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PART I - ADMINISTRATION

ARTICLE 1--GENERAL ORDINANCE PROVISIONS

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

BE IT ENACTED BY THE CROW WING TOWNSHIP BOARD OF COMMISSIONERS, pursuant to its powers under Sections 462.351-462.365 of Minnesota Statutes and such other law as may apply. This Ordinance does not rely on the authority provided in Minnesota Statutes, sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance:

1.1 SHORT TITLE

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

1.2 PURPOSE

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

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

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

1.3 INTERPRETATION AND INTENT

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

1.4 SCOPE

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

1.5 REPEAL OF EXISTING ORDINANCES

This ordinance repeals the Crow Wing Township Zoning Ordinance dated November 6, 2006 and all amendments thereto. All Ordinances, resolutions or parts of Ordinances or resolutions of the Township in conflict with the provisions of this Ordinance are hereby repealed.

1.6 REFERENCE TO FIRST ADOPTION

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

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

This ordinance establishes land use regulations pursuant to Minnesota Statutes, Chapter 462 and the Crow Wing Township Comprehensive Land Use Plan. The shoreland management standards herein are adopted pursuant to Minnesota Statutes, Chapter 103F.201 - 103F.227, and Minnesota Rules, Chapter 6120.2500-6120.3900, which are incorporated herein by reference. The floodplain management standards herein are adopted pursuant to Minnesota Statutes, Chapter 103F.101-103F.155, and Minnesota Rules, Chapter 6120.5000-6120.6200, which are incorporated herein by reference. Regulation of campgrounds, recreational vehicle parks and manufactured housing parks are adopted pursuant to Minnesota Statutes, Chapters 327.14 to 327.28; and 145A.01 to 145A.07, which are incorporated herein by reference. The Mississippi Headwaters 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” is incorporated herein by reference.

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

1.8 SEPARABILITY

If any article, subarticle, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be

deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 2—GENERAL ZONING PROVISIONS

2.1 LAND USE DISTRICT MAP

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

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

2.2 CONFORMITY WITH THIS ORDINANCE

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

- A. All new buildings or structures constructed, converted, enlarged, or moved shall conform to the provisions of this ordinance.
- B. The use of all buildings, structures, or lands for any purpose shall conform to the provisions of this ordinance, except as provided in Article 5 of this ordinance.
- C. All subsurface sewage treatment system installed, repaired, or modified shall conform to the provisions of this ordinance.
- D. All dirt moving, filling, grading and road construction shall conform to the provisions of this ordinance.

- E. No lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this Ordinance shall meet all minimum requirements established by this ordinance.
- F. The planting and harvesting of farm crops and trees shall not be considered a land use subject to the provisions of this ordinance.

2.3 CONFLICTING REGULATIONS

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

2.4 CONTRACTOR RESPONSIBILITY

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

2.5 APPLICANT RESPONSIBILITY

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

ARTICLE 3—ADMINISTRATION

3.1 ADMINISTRATION

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

3.2 APPLICATION FOR PERMIT

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

- B. Issuing authority/Applicant responsibility.** A permit shall be issued by the Administrator only when the applicant has met all applicable requirements of this ordinance. An authorized agent of the owner may make application for the permit or permits. Conditional Uses, variances, or permits will be processed by the Department pursuant to procedures established within this ordinance. The accuracy and completeness of all permit applications and accompanying documents are solely the responsibility of the applicant. No permit application will be approved on for property on which there are unresolved violations, unless the permit will resolve the violation.
- C. Other Permits.** The granting of any permit or variance under provisions of this ordinance shall in no way affect the landowner's responsibility to obtain the approval required under any federal or state statute, ordinance or legislation of any state agency or state subdivision thereof. Approval may be expressly given in conjunction with other permit(s) applied for, but no approval shall be implied from the granting of any Crow Wing Township permits nor from the necessity to apply for a permit described in this ordinance.
- D. Application information requirements.** The application for any permit, including public hearing requests, required under this Ordinance shall include:
1. The legal description of the property.
 2. Property identification number.
 3. Current and proposed land use.
 4. A description of the type and scope of construction, use, development, or alteration proposed.
 5. A sketch plan showing the location of public waters, wetlands, existing and proposed structures, road rights of way, driveways, parking spaces, water and sanitary facilities, utility lines.
 6. Topographic features including but not limited to wetlands, bluffs, ordinary high water level designations, or steep slopes.
 7. Additional information as may be required by the Department in order to determine compliance with this and other ordinances.
- E. Certificate of Survey.** The Administrator may require a certificate of survey with any permit application required by this Ordinance, including variance, land use reclassification, and conditional use permit applications, upon a determination by the Administrator that such a survey will assist in achieving the purposes of this Ordinance
- F. 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.
- G. Fee.** The application shall be accompanied by a remittance, payable to the Crow Wing Township Treasurer. A current Fee Schedule is on file in the Department as approved by the Town Board.

H. Permits for activities in Flood Plain. Land use permits for activities within any flood plain zone shall meet the standards in Article 21 of this Ordinance relating to Flood Plain Management.

I. Checklist. An application check list shall be available at the Department.

3.3 PERMIT CARD

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

3.4 EXPIRATION OF PERMITS

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

3.5 ENFORCEMENT

A. **Responsibility for enforcement.** The Crow Wing Township Board of Supervisors shall be responsible to enforce this Ordinance.

B. **Civil and criminal enforcement.** Any violations of the provisions of this Ordinance or failure to comply with any of its requirements by a 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 punishable as defined by Minnesota State Statutes 609.03 The provisions of this Ordinance may be enforced through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.

C. **Township's costs and expenses of enforcement.**² In all cases where the Township incurs any costs reviewing, investigating, enforcing, or administering any of its ordinances, rules, regulations, land or use application, or permit, then any party(ies), contractor(s), real estate owner(s), and/or permit holder(s) who is or are found to be in violation of any such ordinance, rule, regulation, land or use application, or permit shall be required, jointly and severally, to reimburse the Township for all of the reasonable fees and costs the Township incurs in enforcing compliance with its ordinances, rules, regulations, land or use applications, or permits. Fees and costs include, but are not limited to, attorney's fees, engineering fees and costs, consultant fees, survey costs, and other professional services deemed necessary by the Township.

D. **Permit does not protect permit holder.** Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Sec 3.2 A. of this Ordinance.

E. **Separate offenses.** Each day that a violation of this Ordinance continues shall constitute a separate offense.

² Amended 9/19/2022

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

3.6 PERFORMANCE SECURITY

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

3.7 RIGHT OF INSPECTION

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

3.8 GENERAL REVIEW PROCEEDINGS

A. **Timeline for review.** Pursuant to MN Statutes, Chapter 15.99, the Administrator, Planning Commission/Board of Adjustment or Town Board of Commissioners must approve or deny a completed application within 60 days of a written request relating to zoning, septic system, expansions, permit, license or other approval action. Failure of the Administrator, Planning Commission/Board of Adjustment or Town Board to deny a request within 60 days shall constitute approval of the request. If the Administrator, Planning Commission/Board of Adjustment, or Town Board denies the request, it must state in writing the reasons for denial at the time that it denies the request.

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

3.9 FEES

- A. **Schedule of fees.** The schedule of fees for all land use and zoning-related activities and permits shall be posted in the Department Office and may be altered or amended only by resolution of the Town Board.
- B. **Collection of fees.** The Administrator shall collect all required fees in full in conjunction with any application.
- C. **Administrative fees.** When work has commenced before approval of a permit, or a variance, a conditional use, or other approval requiring a public hearing, the applicant may be charged an administrative fee in conjunction with a late application according to the schedule established by the Board of Commissioners.

- D. **Fee refunds.** In the event the application is made for a permit or a petition is filed and the applicable fees shall have been paid in full, and subsequent action denies the permit or petition, the fees paid may be refunded by the Administrator. Any fees paid in error may be refunded by the Administrator.

3.10 ENVIRONMENTAL REVIEW

A. **Environmental review:** An environmental review may be required for projects that could result in significant environmental impacts. The Minnesota Environmental Policy Act of 1973 and Minnesota Rules Chapter 4410 allow for the preparation of Environmental Impact Statements (EIS) and Environmental Assessment Worksheets (EAW) for mandatory development thresholds or discretionary environmental reviews or alternative urban area wide reviews (AUAR) ordered by the responsible government unit (RGU). The RGU is the designated review authority.

1. Approval before consideration of application. Once the environmental review process is determined to be necessary, no permits or other final approvals shall be granted until the environmental review process has been completed. No permit shall be issued unless and until all issues identified in the EAW/EIS/AUAR have been addressed.
2. Payment for cost of review. The Township shall prepare or cause to have prepared, at the developer's expense, any mandated or discretionary EAW or EIS for the project.

B. In order to address environmental and infrastructure concerns, reduce surveying and platting costs, avoid unnecessary EAW's, and offer expertise to applicants, developers, and planning officials, the Development Review Team (DRT) shall conduct a pre-project review of all conditional use, variance, land use reclassification, and development proposals.

1. The DRT shall adopt policies and rules of business governing its timely review and reporting on conditional use, variance, land use reclassification, and development proposals.

C. The Town Board shall make all final EAW/EIS decisions.

3.11 GENERAL PUBLIC HEARING NOTICE REQUIREMENTS

All public hearings shall be conducted pursuant to Minnesota Statutes, Section 462.357, subd. 3 and the adopted Planning Commission/Board of Adjustment rules of business. In addition to the provisions of Minnesota Statute Section 462.357, written notice shall be sent to property owners as follows:

- (a) In the case of variances, to owners of record within 500 feet of the affected property;
- (b) In the case of conditional uses and interim uses, to owners of record within one-quarter mile of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners;
- (c) In the case of all other official controls, including but not limited to zoning regulations and subdivision regulations, to owners of record within one-half mile of the affected property

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

4.1 INITIATION OF AMENDMENTS

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

4.2 APPLICATION AND HEARING

- A. **Application.** Applications for ordinance text or land use district reclassification amendments shall be made to the Administrator.
- B. **Hearing.** The Planning Commission/Board of Adjustment shall hold at least one public hearing on the proposed ordinance text amendment or land use district classification change conducted pursuant to Minnesota Statutes, Section 462.357, subd. 3 and the adopted Planning Commission/Board of Adjustment rules of business.
- C. **Consideration of ordinance text amendments.** Amendments may be offered when the ordinance is under consideration. If amendments are made, the sections of the ordinance amended shall be read as amended before the question of its passage is taken. After review and taking public comment, the Planning Commission shall vote to approve, deny, or amend the ordinance or ordinance amendment(s) and forward their recommendations to the Town Board. Approval of the ordinance shall constitute the singular recommendation of the Planning Commission/Board of Adjustment to the Town Board on the ordinance.
- D. **Criteria for consideration of land use district reclassification.** In reviewing a land use district reclassification application, the Planning Commission/ Board of Adjustment shall find that:
 - 1. The reclassification is in accord with the comprehensive plan;
 - 2. The reclassification is warranted due to changed land use circumstances or a need for additional property in the proposed land use district;
 - 3. The subject property is suitable for development in general conformance with land use standards under the proposed land use district classification;
 - 4. The reclassification will not be detrimental to uses or property in the immediate vicinity of the subject property, and;
 - 5. The reclassification promotes the health, safety, and general welfare of the public.

4.3 DESIGNATION OF SENSITIVE SHORELAND DISTRICTS (SS)

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

- e. Consistency with the policies and provisions of the Comprehensive Plan and the requirements of all Township ordinances;
 - f. Other factors specific to the application that impact upon public health, safety, and welfare.
2. The Planning Commission/Board of Adjustment shall hear the application according to its adopted rules of business and shall:
 - a. Affirm the application to establish the SS district(s), or;
 - b. Modify the district(s) for reclassification, or;
 - c. Deny the application to establish the SS district(s) and
 - d. Document the findings of fact for any decision.
- E. The Planning Commission/Board of Adjustment, if affirming and forwarding reclassification, shall:
1. Notify the Commissioner of the Minnesota Department of Natural Resources of the recommendation for reclassification
 2. Recommend to the Town Board that they approve changes in the official land use district map to reflect such reclassification.

4.4 TOWN BOARD ACTION

- A. **Text amendment actions.** Following their public hearing, the Town Board 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.
- B. **Land use district amendment actions.** The Town Board may adopt the land use district amendment or any part thereof in such form as it deems advisable. The Administrator shall make any necessary changes to the official land use district map. Any changes to this ordinance shall be recorded with the County Recorder. Paper and/or electronic copies shall be available in the offices of the Department. A copy of any approved map amendment in a shoreland district shall be sent to the Commissioner of the Dept. of Natural Resources within 10 days of final action.

ARTICLE 5--NONCONFORMITIES

5.1 PURPOSE

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

5.2 EXISTING NONCONFORMING USES

- A. A nonconforming use in existence-prior to January 6, 1970 that does not conform to the standards in this ordinance or that was approved on or after January 6, 1970 but before the effective date of this ordinance and complied with Crow Wing Township standards in effect at the time it was approved shall remain a legal nonconforming use and may continue provided that:
 - 1. The use is not changed to another nonconforming use.
 - 2. The nonconforming use is not expanded except in changing the use to be consistent with the provisions of this Ordinance.
- B. If a nonconforming use is discontinued for a period of more than one year, any subsequent use of the structure and/or property must be a conforming use.

5.3 EXISTING NONCONFORMING LOTS OF RECORD

- A. A nonconforming lot that was either of record-in the office of the County Recorder prior to January 6, 1970, or was of record on or after January 6, 1970 but before the effective date of this ordinance and complied with Crow Wing Township standards in effect at the time it was recorded in the office of the County Recorder, shall remain a legal nonconforming lot and shall be allowed as a residential building site without a variance provided that:
 - 1. All structure and septic system setbacks can be met, and;
 - 2. A Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080 and Article 37 of this ordinance can be installed or the lot is connected to a public sewer, and;
 - 3. The impervious surface coverage does not exceed that which is allowed in Article 41.2 of this ordinance.
- B. If, in a group of two or more contiguous lots under the same ownership in the Shoreland District that were of record in the office of the County Recorder prior to January 6, 1970, any individual lot does not meet the requirements of this Ordinance for lot size or lot width, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this Ordinance.
- C. Pursuant to Minn. Stat. § 462.357, subd. 1e, contiguous lots under the same ownership are exempt from this section and may be considered as separate parcels for the purposes of sale, transfer or development if each individual lot meets all of the following requirements:
 - 1. The lot meets at least 66 percent of the dimensional standards for lot width and lot size for the land use district within which it lies; and,
 - 2. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a type 1 subsurface sewage treatment system meeting the standards contained in Article 37 of this Ordinance; and,

3. Impervious surface coverage does not exceed that which is allowed in Article 41 of this ordinance; and
 4. Development of the lot is consistent with the Crow Wing Township Comprehensive Land Use Plan.
- D. Contiguous lots under the same ownership are exempt from this section and may be considered as separate parcels for the purposes of sale, transfer, or development if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are served by a public sewer, if available, or must be suitable for the installation of a subsurface sewage treatment system meeting the standards contained in Article 37 of this Ordinance.

5.4 EXISTING NONCONFORMING STRUCTURES

A nonconforming structure in existence prior to January 6, 1970, which does not comply with the provisions of this Ordinance; or a nonconforming structure that was approved on or after January 6, 1970 but before the effective date of this ordinance and complied with Crow Wing Township standards in effect at the time it was approved, shall remain a legal nonconforming structure and may be continued subject to the following provisions:

- A. **Maintenance and replacement.** Existing nonconforming structures may be continued, including through repair, replacement, restoration, maintenance, or improvement but not including expansion except as set forth under Article 5.4 B of this ordinance.
- B. **Expansions.** The footprint of a nonconforming structure in existence prior to January 6, 1970 may be expanded up to 50% without a variance provided that:
 1. Only one such expansion under this Article is allowed during the life of the structure, and;
 2. Calculation of the expansion is based on the footprint size of the original structure and not subsequent expansions, and;
 3. Such expansion shall not cause the nonconformity existing at the time of such expansion to increase in relation to any lot line or parcel boundary, ordinary high water level, septic system, or other limiting factor as set forth in this ordinance.
 4. A permit for an expansion under this Article is approved by the Department before January 1, 2013.
 5. Expansions to non-conforming structures located in Shore Impact Zone 1 shall not be allowed except through a variance.
- C. **Conforming Sewer System.** Dwellings are connected to a conforming sewage treatment system compliant with Minnesota Rules, Chapter 7080 and Article 37 of this ordinance or the lot is connected to a public sewer.

5.5 NONCONFORMITY DUE SOLELY TO WETLAND BUFFER SETBACK

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

ARTICLE 6--PLANNING COMMISSION/BOARD OF ADJUSTMENT

6.1 PLANNING COMMISSION/BOARD OF ADJUSTMENT DUTIES

- A. Acting in its capacity as the Planning Commission, the Planning Commission/Board of Adjustment is hereby designated by the Town Board to:
 - 1. Review all plats, conservation developments, land use district map amendments, and amendments to the land use ordinance text, and make recommendations to the Town Board.
 - 2. Review and make final decisions regarding all conditional use permit applications.
 - 3. Exercise all powers and perform all duties granted to the Planning Commission/Board of Adjustment under Minnesota Statutes, Chapter 462.354.
 - 4. Adopt and annually review rules of business necessary to the conduct of its affairs.
- B. Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment is hereby designated by the Town Board to:
 - 1. Review and make final decisions regarding all variance applications.
 - 2. Hear appeals of all administrative orders, requirements, administrative decisions, or determinations
 - 3. Adopt and annually review rules of business necessary to the conduct of its affairs.

6.2 MEMBERSHIP³

- A. The Planning Commission shall consist of five (5) members. One member of the Planning Commission may be a member of the Town Board. The alternate member may only vote where a regular member is absent or is abstaining from voting.
- B. All members of the Planning Commission/Board of Adjustment shall be residents of Crow Wing Township.

6.3 APPOINTMENT/TERMS⁴

- A. Appointment of Planning Commission/Board of Adjustment members shall be made by the Town Board and such appointment shall become effective at the first meeting of the Planning Commission/Board of Adjustment in February.

³ Amended 4/12/16

⁴ Amended 4/12/16

- B. Up to three members shall be subject to appointment each year.
- C. Each member of the Planning Commission/Board of Adjustment shall be appointed for a term of two years.
- D. Vacancies shall be filled through appointment by the Town Board for only the duration of the un-expired term.
- E. Nonperformance of duty or misconduct in office shall constitute grounds for dismissal by the Town Board. Nonperformance shall include attendance at less than 80 percent of regularly scheduled Planning Commission/Board of Adjustment meetings.

6.4 OFFICERS/DUTIES

- A. Officers of the Planning Commission/Board of Adjustment shall be a Chairperson, Vice-Chairperson and other officers as needed.
- B. Officers shall be elected by the Planning Commission/Board of Adjustment at the first regular meeting held in February.
- C. In the event of a resignation of an Officer, the Planning Commission/Board of Adjustment shall fill the vacancy.
- D. The Chairperson shall preside at all meetings.
- E. The Vice-Chairperson shall assume the responsibilities of the Chairperson when he/she is unable to serve.

6.5 COMPENSATION AND MILEAGE

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

6.6 MEETINGS

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

ARTICLE 7--CONDITIONAL USE PERMITS

7.1 CONDITIONAL USE PERMIT

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

7.2 PUBLIC HEARING

The Planning Commission/Board of Adjustment shall hold at least one public hearing on an application for a conditional use permit pursuant to Minnesota Statutes, Section 462.395, subd. 2 and it's adopted its rules of business.

7.3 DELAYED ACTION

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

7.4 DETERMINATION

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

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

7.5 CONDITIONS MAY APPLY

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

- A. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.

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

7.6 SPECIAL REVIEW CRITERIA FOR FLOOD PLAIN CONDITIONAL USE PERMITS

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

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

7.7 CONDITIONAL USE PERMIT DECISION

After reviewing the application, considering all pertinent facts, and hearing testimony at the public hearing, the Planning Commission/Board of Adjustment may approve, deny, or modify the

conditional use requested. The Planning Commission/Board of Adjustment shall prepare written findings of fact to support its decision. A copy of the decision and findings of fact shall be forwarded to the applicant. If the conditional use is approved, the Administrator shall cause a copy of the conditional use to be recorded with the land records for the subject property in the Office of the County Recorder.

7.8 STATUS OF CONDITIONAL USE PERMIT

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

7.9 AMENDMENTS TO CONDITIONAL USE PERMITS

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

7.10 APPEALS OF PLANNING COMMISSION/BOARD OF ADJUSTMENT DECISION

Acting in its capacity as the Planning Commission, all Planning Commission/Board of Adjustment decisions under this Article regarding conditional use permits, and their recommendations to the Town Board regarding plats, land use district map amendments, and ordinance text amendments shall be final, except that any aggrieved person or department, board, or commission of the Township or of the State of Minnesota may appeal any decision of the Planning Commission relative to a conditional use permit by writ of certiorari to the Minnesota Court of Appeals within 30 days of the Planning Commission's final decision.

7.11 REVOCATION OF CONDITIONAL USE PERMIT

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

ARTICLE 8 INTERIM USE PERMITS⁵

8.1 Applications for interim uses as designated in the land use tables in Section 4.03 shall be processed in the same manner as conditional uses under Section 3.09.

8.2 The Planning Commission/Board of Adjustment may approve an interim use of property if:

- a) The use conforms to the land use regulations;
- b) The date or event that will terminate the use can be identified with certainty;
- c) Permitting 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 all conditions that the Planning Commission/Board of Adjustment deems appropriate for permission of the use.

⁵ Amended 9/10/18

8.3 Any interim use may be terminated by a change in land use regulations.

ARTICLE 9--VARIANCES/APPEALS

9.1 APPLICATIONS

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

- A. A copy of the application and additional information determined by the Administrator to be pertinent to the application; and,
- B. A Certificate of Survey shall be required showing:
 - 1. Property boundary with dimensions shown including square footage of parcel.
 - 2. Buildable area.
 - 3. Location, size and height dimensions of all existing and proposed structures/additions.
 - 4. Location of all wells (existing and proposed) and septic systems.
 - 5. Location and size of all existing and proposed driveways, roads and easements.
 - 6. Nonconforming structure setbacks including all pertinent dimensions.
 - 7. Two foot contours.
 - 8. Existing and proposed impervious surface calculations.
 - 9. Bluff or steep slopes.
 - 10. Ordinary high water elevation.
 - 11. Delineated Wetlands.
 - 12. Stormwater Management Plan according to Article 41 of this ordinance.
 - 13. No-Maintenance Shoreline Buffer according to Articles 27 and 41 of this ordinance.
- C. The Administrator shall have the discretion to determine whether an application may be forwarded to the Board of Adjustment without an accompanying Certificate of Survey. A determination by the Administrator that a Certificate of Survey is not necessary shall be made in writing on a form approved by the Town Board for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy of said form, signed by the Administrator, shall be forwarded to the Zoning Administrator and to the Board of Adjustment.

9.2 PUBLIC HEARING

Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment shall hold at least one public hearing on an application for a variance pursuant to Minnesota Statutes, Chapter 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.

9.3 DELAYED ACTION

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

9.4 VARIANCE CRITERIA

- A. Variances may only be granted 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. In considering a variance request, the board of adjustment must consider whether a practical difficulty exists by considering the following factors:
1. Is the variance request in harmony with the purposes and intent of the Land Use Ordinance?
 2. Is the variance consistent with the Comprehensive Plan?
 3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?
 4. Is the need for a variance due to circumstances unique to the property and not created by the property owner?
 5. Will the issuance of a variance maintain the essential character of the locality?
 6. Does the need for a variance involve more than economic considerations?

9.5 CONDITIONS MAY APPLY

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

9.6 VARIANCE DECISION

After reviewing the application, considering all pertinent facts, and hearing testimony at the public hearing, the Planning Commission/Board of Adjustment may approve, deny, or modify the variance request. The Planning Commission/Board of Adjustment shall prepare written findings of fact to support its decision. A copy of the decision and findings of fact shall be forwarded to the applicant. If the variance is approved, the Administrator shall cause a copy of the variance to be recorded with the land records for the subject property in the Office of the County Recorder. A copy of the final decision granting a variance within a shoreland area shall be sent to the Commissioner of the Department of Natural Resources within 10 days of final action.

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

- A. Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment shall hear all appeals of final administrative orders, requirements, decisions, or determinations. Appeals to the Planning Commission/Board of Adjustment shall be filed with the Auditor 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 Town Board-approved fee schedule. The Auditor shall notify the Administrator of the appeal within 5 working days. The Administrator shall, within 30 days of such notice from the Auditor, call a properly noticed public hearing to hear such appeal. The appellant may appear in person at the hearing and/or be represented by an agent.
- B. **Determination of appeal.** The Planning Commission/Board of Adjustment shall review the information submitted by the appellant, a report from the Department, and the provisions of this Ordinance, and affirm the original decision unless the Planning Commission/Board of Adjustment determines that:
 - 1. The decision was arbitrary and capricious, or;
 - 2. The decision did not comply with the standards in this Ordinance.
- C. The Planning Commission/Board of Adjustment shall decide the matter appealed within 30 days after the date of the hearing. The Planning Commission/Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed, and to that end shall have all the powers of the officer whose decision was appealed, and may direct the issuance of a permit. The reasons for the Planning Commission/Board of Adjustment decision shall be stated in writing and provided to the appellant and the Auditor's Office.

9.8 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.

PART II –LAND USE DISTRICTS

ARTICLE 10--LAND USE CLASSIFICATION LIST

10.1 LISTED USES/SIMILAR USES

Many uses of land are listed in the land use classification list in Article 10.3 of this Article. For uses not included within the land use classification list, a 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 classification list are prohibited unless determined to be similar in nature to a listed use through the process described in this paragraph.

10.2 LAND USE DISTRICT DESCRIPTIONS

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

- A. **Shoreland District.** The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, and provide for the wise use of water and related land resources. The primary use within this district is seasonal and year-round single family residential. Compatible commercial or water-oriented commercial uses may be allowed as permitted or conditional uses.
- B. **Agricultural/forestry District (AGF).** The purpose of this district is to promote and protect those portions of the township where agricultural and/or forestry activities are present and are expected to continue to be vital elements of the local economy or where there is a pattern of large tract ownership. The primary use within this district is agriculture/livestock/forestry ,but may include single family residential. Compatible commercial uses may be allowed as permitted or conditional uses.
- C. **Urban Growth (UG).** The purpose of this district is to encourage orderly growth of development of an urban density and nature around incorporated municipalities. Urban residential districts shall be connected to municipal sewer and water. This district can only be designated by agreement between the affected municipality and the Township under the provisions of Minnesota Statutes, Chapter 462.3535.
- D. **Rural Residential-1 (RR-1).** The purpose of this district is to enable areas outside the shoreland district to be developed with higher residential densities near but not necessarily adjacent to incorporated municipalities. The primary use within this district is single family residential. Compatible commercial uses may be allowed as conditional uses.
- E. **Rural Residential-2.5 (RR-2.5).** The purpose of this district is to promote moderate-density development in those portions of the Township outside the shoreland district and beyond areas of anticipated municipal growth where such development is desired and most suitable. The primary use within this district is single family residential. Compatible commercial uses may be allowed as conditional uses.
- F. **Rural Residential-5, 10, and 20 (RR-5, RR-10, RR-20).** The purpose of these districts is to promote low-density development in those portions of the Township outside the shoreland

district and beyond areas of anticipated municipal growth where decreased development densities are most suitable. The primary uses within these districts are single family residential with larger lot sizes to protect agricultural areas or critical habitats, or preserve the rural character of an area.

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

10.3 LAND USE TABLES

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

For the purposes of this table:

“P”	means a use requiring a permit
“CU”	means a use requiring a conditional use permit
“I”	means a use requiring an interim use permit ⁶
“A”	means a use that is allowed without a permit but may have performance standards
“SD”	means a shoreland district
“AGF”	means an agricultural/forestry district
“UG”	means an urban growth district
“Res”	means a residential district
“RR-1”	means a rural residential district with a 1 acre lot size
“RR-2.5”	means a rural residential district with a 2.5 acre lot size
“RR-5”	means a rural residential district with a 5 acre lot size
“RR-10”	means a rural residential district with a 10 acre lot size
“RR-20”	means a rural residential district with a 20 acre lot size
“C-1”	means a commercial district adjacent to a municipality
“C-2”	means a commercial district in a rural area
“C/LI”	means a commercial/light industrial district
“C/HI”	means a commercial/heavy industrial district

⁶ Amended 9/10/2018

LAND USE TABLES	S D	A G E	U G	RR 1	RR 2.5	RR 5, 10, 20	S S	C 1	C 2	W C	C LI	C HI	R E S
A. Agricultural Uses													
Agri-Business ⁷		CU											
Farm buildings (barns, silo, hay shed, etc.)	P	P	P	P	P	P	P	P	P		P		P
Farmland: Crop growing and harvesting	A	A	A	A	A	A	A	A	A	A	A	A	A
Farmland: Livestock, poultry use, including related buildings	A	A	A	A	A	A	A	A	A				A
Feedlot, Agricultural, including buildings		A			A	A							A
Forest land: growth, harvest	A	A	A	A	A	A	A	A	A	A	A	A	A
B. Residential and Related Uses													
Single-family dwelling	P	P	P	P	P	P	P	P	P	P	CU	CU	P
Two-family dwelling			P	P	P	P	P	P	P	P	P	P	P
Multi-family dwelling	CU	CU	CU	CU	CU	CU		CU	CU	CU			CU
Guest Cottage	P	P	P	P	P	P	P	P	P				P
Child Care, Family Home ¹⁰	A	A	A	A	A	A	A	A	A	A	A	A	A
Camping ¹⁰	P	P		P	P	P							P
Family care home	P	P	P	P	P	P							
Mobile home park		CU	CU	CU	CU	CU		CU		CU			CU
Mobile home development		CU	CU	CU	CU	CU		CU					CU
Home: old age, nursing, maternity, children's		CU	CU	CU	CU	CU		CU	CU				CU
Non-commercial Solar and Wind Energy System associated with a principal use (i.e., accessory solar and wind energy systems) ³	P* (Solar only)	P	P	P	P	P		P	P	P* (Solar only)	P	P	P
Accessory structure	P	P	P	P	P	P	P	P	P	P			P
Home business	CU	CU	CU	CU	CU	CU		CU	CU	CU			CU
Home occupation	A	A	A	A	A	A	A	A	A	A			A
Sign – on site	P	P	P	P	P	P		P	P	P	P	P	P
Temporary Structure	A	A	A	A	A	A	A	A	A	A	A	A	A
Swimming pool	A	A	A	A	A	A	A	P	P	P			A
C. Recreational Uses, Public and Private													
Campground, public or private	CU	CU	CU	CU	CU	CU		CU	CU	CU			CU
Outdoor recreation facility Park/playground	CU	CU	CU	CU	CU	CU		CU	CU	CU			CU
Golf Course	CU	CU	CU	CU	CU	CU		CU	CU	CU			CU
Race track: horse, auto, motorcycle, go cart		CU				CU		CU	CU				
Shooting range, fire arms, archery, public or private		CU				CU		CU	CU	CU			

⁷ Amended 1/11/2022

¹⁰ Amended 9/19/2022

D. Civic, Educational and Institutional Uses													
Athletic field/stadium; arena		CU	CU	CU	CU			CU	CU				CU
Cemetery	A	A	A	A	A	A							A
Transient Camps, Church Camps	CU	CU	CU	CU	CU	CU				CU			CU
Church/Synagogue	P	P	P	P	P	P	P	P					P
Public building	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU		CU
E. Commercial and Industrial Uses													
Airport: Hangar													
Airport: State licensed													
Airport: private landing strip	CU	CU											
Adult uses		CU											
Amusement Park			CU	CU						CU			CU
Breeding and boarding of animals	CU	CU		CU	CU	CU		CU	CU		CU		
Child Care, Center ¹⁰								CU	CU				
Commercial Solar and Wind Energy Systems ⁸		CU			CU	CU		CU	CU		CU	CU	
Extractive use, mining, gravel pit, aggregate ¹⁰		I											
Storage buildings, Commercial	CU	CU	CU	CU	CU	CU		P	CU	CU	CU	CU	CU
Industrial park											CU	CU	
Junk salvage yard		CU									CU	CU	CU
Liquor: On and/or off sale	CU							P	P	P	CU		
Manufacturing: light in general											P	P	
Manufacturing: heavy in general											CU	P	
Motel, hotel	CU	CU	CU	CU	CU			CU	CU	CU	CU		CU
Bed and Breakfast Residence	CU	CU	CU	CU	CU		CU	CU					CU
Office Space					CU			P	P				
Resort-Commercial		CU			CU	CU				CU			
Retail or commercial business			CU	C U				P	P	CU	CU	CU	CU
Recycling, Biodegradable ⁹								I			I	I	
Sales or service of autos, trucks, RV's, agriculture equip., mobile homes								P	P		P	P	
Sign, on site	P	P	P	P	P	P		P	P	P	P	P	P
Sign, off premise ¹⁰	Not Allowed in All Districts												
Storage yard: material & equipment		CU				CU		P	P	CU	P	P	
F. Public Service and Utility Uses													
Cellular Telephone tower		CU/			CU/	CU/			CU/		CU/	CU/	

⁸ Amended 1/11/2022

⁹ Amended 9/10/2018

¹⁰ Amended 5/11/2021

¹⁰ Amended 9/19/2022

		P**			P**	P**			P**		P**	P**	
Broadcasting tower – Radio or TV		CU/ P**			CU/ P**	CU/ P**		CU/ P**	CU/ P**		CU/ P**	CU/ P**	
Commercial Solar Wind Energy Systems		CU			CU	CU		CU	CU		CU	CU	
Electric distribution or transmission facilities	A	A	A	A	A	A	A	A	A	A	A	A	
Essential Services	A	A	A	A	A	A	A	A	A	A	A	A	A
Wind farms		CU			CU	CU		CU	CU		P	P	A

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

2 **--type of permit depends on tower height

ARTICLE 11—SHORELAND DISTRICT STANDARDS

11.1. PURPOSE AND INTENT

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

11.2 PUBLIC WATERS CLASSIFICATION SYSTEM

- A. **Lake classification system.** The Public Waters lakes of Crow Wing Township, Minnesota are hereby classified into the following categories:
1. **Natural environment lakes (NE).** Natural Environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.
 2. **Natural environment - special shallow lakes (NE-SS).** This is a subclass of the natural environment lake class. These lakes are generally large, shallow lakes with critical wildlife habitat and a history of highly valued traditional outdoor recreational uses. The lakes usually do not have much existing development.
 3. **Recreational development lakes (RD).** These lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. At the time of the original classification, they were characterized by moderate levels of recreational use and existing development consisting mainly of seasonal and year-round residences and recreationally oriented commercial uses.
 4. **General development lakes (GD).** These lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development at the time of the original classification. These lakes often are extensively used for recreation.
- B. **River classification system.** The Public Waters rivers of Crow Wing Township, Minnesota are hereby classified into the following categories:
1. **Cold Water Rivers (CWR).** This river class included trout streams designated in Crow Wing Township under Minnesota Rules, Chapter 6264.0050.
 2. **Natural Environment Rivers (NER).** This river class includes previously classified remote, forested, transitional, and tributary river segments that flow into natural environment lakes. The types and intensities of recreational uses within this class vary widely.
 3. **General Development Rivers (GDR).** This river class includes previously classified agricultural and urban river segments and those tributary river segments that do not flow into natural environment lakes. This class has a wide variety of existing land and recreational use characteristics.

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

11.3 LOT AREA, BUILDABLE AREA, AND WIDTH STANDARDS

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

TABLE 11.1 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
Natural Environment—Special Shallow Riparian	100,000	250	50,000	*	*	*
Natural Environment—Special Shallow Non-riparian	140,000	265	70,000	*	*	*
Sensitive Shoreland Districts-Riparian--all lake classes	80,000	200	40,000	120,000	300	60,000
Sensitive Shoreland Districts-Non-riparian--all lake classes	80,000	200	40,000	160,000	400	80,000

*-- Duplex 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)**
Cold Water-Riparian	90,000	300	45,000	135,000	450	65,000
Cold Water -Non-Riparian	120,000	300	60,000	175,000	450	80,000
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
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

11.4 SETBACKS AND PLACEMENT OF STRUCTURES

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

TABLE 11.2 Structure and SSTS setbacks from Public Waters in feet from the OHWL

Class of Public Water	Standard SSTS 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
Natural Environment-Special Shallow (NE-SS)	180	200	250	150
Sensitive Shoreland Districts (SS)--				
All Lake Classes	150	200	250	150
Rivers:				
Cold Water	200	200	250	150
Natural Environment	150	200	250	150
General Development	100	200	200	100

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

TABLE 11.3 Additional Structure Setbacks

Setback from:	Setback (in feet)
Bluff (top, bottom, or sides)	30
Significant Cultural or Historic Site	50
Unplatted Cemetery	50
County, State, or Federal road right-of-way	35
Township road, dedicated public road, or other public roads not classified	35
Private Road or Road easement	10
Property Line	10
Publicly-owned Recreational Trail (not easements)	10
Subsurface Sewage Treatment System--Septic Tank (to dwelling unit)	10
Subsurface Sewage Treatment System--Drainfield (to dwelling unit)	20
Minnesota Department of Natural Resources permitted harbors	One-half (1/2) of the lake setback for the respective class of public water
Wetland	15

11.5 SHORELAND DISTRICT PERFORMANCE STANDARDS

- A. The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Protection Zone:
 - 1. Analysis of existing shoreland vegetation according to the Crow Wing Shoreline Rapid Assessment Model and development of a shoreland vegetation restoration plan, if applicable, as set forth in Article 27.
 - 2. Footing placement inspection by Department staff as define in Article 46.
 - 3. Analysis of stormwater runoff –BMP’s, plan, or engineered plan according to the standards in Article 41.
 - 4. Evidence of subsurface sewage treatment system (SSTS) compliance and assessment as provided in Article 37. 10 C and Minnesota Rules Chapter 7080.0175, Subpart 2 & 3.
 - 5. Calculation of total impervious coverage meeting the standards set forth in Article 41.
- B. The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Buffer Zone:
 - 1. Analysis of stormwater runoff BMP’s,-according to the standards in Article 41 of this ordinance.
 - 2. Evidence of subsurface sewage treatment system (SSTS) compliance and assessment as provided in Article 37.10 C and Minnesota Rules Chapter 7080.0175, Subpart 2 & 3.
 - 3. Calculation of total impervious coverage meeting the standards set forth in Article 41.

11.6 HEIGHT OF STRUCTURES

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

11.7 DECKS

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

- A. Decks adjacent to dwellings shall meet structure setbacks in Tables 11.2 and 11.3 of this Article except as provided under Minnesota Rules Chapter 6120.3300 J.
- B. 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.
- C. Deck construction shall comply with all provisions of Articles 28 and 41 of this ordinance
- D. Decks should be constructed as to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces.

11.8 PATIOS

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

- A. Patios within the structure setback shall comply with the following standards:
 - 1. Not be located in shore impact zone 1;
 - 2. Be free standing;
 - 3. Have no railings;
 - 4. Be a maximum of 180 square feet in size;
 - 5. Not be more than one foot below or above natural ground level; and;
 - 6. Construction complies with all provisions of Articles 28 and 41 of this ordinance
 - 7. The maximum impervious surface limits for the lot shall not be exceeded.
- B. Patios are allowed behind the structure setback without a permit provided that all setbacks are met and the property does not exceed the maximum allowable impervious surface standards.

11.9 STAIRWAYS, LIFTS, AND LANDINGS

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

- A. 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.
- B. 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.
- C. Construction complies with all provisions of Articles 28 and 41 of this Ordinance
- D. The maximum impervious surface limits for the lot shall not be exceeded.
- E. 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.
- F. Roofs. Canopies or roofs are not allowed on stairways, lifts or landings.
- G. 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.
- H. 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.

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

11.10 GUEST COTTAGES

A guest cottage may be permitted on a residential lot in the Shoreland District provided that:

- 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 700 square feet.
- D. Construction complies with all provisions of Articles 28 and 41 of this ordinance.
- E. It does not exceed 15 feet in building height.
- F. 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.

11.11 DUPLEX DWELLINGS

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

- A. The lot meets the duplex lot standards in Table 11.1
- B. Each building shall have a conforming sewage treatment and water systems.
- C. Watercraft docking facilities shall be centralized in one location and serve both dwelling units in the building.
- D. The maximum impervious surface limits for the lot are not exceeded.
- E. Construction complies with all provisions of Articles 28 and 41 of this ordinance.

11.12 ACCESSORY STRUCTURES – RESIDENTIAL

- A. The total cumulative area that all residential accessory structures may occupy on a lot and maximum building height shall be as follows:

Table 11.4 Accessory Structure Dimensions for Riparian Lots

Lot Size (In acres)	Maximum Building Area**	Maximum Building Height
0 -.49	900 Square Feet	24 Feet
.5 - .99	1,200 Square Feet	24 Feet
1 –1.49	1,500 Square Feet	24 Feet
1.5-1.99	1,800 Square Feet	24 Feet
2-4.99	2,400 Square Feet	24 Feet
5.0 or greater	Unlimited	24 Feet

**--The maximum building area of the accessory structure may be increased by 33% if the structure is located at twice all the required minimum setback and subject to impervious coverage limits in Article 41.

Table 11.5 Accessory Structure Dimensions for Non-Riparian Lots

Lot Size (In acres)	Maximum Building Area**	Maximum Building Height
0 -.49	1,200 Square Feet	30 Feet
.5 - .99	1,500 Square Feet	30 Feet
1 –1.49	1,800 Square Feet	30 Feet
1.5-1.99	2,400 Square Feet	30 Feet
2.0 or greater	Unlimited	30 Feet

**--The maximum building area of the accessory structure may be increased by 33% if the structure is located at twice all the required minimum setbacks and subject to impervious coverage limits in Article 41.

- B. A permit shall not be required for up to two accessory structures totaling no more than 160 square feet.
- C. No accessory structure shall be used for human habitation.
- D. All setback and building height requirements shall be met.
- E. The maximum impervious surface limits for the lot are not exceeded
- F. Construction complies with all provisions of Articles 28 and 41 of this Ordinance.
- G. Semi-trailers, cargo containers, railroad cars, manufactured houses, or similar structures shall not be used for storage.

11.13 WATER-ORIENTED ACCESSORY STRUCTURES

- A. Water-Oriented Accessory Structures on Water-Oriented Commercial Lots. One water oriented accessory structure not meeting the structure setbacks in Table 11.2 of this ordinance may be placed with a permit on a water-oriented commercial lot provided the following standards are met:
 - 1. The structure or facility shall not exceed 15 feet in height and cannot occupy an area greater than 250 square feet;

2. The minimum setback of the structure or facility from the OHWL level shall be 20 feet, and/or 10 feet from a DNR permitted harbor;
 3. The structure or facility is treated to reduce visibility as viewed from Public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 4. The structure shall not be used for human habitation.
 5. The structure shall not be located within a bluff impact zone.
 6. Construction complies with all provisions of Articles 28 and 41 of this Ordinance.
 7. The maximum impervious surface limits for the lot are not exceeded.
- B. Water-Oriented Accessory Structures on Riparian Residential Lots. One water oriented accessory structure not meeting the structure setbacks in Table 11.2 of this ordinance may be placed with a shoreland alteration permit on a riparian residential lot provided the following standards are met:
1. The structure or facility must not exceed 12 feet in height and cannot occupy an area greater than 120 square feet.
 2. The setback of the structure or facility from the ordinary high water level must be at least 20 feet.
 3. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Department, assuming summer, leaf-on conditions
 4. Construction complies with all provisions of Articles 28 and 41 of this ordinance.
 5. The maximum impervious surface limits for the lot are not exceeded.
 6. The structure shall not be located within a bluff impact zone.
 7. The structure shall not be used for human habitation.
 8. The structure shall not include bathroom facilities.
- C. Boathouses
1. New boathouses and boat storage structures that do not meet the setback requirements in Tables 11-2 and 11-3 of this ordinance are prohibited.
 2. Existing boathouses and boat storage structures may be repaired or replaced pursuant to Minn. Stat. § 462.357, subd. 1e.

11.14 RETAINING WALLS

- A. A retaining wall may be installed with a shoreland alteration permit in shore impact zones 1 or 2 provided the following standards are met:
 - 1. The Department determines that there is no other alternative to control erosion.
 - 2. No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesota-licensed professional engineer.
 - 3. Construction complies with all provisions of Articles 28 and 41 of this ordinance.
- B. A retaining wall may be installed without a permit behind the structure setback provided that:
 - 1. It does not significantly alter the character of the property or does not create runoff or erosion problems.
 - 2. Construction complies with all provisions of Articles 28 and 41 of this Ordinance.

11.15 BOARDWALKS

- A. 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.

11.16 WATERCRAFT ACCESS RAMPS

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

- A. Are permitted for private residential lots only on lakes without Public Accesses.
- B. May be permitted for Conservation Development lake access, if authorized, or water-oriented commercial uses on any lake classified General Development or Recreational Development.
- C. Shall not include asphalt in the shore impact zone 1.
- D. Shall not exceed 15 feet in width from the lake to the structure setback line.
- E. Shall not include filling of wetlands.
- F. Construction complies with all provisions of Articles 28 and 41 of this Ordinance.
- G. The maximum impervious surface limits for the lot are not exceeded.

11.17 CONTROLLED AND ALTERNATIVE ACCESS LOTS

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

11.18 USE OF FERTILIZER

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

11.19 REQUIREMENTS FOR STRUCTURES IN FLOODPLAINS

Structures in Shoreland Districts that are also located within floodplains shall meet the standards in Article 21 of this ordinance.

ARTICLE 12—AGRICULTURAL/FORESTRY DISTRICT STANDARDS

12.1 PURPOSE

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

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

2. Implementation Task 6. Consider preserving open space in developments when updating the land use ordinance.

12.2 DENSITY AND DIMENSIONAL STANDARDS

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

Table 12.1 Lot Size, Width, Setback and Height Standards for the Agriculture/Forest District

District	Minimum Lot Area	Minimum Lot Width	Structure Lot Line Setbacks	Road Right-of-Way Setback	Wetland Setback	Structure Height
Ag/Forest	35 acres	330'	10'	35'	15'	35'***

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

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

12.3 AGRICULTURAL USES ON STEEP SLOPES

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

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

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

- A. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated in an agricultural/forestry area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands. Such operations include the cultivation, harvesting, and storage of crops and livestock raising and the application of chemicals, operations of machinery, application of irrigation water, spreading of animal manure, and other accepted and customary agricultural activities conducted pursuant to federal and state laws. These activities ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with Grantors' use of Grantors' property of residential purposes. Grantors hereby waive all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential

purposes and grantors hereby grant an easement to adjacent property owners for such activities.

- B. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.
- C. This easement is appurtenant to all property adjacent to the residential development and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement.
- D. This easement shall be filed on forms provided by the Department.

ARTICLE 13—RESERVED

ARTICLE 14---RURAL RESIDENTIAL DISTRICT STANDARDS

14.1 PURPOSE

- A. **Rural Residential-1 (RR-1).** The purpose of this district is to enable areas outside the shoreland district to be developed with higher residential densities near but not necessarily adjacent to incorporated municipalities. The primary use within this district is single family residential. Compatible commercial uses may be allowed as conditional uses.
- B. **Rural Residential-2.5 (RR-2.5).** The purpose of this district is to promote moderate-density development in those portions of the Township outside the shoreland district and beyond areas of anticipated municipal growth where such development is desired and most suitable. The primary use within this district is single family residential. Compatible commercial uses may be allowed as conditional uses.
- C. **Rural Residential-5, 10, and 20 (RR-5, RR-10, RR-20).** The purpose of these districts is to promote low-density development in those portions of the Township outside the shoreland district and beyond areas of anticipated municipal growth where decreased development densities are most suitable. The primary uses within these districts are single family residential with larger lot sizes to protect agricultural areas or critical habitats, or preserve the rural character of an area.

14.2 DENSITY AND DIMENSIONAL STANDARDS

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

Table 14.1 Lot Size, Width, Setback and Height Standards for Rural Residential Districts

District	Minimum Lot Area	Suitable Area¹¹	Minimum Lot Width	Structure Lot Line Setbacks	Road Right-of-Way Setback	Wetland Setback	Structure Height
RR-1	1 acre	.5 acre	150'	10'	35'	15'	35'
RR-2.5	2.5 acres	2 acres	165'	10'	35'	15'	35'
RR-5	5 acres	2.5 acres	300'	10'	35'	15'	35'
RR-10	10 acres	5 acres	300'	10'	35'	15'	35'
RR-20	20 acres	10 acres	400'	10'	35'	15'	35'

14.3 GENERAL STANDARDS

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

ARTICLE 15—RESIDENTIAL DISTRICT STANDARDS

15.1 PURPOSE

The purpose of the Residential District is to establish a district that meets the expressed needs of the Township to offer residential development that allows various estate-sized lots. The Residential District is created to implement the following policy and strategy of the Crow Wing Township Comprehensive Plan:

- A. Housing and Residential Development Policy, Strategy 2. Update the existing residential ordinances and subdivision regulations to reflect current growth conditions and development trends and landowner’s needs.

15.2 RESIDENTIAL DISTRICT DEFINED

This Ordinance establishes the Residential zoning district in Crow Wing Township. The Residential Zoning District as defined by this ordinance shall include all lots platted in the Barrows Subdivision, excluding the Woodland Park Addition.

15.3 PERMITTED, CONDITIONAL AND ACCESSORY USES

The land use classification list in Section 10.8 lists permitted, conditional and accessory uses allowed in the Residential District. Any use that is not listed as permitted, conditional or accessory for this district or is not determined by the Planning Commission to be a use similar to an allowed use in this district shall be prohibited.

15.4 ADDITIONAL REQUIREMENTS

Uses and structures in this District shall comply with all applicable provisions of this Zoning Ordinance, and provisions of the Crow Wing Township Subdivision Ordinance and the Crow Wing County Mississippi Headwaters Ordinance. In the case that more than one provision

¹¹ Amended 11/14/17

applies, the most restrictive provisions shall apply.

15.5 DENSITY AND DIMENSIONAL STANDARDS

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

A. **Minimum contiguous suitable area:**

1. **Residential Lot:** The minimum contiguous suitable area in the Residential Zoning District shall be (20,000 square feet). All lots and structures as recorded as of February 1, 2008 meeting the minimum requirements of Sections B through I shall be considered conforming lots and conforming structures. It is the responsibility of the property owner to provide sufficient evidence that all requirements of the ordinance can be met, including setbacks, sewer, and impervious coverage limits when applying for a permit.

B. **Minimum lot width:**

1. **Residential:** The minimum lot width in the Residential District shall be 50 feet. All setbacks must be met on all lots; if setbacks cannot be met, the lot must be consolidated with adjacent lots or the lot will be considered unbuildable.

C. **Lot line setbacks:**

1. Dwellings:
 - a. Side yard setbacks: Five (5) feet
 - b. Front and rear yard: Twenty (20) feet
2. Accessory buildings: Five (5) feet

D. **Road ROW Setbacks:** Structures shall be set back from road rights-of-way lines a minimum of fifteen (15) feet on local roads, (35) feet on highway.

1. **Lot fronting on two roads.** Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

E. **Accessory buildings.** No accessory building shall project beyond the front yard of either road.

F. **Maximum impervious surface coverage:** The maximum impervious surface coverage for any lot shall be thirty-five (35) percent.

G. **Minimum setback from wetlands:** Structures shall be setback sixteen and one-half (16 ½) feet from the edge of a wetland. The use of WCA exemption to meet this setback requirement is prohibited.

H. **Building Height.** All structures in residential districts, except churches and nonresidential must not exceed twenty-five (25) feet in height.

I. **Building Overhang.** All setbacks shall be measured to the eave of the structure. No part of the structure, such as eaves, can overhang or reduce the side yard setback.

15.6 SUBDIVISIONS

No lot as it currently exists on February 1, 2008 shall be further subdivided in the Residential Zoning District unless the lots conform to provisions of Sections A through I. Consolidated lots which constitute a parcel may be divided from one owner to another as long as the resulting parcel can meet the requirements of A through I.

ARTICLE 16—COMMERCIAL AND COMMERCIAL/INDUSTRIAL DISTRICT STANDARDS

16.1 PURPOSE

- A. **Commercial District 1 (C-1).** The purpose of this district is to provide adequate areas for general retail, wholesale, office and service activities located as permitted uses in areas adjacent to incorporated municipalities. C-1 commercial districts shall be located along federal, state, or county highways.
- B. **Commercial District 2 (C-2).** The purpose of this district is to provide adequate space areas for general retail and service activities in rural areas. C-2 commercial districts shall be located along federal, state, county, or township roads.
- C. **Waterfront Commercial (WC).** The purpose of this district is to accommodate commercial uses in the shoreland district where access to and use of a surface water feature is an integral part of the business. The primary uses in this district are marinas, resorts and restaurants with transient docking facilities.
- D. **Commercial/Light Industrial District (LI).** The purpose of this district is to accommodate light industrial uses that produce few off-site impacts such as noise, odor or vibration.
- E. **Commercial/Heavy Industrial District (HI).** The purpose of this district is to accommodate heavy industrial uses that produce off-site impacts and require separation from other uses, such as residential uses, which may be incompatible with such heavy industrial uses.

16.2 INTENT

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

- A. To promote business property by enhancing the appeal and attraction of the commercial and commercial/industrial districts to residents, visitors and tourists with uniform lot width and area, and setbacks,
- B. Improvement of appearance through good landscaping emphasizing natural occurring trees for screening;
- C. To encourage lighting that provides safety, utility, and security without glare onto public roads, private residences, and atmospheric light pollution;

- D. 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;
- E. To alleviate potential traffic congestion on local streets and adjacent highways by the provision of adequate off street parking, traffic circulation patterns and arrangement of uses;
- F. To treat wastewater to protect public health and safety, and to protect ground and surface water; and
- G. To establish reasonable regulation for design, construction, installation, and maintenance of all exterior signs.

16.3 PLAN SUBMISSION REQUIREMENTS

No site development, structure construction, or vehicular use area modifications are allowed, unless the provisions of this article are met:

- A. The property owner or developer shall prepare a development plan according to format and standards established by the Department.
- B. Site plan with setbacks and wetlands identified;
- C. Screening and landscape plan meeting the standards in Articles 36 and 41 of this ordinance
- D. Lighting plan;
- E. Off street loading and parking;
- F. Sign plan;
- G. Storm water management plan according to requirements in Article 41; and
- H. Waste disposal plan.

16.4 MINIMUM LOT SIZE REQUIREMENTS AND OTHER STANDARDS

Table 16.1 LOT DIMENSIONS AND SETBACKS

Minimum Requirements	Without Public Sewer & Water	With Public Sewer & Water
Lot size	100,000 square feet of upland	20,000 square feet of upland
Lot width, interior	100 feet	100 feet
Lot width, corner	120 feet	120 feet
R.O.W. setbacks		
with frontage/backage road in front or back	40 feet	40 feet
with no frontage/backage road in front or back	120 feet	120 feet
All Other Roads	35 feet	35 feet
Side Yard	15 feet	15 feet
Rear Yard		
With access	40 feet	40 feet

With no access	30 feet	30 feet
Wetland setbacks	15 feet	15 feet
* Lots Adjacent to Other land use districts - Setback equal to side setback of adjoining zone.		

16.5 SCREENING, DIRT MOVING, AND STORMWATER MANAGEMENT

- A. Screening shall meet the requirements of Article 36 of this ordinance.
- B. All dirt moving shall comply with the standards in Article 28 of this ordinance.
- C. All construction in Commercial Districts shall comply with the stormwater management standards in Article 41 of this ordinance.

16.6 LIGHTING

- A. Lighting guidelines are as follows:
 - 1. no portion of the lamp or lens may extend beyond the housing or shield so as to be visible from offsite or cause disabling glare;
 - 2. all light fixtures shall be directed downward;
 - 3. height limitations for exterior lighting shall be measured from surrounding natural grade, with a 20 feet height maximum; and
- B. Light pollution shall be avoided by keeping with the following standards:
 - 1. The light cast by these fixtures shall be baffled so the light does not protrude past the property line;
 - 2. All island canopy ceiling fixtures are required to be recessed;
 - 3. Holiday temporary decorative lighting is exempt;

Light pollution shall be avoided by keeping within the intensity levels of the following maximum illumination levels. When two differing districts are adjacent, the lower light level value shall take precedence.

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

16.7 OFF-STREET LOADING AND PARKING

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

16.8 SIGNS

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

ARTICLE 17—RESERVED

ARTICLE 18---RESERVED

ARTICLE 19---RESERVED

ARTICLE 20—CAMPING STANDARDS

20.1 GENERAL

- A. All recreational vehicles must be designed to operate on state roads without a special permit and must have a current license.
- B. No camping unit may be permanently placed or skirted.
- C. All camping units must be able to be moved readily.
- D. Camping units must meet dwelling setback requirements.
- E. Prior to placing a camping unit, the occupant must have the permission of the property owner. The permission must be written when the property owner is not available on site.

20.2 PROPERTIES WITH PRINCIPLE STRUCTURES.

- A. No individual camping unit may be placed for use longer than 14 days within any 60 days.
- B. One camping unit may be allowed in outside storage. That unit may be stored year-round.

20.3 PROPERTIES WITHOUT PRINCIPLE STRUCTURES.

- A. There shall be a maximum of two units allowed at any one time.
- B. Each individual camping unit is allowed for 14 days in any one calendar year without a permit.
- C. A permit is required for camping units established for more than 14 days in any one calendar year. The maximum time an individual unit can be established is nine months in any one calendar year.
- D. One permit per parcel per calendar year is allowed.
- E. A permit for a camping unit requires installation of a permanent sewage treatment system.

20.4 PROPERTIES WHERE A PRINCIPLE STRUCTURE IS BEING CONSTRUCTED.

- A. Camping units are allowed in conjunction with a land use permit for construction of a principle structure.
- B. Camping units are allowed up to 24 months in conjunction with a land use permit.

ARTICLE 21--FLOOD PLAIN OVERLAY DISTRICT STANDARDS

21.1 STATUTORY AUTHORIZATION

The legislature of the State of Minnesota has, in Minnesota Statutes, Chapters 103F.101-103F.155 and Chapter 462, delegated to local government units the responsibility for adopting regulations designed to minimize flood losses.

21.2 FINDINGS OF FACT

- A. Losses.** The flood hazard areas of the unincorporated lands within Crow Wing Township, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. Methods used to analyze flood hazards.** These Standards are based upon a reasonable method of analyzing flood hazards, which is consistent with the standards established by the Minnesota Department of Natural Resources, Division of Ecological and Water Resources.

21.3 STATEMENT OF PURPOSE

It is the purpose of these Standards to promote the health, safety and general welfare and to minimize those losses described in Article 21.2 by the provisions contained herein.

21.4 GENERAL PROVISIONS

- A. Lands to which these standards apply.** These Standards shall apply to all lands within the jurisdiction of Crow Wing Township shown on the official land use district map and most recent version of the Flood Insurance Study prepared by the Federal Insurance and Mitigation Administration, and the Federal Emergency Management Administration's Flood Insurance Rate Map, as being located within the boundaries of the Floodway, Flood Fringe or General Flood Plain Districts.
- B. Relationship of flood plain overlay districts to other land use districts.** The Flood Hazard Districts (FF, FW and GFP) are overlay districts. These districts overlay other underlying shoreland, AGF and RR districts. The requirements of the overlay districts in this Article provide regulations that shall apply to structures and the use of land in addition to the regulations of the underlying land use districts. Where requirements in this Article impose greater restrictions than the underlying land use district, the provisions of this Article shall apply.
- C. Regulatory flood protection elevation.** The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- D. Interpretation.** These provisions shall be interpreted according to the following standards.

1. The boundaries of the flood plain overlay districts shall be determined by scaling distances on the official land use district map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official land use district map, for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional 100-year flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

E. Warning and disclaimer of liability. These standards do not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. These standards shall not create liability on the part of Crow Wing Township or any officer or employee thereof for any flood damages that result from reliance on these standards or any administrative decision lawfully made thereunder.

21.5 SUBDIVISIONS

- A. **Review criteria.** All lots within the flood plain overlay districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of these standards and have road access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe 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.
- B. **Floodway/Flood Fringe determinations in the General Flood Plain District.** In the General Flood Plain District, applicants shall provide the information required in Article 21.13 B of these standards to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation for the subdivision site.
- C. **Removal of special flood hazard area designation.** The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

21.6 PUBLIC UTILITIES, RAILROADS, ROADS AND BRIDGES

- A. **Public utilities.** All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the flood plain shall be flood-proofed pursuant to the State Building Code or elevated to above the Regulatory Flood Protection Elevation.
- B. **Public transportation facilities.** Railroad tracks, roads and bridges to be located within the flood plain shall comply with Articles 21.12 and 21.13 of these standards. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation 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.

21.7 ON-SITE SEWAGE TREATMENT AND WATER SUPPLY SYSTEMS

- A. 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.
- B. Any sewage treatment system designed pursuant to the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

21.8 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES

- A. Manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Article 21.5 of these standards.
- B. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Article 21.13 of these standards. If vehicular road access for pre-existing manufactured home parks is not provided pursuant to Article 21.12 E. 1, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Planning Commission/Board of Adjustment.
- C. Travel trailers and travel vehicles that do not meet the exemption criteria specified in Article 21.8 C. 1 below shall be subject to the provisions of these standards and as specifically spelled out in Article 21.8 C. 3. and 4. below.
 - 1. **Exemption:** Travel trailers and travel vehicles are exempt from the provisions of these standards if they are placed in any of the areas listed in Article ii. below and meet the following criteria:
 - a. Have current licenses required for highway use.
 - b. Are highway ready, meaning on wheels, or the internal jacking system is attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
 - c. The travel trailer or travel vehicle and associated use must be permissible in the underlying land use district.
 - 2. Areas exempted for placement of travel/recreational vehicles:

- a. Individual lots or parcels of record.
 - b. Existing commercial recreational vehicle parks or campgrounds.
 - c. Existing condominium type associations.
3. Travel trailers and travel vehicles exempted in Article 21.8 C. 1 above lose this exemption when development occurs on the parcel exceeding \$500.00 for a structural addition to the travel trailer/ travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Articles 21.12 and 21.13.
 4. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding 5 units or dwelling sites shall be subject to the following:
 - a. Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists pursuant to Article 21.12 E. 1 of these standards. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.
 - b. All new or replacement travel trailers or travel vehicles not meeting the criteria of a. above may, as an alternative, be allowed as a Conditional Use if pursuant to the following provisions and the provisions of Article 7.6 Special Review Criteria for Flood Plain Conditional Use Permits. The applicant must submit an emergency plan for the same evacuation of all vehicles and people during the 100-year flood. Said 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. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding pursuant to Article 21.8 of these standards.

21.9 ESTABLISHMENT OF LAND USE DISTRICTS

- A. Districts. Crow Wing Township has adopted the following land use districts relating to flood protection.
 1. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Article 21.4 A.
 2. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe shall constitute those areas shown on the Flood Insurance Rate Map as adopted in Article 21.4 A. as being within Zone AE but being located outside of the floodway.
 3. General Flood Plain District
The General Flood Plain District shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Map adopted in Article 21.4 A.

21.10 COMPLIANCE WITH DISTRICT STANDARDS

No new structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of these standards and other applicable regulations that apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Articles 21.11 through 21.13 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

- A. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of these standards and specifically Article 21.8.
- B. Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of these standards; and
- 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 Minnesota-licensed professional engineer as specified in the general provisions of these standards.

21.11 FLOODWAY DISTRICT (FW)

A. **Permitted uses.** The following uses shall be permitted within the FW District.

- 1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 2. Industrial-commercial loading areas, parking areas and airport landing strips.
- 3. 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, target ranges, trap and skeet ranges, hunting and fishing areas and single or multiple purpose recreational trails.
- 4. Residential lawns, gardens, parking areas and play areas.

B. **Standards for floodway permitted uses.**

- 1. The use shall have a low flood damage potential.
- 2. The use shall be permissible in the underlying land use district.
- 3. 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. **Conditional uses.** The following uses are conditional in the FW District.

- 1. Structures accessory to the uses listed in 21.12 A. above and the uses listed in Subsections 2. through 8 below.
- 2. Extraction and storage of sand, gravel and other materials.

3. Marinas, boat rentals, docks, piers, wharves and water control structures.
4. Railroads, streets, bridges, utility transmission lines and pipelines.
5. Storage yards for equipment, machinery or materials.
6. Placement of fill.
7. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Article 21.8 C 1 of these standards.
8. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures, and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

D. Standards for floodway conditional uses.

1. **All uses.** No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected, or result in an increased danger to life or property downstream.
2. All floodway Conditional Uses shall be subject to the procedures and standards contained in Article 7 of this ordinance.
3. The following Conditional Uses shall be permissible in the underlying land use district.
 - a. Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/ sedimentation prevention element to the plan.
 - c. As an alternative and consistent with Article 21.11 D 2 above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Planning Commission/Board of Adjustment has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the Office of the County Recorder.

E. Accessory structures.

1. Accessory structures shall not be designed for human habitation.
2. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

- a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - b. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
3. Accessory structures shall be elevated on fill or structurally dry flood proofed pursuant to the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size and, for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:
- a. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - b. Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.
4. **Storage of materials and equipment.**
- a. The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
 - b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and pursuant to a plan approved by the Administrator.
5. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain for the purpose of increasing development area shall not be allowed in the floodway.
6. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

21.12 FLOOD FRINGE DISTRICT (FF)

- A. **Permitted uses.** Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). All Permitted Uses shall comply with the standards for Flood Fringe "Permitted Uses" listed in Article 21.12 B. and the "Standards for all Flood Fringe Uses" listed in Article 21.12 E.
- B. **Standards for flood fringe permitted uses.**

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor, including basement floor, is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.
 2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and do not exceed 500 square feet for the outside dimension at ground level, may be internally flood proofed pursuant to Article 21.12 D. 2. d.
 3. The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure pursuant to Article 21.12 B. 1.
 4. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
 5. The provisions of Article 21.12 E. of these standards shall apply.
- C. **Conditional uses.** Any structure that is not elevated on fill or flood proofed pursuant to or any use of land that does not comply with Article 21.12 B above shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures specified in Articles 21.12 B., D., and E. of these standards.

D. **Standards for flood fringe conditional uses.**

1. 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, or similar devices, 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:
 - a. The enclosed area is above-grade on at least one side of the structure;
 - b. The enclosed area is designed to internally flood and is constructed with flood resistant materials; and
 - c. The enclosed area is used solely for parking of vehicles, building access or storage.
2. The alternative elevation methods described in Article 21.12 D., 1. above are subject to the following additional standards:
 - a. **Design and certification.** The structure's design and as-built condition must be certified by a Minnesota-licensed 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 and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

- b. **Specific standards for above-grade, enclosed areas.** Above-grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:
 - (i) The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - (ii) The enclosed area will be designed of flood resistant materials pursuant to 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 shall be subject to the following:**
 - (i) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.
 - (ii) Nonresidential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed pursuant to this Article.
 - d. **Flood proofing required.** All areas of nonresidential structures, including basements to be placed below the Regulatory Flood Protection Elevation, shall be flood proofed pursuant to 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 and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
3. **Fill storage.** When, at any one time, more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted. The plan must clearly specify methods to be used to stabilize the fill on-site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a Minnesota-licensed professional engineer. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.
4. **Storage of materials and equipment.**
- a. The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
 - b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and pursuant to a plan approved by the Department.
 - c. The provisions of Article 21.12 E. of these standards shall also apply.

E. Standards for all flood fringe uses.

1. All new principal structures must have vehicular access at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation. If a Variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
2. **Commercial uses.** Accessory land uses, such as yards, railroad tracks and parking lots, may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.
3. **Manufacturing and industrial uses.** Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Article 21.12 B above. In reviewing permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
4. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be reviewed prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
5. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official land use district map.
6. Standards for travel trailers and travel vehicles are contained in Article 21.9.
7. All manufactured homes must be securely anchored to a 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.

21.13 GENERAL FLOOD PLAIN (GFP) DISTRICT

- A. **Permitted uses.** The following uses shall be permitted within the General Flood Plain District.
 1. The uses listed in Article 21.12 A. shall be permitted if the proposed use is in the Floodway District and the uses listed in Article 21.13 A. shall be permitted if the proposed use is in the Flood Fringe District.

2. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Article 21.13 B. below.

B. Procedures for floodway and flood fringe determinations within the general flood plain district

1. In conjunction with an application for a Conditional Use Permit for a use on a lot lying within the General Flood Plain District, the applicant shall be required to furnish the following information to the Administrator for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.
 - a. A typical cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and high water elevation information.
 - b. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all
 - c. Proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.
 - d. A profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
2. The applicant shall retain a Minnesota-licensed professional engineer to provide technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Rules Chapters 6120.5000 - 6120.6200 shall be followed in this evaluation. The engineer shall:
 - a. Review technical evaluation methodology with a Department of Natural Resources Hydrologist prior to commencing the analysis.
 - b. Estimate the peak discharge of the regional flood.
 - c. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - d. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
3. The Administrator shall distribute all supporting data and analyses to the Federal Emergency Management Agency and the Department of Natural Resources for review and comment 30 days prior a public hearing by the Planning Commission/Board of Adjustment. The Planning Commission/Board of Adjustment shall hear the request according to its adopted rules of business, and may accept, deny, or modify the recommended floodway and/or flood fringe district boundary. Once the Floodway and Flood Fringe Boundaries have been determined, the Planning Commission/Board of Adjustment shall refer the matter back to the Administrator who shall process the permit application consistent with the applicable provisions of Article 21.12 and 21.13 of these standards.

PART III – DEVELOPMENT STANDARDS

ARTICLE 22---RESERVED

ARTICLE 23-ADULT USES AND SEXUALLY-ORIENTED BUSINESSES

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

23.1 PERMITTING OR LICENSES

A. Permit or License Required

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

1. Adult use principal;
2. Adult use accessory

B. Applications

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

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

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

23.2 PERMIT OR LICENSE FEES

- A. Each application for a conditional use permit/license shall be accompanied by a fee, as set by the Township for payment in full of the required application and investigative fee for the license. All fees shall be paid at time of application.
- B. All permits/licenses shall expire on the last day of December in each year. The department shall issue each permit/license for one (1) year, except if part of the permit/license year has elapsed when the application is made, the department may issue a permit license for the remainder of the year for a prorated fee. In computing such fee, the department shall count any unexpired fraction of a month as one (1) month.
- C. The annual fee and the investigative fee for the adult use or sexually-oriented business permit/license shall be established by way of Town Board Resolution.
- D. No part of the fee paid by any permit/license issued under this Ordinance shall be refunded except in the following instances: upon application to the Town Board within thirty (30) days of the event. The department shall refund a pro-rated portion of the fee for the permit/license for the unexpired period of the permit/license, computed monthly, when operation of the permitted/licensed business ceases not less than one (1) month before the expiration of the permit/license because of:
 - E. Destruction or damage of the permitted/licensed premises by fire or other catastrophe;
 - F. The licensee's illness;
 - G. The licensee's death;
 - H. A change in the legal status making it unlawful for the licensed business to continue.

- I. Each application shall contain a provision on the application in bold print stating that any withholding of information or the providing of false or misleading information will be grounds for the denial or revocation of a permit/license. Any changes in the information provided on the application or provided during the investigation shall be reported to the Town by the applicant or permittee/licensee. If said changes take place during the investigation, the date shall be provided to the Administrator in writing, and the administrator shall report the changes to the Town Board. Failure to report said changes by the applicant (s) or the permittee/licensee may result in the denial or revocation of a permit/license.

23.3 GRANTING OF PERMIT/LICENSE

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

23.4 RENEWAL

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

23.5 PERSONS INELIGIBLE FOR PERMIT/LICENSE

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

- A. Is under 21 years of age;
- B. Has been convicted of a felony or of violating any Minnesota Law;
- C. Is not the proprietor of the establishment for which the permit/license is issued;

- D. Has not paid the permit/license and investigative fees required by this Ordinance;
- E. Is not a citizen of the United States;
- F. Has had an adult use or similar permit or license revoked under an ordinance statute similar to this.

23.6 PLACES INELIGIBLE FOR PERMIT/LICENSE

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

23.7 NON-CONFORMING USES

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

23.8 CONDITIONS OF PERMIT/LICENSE GENERALLY

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

23.9 CONDITIONS OF PERMIT/LICENSE – ADULT PRINCIPAL

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

- A. No adult uses principal or sexually-oriented business shall be located closer than 1,320 feet from any other adult use principal or sexually-oriented business in any County. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest point of the actual business premises of any other adult use principal or sexually-oriented business.
- B. No adult uses principal or sexually-oriented business shall be located closer than 1,320 feet from any residential lot line, place of worship, school, public park, open space, licensed family day care home, playground, public library, or licensed child care or day care center in any city or county. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest property line of the premises or building used as a dwelling or residence, place or worship, school, public park, open space, licensed day care home, licensed group family day care home, public library or licensed child care or day care center.
- C. No adult use principal or sexually-oriented business shall be located closer than 1,320 feet from any residential lot line, any residential land use district or any residential development. Measurements shall be in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use or sexually-oriented business to the nearest residential lot line, boundary of the residential land use district or residential development.
- D. All adult uses and sexually-oriented businesses must meet all of the provisions of this Ordinance.
- E. The Township prohibits any building owner or operator from having more than one of the following uses, tenants or activities in the same building structure:
 - a. Adult body painting studio;
 - b. Adult book store;
 - c. Adult cabaret;
 - d. Adult car wash;
 - e. Adult companionship establishment;
 - f. Adult entertainment facility;
 - g. Adult hotel or motel;
 - h. Adult modeling studio;
 - i. Adult sauna/steam room/bathhouse;
 - j. Adult motion picture theater;
 - k. Adult mini-motion picture theater;
 - l. Adult massage parlor
 - m. Adult health/sports club;
 - n. Adult novelty business;

- o. Any business or establishment in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” that the public can see.
- F. An adult uses principal and sexually oriented business shall not sell or dispense non-intoxicating or intoxicating liquors, nor shall it be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors.
- G. No adult uses principal and sexually-oriented business’ entertainment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult uses establishment that is prohibited by any ordinance of Crow Wing Township, the laws of the State of Minnesota or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes or ordinances.
- H. No adult uses principal or sexually-oriented business shall be conducted in any manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
- I. Adult uses principal and sexually-oriented businesses shall prominently display a sign at the entrance, located within two feet of the door opening device of the adult use establishment or section of the establishment devoted to adult books or materials which states: “This business sells or displays material containing adult themes. Persons under 18 years of age shall not enter.”
- J. Adult uses principal and sexually-oriented businesses shall not be open between the hours of 12:00 a.m. and 10:00 a.m. on any day.

23.10 CONDITIONS OF PERMIT/LICENSE – ADULT USE ACCESSORY

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

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

23.11 SIGN RESTRICTIONS

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

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

ARTICLE 24--SOLAR ENERGY SYSTEMS

24.1 STANDARDS FOR SOLAR ENERGY SYSTEMS, ACCESSORY

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

A. Permitting Requirement.

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

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

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

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

- 1. **Roof-mounted Solar Energy Systems.** In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two

(2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

2. Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

ARTICLE 25--ANIMALS IN RESIDENTIAL DISTRICTS

The standards in this Article shall apply to the keeping of household pets in all land use districts where such uses are allowed.

25.1 LIMITATIONS ON ANIMALS IN RESIDENTIAL DISTRICTS

Household pets which do not constitute a public nuisance are allowed in Shoreland and Rural Residential Districts. No animal or bird, other than household pets, shall be kept or pastured in a Shoreland District. Animals or birds, other than household pets, may be kept or pastured in a Rural Residential District provided that:

- A. Not over one animal unit is kept per two and one-half acre parcel of the contiguously owned property.
- B. The keeping or pasturing of such animal unit does not pollute the waters of the State or the ground water under the land.
- C. No such animal unit shall be kept or pastured within 100 feet of a residence or seasonal cabin on the premises nor within 200 feet of any other residence or seasonal cabin.
- D. Accumulation of animal wastes or manure shall not be allowed.

ARTICLE 26--CAMPGROUND STANDARDS

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

26.1 POLICY

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

26.2 COMPLIANCE WITH OTHER REQUIREMENTS

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

26.3 MOBILE AND MANUFACTURED HOMES

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

26.4 YEAR-ROUND RESIDENTIAL USE PROHIBITED

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

26.5 APPLICABILITY

The campground standards in this section shall apply to:

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

26.6 CAMPGROUNDS IN SHORELAND AREAS

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

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

26.7 PREREQUISITE TO CHANGE

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

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

26.8 MINIMUM CAMPSITE SIZE

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

- A. **Seasonal use.** .
 - 1. A modern facility campground for seasonal use may provide campsites of 3,000 square feet or more.

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

26.9 ADDITIONAL REQUIREMENTS FOR CAMPSITES AND CAMPGROUNDS

- A. **Campsite Setbacks.** New campsites shall comply with the following requirements:
 1. **Roads.** Setbacks from the right-of-way line of principal and minor arterials shall be at least 500 feet. Setbacks from the right-of-way line of all other public roads shall be at least 100 feet, except that a modern facility campground for seasonal use for only travel trailers and motor homes shall be setback at least 35 feet from the right-of-way line of all roads.
 2. **Lakes and rivers.** Setbacks from the Ordinary High Water Level of public waters shall be at least 200 feet. Setbacks from the water's edge of any other body of water shall be at 100 feet, except that a modern facility campground for seasonal use for only travel trailers and motor homes shall be setback at least 75 feet from a General Development Lake, 100 feet from a Recreational Development Lake and 150 feet from a Natural Environment Lake.
 3. **Property lines.** Setbacks from all property lines shall be at least 75 feet, except 10 feet for a modern facility campground for seasonal use for only travel trailers and motor homes.
- B. **Campground setback near residences.** No campground for part time use or combination time use of Class I, Class II or Class III shall be allowed within one-eighth (1/8) mile of any residence without approval in writing from the owner of such residence.
- C. **Boundary marking.** All campgrounds shall require a simple method of signage, simple fencing, vegetative screening or a combination of same in order to show clearly where the boundaries of the campground are located to minimize inadvertent trespass.
- D. **Utilities.** A modern facility campground for seasonal use for only travel trailers and motor homes shall require a centralized sewage disposal and water supply system with individual sewer, water and electrical hookups to each site.

- E. **Specifications and approval for utility plans.** All plans for installation, alteration or extension of any such sewage disposal or water supply system shall meet those specifications so designated by the Minnesota State Department of Health and the Department. Prior to commencement of any construction, all plans must be reviewed and approved by the Department with final review and approval to be made by the Minnesota State Department of Health.
- F. **Sanitary facilities setbacks.** No supporting sanitary facility for the campground can have a lesser setback from the property lines than allowed for a campsite. Sewage disposal beds or trenches shall be setback 60 feet from a General Development Lake, 85 feet from a Recreational Development Lake and 150 feet from a Natural Environment Lake.
- G. **Screening.** Each campsite shall be screened from view from beyond the campground property lines by solid fence, trees or plantings which are at least 85 percent effective under 100 feet of setback, are at least 60 percent effective for 101 to 175 feet of setback and are at least 30 percent effective for setbacks of 176 feet or more.
- H. **Campsite identification.** Every separate campsite available for use on every campsite, except Class V, shall be identified by a number. Campgrounds which provide for a rotational use must remove such identifying signs on campsites temporarily removed from use.
- I. **Campsite rotation.** Except for Class V campgrounds, or Part Time Use Campgrounds or Part Time Use portion of a combination time use campground, all other campground plans for operation must include a plan to rest campsites or rotate the use of campsites to protect the individual campsites from overuse.

ARTICLE 27—SHORELAND VEGETATION BUFFER STANDARDS

27.1 PURPOSE AND SCOPE

- A. 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.
- B. 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.
- C. 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 Ordinance must be met for issuance of permits for structures and sewage treatment systems.
- D. 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.

27.2 BLUFF AND STEEP SLOPE VEGETATION STANDARDS

- A. A vegetation buffer consisting of trees, shrubs, and ground cover plants and understory in a natural state is required in bluff impact zones and on areas with slopes greater than 25 percent. Vegetation clearing and removal of ground cover is not allowed, except as follows:
 - 1. Only removal of vegetation necessary to accommodate the placement of a stairway and associated landing, lift, and access path is allowed. Trees, shrubs, and a low ground cover consisting of plants and understory must be maintained in a natural state within these areas. An access path within this area requires a shoreland alteration permit and shall not exceed a cleared width of eight feet; and,
 - 2. Removal of trees or branches that pose a safety hazard or are diseased is allowed.
- B. The Department shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other alterations on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion, preserve vegetation or restore vegetation to a natural state, and screen structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- C. 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."

27.3 SHORELINE VEGETATION STANDARDS FOR GENERAL OR RECREATIONAL DEVELOPMENT LAKES.

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

- A. Intensive vegetation clearing within shore impact zone 1 is not allowed except as provided under Article 27.5 with an approved shoreland alteration permit.
- B. To accommodate a permitted path not to exceed a cleared width of 15 feet to access a shoreline recreation use area.
- C. Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water oriented structures or facilities, as well providing a view to the water from the principal dwelling site, in shore impact zone 1 is allowed, provided that:
 - 1. The screening of structures, vehicles, or other facilities as viewed from the water , assuming summer, leaf on conditions, is not substantially reduced;
 - 2. Along rivers, existing shading of water surface is preserved; and
 - 3. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased or pose a safety hazard.

27.4 SHORELINE VEGETATION BUFFER STANDARDS FOR NATURAL ENVIRONMENT LAKES

- A. 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 Article 27.5

27.5 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.
 - 1. Invasive species removal or the removal of trees or branches that pose a safety hazard or are diseased is allowed.
 - 2. 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;

27.6 VEGETATIVE MITIGATION

- A. To protect water quality and safeguard sensitive areas, on-site vegetative mitigation is required for:
 - 1. A variance granted to the standards of this Ordinance;
 - 2. Issuance of a permit for an increase in footprint area for a nonconforming structure where evaluation and assessment determine the need for additional environmental protection;
 - 3. Issuance of a permit for lots located on Natural Environment Lakes as per Article 27.4;

4. Issuance of any conditional permit where evaluation and assessment determine the need for additional environmental protection.
 5. 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 ordinance.
- B. Mitigation shall be proportional to the impact of the proposed project.
- C. Required mitigation shall be determined by the Department according to the Crow Wing Shoreline Rapid Assessment Model approved by the Town Board.

ARTICLE 28--DIRT MOVING

The standards in this Article shall apply to dirt moving activity within the Shoreland District.

28.1 POLICY

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

28.2 APPLICABILITY AND PERMITS

- A. The standards in this Article shall apply to all dirt moving, activities within the Shoreland District. Except as specified in B, 1 through 11 below, dirt moving activities shall require permits and may require a site plan, scope of work, and additional supporting documents including, but not limited to, surveys, wetland delineation reports, grading plans with profile view, and drainage plans including erosion and sediment control.
- B. The following activities shall not require a permit but must meet the provisions of Articles 28.
1. **Dirt moving associated with construction of structures.** Grading, filling, or excavations necessary for construction of structures or septic systems, if part of an approved permit, shall not require a separate dirt moving permit.
 2. **Small landscaping projects.** Placement 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 or shore impact zone 1.
 3. **Private roads or driveways.** The construction of a driveway, access road, or parking area provided that they:
 - a. Meet the structure setback from the ordinary high water level from public waters,
 - b. Are properly screened from adjacent properties and public waters
 - c. Are not located within wetlands, unless permitted under Article 39 of this Ordinance
 - d. Are not in a bluff or shore impact zone 1 or 2

4. **Approved agricultural road.** Agricultural roads for machinery, livestock crossings, or shoreline stabilization on agricultural land with a stabilization plan approved by the Zoning Department.
5. **Wetland habitat improvements with approved plan.** The creation of wetland habitat improvements, except in shore impact zone 1, by way of excavation/dredging of wetlands, consistent with Article 39 of this ordinance. Spoils shall be deposited in a manner consistent with this ordinance and shall require a permit from the Department if the deposits occur in the Shoreland District.
6. **Approved agricultural improvements.** The construction of livestock watering ponds, agricultural manure treatment facilities and conservation projects approved by the Natural Resource Conservation Service (NRCS), Soil and Water Conservation District (SWCD) and/or other regulatory agencies, only in the RLZ.
7. **Rip rap that meets standards.** Placement of natural rock 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.
8. **Wetland Replacement Plan.** A dirt moving 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 28.5 F of this article.
9. **Normal Agricultural Practices:** To include but not be limited to tillage, planting, harvesting, fencing, and proper disposal of animal mortalities pursuant to all state and federal agricultural regulations.

28.3 STANDARDS FOR DIRT MOVING ACTIVITIES IN SHORELAND AREAS

A. ACTIVITIES IN THE SHORE IMPACT ZONE 1

Dirt moving activities in shore impact zone 1 shall require shoreline alteration permits and meet the following standards:

1. **Sand Blanket.** The maximum dimensions shall not exceed 30 feet parallel to the OHWL by 15 feet landward from the OHWL and shall be located within the view corridor. Additionally, 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. Sand blankets shall be limited to 10 cubic yards.
2. **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.
3. **No wetland filling shall be allowed in shore impact zone 1.**
4. **Annual Ice ridges.** Annual Ice Ridges may be regraded to their original shoreline contour with a shoreland alteration permit. Any such regrading shall meet the following standards:
 - a. There shall be no topsoil or vegetative matter deposited in the lake.

- b. Work shall be completed by September 1 after the damage takes place.
 - c. Depositing any sand below the OHWL is subject to DNR public waters permit rules.
5. **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:
- a. 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.
 - b. On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 at each end.
 - c. On water oriented commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.
 - d. 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.
 - e. A stormwater management plan meeting the standards of Article 41 of this ordinance must be approved by the Department prior to any dirt moving.
 - f. All disturbed material shall be graded landward or removed from the site.
 - g. Any alteration below the OHWL may require approval from the Department of Natural Resources and/or U.S. Army Corps of Engineers.

B. ACTIVITIES IN SHORE IMPACT ZONE 2

Dirt moving activities in shore impact zone 2 shall require shoreline alteration permits and meet the following standards:

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

C. ACTIVITIES IN THE REAR LOT ZONE (RLZ)

Dirt moving activities in the rear lot zone shall require shoreline alteration permits and meet the following standards:

- 1. 10 to 100 cubic yards of dirt may be moved with a permit.
- 2. Moving larger quantities shall be processed as conditional uses and require a permit by a site plan.

28.4 GENERAL STANDARDS

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

- B. Soil used as fill shall be free of State-regulated contaminants.
- C. **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.
 - 1. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.
 - 2. 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.
- D. **Bluffs.** Dirt moving in a bluff impact zone is prohibited, except for the placement of stairways, lifts, or landings permitted under Article 11.9 of this ordinance.
- E. **Steep slope stabilization.** Dirt moving on steep slopes may be permitted with a stormwater and erosion control plan approved by the Department.
- F. **Dirt moving permits are cumulative.** All Dirt moving permits shall be cumulative according to Article 28.4 not to exceed permitted amounts for the life of the property.
- G. **Access across wetlands.** Lake access across wetlands in shore impact zone 1 shall be by boardwalk according to Article 11.15 of this Ordinance.

28.5 MINE PIT LAKES

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

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

ARTICLE 29--EXTRACTIVE USE¹²

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

¹⁰ Amended 9/19/2022

29.1 POLICY

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

29.2 GRAVEL EXTRACTION PERMIT CLASSIFICATIONS

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

G2. All G1 uses.
Natural material removal only, no processing with exception for screening equipment.
Site may be used for many years and developed in phases.
Site may be used for stock piling of screened materials.

G3. All G1 and G2 uses.
Site may include crushing, screening, washing and processing of bituminous and demolition materials.
Stock piling of recyclable demolition and bituminous can occur.

G4. All G1, G2 and G3 uses.
Site may include hot mix operations and bituminous reprocessing.

G5. All G1, G2, G3, G4 uses.
Site may include redi-mix concrete plant.

29.3 CONDITIONAL USE PERMIT REQUIRED

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

29.4 APPLICABILITY

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

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

29.5 ADDITIONAL IUP INFORMATION AND REVIEW CRITERIA

As stated in Article 29.3, above, an interim 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 interim use permit, an Operation Permit shall be required. In addition to the application, information and review criteria for a general interim use permit in Article 7, the following specific requirements shall be met for an extractive use interim use permit:

- A. **Operation permit required.** It shall be required as part of the approval of the interim 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.

- B. **Specific evaluation criteria.** In addition to the general criteria for evaluating an interim use permit in Article 7, the following specific criteria shall be used in evaluating an application for an extractive use interim use permit:
 - 1. The ability of roads to handle extractive related traffic.
 - 2. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties according to MPCA Standards.
 - 3. Groundwater protection.
 - 4. Property controlling access.
 - 5. Control of erosion and sedimentation.
 - 6. Impact within watershed.
 - 7. In harmony with the Comprehensive Plan.
 - 8. Compatibility with adjacent and surrounding land use, zoning patterns and patterns of development.

- C. **Application information.** In addition to the general application information for an interim use permit in Article 8, the following specific application information shall be provided by the applicant for an extractive use interim use permit:
 - 1. A written description of the extractive use and operation thereof; including GPS coordinates;
 - 2. Amount of truck activity at highest and average levels; ADT (Average daily total) counts;
 - 3. Dust control measures;
 - 4. Buffer area, on all sides of the operation;
 - 5. Hours of operation, along with duration of proposed activity;
 - 6. Truck routes to and from site;

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

D. **Site plan.** In addition to the general application information for an interim use permit in Article 8, the following site plan information shall be provided by the applicant for an extractive use interim use permit:

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

12. All wells, both proposed and existing, all water sources and discharge sites;
 13. USGS topographical map of the area delineating the site boundaries and access road.
- E. **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.

29.6 REQUIRED CONDITIONS FOR EXTRACTIVE USES

In addition to the general conditions that may be imposed on an interim use permit in Article 8, the following specific conditions shall be imposed on interim use permits for extractive uses:

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

4. **Closing reclamation plan.** Before any permit is issued, the applicant must submit a reclamation plan for approval by the Township. The plan shall meet the following minimum reclamation standards:
 - a. Reclamation of the site within one year of the expiration of the Operator Permit. All buildings, structures, and plants incidental to such operation shall be dismantled and removed by, and at the expense of the extraction operator last operating such buildings.
 - b. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a topography in generally substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed a 3:1 slope ratio.
 - c. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to be seeded with compatible plants.
 - d. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosions, and be based on SWCD recommendations.
 - e. Extractive use sites may also be reclaimed for wetland mitigation or creation and, if it is the intent of the operator to reclaim in that manner, it must be done pursuant to a plan approved by the Department.
 - f. Reclamation must occur within one year of the cease of operation.
5. **Permit review.** Interim use permits for extractive uses shall be reviewed by staff every two years at no additional cost to the applicant.
6. **Mississippi River corridor.** No extractive use, processing plant, crushing plant, wash plant, asphalt plant, concrete plant or other extractive use shall be located within the Mississippi River corridor.
7. **Water quality.** The extractive use operation shall not adversely affect the quality or quantity of surface or subsurface water resources as defined by MPCA, DNR, USACOE or MDH. Surface water originating outside and passing through the extraction district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.
8. **Facilities setback.** No processing equipment, such as screening, crushing, washing plants etc. may operate closer than 1000 feet to a residence in existence at time of application unless the written consent of the resident is on file with the Department.
9. **Hours of operation.** Hours of operation shall be set by the Planning Commission/Board of Adjustment.

29.7 PERFORMANCE SECURITY

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

ARTICLE 30--HOME OCCUPATION /HOME BUSINESS STANDARDS

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

30.1 HOME OCCUPATION STANDARDS

- A. A home occupation is allowed without a permit in all land use districts.
- B. There shall be a primary residence on the property that is occupied by the business owner. The business enterprise shall be conducted exclusively within the primary residence or accessory structures.
- C. No person other than the occupants of the primary residence may be employed.

30.2 HOME BUSINESS STANDARDS

A home business requires a conditional use permit according to the use tables in Article 10.3 of this ordinance. The following standards shall apply:

- A. 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.
- B. There may only be one sign, with a permit, on the parcel advertising the business which shall not be illuminated, and shall not measure greater than 70 square feet in area.
- C. Persons other than those that occupy the dwelling may be regularly employed.
- D. 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.
- E. 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 31--MOBILE HOME AND MOBILE HOME PARK STANDARDS

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

31.1 POLICY

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

31.2 CONSTRUCTION PROJECT USES

A. Mobile homes may be used:

1. For office space on construction sites for up to 1 year.
2. To house workers on construction sites for up to 1 year.

B. These uses of mobile homes shall require permits and meet all setbacks in this ordinance.

31.3 STORAGE ALLOWED

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

31.4 MOBILE HOME PARKS

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

31.5 INDIVIDUAL LOT SIZE

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

31.6 INFORMATION FOR APPLICATION

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

31.7 CONDITIONS

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

31.8 COMPLIANCE

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

31.9 WATER SUPPLY AND SEWAGE SYSTEMS

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

ARTICLE 32--PARKING AND OFF STREET LOADING STANDARDS

The standards in this Article shall apply to parking and off street loading uses in all land use districts where such uses are required.

32.1 ADDITIONAL REQUIREMENTS

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

32.2 OFF-STREET LOADING

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

32.3 PARKING AREAS

- A. Off-street automobile storage or parking space shall be provided on every lot on which any new structures are hereafter established; such space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- B. When a structure is enlarged, the required off-street parking spaces shall be provided for the enlarged portion.
- C. If a use of a structure is changed to a different use requiring added spaces, the additional amount of parking shall be provided.
- D. The following minimum Standards shall apply:

Table 32.1 Minimum Required Parking Spaces

FACILITY OR USE	MINIMUM REQUIRED PARKING SPACES
Auto sales building, repair shops	1 space for each 300 square feet of gross floor area; service stalls/bays inside a building may be counted towards this
Bowling alley	5 spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant
Churches, theaters, auditoriums, athletic field, mortuaries, and other places of gathering	1 space for each 4 seats based on maximum design capacity
Community center, post office, YMCA, studios, pool halls, libraries, clubs, lodges, and museums	10 spaces plus 1 for each 350 square feet of floor area in excess of 2,000 square feet in the principal building
Day nurseries, commercial daycare	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
Hospital, sanatorium, convalescent home, rest home, nursing home, or institution	1.9 spaces per bed plus 1 space per 300 square feet of gross floor area for any outpatient medical facilities
Hotel, motel	1.40 spaces per unit
Housing with services establishments, as defined by Minnesota statutes section 144	0.75 parking space per unit
Manufacturing, fabrication, or processing of a product or material, assembly	1 space for each 400 square feet of floor area; this may be reduced if facility uses automation to 1 space for each 800 square feet of gross floor area
Medical and dental 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
Office building	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

FACILITY OR USE	MINIMUM REQUIRED PARKING SPACES
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
Residences	2 spaces per unit. In buildings or complexes specifically designed for senior living, as solely determined by the city, 0.75 spaces per unit shall be allowed
Restaurants, cafes, bars, taverns, nightclubs	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 and convenience stores	1 space for each 250 square feet of gross sales floor area (other uses such as warehouse, office, etc., may be calculated at the ratios set forth in this section)
Schools, high school and colleges	1 space for each 7 students based on design capacity, plus 2 additional spaces for each classroom
Skating rinks and 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 Town Board following review by the Planning and Commission
Warehouse/storage handling of bulk goods, wholesale	1 space for each 2,000 square feet of floor area plus 1 for each company truck; office space shall conform to office use requirement

32.4. SCREENING OF PARKING AREAS

- A. Off-street parking areas, whether public or private, for six or more vehicles, shall be screened by a fence, wall or evergreen plant material if visible from adjoining residential or public assembly areas, or if visible from residential or public assembly areas across public roads which are not classed as Principal or Minor Arterials on the road circulation plan.
- B. Such screening need not be more than six feet in height measured from the ground elevation of the property line adjacent to such residential or public assembly areas.

32.5 ACCESS

- A. **PARKING AREAS.** Parking areas, used to serve a building and containing provision for six or more parking spaces, must use a restricted access between the parking area and road immediately serving such premises.

- B. **DRIVEWAY ENTRANCES.** Driveway access to private property from a public road or highway shall be by roadways not less than 20 feet nor more than 40 feet in driving surface width. Where no regulations exist governing number of driveways allowed onto a public road or highway, one driveway shall serve not more than two lots; large lots or parcels shall not have more than one driveway for each 100 feet of frontage; but from Principal or Minor Arterials, driveways leading to service roads shall be at least 300 feet apart.
- C. **RESTRICTED ACCESS.** Parking areas on premises used for a public, commercial or industrial purpose, and fronting on a Principal or Minor Arterials must use a frontage/backage road or the equivalent between the parking areas on such premises and such Principal or Minor Arterials.

ARTICLE 33--RESIDENTIAL DEVELOPMENT STANDARDS

33.1 POLICY

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

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

33.2 PURPOSE AND APPLICABILITY

- A. The purpose of this part is to allow for greater flexibility and creativity in the design of residential subdivisions; facilitate the construction of streets, utilities, and public services in a more economical and efficient manner; and promote conservation subdivisions to ensure that citizens in residential developments and the public benefit from the conservation of natural features of the land, including wetlands, forests, shorelines, steep slopes, plants, wildlife, historic sites, and scenic areas.
- B. **Applicability.** These standards shall apply to all subdivisions of real estate in the unincorporated areas of Crow Wing Township creating four or more lots, except for minor boundary line corrections, resolution of encroachments, and additions to existing lots of record.
- C. **Options.** This Article provides for flexibility in designing new subdivisions and establishes procedures and criteria for evaluating new subdivisions by allowing two forms of development--conventional developments and conservation developments.
 - 1. Conservation developments and conventional developments are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings.

2. Conservation developments on riparian parcels shall have a minimum of three contiguous acres of suitable area and a minimum lot width of 400 feet.

33.3 DEVELOPMENT APPLICATION PROCESS

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

33.4 ENVIRONMENTAL REVIEW

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

33.5 CRITERIA FOR EVALUATION

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

- A. The development complies with all township ordinance standards.
- B. The development or unit thereof is of sufficient size, composition and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit.
- C. The development will not create an excessive burden on parks, schools, streets and other public facilities and utilities that serve or are proposed to serve the development.
- D. Access in the form of dedicated right-of-way or easement, as appropriate, shall be provided to adjacent undeveloped properties that do not have direct access to a public road. Developers or subsequent owners may be entitled to compensation for providing such access.

33.6 DESIGN CHANGES

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

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

33.7 MAINTENANCE AND ADMINISTRATION REQUIREMENTS

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

- A. 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:
 1. Membership shall be mandatory and automatic for each lot or dwelling unit lot owner and any successive owners.

2. Require that each owner in the development have an undivided ownership in the common open space and other common elements.
 3. Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 4. Assessments shall be adjustable to accommodate changing conditions.
 5. The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities, and shall enforce covenants, deed restrictions, and easements.
 6. The association shall have a Long-term Management Plan for any common open space and shall administer the plan pursuant to the terms of Crow Wing Township's conservation easement on the open space.
 7. Amendments or revisions to covenants or deed restrictions. Before establishing or recording any common interest community, the developer shall submit documents, including all covenants, conditions, restrictions, easements, and operating rules and procedures associated with the development, for review and approval by the Planning Commission/Board of Adjustment pursuant to Minnesota Statutes, section 515 B.1-106. Such documents shall provide that no amendments or revisions of covenants or deed restrictions may be made unless approved in advance by the Department and the Planning Commission/Board of Adjustment. Any such amendments or revisions made without such approval shall not be effective.
- B. **Common open space preservation.** A permanent conservation easement to ensure perpetual preservation and maintenance of common open space shall be created pursuant to Minnesota Statutes, Chapter 84C. The form of the easement shall be approved by Crow Wing Township and the executed easement shall be recorded in the Office of the County Recorder and a copy of said easement provided to the Department and retained by the Department in its records. The instruments of the easement shall incorporate the provisions of Article 33 governing common open space, including without limitation all of the following protections:
1. Regulate construction impervious surfaces and/or recreation facilities pursuant to the Long-term Management Plan.
 2. Prohibit beaching of motorized watercraft when used as an unauthorized mooring space.
 3. Prohibit dumping, storage, or burning of solid or other wastes.
 4. Allow the use of common open space for subsurface sewage treatment systems if other use of the space is restricted to avoid adverse impacts on the sewage treatment system.
 5. Restrict in perpetuity the common open space from further subdivision and/or land development.
- C. **Other common elements.** Common elements such as areas designated for storage of vehicles and personal property may be designated, provided that open space requirements are met, pursuant to the Long-term Management Plan.

- D. **Residential developments of nine or less lots or dwelling unit lots with common open space.** The common open space may be retained by the landowner, owner's association and/or the developer and may be sold to any subsequent landowner, provided:
1. The common open space is surveyed; and
 2. 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 Article 33.7, B.
 3. 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.
 4. 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.
- E. In the event the person or entity responsible for administration of the Long-term Management Plan fails to administer and perform all or any portion of the plan relating to common open space, the Township 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 Township may, but the Township 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 Township may enter the premises and take all corrective action as may be reasonable, including extended maintenance. The costs of such corrective action may be charged to the person or entity responsible for administration of the Long-term Management Plan or individual property owners who make up a homeowners' association and may include administrative costs. Such costs shall become a lien upon and assessed against the properties that have the right of enjoyment of the common open space.

33.8 CONSERVATION DEVELOPMENT STANDARDS

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

33.9 CONSERVATION DEVELOPMENT DESIGN PROCESS AND CRITERIA,

- A. Before submitting an application, applicants are required to demonstrate to the Planning Commission/Board of Adjustment that the following design process was used to determine the layout of proposed streets, dwelling unit lots, and open space as shown on the site plan:
1. Step One: Identifying conservation areas:
 - a. First, identify and delineate the primary conservation areas including wetlands, bluff impact zones, cultural features such as historic and archeological sites, and structure setback areas; and secondary conservation areas including unprotected elements of

the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and scenic views.

- b. Second, the developable area shall be identified and shall consist of land completely outside primary conservation areas, and, to the maximum extent feasible, outside secondary conservation areas.
2. Step Two: Calculate the number of dwelling unit lots allowable under Article 33.10 and locate the approximate sites of individual houses within the developable area. Include the delineation of private yards and shared amenities so as to reflect an integrated community, with emphasis on consistency with the Township's Comprehensive Plan.
3. Step Three: Aligning the streets and trails. Align streets in order to access the dwelling unit lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
4. Step Four: Draw in the lot lines.
5. Step Five: Identify on a design plan map all parts of the project parcel to be permanently protected as part of the open space.

B. Conservation development design criteria.

1. At least 50% of the total project area shall be permanently preserved as common open space. Common open space shall include structure setbacks and bluff impact zones, areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - a. To the maximum reasonable extent all open space shall be part of a larger continuous and integrated open space system within the parcel being developed. Areas shall be considered contiguous if they are within 100 feet of each other and there are no impediments to access between the areas.
 - b. Natural features included in open space shall generally be maintained in their natural condition, but may be managed to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with the Long-term Management Plan approved by the Township. Permitted management activities may include:
 - i. Woodland management.
 - ii. Reforestation.
 - iii. Meadow management.
 - iv. Wetlands management.
 - v. Water body bank protection.
 - vi. Buffer area landscaping.
 - vii. Wildlife management
 - viii. Recreation management
 - c. The common open space shall maximize common boundaries with existing or future open space on adjacent lands.

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

33.10 CONSERVATION DEVELOPMENT DENSITY EVALUATION

A. Shoreland District:

1. The project parcel must be divided into two tiers:
 - a. The first tier shall consist of all areas within the following distances landward from the OHWL of public waters:

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

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

Table 33.1 Conservation Development Density Factors-Shoreland District

	Conservation Development Structure Setback in Table 11.2	Conservation Development Density Incentive Structure Setback in Table 11.2	
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
Cold water rivers	72,000	67,500	67,500

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

B. Non Shoreland Districts:

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

- d. 435,600 in the Rural Residential-10 District; or,
- e. 871,200 in the Rural Residential-20 District.

33.11 CENTRALIZATION AND DESIGN OF FACILITIES

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

- A. Conservation developments shall be connected to publicly owned water supply and sewer systems, if available. Sewage treatment systems may be centralized and shall have an operating plan and third-party manager.
- B. A lake use and access area plan including:
 - 1. The location and configuration of pathways, launching ramps, dock configuration and location, and other facilities within the structure setback area, if any.
 - 2. Provisions that allow all residents of the conservation development to use the shore recreation area, exclusive of the dedicated continuous mooring spaces.
 - 3. The size, location, and configuration of the shore recreation area, including but not limited to swimming areas, docks, launching ramps, and watercraft mooring areas, if any.
 - a. The total width of the shore recreation area(s) shall not exceed the greater of 50 feet or a distance equal to 10% of the lot width, riparian. The depth of the shore recreation area may extend to the structure setback line, subject to the stormwater plan approved by the Planning Commission/Board of Adjustment.
 - b. All such facilities shall be centralized and located in areas most suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, upland and aquatic vegetation, presence of wetlands, soils, depth to groundwater, or other relevant factors.
 - c. Identification of potential safety issues created by and addressing conflicts among the uses permitted under the plan,
 - d. All such facilities may be used by all occupants of the conservation development, subject to the provision of Article 33.11, B., 4, 5 and 6.
 - 4. Prohibit shore recreation facilities or uses outside of the designated lake use and access area and adjacent littoral areas.
 - 5. The number of allowable continuous watercraft mooring spaces for conservation developments abutting public waters shall not exceed the number of allowable dwelling unit lots in the first tier. Individual docks are not allowed.

- 6. Unless prohibited by the conservation easement created under Article 33.7, B. launching ramp facilities, including a dock for loading and unloading equipment may be used by all occupants of the conservation development, provided that all watercraft, other than those afforded continuous mooring spaces, are stored outside the structure setback area such that they are not visible from the public water.
- C. Accessory structures, parking areas, storage and other facilities shall meet the required principal structure setback and be centralized, be treated to reduce visibility as viewed from Public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Department, assuming summer, leaf-on conditions.. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided.
- D. Prohibit commercial uses.

33.12 CONVENTIONAL DEVELOPMENT STANDARDS, DESIGN PROCESS, AND CRITERIA

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

- A. Conventional developments shall use the design procedures established in the Crow Wing Township Subdivision Ordinance as well as the residential lot area standard for the respective land use district classifications in this ordinance.
- B. All roads within conventional developments, whether public or private, shall be constructed to meet specifications in the Article 35 of this ordinance.
- C. A shoreland vegetation buffer plan shall be designed and implemented meeting the standards in Article 27 of this ordinance.
- D. No impervious surfaces shall be allowed within the shore impact zone, except, stairways, lifts or landings. If permitted under Article 11, those portions of boat launching ramps greater than 10 feet landward from the OHWL shall be constructed of pervious materials.
- E. Access in the form of dedicated right-of-way or easement, as appropriate, shall be created for 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.
- F. Common Elements. Common elements such as areas designated for storage of vehicles and personal property may be designated.

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

The number of lots allowable is calculated:

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

33.14 EROSION CONTROL, STORMWATER MANAGEMENT, AND SEDIMENT CONTROL

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

ARTICLE 34--RESORT STANDARDS

34.1 POLICY

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

34.2 PURPOSE

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

34.3 PROCESSING OF APPLICATIONS FOR RESORTS

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

A. **Permitted use:** Applications for:

- 1. Structure replacement pursuant to Article 34.11.
- 2. Resort expansion pursuant to Article 34.12 (A).

B. **Conditional use:** Other than permitted uses listed in 34.3 (A) above, all other applications regarding resorts shall be processed as a conditional use as provided for in Article 7 in this ordinance.

C. **Environmental review:** All environmental reviews of resort applications shall be conducted pursuant to the standards in Article 3.10 of this ordinance.

D. **Additional studies or information.** In considering a resort development application, the Planning Commission/Board of Adjustment or Town Board may request a report by the Administrator or other Township staff, a consultant; additional information from the applicant; input from any affected public service facility provider or special service district; and input from contiguous, affected, or potentially affected jurisdictions. If so required, the applicant shall bear the full cost of meeting this requirement.

34.4 STAFF REVIEW OF APPLICATION

The Department shall conduct the following reviews of applications.

- A. **Initial Conference & Sketch Plan.** In order to ensure that all applicants for resorts are informed of the application process and procedure, as well as the requirements of this ordinance and related ordinances, the applicant is required to consult with the Administrator at the initial conference. At the time of this initial conference the applicant shall present a sketch plan for review.
 - 1. Sketch plan requirements. The sketch plan need not be drawn to scale but must show the proposed resort boundaries, intended use of the property, proposed location of structures, significant topographical and physical features including shoreline edge vegetation, and adjacent landuse.
 - 2. Shall also include a concept statement describing the project and explaining how it is designed and will function.
- B. **Review of application for completeness.** After the initial conference has been conducted, the applicant may submit an application based on Article 34.5 below. The Administrator shall review the application and shall determine if the application is complete pursuant to the requirements of this Ordinance. 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.
- C. **On-site review by staff.** Within 15 working days of receipt of a completed application, Department staff will conduct an on-site review of the property to gather information and photographs to aid in review of the application and to ensure there are no violations of Township Ordinances on the property. Prior to the on-site review by staff, the applicant shall locate and identify all proposed lot and exterior boundary corners and the boundaries of the primary access drive with flags or stakes. The applicant shall also flag the location of any water based recreation and access sites.

34.5 APPLICATION REQUIREMENTS FOR RESORTS

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

- A. **Forms:** Completed application for the proposed project on forms provided by the Township.
- B. **Fee:** A fee in the amount listed in the fee schedule adopted by the Town Board shall be paid upon determination by the Administrator that the application is complete.
- C. **Density calculation:** Calculations showing all information necessary to determine conformance with the density standards in Article 34.7, below, shall be included. Applications exceeding the allowed density shall not be accepted.
- D. **Site plan:** A site plan meeting the requirements of Article 34.6.
- E. **Plat:** A subdivision plat meeting the requirements of the Crow Wing Township Subdivision Ordinance if any land division is proposed.
- F. **Owners association:** A property owner's association agreement with mandatory membership, and all pursuant to the requirements of Article 34.9 of this Article.
- G. **Restrictions:** Deed restrictions, covenants, permanent easements or other instruments that:

1. Properly address future vegetative and topographic alterations, construction of additional buildings, beaching and mooring of watercraft;
 2. Ensure the long term preservation and maintenance of open space pursuant to the criteria and analysis specified in Article 34.8 of this Ordinance including the perpetual renewal of the covenants and deed restrictions; and
 3. Rental requirements for shared capital resorts including restrictions on personal use of “establishment”.
- H. **Master plan:** A master plan/drawing describing the project.
- I. **Floor plans:** Floor plans for all structures including heights of buildings.
- J. **Additional documents.** Any additional documents as requested by the Planning Commission/Board of Adjustment necessary to explain how the resort will be designed and function.

34.6 SITE PLAN REQUIREMENTS

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

- A. Name of Resort.
- B. Legal description of property involved.
- C. Name and address of owner, applicant, registered land surveyor, and designer of plan.
- D. North arrow.
- E. Date of plan preparation.
- F. All current and proposed property boundaries and lot lines, including dimensions.
- G. Boundary, dimensions and area of all shoreland tiers.
- H. Total acreage of property involved.
- I. Existing soil conditions and topographic contours at 10 foot intervals except areas of slopes over 12 percent shall be shown at two foot intervals.
- J. All roads, existing and proposed, showing right of way widths.
- K. Location and design of all on-site sanitary waste treatment facilities, existing and proposed, and domestic water supply.
- L. All structures, recreational and/or accessory facilities, both existing and proposed, including but not limited to: cabins, campsites, housing facilities, lodges, offices, sheds, swimming pools, tennis courts, laundries, stores, boat storage, and fish cleaning houses, etc.
- M. All surface water features, including, but not limited to, lakes, rivers, streams, floodplains, ponds and wetlands, including the location of the Ordinary High Water Level.

- N. Existing or proposed marinas, harbors, permanent mooring sites, docking facilities, and other related implements, including rafts and buoys, markers delineating swimming and bathing areas, beaches, and other facilities.
- O. Lake study showing aquatic vegetation in the water, water depth in one foot intervals to a depth of six feet, and bottom substrate type and conditions. (For new resorts or resorts expanding shoreland property).
- P. Grading and drainage plans which meet the requirements of Article 34. 8 (D).
- Q. All easements and rights-of-way, including document number.
- R. Existing zoning classification for property and land abutting property.
- S. Percent of impervious surface existing and proposed.

34.7 RESORT DENSITY CALCULATION

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

Table 34.2 First Tier Width Standards

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

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

Table 34.3 Resort Floor Area Ratios

Public Waters Classes	First Tier	Second Tier
General Development Lakes	0.125	0.075
Recreational Development Lakes	0.075	0.075
Natural Environment Lakes	0.038	0.038
All River Classes – All Tiers	0.038	0.038

- C. Multiply the area within each tier, excluding all wetlands, bluffs, and land below the ordinary high water level of public waters, by the ratio in Article 34.7 B above, to yield the total land surface area that can be covered by structures in each tier. For resort camp sites, each site shall be minimally set to 500 square feet. However, overall impervious surface limits cannot be exceeded.

- D. Allowable densities may be transferred from any tier to any other tier further from the shoreline of the lake or river, but must not be transferred to any other tier closer to the shoreline.
- E. All numbers calculated are rounded down to the nearest whole number.

34.8 RESORT DESIGN CRITERIA

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

- A. **Minimum development area required:** The minimum area for consideration of a new resort development is three contiguous acres of buildable area and 400 feet of lot width.
- B. **Access:** Any such development, which fronts on a Principal arterial, minor arterial, or collector roads shall be served by a frontage/backage road as determined by the Planning Commission/Board of Adjustment based on information by the County Highway Department.
- C. **Open Space Requirements:** New resorts must contain open space meeting all of the following criteria:
 - 1. At least 50 percent of the total project area must be permanently preserved as open space; however, 25 percent of the open space must be suitable area for recreational use. Creation of stormwater ponds or rain gardens on area originally considered upland shall not be deducted from the buildable area.
 - 2. The land area of all dwelling units/sites and accessory structures, the space between buildings in a cluster, and areas of 25 feet around each structure, all road right-of-way and all land covered by impervious surfaces, road surfaces, parking areas or structures, are developed areas and shall not be included in the computation of minimum open space;
 - 3. Open space must include areas with physical characteristics unsuitable for development in their natural state, areas containing significant historic sites or unplatted cemeteries;
 - 4. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in units or sites and by the general public;
 - 5. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
 - 6. The appearance of open space areas, including topography, vegetation and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance or equally and permanent means;
 - 7. The shore and bluff impact zones, based on normal structure setbacks, shall be included as open space. At least 60 percent of the shore impact zone area must be preserved in its natural state; and
 - 8. A shoreland vegetation buffer plan designed and implemented meeting the standards in Article 27.
 - 9. **Stormwater Management:** A stormwater management plan designed by a Minnesota-licensed professional engineer meeting the standards in Article 41 of this ordinance shall be submitted to the Department, and implemented.

- D. Centralization and Design of Facilities:** Centralization and design of facilities and structures must be done according to the following standards:
1. Resorts shall be connected to both publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health, MPCA and Article 11.7 and Article 37 of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
 2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the Ordinary High Water Level, elevation above the surface water features and maximum height.
 3. Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock or other relevant factors. Boating facilities shall be located adjacent to the deepest water available. Continuous docking space shall only be used by transient lodgers at the resort, except for the allowance of one dock for the primary service provider. Launching ramp facilities including a small dock for loading and unloading equipment may be provided for use by occupants of dwelling units/sites. Non-moored watercraft shall be stored so they are not visible from the lake.
 4. Structures, parking areas and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means acceptable to the Planning Commission/Board of Adjustment, assuming summer leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
 5. Roads and cul-de-sacs must be wide enough to meet current Fire Code widths of 20 feet wide and 66 feet in diameter at the cul de sac, or approved by the local fire authority.
 6. Accessory structures and facilities must meet the required principal structure setback and must be centralized.
- E. Water supply and sewage systems:** No sewage treatment system shall be installed or modified without approval by the Department.

34.9 MAINTENANCE AND ADMINISTRATION REQUIREMENTS

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

- A. Open space protection:** Before final approval, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the establishment. A one-time fee for purposes of monitoring and enforcing terms and conditions of any open space governing instruments may be assessed.
1. Deed restrictions, covenants, permanent easements, public dedication and acceptance or other equally effective and permanent means must be provided to ensure perpetual

preservation and maintenance of open space. The instruments must include all of the following protections:

- a. Vegetation and topographic alterations other than to prevent personal injury or property damage and for restoration efforts based on an approved shoreland vegetation buffer plan shall be prohibited;
- b. Construction of additional buildings, impervious surfaces, or storage of vehicles and other materials shall be prohibited; and
- c. Uncontrolled beaching of watercraft shall be prohibited.
- d. Dumping, storage, processing or landfill of solid or other wastes shall be prohibited.

B. Development organization and functioning: Unless an equally effective alternative community framework is established, all shared capital resorts shall use an owners association with the following features:

1. Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers;
2. Each member shall pay a pro rata share of the association's expenses and unpaid assessments can become liens on units or sites;
3. Assessments shall be adjustable to accommodate changing conditions;
4. The resort shall be responsible for insurance, taxes and maintenance of all commonly owned property and facilities.
5. The resort is responsible for the enforcement of all rules, regulation, restrictions, and easements, and must notify the Township of all violations immediately. Any changes to management documents must be filed with the Department.
6. The shared capital resort must file by March 1st annual reports with the Department detailing all use of the facility and all dwelling units. The report shall separately break out personal use and rental use on a dwelling unit basis. Failure to do so will result in suspension and permit revocation of any and all applicable permits.
7. No shared capital camp sites, dwelling sites, or camping facilities, etc. shall be allowed.
8. Proposed shared capital resorts which exceed PUD density shall identify within their management documents which dwelling units are to be abated upon failure to qualify as a resort.

34.10 NEW RESORTS

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

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

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

Table 34.4 New Resort Minimum Structure Setbacks

Public Waters Lakes Classes	OHWL setback (feet)
General Development Lakes	125
Recreational Development Lakes	150
Natural Environment Lakes	200
Public Waters River Classes	
General Development Rivers	100
Natural Environment Rivers	150
Cold Water Rivers	200

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

34.11 STRUCTURE REPLACEMENT WITHIN AN EXISTING RESORT

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

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

1. Maintain structures, including the replacement of aging or outdated components or systems of the structure, while not increasing the structure's footprint on the land; and,
2. Replace structures damaged or lost to fire or natural disaster.
 - a. This applies only when an application for a building permit is made within 180 days of the damage or loss.
 - b. Structural replacement under this Article must not result in a structure that is any larger than the original structure or any closer to the shoreline of a public water.

B. Pursuant to Minnesota Statutes, Chapter 103F.227, Subd. 4, a resort owner may increase a structure footprint to minimally meet federal, state, or local dwelling standards or codes. To "minimally meet" the standards or codes means that the replacement structure does not add new architectural elements, such as more bedrooms, that did not exist in the original structure. Structural expansion under this subdivision must not result in a structure that is any larger than required to meet standards or codes or a structure or any portion that is any closer to the shoreline of a public water than prior to the expansion.

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

D. A shoreline buffer meeting the standards in Article 27 of this ordinance shall be approved by the Department, and implemented.

34.12 RESORT EXPANSION

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

- A. Resorts licensed by, and in good standing with, the State of Minnesota as of August 15, 2005 will be allowed to expand up to 6 dwelling units during the life of the resort (not per owner) provided that the resort has not gone through the conditional use permit process and consists of less than 20 dwelling units.
 - 1. There is available additional density as calculated in Article 34.9, and the impervious surface limits provided in Article 41 are not exceeded.
 - 2. At least 60 percent of the shore impact zone shall be preserved in or restored to its natural state or, alternatively, in front of each structure for its entirety, a buffer strip consisting of native vegetation of trees, shrubs, understory and forbs extending from the shoreline landward 35 feet shall be created according to a plan approved by the local government.
 - 3. For those resorts created after August 15, 2005 structure setbacks and maximum heights shall meet the standards in Article 34. 10 A. For those resorts established prior to August 15, 2005, structure setbacks and maximum heights shall meet the standards in Articles 11.2 and 11.6.
 - 4. On-site water supply and sewage treatment systems shall be designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, and those in Article 37. On-site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient area free of limiting factors must be provided for a replacement soil treatment system for each sewage system. Alternative onsite sewage treatment processes, such as the use of aerobic treatments systems to prolong the life of drainage fields, may be allowed if they meet the standards listed in Minnesota Rules 7080.
 - 5. Erosion control and stormwater management for resorts must meet the standards in Article 41 of this ordinance.
 - 6. If required, a marina permit must be obtained from the DNR as under DNR Rules part 6115.0211 for the development.
- B. Except as provided in Article 34.12 A, all expansions of resorts shall meet the standards in Article 34.12.

34.13 RESORT CONVERSIONS

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

- A. For conversions to residential developments, proposed conversions shall be evaluated using the same procedures and standards in Article 33. All inconsistencies between existing features of the development and these standards shall be identified and corrected. For conversions to residential lots, all inconsistencies between existing features of the development and the standards required in Article 11 of this ordinance and/or requirements in the Subdivision Ordinance must be identified and corrected.
- B. Dwelling unit or dwelling site densities shall meet the standards in Article 33.10 for conversion to residential developments and the standards in Article 11 for conversions to residential lots.

- C. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities shall be corrected as part of the conversion or as specified in the conditional use permit.
- D. Shore and bluff impact zone deficiencies shall be corrected as part of the conversion. Where applicable, these improvements must include the following:
 - 1. Removal of extraneous buildings, docks, boat launching areas and ramps, or other facilities located in shore or bluff impact zones;
 - 2. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water to meet shoreland vegetation buffer standards Article 36 of this ordinance.
 - 3. For conversions to shared capital resorts all pertinent requirements of Article 34 and the subdivision ordinance, if applicable, shall be met.

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

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

35.1 ROAD RIGHTS-OF-WAY

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

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

35.2 RAILROAD RIGHTS-OF-WAY

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

- A. The purpose of providing for such railroad track as placed thereon together with such other railroad facilities necessary for the operation and maintenance of such tracks;
- B. Such signs as railroad authority shall place thereon and used for the operation of such railroad or to preclude trespassers thereon; or
- C. For the placement of public utilities thereon or thereunder.

35.3 RAILROAD CROSSINGS

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

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

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

35.4 RAILROAD CROSSING SIGNAGE

All railroad crossings shall be marked by appropriate warning signs.

35.5 DRIVEWAY ENTRANCES

Driveway access to private property from a public road or highway shall be by roadways not less than 20 feet nor more than 40 feet in driving surface width. Where no regulations exist governing number of driveways allowed onto a public road or highway, one driveway shall serve not more than two lots; large lots or parcels shall not have more than one driveway for each 100 feet of frontage; but from expressways or thoroughfares, driveways leading to service roads shall be at least 300 feet apart.

35.6 ROAD RIGHT-OF-WAY WIDTHS

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

35.7 SHORELAND DISTRICT ROAD STANDARDS

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

ARTICLE 36--SCREENING AND FENCING STANDARDS

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

36.1 POLICY

It shall be the policy of the Township to encourage the use of the screening and fencing practices to aid in the visual and audio separation of one land use district from another as well as to aid the separation of one facility from another within a land use district; it being recognized that each

such concerned premises does thereby obtain, to the degree such screening or fencing is accomplished, the improved opportunity of use without being affected by the uses on adjoining properties.

36.2 SCREENING PERFORMANCE STANDARDS

A. **Vegetative screening.** When screening is done by means of trees, bushes, shrubbery, or other plantings, the following guide lines will be used as a minimum:

Table 36.1 Vegetative Screening Types and Coverages

Screening Type	Feet in Width	Percent Effective	Or	Feet in Width	Percent Effective	Or	Feet in Width	Percent Effective	Or	Feet in Width	Percent Effective
Minimal	10 feet	20%	Or	25 feet	10%	Or	N/A	N/A	Or	N/A	N/A
Minor	10 feet	40%	Or	25 feet	20%	Or	50 feet	10%	Or	N/A	N/A
Medium	25 feet	75%	Or	50 feet	40%	Or	75 feet	20%	Or	100 feet	10%
Heavy Screening	50 feet	75%	Or	75 feet	40%	Or	100 feet	20%	Or	150 feet	10%
Extra Heavy Screening	Shall be in excess of heavy screening or such degree as shall be determined by the Planning Commission/Board of Adjustment for the individual situation.										
Effective Screening	When a phrase is used saying that screening shall be "40% Effective" it shall mean that a person standing on one side of such screen can see through such screen to an extent of 60% or less of the cross section view of that part of such screening between the ground and 8 feet above the ground at those times of the year when screening vegetation is fully leafed out. Thus "20% Effective" means an ability to see through 80% or less of the cross section of view.										

B. **Vegetation.** When screening is required and must be planted and grown to meet the requirements of this Standard, five years shall be allowed to meet such requirements if the necessary vegetation is planted within one year of when a permit is issued, but if the required screening is Medium, Heavy, or Extra Heavy, temporary fencing shall also be used over the five year period of time.

36.3 WHEN REQUIRED

In addition to requirements for screening found elsewhere in this Ordinance, screening shall be installed in the following locations by the landowner of the use that comes latest in time:

A. **When required by permit.** Screening shall be provided on premises where required and to the degree required when so made as a condition of the issuance of any permit.

B. **Specifically required for certain activities and districts.** Screening shall be provided on the premises for which a permit is applied for the following listed activities and districts; for such activities and districts the screening shall at least meet the following requirements:

1. **Roads.** Along roadways - as required under Article 35.
2. **Shoreland areas.** Along shorelands - as required under Article 39 or 10 percent effective, whichever is the more stringent requirement.

3. **Commercial uses.**
 - a. Between parcels where one parcel contains a residential use and the other parcel contains a Commercial 1 or Waterfront Commercial use - Minor Screening.
 - b. Between parcels where one parcel contains a residential use and the other parcel contains a Commercial 2 - Medium Screening.
 - c. Between parcels where one parcel contains a Waterfront Commercial use and the other parcel contains a Commercial 1 or 2 use - Minor Screening.
4. **Industrial uses.** Between parcels where one parcel contains a residential use and the other parcel contains an Industrial use - Heavy Screening.
5. **Waste disposal uses.** Between parcels where one parcel contains any use and the other parcel contains a waste disposal use - Extra Heavy Screening.
6. **Outdoor assembly uses.** When use of premises is such that over 100 people may at any time be within the unenclosed part of the premises for any activity except ingress or egress to the enclosure thereon, or when the use of a premises is such that over 400 people may at any time be within the unenclosed part of the premises, noise levels are of concern and the screening that should be provided thereon shall be as determined by the Planning Commission/Board of Adjustment.

36.4 FENCES

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

- A. Construction and maintenance of partition fences shall comply with the requirements of Minnesota Statutes, Chapter 344.01-344.20
- B. All fences shall meet structure setbacks from public waters.
- C. Fences shall not exceed 6 ½ feet in height.
- D. No fence or wall shall be constructed so as to obstruct the view for drivers exiting a driveway
- E. If one side of a fence is unfinished, the finished side of the fence shall face away from the applicant's property.

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

37.1 PURPOSE AND AUTHORITY

The purpose of the Subsurface Sewage Treatment System (SSTS) Ordinance is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes sections 115.55, 145A.05 through 145A.08, and Minnesota Rules, chapters 7080, 7081, and 7082, which are hereby

incorporated by reference, the Township Comprehensive Plan and the Township Land Use Ordinance.

37.2 INTENT

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

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

37.3 JURISDICTION

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

37.4 EFFECTIVE DATE

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

37.5 SCOPE

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

37.6 TOWNSHIP ADMINISTRATION

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

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

37.7 STATE ADMINISTRATION

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

37.8. RESERVED

37.9 LIABILITY

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

37.10 ALL SSTS

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

37.11 EXISTING PERMITS

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

37.12 SSTS ON LOTS CREATED AFTER JANUARY 23, 1996

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

37.13 UPGRADE, REPAIR, REPLACEMENT AND ABANDONMENT

A. SSTS Capacity Expansions

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

B. Bedroom Addition

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

C. Failure to Protect Groundwater

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

D. Imminent Threat to Public Health or Safety

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

E. Abandonment

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

37.14 SSTS IN FLOODPLAINS

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

37.15 CLASS V INJECTION WELLS

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

37.16 SSTS PRACTITIONER LICENSING

- A. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules Chapter 7083 except as exempted in Rule 7083.0700.
- B. An MPCA license is not required of an individual who is constructing a SSTS on land that is owned by the individual and functions solely as a dwelling for that individual pursuant to Minnesota Rule 7083.0700. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a 24-hour notification to the Department for inspection is required.

37.17 PROHIBITIONS

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

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

B. Sewage Discharge to Ground Surface or Surface Water

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

C. Sewage Discharge to a Well or Boring

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

D. Discharge of Hazardous or Deleterious Materials

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

37.18 ALTERNATIVE LOCAL STANDARDS ADOPTED BY REFERENCE

A. Adoption of Rule by Reference

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

B. Alternative Local Standards for New and Existing SSTS

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

37.19 DIFFERENCES IN STANDARDS

A. List of Different Adopted Standards

1. 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 37.26(C) of this ordinance.
2. At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.
3. Class I sizing is required on all new construction. New construction will be defined as placement of a new structure or replacement structure that is served by pressurized water.
4. Minimum septic tank sizing shall be 1,500 gallons. This can be accomplished through a compartmentalized tank, multiple tanks in series, or a single existing 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.
5. Pump tank sizing shall follow Minnesota Rule 7080.2100.
6. 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.
7. All dwellings or buildings that contain plumbing fixtures shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures, including but not limited to, decks, screen decks, porches, sheds, garages and pole buildings shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system.

37.20 COMPLIANCE CRITERIA FOR EXISTING SSTS

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

37.21 HOLDING TANKS

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

37.22 VARIANCE REQUESTS

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

37.23 STATE AGENCY VARIANCE REQUESTS

Variations 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 Township until all required State Agency variances have been approved.

37.24 PERMIT REQUIREMENTS

A. Activities Not Requiring a Land Use Permit

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

B. Activities Requiring a Land Use Permit

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

C. Permit Requirements

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

1. Applicant name, mailing address, telephone number, and email address.
2. Property Identification Number, property address and legal description of property location.
3. Site Evaluation Report, as defined by Section 37.18, and shall be made on form provided by the Department.
4. Design Report, as defined by 37.18, and shall be made on form provided by the Department.
5. A management plan, as defined by Minnesota Rule 7082.0600.

D. Application Review and Response

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

E. Appeal

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

F. Permit Expiration

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

G. Transferability

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

H. Suspension or Revocation

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

I. SSTS Assessment Requirements

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

1. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.
2. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever 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.

37.25 OPERATING PERMIT

- A. An Operating Permit shall be required for the following SSTS:

1. SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp. 3(K);
 2. Holding Tanks;
 3. SSTS serving three or more connections;
 4. Type 4 and Type 5 SSTS;
 5. SSTS that exceed a daily flow of 2,500 gallons per day; or,
 6. MSTs designed under Minnesota Rules Chapter 7081.
- B. Operating Permits shall be a signed agreement between the Department and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.
- C. A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit.
- D. Owners of holding tanks shall provide the Department upon request a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner and prevents an illegal discharge in accordance with Minnesota Rule 7082.0100, Subp. 3(G). This requirement is waived if the owner is a farmer who is exempt from licensing under Minn. Stat., § 115.56, subd. 3(b)(3).
- E. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- F. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Section 37.13(E).
- G. Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with Section 37.25. The Department shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
- H. A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.
- I. The Department may suspend or revoke any Operating Permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
- J. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
- K. At the Department's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

37.26 COMPLIANCE INSPECTION PROGRAM

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

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

B. New Construction or Replacement

1. New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to this section. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department’s requirements.
2. It is the responsibility of the SSTS owner or the owner’s agent to notify the Department 24 hours prior to the installation inspection.
3. If the installer provides proper notice and the department does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.
4. A Certificate of Installation for new SSTS construction or replacement shall be issued by the Department within 30 days of inspection if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
5. The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.

6. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
7. Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue unless the Department finds evidence of noncompliance.

C. Existing Systems

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

D. Transfer of Property

1. Any property on which a SSTS is located shall not be transferred or sold unless the parties to the transaction have complied with one of the following:

- a. A current Certificate of Compliance, as provided by Section 37.26 C
- b. A winter agreement, as provided by Section 37.26 A.
- c. In the event the seller does not provide a Certificate of Compliance or compliant Operating Permit, the seller and buyer may establish a written agreement or contract to repair, replace or upgrade the existing SSTS according to the terms of this Ordinance.
- d. The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading. In the absence of a written agreement according to Section 37.26 (D)(1)(b), the buyer shall be responsible for the necessary upgrading of said SSTS.

E. Commercial SSTS

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

F. 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 37.20.

37.27 ENFORCEMENT

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

37.28 STATE NOTIFICATION OF VIOLATION

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

37.29 RECORD KEEPING

The Township 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 Township sorted by licensed installation businesses, and other records the Township deems relevant to a particular system.

37.30 ANNUAL REPORT

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

37.31 FEES

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

37.32 DISPUTE RESOLUTION

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

ARTICLE 38--SHOOTING RANGE STANDARDS

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

38.1 PERFORMANCE STANDARDS

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

38.2 NONCONFORMING SHOOTING RANGES

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

38.3 AUTHORIZED ACTIVITIES

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

- A. **Discharge of firearms.** Operate the range and conduct activities involving the discharge of firearms.
- B. **Membership.** Expand or increase its membership or opportunities for public participation related to the primary activity as a shooting range.
- C. **Meet standards.** Make those repairs or improvements desirable to meet or exceed requirements of shooting range performance standards.
- D. **Activities.** Increase events and activities related to the primary activity as a shooting range.
- E. **Time of operations.** Conduct shooting activities and discharge firearms daily between 7:00 a.m. and 10:00 p.m.
- F. **Purchase additional land.** Acquire additional lands to be used for buffer zones or noise mitigation efforts or to otherwise comply with this chapter.

38.4 MITIGATION AREA

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

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

ARTICLE 39--WETLAND PROTECTION STANDARDS

39.1 POLICY

Crow Wing Township hereby serves as the local government unit for the implementation of the Minnesota Wetland Conservation Act (WCA) and adopts the most current versions of Minnesota Statutes, Chapter 103G, and Minnesota Rules, Chapter 8420 by reference.

39.2 APPLICABILITY AND PERMITS

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

5. Replaces unavoidable impacts to the wetland by restoring or, if wetland restoration opportunities are not reasonably available, creating substitute wetland areas having equal or greater public value.
- B. Crow Wing Township, in fulfillment of its responsibilities as the local government unit, shall make exemption, no-loss, replacement plan, and banking determinations and decisions, as well as making other determinations specified by the Wetland Conservation Act and the Wetland Conservation Act Rules.
 - C. In addition to the requirements of the Minnesota Wetland Conservation Act, activities that impact wetlands under the jurisdiction of this Article may also require permits under Article 28 of this Ordinance

ARTICLE 40--SIGNS

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

40.1 PURPOSE AND INTENT

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

40.2 PROHIBITED SIGNS

After the adoption of this ordinance:

- A. **Traffic safety.** No sign shall be erected or maintained which purports to be or resembles an official traffic control device, sign or signal, or railroad sign or signal, or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign or signal, or railroad sign or signal, or which obstructs or interferes with the drivers' view of approaching, merging or intersecting traffic on a public or private road for a distance of at least 500 feet, not including private residential name plate signs;

- B. **Prohibited words.** No sign shall be erected or maintained which prominently displays the word "stop" or "danger";
- C. **Signs in right-of-way restricted.** No sign shall be erected or maintained on any right-of-way, except as otherwise provided by law or allowed by the Commissioner of the Department of Transportation, Commissioner of the Department of Natural Resources, as outlined in Minnesota Statutes, County Highway Department or local Township Board;
- D. **Landowner consent required.** No sign shall be erected or maintained on private land without the consent of the owner or person with legal authority thereof;
- E. **Flashing or moving lights prohibited.** No sign shall be erected or maintained which has distracting flashing or moving lights that create a traffic hazard;
- F. **Maintenance and safety required.** No sign shall be erected or maintained that is structurally unsafe, in disrepair, or is abandoned.

40.3 RURAL RESIDENTIAL AND AGRICULTURE FORESTRY DISTRICTS

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

1. The following signs shall be prohibited:
 - a. Off Premise Sign
 - b. Illuminated Sign
 - c. V-Sign
 - d. Changing Message Sign
 - e. Inflatable Sign
2. The following signs will be allowed without a permit:
 - a. Government Sign
 - b. Real Estate Sign
 - c. Incidental Sign
 - d. Rummage or Garage Sale Sign
 - e. Political Sign
 - f. Home Occupation Sign
3. The following signs shall require a permit within residential land use districts:
 - a. Area Identification Sign
 - b. Business Identification Sign

40.4 SHORELAND DISTRICT

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

1. The following signs shall be prohibited:
 - a. Off Premise Sign
 - b. Illuminated Sign
 - c. V-Sign
 - d. Changing Message Sign
 - e. Inflatable Sign

2. The following signs shall be allowed without the need for permit:
 - a. Government Sign
 - b. Real Estate Sign
 - c. Incidental Sign
 - d. Rummage or Garage Sale Sign
 - e. Political Sign
 - f. Window Sign
 - g. Home Occupation Sign
 - h. Nameplate Sign
 - i. Construction Sign
 - j. Area Identification Sign

3. The following signs shall require a permit:
 - a. Business Identification Sign

40.5 COMMERCIAL/INDUSTRIAL

- A. For the purpose of this section the following land use districts shall be defined as commercial/industrial districts:
 1. Waterfront Commercial
 2. Commercial 1
 3. Commercial 2
 4. Commercial/Light Industrial
 5. Commercial/Heavy Industrial

- B. The following standards shall apply within these districts:
 1. The following signs shall be prohibited within commercial/industrial land use districts:
 - a. None

 2. The following signs will be allowed without a permit within commercial/industrial land use districts:
 - b. Government Sign
 - c. Real Estate Sign
 - d. Incidental Sign
 - e. Rummage or Garage Sale Sign
 - f. Home Occupation Sign
 - g. Political Sign
 - h. Nameplate Sign
 - i. Window Sign
 - j. Inflatable Signs

 3. **Construction permit required.** The following signs shall require a permit within commercial/industrial land use districts:
 - a. Area Identification Sign
 - b. Illuminated Sign

- c. Construction Sign
- d. Business Identification Sign
- e. Wall Sign
- f. Changing Message Sign

40.6 ON-SITE SIGN GENERAL PROVISIONS

A. Setbacks. The following setbacks shall be required:

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

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

- 1. **Size to frontage ratio.** On Commercially zoned property, the total of all exterior advertising area on the property shall not exceed one square foot per lineal foot of frontage along the public roadway not to exceed 1000 square feet per frontage, including off premise sign area.
- 2. **Commercial sign size limit.** No single free standing commercial sign shall exceed 200 square feet in area per face.
- 3. **Residential sign size limit.** On residentially zoned property, the total of all sign area shall not exceed 16 square feet per lot.
- 4. **Identification signs.** The size for area identification signs shall not exceed 32 square feet.
- 5. **Wall signs.** A wall sign shall not exceed 25 percent of the square footage of the wall of the building facing the public roadway on commercially zoned property.

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

- 1. **Height above existing grade.** No sign within Rural Residential and Shoreland Districts shall exceed 10 feet in height above the existing grade;
- 2. **Commercial height above existing grade.** No free standing on-site advertising sign in commercial/industrial land use districts shall exceed 25 feet above the existing grade;

3. **Height above structure.** No sign attached to structures in commercial/industrial land use districts shall project more 25 feet above the finished grade or 10 feet above the height of the structure to which it is than attached, whichever is less;
- D. **Number of Signs.** The number of signs on any lot shall be limited as described below.
1. **Commercial zones.** A commercially zoned parcel of land shall not be allowed more than two free standing signs advertising the business or operation on that parcel, not including legally existing off-premise signs.
 2. **Residential zones.** No more than two residential identification signs shall be allowed per residential lot.
 3. **Identification signs per entrance.** The number of area identification signs shall not exceed one per entrance into the development.
- E. **Non-conforming signs.** All signs not meeting the provisions of this ordinance amendment shall be considered non-conforming signs and shall be subject to the provision of Article 5 of this ordinance.
- F. **Political Signs.** The placement and maintenance of political signs used during a campaign shall be regulated by the provisions in Minnesota State Statutes.
- G. **Window Signs.** The placement of window signs within a structure or building shall be permitted in all land use districts without a permit.
- H. **Signs for watercraft.** Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.
 2. Other informational or public service signs within public or government zones shall be allowed within the shore impact zone provided the primary use is not commercial in nature and no sign shall not exceed 32 square feet in area; and
 3. Signs in waterfront commercial zones may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
- I. **Inflatable Signs.** Inflatable signs shall be allowed on commercially zoned property for a period not to exceed 72 continuous hours. No inflatable sign shall be allowed for more than one 72 hour period in any 30 day period. The use of inflatable signs not attached to structures

or the ground shall meet all Federal Aviation Administration regulations pertaining to height and flight patterns.

ARTICLE 41--STORMWATER MANAGEMENT

41.1 PURPOSE AND INTENT

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

41.2 IMPERVIOUS SURFACE STANDARDS

- A. Shoreland District--Shoreland Protection Zone. Impervious surface coverage shall not exceed the limits as set forth in Table 41.1:
 - 1. On lots with total impervious surface coverage that does not exceed 15% , a stormwater management plan shall not be required for permit approval except as required under Article 41.3, and the following:
 - a. The Department shall consider proper stormwater management and recommend to applicants best management practices as set forth in the Minnesota Stormwater Manual.
 - 2. On lots with total impervious surface coverage that exceeds 15% but does not exceed 20%, a stormwater management plan shall be prepared by the applicant or their designated agent pursuant to the stormwater management plan design guide and worksheet provided by the Department and be submitted to the Department for approval prior to issuance of a permit and shall be effectively implemented, subject to the provisions of Article 41.3, and the following:
 - a. Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.
 - b. The Department shall conduct an on-site inspection of stormwater management system to ensure compliance with the approved stormwater management plan.
 - c. The 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

Town Board for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy of said form, signed by the Administrator, shall be forwarded to the Zoning Administrator.

3. 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 Article 41.3, and the following:
 - a. A no maintenance shoreline buffer shall be created on riparian lots pursuant to Article 27.6 of this ordinance.
 - b. A permitted path not exceeding 15 feet and a new shoreline recreation use area shall be allowed pursuant to Article 27 of this ordinance.
 - c. Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.
 - d. The Department shall conduct an on-site inspection of stormwater management systems to ensure compliance with the approved stormwater management plan.
 - e. The 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 Town Board for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy of said form, signed by the Administrator, shall be forwarded to the Zoning Administrator.
4. Maximum impervious surface coverage in the Shoreland Protection Zone shall not exceed the following:

Table 41.1 Shoreland Protection Zone Impervious Surface Limits

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

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

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

Table 41.2 Shoreland Buffer Zone Impervious Surface Limits

Development or Use	Maximum Impervious Surface	Applicable Area
Residential lots with BMP's per Article 41.2 2 i	25%	Total lot area
Conservation Developments with stormwater plans as per Article 41.3	30%	Average Dwelling unit lot
Resort with stormwater plans as per to Article 34.8	30%	Total project area and any tier
Commercial with stormwater plans as per Article 16.3	35%	Total lot area

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

Table 41.3 Non-Shoreland Impervious Surface Limits

Development or Use	Maximum Impervious Surface	Applicable Area
Residential lots	25%	Total lot area
Conservation Developments with stormwater plans as per Article 41.3	40%	Average dwelling unit lot
Resort with stormwater plans as per Article 34.8	40%	Total project area and any tier
Commercial with stormwater plans as per Article 16.3	60%	Total lot area

41.3 GENERAL STANDARDS

- A. All Stormwater plans shall be designed for permanent on-site treatment of one inch of stormwater runoff on all impervious surface coverage on the lot. This means that a volume of water equal to one inch multiplied by the area of impervious surface must be treated. Preference should be given to volume reduction techniques that include infiltration basins, rain gardens, enhanced infiltration swales, filter strips, disconnected impervious areas, soil amendments, bioretention, and other approved volume reduction techniques. The plan shall be approved by the Department and effectively implemented.
- B. 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.
- C. All stormwater management systems shall be capable of safely passing a 100 year-24 hour storm event, including grassed swales, grit chambers, vegetated filter strips, bioretention

areas, off-line retention areas, and natural depressions for infiltration, is required before the runoff leaves the project site or enters surface waters. Constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

- D. All management technologies must be consistent with the most current version of the Minnesota Stormwater Manual, which is incorporated herein by reference.
- E. Performance security as specified in Article 3.6 may be required to assure implementation of stormwater plan recommendations or designs. For engineered designs, certification that installation meets the design standards must be received from the design engineer before the performance security will be released.
- F. A minimum 12-foot wide driveway from the nearest road right-of-way to the principal structure must be included in the impervious surface coverage calculation. The Department shall use actual on-site driveway dimensions if such data is provided by the applicant.
- G. The Department may give credit for up to 100% of the area covered by a permeable surfacing system as pervious surface if it is designed and inspected by a Minnesota-licensed professional engineer and is certified annually to the Department that it is functioning as a pervious surface.. Best management practices shall be followed in design, installation, and maintenance as found in the latest Minnesota Stormwater Manual, subject to the following standards:
 - 1. No credit may be given for a permeable pavement system in a shore or bluff impact zone, except as otherwise allowed for watercraft access ramps;
 - 2. The base of the installed permeable pavement system must have a minimum of three feet separation from the seasonally saturated soils or from the bedrock; and
 - 3. The design of a permeable pavement system must allow the infiltration of one inch of stormwater on the pavement surface.

41.4 MANAGEMENT OF STORMWATER FACILITIES

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

41.5 MINNESOTA POLLUTION CONTROL AGENCY PERMIT

Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency (MPCA).

ARTICLE 42--TIMBER CUTTING/ REFUSE DISPOSAL

The standards in this Article shall apply to timber cutting and refuse disposal in all land use districts.

42.1 TIMBER CUTTING AND/OR CLEARING REFUSE DISPOSAL

Timber cutting and clearing is allowed with the following areas:

- A. A Commercial or Commercial/Industrial District;
- B. The right of way of a public Utility;
- C. 200 feet from the right-of-way line of State Highway or of a County Road or Highway;
- D. Within 100 feet of a maintained township road or of a County-maintained First or Second Assessment District Road, timber cutting shall be subject to the following requirements:
 - 1. All refuse from land clearing or timber harvesting operations therein shall be removed there from within eight months after such refuse is made. Such removal may be by burning, burying, or actual removal or any combination thereof.
 - 2. Such removal must be done in full compliance with all other applicable laws or regulations concerning the method of removal.
 - 3. The landowner and/or the person who makes or generates such refuse shall be equally responsible for compliance herewith.

ARTICLE 43--TOWER FACILITY STANDARDS

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

43.1 INTENT AND PURPOSE

The unique and diverse landscapes of Crow Wing Township are among its most valuable assets. Destroying these assets risks undermining the very characteristics responsible for our economic vitality and future potential. Protecting these assets will require that location and design of tower facilities be sensitive to, and in scale and harmony with, the aesthetics of Crow Wing Township. This article will provide standards for the proper placement and design of tower facilities in order to ensure their compatibility with surrounding aesthetics and development. The purpose of this article is to provide predictable and balanced standards for the siting and screening of tower facilities on both public and private property within the jurisdiction of Crow Wing Township. These standards will protect the health, safety and general welfare of persons in the area surrounding such tower facilities from possible adverse effects related to the placement, construction or modification of such tower facilities. Leasing of public buildings, publicly owned structures, and/or public rights-of-way for the purposes of locating wireless telecommunication services facilities and/or equipment is encouraged. In cases where a facility is proposed on Township property, specific locations and compensation to the Township shall be negotiated in

lease agreements between the Township and the provider on a case-by-case basis, and would be subject to all of the review criteria contained in this section. Such agreements would not provide exclusive arrangements that could tie up access to the negotiated site(s) or limit competition, and must allow for the possibility of “co-locating” (sharing of facilities) with other providers. Specifically, the Telecommunication Act of 1996, affirms local governments right to control the site, construction and modification of cellular and other wireless telecommunication facilities. The permitting process of this article will not discriminate among providers of functionally equivalent services and will not prohibit the provisions of personal wireless services.

43.2 APPLICABILITY

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

43.3 TOWER FACILITIES GENERALLY ALLOWED

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

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

43.4 ADMINISTRATIVE PERMIT

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

- A. Tower facilities that are located outside Shoreland and Residential Districts, unlit, camouflaged, monopole tower, and do not extend more than 10 feet above the average height of the tree canopy or 99 feet above the average ground level;
- B. The addition of antenna(s) on existing structures such as but not limited to buildings, flagpoles, church steeples, cupolas, ball field lights, power line support device that does not require modifications to the structure; and
- C. The addition of antenna(s) to existing lighted tower facility if the tower facility is modified to meet the lighting standards of Article 43.13 and do not increase the height of the tower facility.

43.5 CONDITIONAL USE PERMIT

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

- A. Tower facilities that are located inside Shoreland and Residential Districts, unlit, camouflaged, monopole tower, and do not extend more than 10 feet above the average height of the tree canopy or 99 feet above the average ground level, whichever is less;
- B. Tower facilities that are located outside Shoreland and Residential Districts, unlit, from 100 feet 199 feet in height and are designed to accommodate several levels of antennae.

43.6 GENERAL STANDARDS

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

43.7 PERMIT APPLICATION REQUIREMENTS

- A. The Department may contract with an independent technical expert to review technical materials submitted by the applicant, and/or to determine if additional information is necessary. The tower facility applicant shall pay the cost of such review and/or independent analysis.
- B. Name and address of the tower facility owner, record landowner of parcel and any duly appointed agents of the parties.
- C. A visual study depicting where within a one mile radius any portion of the proposed tower facility will be visible.
- D. Site plan(s) drawn to a scale of one inch equals 20 feet or less, specifying the location of tower facility, support structures, transmission buildings and/or other accessory uses, access, parking, fences, signs, lighting, and all adjacent land uses within 240 feet of the base.
- E. Elevation drawings of "before" and "after" simulating and specifying ground levels, the location and height of antenna(s), support structures, equipment buildings and/or other accessory uses, fences and signs of the tower facility.
- F. Map showing the search radius for the antenna location and the proposed broadcast coverage obtained by the tower facility, including a narrative describing a search radius of not less than one mile for the requested site, clearly explaining why the site was selected, identifying and locating landing and takeoff areas of aircraft within the search radius, locating all existing tower facilities, and identifying all other structures that may be potential co-location sites. In addition, the applicant must demonstrate that the selected site will meet gaps in service that

cannot be addressed by existing sites and that the service gaps exist due to unique topographic, land ownership or other environmental issues that can only be resolved by construction of a higher tower. In addition, the applicant shall demonstrate whether there will be a reduction of the number of towers required to gap service if a higher tower is approved.

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

43.8 FACTORS CONSIDERED IN GRANTING A CONDITIONAL USE PERMIT

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

- A. Height of the proposed tower facility;

- B. Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider's equipment;
- C. Proximity of the tower to residential structures and residential land use district boundaries;
- D. Nature of uses on adjacent and nearby properties;
- E. Surrounding topography;
- F. Surrounding tree coverage and foliage;
- G. Design and siting of the tower with particular reference to design characteristics and location that have the effect of reducing or eliminating visual obtrusiveness;
- H. Proposed ingress and egress;
- I. Availability of suitable existing towers and other structures as discussed in Article 43.7 G;
- J. Impact to the existing aesthetics and character of the surrounding area; and
- K. Level of adherence to the provisions set forth in 43.1 of this article.

43.9 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.

43.10 ROUTINE MAINTENANCE

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

43.11 TIME LIMIT ON TOWER FACILITY CONSTRUCTION

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

43.12 ABANDONMENT AND REMOVAL

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

shall be just cause for Crow Wing Township to seek legal avenues that will remove the tower facility and restore the site.

43.13 LIGHTING STANDARDS FOR TOWER FACILITIES

- A. The tower facility owner shall provide a lighting plan and photometric study indicating the size, height, location and wattage of all tower facility lighting sources. This study must also include a graphic indicating the spread and degree/intensity of light from each source/fixture.
- B. Tower facility owner shall reduce the impact of current and future obstruction lighting requirements, as much as technology and FAA and FCC rule will allow. Visual impact shall be reduced by the use of techniques such as, but not limited to, directional lighting, tilting, shields, etc. Maximum intensity of lighting, if necessary, shall be the minimum required by FAA and/or FCC in order of preference, a tower facility shall have:
 - 1. Only incandescent red lighting at night, both side and beacon lights;
 - 2. Minimum required intensity white strobe lighting daytime; red incandescent nighttime lighting;
 - 3. Minimum required intensity white strobe lighting daytime; minimum required intensity red strobe nighttime lighting; then
 - 4. Minimum required intensity white strobe daytime lighting; minimum required intensity white strobe nighttime lighting.
- C. The light source for any necessary security lighting shall feature down-directional, sharp cut-off luminaires to direct, control, screen or shade in such a manner as to ensure that there is no spillage of illumination off-site.

43.14 SEVERANCE CLAUSE

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

ARTICLE 44--SWIMMING POOL STANDARDS

44.1 POLICY

The purpose of this ordinance is to regulate the construction and location of private swimming pools and to provide for certain safety features related thereto. For the purposes of this ordinance, private swimming pools are defined as any enclosure, designed, intended or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding 100 square feet and a depth exceeding 18 inches which is designed, intended, or used for swimming, wading, or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by the owner's or tenant's family or invited guests without payment of a fee.

44.2 APPLICATION FOR PERMIT

An application for a land use permit shall be made to the zoning administrator for a swimming pool. The application for the permit shall include, without limitation, the following information:

- A. Complete plans and specifications for the construction of the pool, including a site plan showing the location on the property of the proposed pool and surrounding deck or patio and other improvements;
- B. A survey showing the location of all existing structures on the property, including the house, garage, fences, trees, overhead or underground wiring, utility easements, and other significant improvements or natural features;
- C. The location of proposed pumps, filters, electrical power source (if applicable), flushing and drainage outlets, and other operational features;
- D. The location and specifications of the protective fencing or safety pool cover; and
- E. Any other information necessary or convenient for review of the permit application as determined by the zoning administrator.

44.3 SAFETY FENCE OR AUTOMATIC POOL COVER REQUIRED.

- A. A safety fence meeting the following standards shall be required around all pools: Except as provided for in 47.3 (E), a safety fence at least 4 feet in height shall completely enclose the pool. All openings or points of entry into the pool area shall be equipped with self-closing gates or doors. All gates and doors shall have a self-latching latch which is no less than 4 feet above the ground level and which shall be constructed and placed so as to be inaccessible to small children. All gates and doors shall be locked when the pool is not in use or is unattended by an adult with demonstrated swimming ability. Any opening between the bottom of the fence and the ground level shall not exceed 3 inches.
- B. Safety fences shall be constructed so as to inhibit the climbing thereof by any person. If constructed primarily of wood, the fence shall be composed of vertical members with spaces no greater than 4 inches between the boards. If constructed primarily of other materials, the fence shall contain no spaces through which a sphere 4 inches or more in diameter may pass.
- C. No wall of any pool constructed above ground level, regardless of the height thereof, shall qualify as a safety fence.
- D. If the house or other structure provides all or a portion of one side of the pool enclosure, all doors from the house or structure providing access to the pool area shall be equipped with a pool alarm meeting the standards of F2208-02 of the American Society of Testing and Materials (ASTM), as such standards may be modified, superseded or replaced by ASTM.
- E. As an alternative to a safety fence, a safety pool cover may be utilized if it meets the standards of F1346-91 (Reapproved 2003) of ASTM, as such standards may be modified, superseded or replaced by ASTM.

44.4 MISCELLANEOUS REQUIREMENTS

- A. The conduct of persons and the operation of pools shall be the responsibility of the owner or the tenant of the subject property and such conduct of persons and operation of the pool shall be done in such a manner so as to avoid any nuisance or breach of the peace.
- B. All back flushing or pool drainage water shall be directed onto the property on which the pool is located or onto approved drainage ways. Drainage onto public streets or other public drainage ways shall require a permit.
- C. Any outdoor lighting of the pool or pool area shall be designed and installed so that the fixture is enclosed on all sides except the bottom and no light shall shine directly on any other property or right-of-way.
- D. All electrical installations shall meet state requirements.

44.5 PENALTIES

Any person violating this ordinance shall be guilty of a misdemeanor as stated in Section 3.5.

ARTICLE 45--JUNK/SALVAGE

45.1 POLICY AND PURPOSE

- A. **Policy.** The Town Board acknowledges the necessity for firm management of un-permitted and permitted Junk/Salvage Facilities and similar activities in Crow Wing Township. It incorporates recent changes to pertinent statutes, rules, ordinances and manuals that provide specific guidance to owners, prospective owners and operators of facilities and those required to regulate such activities.
 - 1. It has been determined that if not regulated, Junk/Salvage Facilities will proliferate and if not properly managed will become a threat to human health and the environment. The impacts of unregulated junk/salvage facilities can be minimized or eliminated by comprehensive planning, proper zoning, educational and training opportunities, minimal and updated regulatory and enforcement authority.
 - 2. TheTown Board assumes, in the absence of regulatory activity by the State, the responsibility for overall permitting, regulation, and enforcement of all Junk/Salvage facilities within the Township.
 - 3. Responsibility for regulation, education, training and enforcement remains a shared activity between the Department and the Solid Waste Coordinator or an appointed representative. This Ordinance presupposes the need to update the previous Junk/Salvage Ordinance.
- B. **Purpose.** This Ordinance is intended to apply controls to un-permitted or illegal and existing junk/salvage facilities and the establishment, licensing, location and operation of junk and/or salvage yards or similar activities in the unincorporated area of Crow Wing Township or in the absence of rules, in the incorporated areas of the Township.

1. The Minnesota Pollution Control Agency (MPCA) Motor Vehicle Salvage Facility Environmental Compliance Manual to include all subsequent changes is hereby adopted by reference.
 2. The following Statutes, Rules and Ordinances are adopted by reference to include all subsequent changes: MN Statutes 88.171; 115.061; 115A.90-908; 115A915-9152; 115.916; 115A932; 115E.02116.66; 116.731; 116.92; 161.242; 168B.03; 168B.011; 168.27, subd 3a & 3b; 325E.10-113; 325E.115-12; 325E.32; 609.675; 1103.3.6. MN Rules: 7001.1035; 7001.3050; 7027.1100; 7045.125; 7045.0205; 7045.0208; 7045.0221; 7045.0275; 7045.0685; 7400.4000; 9220.0230. Ordinances: Crow Wing Township Land Use Ordinance and the Crow Wing County Solid Waste Ordinance.
 3. All junk and salvage or similar operations shall comply with the minimum standards for operation, safety, storage and all waste management as listed in the *MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual, Second Addition, April 1998; or successor manual.*
- C. **Location.** Junk/Salvage facilities must be located in Agricultural, Commercial/Light Industrial or Commercial/Heavy Industrial land use districts. Those Junk/Salvage facilities in existence prior to adoption of the Crow Wing County Zoning Ordinance (prior to January 4, 1972) or for which a conditional use permit has been granted shall be considered compliant with the intent of this Ordinance insofar as location is concerned but subject to the performance standards contained within this Ordinance.

45.2 GENERAL PROVISIONS

- A. **MPCA Motor Vehicle Salvage Facility Compliance Manual.** This manual is incorporated by reference as a requirement for all Motor Vehicle Salvage Facilities (Junk/Salvage Facilities) within the unincorporated geographic boundaries of the County. The manual provides guidance for:
1. General Operating Procedures
 2. Draining, Dismantling and Storage Practices
 3. Waste Handling, Storage and Disposal Practices,
 4. General Information on Water, Hazardous Waste, Oil Related Wastes and Fuels, Batteries, Spills, Refrigerants, Solvents, Waste Tires and Miscellaneous information.
- B. **Jurisdiction.** The jurisdiction of this Ordinance shall apply to all areas of Crow Wing Township. Article IV of this Ordinance shall apply in as much as facilities shall serve or shall have served the entire township. The Minnesota Department of Transportation (MNDOT) shall have jurisdiction over all junk/salvage facilities within one-half (½) mile of any state or trunk highway and interstate highway.
- C. **Application.** It shall be unlawful for anyone to operate a junk/salvage facility or similar activity without a permit and not in compliance with the standards identified in this ordinance and other relative ordinances in any location in Crow Wing Township. The provisions of this Ordinance shall be held to be the minimum requirements for the protection of public health, safety and welfare and the lands and waters of the State. Where conditions imposed by any provision of this Ordinance and supporting Ordinances are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute,

resolution or regulation of any kind, the standards which are more restrictive or which impose higher requirements shall prevail. In addition to the conditions set forth in this Ordinance, compliance with State and Federal standards are required.

D. Planning and Zoning Department. The Departments' designated staff has the necessary authority and power to implement and carry out the provisions of this Ordinance including but not limited to the following:

1. To review and evaluate all applications and supporting materials referred to the Departments for facilities and similar activities and operations within the areas of the Township to which this Ordinance applies.
2. To enter upon property, facilities and or operations to investigate complaints about potential violations of this Ordinance and/or to conduct inspections.
3. To recommend to the Township Attorney that legal proceedings be initiated against a person or group of persons to compel compliance within the provisions of this Ordinance.
4. To conduct studies, investigations and research relating to Junk/Salvage facility management, including but not limited to methodology, chemical and physical considerations engineering and rule changes.
5. To advise, consult and cooperate with the public and other governmental agencies in furtherance of the purpose of this Ordinance.
6. To enforce the provisions of this ordinance by issuance of criminal citations, and cease and desist orders; to require performance bonds and remediation or restoration procedures

45.3 VEHICLES

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

1. Has remained illegally for a period of more than 48 hours on any property owned or controlled by a local unit of government or more than 4 hours on a property when it is properly posted;

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

B. Authority to Impound Vehicles

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

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

45.4 PERMITTING, LICENSING, AND FEES

- A. It shall be unlawful for anyone to operate a junk/salvage facility or similar activity in any location in the Township except when in possession of the required permits and are located in Agricultural/forestry, Commercial/Light Industrial or Commercial/Heavy Industrial Districts.
- B. Those Junk/Salvage Facilities or similar activities currently licensed by the Township shall be considered an operational facility as permitted under the previous ordinance. Any junk/salvage facility regardless of its operational date must conform to the requirements of this amended ordinance. The permit application shall include when the facility was initially permitted and its zoning classification.
- C. Those Junk/Salvage activities not currently permitted and not located in an Agricultural/forestry, Commercial/Light Industrial or Commercial/Heavy Industrial District are considered in violation of this ordinance and Solid Waste Ordinance and subject to enforcement actions.

- D. The owners of the land on which these junk/salvage or similar activities are occurring must make application pursuant to established procedures; have the application reviewed by staff; request a zoning change to Agricultural/forestry, Commercial/Light Industrial or Commercial/Heavy Industrial and must make application for a Conditional Use permit to operate said Junk/Salvage Facility or similar activities. Should the requested zoning change and/or conditional use be denied, the junk/salvage yard shall be considered in violation of this Ordinance and be required to be removed and/or otherwise dispose of all materials by the owner in a manner satisfactory to the Township within 180 calendar days of denial. Should the zoning change and conditional use be approved, the owner shall apply for a permit to operate the junk/salvage facility within 30 days after the zoning change has been granted. If the owner fails to apply for a license within the 30 days, the conditional use will be considered revoked and the owner will be considered in violation of this and all other relevant ordinances or rules.
- E. A permit will not be issued until an existing facility is in compliance with all appropriate planning and zoning and solid waste rules and requirements of this ordinance.
- F. An annual fee will be paid by the property owner for annual operation before issuance or re-issuance of the license. All other requirements must be met before issuance of the license.

45.5 INSPECTIONS

- A. **Right of Inspection.** An applicant for any permit under this Ordinance or supporting Ordinances does thereby give the Crow Wing Township Planning and Zoning Enforcement Officer the right of access to the premises concerned for inspection and enforcement of this Ordinance. Additionally, the Planning and Zoning Office Enforcement Officer is authorized to enter upon lands within the Township for the purpose of carrying out the duties and functions imposed under this and all other supporting ordinances and/or make investigations of any violations of this Ordinance and/or cause proceedings to be instituted if any action so warrants.
- B. **Inspections.** The Crow Wing Township Enforcement Officer will inspect all facilities at least annually. Facility owners will be notified one week before the annual inspection. Owners and operators will be present for the inspection. Minnesota Pollution Control Agency staff may also be present. There may be unannounced inspections at any time.
 - 1. The areas of inspection shall include but not be limited to permits, licenses, insurance, employee training, reports, plans, and operation of the facility. The Enforcement Officer will complete a standard inspection form. One copy of the inspection results shall be provided the owner and/or operator; a copy will be kept on file at the Solid Waste and Planning and Zoning Offices and a copy may be forwarded to the Minnesota Pollution Control Agency's Regional Office in Brainerd. The results of the inspection will be provided the facility owner or operator within 15 days following the inspection. The facility owner may request a meeting to further review items listed on the inspection form.
 - 2. The owner or operator shall have 30 days to correct any faults found during the inspection and submit by mail, proof of correction to the Enforcement Officer. The

Enforcement Officer may conduct a follow-up inspection to determine if corrections have been satisfactorily completed.

45.6 REQUIREMENTS AND REGULATIONS

- A. **Operational Requirements**--The operation of a junk/salvage facility or similar activity must conform to the tenants of Minnesota Statute, MPCA Rules, Crow Wing Township Ordinance and the MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual for day-to-day operation and done in a manner that the operation does not have a negative effect on the general safety, health and welfare of the public. Further, operation of a junk/salvage facility or similar activity must adhere in its daily operations to standards set forth in this Ordinance.
- B. **Performance Standards**--New junk and salvage operations shall be subject to the administrative provisions of this ordinance, the Solid Waste Ordinance and the Junk/Salvage Ordinance. Both new and existing junk and salvage operations are subject to the following performance standards:

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

1. The facility shall be served by a minor collector or higher functional classification of roadway.
2. The use shall comply with all applicable Federal, State statute and rules, Township Ordinances and policies.
3. Buildings or structures of any kind must meet the setback requirements presented in this ordinance. Any exterior storage including but not limited to: vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal and all other items or materials shall meet a minimum of a 35 foot buffer zone along all property lines except when a fence has been established up to and parallel to a property line and pursuant to the provisions of this Ordinance.
4. Parking shall meet the requirements of Article 16 of this ordinance.
5. A transportation management plan shall be submitted by existing facilities by January 1 of the year following the adoption of this Ordinance. New facilities must include a transportation management plan accompanying the application for a permit. This plan must address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
6. No vehicles or vehicle parts may be placed within the public right-of-way or on public property.

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

or similar activities will be required to remove all such waste types as directed in the enforcement action.

16. All lead acid batteries; mercury containing devices, fluids etc., and hazardous materials must be removed from the vehicle within 30 days of receipt of the vehicle at the facility and managed in a manner consistent with Minnesota State Statute and Minnesota Pollution Control Agency Rules and all applicable Ordinances. Un-permitted, illegal junk/salvage facilities or similar activities will be required to remove all such waste types as directed in the enforcement action.
17. Vehicles that are not to be used for salvage and are kept intact for resale and recorded in the facility records for such purposes are exempt from the requirements listed in parts xv and xvi above. However, each vehicle retained for resale must be examined for leaking fluids and such steps taken to prevent fluids from contaminating soils and water.
18. Onsite disposal or burning of trash, refuse, garbage or other waste materials is prohibited. Salvage of materials by fire, burning, explosives or chemical decomposition is prohibited.
19. Waste tires are a regulated portion of the waste stream and a by-product of junk/salvage operations. All tires not left on vehicles will be managed pursuant to Section 14 of the Crow Wing County Solid Waste Ordinance.
20. Owners or operators of a junk/salvage facility or similar activity shall submit a written report to the Department by March 1 of each year. The report shall include the number of vehicles stored onsite for salvage, vehicles stored onsite for resale, an inventory of fluids, lead acid batteries, refrigerants, mercury containing devices and other hazardous materials collected and how the materials collected were disposed of. A copy of the facility's written record for vehicles as required in Section V of this Ordinance shall be attached to the report. Failure to submit reports may result in suspension of the permit to operate, criminal or civil actions.
21. Junk/Salvage Facilities or similar activities shall be subject to a minimum of an annual inspection by the Enforcement Officer.
22. Vehicles stored in holding or staging areas shall be exempt from Section V; p and q of this Ordinance for a period of 15 days. The holding or staging area designated to temporarily store vehicles before processing shall not exceed storage for a maximum of 85 vehicles. The holding or staging area shall have an impervious surface constructed of concrete, bituminous surface or eight inches of compacted Class 5 gravel. The area shall be curbed or diked to a minimum of six inches above the impervious surface to prevent precipitation from running off the holding or staging area. As an option to curbing, the holding or staging area may be sloped so that all precipitation is directed to the center of the holding or staging area. The center of the area shall be a minimum of eight inches lower in elevation than the lowest edge of the holding or staging area.
23. A good neighbor policy will be established for the benefit of all existing and newly permitted junk/salvage facilities or similar activities and all adjacent property owners notified of the establishment of such land use activities.

C. Education and Training

1. All owners, operators and selected employees are required to attend an initial training session. The Administrator and, if necessary, Minnesota Pollution Control Agency, Planning and Zoning or Solid Waste staff will conduct the initial training session for all permitted facilities. The session teaches the concepts and principles of the Minnesota Pollution Control Agency Motor Vehicle Salvage Facility Environmental Compliance Manual; statute and rules relative to Junk/Salvage Facilities and the Township's relative portions of the Zoning, Solid Waste and the Junk/Salvage Ordinances. All Facility owners and operators are required to attend an annual training update. Each facility will be provided with a copy the manual which is required to be kept on file.
 2. Junk/Salvage Facility owners and operators are required to insure all employees receive initial and, at a minimum, annual training according to the concepts and principles in the Motor Vehicle Salvage Facility Environmental Compliance Manual for the operation of the facility. Additional training may be required by other agencies and is the responsibility of the owner or operator.
 3. Education and training requirements may be changed as technology changes.
- D. Reports**--Each Junk/Salvage Facility or similar activity is required to record data that will be used as an Annual Facility Report to the Township's Enforcement Officer and submit necessary reports to the Minnesota Pollution Control Agency. All information except amounts and types of waste will be considered proprietary and not released to the public. The following information must be included in the annual report to the Township including, type of waste; manner in which the material is stored and location; disposal location and licensed waste hauler transporting the waste material.
1. Record of all incoming vehicles
 2. Record use and/or reuse of fluids
 3. Amount and type of fluids
 - a. Oil
 - b. Antifreeze
 - c. Refrigerants
 - d. Fuel
 - e. Sodium Azide (airbag propellant)
 4. Solids
 - a. Oil filters
 - b. Oil Absorbents
 - c. Lead acid batteries
 - d. Lead parts
 - e. Solvent rags
 - f. Mercury switches
 - g. Tires
 - h. Catalytic converters
 5. Major Appliances
 6. Any other waste materials by type and amount

7. Amounts and type of recyclable material

45.7 PLANS AND MAPS

- A. **Site map.** A site map is required of all junk or motor vehicle salvage facilities or similar activities and must include at a minimum:
 1. Overview of the entire facility with property lines and structure setbacks
 2. Location, title and dimensions of all structures and equipment in the facility
 3. Description of activities and mechanical components of the facility
 4. Listed description of all potential pollutants
- B. **Plans.** Plans required of all junk or motor vehicle salvage facilities and similar activities must include at a minimum the following:
 1. Spill Prevention Plan
 2. Spill Response Plan
 3. Waste Fluid Management Plan
 4. Storm Water Management Plan (NPDES/SDS)
 5. Emergency Response Plan (Fire, Explosion and Injury)
 6. Record Keeping Plan
 7. Permits, Licenses and Training
 8. Tire Storage Plan
 9. Major Appliance Collection, Storage and Disposal Plan

45.8 REGULATED WASTES

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

45.9 OTHER JUNK/SALVAGE STANDARDS

The following are declared to be nuisances affecting public peace and safety and shall not be allowed on any property within Crow Wing Township:

- A. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, tires, miscellaneous junk, or other material, in a manner conducive to the harboring of mosquitoes, rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated or in a manner creating fire, health, or other safety hazards from such accumulation.
- B. Any abandoned or junk vehicle as defined in Minnesota Statutes.
- C. All other conditions or things which are likely to cause or to pose an unreasonable threat of injury to the person or property of anyone.

ARTICLE 46--DEFINITIONS

46.1 PURPOSE

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

46.2 DEFINITIONS

ABANDONED MOTOR VEHICLE

The same as a junk vehicle and meets the criteria as identified in Section III of this Ordinance.

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, by definition, exist without the establishment of a primary use.

ADJACENT PROPERTY, ADJOINING PROPERTY

Any portion of a lot or larger tract of land that is not over one-quarter (1/4) mile from the concerned premises, or has common property line with the concerned premises. A lot or larger tract of land that is squarely across a road, other than a Principal or minor arterial, from the concerned premises, shall be construed as having a common property line. A lot or larger tract of land that corners the concerned property shall be considered as having a common property line at such cornering point.

ADMINISTRATIVE FEE

A fee charged by the Department as set by the Board to compensate for time spent involving the investigation and prosecution of violations, including other additional expenses incurred during the investigation.

ADMINISTRATOR

The Crow Wing Township Zoning Department Supervisor, or their authorized representative, who is responsible for administering this ordinance.

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.

ADULT USES – ACCESSORY

The offering of goods and/or services classified as adult uses on a limited scale that are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.

ADULT USES – PRINCIPAL

The offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:

ADULT BODY PAINTING STUDIO

An establishment or business that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude or the application of paint or other substance by a patron to the body of another person.

ADULT BOOK STORE

A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tapes, video tapes, motion picture films, digital video discs, compact discs or other computer generated images, if such building or portion of a building excludes minors by reason of age or if a substantial or significant portion of the items

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

ADULT CABARET

A building or portion of a building which provides exotic dancing, striptease or other live entertainment if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT CAR WASH

A wash facility for any type of motor vehicle that allows employees, agents, independent contractors or persons to appear in a state of partial or total nudity in terms of "specified anatomical areas".

ADULT COMPANIONSHIP/CONVERSATION/RAP ESTABLISHMENTS

A companionship, conversation, or rap establishment which excludes minors by reason of age, or which provides customers the service of engaging in or listening to conversation, talk or discussion that is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

ADULT ENTERTAINMENT FACILITY

A building or space in which an admission is charged for the entrance or where food or non-alcoholic beverages are sold or intended for consumption, and in which may be observed live presentation of entertainment distinguished by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".

ADULT ESTABLISHMENT

An establishment, building or business engaging in any of the following activities or which uses any of the following business procedures or practices, either:

1. Any business conducted exclusively for the patronage of adults and about which minors are specifically excluded from patronage thereat either by law or by the operator of such business: or,
2. Any other business that offers its patrons services, products or entertainment characterized by an emphasis on matters depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas". Specifically included in the term, but without limitation, are adult book stores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult health clubs, adult saunas, adult companionship establishments, adult cabarets, adult car washes, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels and adult body painting studios.

ADULT HEALTH CLUB/SPORT CLUB/ MASSAGE PARLOR,

A health club, sports club or massage parlor that excludes or restricts minors by reason of age, or that provides services distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

ADULT HOTEL OR MOTEL

A hotel or motel from which minors are specifically excluded from patronage and in which material is presented that is distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

ADULT MINI-MOTION PICTURE THEATER

A building or portion of a building with a capacity for less than fifty (50) persons used for-presenting of still or motion pictures if such building or portion of a building excludes minors by reason of age, or if such pictures are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

ADULT MODELING STUDIO

An establishment whose business is the provision to customers of figure models who are provided with the intent of giving sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas”, while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

ADULT MOTION PICTURE ARCADE

A building or portion of a building wherein coin or slug operated, or electronically, electrically or mechanically controlled, or operated still or motion-picture machines, projectors, or other image-producing devices show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas”.

ADULT MOTION PICTURE THEATER

A building or portion of a building with a capacity of fifty (50) or more persons used for presenting still or motion pictures if such building or portion of a building excludes minors by reason of age, or if such pictures are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

ADULT NOVELTY BUSINESS

A building or portion of a building used for the barter, rental or sale of toys, instruments, devices, clothing or paraphernalia designed or used in connection with the presentation, display depiction, or description of “specified sexual activities” or “specified anatomical areas”.

ADULT SAUNA/STEAM ROOM/BATHHOUSE

Means a sauna, steam room or bathhouse which excludes minors by reason of age, or which provides a sauna, steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, which utilizes steam water, or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

AGENCY

The Minnesota Pollution Control Agency or MPCA

AGENT

Any person acting on behalf of a landowner in dealing with activities under the jurisdiction of the Ordinance, including but not limited to realtors, contractors or attorneys.

AGRI-BUSINESS

Any agricultural, horticultural, or agricultural-related business activity that allows organizations or members of the general public for the purpose of recreational entertainment, education, or active involvement to view, enjoy, or participate in rural activities of a farm or farm-related operation. An activity is an agri-business activity whether or not the individual pays to participate in the activity.

AGRICULTURAL/FORESTRY DISTRICT (AGF)

A land use district established to promote and protect those portions of the township where agricultural and/or forestry activities are dominant and are expected to continue to be vital elements of the local economy or where there is a pattern of large tract ownership or extensive recreational use of property.

ALLEY

A public way used primarily as a service access to the rear or side of a property which abuts on a road.

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.

ANIMAL UNIT

A unit of measure to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. Animal units are calculated by dividing the average animal weight for a species by 1,000 pounds. For purposes of these regulations, the following equivalents apply:

	Animal Unit (A.U)
1 mature dairy cow	1.4
1 slaughter steer or heifer	1.0
1 horse	1.0
1 swine over 55#	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 room or suite of rooms that is designed for, intended for, or occupied as a residence by a family or individual.

AREA, BUILDING

The entire area of ground covered by a structure.

ATTORNEY

The Township Attorney for Crow Wing Township, Minnesota.

AUDITOR

The County Auditor for Crow Wing County, Minnesota.

BASEMENT

The space below the first story of a structure which is greater than four feet in height.

BED AND BREAKFAST RESIDENCE

A dwelling in which four or fewer guest rooms are rented within the principal structure on a nightly basis for less than one week and where at least one meal per day is provided in connection with the sleeping accommodations. The operator of the residence lives on the premises or in an adjacent premise.

BEDROOM

A room or unfinished area within a dwelling that might reasonably be used as a sleeping room as determined by the local unit of government.

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

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.

BIORETENTION

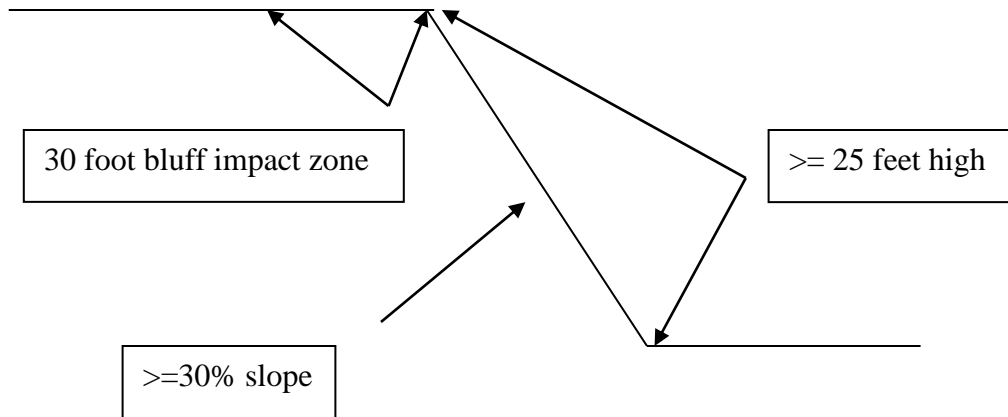
Areas that capture sheet flow runoff from impervious surfaces and treat the stormwater using a combination of microbial soil processes, infiltration, evapotranspiration, and plants.

BLUFF

A topographical feature such as a hill, cliff or embankment having all of the following characteristics:

- A Part or all of the feature is located in a shoreland area;
- B The slope rises at least 25 feet above the toe of the bluff;
- C The grade of the slope from the toe of the bluff to the top of the bluff averages 30 percent or greater;
and
- D The slope must drain toward the water body.

Refer to the following Diagram:



BLUFF IMPACT ZONE

A bluff and land located within 30 feet of the bluff.

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.

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.

BOARD OR TOWNSHIP BOARD

The Crow Wing Township Board of Commissioners

BOARD OF ADJUSTMENT

The Board of Adjustment for Crow Wing Township, Minnesota, as created by this ordinance.

BOATHOUSE

A structure designed and used solely for the storage of boats or boating equipment.

BOAT SLIP

A space adjacent to a dock or between two docks or piers where one boat may be moored.

BROADCAST

To convey, generate, transmit or receive electromagnetic signals regardless of frequency, power level or communications use.

BUFFER

Land that is used to protect adjacent lands and waters from development and more intensive land uses. The land is kept in a natural state of trees, shrubs, and low ground cover and understory of plants and functions to filter runoff, control sediment and nutrient movement, and protect fish and wildlife habitat. In areas of agricultural use, the land may be used for less intensive agricultural purposes provided its function as a buffer remains intact.

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 LINE

A line parallel to a lot line or the Ordinary High Water Level at the required setback beyond which a structure may not extend.

CAMOUFLAGE

A covering or disguise of any kind to hide or conceal.

CAMPER

A structure capable of providing shelter and mounted on a self-propelled vehicle.

CAMPING

Habitation of a temporary structure.

CAMPGROUND OR RECREATIONAL CAMPING VEHICLE PARK

A development that is used for the purpose of providing five or more sites for nonpermanent overnight use by campers using tents, trailers, recreation camping vehicles, or other temporary shelters.

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.

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 a state licensed inspector certifying that a new septic system meets the performance standards of MPCA 7080.

CHILD CARE, CENTER

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

CHILD CARE, FAMILY HOME

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

COLLECTOR ROAD, MAJOR/MINOR

A road that serves as a principal connection between a minor arterial or principal arterial and minor roads.

COMBINATION TIME USE CAMPGROUND

A campground with part of its campsites available for seasonal use and part of its campsites available for part-time use. A campground open and intended for use not to exceed four days at one time and not to exceed 20 days in any calendar year.

COMMERCIAL

Any use or establishment pertaining to commerce or mercantile for the sale, lease, rental or trade of products, goods and services.

COMMERCIAL DISTRICT 1 (C-1)

A land use district established to provide adequate areas for general retail, wholesale, office and service activities located as permitted uses in areas adjacent to incorporated municipalities.

COMMERCIAL DISTRICT 2 (C-2)

A land use district established to provide adequate areas for general retail and service activities as conditional uses in rural areas.

COMMISSIONER

The Commissioner of the Department of Natural Resources or his authorized representative.

COMMON OPEN SPACE

A portion of a development that:

- A. Is permanently set aside to preserve elements of the natural landscape for public or private use;
- B. Will not be developed or subdivided; and
- C. Is generally owned in common by the individual owners in the development or by a permanently established management entity.

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:

- A. Certain conditions as detailed in the ordinance exist, and
- B. The use or development conforms to the comprehensive land use plan and
- C. Is compatible with the existing neighborhood.

CONDOMINIUM

A common interest community in which:

- A. Portions of the real estate are designated as units,
- B. The remainder of the real estate is designated for common ownership solely by the owners of the units, and,
- C. Undivided interests in the common elements are vested in the unit owner.

CONFORMING

To be, act, use or exist pursuant to this ordinance and any regulations or standards promulgated hereunder, and with any special conditions or requirements imposed hereunder, and with any special conditions or requirements imposed in the issuance of any permits hereunder

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.

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

COUNTY

Crow Wing County, Minnesota.

TOWNSHIP COMPREHENSIVE PLAN

The plan for the orderly growth of Crow Wing Township as adopted and amended by the Planning Commission/Board of Adjustment and the Township Board. This includes the group of maps, charts and texts that make up the comprehensive long range plan for Crow Wing Township.

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.

DEPARTMENT

The Crow Wing Township Planning and Zoning Department.

DEVELOPMENT REVIEW TEAM (DRT)

A committee 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.

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, SINGLE-FAMILY

A detached residence designed for or occupied by one family only.

DWELLING, TWO-FAMILY

A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

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 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 in the land of another whereby the non-possessory person is given partial use of the land for a specified purpose.

ENGINEER

The Crow Wing County Highway Engineer or authorized agent.

ESSENTIAL SERVICES

Essential Services or Essential Service Systems shall be above ground or underground electrical, gas, communication, steam, liquid or sewer systems for collection, distributing or transmission purposes, used by governmental departments, or commissions or by public utilities (including cooperatives) each having the power of eminent domain, as are required for protection of the public health, safety, or general welfare. Such systems shall include, but not be limited to, towers, poles, pole mounted appurtenances, wires, cables, conduits, pipes, sewers, drains manholes, fire alarm boxes, police call boxes, public telephone booths and accessories thereto. Electrical substations, communication repeater stations, pipe line pumping or metering stations, sewer lift stations, water wells and accessories thereto, including buildings that are an integral and protective part thereof, shall be considered as structures which are parts of such Essential Service Systems.

EQUAL DEGREE OF ENCROACHMENT

A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

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 part 7080.0060, subpart 3. In addition any system posing an imminent threat to public health or safety as defined in MN.RULES 7080.0020 Subp.19a shall be considered failing.

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.

FAMILY CARE HOME

A residential dwelling or structure which provides services and programs pursuant to MN Statute 245A.11

FENCE

An artificially constructed barrier on or within 5 feet of a property boundary.

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 flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Crow Wing Township.

FLOOD PLAIN

The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

FLOOD-PROOFING

A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY

The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

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 CONVERSION

The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

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.

GARBAGE

Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

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 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.

GUEST COTTAGE

A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

HAULER

Any person who owns, operates or leases vehicles for the purpose of collection and transportation of junk, salvageable material, appliances, snowmobiles, four-wheelers, garden tractors, automobile parts or automobiles.

HAZARDOUS WASTE

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

HEIGHT OF BUILDING

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 residential property for commercial use by the inhabitants thereof which may be conducted inside as well as outside the primary residence and shall comply with standards listed in Article 30.2.

HOME OCCUPATION

A commercial use of a primary residence conducted entirely within the dwelling by the inhabitants thereof.

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. 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

Manufacturing rather than commercial or agricultural pursuits; in general, meaning the use of the land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items, but where the sale or use thereof is not generally conducted on the premises concerned.

INDUSTRIAL DISTRICT, COMMERCIAL LIGHT

A land use district established to accommodate light industrial uses that produce few off-site impacts such as noise, odor or vibration.

INDUSTRIAL DISTRICT, COMMERCIAL HEAVY

A land use district established to accommodate heavy industrial uses that produce off-site impacts and require separation from other uses, such as residential uses, which may be incompatible with such heavy industrial uses.

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.

JUNK

Old or scrap hazard signs, copper, brass, rope, rags, batteries, paper; synthetic or organic, trash, rubber debris; waste or junked, dismantled or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

JUNK VEHICLE

A vehicle that is extensively damaged including such things as broken or missing wheels, motor, drive train or transmission; is apparently inoperable; and does not have a valid and current registration plate.

JUNK YARD, SALVAGE YARD

Any premises where three or more used motor vehicles not containing current license plates are stored within view from a public road; or any premises where three or more inoperable motor vehicles are stored for other than immediate repair; and/or any premises on which are conducted the commercial salvaging and scavenging of any goods, articles, or merchandise and where such operations are not conducted entirely within enclosed buildings. For the purposes of this Section, a motor vehicle with a license plate which has been expired for less than six months shall be construed as having a current plate.

LAND USE DISTRICT

An area or areas within the limits of the Township 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 Township is divided.

LAND USE PERMIT

A permit issued by the Township authorizing certain works to be done pursuant to the standards of the Ordinance.

LEAD ACID BATTERIES

Typically but not limited to those used in an automobile, boat or other recreational vehicle and lawn, garden and farm tractors

LICENSED PREMISES:

That physical area of a sexually oriented business devoted to uses or activities which emphasize the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities, which is required to be licensed under this Ordinance and which is specifically identified in the license granted to the Sexually Oriented Business.

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, RIPARIAN

A lot that abuts public waters.

LOT, NON-RIPARIAN

A lot that does not abut public waters.

LOT AREA

Square footage or acreage included within the boundaries of a parcel or platted lot.

LOT OF RECORD

A lot which is part of a subdivision as recorded in the Office of the Register of Deeds or the Registrar of Titles in and for the County; or a tract of land described by metes and bounds and on record in the Office of the Register of Deeds or the Registrar of Titles in and for the County in existence prior to January 6, 1970.

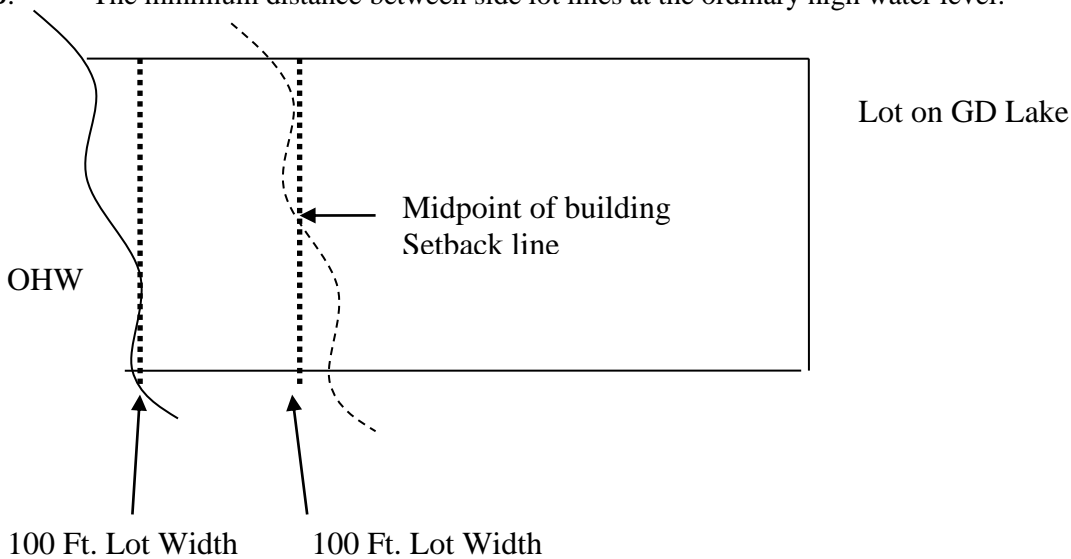
LOT WIDTH, NON-RIPARIAN

The shortest distance between side lot lines as measured at the midpoint of the longest axis of the lot.

LOT WIDTH, RIPARIAN

The minimum distance between:

- A. Side lot lines measured at the midpoint of the building setback line; and
- B. The minimum distance between side lot lines at the ordinary high water level.



MAINTENANCE

Normal upkeep of a structure including but not limited to the replacement of windows, siding, external roof surfaces, or exterior finish such as paint or stain.

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.

MERCURY (Hg)

A heavy, silver-white metallic chemical element in a liquid or gaseous state and often used in thermometers and switches.

MINOR

A natural person under the age of eighteen (18) years.

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.

MODERN FACILITY CAMPGROUND

All sanitary facilities are modern, hook-ups for sanitary and electrical use are provided to some campsites, and telephone service is available to the campground.

MOTOR HOME

A portable, temporary dwelling equipped with cooking, water and toilet facilities, designed for travel, recreational and vacation uses and constructed as an integral part of a self-propelled vehicle. A Pickup Camper with facilities as described above shall be allowed.

MOTOR VEHICLE

An automobile, truck or any other vehicle that is self propelled or driven otherwise than by human power, not including railways.

MULTI-FAMILY DWELLING

A building containing more than four dwelling units, including units that are located one over the other.

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.

NUDITY

The showing of the human male or female genitals or pubic area with less than fully opaque covering, the showing of the female breast with less than fully opaque covering of any portion thereof below a point immediately above the top of the areola, or the depiction of or showing of the covered male genitals in a discernibly turgid state.

OBSTRUCTION

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, water course or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

OPEN BURNING

Burning of any matter whereby the resultant combustion products are emitted directly to open atmosphere without passing through a stack, duct or chimney that meets MPCA standards.

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.

OWNER

Any individual, firm, association, syndicate, partnership, public or private corporation, trust or other legal entity having sufficient property interest in a property to commence and maintain proceedings under this Ordinance, or the owner of record or the person or persons who own a facility or part of a facility.

PARK MODEL

A travel trailer that lacks holding tanks and dual-voltage appliances, requiring to be connected to water, sewage, and electrical facilities in order to function as a dwelling.

PARKING SPACE, OFF-STREET

Parking area not within a public way but accessible from a public way.

PART TIME USE

A campground open and intended for use not to exceed four days at one time and not to exceed 20 days in any calendar year.

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.

PERFORMER:

An individual, including but not limited to employees, independent contractors, and patrons of a sexually oriented business, who personally presents, displays, depicts, or describes "specified sexual activities" or "specified anatomical areas".

PERMIT

Authorization issued by Crow Wing Township under the standards of this Ordinance permitting the construction of a structure, or a parcel of land to be used for a prescribed purpose.

PERMITTEE

A person who has received an approved permit from the Department to carry out any of the activities for which a permit is required under the provisions of this Ordinance.

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.

PLACE OF WORSHIP

A building or space that is principally used as a place where people regularly assemble for worship.

PLANNING COMMISSION/BOARD OF ADJUSTMENT

The Planning Commission and Board of Adjustment for Crow Wing Township, Minnesota as created by this Ordinance.

POLLUTANT

The meaning given it in Minnesota Statutes, Chapter 115A.

PRACTICAL DIFFICULTIES

As used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the 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

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.

PRESENTATION

The display, depiction or description of "specified sexual activities" or "specified anatomical areas".

PRINCIPAL ARTERIAL ROAD

A road or highway which is part of a system which consists of a connected network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or inter-regional travel.

PRINCIPAL USE

The primary purpose for which land or a building is arranged, designed, intended, or used.

PRIMITIVE FACILITY CAMPGROUND

An area that consists of individual remote campsites accessible only by foot or water.

PRIVATE ROAD

Any vehicular way which is not an existing federal, state, county, or township 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 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 Township owned, leased, or used wholly or in part by the Township or a city, county, state, school district, or federal government for recreational purposes.

PUBLIC WATERS

Lakes, rivers, streams and wetlands designated under Minnesota Statutes, section 103G.005, subdivision 15, any lakes or wetlands listed in the DNR Public Waters Inventory, and any other lakes, rivers, streams, or wetlands listed in Appendix A of this ordinance.

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.

RECYCLING, BIODEGRADABLE¹³

All operations that involve or include as part or all of the recycling collection and/or processing process of organic materials, including wood and paper products, by various means.

REACH

For the purposes of Article 21 of this ordinance, a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

REAR LOT ZONE (RLZ)

Land located between the structure setback line and the landward boundary of the shoreland district.

REDOXIMORPHIC FEATURES

Features formed in saturated soils by the process of reduction, translocation and oxidation of iron and manganese compounds or other soil, landscape or vegetative indicators. Redoximorphic features are commonly known as mottling.

REFUSE

¹³ Amended 9/10/2018

Putrescible and nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

REGIONAL FLOOD

A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

REGULATORY FLOOD PROTECTION ELEVATION

The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

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.

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.

RESPONSIBLE PERSON:

An individual appointed by the licensee who is responsible for the conduct of the sexually oriented business when the licensee is not present.

RESTRICTED ACCESS

A driveway between a road and a parking area.

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.

RUBBISH

Nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

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.

RURAL RESIDENTIAL DISTRICT (RR-2.5, RR-5, RR-10, RR-20)

Residential land use districts having 2.5, 5, 10, or 20 acre minimum lot sizes respectively and established to promote low-density rural development in those portions of the Township outside the shoreland zone and beyond areas of anticipated municipal growth where less development is desired and most suitable.

SALVAGEABLE MATERIAL

Any item or substance that can be recycled or reused

SCHOOL

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.

SEASONAL USE

A campground open and tended over an entire camping season.

SEMIPUBLIC 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 (SEWERED)

Common or publicly owned pipelines, conduits, pumping stations, force mains and all other construction devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of common, approved off-site disposal.

SEXUAL CONTACT:

Touching between a patron, performer, or employee involving contact by or with a patron's, performer's, or employee's specified anatomical areas, whether covered or not, or kissing, when such contact can reasonably be construed as being for the purpose of sexual arousal or sexual gratification of either party or any observer.

SEXUALLY-ORIENTED BUSINESS

- 1) Any business or enterprise where the primary or dominant theme is the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities; or
- 2) Any business or enterprise where the sum total of floor, wall, or shelf area devoted to uses or activities which emphasize the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities, for more than seven (7) days per year, exceeds forty (40) square feet.
- 3) This term includes, but is not limited to, adult body painting studios, adult cabarets, adult companionship/conversation/rap establishments, adult health/sport clubs, adult massage parlors, adult modeling studios, adult sauna/steam room/bathhouse facilities, adult mini-motion picture theatres, adult motion picture arcades, adult motion picture theatres, adult bookstores, and adult novelty businesses.
- 4) This term does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by state registered or licensed individuals, nor does it include businesses which engage in uses or activities that are obscene and, therefore, prohibited by law.

SHORE IMPACT ZONE 1 (SIZ 1)

Land located between the ordinary high water level (OHWL) of public waters and a line parallel to it at a setback of 50 percent of the required structure setback. The shore impact zone serves as all or part of the shoreline buffer.

SHORE IMPACT ZONE 2 (SIZ 2)

Land located between shore impact zone 1 and the structure setback line.

SHORELAND DISTRICT

Land located within the following distances from the ordinary high water level (OHWL) of public waters:

- A. 1,000 feet of a lake or pond, or;
- B. 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on a river or stream, whichever is greater.

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

SHORELAND BUFFER ZONE (SBZ)

The area between:

- A. The area between 500 and 1000 feet from the ordinary high water level (OHWL) of protected waters lakes, or
- B. The area between 150 and 300 feet from the ordinary high water level (OHWL) of protected waters rivers or streams.

SHORELAND PROTECTION ZONE (SPZ)

The area between the ordinary high water level (OHWL) of a public water and a line parallel to the OHWL at:

- A. 500 feet from a lake or pond, or;
- B. 150 feet of a river or stream 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

Shall mean 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

Shall mean 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 township, 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

Shall mean a sign designating a home business operated from residential property.

SIGN, ILLUMINATED

Shall mean a sign illuminated in any manner by an artificial light source.

SIGN, INCIDENTAL

Shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot which the sign is located shall be considered incidental.

SIGN, INFLATABLE

Shall mean any sign which uses helium, air or other gases as the primary support for the sign structure.

SIGN, NAMEPLATE

Shall mean a sign indicating the name, address and other non-commercial messages on residentially zoned property.

SIGN, OFF PREMISE

Shall mean 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, POLITICAL

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.

SOLAR ENERGY SYSTEM - A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy of transferring heat from a collector to another medium using mechanical, electrical, or chemical means

SOLAR ENERGY SYSTEM, ACCESSORY - A solar panel or array mounted on a building, pole or rack which is directly connected to or designed to serve the energy needs of the primary use within that building or on the same property

SPECIFIED ANATOMICAL AREAS

Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, anus, or female breast(s) below a point immediately above the top of the areola or any combination of the foregoing; and exposed or opaquely covered human male genitals in discernibly turgid state.

SPECIFIED SEXUAL ACTIVITIES

Activities consisting of the following:

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock, or female breast, flagellation or torture in a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zooerasty; or

- B. Presentation, display, depiction, or description of human genitals in the state of sexual stimulation, arousal, or tumescence; or
- C. Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus or masturbation; or
- D. Fondling or touching of human genitals, pubic regions or pubic hair, buttocks, or female breasts; or
- E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or
- F. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
- G. Human excretion, urination, menstruation, vaginal or anal irrigation; or
- H. Any combination of the above.

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.

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 14 consecutive days, signs, storage buildings, deck, fences, and fish houses.

SUBDIVISION OF LAND AND SUBDIVIDE

The division of a tract of land into two or more lots for the purpose of transfer of ownership, or for lease, or for building development. Transfers of interest in land pursuant to Court Order shall not be deemed a subdivision.

SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS)

A sewage treatment system, or part thereof, serving a dwelling, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Subsurface sewage treatment system includes holding tanks and privies.

SUITABLE AREA

The area remaining on a lot or parcel of land after bluffs, areas with slopes greater than 25 percent, all easements and rights-of-way, historic sites, wetlands, land below the ordinary high water level of public waters, and all setback requirements, except the ordinary high water level structure setback, are subtracted.

SURVEY COORDINATOR

The Crow Wing County Surveyor or authorized agent.

TEMPORARY STRUCTURE

The placement of a structure that is limited to 14 days in a calendar year and that complies with setbacks and other regulations of the land use district in which the lot is located.

TOWER FACILITY (IES)

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.

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.

TRAILER, TENT

A trailer towed by a motor vehicle; provides primitive living accommodations with folding tent shelter which folds up into the trailer for moving from place to place.

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.

TRANSMISSION LINE

35KV or larger electric lines;
Telephone lines between exchanges served on an open wire basis;
Any pipeline not defined as a distribution line; and
Other communication lines not defined as distribution lines.

TRANSMISSION SYSTEM

A Transmission System includes Transmission lines and such other structures which are used together to make such a system.

USED GOODS; USED EQUIPMENT SALES YARD

Any premises where used goods or equipment, including motor vehicles, are bought and sold and stored prior to sale in other than enclosed buildings and where such business constitutes over 25 percent of the dollar volume of the business conducted on the premises or where the space such goods or equipment is stored amounts to over 25 percent of the portion of the premises used for the entire business.

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.

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 Pollution Control Agency (PCA) of the State of Minnesota.

WASTE FACILITY

Includes junk and salvage yards. A waste facility is all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facilities include but are not limited to junk/salvage yards, transfer stations, processing facilities and disposal site and all other facilities.

WASTE OIL

Any used oil in or from a motor vehicle or any other mechanism.

WASTE TIRE

A tire or tires no longer suitable for their original intended purpose because of wear, damage, or defect.

WASTE TIRE STORAGE FACILITY

A licensed waste facility used for the collection of waste tires. This includes the retreading of waste tires, shredding, slicing, processing or manufacturing of usable materials from waste tires and may include retreading of tires.

WATER MONITORING SYSTEM

A system of wells, lysimeters or other mechanisms used to obtain representative samples of both underground water and surface water where required in the vicinity of a licensed junk/salvage facility.

WATERFRONT COMMERCIAL DISTRICT

A land use district established to accommodate commercial uses in the shoreland zone where access to and use of a surface water feature is an integral part of the business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

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 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.

WATER SUPPLY WELLS

Any public or private water well which when constructed meets Township and/or State of Minnesota standards.

WETLAND

Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- A. Have a predominance of hydric soils; and,
- B. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- C. Under normal circumstances support a prevalence of such vegetation.

WETLAND IMPACT ACTIVITY

A loss in the quantity, quality, or biological diversity of a wetland caused by draining or filling of wetlands, wholly or partially, or by excavation in the permanently and semi-permanently flooded areas of type 3, 4, or 5 wetlands, and in all wetland types if the excavation results in filling, draining, or conversion to non-wetland.

WIRELESS TELECOMMUNICATION

Any ground or roof mounted structure of more than 35 feet in height above average ground level built for the purposes of supporting, elevating or attaching antenna(s) for broadcasting of cellular, personal communications, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services. For all sections of this ordinance, wireless telecommunication shall not be considered a public utility.

YARD

A required open space occupied and unobstructed by any structure or portion of a structure from 30 inches above the ground level of the graded lot upward; a yard may allow for the placement of structures as otherwise specified within the Ordinance.

ARTICLE 47--ADOPTION

BE IT ORDAINED THAT:

The Crow Wing Township Land Use Ordinance is hereby adopted by the Crow Wing Township Board of Supervisors on this 19th day of September, 2022.

September 13th - 2022

Judith Schuchert 9/13/2022
Chairman, Crow Wing Township Board of Supervisors

ATTEST:

Susan M. Kern
Clerk, Crow Wing Township

EFFECTIVE DATE: *September 13, 2022*

