Crosslake, Minnesota are hereby classified into the following categories:

a) 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.

b) 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.

(3) Ox Lake Multiple Lake Classification.

a) For purposes of the public waters list in Appendix A, the following described portion of the shoreline of Ox Lake in Sections 4 and 5, Township 137, Range 27, City of Crosslake, Minnesota, shall be classified as General Development: Beginning at a point on the West shore of Ox Lake where the South line of Lot 6, Block 1 in the plat of Ox Lake Crossing intersects said shoreline; thence Southerly and Easterly along said shoreline to its intersection with the Southwesterly line of Lot 22, Block 3, in the plat of Ox Lake Landings; thence continuing along said shoreline to its intersection with the North line of Lot 13, Block 4, of the plat of Ox Lake Landings and there terminating.

b) All other shoreline of Ox Lake, including islands, shall be classified as Natural Environment.

(4) A complete list of Crosslake public waters is included in Appendix A of this Chapter.

Sec. 26-307 Lot Area, Buildable Area, and Width Standards

After the effective date of this Chapter, all new lots in a Shoreland District created by plat, minor subdivision, or metes and bounds 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.

TABLE 26-307A Lot Area, Buildable Area, and Lot Width Requirements for the Shoreland District

	SINGLE FAMILY RESIDENTIAL			DUPLEX RESIDENTIAL LOT		
Lake Classification	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
General Development -Non-Riparian	40,000	150	20,000	60,000	265	40,000
Recreational Development- Riparian	40,000	150	16,000	60,000	225	30,000
Recreational Development-Non-Riparian	60,000	150	25,000	80,000	265	40,000
Natural Environment-Riparian	80,000	200	40,000	120,000	400	60,000
Natural Environment-Non-Riparian	120,000	200	60,000	160,000	400	80,000
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 lots are not allowed within natural environment - special shallow lake shorelands.

	SINGLE FAMILY RESIDENTIAL			DUPLEX RESIDENTIAL LOT		
River Classification	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	20,000
General Development -Non-Riparian	40,000	150	20,000	60,000	265	30,000
Natural Environment –Riparian	80,000	200	40,000	120,000	400	60,000
Natural Environment -Non-Riparian	120,000	200	60,000	160,000	400	80,000

Sec. 26-308 Setbacks and Placement of Structures

(1) Structures shall meet all required setbacks.

(2) **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.

(3) **Lake and River Setbacks**

TABLE 26-308A Structure and SSTS setbacks from Public Waters in feet from the OHWL

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

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

TABLE 26-308B Additional Structure Setbacks

Setback from:	Setback (in feet)
Bluff (top, bottom or sides)	30
Significant Cultural or Historic Site	50
Unplatted Cemetery	50
City, County, State, or Federal road right-of-way	35
All Other Roads	10
Property Line	10
Publicly-owned Recreational Trail (not easements)	10
New Parking Lot (from public road right-of-way)	10
New Driveway (from side yard)	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

(5) Riparian Commercial Lots

a) 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.

(6) High Water Elevations

a) 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 three feet above the highest known water level. If highest know water level is not available, all structures must be elevated so that the lowest floor is at least ~~or~~ three feet above the ordinary high water level (OHWL). 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 Section 26-416 (5).

b) All buildings hereafter erected in the Floodplain shall not be constructed unless in compliance with Article 14 of this Chapter.

Sec. 26-309 Shoreland District Performance Standards

(1) The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Protection Zone:
- **a)** 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 19.
- **b)** Footing placement inspection, as defined in Article 43, by Department staff to verify that permit requirements and setbacks are met.
- **c)** Analysis of stormwater runoff –BMP's, plan, or engineered plan according to the standards in Article 20.
- **d)** Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.
- **e)** Evidence of subsurface sewage treatment system (SSTS) compliance and assessment as provided in Article 31 and Minnesota Rules Chapter 7080.0175, Subpart 2 & 3.
- **f)** Calculation of total impervious coverage meeting the standards set forth in Article 20.

(2) The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Buffer Zone:
- **a)** Analysis of stormwater runoff BMP's, according to the standards in Article 20 of this Chapter.
- **b)** Evidence of subsurface sewage treatment system (SSTS) compliance and assessment as provided in Article 31 and Minnesota Rules Chapter 7080.0175, Subpart 2 & 3.
- **c)** Calculation of total impervious coverage meeting the standards set forth in Article 20.

Sec. 26-310 Height of Structures

Unless otherwise specified, structures in the shoreland district shall not exceed 35 feet in height.

Sec. 26-311 Decks

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

(1) Decks adjacent to dwellings shall meet structure setbacks in Tables 26-308 A & B of this Article except as provided under Minnesota Rules Chapter 6120.3300 Subpart 3 J.

(2) A 4 foot walkway, for access purposes, may be added without a variance lakeward and located closer than the required structure setback from the ordinary high water level. A permit shall not be necessary for a 4 foot walkway. A walkway shall be no wider than the existing structure.

(3) Deck construction shall comply with all provisions of Articles 20 and 21 of this Chapter

(4) 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.

Sec. 26-312 Patios

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

(1) Patios within the structure setback shall comply with the following standards:
- **a)** Not be located in shore impact zone 1 except as a water-oriented accessory structure according to Section 26-317;
- **b)** Be free standing;
- **c)** Have no railings;
- **d)** Be a maximum of 250 square feet in size and allow up to 400 sq ft with an approved and implemented Stormwater Management Plan according to Article 20 of this ordinance;

e) Not be more than one foot below or above natural ground level; and;
f) Construction complies with all provisions of Articles 20 and 21 of this Chapter;
g) The maximum impervious surface limits for the lot shall not be exceeded.

(2) 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.

Sec. 26-313 Stairways, Lifts, and Landings

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

(1) **Preferred to topographic changes**. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
(2) **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.
(3) Construction complies with all provisions of Articles 20 and 21 of this Chapter
(4) The maximum impervious surface limits for the lot shall not be exceeded.
(5) **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.
(6) **Roofs**. Canopies or roofs are not allowed on stairways, lifts or landings.
(7) **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.
(8) **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.
(9) Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed, provided that:
a) The Department determines that there is no other reasonable way to achieve access, and;
b) The dimensional and performance standards of this section are met, and;
c) The requirements of Minnesota Rules, Chapters 1307 and 134 are met.

Sec. 26-314 Auxiliary Cottage/Auxiliary Quarter

An auxiliary cottage or auxiliary quarter may be permitted on a residential lot in the Shoreland District and shall comply with the following standards:

(1) All required setbacks are met.
(2) The maximum impervious surface limits for the lot shall not be exceeded.
(3) The maximum building footprint for an auxiliary cottage does not exceed 700 square feet.
(4) The building footprint for an accessory structure containing an auxiliary quarter is limited by #2 of this Section. The livable area shall not exceed 700 square feet.
(5) Construction complies with all provisions of Articles 20 and 21 of this Chapter.
(6) An auxiliary cottage does not exceed 15 feet in building height.
(7) An auxiliary quarter does not exceed 30 feet in building height.
(8) 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.
(9) Analysis of existing shoreland vegetation according to the Crosslake Shoreline Rapid Assessment Model and development of a shoreland vegetation restoration plan, if applicable, as set forth in Article 19.
(10) Only one auxiliary cottage or auxiliary quarter is allowed on a lot.

Sec. 26-315 Duplex Dwellings

A duplex dwelling may be permitted on a residential lot in the Shoreland District provided it meets the following standards:

(1) The lot meets the duplex lot standards in Table 26-307A.
(2) Each building shall have a conforming sewage treatment and water systems.
(3) For riparian lots, watercraft docking facilities shall be centralized in one location and serve both dwelling units in the building.
(4) The maximum impervious surface limits for the lot are not exceeded.
(5) Construction complies with all provisions of Articles 20 and 21 of this Chapter.

Sec. 26-316 Reserved

Sec. 26-317 Water-oriented Accessory Structures

(1) Water-Oriented Accessory Structures on Waterfront Commercial Lots. One water oriented accessory structure not meeting the structure setbacks in Table 26-308A of this Article may be placed with a permit on a waterfront commercial lot provided the following standards are met:
- **a)** The structure or facility shall not exceed 15 feet in height and cannot occupy an area greater than 250 square feet;
- **b)** 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;
- **c)** 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;
- **d)** The structure shall not be used for human habitation.
- **e)** The structure shall not be located within a bluff impact zone.
- **f)** Construction complies with all provisions of Articles 20 and 21 of this Chapter.
- **g)** The maximum impervious surface limits for the lot are not exceeded.

(2) Water-Oriented Accessory Structures on Riparian Residential Lots. One water oriented accessory structure not meeting the structure setbacks in Table 26-308A of this Chapter may be placed with a shoreland alteration permit on a riparian residential lot provided the following standards are met:
- **a)** The structure or facility must not exceed 12 feet in height and cannot occupy an area greater than 120 square feet.
- **b)** The setback of the structure or facility from the ordinary high water level must be at least 20 feet.
- **c)** 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
- **d)** Construction complies with all provisions of Articles 20 and 21 of this Chapter.
- **e)** The maximum impervious surface limits for the lot are not exceeded.
- **f)** The structure shall not be located within a bluff impact zone.
- **g)** The structure shall not be used for human habitation.
- **h)** The structure shall not include bathroom facilities.

(3) Boathouses
- **a)** New boathouses and boat storage structures that do not meet the setback requirements in Tables 26-308A & 308B of this Article are prohibited.
- **b)** Existing boathouses and boat storage structures may be repaired or replaced pursuant to Minn. Statutes. Chapter 462.357, subd. 1e.

Sec. 26-318 Retaining Walls

(1) A retaining wall may be installed with a shoreland alteration permit in shore impact zones 1 or 2 provided the following standards are met:

a) The Department determines that there is no other alternative to control erosion.
b) No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesota-licensed professional engineer.
c) Construction complies with all provisions of Articles 20 and 21 of this Chapter.

(2) A retaining wall may be installed without a permit behind the structure setback provided that:
a) It does not significantly alter the character of the property or does not create runoff or erosion problems.
b) Construction complies with all provisions of Articles 20 and 21 of this Chapter.

Sec. 26-319 Boardwalks

A boardwalk used for lake access over wetlands within the structure setback area shall require a shoreland alteration permit and meet the following standards:

(1) Shall not exceed six feet in width on residential properties or eight feet for water-oriented commercial properties;
(2) May be placed on temporary or permanent supports;
(3) May have railings attached;
(4) Shall meet property line setbacks.

Sec. 26-320 Watercraft Access Ramps

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

(1) Are permitted for private residential lots only on lakes without Public Accesses.
(2) May be permitted for Conservation Development lake access, if authorized, or water-oriented commercial uses on any lake classified General Development or Recreational Development.
(3) Shall only consist of pervious surfaces in shore impact zone 1.
(4) Shall not exceed 15 feet in width from the lake to the structure setback line.
(5) Shall not include filling of wetlands.
(6) Construction complies with all provisions of Articles 20 and 21 of this Chapter.
(7) The maximum impervious surface limits for the lot are not exceeded.

Sec. 26-321 Controlled and Alternative Access Lots

(1) 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 subdivisions or plats, are prohibited.
(2) 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.

Sec. 26-322 Temporary Structures in the Shoreland District

(1) A maximum of two temporary structures at one time may be allowed without a permit for no more than 14 total days within a year provided there is a principal structure on the property and the criteria specified in subsection (4) of this section are met.
(2) Temporary structures such as travel trailers/travel vehicles, etc. are allowed to be stored on a property with a principal structure provided the temporary structure is licensed. The temporary structure is not to be used as a dwelling for more than 14 continuous days within a year. The temporary structure must be highway ready, meaning on wheels or the internal jacking system, must not be attached to the on-site sewage treatment system, and can only be attached to the site by quick disconnect type utilities

commonly used in campgrounds and trailer parks. The temporary structure cannot have any type of structural additions, including, but not limited to, decks, patios and screened porches.

(3) A permit for a one-time two-year period is authorized to store one temporary structure on a property without a principal structure. The temporary structure can be used as a dwelling for more than 14 continuous days per year provided all criteria specified in subsection (4) of this section are met.

(4) Minimum facilities for camping under a temporary structure permit shall include a fire pit (meeting DNR requirements), a method for the storage and/or treatment and disposal of sewage (meeting MPCA chapter 7080 standards), and provisions for solid waste; all recreational vehicles or other camping units shall be completely removed from the property after use during the allowed time limit, and no accessory structures shall be constructed or placed without a permit. All temporary structures shall meet all required structural setbacks.

Sec. 26-323 Use of Fertilizer

All application of fertilizer containing phosphorus within the shoreland zone shall be done pursuant to Minnesota Statutes, Chapter 18C.60.

Secs. 26-324—26-343 Reserved

ARTICLE 12 RURAL RESIDENTIAL DISTRICT STANDARDS

Sec. 26-344 Purpose

The purpose of this district is to establish and maintain a low density residential district with 5 acre minimum lot sizes outside the shoreland zone, preserving the character of the city and providing a rural single family setting with limited agriculture/forestry uses. The primary use within this district is single family residential and agriculture/forestry. Compatible commercial uses may be allowed as conditional uses.

Sec. 26-345 Rural Residential Density and Dimensional Standards

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

Minimum Lot Area	Minimum Lot Width	Structure Lot Line Setbacks	Public Right of Way Frontage	Road Right – of-Way Setback	Maximum Impervious Coverage	Structure Height
5 acres	300’	10’	33’	35’	25%	35’

Sec. 26-346 Rural Residential Performance Standards

The following performance standards shall apply in the Rural Residential District. Other general standards also apply:

(1) The Best Management Practices for Minnesota for Agriculture and Water Quality, Minnesota Pollution Control Agency, shall hereby be adopted as a reference for agriculture areas.

(2) The Best Management Practices in Minnesota for Water Quality in Forest Management, Minnesota Department of Natural Resources, shall hereby be adopted as a reference for timber management.

(3) **Auxiliary Cottage/Auxiliary Quarters**

a) It meets all required setbacks.

b) The maximum impervious surface limits for the lot shall not be exceeded.
c) The maximum building footprint does not exceed 900 square feet.

(4) Temporary structures.

a) A maximum of two temporary structures at one time may be allowed without a permit for no more than 14 total days within a year provided there is a principal structure on the property and the criteria specified in subsection (4) of this section are met.
b) Temporary structures such as travel trailers/travel vehicles, etc. are allowed to be stored on a property with a principal structure provided the temporary structure is licensed. The temporary structure is not to be used as a dwelling for more than 14 continuous days within a year. The temporary structure must be highway ready, meaning on wheels or the internal jacking system, must not be attached to the on-site sewage treatment system, and can only be attached to the site by quick disconnect type utilities commonly used in campgrounds and trailer parks. The temporary structure cannot have any type of structural additions, including, but not limited to, decks, patios and screened porches.
c) A permit for a one-time two-year period is authorized to store one temporary structure on a property without a principal structure. The temporary structure can be used as a dwelling for more than 14 continuous days per year provided all criteria specified in subsection (4) d) of this section are met.
d) Minimum facilities for camping under a temporary structure permit shall include a fire pit (meeting DNR requirements), a method for the storage and/or treatment and disposal of sewage (meeting MPCA chapter 7080 standards), and provisions for solid waste; all recreational vehicles or other camping units shall be completely removed from the property after use during the allowed time limit, and no accessory structures shall be constructed or placed without a permit. All temporary structures shall meet all required structural setbacks.

Secs. 26-347—26-374 Reserved.

ARTICLE 13 COMMERCIAL DISTRICT STANDARDS

Sec. 26-375 Purpose and Intent

The purpose and intent of this article is to support the development of commercial and light 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:

(1) Maximize Crosslake's potential as a healthy community providing for business, residential and recreational opportunities.
(2) Support a strong, ongoing working relationship between Crosslake, Crow Wing County, and the adjacent Townships in all matters related to planning and the provision of public services.
(3) Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Crosslake.
(4) Plan land uses and implement standards to minimize land use conflicts.
(5) Support development that enhances community character and identity.
(6) Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.
(7) Support the economic viability of the Commercial Districts.
(8) To encourage lighting that provides safety, utility, and security without glare onto public roads, private residences, and atmospheric light pollution;
(9) To 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;
(10) To treat wastewater to protect public health and safety, and to protect ground and surface water; and;
(11) To establish reasonable regulation for design, construction, installation, and maintenance of all exterior signs.

Sec. 26-376 Plan Submission Requirements

All commercial site development, structure construction, or parking area modifications shall require the property owner or developer to submit a plan meeting the standards of this Chapter:

(1) Site plan meeting the standards in Article 13 of this Chapter with setbacks and wetlands identified;
(2) Landscape, screening, and lighting plan meeting the standards in Article 28 of this Chapter;
(3) Architectural plan meeting the standards in Article 29 of this Chapter;
(4) Off street loading and parking plan meeting the standards in Article 26 of this Chapter;
(5) Storm water management plan according to requirements in Article 20;
(6) Waste disposal plan meeting Minnesota Rule, Chapter 7035 standards,
(7) Wastewater treatment plan meeting the standards in Article 31 of this Chapter.

Sec. 26-377 Waterfront Commercial District

(1) The purpose of this district is to accommodate commercial uses in the shoreland district including marinas, resorts, restaurants, bars, rental units, campgrounds, and related uses on General Development (GD) and Recreational Development (RD) lakes only where access to and use of a surface water feature is an integral part of the businesses.

(2) **Waterfront Commercial Density and Dimensional Standards**. All commercial lots, structures, and uses in the Waterfront Commercial District created or constructed after March 1, 2015 of this Chapter shall meet the following density and dimensional requirements:

Lake Class	Minimum Lot Area	**Minimum Lot Width**	**Structure Lot Line Setbacks-Residential**	**Structure Lot Line Setbacks-Commercial**	**Public Right of Way Frontage**	**Setback Between Bldgs.**	**City Street Right of Way setback**	**County Road Right–of-Way Setback**	**Maximum Impervious Coverage**	**Structure Height**
GD	5 acres	400’	30’	10’	33’	15’*	15’	35’	35%	30’
RD	5 acres	400’	30’	10’	33’	15’*	15’	35’	25%	30’
NE (existing only)	10 acres	800’	30’	10’	33’	15’*	15’	35’	20%	30’

* Unless using common wall construction

Sec. 26-378 Limited Commercial District

(1) The purpose of this district is to establish and provide a commercial environment with a limited mixture of commercial and office related development and services. A limited commercial district may be located within or outside the shoreland zone.

(2) **Limited Commercial Density and Dimensional Standards**. All lots, structures, and uses in the Limited Commercial District created or constructed after March 1, 2015 shall meet the following density and dimensional requirements:

Minimum Lot Area sq. ft.	**Minimum Lot Width**	**Structure Lot Line Setbacks-Residential**	**Structure Lot Line Setbacks-Commercial**	**Public Right of Way Frontage**	**Setback Between Bldgs.**	**City Street Right of Way setback**	**County Road Right–of-Way Setback**	**Maximum Impervious Coverage**	**Structure Height**
20,000	100’	20’	5’	33’	0	15’	35’	50%	30’

Sec. 26-379 Downtown Commercial District Standards

(1) The purpose of this district is to maintain a pedestrian-oriented commercial district consisting of retail, offices and professional services. A downtown commercial district may be located within or outside the shoreland zone.

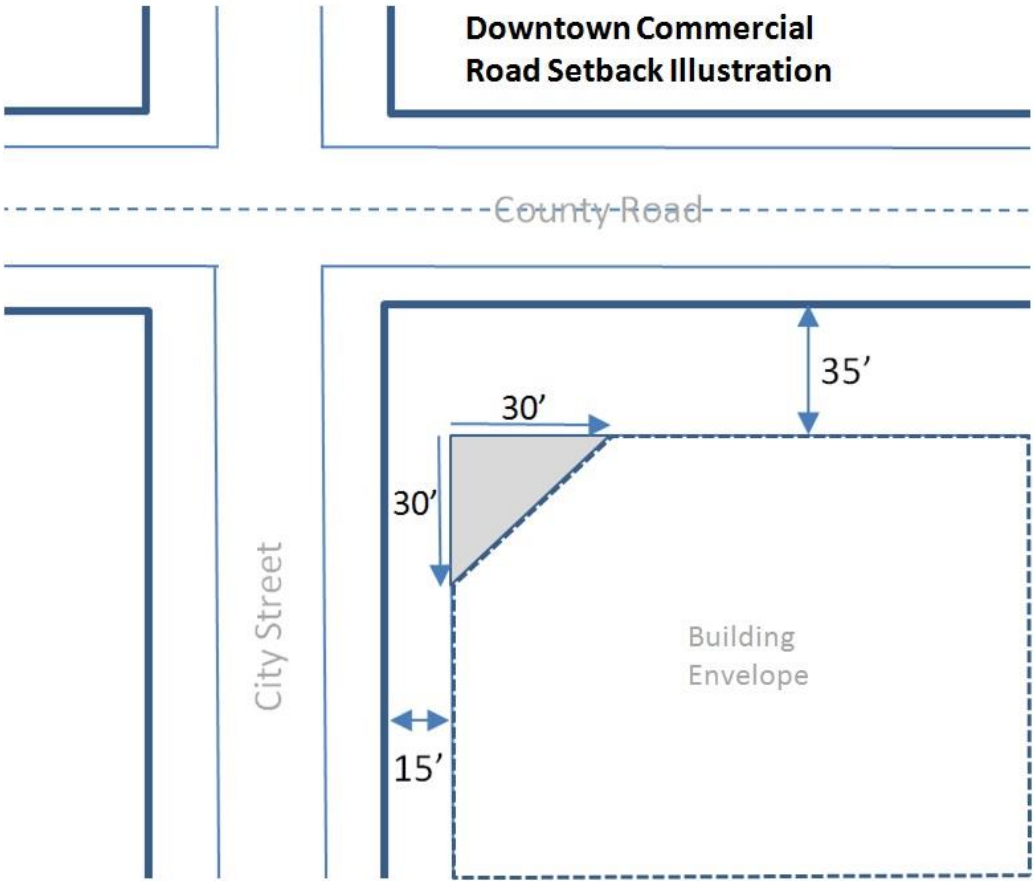
(2) Downtown Commercial Density and Dimensional Standards. All lots, structures, and uses in the Downtown Commercial District created or constructed after March 1, 2015 shall meet the following density and dimensional requirements:

Minimum Lot Area Sq Ft	Minimum Lot Width	Structure Lot Line Setbacks-Residential	Structure Lot Line Setbacks-Commercial	Public Right of Way Frontage	Setback Between Bldgs.	City Street Right – of-Way Setback	County Road Right – of-Way Setback	Maximum Impervious Coverage	Structure Height
15,000	50’	20’	0’	33’	0’	15’	35’	80%	30’

(3) Downtown Commercial Performance Standards.

a) Setbacks. Buildings on corner lots will be required to maintain a minimum 30 foot sight triangle from the intersecting right-of-way lines (streets, alleys, etc.) within which no structures or improvements over 30 inches in height would be allowed to maximize traffic visibility and sight lines as exemplified in the following illustration.

Table 26-379A Downtown Commercial Road Setback Illustration



b) Overhangs and any other building protrusions/extensions shall not be considered when measuring setbacks if they do not extend more than 3 feet beyond the exterior wall facade. If an overhang and

any other building protrusions/extension extends more than 3 feet beyond the exterior wall façade, then the setback is measured from the drip line of the overhang.

Sec. 26-380 Commercial/Light Industrial Standards

(1) The purpose of this district is to establish and maintain a district for light industrial purposes with commercial activities which can provide the employment opportunities for the residents of the community, allow for the production and manufacture of goods and products, provide for the retail or wholesale display and sale of the goods and products manufactured on the site with other related products or services, and provide professional contractor services and related office uses.

(2) **Commercial/Light Industrial Density and Dimensional Standards**. All lots, structures, and uses in the Commercial/Light Industrial District created or constructed after March 1, 2015 shall meet the following density and dimensional requirements:

Minimum Lot Area Sq Ft	Minimum Lot Width	Structure Lot Line Setbacks-Residential	Structure Lot Line Setbacks-Commercial	Public Right of Way Frontage	Setback Between Bldgs.	City Street Right – of-Way Setback	County Road Right – of-Way Setback	Maximum Impervious Coverage	Structure Height
20,000	150’	30’	5’	100’	10’	35’	35’	50%	30’

Secs. 26-381—26-412 Reserved

ARTICLE 14 FLOODPLAIN OVERLAY DISTRICT STANDARDS

Sec. 26-413 Purpose

(1) This Article regulates development in the flood hazard areas of Crosslake. 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.

(2) 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.

(3) 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.

Sec. 26-414 General Provisions.

(1) This Article adopts the floodplain maps applicable to the City of Crosslake and includes three floodplain districts: Floodway, Floodway Fringe, and General Floodplain.

- **a)** Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 26-416 or 26-417 will apply, depending on the location of a property.
- **b)** 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 Section 26-416 apply unless the floodway boundary is determined,

according to the process outlined in Section 26-418. Once the floodway boundary is determined, the Flood Fringe District standards in Section 26-417 may apply outside the floodway.

(2) Lands to Which Article Applies: This Article shall apply to all lands within the jurisdiction of the City of Crosslake 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.

a) 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 Chapter. In case of a conflict, the more restrictive standards shall apply.

(3) 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 Land Use District Map and this Chapter. The attached material includes the flood insurance study and rate maps for the city, dated July 1, 1987, the Flood Insurance Study for Crow Wing County, Minnesota, and Incorporated Areas, dated May 15, 1991 and the Flood Insurance Rate Map panels 270091 0025 B and 270091 0050 B~~,~~ prepared by the Federal Emergency Management Agency. These materials are on file in the City Clerk's office.

(4) 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.

(5) Interpretation: The boundaries of the land use districts shall be determined by scaling distances on the Flood Insurance Rate Map.

a) 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.

b) 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.

(6) 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 the City of Crosslake or its officers or employees for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

(7) Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 26-414 (3) above may include floodplain areas that lie outside of the corporate boundaries of the City of Crosslake at the time of adoption of this Article. If any of these floodplain land areas are annexed into the City of Crosslake after the date of adoption of this Chapter, the newly annexed floodplain lands shall be subject to the provisions of this Article immediately upon the date of annexation.

Sec. 26-415 Establishment of Flood Land use districts.

(1) Districts:

a) Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in 26-414 (3).

b) Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Insurance Rate Map adopted in 26-414 (3), as being within Zones AE**,** AO, or AH but being located outside of the floodway.

c) General Floodplain District. The General Floodplain District shall include those areas designated as Zone A or Zones AE, AO, or AH without a floodway on the Flood Insurance Rate Map adopted in 26-414 (3).

(2) 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 Sections 26-416, 26-417, and 26-418 respectively, shall be prohibited. In addition, a caution is provided here that:

a) New and replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this Article and specifically Section 26-421.

b) 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 and specifically Section 26-423.

c) As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Article and specifically as stated in Section 26-422 of this Article.

Sec. 26-416 Floodway District (FW)

(1) Permitted Uses: The following uses, subject to the standards set forth in Section 26-416 (2), are permitted uses if otherwise allowed in the underlying land use district or any applicable overlay district:

a) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

b) Industrial-commercial loading areas, parking areas, and airport landing strips.

c) 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.

d) Residential lawns, gardens, parking areas, and play areas.

e) 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 Sections 26-416 (4) a), 26-416 (5) a)and 26-416 (8) of this Article are met.

(2) Standards for Floodway Permitted Uses.

a) The use shall have a low flood damage potential.

b) With the exception of the uses listed in Section 26-416 (1) e), 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.

c) 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.

(3) Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 26-422 (5) of this Article and further subject to the standards set forth in Section 26-416 (4), if otherwise allowed in the underlying land use district or any applicable overlay district:

a) Structures accessory to the uses listed in Section 26-416 (1), above and the uses listed in b)-f) below.

b) Extraction and storage of sand, gravel, and other materials.

c) Marinas, boat rentals, docks, piers, wharves, and water control structures.

d) Storage yards for equipment, machinery, or materials.

e) Placement of fill or construction of fences that obstruct flood flows.

f) Road-ready recreational vehicles meeting the exception standards in Section 26-421 (3)

(4) Standards for Floodway Conditional Uses:

a) 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.

b) Fill; Storage of Materials and Equipment:

i. 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.

ii. 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.

iii. 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 the City of Crosslake has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

(5) Accessory Structures:

a) Accessory structures shall not be designed for human habitation.

b) 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:

i. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and

ii. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

c) 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:

i. The structure must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, and;

ii. Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed.

d) 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:

i. 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

ii. 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.

(6) 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.

(7) 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.

(8) Floodway developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

Sec. 26-417 Flood Fringe District (FF)

(1) 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 Section 26-417 (2) below.

(2) Standards for Flood Fringe Permitted Uses:

a) 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 Section 26-416 (5).

b) 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 Section 26-417 (2) a) of this Article, or if allowed as a conditional use under Section 26-417 (3) c) below.

c) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

d) 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.

e) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method.

f) 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 the City of Crosslake.

g) 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.

h) 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.

i) Flood fringe developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

j) Manufactured homes and recreational vehicles must meet the standards of Section 26-421 of this Article.

(3) 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 Section 26-422 of this Article. Conditional uses shall meet the standards in Sections 26-417 (2) d) through j) and Sections 26-417 (4).

a) Any structure that is not elevated on fill or flood proofed in accordance with Sections 26-417 (2) a) of this Article.

b) Storage of any material or equipment below the regulatory flood protection elevation.

c) 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 Sections 26-417 (2) a) of this Article.

(4) Standards for Flood Fringe Conditional Uses:

a) The standards listed in Sections 26-417 (2) d) through j) apply to all conditional uses.

b) 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:

i. 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.

ii. 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.

c) Basements, as defined in Article 43 of this Chapter, shall be subject to the following:

i. Residential basement construction is not allowed below the regulatory flood protection elevation.

ii. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with 26-417 (4) d) of this Article.

d) 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.

e) 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.

Sec. 26-418 General Floodplain District (GF)

(1) Permitted Uses:

a) The uses listed in Section 26-416 (1) of this Article, Floodway District Permitted Uses, shall be permitted uses.

b) All other uses shall be subject to the floodway/flood fringe evaluation criteria specified in Section 26-418 (2) below. Section 26-416 shall apply if the proposed use is determined to be in the Floodway District. Section 26-417 shall apply if the proposed use is determined to be in the Flood Fringe District.

(2) Procedures for Floodway and Flood Fringe Determinations:

a) Upon receipt of an application for a permit or other approval within the General Floodplain District, the Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

b) 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 Section 26-418 (2) c) below.

c) The determination of floodway and flood fringe must include the following components, as applicable:

i. Estimate the peak discharge of the regional (1% chance) flood.

ii. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

iii. 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.

d) The 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 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 Administrator may approve or deny the application.

e) Once the Floodway and Flood Fringe District Boundaries have been determined, the Administrator shall process the permit application consistent with the applicable provisions of Sections 26-416 and 417 of this Article.

Sec. 26-419 Land Development Standards

(1) 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 the City of Crosslake.

(2) 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.

a) 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.

b) 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 the City of Crosslake. 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.

c) 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.

d) In the General Floodplain District, applicants shall provide the information required in Section 26-418 (2) of this Article to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

i. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal shall be reviewed to assure that;

ii. All such proposals are consistent with the need to minimize flood damage within the flood prone area;

iii. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and;

iv. Adequate drainage is provided to reduce exposure of flood hazard.

(3) 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:

a) 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,
b) Constructed with materials and utility equipment resistant to flood damage,
c) Constructed by methods and practices that minimize flood damage, and
d) 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.

Sec. 26-420 Public Transportation Facilities: Roads and Bridges

(1) 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.
(2) Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Sections 26-416 and 417 of this Article. 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.
(3) 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 Section.

Sec. 26-421 Manufactured Homes, Manufactured Home Parks, and Recreational Vehicles

(1) **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 Section 26-417 of this Article and the following standards.
(2) **Placement of Manufactured Homes**: New and replacement manufactured homes in the Flood Fringe District must comply with the following standards:
- **a)** New and replacement manufactured homes must be elevated in compliance with Section 26-417 of this Article 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.
- **b)** New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 26-419 (2) b).

(3) **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.
- **a)** 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 Section 26-421 (3) b):
  - **i.** Individual lots or parcels of record.
  - **ii.** Existing commercial recreational vehicle parks or campgrounds.
  - **iii.** Existing condominium-type associations.
- **b)** Criteria for Exempt Recreational Vehicles:
  - **i.** The vehicle must have a current license required for highway use.

ii. 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.

iii. No permanent structural type additions may be attached to the vehicle.

iv. The vehicle and associated use must be permissible in any pre-existing, underlying land use district.

v. 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 Section 26-421 (2) b).

vi. An accessory structure shall constitute a minimal investment.

c) Recreational vehicles that are exempt in Section 26-421 (3) b) 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 Section 26-417 of this Article. 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.

d) 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:

i. 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 Section 26-419 (2) b) of this Article.

ii. 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 Section 26-422 (5) of the Article.

(1) The applicant must submit an emergency plan for the safe evacuation of all vehicles and people acceptable to the City of Crosslake, as specified in Section 26-419 (2) b). The plan shall demonstrate that adequate time and personnel exist to carry out an evacuation, and that the exemption provisions of Section 26-421 (3) a) of this Article will be met; and

(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 Section 26-420 (3) of this Article.

(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.

Sec. 26-422 Floodplain Overlay District Administration

(1) **Permit Requirements**. In addition to the other requirements of this Chapter, the following shall require a permit in the Floodplain Overlay District:

a) 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 43 of this Chapter.

b) The use or change of use of a building, structure, or land;

c) The construction of a dam, fence, or on-site septic system;

d) The change or extension of a nonconforming use;

e) The repair of a structure that has been damaged by flood, fire, tornado, or any other source;

f) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain;

g) Relocation or alteration of a watercourse, unless a public waters work permit has been applied for;

h) Any other type of “development” as defined in this Article 43 of this Chapter.

(2) **Certification**. Applicants shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor 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 or registered architect.

(3) **Record of First Floor Elevation**. The 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 Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood proofed.

(4) **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).

(5) **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.

(6) **Variances:**

a) **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.

b) **Additional Variance Criteria**. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

i. 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.

ii. Variances shall only be issued by the Planning Commission/Board of Adjustment upon a determination that 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.

iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

c) **Flood Insurance Notice.** The 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.

d) **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:

i. The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

ii. The danger that materials may be swept onto other lands or downstream to the injury of others;

iii. 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;

iv. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

v. The importance of the services to be provided by the proposed use to the community;

vi. The requirements of the facility for a waterfront location;

vii. The availability of viable alternative locations for the proposed use that are not subject to flooding;

viii. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

ix. The relationship of the proposed use to the Comprehensive Land Use Plan and Floodplain management program for the area;
x. The safety of access to the property in times of flood for ordinary and emergency vehicles;
xi. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

e) **Record-Keeping**. The 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 Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(7) **Conditional Uses**

a) **Factors Upon Which the Decision of the City Shall Be Based**. In passing upon conditional use applications, the Planning Commission/Board of Adjustment shall consider all relevant factors specified in Section 26-422 (4) d) of this Article.

b) **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:

i. Modification of waste treatment facilities.
ii. Limitations on period of use, occupancy, and operation.
iii. Imposition of operational controls, sureties, and deed restrictions.
iv. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
v. 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.

Sec. 26-423 Nonconformities

(1) **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:

a) 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.

b) 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 in Sections 26-423 (c) and (g) below.

c) 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 Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

d) If any nonconformity is substantially damaged, as defined in Article 43 of this Chapter, 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 Sections 26-416 or 417 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

e) If any nonconforming use or structure experiences a repetitive loss, as defined in Article 43 of this Chapter, it shall not be reconstructed except in conformity with the provisions of this Article.

f) Any substantial improvement, as defined in Article 43 of this Chapter, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Sections 26-416 or 417 of this Article for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

Sec. 26-424 Amendments

(1) **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.

(2) **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.

(3) **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 Section 26-414 of this Article.

Secs. 26-425—26-437 Reserved

PART III DEVELOPMENT STANDARDS

ARTICLE 15 STREETS, SIDEWALKS, AND RIGHTS OF WAY

Sec. 26-438 Standards

All streets, sidewalks, and rights-of-way shall meet the standards and specifications in Chapter 42 of the Code of Ordinances of the City of Crosslake.

ARTICLE 16 SUBDIVISIONS OF LAND

Sec. 26-439 Standards

All land subdivisions shall comply with the minimum requirements of this Chapter and be completed in accordance with the procedures established in Chapter 44 of the Code of Ordinances of the City of Crosslake.

Secs. 26-440—26-478 Reserved

ARTICLE 17 RESERVED

Secs. 26-479—26-484 Reserved

ARTICLE 18 RESERVED

Secs. 26-485—26-512 Reserved

ARTICLE 19 SHORELAND VEGETATION BUFFER STANDARDS

Sec. 26-513 Purpose and Scope

(1) Purpose: The purpose of these vegetation buffer standards is to reduce erosion and sedimentation to surface waters, filter stormwater runoff, protect water quality by controlling nutrient movement, protect riparian habitats, protect stream banks, maintain stability of bluffs and steep slopes, and provide natural screening of shoreland development to protect natural resources.

(2) Scope: Alterations of natural vegetation and topography adjacent to public waters shall be controlled to prevent erosion into public waters, fix nutrients, infiltrate stormwater runoff, preserve natural shoreland and historic values, prevent bank and bluff collapse, limit impacts on water quality, and protect fish and wildlife habitat.

(3) Vegetation removal necessary for the construction of structures and sewage treatment systems in the rear lot zone (RLZ) under approved permits or variances are exempt from these vegetative buffer standards. However, the provisions of Articles 28 and 41 of this Chapter must be met for issuance of permits for structures and sewage treatment systems.

(4) Vegetation buffer management standards apply to residential and commercial developments. Public roads and water access facilities, public gathering or event areas within public parks, and public beaches with swimming areas are exempt from these standards.

Sec. 26-514 Bluff and Steep Slope Vegetation Standards

(1) A vegetative 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 25 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 landings, lifts, and access paths 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 City 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."

Sec. 26-515 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 Section 26-517 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 as 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.

Sec. 26-516 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;
- **c)** To accommodate the creation of a permitted shoreline recreation use area pursuant to Section 26-517.

Sec. 26-517 Creation of 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.

(2) One fire pit shall be allowed in any shoreline recreation use area provided:
- **a)** That the fire pit is located a minimum of 20 feet from the OHW;
- **b)** All ash is disposed of in the RLZ away from any public water;
- **c)** Any runoff from the fire pit area is not allowed to enter the public water.

Sec. 26-518 Vegetation Mitigation

(1) To protect water quality and safeguard sensitive areas, on-site vegetative mitigation on riparian lots is required for:
- **a)** A variance granted to the standards of this Chapter;
- **b)** Issuance of a permit for lots located on Natural Environment Lakes as per Section 26-516;
- **c)** Issuance of any conditional permit where evaluation and assessment determine the need for additional environmental protection.
- **d)** A no maintenance shoreline buffer shall be required for the issuance of a permit on riparian lots that exceeds 20% total lot impervious coverage but does not exceed 25% subject to the Shoreline Rapid Assessment Model as defined by this Chapter.

(2) Mitigation shall be proportional to the impact of the proposed project.
(3) Required mitigation shall be determined by the Department according to the Shoreline Rapid Assessment Model approved by the City Council.

Secs. 26-519—26-546 Reserved

ARTICLE 20 STORMWATER MANAGEMENT

Sec. 26-547 Purpose and Intent

(1) 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.
(2) The Department shall evaluate the storm water management needs of each lot in doing all reviews, approvals, and permit issuances.
(3) 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.

Sec. 26-548 Impervious Surface Standards

(1) Shoreland District--Shoreland Protection Zone. Impervious surface coverage shall not exceed the limits as set forth in Table 26-548A:
- **a)** 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 Section 26-549, and the following:
  - **i.** The Department shall consider proper stormwater management and recommend to applicants best management practices as set forth in the Minnesota Stormwater Manual.
- **b)** 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 Section 26-549, and the following:
  - **i.** Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.
  - **ii.** The Department shall conduct an on-site inspection of stormwater management system to ensure compliance with the approved stormwater management plan.
  - **iii.** The Administrator shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Administrator that an engineered stormwater plan is necessary shall be made in writing on a form approved by the Department 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 City Council.
- **c)** On lots with total impervious surface coverage that exceeds 20% but does not exceed 25%, 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 Section 26-549, and the following:

i. A no maintenance shoreline buffer shall be created on riparian lots pursuant to Section 26-518 of this Chapter.
ii. A permitted path not exceeding 15 feet and a new shoreline recreation use area shall be allowed pursuant to Section 26-517 of this Chapter.
iii. Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.
iv. The Department shall conduct an on-site inspection of stormwater management systems to ensure compliance with the approved stormwater management plan.
v. The Administrator shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Administrator that an engineered stormwater plan is necessary shall be made in writing on a form approved by the City Council 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 Planning Commission/Board of Adjustment.

d) Maximum impervious surface coverage in the Shoreland Protection Zone shall not exceed the following:

Table 26-548A Shoreland Protection Zone Impervious Surface Limits

Development or Use	Maximum Impervious Surface	Applicable Area
Residential lots with no stormwater plan required per Section 26-548, (1) a)	15%	Total lot area above the OHW
Residential lots with stormwater plan as per Section 26-548, (1) b)	20%	Total lot area above the OHW
Residential lots with stormwater plan & shoreline buffer per Section 26-548, (1) c)	25%	Total lot area above the OHW
New Conservation Developments with stormwater plans per Article 27*	30%	Average Dwelling unit lot
Existing Planned Unit Developments with stormwater plans per Section 26-549*	60%	Average Dwelling unit lot

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

(2) Shoreland District--Shoreland Buffer Zone. Impervious surface coverage shall not exceed the limits in table 26-548B.

a) The Department shall consider proper stormwater management for all permits in the shoreland buffer zone and recommend to applicants best management practices as set forth in the Minnesota Stormwater Manual.

Table 26-548B Shoreland Buffer Zone Impervious Surface Limits

Development or Use	Maximum Impervious Surface	Applicable Area
Residential lots with BMP's per Section 26-548, (2)	25%	Total lot area
New Conservation Developments with stormwater plans per Section 26-549*	30%	Average Dwelling unit lot
Existing Planned Unit Developments with stormwater plans per Section 26-549*	60%	Average Dwelling unit lot

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

(3) Non-Shoreland Districts. Impervious surface coverage outside the Shoreland District shall not exceed the limits in table 26-548C:

Table 26-548C 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 per Section 26-549*	40%	Average dwelling unit lot
Existing Planned Unit Developments with stormwater plans per Section 26-549*	75%	Average dwelling unit lot

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

(4) Commercial Districts. Impervious surface coverage in Commercial Districts shall not exceed the limits in table 26-548D:

Table 26-548D Commercial Impervious Surface Limits

Development or Use	Maximum Impervious Surface	Applicable Area
GD Waterfront Commercial with stormwater plans per the standards in this Article	35%	Total lot area
RD Waterfront Commercial with stormwater plans per the standards in this Article	25%	Total lot area
NE Waterfront Commercial with stormwater plans per the standards in this Article (existing only)	20%	Total lot area
Limited Commercial with stormwater plans per the standards in this Article	50%	Total lot area

Downtown Commercial with stormwater plans per the standards in this Article	80%	Total lot area
Commercial/Light Industrial with stormwater plans the standards in this Article	50%	Total lot area

Sec. 26-549 General Standards

(1) 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.

(2) Approved permits that create over 10,000 square feet of new impervious surface on a lot 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.

(3) 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 must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(4) All management technologies must be consistent with the most current version of the Minnesota Stormwater Manual, which is incorporated herein by reference.

(5) Performance security as specified in Sec 26-72 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.

(6) 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 unless the driveway is constructed with approved pervious materials. The Department shall use actual on-site driveway dimensions if such data is provided by the applicant.

(7) 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:

- **a)** No credit may be given for a permeable pavement system in a shore or bluff impact zone, except as otherwise allowed for watercraft access ramps;
- **b)** 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 unless there is an outlet to another stormwater treatment area; and
- **c)** The design of a permeable pavement system must allow the infiltration of one inch of stormwater on the pavement surface.

Sec. 26-550 Management of Stormwater Facilities

(1) 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 Council 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.

(2) 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.

Sec. 26-551 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.

Secs. 26-552—26-572 Reserved

ARTICLE 21 DIRT MOVING

The standards in this Article shall apply to all dirt moving activity within the City.

Sec. 26-573 Policy

It is the policy of the City Council that protection of wetlands, protected waters, sensitive slopes, bluff areas, and related land resources is essential to the welfare of the City and adopts a dirt moving permit review process to protect those resources.

Sec. 26-574 Applicability and Permits

(1) The standards in this Article shall apply to all dirt moving activities within the City. Except as specified in 2, a through j 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 20 of this Chapter.

(2) The following activities shall not require a land alteration permit but must meet the provisions of Section 26-575:

- **a) 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.
- **b) 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.
- **c) Private roads or driveways.** The construction of a private driveway, access road, or parking area provided that they:
  - **i.** Meet all structure setbacks for the land use district in which they are located;
  - **ii.** Are properly screened from adjacent properties and public waters;
  - **iii.** Are not located within wetlands;
  - **iv.** Are not in a bluff impact zone or shore impact zone 1 or 2.
  - **v.** No permit is required for resurfacing provided the road or driveway is not expanded.
- **d) Approved agricultural road.** Agricultural roads for machinery, livestock crossings, or shoreline stabilization on agricultural land with a stabilization plan approved by the Department.
- **e) 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 the provisions of the Minnesota Rules, Chapter 8420. Spoils shall be deposited in a manner consistent with this Article and shall require a land alteration permit from the City if the deposits occur in the Shoreland District.

f) **Approved agricultural improvements.** The construction of livestock watering ponds 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 or non-shoreland districts.

g) **Rip rap that meets standards.** Placement of natural rock rip-rap, 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.

h) **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. This dirt moving activity does not apply towards the cumulative amount prescribed in Section 26-575 of this article.

i) **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.

j) **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 not be required to place 50 cubic yards of sand annually on an existing sand blanket / beach on parcels located in the waterfront commercial, or other water oriented commercial uses with an approved conditional use permit. A shoreland alteration permit shall be required for new sand blankets or expansions to existing sand blankets and shall be subject to 26-575 1a.

Sec. 26-575 Standards for Dirt Moving Activities in Shoreland Areas

(1) Activities in Shore Impact Zone 1. Dirt moving activities in shore impact zone 1 shall require shoreland alteration permits and meet the following standards:

a) **Sand Blanket**.
   - **i.** 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.
   - **ii.** The natural slope of the area under the sand blanket shall be less than 10 percent. The sand shall be clean with minimal amounts of organic materials.
   - **iii.** Sand blankets shall be limited to 10 cubic yards annually.

b) **Upland Fill**. A total of up to 30 cubic yards of dirt moving may be permitted, including a sand blanket, if applicable. Permit applications must be accompanied by a site plan. Applications to move larger quantities shall be processed as conditional uses.

c) **No wetland filling shall be allowed in shore impact zone 1.**

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:
   - **i.** There shall be no topsoil or vegetative matter deposited in the lake.
   - **ii.** Any dirt moving from regrading the annual ice ridge that is used on the remainder of the property shall require a shoreland alteration permit.
   - **iii.** Depositing any sand below the OHWL is subject to DNR public waters permit rules.
   - **iv.** 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:
   - **i.** 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.

ii. On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 at each end.
iii. On waterfront commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.
iv. 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.
v. A stormwater management plan meeting the standards of Article 20 of this Chapter must be approved by the Department prior to any dirt moving.
vi. All disturbed material shall be graded landward or removed from the site.
vii. 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 Shore Impact Zone 2. Dirt moving activities in shore impact zone 2 shall require shoreland alteration permits and meet the following standards:

a) Upland Fill. 10 to 50 cubic yards of dirt moving may be permitted. An application must be accompanied by a site plan.
b) Applications to move larger quantities shall be processed as conditional uses.

(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:

a) 10 to 100 cubic yards of dirt may be moved with a permit.
b) Moving larger quantities shall be processed as conditional uses.

Sec. 26-576 Standards for Dirt Moving Activities in Non-Shoreland Areas

(1) Rural Residential District-5. Dirt moving activities in the Rural Residential-5 District shall require land alteration or conditional use permits and meet the following standards:

a) A land alteration permit is required for projects that involve the movement of over 200 cubic yards of dirt.
b) A conditional use permit is required for projects that involve the movement of over 1000 cubic yards of dirt.
c) No wetland filling shall be allowed except in accordance with the provisions of the Minnesota Rules, Chapter 8420.
d) Temporary erosion and sediment control best management practices shall be implemented.

(2) Limited Commercial District. Dirt moving activities in the Limited Commercial District shall require land alteration or conditional use permits and meet the following standards:

a) A land alteration permit is required for projects that involve the movement of over 100 cubic yards of dirt.
b) A conditional use permit is required for projects that involve the movement of over 500 cubic yards of dirt.
c) No wetland filling shall be allowed except in accordance with the provisions of the Minnesota Rules, Chapter 8420.
d) Temporary erosion and sediment control best management practices shall be implemented.

(3) Downtown Commercial District. Dirt moving activities in the Downtown Commercial District shall require land alteration or conditional use permits and meet the following standards:

a) A land alteration permit is required for projects that involve the movement of over 50 cubic yards of dirt.
b) A conditional use permit is required for projects that involve the movement of over 200 cubic yards of dirt.
c) No wetland filling shall be allowed except in accordance with the provisions of the Minnesota Rules, Chapter 8420.
d) Temporary erosion and sediment control best management practices shall be implemented.

(4) Commercial/Light Industrial District. Dirt moving activities in the Commercial/Light Industrial District shall require land alteration or conditional use permits and meet the following standards:

e) A land alteration permit is required for projects that involve the movement of over 100 cubic yards of dirt.
f) A conditional use permit is required for projects that involve the movement of over 500 cubic yards of dirt.
g) No wetland filling shall be allowed except in accordance with the provisions of the Minnesota Rules, Chapter 8420.
h) Temporary erosion and sediment control best management practices shall be implemented.

Sec. 26-577 General Standards

(1) All dirt moving activities shall comply with the standards in Article 20 of this Chapter.
(2) Soil used as fill shall be free of state-regulated contaminates.
(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.
a) Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.

b) 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.
(4) **Bluffs.** Dirt moving in a bluff impact zone is prohibited, except for the placement of stairways, lifts, or landings permitted under Section 26-313 of this Chapter.
(5) **Steep slope stabilization.** Dirt moving on steep slopes may be permitted with a stormwater and erosion control plan approved by the Department.
(6) **Dirt moving limits without a permit.** The cumulative volume of dirt permitted shall not exceed the limits set forth in Section 26-575 and 576 during a period of one calendar year.
(7) **Access across wetlands.** Lake access across wetlands in shore impact zone 1 shall be by boardwalk according to Section 26-319 of this Chapter.

Secs. 26-578—26-609 Reserved

ARTICLE 22 EXTRACTIVE USE

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

Sec. 26-610 Policy

Extractive Use mining is important to the City of Crosslake and contributes directly and indirectly to the economy of the City. 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 the City.

Sec. 26-611 Gravel Extraction Permit Classifications

G1. Top Soil Removal for Commercial purposes.
a) Temporary borrow sites incidental to construction.
b) No processing of materials or stockpiling of recyclable bituminous or demolition materials.
c) Extraction and reclamation to occur in same construction season.
d) Peat and humus extraction.
G2. All G1 uses.

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

G3. All G1 and G2 uses.

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

G4. All G1, G2 and G3 uses.

a) Site may include hot mix operations and bituminous reprocessing.

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

a) Site may include redi-mix concrete plant.

Sec. 26-612 Conditional Use Permit Required

Extractive uses shall only be allowed as a conditional use in those districts indicated in the land use classification list in Sec. 26-281. 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.

Sec. 26-613 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 insitu-leach extraction, petroleum and any other similar uses in which material is removed from the ground, except for the following:

(1) 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 Section 26-615 within one year of suspension of extraction activities if the site is visible from the public road.

Sec. 26-614 Additional CUP Information and Review Criteria

As stated in Section 26-612, 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. As part of the conditional use permit, an Operation Permit shall be required. 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:

(1) Operation permit required. It shall be required as part of the approval of the conditional use permit for an extractive use that an operation permit be issued. The operation permit shall not run with the land. The Operation Permit will be for a specific operator and for a specific time limit reviewed annually.

(2) 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:

a) The ability of roads to handle extractive related traffic.
b) Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties according to MPCA Standards.
c) Groundwater protection.
d) Property controlling access.
e) Control of erosion and sedimentation.
f) Impact within watershed.
g) In harmony with the Crosslake Comprehensive Plan.
h) Compatibility with adjacent and surrounding land use, zoning patterns and patterns of development.

(3) 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:

a) A written description of the extractive use and operation thereof; including GPS coordinates;
b) Amount of truck activity at highest and average levels; ADT (Average daily total) counts;
c) Dust control measures;
d) Buffer area, on all sides of the operation;
e) Hours of operation, along with duration of proposed activity;
f) Truck routes to and from site;
g) Types of barriers established if necessary for safety of people and livestock by the active area of excavation;
h) Property line location; and full legal description of the site and easement documentation;
i) Reclamation plans;
j) Plans for screening from adjacent properties;
k) Plans for drainage from the site;
l) Long range plans for the site; phase development and reclamation;
m) Anticipated vegetative and topographic alterations;
n) Erosion and Storm water control plan;
o) Proposed mitigation for cultural and/or archaeological sites;
p) Noise abatement plan;
q) A description of all land uses within one mile radius of the proposed extraction site.

(4) 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:
a) Location of all extractive use operations;
b) Horizontal and vertical dimensions of the extractive site;
c) All setbacks from roads and adjacent property lines;
d) Location, size and use of all structures on the parcel;
e) Location of all adjacent structures and their uses within 1/4 of a mile;
f) Area of excavation or phases of proposed excavation;
g) Extent of vegetation in buffer area;
h) All lakes, streams, and wetlands on property;
i) Location of proposed stock piles or slag piles;
j) Location of reclamation materials;
k) Depth to saturated soil and average water table depth;
l) All wells, both proposed and existing, all water sources and discharge sites;
m) USGS topographical map of the area delineating the site boundaries and access road.

(5) DNR permit. If applicant excavates into groundwater or below, a permit must also be obtained from the MN-DNR or other statutory regulatory agencies, pursuant to Minnesota Statutes, Article 103G.245. Copy of permit shall be on file prior to commencement of operations.

Sec. 26-615 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:

(1) 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:
a) The buffer area may contain the haul road if it is determined by the Department that for safety purposes the extractive site access needs to be within the buffer area.
b) The haul road may also be placed in the buffer area to avoid wetlands.

(2) Depth to groundwater separation. The applicant must indicate depth to groundwater table in plan. Boring may be required. A minimum separation of one foot above the groundwater table must be maintained unless permit is on file.

(3) 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.

a) 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.

i. The tops of banks shall be rounded to conform to the surrounding topography.

ii. 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.

b) 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.

c) Keep any extractive use, excavation or impounded waters within the limits for which the particular permit is granted.

d) Closing reclamation plan. Before any permit is issued, the applicant must submit a reclamation plan for approval by the Department. The plan shall meet the following minimum reclamation standards:

i. 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.

ii. 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.

iii. 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.

iv. 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 erosion.

v. 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.

vi. Reclamation must occur within one year of the cease of operation.

e) Water quality. The extractive use operation shall not adversely affect the quality or quantity of surface or subsurface water resources. 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.

f) 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.

g) Hours of operation. Hours of operation shall be set by the Planning Commission/Board of Adjustment.

Sec. 26-616 Performance Security

The Planning Commission/Board of Adjustment shall require performance security, as specified in Section 26-72 of this Chapter, in an amount sufficient to pay all costs associated with restoration of the extractive use site.

Secs. 26-617—26-633 Reserved

ARTICLE 23 HOME OCCUPATION/HOME BUSINESS STANDARDS

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

Sec. 26-634 Home Occupation Standards

(1) A home occupation is allowed without a permit in all land use districts.
(2) The home occupation use is clearly incidental and secondary to the use of a single family dwelling for residential purposes.
(3) There shall be a primary residence on the property that is occupied by the owner of the home occupation. The business enterprise shall be conducted exclusively within the primary residence or accessory structures.
(4) There may only be one sign, with a permit, on the parcel advertising the home occupation which shall not be illuminated, and shall not measure greater than 6 square feet in area.
(5) In addition to any residential off-street parking, two additional spaces shall be provided for the home occupation use.
(6) No person other than the occupants of the primary residence may be employed.

Sec. 26-635 Home Business Standards

(1) A home business requires a permit with performance standards or a conditional use permit (See uses in Article 26-281).
(2) The home business use is clearly incidental and secondary to the use of the single family dwelling for residential purposes.
(3) There shall be a primary residence on the property that is occupied by the business owner. The business enterprise may be conducted outside as well as within the buildings.
(4) 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 12 square feet in area.
(5) In addition to any residential off-street parking, two additional spaces shall be provided for the home business use.
(6) Persons other than those that occupy the dwelling may be employed.
(7) 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.
(8) The Planning Commission/Board of Adjustment may impose conditions on home businesses such as, but not limited to, hours of operation, parking provisions, and equipment storage.

ARTICLE 24 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.

Sec. 26-636 Policy

The policy of this Article 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.

Sec. 26-637 Construction Project Uses

(1) Mobile homes may be used:
  a) For office space on construction sites for up to 1 year.
  b) To house workers on construction sites for up to 1 year.
(2) These uses of mobile homes shall require permits and meet all setbacks in this Chapter.

Sec. 26-638 Storage Allowed

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

Sec. 26-639 Mobile Home Parks

A Mobile Home Park shall meet all State statutes and rules as well as the requirements of this Chapter.

Sec. 26-640 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.

Sec. 26-641 Application Information

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

Sec. 26-642 Compliance and Conditions

All structures shall comply with the standards in this Chapter. All sewer and water systems shall receive local and State approval before construction begins. The Planning Commission/Board of Adjustment may impose conditions in conjunction with approvals mobile home parks.

Secs. 26-643—26-655 Reserved

ARTICLE 25 FENCE STANDARDS

Sec. 26-656 General Fence Standards

(1) Construction of all fences shall require a permit.
(2) Fences shall not be erected where they create a safety hazard.
(3) Fences shall consist of posts and metal, wood, concrete, brick or smooth wire. No barbed wire shall be used except in conjunction with agricultural or commercial use where allowed.
(4) All finished sides of a fence shall face out from the interior of the lot on which the fence is located, meaning that the fence posts shall be constructed on the interior side of the fence.
(5) All finished exteriors of a fence shall be colored in a uniform manner; no florescent colored paint will be applied to any exterior portion of a fence. All exteriors of fences shall not include any signage that is not integral to the construction elements of the fence.
(6) Temporary fences, including but not limited, to construction site enclosure, snow drift fencing, or for special events shall be allowed without a permit provided:
  a. Fence shall be setback 5 feet from property line or ordinary high water mark;

b. Fence shall not exceed 4 feet in height;
c. Snow fencing shall only be allowed from October 1 to May 1;
d. Fence shall be removed within 10 days of completion of construction project or 48 hours of the conclusion of a special event.

Sec. 26-657 Residential District Fences

In residential zoning districts, fences not exceeding 78 inches in height may be constructed.

Sec. 26-658 Commercial District Fences

In commercial zoning districts, fences not exceeding 96 inches in height, plus up to three strands of barb wire on the top may be constructed around storage yards, in rear yard areas

Sec. 26-659 Fence Setbacks

Fences shall meet the following setback standards**:

Land Use District	Sideyard	Public Road Right-of-Way	Public Waters	Bluff	Adjacent Residential Use
Shoreland	0’	10’	Per lake or river class structure setback*	30’	0’
Rural Residential-5	0’	10’			0’
Water Oriented Commercial	0’	10’	Per lake or river class structure setback*	30’	
Limited Commercial	0’	10’	Per lake or river class structure setback*	30’	10’
Downtown Commercial	0’	10’	Per lake or river class structure setback*	30’	10’
Commercial/Light Industrial	0’	10’	Per lake or river class structure setback*	30’	10’

*-- fences no greater than 36 inches in height may be erected from the structure setback up to shore impact zone 1
** - it shall be the responsibility of the property owner to determine and mark the property line prior to erecting a fence.

Secs. 26-660—26-669 Reserved

ARTICLE 26 PARKING AND OFF STREET LOADING STANDARDS

Sec. 26-670 Purpose

Regulation of commercial on-site parking and loading spaces in this Article is intended to alleviate and/or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements.

Sec. 26-671 Application

(1) The regulations and requirements set forth herein shall apply to all commercial on-site parking facilities created or constructed after March 1, 2015 within the city.

(2) All commercial construction shall be accompanied by a site plan or certificate of survey, if required, indicating the location of on-site parking and loading spaces in compliance with the following requirements.

Sec. 26-672 Parking Areas Performance Standards

(1) General parking standards. All land use permit applications for commercial uses or buildings submitted after March 1, 2015 shall include provisions for off-street parking according to the following standards unless approved for alternative parking standards in 26-672, (2) below.

- **a.** The minimum parking space requirements in Table 26-672A shall be met.
- **b.** When a commercial structure is enlarged, off-street parking spaces shall be added to meet the minimum parking space requirements in Table 26-672A.
- **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.** All new commercial off-street parking shall be paved or concrete surfaced.
- **e.** The minimum size of all parking spaces shall be 10 feet wide by 20 feet long (10’ x 20’).

(2) Alternative parking standards:

- **a.** The Zoning Administrator may approve alternative parking standards if it is determined that such standards are appropriate for a business or use. An application for alternative parking standards may be submitted if:
  - i. A new business or use wishes to defer construction of a portion of the required parking spaces until a future date, or,
  - ii. A parking study indicates that fewer parking spaces are required, or,
  - iii. 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,
  - iv. Parking spaces are shared with another business or group of businesses.
- **b.** An application for alternative parking standards shall include:
  - i. For deferred parking construction, a site plan indicating the area reserved to meet the minimum parking space requirements in Table 26-672A along with a parking construction schedule indicating when the total number of required parking spaces will be completed.
  - ii. 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 26-672A shall be preserved as open space.

iii. 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.

iv. 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.

c. Alternative parking performance standards:

i. Total parking spaces required in table 26-672A shall be used when calculating impervious surfaces, measuring setbacks, and determining other requirements for parking areas.

ii. For deferred parking construction applications, a minimum of 50% of the required parking spaces shall be constructed within two years of permit approval.

iii. For reduced parking space requirement applications, an area to accommodate additional parking spaces to meet the minimum parking space requirements in Table 26-672A 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.

iv. For vegetated overflow parking applications, the total parking area must meet the minimum parking space requirements in Table 26-672A. 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.

v. 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 landowners 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 26-672A 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, race track, 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
Drive-in food establishment	1 space per 15 square feet of gross area excluding kitchen and dining area, or based on total seat calculations like restaurants, or a minimum

	of 8 spaces where there is no interior ordering area, whichever is greater
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

Sec. 26-673 Handicapped Accessible Parking Requirements

(1) The Minnesota Accessibility Code, as may be amended, shall govern and regulate all accessible parking standards and improvements within the city. 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 ch. 1341-2007; and the International Residential Code (IRC), including, but not limited to, section R322.1.

(2) The number of accessible parking spaces to be provided shall be determined by the following table:

Table 26-673A 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

Sec. 26-674 Access

(1) Commercial parking areas containing-six or more parking spaces must use a restricted access between the parking area and the adjacent road or street.
(2) In situations where access is shared between multiple commercial landowners, an easement, or in the case of shared wall construction a party wall easement or planned community agreement, between the participating landowners 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.

Sec. 26-675 Commercial Off Street Loading Standards

Space for off-street loading and unloading of service vehicles shall be provided for all commercial buildings constructed after March 1, 2015.
(1) One off-street loading space shall be provided for every 10,000 square feet of floor area, or fraction thereof.
(2) For commercial buildings in the commercial/light industrial land use district, off-street loading spaces shall measure at least 10 feet in width and 60 feet in length.
(3) For commercial buildings in the waterfront commercial, limited commercial, and downtown commercial districts, off-street loading spaces shall measure at least 10 feet in width and 35 feet in length.
(4) Off street loading shall not impact traffic flow on adjacent public roads or streets.

Secs. 26-676—26-701 Reserved

ARTICLE 27 RESIDENTIAL DEVELOPMENT STANDARDS

Sec. 26-702 Policy

Residential developments in Crosslake should provide a choice of housing types and a variety of recreational opportunities. These standards address the following policies and strategies from the Crosslake Comprehensive Plan:
(1) Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the City's existing neighborhoods can be maintained and enhanced.
(2) Encourage well-designed residential subdivisions at urban densities in the planned growth areas of the City. Locate higher density residential developments in areas adjacent to moderate density developments and outside of the shoreland district.

(3) Discourage the placement of high-density developments in areas lacking adequate transportation or sewer infrastructure.
(4) Encourage compatible infill residential development throughout the developed portions of the City, to encourage the efficient use of land and the cost effective provision of City services.
(5) Encourage some higher density housing as a means to help the community provide quality affordable housing and senior housing options.
(6) Encourage all higher density residential developments to be connected to the municipal sewer system.
(7) Redevelopment projects within the shoreland district shall not exceed MnDNR shoreland standards and shall be designed so they do not degrade the environmental condition of the adjacent water body.
(8) Off-lake residential developments shall be planned so that they do not have a negative impact on water quality.
(9) Continue to enforce lake shoreline requirements such as set backs, tree cutting, lakeshore modification, on both new and existing construction.

Sec. 26-703 Purpose and Applicability

(1) 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.
(2) **Applicability.** These standards shall apply to all subdivisions of real estate under Chapter 44 of the Code of Ordinances of the City of Crosslake.
(3) **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.
  a) Conservation developments and conventional developments are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings.
  b) Conservation developments on riparian parcels shall have a minimum of three contiguous acres of suitable area and a minimum lot width of 400 feet.

Sec. 26-704 Development Application and Environmental Review Process

Development applications shall follow the procedures established in Article 16 of this Chapter. Environmental review shall be conducted pursuant to the procedures and standards in Section 26-76 of this Chapter.

Sec. 26-705 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:
(1) The development complies with all City ordinance standards.
(2) 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.
(3) 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.
(4) 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.

Sec. 26-706 Design Changes

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

(1) 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.

(2) 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.

Sec. 26-707 Maintenance and Administration Requirements

To insure the continued existence and functioning of the common open space and the development as a community, the following administrative requirements shall be met:

(1) Development organization and functioning for developments of 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 10 or more lots or dwelling unit lots shall include an owners' association with the following features:

- **a)** Membership shall be mandatory and automatic for each lot or dwelling unit lot owner and any successive owners.
- **b)** Require that each owner in the development have an undivided ownership in the common open space and other common elements.
- **c)** Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
- **d)** Assessments shall be adjustable to accommodate changing conditions.
- **e)** 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.
- **f)** The association shall have a Long-term Management Plan for any common open space and shall administer the plan pursuant to the terms of the City's conservation easement on the open space.
- **g)** 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.

(2) **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 the City Council 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 this Section governing common open space, including without limitation all of the following protections:

- **a)** Regulate construction impervious surfaces and/or recreation facilities pursuant to the long-term management plan.
- **b)** Prohibit beaching of motorized watercraft when used as an unauthorized mooring space.
- **c)** Prohibit dumping, storage, or burning of solid or other wastes.
- **d)** 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.
- **e)** Restrict in perpetuity the common open space from further subdivision and/or land development.

(3) **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.

(4) Residential developments of nine or less lots or dwelling unit lots with common open space. The common open space may be retained by the landowner, owner's association and/or the developer and may be sold to any subsequent landowner, provided:

a) The common open space is surveyed; and

b) The common open space remains undivided and is restricted from further development by means of a permanent conservation easement. The permanent conservation easement shall comply with the provisions of Section 26-707, 2 above.

c) The landowner, owner's association and/or the developer shall be responsible for insurance, taxes, and maintenance of all common open space, property and facilities, and shall enforce covenants, deed restrictions, and easements.

d) The landowner, owner's association and/or the developer shall have and administer a Long-term Management Plan for any common open space, property and facilities.

(5) 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 Department 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 City may, but 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 Department 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.

Sec. 26-708 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 Chapter. 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.

Sec. 26-709 Conservation Development Design Process and Criteria

(1) 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:

a) **Step One:** Identifying conservation areas*:*

i. 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.

ii. 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.

b) **Step Two**: Calculate the number of dwelling unit lots allowable under Section 26-710 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 Crosslake Comprehensive Plan.

c) **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.
d) **Step Four**: Draw in the lot lines.
e) **Step Five**: Identify on a design plan map all parts of the project parcel to be permanently protected as part of the open space.

(2) Conservation development design criteria.

a) At least 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.
   i. 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.
   ii. 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 City Council. Permitted management activities may include woodland management, reforestation, wetland management, lake or river shoreline protection, buffer area landscaping, wildlife management, or recreation management.
   iii. The common open space shall maximize common boundaries with existing or future open space on adjacent lands.
   iv. Common open space shall serve and enhance all dwelling unit lots, cluster groups, and other common facilities.
b) Dwelling unit lot areas, structures, and all road rights-of-way shall not be included in the computation of common open space.
c) 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.
d) Dwelling unit lot impervious surface coverage shall meet the standards in Article 20.
e) There shall be at least one access corridor to the structure setback as approved by the Planning Commission/Board of Adjustment. The corridor shall:
   i. Be accessible to all residents of the conservation development.
   ii. Have a minimum width of 50 feet.
   iii. Provide upland access to the structure setback area without impacting wetlands.
   iv. Have a trail and vegetation management plan addressed in the Long-term Management Plan.
f) New developments and redevelopments of existing developments shall meet vegetation management standards in Article 19 of this Chapter.
g) 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.
h) 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.
i) The boundaries of the permanent conservation easement area and the common open space shall be clearly and visibly marked.
j) Access in the form of dedicated right-of-way or easement, as appropriate, shall be created for connection to adjacent undeveloped properties or public lands that do not have direct access to a public road. Developers or subsequent owners may be entitled to compensation for providing such access.

Sec. 26-710 Conservation Development Density Evaluation

(1) Shoreland District:

a) The project parcel must be divided into two tiers:

i. 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 lakes	267
Natural Environment lakes	400
Sensitive Shoreland Districts	400
All river classes	300

ii. The second tier shall consist of all remaining area in the project parcel.

b) 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 26-710:

Table 26-710 Conservation Development Density Factors-Shoreland District

	Conservation Development Structure Setback in Table 26-308A	**Conservation Development Density Incentive Structure Setback in Table 26-308A**	
Classification	**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

c) 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.

(2) Non Shoreland Districts:

a) The number of dwelling unit lots allowable is calculated by dividing the total project parcel area in square feet by 217,800 in the Rural Residential-5 District

Sec. 26-711 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:

(1) 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.

(2) A lake use and access area plan including:

a) The location and configuration of pathways, launching ramps, dock configuration and location, and other facilities within the structure setback area, if any.

b) Provisions that allow all residents of the conservation development to use the shore recreation area, exclusive of the dedicated continuous mooring spaces.

c) 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.

- **i.** 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.
- **ii.** 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.
- **iii.** Identification of potential safety issues created by and addressing conflicts among the uses permitted under the plan,
- **iv.** Such facilities may be used by the occupants of the conservation development, subject to all provision of this Article.

d) Prohibit shore recreation facilities or uses outside of the designated lake use and access area and adjacent littoral areas.

e) 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.

f) Unless prohibited by the conservation easement created under Section 26-707, 2, 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.

g) 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.

h) Prohibit commercial uses.

Sec. 26-712 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 Chapter.

(1) Conventional developments shall use the design procedures established in Chapter 44 as well as the residential lot area standard for the respective land use district classifications in this Chapter.

(2) All roads within conventional developments, whether public or private, shall be constructed to meet specifications in the Chapter 42 of the Code of Ordinances of the City of Crosslake.

(3) A shoreland vegetation buffer plan shall be designed and implemented meeting the standards in Article 19 of this Chapter.

(4) 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.

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

(6) Common Elements. Common elements such as areas designated for storage of vehicles and personal property may be designated.

Sec. 26-713 Conventional Development Density Evaluation—Shoreland and Non-shoreland Areas

The number of lots allowable is calculated:

(1) In the Shoreland District, according to the standards in Chapter 44, as well as the residential lot area standard for the respective land use district classification in Section 26-307 of this Chapter.

(2) Outside the Shoreland District, according to the standards in Chapter 44, as well as the residential lot area standards for the respective land use district classifications in Articles 12 of this Chapter.

Sec. 26-714 Erosion Control, Stormwater Management, and Sediment Control

All developments shall comply with the provisions of Article 20 of this Chapter.

Secs. 26-715—26-734 Reserved

ARTICLE 28 LANDSCAPING, SCREENING AND LIGHTING STANDARDS

Sec. 26-735 Purpose

The purpose of this division is to recognize the important and diverse benefits which landscaping, screening, and lighting provide in protecting the health, safety and general welfare of the community. Benefits include the reduction of noise, dust, excessive glare, stormwater runoff, the impact of adjacent incompatible land uses, and the increase in aesthetic value of the city.

Sec. 26-736 Application

(1) All land use permits for commercial construction submitted after March 1, 2015 shall be accompanied by complete landscape, screening, and lighting plans. These plans shall be submitted as a part of the site plan.

(2) The retention of natural topography and vegetation will be required where possible.

(3) All plan components shall be completed within two years from the date of issuance of the land use permit unless otherwise specified.

Sec. 26-737 Commercial Landscaping

(1) Plan requirements.

- **a) Site analysis**. Boundary lines of the property with dimensions based upon a certificate of survey; name and alignment of proposed and existing streets; location of existing and proposed buildings; location of parking areas, vegetated and forested areas to be preserved, water bodies, proposed sidewalks; and percent of site covered by impervious surfaces.
- **b) Planned elements**. Existing and proposed topographic contours at two foot intervals; typical sections and details of landscaping plans such as type of vegetation, sodded and seeded areas, berms and other landscape improvements with identification of materials used.
- **c) Planting Schedule**: A table containing the common names and botanical names, average size of plant materials, root specifications, quantities, special planting instructions, and proposed planting dates of all plant materials.

(2) Minimum planting requirements.

- **a) Existing trees**. Existing trees may be used to meet these standards, if protected and maintained during the construction phase of the development. If existing trees are used, each tree 6 inches or less in diameter counts as one tree. Each tree more than 6 inches and up to 9 inches in diameter

counts as two trees. Each additional 3-inch diameter increment above 9 inches counts as an additional tree.

b) **Selection of materials**. Landscape materials should be selected and sited to produce a hardy and drought and salt-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

c) **Variety of species**. If there are more than 8 required trees, no more than 40 percent of them can be of one species. If there are more than 24 required trees, no more than 25 percent of them can be of one species. This standard applies only to trees being planted to meet these standards, not to existing trees. If there are more than 25 required shrubs, no more than 75 percent of them can be of one species.

d) **Minimum plant numbers:**

i. One overstory deciduous or coniferous tree for every 2,000 square feet of total building floor area or one for every 100 feet of site perimeter, whichever is greater.

ii. One ornamental tree for every 2,000 square feet of building or one for every 200 feet of site perimeter, whichever is greater.

iii. One understory shrub for every 300 square feet of building or one shrub for every 30 feet of site perimeter, whichever is greater.

e) **Adjacent to residential areas**. Plantings or screening shall be provided to create physical and visual separation between commercial and residential areas (See section 26-738 (1)).

f) **Minimum sizes**. The following minimum standards shall be required:

Overstory deciduous tree	1½ inch diameter
Ornamental tree	1 inch diameter
Coniferous tree	6 feet tall
Shrubs	3 gallon root ball size

g) **Sodding and ground cover**. All disturbed area not covered by natural vegetation or impervious surfaces shall be seeded with turf grass, native grasses, perennial flowering plants, vines shrubs, trees or approved ground cover. Storm water retention ponds and rain gardens shall qualify as approved ground cover.

h) **Minimum guaranteed survival.** All trees, shrubs, and groundcover shall be maintain and replaced as follows:

i. For general landscaping, parking lots, and perimeter areas, maintenance and replacement for a minimum of 5 years.

ii. For screening adjacent to residential areas, maintenance and replacement in perpetuity.

(3) **Parking lot landscaping** - In order to soften and improve the appearance of parking lots when viewed from an abutting street or sidewalk, all parking and loading areas including drive-through facilities fronting public streets or sidewalks shall provide:

a) A landscaped area at least 5 feet wide along the public street or sidewalk. If a parking area contains over 100 spaces, the minimum required area shall be increased to 8 feet in width.

b) One overstory deciduous or coniferous tree shall be provided for each 25 linear feet of parking lot frontage on a public street or accessway.

(4) **Interior parking lot landscaping**

a) The corners of parking lots and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses or other perennial flowering plants, vines, shrubs and trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

b) In parking lots containing more than 100 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 12 spaces or fraction thereof, containing one deciduous shade tree. The remainder shall be covered with turf grass, native grasses, perennial flowering plants, vines or shrubs.

(5) **Existing development.** It is recognized that commercial properties which have already been developed with permanent improvements as of March 1, 2015 may have less flexibility in meeting

landscaping requirements. The requirements in Section 26-737 (1) through (4) above may be modified on a case by case basis, by written agreement, to fit existing conditions while fulfilling these requirements to the greatest extent possible. This agreement shall become part of the land use permit.

Sec. 26-738 Screening

(1) Screening from residential areas shall be in addition to normal landscaping and planting and consist of a visual barrier completely separating the activity on a commercial property from an adjacent residential areas. Screening shall be equally effective in the winter and summer and shall be accomplished by the use of one or more of the following:

- **a)** The placement of the building on the lot or the placement of a building on an adjacent lot.
- **b)** The use of berms and landscaping.
- **c)** Planting of vegetative screens.
- **d)** Construction of walls or fences.

(2) Screening design standards

- **a)** Vegetative screens shall consist of healthy, hardy plant materials. Evergreen shrubs with a mature height of 6 feet shall form a solid screen. One overstory deciduous or coniferous tree per 30 linear feet of boundary shall also be planted.
- **b)** A 6-foot-high wall or fence may be substituted for the shrubs in (a) above, but the trees are still required.
- **c)** Screening and fences shall be maintained and repaired.
- **d)** Slopes and berms. Final slope grade steeper than the ratio of 3:1 and/or a height over six feet will require stabilization measures such as terracing or retaining walls.

(3) Placement and screening of mechanical equipment, service, loading, and storage areas

- **a)** Any outdoor storage, service or loading area that faces adjacent residential uses or a public street or walkway shall be screened by a decorative fence, wall, or screen of plant material at least 6 feet in height.
- **b)** Loading docks, truck parking, HVAC and other mechanical equipment, trash collection, and other service functions shall be incorporated into the design of the building so that the visual impacts of these functions are not visible from adjacent properties and public streets.
- **c)** Outdoor sales area shall be fenced and screened from view of neighboring residential uses.

(4) Screening between adjacent commercial uses. No screening is required between adjacent commercial uses.

Sec. 26-739. Lighting

All commercial permit applications submitted after March 1, 2015 shall include an exterior lighting plan consistent with the following standards for all exterior building areas, parking areas and pedestrian paths connecting parking areas and buildings. Applications for new residential dwelling construction submitted after March 1, 2015 shall require submittal of specifications for all proposed exterior lighting. All existing uses for which exterior lighting is installed or changed shall also conform to these standards.

(1) Lighting standards:

- **a) Shielded fixtures**. No portion of the lamp or lens may extend beyond the housing or shield. All light fixtures shall be directed downward so the source of illumination is not visible.
- **b) Height restrictions**. Commercial lighting fixtures mounted on poles or structures shall have a maximum height of twenty-five feet (25'). Exceptions to this height requirement may be granted by the Zoning Administrator when lighting is located in an area otherwise screened or blocked from view from the residential property, such as lighting on the side of a commercial building opposite the residential property
- **c)** All commercial outdoor light poles shall be metal, fiberglass, or finished wood.

(2) Maximum lighting levels

a) **Commercial.** Any light or combination of lights used for exterior illumination on a commercial or industrial property that cast light on a public street or adjacent residential property shall not exceed one (1) foot-candle (meter reading) as measured from the centerline of said street or at the property line.

b) **Residential.** Any light or combination of lights used for exterior illumination on a residential property that cast light on a public street or adjacent residential property shall not exceed one-half (0.5) foot-candles (meter reading) as measured from the centerline of said street or at the property line.

(3) **Lighting standards for commercial property on riparian lots in the shoreland district.** All commercial zoned property shall comply with the following lighting standards for riparian lots and areas adjacent to a public water:

a) The light fixtures shall be directed downward so the source of illumination is not visible and does not extend past property lines or across public waters in excess of the maximum light intensities in Section 26-739 (2).

b) In shore impact zones 1 and 2, all lighting independently supported shall be on poles or supports that are a maximum of 24 inches above grade.

c) All lighting shall be located only within the access path if installed within shore impact zone 1

d) All lighting on docks, lifts, or platforms shall be directed downward so the source of illumination is not visible.

e) The height maximum for exterior lighting located in the rear lot zone shall not exceed 25 feet.

(4) **Lighting standards for residential property on riparian lots in the shoreland district.**

a) Light fixtures shall be directed downward so the source of illumination is not visible and the light does not extend past property lines or across public waters in excess of the maximum light levels in Section 26-739 (2), b.

b) Lighting in shore impact zones 1 and 2 that is independently supported shall be on poles or supports that are a maximum of 24 inches above grade

c) The height maximum for exterior lighting located in the rear lot zone shall not exceed 25 feet.

Secs. 26-740—26-745 Reserved

ARTICLE 29 COMMERCIAL AND RESIDENTIAL ARCHITECTURAL STANDARDS

Sec. 26-746 Purpose and Intent

(1) **Purpose**: The purpose of this Article is to:

a) Promote high standards of building and site design in commercial and residential land use districts with the purpose of preserving an atmosphere consistent with the rural/northwoods character of the City.

b) Identify exterior building materials to be used in the various commercial and residential land use districts.

c) Provide a more pleasant pedestrian environment and driving experience.

d) Protect and enhance the appeal and attraction of the City to residents, visitors, and tourists, and to serve as a support and stimulus to business and residences.

(2) **Intent**: The City intends that all projects shall strive toward the highest level of quality in both design and construction. The criteria by which all commercial development and redevelopment in the City shall be judged are:

a) Consistency with all provisions of the comprehensive plan and City ordinances.

b) Complementary physical and visual relationships among existing, new and proposed buildings, park areas and landscape treatments with the intent of creating a cohesive appearance for the entire City.

c) Use of appropriate façade proportions, materials, and colors that are compatible with adjacent uses and create a pleasant pedestrian environment and driving experience.

Sec. 26-747 Application

(1) **Existing buildings**. Facades on buildings in commercial land use districts existing on March 1, 2015 shall be allowed to continue with the present materials subject to the following criteria: All subsequent additions and exterior alterations to buildings must be constructed with the materials required in this chapter.

(2) **New buildings**. New buildings in commercial land use districts built subsequent to March 1, 2015 must comply with the design standards set forth in this Article.

Sec. 26-748 – 749 Reserved

Sec. 26-750 Allowable Exterior Materials for Commercial Structures in Commercial Land Use Districts

(1) Percentages of allowable exterior façade materials shall be calculated excluding windows and doors except for architectural glass.

(2) **Waterfront Commercial District.**

- **a.** Face brick
- **b.** Natural stone
- **c.** Architectural glass
- **d.** Wood finished for exterior use
- **e.** Architectural concrete masonry units shall be limited to a maximum of fifty percent (50%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on nonfront facades.
- **f.** Architectural metal panels shall be limited to a maximum of fifty percent (50%) on any facade.
- **g.** Other materials may be approved under number 6 of this section.

(3) **Limited Commercial District**

- **a.** Face brick.
- **b.** Natural stone.
- **c.** Architectural glass.
- **d.** Wood finished for exterior use
- **e.** Stucco.
- **f.** Exterior insulation finishing system (synthetic stucco)
- **g.** Architectural concrete masonry units shall be limited to a maximum of fifty percent (50%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on nonfront facades.
- **h.** Architectural precast concrete panels.
- **i.** Architectural metal panels shall be limited to a maximum of fifty percent (50%) on any facade.
- **j.** Plastic sheeting on commercial greenhouses only
- **k.** Other materials may be approved under number 6 of this section.

(4) **Downtown Commercial District**

- **a.** Face brick.
- **b.** Natural stone.
- **c.** Architectural glass.
- **d.** Wood finished for exterior use
- **e.** Stucco.
- **f.** Exterior insulation finishing system (synthetic stucco)

g. Architectural concrete masonry units shall be limited to a maximum of twenty five percent (25%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on nonfront facades.
h. Architectural metal panels shall be limited to rear-facing facades.
i. Other materials may be approved under number 6 of this section.

(5) Commercial/Light Industrial District
a. Face brick.
b. Natural stone.
c. Architectural glass.
d. Stucco.
e. Exterior insulation finishing system (synthetic stucco)
f. Architectural concrete masonry units shall be limited to a maximum of fifty percent (50%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on nonfront facades.
g. Architectural precast concrete panels.
h. Architectural metal panels shall be limited to a maximum of fifty percent (50%) on any facade.
i. Plastic sheeting on commercial greenhouses only
j. Other materials may be approved under number 6 of this section.

(6) Other materials. Materials not specifically listed may be approved for use by the Zoning Administrator. When materials not specifically listed are proposed for use, the Development Review Team shall review and make recommendations regarding the use of those materials.

Sec. 26-751 Allowable Exterior Materials for Primary Residential Structures and Accessory Structures in All Land Use Districts

(1) The following exterior building materials are allowed:
a) Face brick
b) Natural stone
c) Architectural glass
d) Wood finished for exterior use including logs and log siding
e) Factory fabricated concrete or vinyl siding
f) Stucco
g) Exterior insulation finishing system (synthetic stucco)
h) Architectural concrete masonry units
i) Factory fabricated metal panels.

(2) Other materials. Materials not specifically listed may be approved for use by the Zoning Administrator. When materials not specifically listed are proposed for use, the Development Review Team shall review and make recommendations regarding the use of those materials.

Sec. 26-752 Prohibited Materials-Residential

The following exterior building materials are prohibited on residential properties:

(1) Face materials that rapidly deteriorate or become unsightly such as galvanized metal, unfinished structural plywood, unfinished structural clay tile, canvas, and plastic/vinyl sheeting or other flexible material of a similar nature.
(2) Sheet metal, plastic or fiberglass siding, unless such siding is a component of a factory fabricated and finished panel and is enhanced with preferred materials.
(3) Unadorned and/or painted concrete block, except exposed foundation or footing block.
(4) Neon lighting as part of the architecture of the building or used as accent lighting for the building.

Secs. 26-753—26-761 Reserved

ARTICLE 30 OUTDOOR STORAGE AND SALES

Sec. 26-762 Purpose

The purpose of this Article is to establish regulations to:

(1) Limit the potential for visual impacts from the outdoor storage of materials and equipment.
(2) Limit the safety and visual impacts resulting from the bulk storage of petroleum products and chemicals.
(3) Regulate seasonal outdoor sales associated either with a permanent business or done by transient merchants.

Sec. 26-763 Application Information

(1) Outdoor storage performance standards in Section 26-764 shall apply to all residential and commercial properties and uses.
(2) Bulk Storage shall require a conditional use permit in land use districts where it is allowed and comply with the performance standards in Section 26-765.
(3) Outdoor Seasonal Sales shall require a permit with performance standards in land use districts where it is allowed. Permit applications shall include:
- **a)** A general description of merchandise to be offered for sale;
- **b)** Total length of time over which sales will take place;
- **c)** How sales will be screened from adjacent residential properties, if any;
- **d)** Type and number of temporary displays to be erected (greenhouses, tents, temporary structures).

(4) A permit is not required for:
- **a)** Garage/yard sales on private property. No more than three garage sales may be held per year.
- **b)** Christmas trees sales during November and December;
- **c)** Sales for a charitable organization for a limited time as determined by the Zoning Administrator;
- **d)** Sales as part of a group with a City-authorized street closure or special event;
- **e)** Sales in a park with the permission of the City Parks Department.

Sec. 26-764 Outdoor Storage Performance Standards

(1) On residential properties, outdoor storage of recreational equipment, boats, trailers and materials shall be confined to rear yard areas and substantially screened from adjacent residential properties and public streets. Storage of unlicensed motor vehicles and trailers shall be prohibited.
(2) Commercial storage shall meet the standards in Section 26-738.
(3) Exceptions. The following shall not be required to meet the outdoor storage standards:
- **a)** Temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit;
- **b)** Woodpiles, agricultural equipment, and materials for use on the premises;
- **c)** Off-street parking.

Sec. 26-765 Bulk Liquid Storage Performance Standards

All uses associated with the bulk storage of oil, gasoline, liquid propane, industrial chemicals and similar liquids shall:

(1) Comply with all bulk storage requirements of the Minnesota State Fire Marshal, and Minnesota Pollution Control Agency rules, Chapters 7150 and 7151.
(2) Include complete diking and spill protection measures.
(3) Meet the screening standards in Section 26-738.

Sec. 26-766 Outdoor Seasonal Sales Performance Standards

Outdoor Seasonal sales.

(1) The outdoor seasonal sales, display, or equipment rental shall be accessory to and located on the same property as a permitted or conditional commercial use;
(2) The area used for outside seasonal sales, display, or equipment rental shall be treated to control dust and stormwater;
(3) If located in a parking lot, outdoor seasonal sales shall not reduce the parking otherwise available by more than 10%;
(4) Any lighting shall comply with the lighting standards in Section 26-739 of this Chapter;
(5) Screening for outdoor seasonal sales areas shall meet the standards in Section 26-738 of this Chapter.

Secs. 26-767—26-793 Reserved

ARTICLE 31 SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS)

Sec. 26-794 Purpose and Authority

The purpose of this Article 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 pursuant to Minnesota Statutes, Chapters 115, 116, 145A, and Minnesota Rules, Chapter 7080 through 7082.

Sec. 26-795 Jurisdiction

This Article shall apply to and be binding upon all areas within the City of Crosslake not served by municipal sewer service.

Sec. 26-796 Municipal Sewer Connection Required Where Available

Properties adjacent to the Crosslake municipal sewer system shall be connected to the system in accordance with the provisions of Chapter 50, Article II, Section 50-249 of the Code of Ordinances of the City of Crosslake.

Sec. 26-797 Scope

This Article regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the City including, but not 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 City shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Article or by a system that has been permitted by the Minnesota Pollution Control Agency (MPCA).

Sec. 26-798 City Administration

(1) The City of Crosslake Planning and Zoning Department shall administer the SSTS program and all provisions of this Article.
(2) The City's duties and responsibilities include, but are not be limited to, the following:
  a) Review all applications for SSTS;
  b) Issue all permits required in this Article;

c) Inspect all work regulated in this Article;
d) Investigate all complaints regarding SSTS;
e) Issue certificates of installation, certificates of compliance, or notices of noncompliance where applicable;
f) Enact enforcement provisions of this Article as necessary;
g) Refer unresolved violations of this Article to the City Attorney;
h) Maintain current records for each permitted SSTS including all site evaluations, documents, design documents, inspection documents, as-builts and other applicable documents;
i) Employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program;
j) Submit annual reports to MPCA as required.

Sec. 26-799 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 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.

Sec. 26-800 Liability

The City's involvement in administration of this Article does not create a special duty to any person and, further, liability or responsibility shall not be imposed upon the City 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 Article or by reason of any standards, requirements, or inspections authorized by this Article hereunder.

Sec. 26-801 All SSTS

Except as explicitly set forth in Section 26-803, all provisions of this Article shall apply to any SSTS regardless of the date it was originally permitted.

Sec. 26-802 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.

Sec. 26-803 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.

Sec. 26-804 Upgrade, Repair, Replacement, and Abandonment

(1) 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 Chapter at the time of the expansion.

(2) Bedroom Addition

Any addition to a structure that includes bedroom(s) that require a land use permit from the City 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.

(3) Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule7080.1500, 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 Rule7080.1860.

(4) 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

(5) Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rule7080.2500.

Sec. 26-805 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 Rule7080.2270 and all relevant local requirements are met.

Sec. 26-806 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.

Sec. 26-807 SSTS Practitioner Licensing

(1) 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.

(2) 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 Rule7083.0700. 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.

Sec. 26-808 Prohibitions

(1) 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 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 Article.

(2) 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 Article 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.

(3) 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 Chapter.

(4) Discharge of Hazardous or Deleterious Materials. It is unlawful for any person to discharge into any treatment system regulated under this Chapter any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

Sec. 26-809 Alternative Local Standards Adopted by Reference

(1) Adoption of Rule by Reference

a) The City hereby adopts by reference the provisions of Minnesota Rules Chapters 7080 -7083 in their entirety except as referenced under Section 26-809, 2, except as otherwise expressly modified by this Article.

b) When “2006 version of Minnesota Rules Chapter 7080” is utilized, the reference is to the rules effective April 3, 2006, otherwise the City is referencing the current rules in effect.

c) 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.

(2) Alternative Local Standards for New and Existing SSTS

a) The City 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 Rule7080.2150, Subp. 3(K).

Sec. 26-810 Differences in Standards

(1) List of Different Adopted Standards

a) In no land use district shall a land use permit, shoreline alteration permit, minor subdivision, plat, conditional use permit or variance be issued without a current Certificate of Compliance or Certificate of Installation that has not expired according to Section 26-817, (3) of this Article.

b) 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.

c) 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.

a) 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 1500 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.

b) Pump tank sizing shall follow Minnesota Rule 7080.2100.

c) Soil pits shall be required during the construction inspection. The soil pit shall be excavated at the time of the inspection. The soil pit shall be dug by a backhoe or other acceptable method and 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 by a soil pit.

d) 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.

Sec. 26-811 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.

Sec. 26-812 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.

Sec. 26-813 Variance Requests

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

Sec. 26-814 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 City until all required State Agency variances have been approved.

Sec. 26-815 Permit Requirements

(1) 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.

(2) 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 City 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 Chapter shall not absolve the applicant of responsibility to obtain any other required permit.

(3) 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:

a) Applicant name, mailing address, telephone number, and email address.
b) Property Identification Number, property address and legal description of property location.
c) Site Evaluation Report, as defined by Section 26-809 , and shall be made on form provided by the Department
d) Design Report, as defined by Section 26-809, and shall be made on form provided by the Department.
e) A management plan, as defined by Minnesota Rule 7082.0600.

(4) Application, Review, and Response. The Department shall review a permit application and supporting documents according to Article 3 of this Chapter.

(5) Appeal. The applicant may appeal any decision of the Department in accordance with Section 26-228 of this Chapter.

(6) Permit Expiration. A permit for a new SSTS is valid for a period of no more than two years from its date of issue. A permit for the replacement of SSTS failing to protect groundwater is valid for 10 months. A 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.

(7) Transferability. A permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.

(8) Suspension or Revocation. The Department may suspend or revoke a permit issued under this section for any false statements, misrepresentations of facts on which the 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 permit is obtained.

(9) SSTS Assessment Requirements. For those SSTS without a management plan or operating permit according to the provisions of this Article, the following provisions apply:

a) 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.

b) 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 the 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.

Sec. 26-816 Operating Permit

(1) An Operating Permit shall be required for the following SSTS:

a) SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp. 3(K);
b) Holding Tanks;
c) SSTS serving three or more connections;
d) Type 4 and Type 5 SSTS;
e) SSTS that exceed a daily flow of 2,500 gallons per day; or,
f) MSTS designed under Minnesota Rules Chapter 7081.

(2) Operating Permits shall be a signed agreement between the Department and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.

(3) A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit.

(4) 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).

(5) Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.

(6) 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 Section 26-805.

(7) Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with Section 26-817. 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.

(8) 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.

(9) 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.

(10) If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.

(11) At the Department's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

Sec. 26-817 Compliance Inspection Program

(1) **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 Chapter are met.
a) All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
b) 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.
c) No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Chapter. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.

d) 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 Chapter.

(2) New Construction or Replacement.

a) 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.

b) It is the responsibility of the SSTS owner or the owner's agent to notify the Department 24 hours prior to the installation inspection.

c) 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.

d) 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.

e) 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.

f) No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.

g) 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.

(3) Existing Systems

a) Compliance inspections shall be required when any of the following conditions occur:

i. 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.

ii. 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.

iii. 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.

iv. At any time as required by this Chapter or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.

b) Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed, or verified:

i. Water tightness assessment of all treatment tanks including a leakage report;

ii. 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 Rule7082.0700, Subpart 4B.

iii. Sewage backup, surface seepage or surface discharge including a hydraulic function report.

c) 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.

d) 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.

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

(4) Transfer of Property

a) 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:

i. A current Certificate of Compliance, as provided in (3) of this Section.

ii. A winter agreement, as provided in (1) of this Section.

iii. 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 Chapter.

iv. The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading. In the absence of a winter agreement according to (4), a), ii of this Section, the buyer shall be responsible for the necessary upgrading of said SSTS.

(5) Commercial SSTS

a) 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 as part of any compliance inspection.

b) Effluent testing shall not be required for commercial SSTS that have a current Certificate of Compliance as of the date this Article is effective. Any future compliance inspections shall follow (5), a) of this Section.

c) 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 Chapter.

(6) 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 Section 26-811.

Sec. 26-818 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 Article. . The department shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statute 115.55 Subdivision 11.

Sec. 26-819 Record Keeping and Annual Report

The Department 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 City sorted by licensed installation businesses, and other records the Department deems relevant to a particular system. The Department shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

Sec. 26-820 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 Rule7082.0700, Subp. 5.

Secs. 26-821—26-833 Reserved

ARTICLE 32 RESORT STANDARDS

Sec. 26-834 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.

Sec. 26-835 Processing of Applications for Resorts

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

(1) **Permitted use**: Applications for:
- **a)** Structure replacement pursuant to Section 26-843
- **b)** Resort expansion pursuant to Section 26-844

(2) **Conditional use:** Other than permitted uses listed in (1) above, all other applications regarding resorts shall be processed as a conditional use as provided for in Article 7 in this Chapter.

(3) **Environmental review:** All environmental reviews of resort applications shall be conducted pursuant to the standards in Section 26-76 of this Chapter.

(4) **Additional studies or information**. In considering a resort development application, the Planning Commission/Board of Adjustment or City Council may request a report by the Administrator, 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.

Sec. 26-836 Department Review of Application

The Department shall conduct the following reviews of applications.

(1) **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 Chapter and related ordinances, the applicant is required to consult with the Administrator at the initial conference. At the time of this initial conference the applicant shall present a sketch plan for review.
- **a)** 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.
- **b)** Shall also include a concept statement describing the project and explaining how it is designed and will function.

(2) **Review of application for completeness**. After the initial conference has been conducted, the applicant may submit an application based on Section 26-837 below. The Administrator shall review the application and shall determine if the application is complete pursuant to the requirements of this

Chapter. If the 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.

(3) **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 City 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.

Sec. 26-837 Application Requirements for Resorts

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

(1) **Forms:** Completed application for the proposed project on forms provided by the Department.

(2) **Fee:** A fee in the amount listed in the fee schedule adopted by the City Council shall be paid upon determination by the Department that the application is complete.

(3) **Density calculation:** Calculations showing all information necessary to determine conformance with the density standards in Section 26-839, below, shall be included. Applications exceeding the allowed density shall not be accepted.

(4) **Site plan:** A site plan meeting the requirements of Section 26-838.

(5) **Plat:** A subdivision plat meeting the requirements of the Chapter 44 of the Code of Ordinances of the City of Crosslake if any land division is proposed.

(6) **Owners association:** A property owner's association agreement with mandatory membership,

(7) **Restrictions:** Deed restrictions, covenants, permanent easements or other instruments that:

a) Properly address future vegetative and topographic alterations, construction of additional buildings, beaching and mooring of watercraft;

b) Ensure the long term preservation and maintenance of open space pursuant to the criteria and analysis specified in Section 26-840 of this Chapter including the perpetual renewal of the covenants and deed restrictions; and

c) Rental requirements for shared capital resorts including restrictions on personal use of "establishment".

(8) **Floor plans:** Floor plans for all structures including heights of buildings.

(9) **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.

Sec. 26-838 Site Plan Requirements

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

(1) Name of Resort.

(2) Legal description of property involved.

(3) Name and address of owner, applicant, registered land surveyor, and designer of plan.

(4) North arrow.

(5) Date of plan preparation.

(6) All current and proposed property boundaries and lot lines, including dimensions.

(7) Boundary, dimensions and area of all shoreland tiers.

(8) Total acreage of property involved.

(9) Existing soil conditions and topographic contours at 10 foot intervals except areas of slopes over 12 percent shall be shown at two foot intervals.

(10) All roads, existing and proposed, showing right of way widths.

(11) Location and design of all on-site sanitary waste treatment facilities, existing and proposed, and domestic water supply.

(12) 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.
(13) 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.
(14) Existing or proposed marinas, harbors, permanent mooring sites, and docking facilities,

(15) Stormwater and drainage plans meeting the standards in Article 20 of this Chapter.
(16) Percent of impervious surface existing and proposed.

Sec. 26-839 Resort Density Calculation

(1) 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 26-839A 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

a) The second tier is all the remaining area in the parcel outside the first tier and within the shoreland district.
(2) Select the appropriate ratio to determine the land surface area that can be covered by structures from the following table:

Table 26-839B 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

(3) 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 Table 26-839B 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.
(4) 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.
(5) All numbers calculated are rounded down to the nearest whole number.

Sec. 26-840 Resort Design Criteria

Proposed resort developments shall meet all of the design criteria in the following provisions.
(1) 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.

(2) Centralization and Design of Facilities: Centralization and design of facilities and structures must be done according to the following standards:
a) 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 31 of this Chapter. 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;

b) 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. The number of allowable continuous watercraft mooring spaces for resorts shall not exceed the number of allowable dwelling unit lots in the first tier.

c) 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.

Sec. 26-841 Reserved

Sec. 26-842 New Resorts

The creation of new resorts is allowed provided they meet all of the requirements of this Article including the following standards:

(1) Structure setbacks and maximum height must meet the following standards:

a) Minimum structure setbacks for new structures must be at least:

Table 26-842A 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	
General Development Rivers	100
Natural Environment Rivers	150

b) Height. Maximum height of any structure cannot exceed 35 feet.

(2) Open Space Requirements: New resorts must contain open space meeting all of the following criteria:

a) At least 50 percent of the total project area must be permanently preserved as open space.

b) 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;

c) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;

d) Stormwater Management: A stormwater management plan meeting the standards in Article 20 of this Chapter shall be submitted to the Department, and implemented.

Sec. 26-843 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:

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

a) 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,

b) Replace structures damaged or lost to fire or natural disaster.

i. This applies only when an application for a building permit is made within 180 days of the damage or loss.

ii. 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.

(2) 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. 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.

(3) A sketch plan complete with proposed scope of work, shall be submitted with any permit application.

(4) A shoreline buffer meeting the standards in Article 19 of this Chapter shall be approved by the Department, and implemented.

Sec. 26-844 Resort Expansion

A resort may expand so long as it continues to operate as a resort, the information required in Sections 26-836 and 837 is provided, and the following criteria are met:

(1) Resorts licensed by, and in good standing with, the State of Minnesota as of March 1, 2015 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.

a) There is available additional density as calculated in Section 26-839, and the impervious surface limits provided in Article 20 are not exceeded.

b) 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.

c) For those resorts established after March 1, 2015 structure setbacks and maximum heights shall meet the standards in Section 26-842. For those resorts established prior to March 1, 2015, structure setbacks and maximum height shall meet the standards in Section 26-310.

d) 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 31. 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.

e) Erosion control and stormwater management for resorts must meet the standards in Article 20 of this Chapter.

f) If required, a marina permit must be obtained from the DNR as under DNR Rules part 6115.0211 for the development.

(2) Except as provided in (1) of this Section above, all expansions of resorts shall meet the standards in this Section.

Sec. 26-845 Resort Conversions

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

(1) For conversions to residential developments, proposed conversions shall be evaluated using the same procedures and standards in Article 27. All inconsistencies between existing features of the development and these standards shall be identified and corrected. For conversions to residential lots,

all inconsistencies between existing features of the development and the standards required in Article 11 of this Chapter and requirements in the Chapter 44 must be identified and corrected.

(2) Dwelling unit or dwelling site densities shall meet the standards in Article 27 for conversion to residential developments and the standards in Article 11 for conversions to residential lots.

(3) 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.

(4) Shore and bluff impact zone deficiencies shall be corrected as part of the conversion. Where applicable, these improvements must include the following:

- **a)** Removal of extraneous buildings, docks, boat launching areas and ramps, or other facilities located in shore or bluff impact zones;
- **b)** 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 in Article 19 of this Chapter.
- **c)** For conversions to shared capital resorts subdivision requirements of Chapter 44, if applicable, shall be met.

Secs. 26-846—26-861 Reserved

ARTICLE 33 SIGNS

Sec. 26-862 Purpose and Intent

Purpose. The purpose of this Article is to establish reasonable regulations for the design, construction, installation and maintenance of all exterior signs in land use districts where signs are allowed in order to:

(1) Balance the right of individuals to identify their businesses and convey messages with the community's right to restrict unregulated billboards, sign construction, or placement;

(2) Further the objectives of the Crosslake 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.

Sec. 26-863 Administration

(1) Permit required. With the exception of signs listed in Section 26-863 (2) below, no sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the Department.

(2) Exemptions. The following signs shall not require a permit:

- **a)** The changing of the display surface on an existing painted or printed sign.
- **b)** On-premises real estate and contractor/financial/institutional signs six square feet or less in size.
- **c)** Campaign signs.
- **d)** Generic real estate, off-premises directional signs.
- **e)** No more than two off-premises directional signs for public and non-profit organizations shall be allowed. Signs shall not exceed 2 square feet in size and shall not be illuminated.
- **f)** Signs advertising the sale or lease of the real property upon which the sign is displayed.
- **g)** Signs identifying the property owner and/or tenant and /or facility name located on the premises in a residential district.

h) Holiday decorations. Decorations or banners, and similar items used to celebrate holidays.

i) "Private Property" signs; "No Hunting" signs; on-site directional, regulator and parking signs; and 911 address signs, street signs, or warning signs. Such signs shall not be considered in calculating the sign area of permitted signs. No such signs shall exceed three square feet in area, and shall not exceed eight feet in height.

j) Historical signs. No historical signs shall exceed eight square feet in area and shall not exceed eight feet in height. No sign shall be recognized as an historical sign unless authenticated in writing from the Crosslake Area Historical Society recognizing the historical significance of the event, structure, or site being memorialized.

k) Garage/yard sale signs.

l) Two temporary signs for community events (not to exceed 30 sq ft total) which shall be removed no later than 10 days after the event.

m) Temporary commercial signs allowed in Section 26-865 (9) below.

(3) Prohibited signs. The following signs are prohibited:

a) Any sign, signal, marking or device which is an imitation of or resembles any official traffic control device or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device;

b) New commercial billboards erected after March 1 2015 except for a Multi-Business Pylon Sign pursuant to Section 26-864 (18) of this this ordinance;

c) Signs with flashing or blinking lights;

d) Moving or stationary searchlights;

e) All new private off-premises signs advertising a business or commercial service;

f) Signs painted, attached, or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures;

g) Roof-mounted signs;

h) Electronic changing message signs;

i) Real estate directional signs that are not white with black letters reading "Property for Sale" with a black, directional arrow not to exceed a total of three square feet in size;

j) Notwithstanding part (2) e) above, new blue directional special service signs erected by Crow Wing County.

Sec. 26-864 Sign Requirements

(1) Signs, logos, or other advertising materials are permitted on awnings or canopies when they are constructed of a durable, non-glowing material. This signage or advertising material shall be included in the calculation of total sign area for wall fascia or attached signs.

(2) Any lighting used for signs, awnings or canopies must be directed downward and the source of illumination (lenses and filaments) screened from view.

(3) **Height.** Unless otherwise regulated within this division, no freestanding or attached sign shall be higher than 15 feet in a 39-mile-per-hour or less zone and 20 feet in a 40-mile- per-hour or higher zone, as measured from the average existing grade underneath the sign to the highest point of the sign, including all supporting members.

(4) **Existing commercial billboards** erected on or before March 1, 2015 shall be considered legal nonconforming signs and shall be regulated pursuant to Section 26-866 of this Article.

(5) **Freestanding signs**. Freestanding signs shall be supported by one or more columns or uprights, which are firmly embedded in the ground. Exposed guy wires, chains or other connections shall not be used to support a freestanding sign.

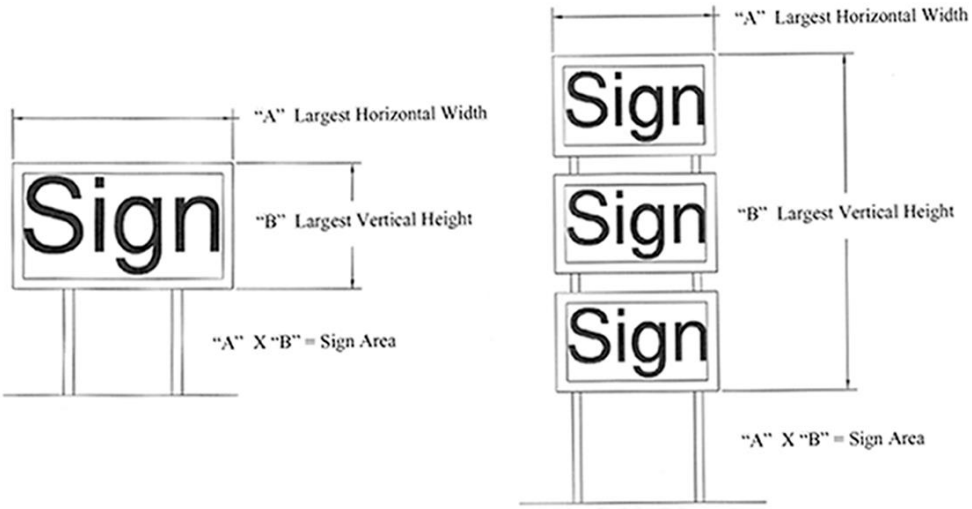
(6) **Illuminated signs.**

a) Internally illuminated sign cabinets that allow letters and/or logos to be illuminated shall be allowed. Internally illuminated sign cabinets that allow the entire sign face to illuminate are prohibited.

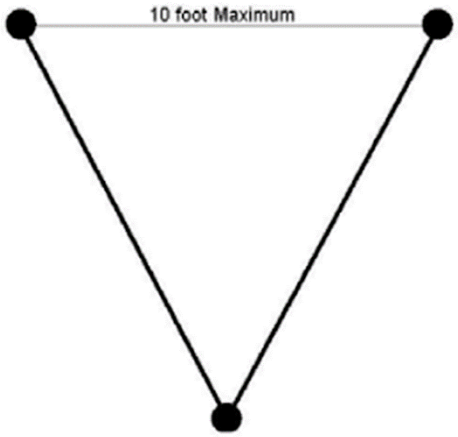
b) The lighting for externally lit signs shall be directed downward and away from adjacent properties and public road rights-of-way. Lights used for external lighting of signs shall be shielded or screened from any roadway to prevent distraction to driver vision. The source of illumination shall not be visible.

c) Light emanating from a business or property shall not exceed the light maximums established in this Section 26-739, (2) of this Chapter.

(7) Sign area. Sign area is the maximum area enclosed within a connected geometric shape completely enclosing all individual signs. (See diagram below.)



(8) Signs with two exposures. The area of the sign will be calculated by using the area of one side of the sign; however, both sides of the sign may be used for advertising. If site conditions dictate, the Administrator may permit the area of the sign with two exposures to be on separate sign faces that must be connected at one point and not more than ten feet apart at the furthest extension in order to optimize the sign exposure. (See diagram here.)



(9) Wall fascia or attached signs. Wall fascia, suspended sign or attached signs shall be firmly attached to the exterior wall of the building and shall not project more than two feet from the building, nor be higher than the eave line of the building. The sign surface shall be composed of non-glow and non-reflective materials.

(10) Window signs. Interior window signs shall not be considered in computing the allowable sign size. Lighted signs are allowed.

(11) Real Estate signs.

a) In all land use districts, one temporarily Real Estate sign advertising sale, rental, or lease may be located on a property adjacent to a road or street. On riparian properties, one additional Real Estate sign may be located facing a lake or river.

b) Temporary on-premises Real Estate signs shall not be located on public rights-of- way, in public waters, on docks, or other structures over public waters.

c) The height of temporary Real Estate signs shall not exceed six feet

d) The area of temporary Real Estate signs shall not exceed six square feet.

e) In lieu of the sign specified in 26-864 (12) a) above, one temporary Real Estate sign may be placed on a new development or subdivision advertising the sale of the combined lots, units, or tracts provided the sign does not exceed 32 square feet in size and the height does not exceed ten feet.

f) Temporary off-premises Real Estate directional signs are allowed at road intersections provided:

i. The sign has a white background with black letters, reading "Property For Sale" with a black, directional arrow;

ii. The sign does not exceed a total area of three square feet;

iii. Only one such directional sign per Real Estate company is allowed at each road intersection; and,

iv. Temporary off-premises Real Estate directional signs shall not create traffic hazards, restrict driver visibility, or interfere with the effectiveness of any official traffic-control device.

g) The time limit for placement of a temporary Real Estate sale sign is three years, or 2 months after the respective property is sold, rented, or leased, whichever is less.

h) A one-inch by three-inch label shall be affixed to all temporary Real Estate signs sign listing the name, company, address, and phone number of the sign owner.

i) Permanent signs naming or identifying a development shall require a sign permit.

(12) Yard/garage sales. Placement of a yard/garage sale sign on residential property is allowed provided it is not in place for more than 12 days per year. Each yard/garage sale sign shall not be more than six square feet in size and shall contain the date of sale and the location of the sale and the name, address, and phone number of the sign owner. Signs shall not be placed where they create a traffic hazard and must be removed immediately after the sale.

(13) Contractor/financial/institutional signs. Signs pertaining to construction and other construction related services are allowable without permits on the premises of the project. Only one sign per business is allowed per lot and shall not be more than six square feet in size for residential properties. Only one sign per business is allowed per lot and shall not be more than 32 square feet in size for commercial properties. These signs shall only be placed on the premises of the project site. Each sign must be removed within ten days after completion of construction.

(14) Political/Campaign signs. Signs, posters or banners which pertain to an upcoming election of a candidate and/or political issue shall be permitted in all districts, provided the property owner has given permission to place the sign on the premises. Such signs or posters shall remain in place no longer than 90 days before and ten days after the election for which they are posted, or in the case of general state elections, from August 1 preceding the election until ten days after the election unless otherwise provided pursuant to Minnesota Statutes, Chapter 211B.045. Such signs or posters shall not be placed within public road rights-of-way or where they may create traffic hazards.

(15) Church, synagogue, other religious institutions. Any sign, symbol, logo, tablet, plaque, or similar memorial or informational material shall be limited to a cumulative total of 250 square feet on the premises. One freestanding sign shall be permitted for display of the organization name, affiliation, hours of worship, and similar general information. A second freestanding sign may be permitted only if the cumulative street frontage exceeds 250 lineal feet. No sign shall exceed 150 square feet. Temporary signs to market events or special ceremonies may be displayed for a period not to exceed 14 continuous days.

(16) Community sign. A community information sign with changeable copy may be permitted to advertise and promote civic and special events of community significance. The maximum size of the sign shall be 128 square feet.

(17) No more than two sides per sign. No sign shall have more than two faces on which text, graphics or other material, which delivers a message, may be displayed.

(18) Multi Business Pylon Signs (MBPS): MBPS shall require a conditional use permit and shall only be allowed in the Limited Commercial, Downtown Commercial and Commercial/Light Industrial Land Use Districts. The following standards shall apply to MBPS:

- **a.** Clustering of two or more area identification and/or commercial business identification signs may be allowed on a single MBPS in exchange for separate pylons on each business site.
- **b.** Commercial business identification on approved MBPS for developments and/or businesses located within a 3/4 mile radius of the MBPS location on adjacent parcels with shared access and/or parking.
- **c.** Architectural standards for MBPS shall be required to achieve an "up north" look which would incorporate natural wood, stone, brick or manufactured like products in the pylon structure
- **d.** The applicant(s) shall submit diagrams, drawings, pictures and other information as requested by City staff describing each MBPS proposed, the location of each MBPS and the identity of each property proposed to be included in the MBP Plan including the name of the property owner, and the size and location of each property proposed to utilize the MBPS.
- **e.** After the City's approval of an MBPS Plan via a conditional use permit, no sign pylons other than those included in the approved Plan shall be kept, erected, placed or maintained on the properties covered by the Plan.
- **f.** The permissible height of any MBPS shall be no greater than 24 ft. with a minimum clear zone below the sign of 8 feet unless approved as a monument type sign and a maximum sign width of 16 feet. Pylon height shall be measured from the curb height closest to the MBPS site.
- **g.** Total permissible sign face area on MBPS shall be no greater than 200 square feet per face, and shall be limited to 32 square feet per business.
- **h.** Setback standards in all applicable land use districts will be as follows:
  - i. The outer-most edge of the sign face must be a minimum of 10 feet from any road right-of-way
  - ii. The outer-most edge of the sign face must be a minimum of 40 feet from any side lot line when the adjacent property's land use classification is Shoreland District of Rural Residential 5 District.
  - iii. The outer-most edge of the sign face must be a minimum of 10 feet from any commercial land use district
- **i.** Each MBPS Plan shall consist of a development of at least 2 contiguous businesses. In addition thereto, each business displayed on the MBPS must be within the City of Crosslake.
- **j.** No signage shall be allowed on any MBP other than area identification and commercial business identification signs for developments and/or businesses located within the City of Crosslake on property covered by the MBPS Plan under which such MBPS is approved. No sign advertising any product (rather than identifying an area or business) shall be allowed on any MBP.

Sec. 26-865 Commercial District Signs

Signs within commercial land use districts shall comply with the following standards:

(1) Up to ten percent of any building facade area, which directly abuts a public road right- of-way, may be dedicated to signs. Facade area used to calculate allowable signs must only include that area associated with the respective building or business use. Only one freestanding sign per lot or one freestanding sign per building for multi-use buildings shall be allowed, whichever is a smaller number. Commercial uses that depend on patrons arriving by watercraft may have two freestanding signs with a limit of one placed on the roadside of the property and one placed on the lakeside of the property.

(2) 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 Crow Wing County sheriff.

(3) Signs placed on the lakeside of a property must be 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 be located higher than ten feet above the ground, must not be located in the shore impact zone, and must not exceed 32 square feet in area.

(4) The setback for all on-premises signs shall be a minimum of five feet from a public road right-of-way.

(5) The sign for each permitted use shall be no more than ten percent of the facade. The permitted sign area for wall fascia or attached signs may be split up into several signs on the facade or used for one sign. In multi-tenant buildings, each tenant may place a separate sign on that portion of the building facade that corresponds to the interior portion of the building that the tenant occupies. Such tenant sign area shall be limited to ten percent of the area of the facade occupied by such tenant.

(6) A sign protruding from the front of the building more than two feet shall have a maximum area of 20 square feet.

(7) All signs must be coordinated to create a consistent and uniform appearance. Multiple tenant, freestanding signs must have a singular border/sign structure to tie all tenants together. Buildings with multiple tenant spaces may have separate wall fascia signs or attached signs that shall not exceed the maximum sign area for the facade of each respective tenant space.

(8) The sign area allowed for a freestanding sign shall be dependent upon the speed limit of the roadway in front of the building. Buildings located in a 40-mile-per-hour zone or higher shall have a maximum sign area of 128 square feet. Buildings located in an area with a speed limit of 39 miles per hour or less shall have a maximum sign area of 75 square feet.

(9) Temporary signs.

- **a)** Two temporary signs/banners/pennants at a time may be allowed per property or business, with a total sign area not to exceed 32 square feet.
- **b)** One temporary sign that is portable (e.g., flipper sign) and is 16 square feet or less in area and a height not to exceed 10 feet shall be permitted; however the signs shall not obstruct pedestrian walkways or driver visibility and shall not be illuminated.

Sec. 26-866 Legal Nonconforming Signs

It is recognized that signs exist which were lawful before this Article was enacted, which would be prohibited, regulated, or restricted under the terms of this Article or future amendments to this Chapter. It is the intent of this Section that nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same land use district. It is further the intent of this Section to permit legal nonconforming signs existing on March 1, 2015 to continue as legal nonconforming signs, provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

(1) No sign shall be enlarged or altered in a way that increases its nonconformity.

(2) Should such sign or sign structure be destroyed and no land use permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this Section.

(3) If a nonconforming sign or sign structure is moved, except to become more conforming with setbacks, it shall thereafter conform to the regulations for the land use district in which it is located.

Secs. 26-867—26-897 Reserved

ARTICLE 34 TELECOMMUNICATION AND OTHER TOWER STANDARDS

Sec. 26-898 Purpose and Intent

The purpose of this performance standard is to establish predictable and balanced regulations for the siting, screening, construction and engineering of wireless communication equipment in order to accommodate the growth of wireless communication systems within the city, while protecting the public from adverse impacts on the city's aesthetic resources, and protecting the public welfare by:

(1) Providing for the appropriate location and development of communication towers to serve the residents and businesses in the city;
(2) Minimizing adverse visual impact of towers through careful design, siting and vegetative screening;
(3) Avoiding potential damage to adjacent properties from tower failure through engineering and careful siting of the tower structure;
(4) Maximizing the use of any new tower structure to reduce the number of towers needed;
(5) Complying with the Federal Telecommunications Act of 1996.

Sec. 26-899 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 the City. 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 the City.

Sec. 26-900 Tower Facilities Generally Allowed

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

(1) Antenna(s) incidental to residential use;
(2) Routine maintenance of existing tower facilities or modification of lighting to meet the standards in Section 26-910; and;
(3) The addition of antenna(s) to a tower facility that meets the standards of this article and does not increase the height of the tower facility.

Sec. 26-901 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:

(1) 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
(2) The addition of antenna(s) to existing lighted tower facility if the tower facility is modified to meet the lighting standards of Section 26-910 and do not increase the height of the tower facility.

Sec. 26-902 Conditional Use Permit

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 that are located on publicly owned land or inside Commercial/Light Industrial Districts, unlit, camouflaged, monopole tower, and do not extend more than 199 feet above the average ground level.

Sec. 26-903 General Standards

(1) **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.
(2) **Fencing** . The tower facility shall be protected by a security fence a minimum of six feet in height to prohibit access by unauthorized persons.
(3) **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.
(4) **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.

Sec. 26-904 Permit Application Requirements

(1) 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.
(2) Name and address of the tower facility owner, record landowner of parcel and any duly appointed agents of the parties.
(3) A visual study depicting where within a one mile radius any portion of the proposed tower facility will be visible.
(4) 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.
(5) 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.
(6) 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.
(7) 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.
(8) 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.
(9) 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.
(10) Tower design and their antennas shall be certified by a licensed professional engineer to ensure that they conform to applicable state structural building standards.
(11) 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:

a) The planned tower facility would exceed the structural capacity of the tower facility and the structural capacity cannot reasonably be increased;
b) The planned tower facility would cause interference with the usability of other existing or planned equipment at the tower facility; and/or
c) Existing tower facility cannot accommodate the planned antenna at a height necessary to function reasonably.

(12) The owner of the tower facility shall provide performance security as specified in Section 26-72 to the Department 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 Planning Commission/Board of Adjustment based on input from an independent technical expert.

(13) 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 Department by the wetland professional performing the work which describes the presence or absence of wetlands.

Sec. 26-905 Conditional Use Permit Criteria

The Planning Commission/Board of Adjustment shall consider the following criteria in determining whether to issue a Conditional Use Permit:

(1) Height of the proposed tower facility;
(2) Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider's equipment;
(3) Proximity of the tower to residential structures and residential land use district boundaries;
(4) Nature of uses on adjacent and nearby properties;
(5) Surrounding topography;
(6) Surrounding tree coverage and foliage;
(7) Design and siting of the tower with particular reference to design characteristics and location that have the effect of reducing or eliminating visual obtrusiveness;
(8) Proposed ingress and egress;
(9) Availability of suitable existing towers and other structures as discussed in Section 26-904, (7), and;
(10) Impact to the existing aesthetics and character of the surrounding area.
(11) Level of adherence to the provisions set forth in Section 26-898 of this article.

Sec. 26-906 Existing Tower Facilities

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. Existing tower facilities shall be considered for the co-location of other antenna(s). The owner of an existing tower facility shall file an annual notification in writing to the Department as to the continuing operation of every tower facility constructed. Failure to do so shall be determined to mean that the tower facility is no longer in use and considered abandoned.

Sec. 26-907 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.

Sec. 26-908 Time Limit for 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.

Sec. 26-909 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 City to take legal action to remove the tower facility and restore the site.

Sec. 26-910 Lighting Standards for Tower Facilities

(1) 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.

(2) 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:

- **a)** Only incandescent red lighting at night, both side and beacon lights;
- **b)** Minimum required intensity white strobe lighting daytime; red incandescent nighttime lighting;
- **c)** Minimum required intensity white strobe lighting daytime; minimum required intensity red strobe nighttime lighting; then
- **d)** Minimum required intensity white strobe daytime lighting; minimum required intensity white strobe nighttime lighting.

(3) 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.

Secs. 26-911—26-920 Reserved

ARTICLE 35 - ANIMALS IN RESIDENTIAL DISTRICTS

The standards in this Article shall apply to the keeping of animals in Shoreland and Rural Residential 5 Land Use Districts.

Secs. 26-921 Limitations on Animals in Residential Districts

(1) Household pets which do not constitute a public nuisance are allowed in all Land Use Districts.

(2) Agricultural animals shall be allowed in the Shoreland and Rural Residential 5 Land Use Districts subject to the following performance standards:

- **a)** One animal unit is allowed per 2.5 acres land.
- **b)** No more than .25 animal units shall be allowed on parcels less than 2.5 acres of land.
- **c)** The keeping or pasturing of such animal unit does not pollute the waters of the State or the ground water under the land.
- **d)** No such animal unit shall be kept or pastured within 100 feet of any other dwelling.
- **e)** All animal units shall be kept or pastured meeting the required lake setback to the OHWL of a public water.
- **f)** Accumulation of animal wastes or manure shall not be allowed.

Secs. 26-922—26-959 Reserved

ARTICLE 36 - Accessory Structure Standards

Sec 26-960 Accessory Structures--Residential

(1) On lots 2 acres in size or less, each residential accessory structures must meet the following requirements:

STRUCTURE SIZE	Road right of way)	Side yard	GD Lake	GD River	RD Lake	NE Lake	NE River	Bluff	Wetland	Building Height
Up to 1200 square feet in size	35	10	75	100	100	150	150	30	15	25

(8) A permit shall not be required for up to two accessory structures totaling no more than 160 square feet.
(9) No accessory structure shall be used for human habitation except to allow for a permitted auxiliary quarter as listed in Section 26-962.
(10) All setback and building height requirements shall be met.
(11) Construction complies with all provisions of Articles 20 and 21 of this Chapter.
(12) Semi-trailers, cargo containers, railroad cars, manufactured houses, or similar structures shall not be used for storage.

Secs 26-961—26-994 Reserved

ARTICLE 37 RESERVED

Secs. 26-995—26-1022 Reserved

ARTICLE 38 RESERVED

Secs. 26-1023—26-1060 Reserved

ARTICLE 39 RESERVED

Secs. 26-1061—26-1081 Reserved

ARTICLE 40 RESERVED

Secs. 26-1082—26-1122 Reserved

ARTICLE 41 RESERVED

Secs. 26-1123—26-1141 Reserved

ARTICLE 42 WIND ENERGY CONVERSION SYSTEMS (WECS)

Sec. 26-1142 Purpose and intent

The purpose of this performance standard is to establish predictable and balanced regulations for establishment of commercial and noncommercial WECS within the city, while protecting the public from adverse impacts on the city's aesthetic resources, and protecting the public welfare by:

1. Providing for the appropriate location and development of WECS to serve the residents and businesses in the city;
2. Minimizing adverse visual impact of WECS through careful design, siting and vegetative screening; and
3. Avoiding potential damage to adjacent properties from turbine failure through engineering and careful siting of the WECS structure.

Sec. 26-1143 Application

Wind conversion systems may be allowed as a conditional use within land use districts in the city where they are allowed, subject to the regulations and requirements of this Section, provided that:

(1) The property upon which the system is to be located is at least five acres in size;
(2) The system is not located within the shoreland areas of any public water body or located waterward of the OHW of any public water bodies.

Application for WECS shall be reviewed and processed in accordance with the conditional use permit procedures established in Article 7 of this Chapter.

Sec. 26-1144 Plan drawing

All commercial applications for a WECS conditional use permit shall be accompanied by a certificate of survey and all residential applications shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the following information:

(1) Site plan/certificate of survey.
- **a)** Lot lines and dimensions.
- **b)** Location and height of all buildings, structures, above ground utilities and trees on the lot, including both existing and proposed structures.
- **c)** Locations and height of all adjacent buildings, structures, aboveground utilities and trees located within 350 feet of the exterior boundaries of the subject property.
- **d)** Existing and proposed setbacks of all structures located on the subject property.

(2) Elevation drawing. An elevation drawing of the premises accurately depicting the proposed WECS and its relationship to structures on adjacent lots.

Sec. 26-1145 Compliance with National Electrical Code

WECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code.

Sec. 26-1146 Manufacturer's warranty

Applicant shall provide documentation or other evidence from the dealer or manufacturer that the WECS has been successfully operated in atmospheric conditions similar to the conditions within the city. The WECS shall be warranted against any system failures reasonably expected for operation in severe weather conditions.

Sec. 26-1147 Design standards

(1) Height. The permitted maximum height of a WECS shall be limited to a maximum system height of 200 feet above the natural ground upon which the WECS is placed.

(2) **Setbacks**. No part of a WECS shall be located within any required front, side or rear yard setback. WECS towers shall be setback a minimum of 230 feet from all property lines or the engineered fall down radius plus a 50 percent safety margin, whichever is greater. A letter stating the fall down radius from the tower manufacturer shall be submitted to the planning and zoning office. WECS shall not be located within 230 feet of an aboveground utility line. Substations shall be located outside of the road right-of-way.

(3) **Rotor size**. All WECS rotors shall not have rotor diameters greater than 26 feet.

(4) **Rotor clearance.** WECS shall have a blade-arc clearance minimum of 30 feet over any structure or tree within a 250-foot radius.

(5) **Rotor safety**. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 mph or greater).

(6) **Shadow flicker**. The WECS shall be designed such that the project shall minimize shadow flicker onto adjacent existing residences. Mitigation measures, which may include landscaping, shall be incorporated into any conditional use permit. A shadow flicker study shall be required where shadow flicker may interfere with residences on adjacent properties and describe measures that shall be taken to eliminate or minimize the problem.

(7) **Lightning protection**. Each WECS shall be grounded to protect against natural lightning strikes in conformity with the National Electrical Code.

(8) **Tower**. Towers shall be painted in a non-contrasting color consistent with the surrounding area such as pale gray or white to reduce visual impact.

(9) **Tower access.** To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:

a) Tower climbing apparatus shall not be located within 12 feet of the ground.

b) A locked anti-climb device shall be installed on the tower.

c) Towers capable of being climbed shall be enclosed by a locked, protective fence at least six feet high.

(10) **Signs.** WECS shall have one sign, not to exceed two square feet posted at the base of the tower and said sign shall contain the following information:

a) "Warning High Voltage."

b) Manufacturer's name and address.

c) Emergency phone number.

d) Emergency shutdown procedures.

(11) **Lighting.** WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal Aviation Administration (FAA) regulations.

(12) **Electromagnetic interference.** WECS shall be designed and constructed so as not to cause radio and television interference. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the city for permits. The Administrator may require the submittal of an interference study for commercial and noncommercial WECS located in sensitive areas.

(13) **Noise emissions.** Noise emanating from the operation of WECS shall be in compliance with the noise standards regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NPC 1 and 2, as amended.

(14) **Utility company interconnection.** No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code.

Sec. 26-1148 Meteorological equipment

Temporary meteorological equipment located upon a temporary tower used on an interim basis to gather wind and meteorological data to determine feasibility of the WECS shall require the processing of a conditional use permit and shall comply with the following standards:

(1) The tower shall be placed on the property for no longer than 18 months from the date of the conditional use permit issuance. Any abandoned or obsolete temporary tower shall be removed within 30 days from the cessation of operation at the site.
(2) The tower shall be temporary by nature and shall not have permanent foundations.
(3) The tower shall meet the minimum wind and ice load design required by the State of Minnesota Building Code.
(4) The tower shall be protected against unauthorized climbing.
(5) The tower shall be setback 230 feet from all property lines or a distance equal to the engineered fall down radius plus a 50 percent safety margin, whichever is greater, from any lot line, recreational field, and dwelling, school, business or other habitable structure.
(6) The tower shall be grounded and shielded to protect against natural lightning strikes, in conformity with the National Electrical Code.
(7) No tower shall have affixed or attached lights, reflectors, flashers or any other illumination, except for those devices required by the Federal Aviation Administration.

Sec. 26-1149 Land use permit required

A land use permit shall be required for the installation of a WECS in the city.

Sec. 26-1150 Aggregated projects

Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and appropriate approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project.

Sec. 26-1151 Infrastructure

The applicant shall identify all Crow Wing County and City roads or streets to be used for the purpose of transporting commercial WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and/or substation and obtain applicable weight and size permits from impacted road authorities prior to construction. The Administrator may require a pre-construction survey, in coordination with the impacted local road authorities to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public roadways and facilities. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authorities sufficient to restore the roads to preconstruction conditions.

Sec. 26-1152 Ornamental wind devices

Ornamental wind devices that are not a WECS shall be exempt from the provisions of this division and shall conform to other applicable provisions of this chapter.

Sec. 26-1153 Inspection

The city hereby reserves the right upon issuing any WECS conditional use permit to inspect the premises on which the WECS is located.

Sec. 26-1154 Abandonment

Any WECS or tower which is not used for 12 successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. All WECS and accessory facilities, including the foundation, shall be completely removed within a year of the discontinuation of use for WECS projects.

(Comp. Ords. of 5-9-2011, § 8.50(subd. 20.O))

Secs. 26-1155—26-1175 Reserved

ARTICLE 43 DEFINITIONS

Sec. 26-1176 Purpose

For the purposes of this Chapter, 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 Chapter, unless another meaning is clearly given, are listed below:

Sec. 26-1177 Definitions.

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.

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 nonriparian lots.

ACCESS PATH
An area designated to provide ingress and egress to public waters.

ACCESSORY STRUCTURE
A structure which is 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, and similar structures.

ACCESSORY USE
A use incident and subordinate to the main use of the premises. An accessory use cannot exist without the establishment of a primary use.

ADJACENT 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.

ADMINISTRATIVE FEE
A fee charged by the Department as set by the City Council to compensate for time spent involving the investigation and prosecution of violations, including additional expenses incurred during the investigation.

ADMINISTRATOR
The individual appointed by the Crosslake City Council to direct the City of Crosslake Planning and Zoning Department and administer this Chapter.

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.

AGENT
Any person acting on behalf of a landowner in dealing with activities under the jurisdiction of the Chapter, including but not limited to realtors, contractors or attorneys.

AGGREGATED PROJECTS
Those wind energy projects which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity, but are also included as part of the aggregated project

AGRICULTURAL USE
The use of land for the growing and/or production of crops or livestock products for the production of income, including incidental retail sales of produce or animal products.

ALLEY
A public way used primarily as a service access to the rear or side of a property which abuts on a road.

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.

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.

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 (AU)
1 mature dairy cow	1.4
1 slaughter steer or heifer	1.0
1 Horse	1.0
1 Swine over 55#	0.4
1 Sheep	0.1
1 Swine under 55#	0.05
1 Turkey	0.018
1 Chicken	0.01

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.

APARTMENT
A multifamily structure with dwelling units rented or leased by the month or year.

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.

ARCHITECTURAL CONCRETE MASONRY UNIT
A concrete masonry unit (CMU) displaying any one of several decorative finishes that affects the texture, color, or profile of the unit including, but not limited to, split, scored, ribbed, ground, slump, weathered, or glazed units.

ARCHITECTURAL GLASS
A glass, produced as an exterior building material.

ARCHITECTURAL METAL PANELS
A metal wall or roof panel system, which can be of various alloys, with a high grade factory finish, that includes the system's associated gaskets and trim profiles.

ARCHITECTURAL PRECAST PANEL
A precast concrete panel as defined by the Concrete Precast Institute.

ASSEMBLY PLANT
A building or group of buildings in which manufactured parts are assembled into a finished product.

ATHLETIC CLUB
An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities.

ATHLETIC FIELD
A parcel prepared and equipped for playing a game(s).

ATTORNEY, CITY
The Attorney for the City of Crosslake, Minnesota.

AUDITOR - TREASURER
The County Auditor-Treasurer for Crow Wing County, Minnesota.

AUTO BODY SHOP
A building or any portion thereof designed primarily for major reconditioning of worn or damaged motor vehicles or trailers or collision service including body, frame, or fender straightening or repair, or painting of vehicles.

AUTO SERVICE SHOP
A building or any portion thereof designed primarily for providing general repair, oil, lubrication and accessories to motor vehicles.

AUXILIARY 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.

AUXILIARY 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.

BANK/FINANCIAL INSTITUTION
An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

BASE FLOOD ELEVATION
The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

BASEMENT
Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

BEAUTY/BARBER SHOP
An establishment in which hair cutting, hairdressing, makeup, and similar cosmetic treatments are carried out professionally.

BED AND BREAKFAST RESIDENCE
A dwelling in which six 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.

BEDROOM
A room or unfinished area within a dwelling that might reasonably be used as a sleeping room as determined by the Department.

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.

BEST MANAGEMENT PRACTICES (BMP)
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.

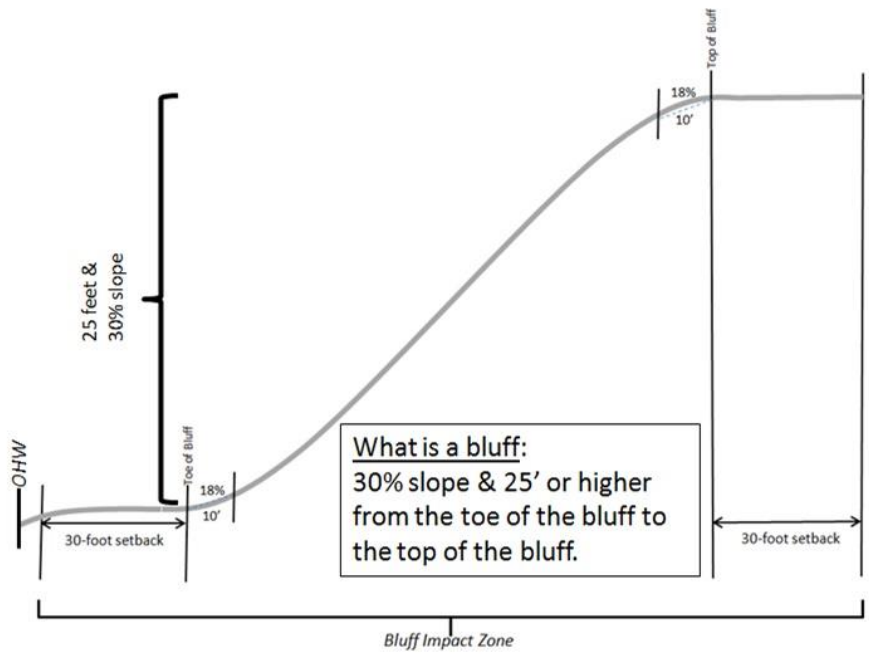
BILLBOARD
See sign, off premises

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.

BLUFF
A topographical feature such as a hill, cliff or embankment having all of the following characteristics:

(1) Part or all of the feature is located in a shoreland area;
(2) The slope rises at least 25 feet above the toe of the bluff;
(3) The grade of the slope from the toe of the bluff to the top of the bluff averages 30 percent or greater; and
(4) The slope must drain toward the water body.

(see diagrams below)



BLUFF IMPACT ZONE
A bluff and land located within 30 feet of the bluff. (see diagrams above)

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. (see diagrams above)

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. (see diagrams above)

BOARD OR COUNTY BOARD
The Crow Wing County Board of Commissioners

BOATHOUSE
A structure designed and used solely for the storage of boats or boating equipment.

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 Chapter.

BOWLING LANES
A building equipped with lanes and other associated equipment and accessories to facilitate the game of bowling. Bowling lanes may include food, liquor, and retail sales of bowling equipment.

BROADCAST
To convey, generate, transmit or receive electromagnetic signals regardless of frequency, power level or communications use.

BUFFER
A strip of land on a riparian parcel adjacent to a public water and landward of a beach, retaining wall, riprap area, or other recreational use area upon which vegetation is to be maintained in its natural state, and not be mowed, cut or removed consistent with the standards set forth in the Department's Shoreline Rapid Assessment Model.

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.

BUILDING ENVELOPE
Area of a lot on which structures can be built meeting setbacks to public waters, road-right-of way, easements, bluffs, lot lines, wetlands, and subsurface sewage treatment systems.

BULK LIQUID STORAGE
A single property or adjacent properties used for the storage of petroleum products or industrial chemicals on which are located:

(1) One or more stationary tanks which are used singularly or in combination for the storage or containment of more than one thousand one hundred gallons of oil, petroleum distillates, or liquefied petroleum gas, or
(2) All stationary tanks used for the storage of used oil, or
(3) All stationary tanks used for the storage of industrial chemicals.

BUSINESS
Any establishment, employment or enterprise wherein merchandise is manufactured, exhibited, stored or sold, or where services are offered for compensation.

CAMOUFLAGE
A covering or disguise of any kind to hide or conceal.

CAMP, TRANSIENT OR CHURCH
A parcel upon which an organization, religious or otherwise, offers group accommodations and organized recreation and/or instruction.

CAMPER
A structure capable of providing shelter and mounted on a self-propelled vehicle.

CAMPGROUND OR RECREATIONAL CAMPING VEHICLE PARK
A commercial development that is used for the purpose of providing sites for nonpermanent overnight use by campers using tents, trailers, recreation camping vehicles, or other temporary shelters.

CAR WASH, COMMERCIAL
A facility used to clean the exterior and/or interior of motor vehicles that may include hand car wash facilities where the vehicle is washed by employees, coin-operated self-service facilities where the customer does the washing, and in-bay automatic machines that roll back and forth over a stationary vehicle.

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.

CEMETERY
An area set apart for or containing graves, tombs, or funeral urns; a burial ground or graveyard.

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.

CERTIFICATE OF INSTALLATION
A document issued by the Department after the initial inspection and certifying that a new septic system meets the performance standards of MPCA 7080.

CERTIFICATE OF SURVEY
A graphic representation of any parcel, tract, or lot of real property whose primary purpose is to show the results of a boundary survey which is certified and signed by a licensed surveyor.

CHURCH OR SYNAGOGUE
A building used for public religious worship.

CITY
City of Crosslake, Minnesota

CLASSROOM, TEMPORARY
A type of portable building installed on the grounds of a school on a temporary basis to provide additional space where there is a shortage of capacity.

CLINIC, MEDICAL
A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

CLUBS/LODGES, PRIVATE
A nonprofit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests.

COLLECTOR ROAD, MAJOR/MINOR
A road that serves as a principal connection between a minor arterial or principal arterial and minor roads.

COMMERCIAL USE
The principal use of land or buildings for the sale, lease, rental, trade of products, goods or services.

COMMISSIONER
The Commissioner of the Department of Natural Resources or their authorized representative.

COMMON INTEREST COMMUNITY
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.

COMMON OPEN SPACE
A portion of a development that:
- **(1)** Is permanently set aside to preserve elements of the natural landscape for public or private use;
- **(2)** Will not be developed or subdivide; and
- **(3)** Is generally owned in common by the individual owners in the development or by a permanently established management entity.

COMPREHENSIVE PLAN
The Comprehensive Land Use Plan (titled “Crosslake Community Plan”) for the City of Crosslake, Minnesota. A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development of the City.

CONCRETE/ASPHALT PLANT, PORTABLE
A device that combines various ingredients to form concrete or bituminous material and that is so designed as to be transported from one job site to another.

CONCRETE/CEMENT/REDI-MIX PLANT, PERMANENT
A permanent facility on a site that includes a device that combines various ingredients to form concrete for retail sale.

CONDITIONAL USE
A land use that would not be appropriate generally in a land use district, but may be allowed with appropriate restrictions as provided by official controls upon a finding that:
- **(1)** Certain conditions as detailed in this Chapter exist, and
- **(2)** The use or development conforms to the comprehensive land use plan and
- **(3)** Is compatible with the existing neighborhood.

CONDOMINIUM
A common interest community in which:
- **(1)** Portions of the real estate are designated as units,
- **(2)** The remainder of the real estate is designated for common ownership solely by the owners of the units, and,
- **(3)** Undivided interests in the common elements are vested in the unit owners.

CONFORMING
To be, act, use, or exist pursuant to this Chapter and any regulations or standards promulgated under this Chapter, and with any special conditions or requirements imposed by this Chapter, and with any special conditions or requirements imposed in the issuance of any permits under this Chapter.

CONSERVATION DEVELOPMENT
A method of subdivision characterized by common open space and compact residential structure unit lots that may or may not be clustered. 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.

CONTRACTING SERVICES, CONSTRUCTION/REPAIR
A building or buildings used by a business that engages in commercial activities including but not limited to earth moving, carpentry, electrical, plumbing, heating, ventilation, mechanical systems, flooring, insulation, and siding. Business and/or storage may be conducted inside or outside buildings.

CONVENTIONAL DEVELOPMENT
A method of subdivision characterized by lots that are spread evenly throughout a parcel in a lot and block design. Conventional developments have a one primary residence per lot configuration.

CORRECTIVE ACTION
The steps taken to return a development, structure, or use to a condition that complies with the standards of this Chapter and any conditions required by the Department or the Planning Commission/Board of Adjustment, or no longer poses a threat to public health, safety, welfare, and the environment; or is no longer a public nuisance.

COUNTY
Crow Wing County, Minnesota.

COUNTY RECORDER
The County Recorder and Registrar of Titles for Crow Wing County, Minnesota

CUL-DE-SAC
A permanent road terminating at one end, which is circular in design, without connecting with another road

DAY CARE/CHILD CARE/FAMILY DAY CARE FACILITY
A facility licensed pursuant to Minnesota Statutes, Chapter 245A and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

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.

DEMOLITION LANDFILL
A facility licensed pursuant to Minnesota Rules, Chapter 7035, used to dispose of demolition debris resulting from the demolition of buildings, roads, and other structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts, but not including asbestos wastes.

DEPARTMENT
The City of Crosslake Planning and Zoning Department.

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.

DEVELOPMENT REVIEW TEAM (DRT)
A committee whose responsibility it is to provide preliminary review of applications for variances, conditional uses, and development proposals.

DIRT MOVING
Any movement, excavation, grading, or filling of dirt on a lot.

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.

DNR
Minnesota Department of Natural Resources.

DRIVEWAY
A private road serving no more than two residential lots.

DUMP
An area used for disposal of wastes.

DUPLEX RESIDENTIAL LOT
A lot designed to accommodate a two-family dwelling or two separate dwelling units.

DWELLING, MULTI-FAMILY
A building containing more than four dwelling units, including units that are located one over the other.

DWELLING, SINGLE-FAMILY
A detached residence designed for or occupied by one family only.

DWELLING SITE
A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING, TWO-FAMILY
A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

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.

EASEMENT
A non-possessory interest held by one person or unit of government in the land of another whereby the non-possessory person is given partial use of the land or restricts the use of the land for a specified purpose.

ENERGY SYSTEM, RENEWABLE
Equipment designed for the generation of an energy source that is naturally replenished, such as solar, wind, or geothermal which is associated with a principal residential use.

ENGINEER
A registered professional engineer licensed in the State of Minnesota.

EQUAL DEGREE OF ENCROACHMENT
A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

EQUIPMENT, RENTAL/SALES/SERVICE
A business providing machinery, equipment, and tools of all kinds and sizes to construction contractors, industry, and individual consumers for rent for a limited period of time, or for retail/wholesale sale. Service and repair of equipment may also be provided.

EXPANSION
Any increase in a dimension, size, area, volume, or height, or increase in the area of use, or placement of a structure.

EXTRACTIVE USE
All forms of, but not limited to, gravel, sand, topsoil, quarry rock, mineral, peat, humus, sub-surface insitu-leach extraction, petroleum and any other similar uses in which material is removed from the ground.

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 Subps. 4(D & E).

FALL ZONE
The area defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

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.

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.

FARMLAND
Land specifically used for agricultural purposes in the raising of crops or livestock.

FENCE
Any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.

FILLING
The act of depositing any rock, soil, gravel, sand or other material so as to fill or partially fill a water body, watercourse, wetland, or other area.

FIREPIT
For the purposes of this ordinance, a firepit located in the shoreland impact zone 1 cannot exceed 5 feet in diameter or include an impervious area surrounding the firepit.

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.

FLOOD FREQUENCY
The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE
That portion of the Floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Crow Wing County.

FLOODPLAIN
The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

FLOOD PRONE AREA
Any land susceptible to being inundated by water from any source (see “Flood”).

FLOODPROOFING
A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOOD PROTECTION
A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY
The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining Floodplain which are reasonably required to carry or store the regional flood discharge.

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.

FOREST LAND
Land covered with forest or reserved for the growth of forests.

FOUNDATION
A concrete, concrete and concrete block, or treated wood portion of a structure which totally encloses the perimeter of the structure, supports the bearing loads of the super-structure and penetrates the ground to provide frost protection.

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.

FUNERAL HOME
An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funeral ceremonies.

GARAGE/YARD SALE
An informal, irregularly scheduled event for the sale of goods by private individuals.

GAS STATION
A commercial land use where gasoline, liquid propane (L.P.) or diesel fuel is stored, pumped and sold to the public. The term "gas station" includes a convenience store if fuel is dispensed at the location.

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.

GOLF, MINIATURE
A novelty golf game played with a putter on a small course usually having tunnels, bridges, sharp corners, and obstacles.

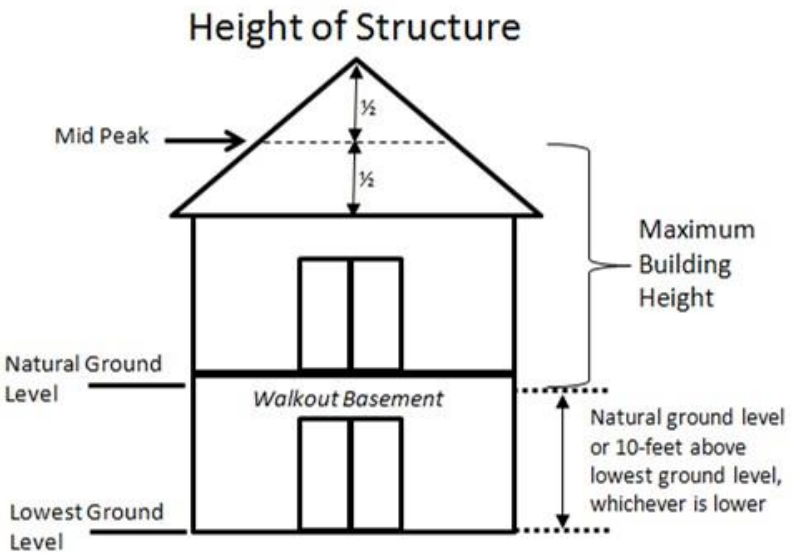
GREENHOUSE/NURSERY, COMMERCIAL
A place of business where retail and wholesale gardening products and produce are sold to the consumer. These centers may include a nursery and/or greenhouses, nursery products, nursery stock, potting soil, hardware, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

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.

GROUP HOME
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, mentally retarded, chemically dependent, foster children, maternity shelters and half-way houses.

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.

HEIGHT OF STRUCTURE
The vertical distance between the mean natural grade at the building 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.



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.

HOME OCCUPATION
A use of a commercial nature conducted by an occupant of 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.

HOME, SPECIALTY CARE (nursing, assisted living, supportive services)
A privately operated residential center providing maintenance and personal or nursing care for persons (as the aged or the chronically ill) who are unable to care for themselves.

ICE RIDGE, ANNUAL
A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice within a calendar year.

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.

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.

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.

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.

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.

INTENSIVE VEGETATION CLEARING
The complete removal of trees, shrubs or ground cover in a contiguous patch, strip, row or block.

INTERIM USE
A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

LANDSCAPING
The placement of trees, shrubs, grass, walls and earth mounds or the utilization of existing natural vegetative cover.

LAND USE DISTRICT
An area or areas within the limits of the City for which the regulations and requirements governing use are uniform. District boundaries are shown on the official land use district map.

LAND USE DISTRICT MAP
The map showing the various land use districts into which the incorporated areas of the City are divided.

LAND USE PERMIT
A permit issued by the Department authorizing certain works to be done pursuant to the standards of the Chapter.

LIBRARY
A library is an organized collection of sources of information and similar resources, made accessible to a defined community for reference or borrowing.

LIQUOR SALES, OFF SALE
A retail establishment that sells prepackaged alcoholic beverages intended to be consumed off premises.

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.

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.

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.

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.

LOT, CONTROLLED ACCESS
Any lot which is designated by dedication, easement, or other recorded instrument for use by landowners within a plat as a means to gain access to public water.

A privately owned riparian lot meeting the ordinance standards for a buildable lot, owned by more than one owner in undivided interest, provided with facilities and used for access, and not containing a dwelling.

LOT FRONTAGE
The boundary of a lot which abuts on a public road right-of-way. An access easement to a public road right-of-way with a width meeting the minimum dimensional requirements for lot frontage meets the lot frontage requirement.

LOT, NON-RIPARIAN
A lot that does not abut public waters.

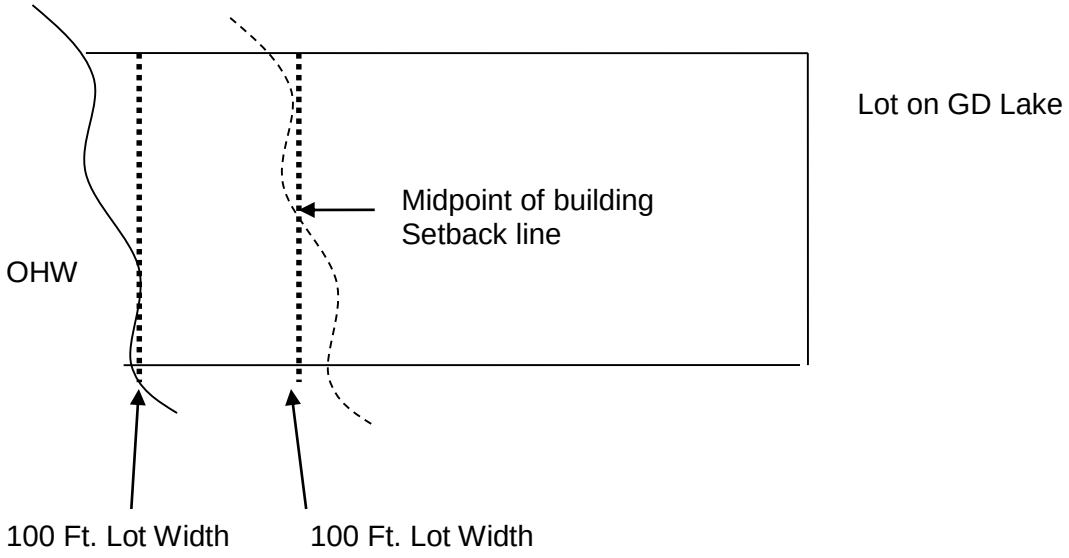
LOT OF RECORD
A lot which is one unit of a subdivision plat duly approved and filed, or one unit of an auditor's subdivision, or registered land survey, or a lot created by metes and bounds, any of which was recorded in the office of the County Recorder prior to February 6, 1992.

LOT, RIPARIAN
A lot that abuts public waters.

LOT WIDTH, NON-RIPARIAN
On a lot the does not abut public waters, the shortest distance between side lot lines as measured at the midpoint of the longest axis of the lot.

LOT WIDTH, RIPARIAN
On a lot that abuts public waters, the minimum distance between:

(1) Side lot lines measured at the midpoint of the building setback line; and
(2) The minimum distance between side lot lines at the ordinary high water level.



LOWEST FLOOR
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.

LUMBER YARD
An establishment providing the sale or rental of building supplies, construction equipment or home decorating fixtures and accessories. This term includes a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental.

MACHINE/WELDING SHOP
A facility where material is processed by machining, cutting, grinding, welding, or similar processes. An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, doors and gates, duct work, forgings and stampings, hardware and tools, tanks, docks, towers, and similar products.

MAINTENANCE

(1) 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.

(2) Normal upkeep of a property including but not limited to mowing, raking, gardening, and pruning.

MANUFACTURED HOME

A structure transportable in one or more sections, which in the travel mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a residential structure dwelling with or without a permanent foundation.

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.

MANUFACTURING, LIGHT

Uses that include fabrication, welding, machining, assembly or processing of materials that are produced elsewhere, packaging of parts and finished products.

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.

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).

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.

MIDSIZED SUBSURFACE SEWAGE TREATMENT SYSTEMS

Systems designed to treat 5000 to 10,000 gallons of effluent per day. These systems require operating permits.

MINIMALLY MEET THE STANDARDS OR CODES

As applied to resort cabins, the replacement structure does not add new architectural elements, such as more bedrooms, that did not exist in the original structure.

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.

MOBILE HOME DEVELOPMENT

A residential area permitted by Conditional Use Permit for mobile homes to be erected on each separate lot therein.

MOBILE HOME PARK
A parcel of land which has been planned and improved for the rental placement of two or more mobile homes and licensed by the State of Minnesota.

MODEL HOME/TEMPORARY REAL ESTATE OFFICE
A representative home used for a specified time period as part of a sales campaign to display the design, structure, and appearance of other dwelling units that are or will be available for sale within a subdivision or condominium development.

MOTEL/HOTEL
A commercial business with a central management to provide lodging and may provide related facilities such as restaurants, bars and other recreational amenities. The term "motel/hotel" includes a bed and breakfast and boardinghouse designed with over six separate bedrooms.

MOTOR VEHICLE
An automobile, truck or any other vehicle that is self-propelled or driven otherwise than by human power, not including railways.

MPCA
Minnesota Pollution Control Agency.

MULTI-BUSINESS SIGN
A freestanding sign which displays, or is capable of displaying, more than one business, of which at least one business is located upon a different parcel of real estate.

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.

NPDES
National Pollution Discharge Elimination System authorized by Section 402 of the Federal Water Pollution Control Act Amendment of 1972.

NUISANCE
Pursuant to Minnesota Statutes, Chapter 412.221, subds. 23 and 24; 429.031, subd. 8; and 145A.01 et seq., the term "nuisance" is anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact and other similar interferences or offenses.

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 Floodplain 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.

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.

OPEN SPACE
A portion of a development site that is permanently set aside for public or private use and will not be developed.

OPERATOR
The person responsible for the overall operation of a facility or business.

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.

OUTDOOR SEASONAL SALES
The offer of goods on a seasonal basis, as part of a permanent business, conducted in an area immediately adjacent to the building or in the parking lot where the permanent business is conducted.

OUTLOT
A lot remnant or any parcel of land included in a plat, which may be used as open space. An outlot may be a large tract that could be subdivided in the future, may be too small to comply with the minimum size requirements of zoning and subdivision ordinances, or otherwise unsuitable for development.

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 Chapter, or the owner of record or the person or persons who own a facility or part of a facility.

PARCEL
See Lot

PARKING, COMMERCIAL
An area or facility intended and reserved for the temporary parking of vehicles by customers of a specific business or group of businesses.

PARKING, PUBLIC
An area or facility intended for the temporary parking of vehicles by the general public.

PARKING SPACE, OFF-STREET
Parking area not within a public way but accessible from a public way that is maintained and sized to be occupied by one automobile.

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.

PERMIT
Authorization issued by the Department under the standards of this Chapter permitting the construction of a structure, or a parcel of land to be used for a prescribed purpose.

PERMITTED USE
A land use conforming to the character of a land use district which may require a land use permit issuable by the Department.

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 Chapter.

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.

PERVIOUS SURFACE
A surface that allows inflow of rainwater into the underlying construction or soil.

PLANNING COMMISSION/BOARD OF ADJUSTMENT
The Planning Commission and Board of Adjustment for the City of Crosslake, Minnesota as created by this Chapter.

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.

POLLUTANT
The meaning given it in Minnesota Statutes, Chapter 115A.

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 this chapter; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

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.

PRINCIPAL USE OR STRUCTURE
The primary purpose for which land or a building is arranged, designed, intended, or used. All uses or structures that are not accessory uses or structures.

PRINT SHOP, COMMERCIAL
An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint or offset printing equipment, including publishing, binding, engraving, and copy services.

PRIVATE ROAD
Any vehicular way which is not an existing federal, state, county, or city roadway; or is not shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law, or is not dedicated to public use.

PUBLIC BEACH
A gently sloping area, generally covered with sand, extending inland from the water line of a lake or river which is designated and available for recreational use by the general public. A public beach may be publicly or privately owned.

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.

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.

PUBLIC PARK
A park, reservation, open space, playground, beach or recreation and/or community center in the City owned, leased, or used wholly or in part by a city, county, state, school district, or federal government for recreational purposes.

PUBLIC UTILITY
Persons, corporation, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purposes of this ordinance, commercial wireless telecommunication services shall not be considered public utility uses.

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 Chapter.

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.

REAR LOT ZONE (RLZ)
Land located between the structure setback line and the landward boundary of the shoreland district.

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 Chapter, the term recreational vehicle shall be synonymous with the term “travel trailer/travel vehicle.”

RECYCLING COLLECTION SITE
An area or facility designated for the collection and temporary storage of recyclable materials.

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 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

REGISTERED LAND SURVEY
A method of surveying Torrens, or Registered, land following the procedures in Minnesota Statutes, Chapter 508.47, as amended.

REGULATORY FLOOD PROTECTION ELEVATION (RFPE)
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 Floodplain that result from designation of a floodway.

REPAIR SHOP, EQUIPMENT
A business engaged in fixing any sort of mechanical device that has become out of order or broken. It also includes performing routine actions which keep devices in working order or prevent trouble from arising.

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.

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.

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.

RESPONSIBLE GOVERNMENT UNIT (RGU)
The local unit of government with the authority to conduct environmental review processes.

RESTAURANT
An establishment where food or beverages are sold and either consumed at tables located on the premises utilizing nondisposable containers and utensils with or without table service, or taken from the premises in disposable containers for consumption elsewhere.

RESTRICTED ACCESS
A driveway between a road and a parking area.

RIGHT-OF-WAY
Land dedicated for public use including, but not limited to, streets, pedestrian ways and authorized utilities.

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

ROTOR DIAMETER
The diameter of the circle described by the moving rotor blades.

RUNOFF
That portion of precipitation draining from an area as surface flow.

RUN-ON
That portion of precipitation draining onto an area as surface flow.

SAWMILL
A factory in which logs are sawed into lumber by machine for retail or wholesale sale.

SCHOOL, ART/MUSIC
A building or space that is principally used as a place where persons receive educational instruction.

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.

SEMI-PUBLIC 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.

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.

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.

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.

SEWER SYSTEM, CITY OR MUNICIPAL (SEWERED)
Municipally owned and maintained utilities including pipelines, conduits, pumping stations, force mains and all other construction devices, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of common, State-approved off-site treatment.

SHADOW FLICKER
The flickering shadow caused when rotating turbine blades come between the viewer and the sun, causing a very brief moving shadow.

SHOOTING RANGE, 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.

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 distance of 50 percent of the required structure setback.

SHORE IMPACT ZONE 2 (SIZ 2)
Land located between shore impact zone 1 and the structure setback line.

SHORELAND BUFFER ZONE (SBZ)
The area between:
(1) The area between 500 and 1000 feet from the ordinary high water level (OHWL) of protected waters lakes, or
(2) The area between 150 and 300 feet from the ordinary high water level (OHWL) of protected waters rivers or streams.

SHORELAND DISTRICT
Land located within the following distances from the ordinary high water level (OHWL) of public waters:
(1) 1,000 feet of a lake or pond, or;
(2) 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.

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:
(1) 500 feet from a lake or pond, or;
(2) 150 feet of a river or stream or the landward side of a floodplain delineated by ordinance on a river or stream, whichever is greater.

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 landowners to bring their shoreline into compliance in conjunction with permit or variance applications.

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.

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.

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.

SIGN, AREA IDENTIFICATION
Any free-standing sign identifying the name of 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.

SIGN, BUSINESS IDENTIFICATION
A sign which directs attention to a business or to a commodity, service or entertainment conducted, sold or offered upon the premises where such a sign is located.

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.

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.

SIGN EXTENSION
A temporary addition or enlargement on a sign face that extends beyond the approved sign dimensions.

SIGN FACE
That part of a flat surface advertising device on which advertising is displayed and which provides visibility from one geographic direction.

SIGN, FREESTANDING
Any self-supporting sign which is placed in the ground and not affixed to any part of any building.

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.

SIGN, HOME OCCUPATION
A sign designating a home business operated from residential property.

SIGN, ILLUMINATED
A sign illuminated in any manner by an artificial light source.

SIGN, INCIDENTAL
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.

SIGN, INFLATABLE
A sign which uses helium, air or other gases as the primary support for the sign structure.

SIGN, NAMEPLATE
A sign indicating the name, address and other non-commercial messages on residentially zoned property.

SIGN, OFF PREMISES
A sign which advertises a product, service, business or event that is not available or does not take place on the same premises as the sign, including billboards.

SIGN, ON PREMISES
Any sign located on the contiguously owned property with the use which is advertised.

SIGN, POLITICAL/CAMPAIGN
Shall mean a temporary sign advertising election issues or the candidacy of person running for office.

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.

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.

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).

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.

SIGN, WINDOW
Shall mean a sign painted, stenciled, or affixed on a window or door, which is visible from a right-of-way.

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.

SITE PLAN
A detailed drawing indicating the current and intended use of a particular parcel or group of parcels of property.

SITE(s), RV OR CAMPING
Any designated area within a campground, RV Park or resort used for the purpose of permanent or temporary camping including vacant property used for similar purposes.

SOIL AND WATER CONSERVATION DISTRICT (SWCD)
The Soil and Water Conservation District for Crow Wing County, MN

SOURCE OF ILLUMINATION
Any device that serves as a source of visible electromagnetic radiation such as a light bulb, filament, light emitting diode, or similar devices.

SPECIAL FLOOD HAZARD AREA
A term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”

STATE
The State of Minnesota

STEEP SLOPE
Land having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more that is not a bluff.

STORAGE BUILDING, COMMERCIAL
A structure used for the storage of belongings, equipment, or materials that is not intended for human habitation and available on a rental or lease basis.

STORAGE, PORTABLE OR TEMPORARY
A transportable building or enclosure that is not intended for human habitation but designed and used on a time limited basis primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, equipment, and other such materials on a residential or commercial properties.

STORE, CONVENIENCE
A retail store offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood and for travelers. A convenience store may also include a gas station and may be open for business for extended hours.

STORE, RETAIL
A place of business usually owned and operated by an individual or group but sometimes owned and operated by a manufacturer or by large retailer in which merchandise is sold primarily to ultimate consumers.

STRUCTURE
Anything constructed, placed or erected by humans, including but not limited to homes, garages, accessory buildings, manufactured housing, recreational vehicles left on a site for more than 14 consecutive days, signs, driveways, parking lots, commercial buildings, storage buildings, deck, fences, and fish houses.

STRUCTURE, TEMPORARY
A travel trailer, recreational vehicle, camper, or other structure without any foundation or footings which can be readily moved when a designated time period, activity, or use for which the temporary structure was erected has ceased.

STUDIO--ART, MUSIC, PHOTO, DECORATING, OR DANCE
A business that specializes in instruction or experimentation in one of the creative or performing arts.

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.

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:

(1) 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.

(2) 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” shall be as defined in 44 Code of Federal Regulations, Part 59.1.

THEATER
A building, part of a building, or outdoor area for housing dramatic presentations, stage entertainments or motion picture shows.

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.

TOWER, MONOPOLE
A tower consisting of a single pole, constructed without guy wires and/or ground anchors.

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.

TRACT OF LAND
A parcel which may be:
(1) An acreage designated by aliquot part description (fractional description);
(2) A government lot;
(3) A lot in a plat recorded in the Office of the County Recorder, or;
(4) A metes and bounds description recorded in the Office of the County Recorder

TRAIL, NON-MOTORIZED
A recreational trail designated and intended for hiking or other human-powered mechanical transportation devices such as bicycles, roller blades, and roller skates.

TRAIL, RECREATIONAL AND SNOWMOBILE
A trail designated and intended for use by hikers and motorized vehicles such as snowmobiles, off-highway motorcycles, and other all-terrain or off-road vehicles.

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.

TRUCKING/FREIGHT TERMINAL
A commercial facility where freight is stored while awaiting onward transport.

TYPE 1 SYSTEMS (STANDARD SYSTEMS)
Septic systems that utilize trenches, beds, mounds, at-grades, chambers, dual field or graywater 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 eparation between the bottom of the systems distribution media and periodically saturated soils or bedrock.

TYPE 2 SYSTEMS
Septic systems designed as holding tanks, privies and septic systems installed within floodplains.

TYPE 3 SYSTEMS
Septic 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.

TYPE 4 SYSTEMS
Septic 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.

TYPE 5 SYSTEMS
Septic systems associated with collector systems, treatment of high strength wastes, nutrient removal and groundwater mounding. These systems require operating permits.

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.

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.

VEHICLE, BOAT, RECREATIONAL EQUIPMENT SALES
Any person, firm, or corporation who engages in the business of selling or offering for sale, 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.

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.

WALKWAY
A continuous path no wider than four feet created of a material other than natural groundcover vegetation at grade level.

WAREHOUSING/WHOLESALING FACILITY
A building or group of buildings where raw materials or manufactured goods may be stored before sale or distribution for sale. Such buildings may include sales and office facilities.

WASTE
Solid waste, demolition debris, sewage sludge, household hazardous waste and hazardous waste.

WASTE DISPOSAL
The handling and disposing of Solid Wastes as defined within the regulations of the Minnesota Pollution Control Agency.

WATER COURSE
Any perennial or intermittent stream, river, or drainage in which surface water drains from surrounding land or another water course.

WATER ORIENTED ACCESSORY STRUCTURE
A small above ground building or other improvement, except stairways, fences, docks 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, fish houses, pump houses, patios, and detached decks.

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.

WETLAND
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:

(1) Have a predominance of hydric soils; and,
(2) 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,
(3) Under normal circumstances support a prevalence of such vegetation.

WIND ENERGY CONVERSION SYSTEM (WECS)
*A*n 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.

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.

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 Chapter, wireless telecommunication shall not be considered a public utility.

YARD
A maintained open space surrounding a residential structure and associated accessory structures.

Secs. 26-1178—26-1204 Reserved

ARTICLE 44 RESERVED

Secs. 26-1205—26-1226 Reserved.

ARTICLE 45 RESERVED

Secs. 26-1227—26-1260 Reserved

ARTICLE 46 RESERVED

Secs. 26-1261—26-1302 Reserved

ARTICLE 47 RESERVED

Secs. 26-1303—26-1321 Reserved

ARTICLE 48 RESERVED

Secs. 26-1322—26-1342 Reserved

ARTICLE 49 RESERVED

Secs. 26-1343—26-1369 Reserved

ARTICLE 50 RESERVED

Secs. 26-1370—26-1393 Reserved

ARTICLE 51 RESERVED

Secs. 26-1394—26-1411 Reserved

ARTICLE 52 RESERVED

Secs. 26-1412—26-1441 Reserved

ARTICLE 53 RESERVED

Secs. 26-1442—26-1451 Reserved

APPENDIX A—CROSSLAKE PUBLIC WATERS LAKES AND RIVERS

LAKES:

DNR ID:	Lake / River Name:	Classification:	Ordinary High Water Elevation (NGVD 29) *	Base Flood Elevation (NGVD 29) *	Regulatory Flood Protection Elevation
18-226	Goodrich	GD	1237.5	1240.1	1241.6
18-227	O'Brien	GD	1236.1	1237.6	1239.1
18-228	Unnamed	NE			
18-229	Bass	NE	1214.6	1216.6	1218.1
18-230	Grass	NE			
18-260	Unnamed	NE			
18-261	Pine (Big)	GD	1197.1	1199.94	1201.44
18-262	Cranberry	NE			
18-263	Unnamed	NE			
18-264	Bass	NE			
18-265	Command	NE			
18-266	Little Pine	GD	1229.57	1231.0	1232.5
18-268	Loon	GD	1229.57	1231.0	1232.5
18-269	Island	GD	1229.57	1231.0	1232.5
18-267	McClain	NE	1232.7	1234.7	1236.2
18-270	Hen (Rush)	GD	1229.57	1231.0	1232.5
18-271	Daggett	GD	1229.57	1231.0	1232.5
18-272	Unnamed	NE			
18-273	Unnamed	NE			
18-274	Unnamed	NE			
18-275	Lily Pad	NE			
18-276	Dew Drop	NE			
18-277	Pecks Puddle	NE			
18-278	Pleasant	NE			
18-279	Little Beaver	RD			
18-280	Tiff	NE	1227.2	1229.2	1230.7
18-281	Tamarack	NE			
18-282	Rock	NE	1234.3	1236.3	1237.8
18-284	Velvet	RD	1221.0	1223.0	1224.5
18-285	Big Bird	NE			
18-286	Art	NE			
18-287	Greer	RD	1204.6	1207.12	1208.62
18-288	Ox	GD = South** NE = North**	1232.2	1234.2	1235.7
18-309	Fawn	RD	1215.8	1217.8	1219.3
18-310	Lower Whitefish	GD	1229.57	1231.0	
18-311	Rush	GD	1229.57	1231.0	1232.5
18-312	Cross	GD	1229.57	1231.0	1232.5

DNR ID:	Lake / River Name:	Classification:	Ordinary High Water Elevation (NGVD 29) *	Base Flood Elevation (NGVD 29) *	Regulatory Flood Protection Elevation
18-313	Henry	NE			
18-314	Duck	RD			
18-315	Big Trout	GD	1229.57	1231	1232.5
18-638	Unnamed	GD			
18-639	Unnamed	GD			
18-640	Arla's Pond	GD			
18-680	Harbor (Rush)	GD	1229.57	1231	1232.5

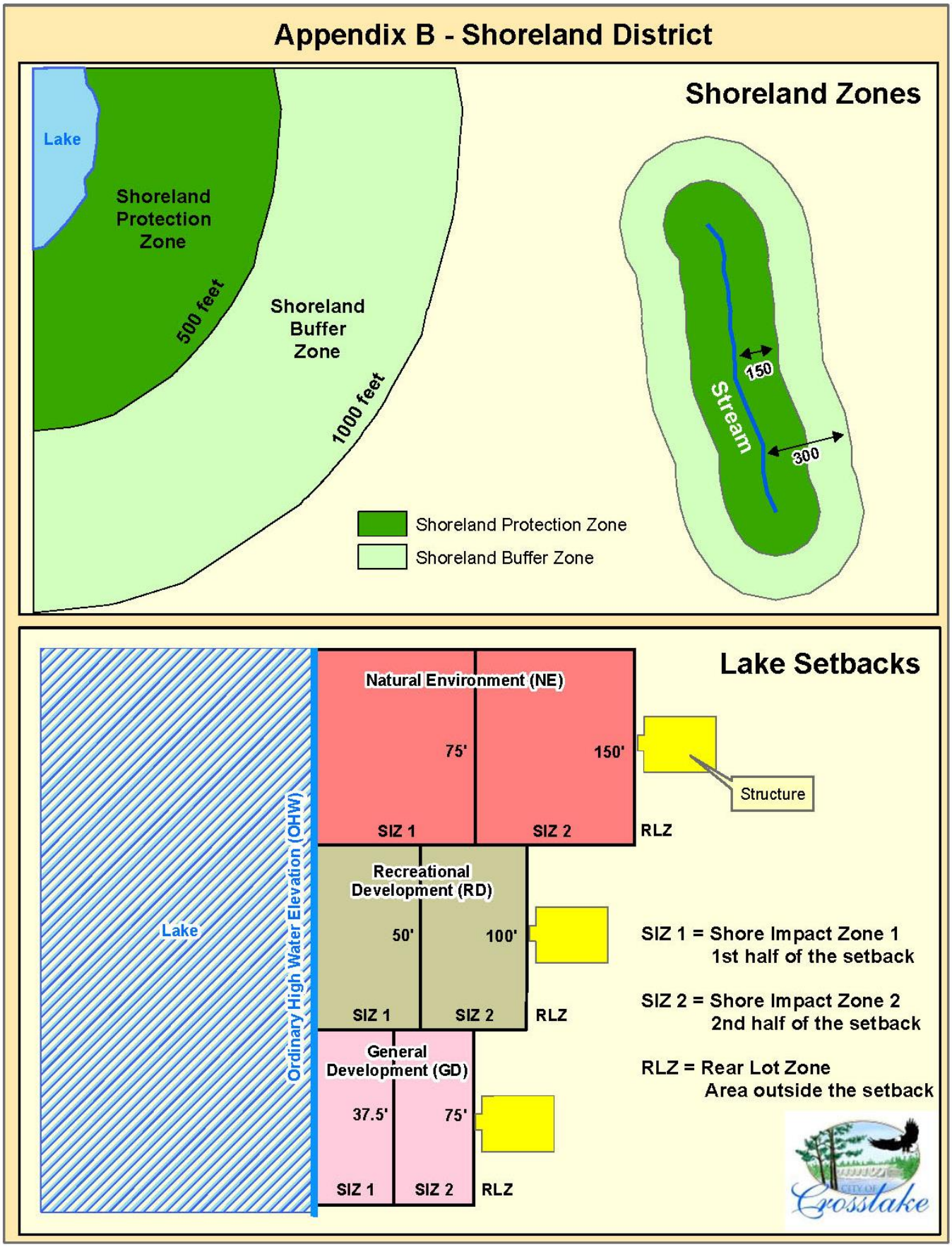
***-- Lakes without listed Ordinary High Water or Base Flood Elevations:** Lakes without these listings in the above table either have missing data or have not yet been established. This table will be updated as more current data becomes available.

****-- Ox Lake Classification:** For purposes of the above table, the following described portion of the shoreline of Ox Lake in Sections 4 and 5, Township 137, Range27, Crow Wing County, Minnesota, shall be classified as General Development: Beginning at a point on the West shore of Ox Lake where the South line of Lot 6, Block 1 in the plat of Ox Lake Crossing intersects said shore; thence Southerly and Easterly along said shore to its intersection with the Southwesterly line of Lot 22, Block 3, in the plat of Ox Lake Landings; thence continuing along said shore to its intersection with the North line of Lot 13, Block 4, said Ox Lake Landings and there terminating. All other shoreline of Ox Lake, including islands, shall be classified as Natural Environment.

RIVERS:

Pine River	GD
Daggett Brook	GD
Unnamed to Pine River (from basin 18-287)	NE
Unnamed to Pine River (from basin 18-653)	NE
Unnamed to Ossawinnamakee (from basin 18-277)	NE

APPENDIX B—SHORELAND DISTRICTS



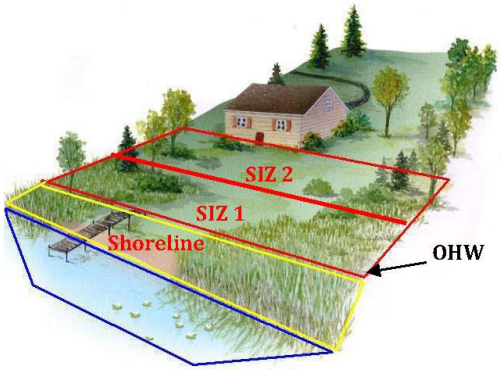
APPENDIX C—CROSSLAKE SHORELAND RAPID ASSESSMENT MODEL

Appendix C:
SHORELINE RAPID ASSESSMENT MODEL

The City of Crosslake'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 19.

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)**

Crosslake Planning & Zoning Department Staff _____