

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 1. TITLE

This section of the City Code shall be referred to and cited as the Pequot Lakes Land Use and Subdivision Chapter.

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 2. INTENT AND PURPOSE

This section of the City Code was established pursuant to the authority granted by Minnesota Statutes, in particular the Municipal Planning Act, Minnesota Statutes 1983 Sections 462.351 to 461.364, the Municipal Shoreland Act, Minnesota Statutes 1973 Section 379, Minnesota Statutes 1980 Sections 462.351 to 462.364, The Land Subdivision and Condominiums Acts, Chapters 462, 505, 515, 515A and 515B and policies in Minnesota Statutes, Section 105,115 and 116, and any amendments thereto.

Section 17-2.1. **THIS CHAPTER IS ADOPTED FOR THE PURPOSE OF:**

1. Protecting the public health, safety, comfort, convenience and general welfare.
2. Inaugurating and effectuating the goals of the Comprehensive Plan.
3. Promoting order in development by dividing the area of the City into zones and regulating therein the location, construction, reconstruction, alteration and use of the structures and land.
4. Conserving the natural and scenic beauty and attractiveness of the City, for the health and welfare of the public.
5. Providing for adequate light, air and access to property by regulating the use of the land and buildings and the bulk of structures in relation to surrounding properties.
6. Providing for the administration of the provisions of the ordinance and defining the authority and duties of the Administrator, Planning Commission, Board of Adjustment, Parks Committee and City Council under this ordinance.
7. Providing standards and criteria for shorelands to preserve and enhance the quality of surface waters, conserve the economic and natural environment values of shorelands and provide for the wise use of water and related land resources for the City.
8. Promoting the economic well being of the community by providing an attractive, stable and viable venue for new businesses.

Section 17-2.2. **RELATION TO LAND USE PLAN**

It is the policy of the City of Pequot Lakes that the enforcement, amendment, and administration of this Chapter be accomplished with due consideration of the recommendations contained in the Pequot Lakes Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council as well as any other City land use and development plans enacted from time to time. The City Council recognizes the Comprehensive Plan as the policy for regulating land use and development.

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ARTICLE 3. RULES AND DEFINITIONS

Section 17-3.1. RULES

The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

1. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The masculine gender includes the feminine gender and the neuter gender.
3. The singular includes the plural and the plural includes the singular.
4. The present tense includes the past and future tenses and the future includes the present.
5. The word “may” is permissive. The word “shall” is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
6. All horizontal and vertical measured distances shall be expressed to the nearest tenth of a foot and its metric equivalent, unless specifically stated otherwise.
7. The words “lot,” “plot,” “piece” and “parcel” of land are interchangeable.
8. The words “used for,” shall include the phrases “arranged for,” “designed for,” “intended for,” “improved for,” “maintained for,” and “occupied for.”

Section 17-3.2. DEFINITIONS

The following words shall be defined as follows for the purpose of this Chapter:

1. **Abandoned Building.** A building as defined hereinafter on public or private property, which no longer serves a practical use and, due to its location or structural condition, is considered a safety hazard in the opinion of the Zoning Administrator.
2. **Abandoned Motor Vehicle.** A motor vehicle as defined in Minnesota Statutes Chapter 169.01, as amended, that (a) has remained on public property in an inoperable condition for more than 48 hours, or (b) has remained on private property for more than 48 hours without the permission of the owner, or (c) has remained on private property for more than thirty days and is inoperable or is unlicensed unless kept in a garage or other storage structure. See Chapter 3, Article 8.
3. **Abutting.** Making direct contact with or immediately bordering.

4. **Accessory Structure.** A building or other structure that is supportive, secondary and subordinate in use and/or size to the principle structure on the same parcel or lot which, because of the nature of its use, can reasonably be located at or greater than minimum structure setbacks. Includes all structures not considered the principle structure including, but not limited to, T.V. towers antennas, dish antennas, outdoor swimming pools, outdoor hot-tubs, detached garages, sheds, guest quarters and boathouses.
5. **Accessory Use.** A use naturally and normally incident and subordinate to the main use of the premises.
6. **Addition.** A physical enlargement of an existing structure.
7. **Adjacent.** In close proximity to or neighboring, not necessarily abutting.
8. **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.
9. **Agricultural Use.** The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses used for packing, treating or storing the product, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
10. **Airport.** Any premises used or intended for use for the landing and taking off of aircraft including any structures used or intended for use for aircraft services.
11. **Alteration.** A change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location to another, of a building or a structure.
12. **Animals, Domestic.** Common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.
13. **Animals, Food.** Fish, fowl, cattle, swine, sheep and others raised for the purposes of food consumption.
14. **Animals, Wild or Exotic.** Animals, such as wolves, tigers, lions, and snakes, that are not normally a domestic animal or farm animal and would ordinarily be confined in a zoo or found in the wild.
15. **Animal Boarding Facility.** An establishment that houses animals, other than those belonging to the occupant, overnight or over an extended period of time.
16. **Animal Grooming Establishment.** An establishment principally engaged in grooming animals in which overnight boarding is prohibited.

- 17. **Animal Husbandry.** The care or breeding of domestic animals such as cattle, hogs, sheep, horses, poultry, for the occupants of a property.
- 18. **Animal Unit.** A unit of measure based on the approximate production of wastes from 1000 pounds of live weight of poultry or animals.

Animal Units:

One (1) slaughter weight steer or heifer	1
One (1) mature dairy cow or horse	1.4
One (1) swine over 55 pounds	0.4
One (1) sheep	0.1
One (1) goose	0.1
One (1) duck	0.05
One (1) turkey	0.18
One (1) chicken	0.1

- 19. **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 antennas such as whip antennas. Dishes under 36 inches are excluded from the definition of antenna.
- 20. **Apartment.** A room or suite of rooms that is designed for, intended for, or occupied as a residence by a family or individual, and is equipped with sanitary facilities.
- 21. **Appeal.** An application for the review of an order, requirement, decision, determination, or interpretation of this Chapter made by an administrative officer in the application and/or enforcement of this Chapter.
- 22. **Architectural Projection.** A non-functional or ornamental feature on a building or other structure that does not extend to, or from, the ground.
- 23. **Artist’s Studio.** A fine arts workshop of a painter, sculptor, potter, weaver, carver, jeweler, photographer, or other similar art that requires artistic skill, where the public is received or where the artist is engaging in retail sales. Not generally utilitarian, related to personal hygiene or adornment.
- 24. **Attached.** Two buildings or structures that combine to form one building or structure through the use of at least one common wall, not including a breezeway.
- 25. **Attorney.** The attorney duly appointed by the Council to represent the City of Pequot Lakes.
- 26. **Auto Salvage Yard.** A lot or yard where four or more motor vehicles are stored while parts are removed, where crushing occurs or where storage pending crushing may occur.

27. **Auto Trip.** Transport in a vehicle that includes both an arrival and a departure from a location.
28. **Balcony.** Same as a deck.
29. **Banner.** A temporary sign constructed out of paper, plastic, cloth, cardboard or some other non-permanent material and affixed to poles or the side of a building in a manner than can be easily moved, modified or rearranged.
30. **Bathroom.** A room containing a shower or bathtub or a sink and toilet.
31. **Basement.** The space below the first story of a structure which is greater than four (4) feet in height.
32. **Bed and Breakfast Dwelling.** A dwelling, single family, licensed through the Crow [Wing](#) County Public Health Services, where, for compensation, meals and lodging are provided for three or more unrelated persons, but not exceed eight persons. The owner of the parcel must live on the premises.
33. **Bedroom.** A portion of a dwelling unit intended to be used for sleeping purposes, which may contain closets and may have access to a bathroom.
34. **Billboards.** A commercial sign which directs attention to a business, activity, service, entertainment or a product not exclusively related to the premises or property where such sign is located.
35. **Block.** An area of land bounded by streets, exterior boundary lines and/or bodies of water.
36. **Bluff.** A topographic 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 twenty-five (25) feet above the ordinary high water mark of the water body.
 - C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet above the ordinary high water level averages thirty (30) percent or greater.
 - D. The slope must drain towards the water body.

An area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff.

37. **Bluff Impact Zone.** A bluff and the land located within twenty (20) feet inland from the top of the bluff.
38. **Boat Access.** A ramp, road or other conveyance on a residential lot which allows the launching and removal of a boat with a vehicle and trailer.
39. **Boat House.** A structure designed and used solely for the storage of boats or boating equipment.
40. **Boarding House.** Same as Bed and Breakfast dwelling.
41. **Board of Adjustment.** The Board, appointed by the City Council, to hear appeals from actions of the Zoning Administrator, and variance requests.
42. **Breezeway.** A covered or enclosed walkway that physically connects two or more buildings or structures. Shall not materially connect the two or more buildings or structures.
43. **Buildable Area.** Any site, lot, parcel or any portion thereof that does not contain designated flood plain, wetlands or areas in excess of twenty-five (25) percent slope.
44. **Building.** Any structure used or intended for storage, shelter or occupancy.
45. **Building Height.** The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height between the eaves and the highest ridge of gable, hip or gambrel roofs or ten feet below the peak, whichever is greater.
46. **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.
47. **Building Permit.** A permit authorizing an Applicant under this Code to undertake construction or other development activity.
48. **Campground.** Any area, whether publicly or privately owned, consisting of designated campsites with appropriate facilities and management services designed for temporary occupation by tents or recreational vehicles.
49. **Camping.** Habitation of a temporary structure.
50. **Campsite.** A parcel within a resort or campground designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle.
51. **Cemetery, Unplatted.** Any human remains or burials found outside of platted, recorded or identified cemeteries pursuant to Minnesota Statutes, Chapter 307.08, as amended.

52. **Chairman.** The individual elected by the Planning Commission to chair their meetings. A vice-chair may also be elected and would serve as chairman when the elected chairman was absent.
53. **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.
54. **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.
55. **Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship and related community activities.
56. **Clear Cutting.** See Vegetation Removal, Clear Cutting.
57. **City Clerk.** The appointed person responsible for administration of the City affairs.
58. **City Council.** The duly elected governing body of the City.
59. **City Sewer or Water System.** A system of municipally maintained utilities, approved by the State, and serving more than one building or property.
60. **Commercial Use.** The principle use of land or buildings for the sale, lease, rental, trade of products, goods or services.
61. **Commercial Wireless Telecommunication Services.** All commercial wireless telecommunications services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.
62. **Commissioner.** The Commissioner of the Department of Natural Resources.
63. **Common Open Space.** Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by the residents of the development. Common Open Space shall not be included as parts of individual

residential lots. The Common Open Space shall be substantially free of structures, but may contain historic structures and archaeological sites including Native American mounds and/or such recreational facilities for residents as indicated on the approved development plan.

64. **Community Park.** A park designed to provide recreational opportunities to serve the entire community.
65. **Comprehensive Plan.** Also referred to as Community Plan. A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the City and its environs and may include, but is not limited to, the following items: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution.
66. **Conditional Use.** A land use or development as defined by the Ordinance that would not be appropriate without restriction, but may specifically be allowed without restrictions of conditions as determined by the Planning Commission and the Council upon a finding that (a) the use or development is an appropriate conditional land use in the land use zone, (b) the use or development, with conditions, conforms to the comprehensive land use plan, (c) the use, with conditions, is compatible with the existing neighborhood and (d) the use, with conditions, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity of the City.
67. **Conservation Easement.** A Conservation Easement is a legally binding agreement that imposes any limitation or affirmative obligation on any holder's interest in real property. The easement is typically held by a party other than the property owner. The purpose of such an easement can include retaining or protecting natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, or preserving the historical, architectural, archaeological, or cultural aspects of real property.
68. **Conservation Parcel.** A parcel of land set aside from development in a Rural Conservation Subdivision.
69. **Conservation Subdivision.** A residential development that is characterized by compact lots and the retention of common open space, where the natural features of the land are maintained to the greatest extent possible.
70. **Contiguous.** The sharing of a common border at more than a single point. Lots, parcels or boundaries may be considered contiguous where separated by rights-of-way, rivers or streams.

71. **Controlled Access Lot.** Any lot which is designated for the exclusive use by non-riparian landowners within a subdivision as a means to gain access to a lake, river or stream.
72. **Conventional Subdivision.** A residential development not done by Conservation Design.
73. **Council.** The City Council, as established by State Law.
74. **Crawl Space.** The space below the first story of a structure not more than four feet high and not intended for human habitation.
75. **Cul-de-sac.** A short local street terminating in a vehicular turnaround.
76. **DBH.** Diameter at Breast Height. The width of a tree or shrub as measured at 4.5 feet above the ground surface.
77. **Deck.** An uncovered, unscreened structure or on-grade patio not including on-grade walks four (4) feet wide or less.
78. **Development Envelope.** Designated area in which grading, lawns, pavement, and buildings are planned to be located.
79. **Dock.** A platform extending water ward from the shoreline intended for ingress and egress for moored watercraft or to provide access to water for swimming, fishing or other water orientated activities.
80. **Dormitory.** A building, or portion thereof, providing group sleeping accommodations in one room, with shared bath and toilet facilities.
81. **Drainageway.** A watercourse, gully, dry stream, creek or ditch which concentrates and carries storm/rain water runoff from the land in a manner which creates the potential for significant erosion, siltation, flooding or ponding. A drainageway may be fed by natural overland flow or by constructed means, such as culverts, road ditches, outlets of storm water treatment ponds, or other similar facilities.
82. **Duplex, Triplex, or Quad.** A structure on a single lot having two, three or four dwelling units respectively being attached by common walls, and each being equipped with separate sleeping, cooking, eating, living and sanitation facilities.
83. **Dwelling, Guest Quarters.** A structure, not for sale or lease, used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling on the lot. Any accessory structure with kitchen or bathroom facilities shall be considered a dwelling, guest quarters.

84. **Dwelling, Multi-Family.** Two or more dwelling units attached together by any point including duplexes, triplexes, townhouses and multi-level units regardless of type of ownership.
85. **Dwelling, Single Family.** A dwelling unit totally separated from any other dwelling unit.
86. **Dwelling, Townhouse.** A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership may be defined by Plat or Condominium Plan.
87. **Dwelling Site.** A designated location for residential use by one or more persons using temporary or movable shelter including camping and recreational vehicle sites.
88. **Dwelling Unit.** A structure or portion of a structure or other shelter designed as a short or long term living quarters for one or more persons including rental or time share accommodations such as a motel, hotel resort rooms and resort cabins.
89. **Dwelling Width.** The smallest horizontal dimension of the major portion of a dwelling.
90. **Earth Tone.** A shade of color that, when viewed from a distance, blends with the colors of the surrounding landscape.
91. **Engineer.** The engineer duly appointed by the Council to perform technical services for the City of Pequot Lakes.
92. **Exterior Storage.** Storage of goods, materials, equipment, manufactured products outside a fully enclosed building.
93. **Extractive Use.** The use of land for removal of sand, gravel, rock, industrial minerals, soil, other non-metallic minerals or peat not regulated under Minn. Stat. §§93.44 to 93.51, as amended.
94. **Family.** An individual, or two or more persons related by blood, marriage, adoption, or a relationship legally recognized in Minnesota, or not more than five unrelated persons maintaining a common household.
95. **Feedlot.** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

96. **Fee Schedule.** The official schedule of land use related fees and penalties adopted by the City Council.
97. **Fence.** A constructed barrier, including berms, intended to prevent escape or intrusion, or to mark a boundary, to shield or screen view, or to perform any similar function.
98. **Filling.** The act of depositing any clean earthen material.
99. **Final Floor Plan.** A drawing prepared by a Registered Architect, Registered Engineer, or Licensed Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minn. Stat. §§515A.2-110, as amended.
100. **Final Condominium Plat.** A drawing prepared by a Registered Architect, Registered Engineer or Licensed Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minn. Stat. §§515A.2-110, as amended.
101. **Final Plat.** A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by the Subdivision Ordinance to be presented to the Planning Commission and the City Council for approval, and which, if approved, may be duly filed with the County Recorder.
102. **Fish House.** A structure placed on a lake during the winter for use in fishing. A structure will only be considered a fish house if it is 160 square feet or less, is moveable and has a current license.
103. **Floodplain.** The areas adjoining a water course, intermittent or permanently flowing, which have been or will be covered by the runoff waters of a storm with a 1% chance of occurrence any year (100 year storm).
104. **Floodway.** The channel of the water course and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood (100 year chance of occurrence.)
105. **Footprint.** The horizontal extent to which a structure covers the ground plane as represented in a plan view including cantilevered building elements but excluding eaves and similar architectural projections of the roof plane.
106. **Forb.** A broad leafed, non-woody plant other than grass, sedge or rush. Forbs include native herbs, ephemerals, and wildflowers.
107. **Forest Land Conversion.** The clear cutting of forested lands to prepare for a new land use other than the re-establishment of a subsequent forest stand.
108. **Foundation.** A concrete, concrete and concrete block, or treated wood portion of a structure that supports the bearing loads of the superstructure and penetrates the

ground providing frost protection. Must meet the provisions of the building code adopted by the State of Minnesota. Concrete pillars may be used as a foundation for manufactured homes so long as the installation is done to the manufacturer's specifications and skirting is provided around the perimeter to provide the look of a completely enclosed foundation.

109. **Frontage.** The uninterrupted front boundary line of a lot, or the length of such line, that abuts on a street or protected water.
110. **Garage, Attached.** A part of the principle structure designed for the storage of motor vehicles.
111. **Garage, Detached.** An accessory structure not attached to the principle structure on the property designed and used for storage.
112. **Gazebo.** A freestanding accessory structure with no kitchen, sleeping, sanitary facilities, or pressurized water intended as weather and insect protection for such activities as picnicking and lake viewing.
113. **Grading.** The movement of dirt, by mechanical means, so as to alter the existing topography of a property.
114. **Green Space.** Privately owned property permanently dedicated by covenant or deed restriction to vegetate ground coverage with allowance for use as recreational facilities, tree coverage, water course, sewage disposal or similar uses. Public property permanently dedicated to park, vegetative buffer, tree coverage or water courses.
115. **Gross Acreage.** The total area of a parcel.
116. **Group Care Facilities.** A facility which provides residential services for individuals that are handicapped, aged, disabled or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters and half-way houses.
117. **Hardship, Undue.** *[omitted]*
118. **Home Occupation.** A use of commercial nature conducted by an occupant entirely within the dwelling or accessory buildings which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the residential character thereof.
119. **Home Occupation, Type I.** A home occupation, the commercial nature of which involves providing a service to a limited number of people who are predominantly acquaintances. Generates less than ten auto trips per week. No employees beyond owner. No signage or other advertising done either on or off-site. Would include

businesses that are similar in nature to tutoring or music lessons performed on an individual basis.

120. **Home Occupation, Type II.** A home occupation, the commercial nature of which involves providing a service to people or organizations that do not receive the service at the property from which it is being provided. Generates less than twenty-five auto trips per week, including deliveries and employees. No more than two employees, in addition to the owner, working on site. No signage done either on or off-site. Would include businesses that are similar in nature to telephone sales, consulting, or web design.
121. **Home Occupation, Type III.** A home occupation, the commercial nature of which involves providing a service or product to people or organizations within the home. Generates less than sixty auto trips per week, including deliveries. No more than two employees, in addition to the owner working on site. May include on-site signage. May include retail sales of items manufactured on-site. Would include businesses that are similar in nature to chiropractic service, artist studio or craft shop.
122. **Home Occupation, Type IV.** A home occupation, the commercial nature of which involves providing a service or product to people or organizations off site. Generates less than sixty auto trips per week, including deliveries. All employees do the majority of their work off-site. May include on-site storage or warehousing of work related materials. Would include businesses that are similar in nature to lawn care services and off-site sandblasting services.
123. **Homeowners Association (HOA).** A community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property and/or facilities.
124. **Hotel.** A building containing three (3) or more individual rooms, without kitchens, used for overnight lodging by the general public on a short-term basis for a fee, with or without meals, and which has common reservation and cleaning services, combined utilities, and on-site management and reception services.
125. **House of Worship.** Same as church.
126. **Impervious Surface.** The horizontal area of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of stormwater, including gravel drives and parking.
127. **Industrial Use.** The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.
128. **ISTS.** Individual sewage treatment system.

129. **Junk Yard.** An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of materials in conjunction with the construction of a manufacturing process shall not be included. Three or more automobiles without current licenses constitute a junk yard. Such use shall not include putrid wastes such as garbage.
130. **Lake Classification.** The formal classification provided by the Department of Natural Resources for each body of public waters within the City.
131. **Landfill.** A method of solid waste disposal in which refuse is buried between layers of dirt.
132. **Landscaping.** Plantings such as trees, grass, shrubs, and decorative timbers, arbors, rocks, and water displays.
133. **LEED.** Leadership in Energy and Environmental Design of the United States Green Building Council.
134. **Licensed Engineer.** A person licensed as a professional engineer by the State of Minnesota.
135. **Licensed Surveyor.** A person licensed as a professional surveyor by the State of Minnesota.
136. **Litter.** Waste materials including but not limited to, cans, bottles, plastic and paper wrappings or containers.
137. **Livestock.** Domestic animals, such as cattle or horses, raised for home use or for profit, especially on a farm
138. **Logging.** The sustainable practice of felling and trimming trees and transporting the logs to a mill.
139. **Lot.** A parcel, piece or portion of land described by metes and bounds, registered land survey, auditor's plat, or subdivision plat and separated from other parcels or portions of land by said description for purposes of sale, lease, mortgage, building or separation.
140. **Lot Area.** The horizontal area of a lot bounded by the lot lines and the ordinary high water line if bounded by water.
141. **Lot, Corner.** A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of one street with the internal angle less than 135 degrees.

142. **Lot, Front.** The boundary of a lot which abuts on a public right of way, or if a corner lot, the shortest of the two boundaries. If the lot abuts public water, the lake side shall be considered the lot front.
143. **Lot Line.** The property lines bounding a lot except that where the description extends into a public right of way, the right of way line shall be considered the lot line.
144. **Lot, Pre-existing.** A lot which is one unit of a subdivision plat heretofore duly approved and filed or one unit of an auditor's subdivision, or registered land survey, or a lot created by metes and bounds that has been recorded in the office of the County Recorder prior to the effective date of this Ordinance.
145. **Lot Tier Depth.** The lot depth of a normal lot conforming to the shoreland requirements; General Development Lake first tier - 200 feet, second and additional tiers - 267 feet; Recreational Development Lake - 267 feet, Natural Environmental Lake - 400 feet.
146. **Lot Tiers.** Successive strips of land parallel with the ordinary high-water line, each one tier depth wide, and extending across the parcel.
147. **Lot Width.** The shortest distance between lot lines measured at the midpoint of the building line.
148. **Maintenance.** The normal upkeep of a structure including the replacement of windows, siding, roofs, nonbearing walls or interior remodeling that does not expand the footprint of the existing structure, add volume to the usable living space or intensify a non-conforming use.
149. **Manufactured Home.** A structure, transportable in one or more sections, which, when erected on site, is a minimum of 640 square feet, is built on a permanent foundation, contains the heating, plumbing and electrical systems within and meets the requirements of the building code adopted by the State of Minnesota.
150. **Marina.** A dock or set of docks on a single parcel that contains more than three slips or more slips than first tier dwelling units, whichever is greater.
151. **Mature Tree.** A living tree greater than four (4) inches in diameter.
152. **Metes and Bounds.** A method of property description utilizing directions and distances commencing from and terminating at an identifiable point.
153. **Motel.** A building containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with parking space reserved for each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests.

154. **Multi-Level Dwelling.** A type of multi-family housing consisting of dwelling units stacked one above the other, creating a party floor or floors between units.
155. **Natural Drainage way.** All land surface areas which, by nature of their contour or configuration, collect, store and channel surface or runoff water.
156. **Neighborhood.** The area adjacent to or surrounding existing or proposed development characterized by common use or uses, density, style and age of structures and environmental characteristics.
157. **Non-conforming.** The building, structure or land lawfully existing prior to and not in conformance with the provisions of this ordinance.
158. **Non-profit Conservation Organization.** Any charitable corporation, charitable association, or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.
159. **Nuisance.** By authority and direction of Minn. Stat. §412.221, Subdivision 23 and 24, as amended, nuisance is anything that interferes with the use or enjoyment of property, endangers personal health or public safety, or is offensive to the senses such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact and other similar interferences or offenses.
160. **Nursery.** A retail business growing and selling trees, flowering or decorative plants and shrubs.
161. **Nursing Home.** Any institution or facility required to be licensed as such under Minn. Stat. §§144.50 to 144.56, as amended, by the State Board of Health.
162. **Off-street Parking.** A designated space or area of land with a paved or all-weather surface not within a public street or right-of-way and used for the parking of vehicles.
163. **Open District.** A zoning district defined by natural features to be unsuitable for any dwelling and unsuitable for any other development except in accordance with the conditional use permit process. Corresponds to the DNR Special Protection District.
164. **Open Storage.** Storage of material outside of a building.
165. **Ordinary High Water Mark.** The boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes form predominantly

aquatic to predominantly terrestrial. For water courses the ordinary high water level is the elevation of the top of the bank of the channel, for reservoir and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

166. **Overlay Map.** An official map of the City that describes the location of an overlay zone.
167. **Owner.** An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land and/or building.
168. **Parent Parcel.** The existing parcel of record, as identified by individual parcel numbers, as of the effective date of this Ordinance, that is proposed to be developed.
169. **Parking Space.** A 10 foot by 20 foot site off public right of way, maintained and sized to accommodate the parking of one automobile.
170. **Party Wall or Floor.** A common wall which divides two independent dwelling units or businesses.
171. **Permitted Use.** A land use conforming to the character of a zoning district which is permitted by ordinance requiring only a zoning permit issued by the Zoning Administrator.
172. **Pet.** An animal commonly associated with human habitation, not considered under animal units and not raised for production of income.
173. **Planned Unit Development (PUD).** A land use characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common green space, density increases, and mix of structure types and land uses. Does not include a duplex where specifically allowed in a zoning district on a single parcel of land.
174. **Planned Unit Developments, Commercial.** Uses that provide transient, short-term lodging spaces, rooms, or parcels and their operation are essentially service orientated. These shall include but not be limited to hotel/motel accommodations, resorts, recreational vehicle and camping parks and other primarily service oriented activities.
175. **Planned Unit Development, Residential.** Residential Planned Unit Development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives and

full fee ownership residences would be considered as Residential Planned Unit Developments. Includes time share condominiums not part of a resort.

176. **Planning Commission.** The body duly appointed by the City Council to determine the development of the City and make recommendations to the City Council on comprehensive plans, zoning district boundaries, conditional use permits, subdivision of land and capital improvements.
177. **Porch.** A covered platform attached to a structure.
178. **Porch, Enclosed.** A covered platform attached to a structure with more permanent enclosures than those described in “porch”.
179. **Portable.** Capable of being transferred or moved from one place to another.
180. **Practical Difficulties.** 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 locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include but are not limited to, inadequate access to direct sunlight for solar energy systems.
181. **Pre-Built Home.** Same as Manufactured Home.
182. **Preliminary Plat or Plan.** A plan prepared in accordance with the Subdivision Ordinance depicting the proposed subdivision of property by Final Plat or Final Floor Plan.
183. **Principal Structure or Use.** The single primary structure or use on a lot, as distinguished from accessory uses or structures. To be considered a principal structure, the structure must be at least 400 square feet in area and must be utilized for the purpose of the principal use of the property.
184. **Protective/Restrictive Covenants.** Restrictions placed on the property by the owner and duly filed with the County Recorder. These may also be used in planned unit developments to establish homeowners associations, restrict shoreline development and provide for common facilities.
185. **Public Use.** The use of land or structures by public-entities for uses including, but not limited to parks, public buildings and athletic fields.
186. **Public Waters.** Any waters as defined in Minn. Stat. §103G.005, Subd. 15 and 15a, as amended. However no lake, pond or flowage of less than 10 acres in size in municipalities need be regulated for the purposes of the shoreland management rule. A body of water created by a private user where there was no previous shoreline may, at the discretion of the local government, be exempted from the shoreland management. The official determination of the size and physical limits

of drainage areas of rivers and streams should be made by the DNR Commissioner.

187. **Recorder.** The County Recorder of Crow Wing County.
188. **Recreational Equipment.** Equipment, both motorized and non-motorized, that is subject to licensing by the State of Minnesota and is designed primarily for recreational use.
189. **Recreational Vehicle.** Vehicles for recreational use that can be driven, towed or hauled. These vehicles are designed to be temporary living space for camping or travel use. RVs shall include travel trailers, camper trailers, truck campers, self-propelled motor homes and other similar vehicles.
190. **Resort.** Any buildings, structures or enclosures kept, used, maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreations, for periods of one day, one week or longer, and having for rent three or more cottages, rooms or enclosures along with any related facilities such as restaurants, bars, golf courses or other recreational amenities.
191. **Restaurant.** An establishment where the principle business is the preparation, service and sale of food and beverages to be consumed by customers at tables or counters located within the building on the premises.
192. **Retail Use.** The principal use of land or buildings for the sale of goods to consumers. The goods are normally not for resale, and usually sold in small quantities.
193. **Right-of-Way.** A parcel of property dedicated to the public, connecting to other public right of ways, which affords primary access by pedestrians and vehicles to abutting properties.
194. **Riparian Lot.** A property that is abutting a body of water listed in Section 5.1(4).
195. **Rural Conservation Subdivision.** A method of subdividing land that provides for preservation of open space and clustering of individual lots.
196. **Screening.** Fencing, an earthen berm or vegetative growth that visually separates one object from another.
197. **Semi Public Use.** The use of land by private non-profit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
198. **Sensitive Resource Management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep

slopes, acceptability to flooding or occurrence flora or fauna in need of special protection.

199. **Setback.** The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line or other facility. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
200. **Setback, Interior Lot.** In a planned unit development, the closest horizontal distance between the lot line and the foundation or wall of a structure when the lot line is not the exterior boundary of the development. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
201. **Setback, Side, Exterior.** The closest horizontal distance between the exterior boundary side lot line and the foundation or wall of a structure. This setback takes precedence over setback, interior lot, where any conflict exists. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
202. **Setback, Road.** The closest horizontal distance between the road right-of-way line and the foundation or wall of a structure. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
203. **Setback, Waterfront.** The closest horizontal distance between the ordinary high water mark and the foundation or wall or edge of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
204. **Sewage Treatment System.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 7080 of the Minnesota Administrative Rules.
205. **Sewer System.** Pipe lines or conduits, pumping stations and forcemain and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.
206. **Shore Impact Zone.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the normal structure setback.
207. **Shoreland.** Land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides

which extend landward from the water for lesser distances and when approved by the DNR Commissioner.

208. **Shoreline Property.** A lot directly abutting a public water, generally located in the first lot tier adjoining the public water.
209. **Signs.** A name, identification, description, display, illustration, advertisement or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution or business.
210. **Signs, Area Identification.** A sign located at the entrance or entrances of the area that is used to identify a common area containing a group of structures on a minimum of five acres, such as a residential subdivision, where there exists an association that provides for the maintenance of the sign or structures.
211. **Signs, Directory.** A sign erected at an intersection that lists the residences or businesses that reside along the intersecting roadway.
212. **Signs, Offsite.** Any sign not located on the contiguously owned property with the use which is advertised.
213. **Signs, Onsite.** Any sign located on the contiguously owned property with the use which is advertised.
214. **Signs, Portable.** A sign that is intrinsically designed to be moved or a sign that is not permanently affixed to the ground or a building.
215. **Significant Historical Site.** Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historical Places, or is listed in the State Register of Historical Sites or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. §307.08, as amended. A Historical Site meets this 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 Archeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historical sites.
216. **Sketch Plan.** A plan drawn to scale used for planning and discussion purposes only.
217. **Specified Anatomical Areas (Adult Use)** include any less than completely and opaquely covered human genitals, pubic region, or pubic hair, buttocks and female breast below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if opaquely covered.
218. **Specified Sexual Activities (Adult Use)** are any of the following conditions:
 - A. An act of sexual intercourse, normal or perverted, actual or simulated,

including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

- B. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.
 - C. Masturbation or lewd exhibitions of the genitals including any explicit, close-up presentation of a human genital organ clothed or unclothed.
 - D. Physical contact or simulated physical contact with the clothed or unclothed pubic area or buttocks of a human male or female, or the breasts of a female, whether alone or between numbers of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.
219. **Steep Slope.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness due to the site's soil characteristics as mapped and described in available County Soils Surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12% as measured over horizontal distances of 50 feet or more, but which are not bluffs.
220. **Stoop.** An entry platform into a structure.
222. **Storage Shed.** Refer to Accessory Structure.
223. **Street.** A public right-of-way that provides primary vehicular access to abutting property and shall include avenue, road or highway. Street classifications are defined in the Comprehensive Plan unless defined in a roadway classification plan or other similar road specific plan.
224. **Street, Arterial.** A street that has the primary function of rapidly move traffic to or through the City. May provide access to abutting land. Arterial streets are, in general, county or state highways that begin and terminate outside of the City limits or connect to other arterial streets within the City.
225. **Street, Collector.** A street that has the primary function of receiving and distributing traffic to and from local streets and providing distribution of traffic within. May provide access to abutting lots. In general, collector streets begin and terminate at arterial streets or other collector streets.
226. **Street, Local.** A street, the function of which is to provide localized access to individual parcels. Does not normally carry through traffic. Traffic volumes and traffic speeds are expected to be low.

227. **Structure.** Any building, appurtenance including decks or other facility constructed, placed or erected by man except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and except walks or steps on grade not more than 4 feet wide outside of the shore impact zone, stoops not exceeding 30 square feet, temporary furniture, planter, or decorative material and retaining walls consisting of wood or decorative block.
228. **Subdivider.** The owner, agent, person, corporation, partnership or legal entity proposing to subdivide property under his control.
229. **Subdivision.** The division of real estate into two or more parcels for the purpose of sale, rent or lease, including planned unit development.
230. **Subdivision by Plat.** The subdivision into two or more parcels of any size by the authority of Minnesota Statutes, Chapter 505, 515B, as amended, with documents prepared by a Licensed Land Surveyor and duly approved by the Planning Commission and Council.
231. **Subdivision by Condominium Plan.** The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of Minnesota Statutes, Chapter 515A, as amended, with documents prepared by a Licensed Land Surveyor and duly approved by the Planning Commission and Council.
232. **Subdivision by metes and bounds.** Any division of real estate resulting in two or more parcels which are not platted, but divided by description prepared and signed by a Licensed Land Surveyor.
233. **Substandard Lot.** A lot that is non-conforming.
234. **Substandard Use.** A use that does not conform to this ordinance.
235. **Surface Water Oriented Commercial Use.** The use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal operation of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
236. **Temporary.** A use or structure that lasts longer than three days and is discontinued within 14 days. Any use or structure existing longer than 14 days, except where specifically provided for in this Ordinance, shall be considered permanent unless a specific date of discontinuation, agreeable to the Planning and Zoning Administrator to be reviewed by the Planning Commission, has been submitted, in writing, to the City.
237. **Temporary Structure.** A structure of a temporary character including but not limited to house boats, fish houses, recreational vehicles and tents.

238. **Toe of Bluff.** The lower point of a 50 foot segment with an average slope exceeding 18%.
239. **Top of the Bluff.** The higher point of a 50 foot segment with an average slope exceeding 18%.
240. **Tower.** A structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular or wireless communications.
241. **Tower Height.** Determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.
242. **Townhouse Dwelling.** A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership may be defined by Plat or Condominium Plan.
243. **Travel Trailer.** Refer to Recreational Vehicle.
244. **Tree.** A woody plant 4 inches or more in diameter or 8 feet or more in height.
245. **Variance.** A legally permitted deviation as provided in MSA 462.357, subd. 6, from the requirements of this ordinance, including restrictions placed on nonconformities, as determined by the Board of Adjustment.
246. **Vegetation Removal, Clear Cutting.** The removal of more than 75% and up to 100% of a stand of trees and brush over 10 feet in height on a lot or parcel of land up to 40 acres.
247. **Vegetation Removal, Intensive.** The complete removal of trees or shrubs in a continuous path, strip row or block, excluding that clearing needed for the construction of roads, driveways, walkways or permitted stairways, lifts or landings.
248. **View to the Lake.** View to be construed to be the line of site from the center of a riparian property at the lake setback to the lakeward concerns of that property.
249. **Walkway.** A parcel of property dedicated to the public for non-vehicular access purposes.
250. **Water Oriented Accessory Structure or Facility.** 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 is located closer to public waters than the normal structure setback. Examples of such structures and facilities include boat houses, gazebos, screen houses, fish cleaning houses and detached decks.

251. **Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this definition, wetlands must have the following three attributes:
- A. have a predominance of hydric soils,
 - B. are inundated or saturated by surface or groundwater 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.
252. **Warehousing.** The principle use is the storage of materials or equipment within an enclosed building.
253. **Warehousing, Commercial.** The rental or sale of warehousing space.
254. **Yard.** A required green space occupied and unobstructed by a structure or portion of a structure provided that fences, signs, utility poles, lawn lights, antenna and related minor equipment may be permitted in any yard provided that they do not create a safety hazard or constitute a nuisance.
255. **Zoning Administrator.** The duly appointed person responsible for the enforcement and administration of this Chapter.
256. **Zoning District.** An area of the City of Pequot Lakes defined on the zoning map, having uniform zoning provisions.
257. **Zoning District Overlay.** A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district regulations.
258. **Zoning Map.** The map of the City of Pequot Lakes, amended from time to time, which defines the boundaries of the zoning districts.
259. **Zoning Permit.** A permit issued by the Zoning Administrator to allow the construction of a structure or to allow a land use when the provisions of this ordinance have been met, when approval of any conditional use permits or variances have been granted and when the fees are paid. A zoning permit may have administrative conditions specific to the subject site when called for by the Ordinance.

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 4. GENERAL PROVISIONS

Section 17-4.1 APPLICATION OF THE ORDINANCE

1. The provisions of this Chapter shall be held to be the minimum requirements for the maintaining of the public health, safety, and welfare.
2. Where the provisions of the Ordinance are either more restrictive or less restrictive than applicable provision of other laws, ordinances, statutes, resolutions, covenants or regulations of any kind, the more restrictive condition, standard or requirement shall prevail, except as authorized by the more restrictive agency.
3. Except as this Chapter specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this ordinance.
4. Any existing structure or use of property subject to conditions of approval for a Variance, Conditional Use Permit or other land use application must have a *Land Use Certificate of Compliance* issued within twelve (12) months of the approval. The *Land Use Certificate of Compliance*, when issued, shall state that the building or use appears to be in compliance with the conditions of approval.
5. Ambiguities in the Ordinance shall be resolved by interpretation of the Planning and Zoning Administrator. If an applicant wishes to appeal the interpretation of the Administrator, an appeal can be made through a hearing of the Planning Commission.

Section 17-4.2 ENVIRONMENTAL DOCUMENTS AND CONCURRENT PERMITS

1. It shall be the property owner's responsibility to secure necessary concurrent permits such as Pollution Control Agency, State Waste Disposal Permits; Health Department Permits; DNR Planned Unit Development Permits; Corps of Engineers Permits, DNR Public Water Permits and DNR Water Appropriation Permits. Approval by the City does not imply approval by other agencies.
2. The City will prepare an Environmental Assessment Worksheet (EAW) where a proposed project exceeds the limits defined in the Environmental Quality Council's Rules and Regulations for Environmental review program or as requested by the Planning Commission or petitioned by the public.
3. The administration of an EAW or EIS shall be in accordance with the rules and regulations of the Minnesota Environmental Quality Board. The Zoning Administrator shall be responsible to the City Council and have the authority to administer the environmental document. The Planning Commission shall review each document and make recommendations to the City Council whose decision shall be final.

Section 17-4.3 USE OF PRE-EXISTING LOTS

1. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 - a. All structure and septic system setback distance requirements can be met;
 - b. A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080 and the City of Pequot Lakes SSTS regulations, can be installed or the lot is connected to a public sewer; and
 - c. The impervious surface cover does not exceed the requirements of the underlying zone.
2. In a group of two or more contiguous lots of record under a common ownership, not meeting the requirements of Section 4.3 (4), an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - a. The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - b. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080 and the City of Pequot Lakes SSTS regulations;
 - c. Impervious surface coverage must not exceed the requirements of the underlying zone; and
 - d. Development of the lot must be consistent with the City of Pequot Lakes Comprehensive Plan.
3. A lot subject to Section 4.3(2) not meeting the requirements of that section must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
4. Notwithstanding Section 4.3(2), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Rules, section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

Section 17-4.4 NON-CONFORMING STRUCTURES AND USES

1. Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
 - A. the nonconformity or occupancy is discontinued for a period of more than one year; or

- B. any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged, in which case any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Notwithstanding, the foregoing, any structure or use legally existing at the time of the adoption of an official control under this Chapter and which does not conform to the provisions of the Ordinance may be continued subject to the following:

- 2. No such structure or use shall be expanded, enlarged or intensified except in conformity with the provisions of this Chapter with consideration for variances thereto and consideration given for previously approved Planned Unit Developments.
- 3. A one-time addition to a non-conforming principle structure shall be permitted subject to the following:
 - A. The non-conformity is due solely to setbacks.
 - B. The addition is not within the shore impact zone.
 - C. The addition will not encroach further into any setback.
 - D. The size of the addition shall be proportionate to the percentage of the setback requirement that can be met. The amount of area a structure may be expanded shall be determined by the following tables:

% of Setback Met	
1-50% Setback	Tier One
51-99% Setback	Tier Two

Expansion Allowed	
Tier One	25% addition
Tier Two	50% addition

- E. The total footprint of the structure, once the addition is completed, shall not exceed 2,500 square feet, including decks, porches, patios and other projections.
- F. For reasons of structural integrity, a basement may be allowed under the addition only where a basement exists in the original structure.
- G. Additional screening is provided to screen the addition as viewed from adjacent properties, public roads and the surface water.

- H. A stormwater management plan is implemented that directs stormwater away from adjacent properties and surface waters.
 - I. The height of the addition shall not exceed the height of the existing structure.
 - J. A state licensed building inspector or professional engineer must submit written documentation affirming that the existing building is structurally sound and can accommodate the proposed addition.
 - K. Beyond minor alterations needed to accommodate the addition, no structural modifications shall be made to the original structure either as part of the project to add the addition or at any time within five years subsequent to completion of the addition. Any property owner exercising this option is voluntarily relinquishing, for a period of 60 months, their right to rebuild their existing structure.
 - L. No permits shall be granted under this provision for homes constructed after July 1, 1995 or where a previous variance has been approved.
 - M. All other provisions of this Chapter must be complied with.
4. A lawful, non-conforming use may be changed to lessen the non-conformity of use. Once a non-conforming use has been changed, it shall not thereafter be altered to increase the non-conformity.
5. Sewage treatment systems shall be upgraded to a conforming status in conformance with the following schedule:
- A. Upon issuance of any permit or variance for any improvement on, or use of, the property.
 - B. Upon determination that leakage to the surface or lake or into an adjacent well is occurring, or determination that the system is discharging into the ground at an elevation less than 3 feet above the highest known watertable.
 - C. Upon determination by Zoning Administrator that a system is inadequate for a change in occupation or use in the structure.
 - D. Upon notice by the Zoning Administrator that the City's records indicate the system is non-conforming.
 - E. Upon availability of a community sewer system to the property, connection to that system shall be made regardless of the conformance or non-conformance of the individual system.

6. Existing water oriented structures may be replaced with a permit on the same parcel provided that:

- A. There must be no increase in horizontal dimensions.
- B. The structure must not exceed ten feet in height and must have a minimum of a 4:12 pitched roof.
- C. The structure must meet a minimum setback of 10 feet from the ordinary high water mark.
- D. The structure must be treated to significantly reduce the visibility, as viewed from public waters and adjacent shorelands, through the use of vegetation, topography and/or color, assuming summer, leaf-on conditions.
- E. The structure shall be used for storage only and may not include elements designed for human habitation.
- F. Storm water runoff from the structure shall be drained away from the lake. There shall be no direct flow of stormwater from the structure to adjacent water bodies.

7. Deck and Platform Additions to Non-Conforming Structures. Decks and platforms must meet the structure setback standards on all new construction. Decks and platforms that do not meet setback requirements from public waters may be allowed without a Variance provided all the following criteria and standards are met:

- A. The structure existed prior to January 1, 1995 and has not been rebuilt, reconstructed or added on more than 50% since that date.
- B. A thorough evaluation of the property and structure reveals no reasonable location for a deck or platform which meets or exceeds the setback from the ordinary high water level.
- C. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than the shore impact zone, whichever is more restrictive.
- D. The platform encroachment toward the ordinary high water level does not encroach closer than thirty (30) feet and does not exceed four hundred (400) square feet in size.
- E. The deck is constructed primarily of wood, and is not roofed or screened.

- F. The deck does not exceed ten (10) feet in height, from ground level and must not exceed eight (8) feet above grade, which is determined to be at the foundation; and cannot occupy an area greater than 250 square feet.
- G. A deck or platform addition shall not be allowed on accessory nonconforming structures.

Section 17-4.5 BUILDING STANDARDS

1. All structures and appurtenances shall be constructed in accordance with the general standards of the building industry. The City does not examine plans nor assume liability for the structural stability or quality of any structures.
2. All dwelling units shall be a minimum of 20 feet wide and shall be placed on a foundation.
3. Any new structure constructed or placed after June 7, 2005 and not on a permanent foundation shall be considered a temporary structure.
4. New manufactured homes and mobile homes shall be installed by a licensed installer and a copy of the installation compliance certificate shall be submitted to the City prior to occupancy of the dwelling.
5. Dwellings in Transit. For dwellings to be moved onto a property, excluding manufactured homes that have never been occupied, the following shall be applicable:
 - A. Permit issuance shall be made only by motion of the Planning Commission. A public hearing is not required for approval.
 - B. Prior to permit issuance, the property owner shall provide documentation of a certified home inspection including the following, at a minimum:
 - (1) Certification that the electrical wiring meets state codes,
 - (2) Certification that the plumbing meets state codes,
 - (3) An evaluation of foundation adaptability and condition,
 - (4) An evaluation of roof condition,
 - (5) An evaluation of structural integrity, and
 - (6) Certification that all doors, windows and siding are in acceptable condition.
 - C. The dwelling, once in place, must meet all municipal ordinances, with consideration given for approved variances.
6. Sewage treatment systems shall conform to Minnesota Pollution Control Agency Rules (Chapter 7080 of the Minnesota Administrative Rules) and Crow Wing County Ordinances. Further, all systems shall be designed, evaluated, installed, and inspected by persons certified by the State of Minnesota. The City does not assume liability for the failure or malfunction of any sewage treatment system.

7. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the MPCA.

8. Plumbing and electrical facilities installed after the date of this ordinance in all structures shall conform to the State Plumbing Code and State Electrical Code, respectively.

Section 17-4.6 OTHER STANDARDS

The provisions of this Chapter were prepared to be at least as restrictive as the "Statewide Standards for 'Management of Shoreland Areas'" effective July 3, 1989. Where the conditions of the Shoreland Standards are more restrictive, or in case of oversight, exclusion, or ambiguity in this Chapter, the Shoreland Standards shall govern, except for applications involving non-conforming uses or other applications approved by the Commissioner.

The provisions of this Chapter do not take precedent over other Federal, State or Local laws that may be more restrictive. In the case of a more restrictive standard applied by a governing body that has land use authority within the City, the non-local standard would apply. In the case where this Chapter is the most restrictive standard, the provisions of the Ordinance shall apply where allowed by law.

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 5. ZONING DISTRICTS AND DISTRICT PROVISIONS

Section 17-5.1 GENERAL

1. The City of Pequot Lakes is hereby divided into Zoning Districts as shown on the official Zoning District.

2. The boundaries are generally on the center of the streets, on lot lines, on shorelines, on the center of streams or rivers, and following the contour of the land.

3. The following Districts are hereby established:

Open Space	OS
Water Resource.....	WR
Forest Management.....	FM
Agriculture.....	AG
Rural Residential.....	RR
Transition Residential	TR
Shoreline Residential	SR
Urban Residential.....	UR
Commercial	C
Shoreline Commercial.....	SC
Downtown Mixed-Use	DMU
Light Industrial	LI
Recreational.....	R

4. The lakes and streams in the City have been classified as follows:

A. General Development (GD):

Middle Cullen

Lower Cullen

Sibley

East Twin

Mayo

West Twin

B. Recreational Development (RD):

Upper Cullen

C. Natural Environment (NE):

Rice

Cloverleaf

Lund (aka unnamed)

D. River

Cullen Brook – Remote River from S13-T136N-R29W to S10-T135N-

R29W
Mayor Creek – Tributary River at S15-T135N-R29W
Unnamed/060R – Tributary River from S22-T136N-R29W to S27-
T136N-R29W

5. The jurisdiction of this Chapter shall include all land within the municipal boundaries of the City of Pequot Lakes.
6. The following provisions apply to all zoning districts:
 - A. Except where specifically stated, all accessory structures or uses require the prior establishment of a principle structure.
 - B. Agricultural use is prohibited within 100 feet of the OHW.
 - C. There shall be no impervious coverage within 50 feet of the OHW excepts walks and steps on grade less than four feet wide as provided for in this Chapter.
 - D. Unless specifically allowed, no more than four leases per year, per dwelling are allowed.
 - E. Water orientated accessory structures, including boathouses, are prohibited.
7. Criteria for land use categories:
 - A. Preservation of natural sensitive areas.
 - B. Present ownership and development.
 - C. Shoreland soil types and their engineering capabilities.
 - D. Topographic characteristics.
 - E. Vegetative cover.
 - F. In-water physical characteristics.
 - G. Recreational use of surface water.
 - H. Road and service center accessibility.
 - I. Socio economic development needs of the public.
 - J. Availability of public sewer and water utilities.
 - K. The necessity to reserve and restore certain areas having significant

historical or ecological value.

- L. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.
- M. Alternatives available for desired land use.
- N. Prevention of spot zoning.
- O. Conformance to the City of Pequot Lakes Comprehensive Plan.
- P. Conformance to the City of Pequot Lakes Future Land Use Map and any other official maps of the City.

8. Interpretation of Zoning Map. Regardless of existence of purported copies of the Official Zoning Map which may from time to time be made or published, the official Zoning Map, which shall be located in the office of the City Clerk, shall be the final authority as the current zoning status of land and water areas, building and other structures in the city.

- A. District Boundaries: The location and boundaries of the districts established by this ordinance are set forth on the official Zoning Map. District boundary lines as indicated on the Zoning Map follow lot lines, property lines, right-of-way or center lines of streets or alleys, right-of-way center lines of streets or alleys projected, the city limit lines, shorelines, all as they exist upon the effective date of this ordinance. If said boundary lines do not follow any of the above, the district boundary lines are established as drawn on the Zoning Map.
- B. Vacated Ways: Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
- C. Appeals: Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment.

Section 17-5.2 OPEN SPACE (OS)

1. Purpose and Intent: To provide a zoning classification for preservation of sensitive areas, unique resources and designated non-developable property. Areas such as wetlands, bluffs, threatened and endangered species habitat, historic sites and lands set-aside as part the development process should be zoned as Open Space.

2. Compatibility: Open Space zone is compatible with every other zoning classification and any property that meets the purpose and intent of this zoning classification may be zoned Open Space.

3. Lot, Use and Density Requirements.
 - A. There is no minimum lot size associated with the Open Space zoning classification. Setbacks established for the adjacent zoning district shall apply.

4. Mixed Zone Lots.
 - A. For a lot crossing an Open Space zoning boundary into another zoning classification, the minimum buildable lot area shall be the same as the non-open space zoning classification with no area credit given for areas zoned Open Space.

Section 17-5.3 WATER RESOURCE (WR)

1. Purpose and Intent: To provide a zoning classification for water bodies classified by the State of Minnesota as “lakes”, “streams” or “rivers”. The zoning contains no development but allows multiple recreational uses.
2. Compatibility: Acreage within the City of Pequot Lakes may not be zoned Water Resource unless it contains a state classified water body, in which case can only be zoned Water Resource.
3. Performance Standards. The following performance standards apply to all development in this zone:
 - A. Docks. The landward end of all docks must meet a 10-foot setback from the nearest lot line. Docks must be placed so that no portion of the dock, including “L” extensions or additions, and no accessory or ancillary structures or equipment (including mooring buoys, boat lifts, shore trackers or swimming platforms), extends across the projection of the setback from the lot line into the lake. Docks must also be places so as not to block access from an adjacent property to open water. The storage of all docks, and all watercraft or water oriented items shall also be subject to this property setback rule.

Section 17-5.4 FOREST MANAGEMENT (FM)

1. Purpose and Intent: To provide a zoning classification for sustainable management of forested areas, to establish and maintain timber resources, to protect the natural environment, to preserve undeveloped areas and to provide recreation opportunities. Development patterns are characterized as very low-density residential without municipal utility service and with only limited demand for accessibility. Forest Management zoning should be used to preserve rural character.

2. Compatibility: Forest Management zones would generally be compatible with and can be established adjacent to Agriculture, Rural Residential, Transition Residential, Commercial and Light Industrial zones. The zone may also be compatible with other zones in areas where forest stands exist.

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum.....	300
Total Lot Area - acres, minimum.....	10
Buildable Lot Area - acres, minimum.....	5
Setback, right-of-way, local streets - feet, minimum.....	50
Setback, right-of-way, collector and arterial streets - feet, minimum.....	50
Setback, side - feet, minimum	25
Setback, corner side - feet, minimum	40
Setback, sign - feet, minimum	1
Setback, wetland - feet, minimum	50
Maximum impervious coverage	10%
Maximum Building Height - feet.....	25
Maximum animal unit per acre.....	0.5

4. Performance Standards. The following performance standards apply to all development in this zone:

A. Screening. Screening consisting of native trees and shrubs covering a minimum of 75 percent of the setback area (leaf on conditions) is required in the road setback and within 50 foot lake, river, stream, wetland, and bluff buffers in order to retain the scenic beauty and rural character as viewed from roads and lakes.

B. Best Management Practices. The “Best Management Practices in Minnesota” for “Water Quality in Forest Management”, Minnesota Department of Natural Resources, shall hereby be adopted as the standard for timber management in forested areas.

C. Management Plan. Cutting, including clearcutting, may be allowed only after the preparation and approval of a specific management plan for the lands being managed for forestry purposes and subject to the following standards and criteria:

- (1) A specific written management plan shall be prepared by a professional forester and submitted for review and approval to the designated city official.
- (2) The management plan shall contain a description of the proposed cutting operation and a summary of how the operation will comply with the standards set forth in this section:
 - (a) How the proposed vegetation management plan will protect or enhance the scenic and aesthetic character of the shoreland.
 - (b) Description of the property, including both a legal description and a general description.
 - (c) The general description shall include a description of the location, size, topography, soils, and access to the vegetation management area.
 - (d) The name, address and phone number of the person or persons who will be in charge of the proposed vegetation management project.
 - (e) Additional information that may be required for proper review of the management plan.
- (3) The management plan shall be made available by the Zoning Administrator for review and, upon, request, to the Minnesota Department of Natural Resources.

Section 17-5.5 AGRICULTURE (AG)

1. Purpose and Intent: To provide a zoning classification for the preservation of family farms and small-scale agricultural uses and to allow for low density residential development compatible with those uses. Development patterns are characterized as very low-density residential without municipal utility service and with only limited demand for accessibility. Agriculture zoning should be used to preserve rural character.

2. Compatibility: Agriculture zones would generally be compatible with and can be established next to Forest Management, Rural Residential, Transition Residential, Commercial and Light Industrial zones.

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum.....	500
Total Lot Area - acres, minimum.....	20
Setback, right-of-way, local streets - feet, minimum.....	50
Setback, right-of-way, collector and arterial streets - feet, minimum.....	50
Setback, side - feet, minimum	25
Setback, corner side - feet, minimum	40
Setback, sign - feet, minimum	1
Setback, wetland - feet, minimum	50
Maximum impervious coverage	10%
Non-Agricultural Use Structure Height – feet, maximum.....	25
Agricultural Use Structure Height – feet, maximum.....	none
Maximum animal unit per acre.....	4

4. Performance Standards. The following performance standards apply to all development in this zone:

A. Single Family Dwelling, accessory structure. A second single-family dwelling may be established on a parcel and is to be occupied by the owner, operator or manager of the farm.

Section 17-5.6 RURAL RESIDENTIAL (RR)

1. Purpose and Intent: To provide a zoning classification that allows for low-density residential development. Development in this zone is without municipal utility service and with only limited demand for accessibility. Rural Residential zoning should be used to preserve rural character.

2. Compatibility: The Rural Residential zone is compatible with and can be established adjacent to Forest Management and Agriculture zones, but may not be completely surrounded by those zones. The Rural Residential zone must be adjacent to land zoned Rural Residential, Transition Residential, Light Industrial or Commercial. The Rural Residential zone may be established next to the Shoreline Residential zone or the Water Resource zone.

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum.....	200
Buildable Lot Area - acres, minimum.....	5
Setback, right-of-way, local streets - feet, minimum.....	50
Setback, right-of-way, collector and arterial streets - feet, minimum.....	50
Setback, side - feet, minimum	25
Setback, corner side - feet, minimum	40
Setback, sign - feet, minimum	1
Setback, wetland - feet, minimum	50
Maximum impervious coverage	15%
Maximum Building Height - feet.....	25
Accessory Structure Size – square feet, max, cumulative.....	
.....	2,000 for first 2.5 acres
.....	1,000 for each additional 2.5 acres
Maximum animal unit per acre.....	0.5

4. Performance Standards. The following performance standards apply to all development in this zone:

A. Outside Storage. Storage of a fish house and a recreational vehicle is allowed if stored not less than 10 feet distance from any property line and not within the OHW setback.

B. Fences. Fences not exceeding 60 inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches may be constructed within the OHW setback area so long as the fencing is transparent. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is not to be used where frequent human contact is anticipated.

Section 17-5.7 TRANSITION RESIDENTIAL (TR)

1. Purpose and Intent: To provide a residential zoning classification that serves as a medium-density buffer between areas of higher-density and areas of lower-density. The Transitional Residential zone may be utilized in some second-tier shoreland areas and/or on the edge of the municipal utility service area. The zone may or may not be served by municipal sewer and water but must be within the projected utility service area. Development in this zone should facilitate future utility extensions.

2. Compatibility: The Transitional Residential zone is compatible with and may be established next to the Shoreline Residential, Urban Residential, Downtown Mixed-Use, Commercial and Light Industrial Zones. The Transitional Residential zone may be established next to the Rural Residential, Agriculture or Forest Management zones so long as these zones do not surround the Transitional Residential zone. The Transitional Residential zone should not be established where the zones surrounding it all have similar density characteristics.

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum.....	200
Buildable Lot Area, Metes and Bounds Subdivision - acres, minimum...	10
Buildable Lot Area, non-Metes and Bounds - acres, minimum	1
Residential PUD Maximum Density.....	2 units/acre
Setback, right-of-way, local streets - feet, minimum.....	50
Setback, right-of-way, collector and arterial streets - feet, minimum.....	50
Setback, side - feet, minimum	25
Setback, corner side - feet, minimum	40
Setback, sign - feet, minimum	1
Setback, wetland - feet, minimum	50
Maximum impervious coverage	15%
Maximum Building Height - feet.....	25
Accessory Structure Size – square feet, max, cumulative.....	
.....	1,280 for first 2.5 acres
.....	640 for each additional 2.5 acres
Maximum animal unit per acre.....	0.5

4. Performance Standards. The following performance standards apply to all development in this zone:

- A. Outside Storage. Storage of a fish house and a recreational vehicle is allowed if stored not less than 10 feet distance from any property line and not within the OHW setback.
- B. Fences. Fences not exceeding 60 inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches may be constructed within the OHW setback area so long as the fencing is transparent. Under no circumstances shall a fence be constructed closer

than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is not to be used where frequent human contact is anticipated.

- C. Connection to Municipal Utilities. Where municipal utilities are provided or reasonably close in the opinion of the City Engineer, the property shall be connected to the municipal system. All other properties shall be designed and constructed so as to facilitate future connection to the municipal utility systems.

Section 17-5.8 SHORELINE RESIDENTIAL (SR)

1. Purpose and Intent: To provide a zoning classification for riparian residential development. The zone may or may not be served by municipal sewer and water, depending on availability.

2. Compatibility: The Shoreline Residential zone can only be established next to the Water Resource zone. The shoreline residential zone should be established to extend through the first tier of parcels on developed lake shore and to a public road or 500 feet from the OHW, whichever is closer to the water body on undeveloped shoreline.

3. Lot, Use and Density Requirements.

	<u>GD Riparian Only</u>	<u>RD, Non-Riparian GD</u>	<u>NE Lake</u>
Lot width at OHW and building line - feet, minimum	100	150	200
Lot width with guest quarters or duplex	180	225	300
Buildable lot area - square feet, minimum	20,000	40,000	80,000
Buildable lot area with guest quarters or duplex - square feet, minimum	40,000	80,000	160,000
Setback, right-of-way, local streets – feet, minimum	10	10	10
Setback, right-of-way, collector and arterial streets – feet, minimum	30	30	30
Setback, OHW – feet, minimum	75	100	200
Setback, bluff – feet, minimum	30	30	30
Setback, side – feet, minimum	10	10	15
Setback, corner side – feet, minimum	30	30	30
Setback, sign - feet, minimum	1	1	1
Impervious coverage – maximum	20%	15%	10%
Building height - feet, maximum	25	25	25
Building height, accessory structure - feet, maximum	13	13	13
Accessory Structure Size – square feet, maximum, cumulative	1,280	1,280	1,280
Building above highest known groundwater or lake level – feet, minimum	3	3	3
Maximum Density	1 unit/20,000 sq. ft.	1 unit/40,000 sq. ft.	1 unit/80,000 sq. ft.
ISTS setback from OHW – feet, minimum	75	75	100

4. Performance Standards. The following performance standards apply to all development in this zone:
 - A. Guest Quarters. A dwelling guest quarters must meet the following restrictions:
 - (1) Shall be located along with the principal structure on the smallest lot meeting the above requirements.

- (2) Shall not cover more than 700 square feet of land and must not exceed 15 foot height.
- (3) Shall be located to reduce its visibility as viewed from public waters and adjacent shorelands.
- (4) Shall be screened from adjacent parcels and public waters by vegetation, topographical location, increased setback, color or other methods assuming summer leaf on conditions.

B. Impervious Coverage. Impervious coverage may be increased by 5% through a conditional use permit if the following is provided:

- (1) A storm water retention plan showing containment of the 5-year, 24-hour storm event on the parcel.
- (2) Direct runoff of stormwater to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.

C. Setback from OHW. On parcels with municipal sanitary sewer service, if a structure exists on either side of a proposed structure, the waterfront setback may be altered without variance to conform to the adjoining setbacks provided that the building site is not in a bluff impact zone or the setback less than 50 feet minimum. If no structure exists on either side, a new structure may encroach up to a 50-foot setback from the OHW.

D. Stairways, lifts and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

- (1) Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.
- (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.
- (3) Canopies or roofs are not allowed on stairways, lifts or landings.
- (4) 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.
- (5) Stairways, lifts and landing 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, whenever practical.

- (6) Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with.

E. Boardwalks. Boardwalks are the required alternative for achieving access to shore areas across delineated wetlands. Boardwalks must meet the following design requirements:

- (1) Boardwalks must not exceed four (4) feet in width on residential lots. Wider boardwalks may be used for commercial properties, public open space, recreational properties, and planned unit developments if specifically authorized in a conditional use permit.
- (2) Landings for boardwalks on residential lots must not exceed thirty-six (36) square feet in area. Landings larger than 36 square feet may be allowed for commercial properties, public open space recreational properties, and planned unit developments if specifically authorized in a conditional use permit.
- (3) Canopies or roofs are not allowed on boardwalks or landings. Boardwalks shall be constructed above the ground on posts or pilings.
- (4) Boardwalks should be located in the most visually inconspicuous portion of the lot, as viewed from the surface of the public waters assuming summer, leaf-on conditions.
- (5) Boardwalks shall be made of nontoxic materials.

F. Fertilizer and Pesticides. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation or both. The use of fertilizers containing phosphorus is prohibited within the shore impact zone.

G. Duplexes. On Natural Environment lakes, subdivisions of duplexes must also meet the following standards:

- (1) Each building must meet setback at least 200 feet from the Ordinary High Water Mark.
- (2) Each building must have common sewage treatment and water systems that serve both units in the building.

- (3) Watercraft docking facilities for each lot must be centralized in location and serve all dwelling units in the subdivision.
- (4) No more than 25% of lake shoreline can be in duplex development.

H. Docks. The landward end of all docks must meet a 10-foot setback from the nearest lot line. Docks must be placed so that no portion of the dock, including “L” extensions or additions, and no accessory or ancillary structures or equipment (including mooring buoys, boat lifts, shore trackers or swimming platforms), extends across the projection of the setback from the lot line into the lake. Docks must also be placed so as not to block access from an adjacent property to open water. The storage of all docks, and all watercraft or water oriented items shall also be subject to this property setback rule.

Notwithstanding any provision of this section to the contrary, the 10-foot setback for docks shall not apply to the extent necessary to allow ingress or egress of a pre-existing boat house.

In order to protect the environmental and aesthetic qualities of the lakes, docks shall not extend further than 75 feet from the shoreline into the water and shall not be placed in water depth greater than 10 feet. The Board of Adjustment may grant a variance, through the variance process, to these provisions where it can be demonstrated that it is environmentally beneficial to do so. The variance hearing fee would be refunded if the variance is approved.

These provisions shall apply to the use, maintenance and installation of any dock and accessory or ancillary structures or equipment at any time.

- I. Screening. Screening consisting of native trees and shrubs covering a minimum of 75 percent of the area (leaf on conditions) is required in the shore impact zone, bluff impact zone and wetland setback in order to retain the scenic beauty and rural character as viewed from lakes. To obtain a construction permit in this district, a revegetation plan shall be required for existing properties that do not meet this standard.
- J. Accessory Structure Size. Where a parcel contains buildable land area outside of the Required OHW Setback listed in the following table, additional accessory structure size cumulative maximum may be constructed on the parcel outside of the setbacks listed below and at a rate consistent with the following table:

Lake Classification	Required OHW Setback	Square feet of additional accessory structure per 1,000 square feet of land area beyond required setback
General Development	300 feet	64
Recreational Development	300 feet	32
Natural Environment	400 feet	16

- K. Fences. Fences not exceeding 60 inches in height may be constructed up to the OHW setback area. Under to circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited.

Section 17-5.9 URBAN RESIDENTIAL (UR)

1. Purpose and Intent: To provide a residential zoning classification that contains an urban development pattern characterized by traditional grid-style lot block layouts. Parcels are either served by or designed for municipal sewer and water utilities, an urban road section with sidewalks and a boulevard and are generally within walking distance of the Downtown Mixed-Use District.

2. Compatibility: The Urban Residential zone is compatible with and must be established next to the Downtown Mixed-Use zone or the Shoreline Residential zone. The Urban Residential zone may be established in areas abutting Transition Residential, Commercial or Light Industrial zones.

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum.....	50
Buildable Lot Area (sewered) – square feet, minimum	6,250
Buildable Lot Area (unsewered) – square feet, minimum	20,000
Residential PUD Maximum Density (sewered)	
.....	2 units per 6,250 square feet
Residential PUD Maximum Density (unsewered).....	
.....	2 units per 20,000 square feet
Setback, right-of-way, local streets - feet, minimum.....	10
Setback, right-of-way, collector and arterial streets - feet, minimum.....	30
Setback, side - feet, minimum	10
Setback, corner side - feet, minimum	30
Setback, sign - feet, minimum	1
Maximum impervious coverage	40%
Maximum Building Height - feet.....	25
Accessory Structure Size – square feet, max, cumulative.....	1,280

4. Performance Standards. The following performance standards apply to all development in this zone:

A. Dwelling, Guest Quarters. Guest quarters must meet the following restrictions:

- (1) Shall be located along with the principal structure on the smallest lot meeting the above requirements.
- (2) Shall be a minimum of 400 square feet and maximum of 600 square feet and shall not exceed 15 feet in height.

B. Outside Storage. Storage of a fish house and a recreational vehicle is allowed if stored not less than 10 feet distance from any property line and not within the OHW setback.

- C. Fences. Fences not exceeding 36 inches in height may be constructed within the OHW setback area so long as the fencing is transparent. Fences not exceeding 60 inches in height may be constructed in the side yard or the front yard of a property. Fences not exceeding 96 inches may be constructed in rear yard of a property. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission.
- D. Impervious Coverage. Impervious coverage may be increased by 20% through a conditional use permit if the following is provided:
- (1) A storm water retention plan showing containment of the 5-year, 24-hour storm event on the parcel.
 - (2) Direct runoff of stormwater to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.
- E. Sidewalks. Properties shall accommodate the safe and comfortable sidewalks, paths, and resting areas for pedestrians. Sidewalks and paths shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.

Section 17-5.10 COMMERCIAL (C)

1. Purpose and Intent: To provide a zoning classification for commercial uses oriented around the automobile. Parcels are larger than in the Downtown Mixed-Use zone in order to provide on-site parking, on-site stormwater facilities as well as on-site water supply and sewage treatment where municipal utilities are not immediately available.

2. Compatibility: The Commercial zone should be established as a transition zone between the Downtown Mixed-Use zone or the Light Industrial Zone and the surrounding residential zones. The zone may not be established in an area where it is completely surrounded by residential zones.

3. Lot, Use and Density Requirements.

Lot width– feet, minimum	50
Buildable lot area (sewered) – square feet, minimum	10,000
Buildable lot area (unsewered) – square feet, minimum	20,000
Setback, right of way, City road- feet, minimum	30
Setback, right of way, County or State road, feet, minimum	30
Setback, between buildings – feet, minimum	10
Setback, side next to residential district – feet, minimum	30
Setback, side yard – feet, minimum	10
Setback, rear – feet, minimum	10
Setback, parking from lot line – feet, minimum	10
Setback, sign – feet, minimum	1
Setback, wetland – feet, minimum	50
Setback, unplatted cemetery or archeological site	50
Impervious surface – percent, maximum	25%
Building height – feet, maximum	25
Building above highest groundwater level – feet, minimum	3

4. Performance Standards. The following performance standards apply to all development in this zone:

A. Impervious Coverage. Impervious coverage may be increased by up to 25%, not to exceed 50% of the property, through a conditional use permit if the following is provided and approved by the City:

- (1) A storm water retention plan showing containment of the 10-year, 24-hour storm event on the parcel.
- (2) Direct runoff of stormwater to adjacent properties and wetlands shall be eliminated through the use of berms, infiltration ponds, swales, filtration strips or other permanent means.

- B. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.
- C. Parking. Off-street parking shall be provided as per Section 7.10. On-street parking is not allowed under any circumstances. To reduce the visual impacts and amount of surface parking, shared parking and surface parking shall be located behind or to the side of a building. Additionally, suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks, roads, lots and buildings.
- D. Screening. All sites shall be heavily landscaped to provide 100% screening to adjacent residential parcels and over 50% screening from the road or any non-residential parcel. Percentages shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.
- E. Lighting. Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Lights approved with signs must be turned off at the close of business each day.
- F. Fire Lanes. Fire lanes shall remain unobstructed at all times.
- G. Fences. Fences not exceeding 84 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission.

Section 17-5.11 SHORELINE COMMERCIAL (SC)

1. Intent and Purpose: To establish and maintain a land use district for existing commercial, recreationally orientated uses within the shoreland area comprised of campgrounds, resorts, bars restaurants, marinas and similar water oriented uses with independent sanitary facilities and that are compatible with the natural resources of lakes and streams.
2. Compatibility: The Shoreline Commercial zone must be riparian and should be established adjacent to existing Shoreline Commercial zones. The zone may not be established in an area where it is completely surrounded by residential zones.
3. Lot, Use and Density Requirements.

	GD Lake	RD Lake	ND Lake
Lot width at OHW– feet, minimum	300	500	750
Buildable lot area - acres, minimum	2.5	5	10
Setback, right of way, City road- feet, minimum	30	30	30
Setback, right of way, County or State road, feet, minimum	50	50	50
Setback, side yard – feet, minimum	10	10	10
Setback, parking from lot lines– feet, minimum	10	10	10
Setback, between buildings – feet, minimum	10	10	10
Setback, corner side – feet, minimum	30	30	30
Setback, un-platted cemetery or archeological site – feet, minimum	50	50	50
Setback, sign from road– feet, minimum	1	1	1
Setback, OHW of lake – feet, minimum	75	150	200
Setback, ISTS from OHW - feet, minimum	75	75	100
Setback, wetland – feet, minimum	50	50	50
Impervious coverage - percent maximum	25%	20%	20%
Building height, dwelling – feet, maximum	25	25	25
Building height, accessory structure – feet, maximum	13	13	13
Building above highest groundwater level – feet, minimum	3	3	3

4. Performance Standards (SC):
 - A. Screening. Screening consisting of native trees and shrubs covering a minimum of 75 percent of the area (leaf on conditions) is required in the 50 foot lake, river, stream, wetland, and bluff buffers in order to retain the scenic beauty and rural character as viewed from roads. To obtain a construction permit in this district, a revegetation plan shall be required for existing properties that do not meet this standard.
 - B. Buildings. Four unit or larger buildings or buildings open to the public shall be designed by a registered architect and shall meet the provisions of the State Building Code.

- C. Centralization of Mooring Facilities. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
- D. Stairways, Lifts and Landings. Stairways and lifts are the only accepted method for achieving access up and down bluffs and steep slopes to shore areas. Topographic alteration to obtain access is not allowed. Stairways, lifts and landings must meet the following design requirements:
- (1) Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.
 - (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.
 - (3) Canopies or roofs are not allowed on stairways, lifts or landings.
 - (4) 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.
 - (5) Stairways, lifts and landing 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, whenever practical.
 - (6) Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with.
- E. Fertilizer and Pesticides. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation or both.
- F. Impervious Surface Replacement. Parcels that exceed the maximum allowed impervious surface may construct additional impervious surfaces if the overall impervious coverage is reduced on a 2:1 removal/construction ratio.
- G. Fences. Fences not exceeding 60 inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches

may be constructed within the OHW setback area so long as the fencing is transparent. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited.

Section 17-5.12 DOWNTOWN MIXED USE (DMU)

1. Purpose and Intent: To provide a zoning classification for a mix of high-density residential and commercial uses. Development in this zone relies less on automobile traffic and more on walking, biking and other similar modes of transportation. Infrastructure must be in place to provide on-street parking and walkways as well as connection to municipal water and sanitary sewer utilities. Downtown Mixed-Use zones should be clustered to provide the maximum amount of interaction and accessibility between the different establishments.

2. Compatibility: The Downtown Mixed-Use zone is most compatible with and should be established next to the Urban Residential zone, but it also may be adjacent to the Transition Residential, Commercial and Light Industrial Zones.

3. Lot and Use Requirements (DMU).

Lot width– feet, minimum	25
Buildable lot area – square feet, minimum	2,250
Maximum Density (units per acre)	20
Setback, right of way, City road- feet, minimum	1
Setback, right of way, County or State road, feet, minimum	10
Setback, side yard – feet, minimum	0
Setback, rear – feet, minimum	10
Setback, sign – feet, minimum	1
Setback, parking from building or lot line – feet, minimum	0
Setback, wetland – feet, minimum	50
Impervious Coverage with storm sewer available	90%
Impervious Coverage without storm sewer available	50%
Building height – feet, maximum	25
Building above highest groundwater level – feet, minimum	3

4. Performance Standards. The following performance standards apply to all development in this zone:

A. Parking. Commercial developments within the DMU District are exempt from the parking standards of Section 7.10. Residential development within the DMU District is not exempt. Developments shall minimize the appearance of parking areas.

(1) Location. Parking and vehicle drives shall be located away from building entrances and street corners, and not between a building entrance and the street. Surface parking shall be oriented behind or to the side of a building when possible.

(2) Landscape Buffering. Suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks and buildings.

- (3) Maximum Parking Ratio. Surface parking shall not exceed 125% of the minimum parking requirement for the subject land use(s).
- B. Pedestrian Amenities. Proposed developments shall provide for safe and comfortable sidewalks, paths, and resting areas for pedestrians. Sidewalks and paths shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- C. Lighting. All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting including wall mounted, sidewalk lamps, bollards, or landscape up-lighting.
- D. Fences. Fences not exceeding 72 inches in height may be constructed. Fencing shall only be constructed closer than 10 feet from the surface of a public road with the permission of the Planning Commission and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is allowed only with the permission of the Planning Commission.

Section 17-5.13 LIGHT INDUSTRIAL (LI)

1. Purpose and Intent: To provide a zoning classification for light industrial and commercial uses. Development in this zone requires high automobile accessibility, municipal water, sanitary sewer service, and municipal stormwater treatment facilities. Light Industrial zones should be clustered to control negative impacts of light industrial activities and to efficiently facilitate maximum interaction between light industrial and commercial enterprises.
2. Compatibility: The Light-Industrial zone is most compatible with and should be established adjacent to the Commercial zone, but in some circumstances may be compatible with the Downtown Mixed-Use, Urban Residential and Transition Residential zones. The zone may not be established in an area where it is completely surrounded by residential zones.
3. Lot, Use and Density Requirements.

Lot width– feet, minimum	50
Buildable lot area – square feet, minimum	10,000
Setback, right of way, City road- feet, minimum	30
Setback, right of way, County or State road, feet, minimum	30
Setback, between buildings – feet, minimum	10
Setback, side next to residential district – feet, minimum	30
Setback, side yard – feet, minimum	10
Setback, rear – feet, minimum	10
Setback, parking and driveways from lot line – feet, minimum	0
Setback, sign – feet, minimum	1
Setback, wetland – feet, minimum	75
Setback, unplatted cemetery or archeological site	50
Impervious surface – percent, maximum	90%
Building height, principal structure – feet, maximum	30
Building height, non-occupied accessory structure – feet, maximum	45
Building above highest groundwater level – feet, minimum	3

4. Performance Standards. The following performance standards apply to all development in this zone:
 - A. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.
 - B. Parking. Adequate off-street parking shall be provided. On-street parking is not allowed under any circumstances. Additionally, suitable trees and

shrubs shall be planted between parking lots and all adjacent sidewalks, roads, lots and buildings.

- C. Lighting. Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Fire Lanes. Fire lanes shall remain unobstructed at all times.
- D. Fences. Fences not exceeding 84 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission.
- E. Landscaping. For new construction or additions/alterations, at least ten percent (10%) of the land area shall be landscaped with a combination of grass or other approved ground cover, shrubs, trees and ornamental landscaping. All landscaped areas shall be maintained and kept free of weeds and debris.

Section 17-5.14 RECREATION (R)

1. Purpose and Intent: To establish and maintain a land use district for existing uses of land or for land properly suited for recreational development that is semi-rural in character, allows public and private recreation facilities and accessory uses, and promotes and maintains aesthetics in areas that serve as a transitional zoning district between residential uses and commercial uses.

2. Compatibility: Recreation zones are compatible with and can be established adjacent to every other zoning classification, and any property that meets the purpose and intent of this zoning classification may be zoned Recreation.

3. Lot, Use, and Density Requirements:

Lot width – feet, minimum	500
Total Lot Area – acres, minimum.....	10
Setback, right-of-way, local streets – feet, minimum.....	50
Setback, right-of-way, collector and arterial streets – feet, minimum	50
Setback, side – feet, minimum	30
Setback, corner side – feet, minimum	40
Setback, sign – feet, minimum	1
Setback, OHW – feet, minimum	150
Setback, wetland – feet, minimum	50
Maximum impervious coverage.....	15%
Maximum building height – feet	25
Building above highest known groundwater – feet, minimum	3

4. Performance Standards. The following performance standards apply to all development in this zone:

A. General. All proposed development in the Recreation zone shall be reviewed by the Parks Board, which will make recommendations to the Planning Commission.

B. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light, or any other nuisances.

C. Parking. To reduce the visual impacts and amount of surface parking, parking structures, shared parking, and surface parking located behind or to the side of a building shall be encourage whenever possible. Additionally, suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks, roads, lots, and buildings. No parking shall occur within shoreline setback areas.

D. Screening. All sites shall be heavily landscaped to provide 100% screening of structures to adjacent residential parcels and over 50% screening from the road or any non-residential parcel. Percentages shall be

determined by the amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each Conditional Use Permit.

- E. Lighting. Lighting shall be downward directional and shall be compatible with the surrounding development. Signs approved with lights must be turned off at the close of business each day.

- F. Fences. Fences not exceeding 60 inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches may be constructed within the OHW setback area so long as the fencing is transparent. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick, or smooth wire. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission.

Section 17-5.15 LAND USE MATRIX

1. The land use matrix shown in Table 1 establishes the allowable, permitted, accessory, conditional and excluded uses within the City of Pequot Lakes.
2. All uses are considered prohibited unless specifically allowed in this Code, even if they are not listed specifically under excluded uses.
3. All accessory uses require a permit, unless otherwise indicated.

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 6. OVERLAY DISTRICTS AND DISTRICT PROVISIONS

Section 17-6.1 GENERAL

1. Purpose and Intent. To establish and maintain districts that overlay existing zoning districts to better manage significant areas with specific needs, such as encouraging growth in areas with existing public facilities or preserving areas with valued resources and amenities. All sites within an overlay district shall continue to bear their original zoning but with the provisions of the overlay district appended.
2. Boundaries. The boundaries are established based on district-specific criteria and may not be aligned with roads, lot lines, or other man-made boundaries. The boundaries are designated on overlay maps. Overlay maps are considered part of the official Zoning Map and are therefore approved and amended following procedures in Section
3. Permits. No subdivision, rezoning, reconstruction, alteration, or addition shall be made to any existing structure, nor shall any additional structure be constructed upon a site in any overlay district, except in accordance with the provisions of the overlay district.
4. Districts. The following overlay districts are hereby established:

Highway 371 Corridor Overlay District
Recreational Vehicle Resort Overlay District
Extractive Use Overlay District
5. Supremacy. If a provision of an overlay district conflicts with a provision or provisions of the underlying zoning district, the more restrictive provision shall apply.

Section 17-6.2 HIGHWAY 371 CORRIDOR OVERLAY DISTRICT (HWY)

1. Purpose and Intent. The Highway 371 Corridor (HI) Overlay District is intended to promote safe and reasonable access to Highway 371 from abutting properties and also maintain and require a buffer zone of trees and shrubs to preserve the northwoods atmosphere of this area. The intent is to promote safety in the highway corridor and maintain the aesthetics of the existing forest and woodlands in the region while allowing a variety of uses along the corridor district in harmony with existing vegetation.
2. Tree Removal. Tree removal permits are required for the removal of more than ten (10) trees over two inches (2”) in diameter (as measured at four (4) feet from the base of the tree) from corridor property.
3. Buffer Zone Vegetation. Buffer zones require provision of both physical separation and landscape elements to meet the intent of this district. Existing vegetation shall be used wherever possible. Vegetation to be saved shall be identified on site plans

along with protection measures for existing trees. Plantings shall consist of the following:

- A. Large, indigenous trees with a minimum size of 1.5 caliper at planting are required. Large trees are those with a mature height of thirty (30) feet or greater and a mature spread of thirty (30) feet or greater. Of these, twenty-five percent (25%) must be evergreen trees which are described as trees having green foliage throughout all seasons of the year in the Pequot Lakes region.
- B. Small, indigenous trees/large indigenous shrubs are required to fulfill from no less than twenty percent (20%) to no more than thirty percent (30%) of the required number of trees. Small trees/large shrubs are trees or shrubs with a mature height of ten (10) to thirty (30) feet. The mix is designed to create a buffer which will give a satisfactory screen within three to five years of planting, under normal maintenance, while allowing room for the various plants to grow. Trees shall be distributed along the entire length of the buffer. Due to unique characteristics of a site, or design objectives, alternative plant mixes may be approved. Trees shall not be pruned to remove lower branches that will provide screening.

4. The following are the required buffer zones in each underlying zoning district along the Highway 371 Corridor district:

- A. Commercial District. A minimum of one tree per each 200 square feet of property for a depth of fifty (50) feet from the Highway 371 right-of-way into the development property.
- B. Light Industrial District. A minimum of one tree per each 200 square feet of property for a depth of fifty (50) feet from the Highway 371 right-of-way into the development property.
- C. Forest Management District. If no structures exist, no new screening is required. When permitted structures are proposed to be built, a minimum of one tree for every 200 square feet of property for a depth of twenty (20) feet from the Highway 371 right-of-way into the development property is required.
- D. Agriculture District. If no structures exist, no new screening is required. When permitted structures are proposed to be built, a minimum of one tree for every 200 square feet of property for a depth of twenty (20) feet from the Highway 371 right-of-way into the development property is required.
- E. Rural Residential and Transition Residential Districts. A minimum of one tree for every 200 square feet of property for a depth of twenty (20) feet from the Highway 371 right-of-way into the development property.

5. Highway Access. Due to the high level of traffic congestion and concern for safety, access points in the corridor district will be limited according to the Pequot Lakes Comprehensive Plan and other access management plans as adopted by the City. No new access points will be provided to Highway 371 beyond what exists at the time of adoption of this Ordinance, a minimum of one per existing parcel.

Section 17-6.3 RECREATIONAL VEHICLE RESORT OVERLAY DISTRICT (RV)

1. Purpose and Intent: The Recreational Vehicle Resort Overlay District (RV) is intended to provide for Recreational Vehicle Resort developments and individual ownership of sites within such developments. The intent is to allow for economically feasible options for such uses and to designate areas in the City where developments of this type are appropriate to maintain the character of the underlying zoning district and to be compatible with the surrounding neighborhood.

2. Minimum Lot Size. The minimum lot size required for establishment of a Recreational Vehicle Resort as defined by this overlay district is 40 acres.

3. Standards. All Recreational Vehicle Resort developments applying for conditional use permits within the Recreational Vehicle Resort Overlay District must meet the criteria and standards set forth in Section 17-8.4 Campgrounds/Campsites and Section 17-8.2 Planned Unit Development of this Ordinance in addition to the standards contained in this Section of the City Code, unless otherwise indicated herein or waived by the Planning Commission.

4. Impervious Coverage. The maximum impervious coverage for properties falling within the Recreational Vehicle Resort Overlay District is 25%.

5. Site Sizing. Recreational Vehicle sites shall have a minimum of 5,000 square feet designated for each unit.

6. Density. Within the overlay district, for the development of a Recreation Vehicle Resort, there shall be no density limitation. The minimum standards for buffering contained in Sections 17-8.2 and 17-8.4 shall be strictly adhered to. Final density allowed shall be based on an evaluation of the criteria in Section 17-8.2 and Section 17-8.4 and an evaluation of the ability of the site to support the proposed level of density.

7. Administration and maintenance requirements. Prior to final approval of any Recreational Vehicle Resort containing individually-owned sites or units, the City will require adequate provisions developed for preservation and maintenance in perpetuity of open space and for the continued existence and functioning of the development as a community.

- A. Association membership must be mandatory for each camping unit or site purchaser and any successive purchaser.
- B. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.

- C. Assessments must be adjustable to accommodate changing conditions.
- D. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- E. Changes to the owners' association must be approved by the City.

Section 17-6.4 EXTRACTIVE USE OVERLAY DISTRICT (EX)

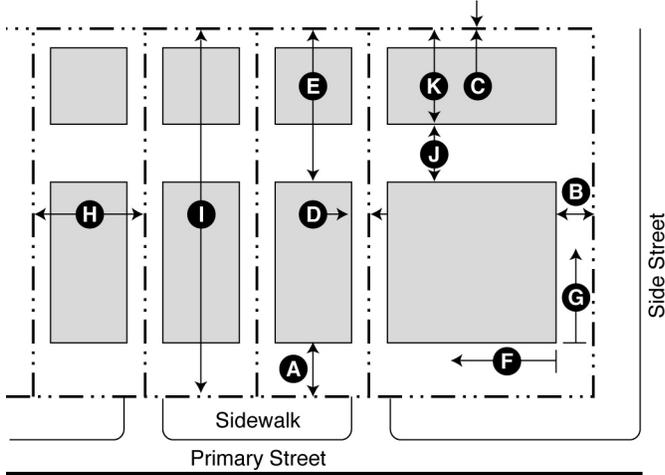
1. Purpose and Intent. The purpose of the Extractive Use Overlay District (EX) is to provide areas for extractive uses and associated accessory uses, such as crushing and processing, as the City contains significant aggregate materials important for the maintenance and improvement of infrastructure in the area. The intent of the Extractive Use Overlay District is to allow for the expansion of existing extractive uses in areas containing primary aggregate resource potential and to designate areas in the City where uses of this type are compatible with the surrounding neighborhood, as well as to promote and ensure the overall health, welfare, safety, and comfort of the community and its residents.

2. Standards. All extractive use developments applying for a conditional use permit within the Extractive Use Overlay District must meet the criteria and standards contained in Section 17-8.5 Extractive Uses and Restoration and Section 17-11.6 Conditional Use Permits of this Chapter.

Section 17-6.5 GROW ZONE OVERLAY DISTRICT

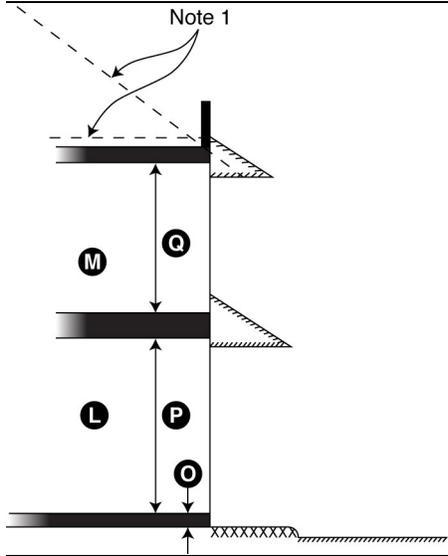
1. Establishment. This section hereby establishes a Grow Zone Overlay District, the boundaries of which are designated on the official Grow zone Overlay District Map.
2. Purpose and Intent. The intent of the Grow Zone Overlay District is to:
 - A. Facilitate economic development and increased tax base in the downtown area of Pequot Lakes,
 - B. Provide a clear and streamlined approval process for development within the downtown,
 - C. Capitalize on public infrastructure investments by allowing more-intense use of existing infrastructure,
 - D. Enhance the mixed-use aspect of the downtown so as to expand the local market for merchants,
 - E. Ensure that development in downtown Pequot Lakes is compatible with existing private investments already made in the downtown, and
 - F. Reinforce a sense-of-place in downtown Pequot Lakes to help create the “destination effect” described in the Comprehensive Plan.
3. Application. The standards applied to the area designated within the Grow Zone Overlay District are considered alternative standards for development. A property owner shall have the option of applying either the standards contained in the underlying zoning district or the standards contained in the Grow Zone Overlay district. Once the decision on which standards to apply has been made, those standards shall be applied exclusively, with the standards in the section that was not selected excluded from all consideration.

4. Standards.



Key

- Property Line
- Building Area



Build to Line (Distance to Property Line)	
Front Street	A 0 feet
Side Street	B 0 feet
Rear, Accessory Structure	C 5 feet

Setback (Distance from Property Line)	
Side	D 0 feet
Rear, Main Building	E 5 feet

Building Form	
Primary Street Façade built to BTL	F 70% min
Side Street Façade built to BTL	G 30% min

Lot Width	H	50 max
Lot Depth	I	150 max
Distance Between Buildings	J	10 feet min.
Depth of Accessory Structure	K	24 feet min

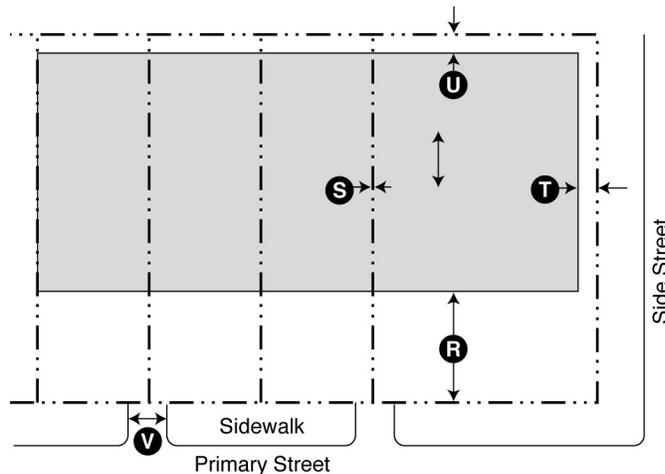
Use

Ground Floor	L	Retail, Service
Upper Floor(s)	M	Retail, Service, Residential

Height

Building Max.		35 ft
Accessory Structure Max.		15 ft
Finish Ground Level	O	6 inches min above sidewalk
First Floor Ceiling Height	P	10 ft min. clear
Upper Floor Ceiling Height	Q	8 ft min. clear

Note 1: Roof shall be flat or the roofline shall be articulated to slope towards the street.



Key

- · · Property Line
- Parking Area

Off Street Parking

Front Setback	R	50 feet
Side Setback	S	0 feet
Side Street Setback	T	10 feet
Rear Setback	U	5 feet

Required Spaces

Residential Uses

Studio unit	1/2 space
1-2 bedroom unit	1 space
3+ bedroom unit	2 spaces

Other Uses

Uses < 3,000 sf	0
Uses 3,000 sf or greater	As per Section 17-7.10

Prohibited Uses

Retail

- Total floor area over 5,000 square feet
- Adult Use

Services

- Adult Use

Section 17-6.6 - LARGE RESORT OVERLAY ZONE

1. **General.** The provisions of this section will apply to existing commercial resorts that are located in a Shoreline Commercial zone, were in existence prior to January 1, 2010, are part of an established Planned Unit Development and contain at least 20 dwelling units.
2. The provisions for calculating allowable density in a Planned Unit Development, found in Section 17-8.2, subpart 6(A), shall not be applicable. Instead, density shall be calculated as follows:

- a. Density is determined through the following steps:

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

Public waters classes

General development lakes - first tier (Nearshore Area) 0.125

General development lakes - second tier (Lakeview Area) 0.075

Recreational development lakes - first tier (Nearshore Area) 0.075

Recreational development lakes - second tier (Lakeview Area) 0.075

GD and RD - third tier (Forestview Area) 0.075

Natural environment lakes - all tiers 0.038

All river classes 0.038

- b. Multiply the area within each tier, excluding all wetlands, bluffs, and land below the ordinary high water level of public waters, by the ratio to yield the total land surface area that can be covered by structures in each tier.
- c. 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.

Section 17-6.7 – BUSINESS PARK INFILL ZONE

1. **Purpose and Intent.** To streamline the subdivision process for properties within the Industrial Park (also called the Business Park) based on the knowledge that the properties within the park are already platted, the topography is flat and municipal services are provided throughout. By streamlining the subdivision process, the City of Pequot Lakes seeks to encourage more intensive use of the park through infill development with additional private-sector investment.
2. **Subdivision Standards.** The following standards apply to land within the Business Park Infill Zone, superseding those standards in Chapter 17-9.2.
 - A. Submittals. The following information shall be submitted for a Metes and Bounds subdivision:

- i. A completed subdivision application.
- ii. A legal description, prepared by a Licensed Land Surveyor, describing all newly created lots and all remnant pieces.
- iii. A list of proposed lot sizes for each newly created lot and all remnant pieces.
- iv. A signed statement from a Licensed Land Surveyor indicating that the proposed lot lines have been staked consistent with the submitted legal description.
- v. Evidence of Authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.

B. Review

- i. The Zoning Administrator shall review the legal description to ensure it has been prepared by a licensed surveyor.
- ii. The Zoning Administrator shall visit the site and verify that the proposed lot lines, as staked by the Land Surveyor, do not create any encroachments and provide adequate buildable area.
- iii. The City Attorney shall validate that the property owner has the authority to subdivide the property.

C. Approval

- i. Once the items in (A) have been submitted and the items in (B) have been completed to the satisfaction of the Zoning Administrator, the Zoning Administrator may approve the application.
- ii. Upon approval, the City Clerk is directed to affix the City Seal to the appropriate documents necessary for Crow Wing County to record the approved subdivision.

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 7. PERFORMANCE STANDARDS

Section 17-7.1 SIGNS

1. Purpose. The purpose of these standards is to protect the general welfare and safety of the City by providing a policy of aesthetic development to prevent signs from intruding on the rural and residential character of the City; to provide adequate signs for direction and property identification purposes; and to provide adequate and effective signs for commercial use.
2. Required Permits. All signs are considered structures and require a Zoning Permit, except signs placed by the City, County or State to relate the laws or ordinances, or to promote the health, safety and welfare of the community which are exempt, and signs exempted in this Chapter.
3. Exempt Sign. The following signs can be erected without a permit:
 - A. Temporary signs pertaining only to the construction, sale or rental of the premises are allowable provided they do not exceed 9 square feet in any zone and are removed within 30 days of the completion of construction, sale or rental.
 - B. Each parcel shall be allowed, for up to 14 days during any 90 day period, temporary signs, including banners, streamers and portable signs for special events, such as grand openings and promotions, provided they meet the following:
 - (1) The total cumulative area of all temporary signs shall not exceed one half of the area allowed for a permanent sign in said zoning district, as provided for in Section 7.1, Subdivision 5.
 - (2) No more than four (4) temporary signs shall be on display at a given time for each parcel, provided that the total area of the signs conforms to the provisions of subpart (1) contained herein.
 - C. Street identification signs and no hunting or trespassing signs are allowed without a permit.
 - D. Temporary signs endorsing a political candidate, party or issue during an election season are allowed without a permit. The sign must be removed within 30 days after the election.
 - E. Signs in Residential, Agriculture and Forestry Districts, provided they meet the following standards.
 - (1) Signs shall not be internally or externally lighted but may be

reflective.

- (2) No sign shall be larger than 3 square feet, except for a permitted home occupation where 6 square feet is allowed,
- (3) Only one sign per parcel shall be allowed.

4. General.

- A. Non-maintained signs or signs for discontinued business will be removed after notification by the Zoning Administrator or after discontinuance of the business.
- B. Placement of signs shall consider protecting sight distance at intersections, driveways and curves.
- C. All flashing, revolving and intermittently lighted signs, including all digital displays, and all portable signs are prohibited, except as specifically allowed in this section.
- D. A non-conforming sign may be refaced, removed and replaced for maintenance purposes, however it shall not be increased in size, the support system shall not be improved and the sign shall be removed in its entirety upon the determination by the Zoning Administrator that the sign is in disrepair or the support system is failing.
- E. Residential and commercial signs may not contain elements commonly used by highway departments to alert, direct or caution traffic such as, but not limited to, octagonal stop signs or speed limit signs.
- F. No signs, except for official traffic signs, shall be placed on or overhang public property, except where specific permission is granted by the Planning Commission.
- G. All signs must be professionally constructed and painted.

5. Onsite Signs.

- A. Commercial and Industrial Districts.
 - (1) All signs on a property must be coordinated to create an overall appearance in regards to size and color.
 - (2) Sign area is calculated as the total area of signage and shall include all area bound by a rectangle that encompasses the markings that comprise the sign. For two-sided signs, each side shall be counted.
 - (3) Up to 10% of any principle structure façade area which directly

abuts and lies generally parallel to the road right-of-way or publicly traveled roadway may be dedicated to signage.

- (a) The permitted sign area may be split up into several signs or used for one sign.
 - (b) Any attached sign that protrudes from a structure 2 feet or less will be counted as part of the building façade signage.
 - (c) For commercial buildings that are entirely set back more than 100 feet from the edge of the roadway, 15% of the façade area may be covered.
 - (d) Façade area may be transferred from one side to another so long as the area used as signage never exceeds 10% of the side it is on.
 - (e) No credit is given for façade area not directly abutting and lying generally parallel to the road right-of-way or to publicly traveled roadway.
- (4) Each property is allowed one freestanding sign so long as the sign can meet setbacks and its placement does not obstruct lines of sight or pedestrian corridors.
- (a) On all freestanding signs, both sides of the sign are counted to determine the sign area.
 - (b) Buildings located in a 45 mile per hour speed zone or higher are allowed up to 96 square feet of freestanding sign that shall not exceed 15 feet in height.
 - (c) Buildings located in a less than 45 mile per hour speed zone are allowed up to 64 square feet of freestanding sign and, for multi-business buildings, are allowed an additional 8 square feet for each business after the first. The sign may not exceed 10 feet in height.
 - (d) For corner lots, one freestanding sign conforming to these standards is allowed on each roadway.
 - (e) Any attached sign that protrudes from a structure more than 2 feet will be considered a freestanding sign.
- (5) There shall be no signage on accessory structures.
- (6) Property owners seeking to display more signs than what are allowed in this section or seeking allowances outside of what is allowed in this section may obtain permission to do so with the

approval of a sign concept plan. The sign concept plan shall include all existing and proposed signage for the entire parcel. The Planning Commission shall review the sign concept plan and base its decision on the following:

- (a) Necessity of the additional signage,
 - (b) alternatives to additional signage,
 - (c) continuity with signage on adjacent parcels,
 - (d) aesthetic impacts, and
 - (e) perceived effectiveness of proposed signage
- (7) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards.
- (a) No advertising signs or supporting facilities for signs may be placed upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or a permit issued by the county sheriff.
 - (b) Signs 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 8 feet above the ground, and must not exceed 10 square feet in size.
 - (c) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent illumination out across public waters. This does not preclude use of navigational lights.
- (8) Static LED displays used for advertising the price of gasoline shall be permitted.
- (a) A total of five (5) digits per face may be displayed digitally.
 - (b) The height of an LED digit may not exceed sixteen (16) inches.
 - (c) The sign shall not exceed a brightness level of 0.3 foot candles above ambient light as measured 100 feet from the sign.

B. Recreational District.

- (1) Each Recreationally zoned development may be allowed on-site signage as regulated by a conditional use permit. Unless otherwise allowed, the size of any single sign shall not exceed 48 square feet in area and shall not exceed 10 feet from the ground to the top of the sign.
- (2) A parcel of land may have internal directional signs that are related to the operation of the recreational facility.
- (3) No signage shall be allowed to direct any light on to an adjacent parcel of land.

C. Directory Signs.

- (1) To facilitate economic growth and reduce the overall amount of signage within the City, the City of Pequot Lakes may, at its discretion, establish directory signs in any zone. Directory signs should be in lieu of other signage, such as an existing off-site sign or signage provided by the Minnesota Department of Transportation.

D. Residential Districts including Rural Residential, Transition Residential, Shoreline Residential, and Urban Residential.

- (1) Area Identification Signs are permitted by Conditional use Permit in the residential districts listed above and must meet the following criteria:
 - (a) The size of the sign shall not exceed 32 square feet in area.
 - (b) The sign shall not exceed eight (8) feet in height, as measured from the existing ground elevation to the top of the sign. Any landscaping, grading, structure, or other material that raises the level of the existing elevation of the ground shall be included in the height of the sign.
 - (c) Any such sign shall be erected only on a corner lot at the intersection of local or collector streets with collector or arterial roadways and only on property that is a part of the residential development identified herein.
 - (d) The sign shall be located on private property at the required setbacks for the zoning district, as detailed in this Chapter. Placement of the sign shall include consideration for the

maintenance of appropriate sight lines at the intersection and shall not constitute an obstruction to traffic in the area.

- (e) The sign shall include a landscaping plan to be installed and continually maintained by the owner of the property on which the sign is located, pursuant to the requirements of this Section.
- (f) No more than one sign per entrance to the development shall be allowed, with each sign meeting the provisions contained herein.
- (g) Any lighting of the sign shall be external, downward directional, and hooded so as to prevent glare and to maintain the character of the neighborhood.

D. Residential Districts including Rural Residential, Transition Residential, Shoreline Residential, and Urban Residential.

(2) Property owners seeking to display more signs than what are allowed in this section or seeking allowances outside of what is allowed in this section may obtain permission to do so with the approval of a sign concept plan. The sign concept plan shall contain all existing and proposed signage for the entire parcel. Property owners within 350 feet of the subject property shall be notified by regular mail of the sign concept plan in question. The Planning Commission shall review the sign concept plan and base its decision on the following:

- (a) Necessity of the additional signage,
- (b) Alternatives to additional signage,
- (c) Continuity with signage on adjacent parcels,
- (d) Aesthetic impacts, and
- (e) perceived effectiveness of proposed signage.

6. Offsite Signs – General.

A. Off-site signs are prohibited, except for residential or commercial directory signs. Any existing off-site signs are considered non-conforming structures.

Section 17-7.2 NUISANCE STANDARDS

1. Performance Standards.

A. Compliance Required. Every use permitted by this Chapter shall be so established and maintained as to comply with the provisions of this section. The Planning Commission may require the complaining party to

provide such tests or investigations by an independent testing organization satisfactory to the Planning Commission as are necessary to show non-compliance with these standards. The entire cost of such investigations and tests shall be paid for by the complaining party unless the results disclose non-compliance with these standards; in that event, the entire cost shall be borne by the owner or operator. This provision does not preclude the City from making any investigations and tests it finds appropriate to determine compliance with these standards.

- B. Noise. Noise shall be measured on any property line of the tract on which the source of the noise is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness, or intensity. At the property line of the tract on which the source of noise is located, the sound pressure level of noise radiated shall not exceed the following limits measured for 10% (L10) and 50% (L50) of a one hour period, using a sound level meter having the characteristics as specified in standards endorsed by the American National Standards Institute, specification for sound level meters, and using procedures approved by the State of Minnesota Pollution Control Agency. Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7010.

In addition, no persons shall make or cause to be made, any impulsive and loudly audible noise that injures or endangers comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.

Adjoining Property Zone - Time				
	Day, 7AM – 10PM		Night, 10PM – 7AM	
	L10	L50	L10	L50
Decibels, Residential Zones	60	55	50	45
Decibels, Commercial Zones	65	60	65	60

- C. Odor. No use shall cause the discharge of toxic, noxious or odorous matter beyond the limits of the site where it is located in such concentrations as to be obnoxious or otherwise detrimental to the public health, safety, comfort or welfare or cause injury to property or business.
- D. Glare. Direct or reflected glare, such as from floodlights, spotlights or high temperature process, and as differentiated from general illumination, shall not be visible beyond the sight of origin at any property line. Any lights used for exterior illumination shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs

shall not be permitted where in view of adjacent property or public right-of-way. Except for public street lights, any light or combination of lights which cast light on a public street shall not exceed one foot-candle as measured from the property line of said street. Any light or combination of lights which cast light on residential property shall not exceed one foot-candle as measured from the property line of said property.

- E. Vibration. Vibration at any property line shall not be discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour period. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (1/10) gravities or result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting" on any structure. The methods and equations of that bulletin shall be used to compute all values for the enforcement of this provision.
- F. Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations APC 7017. Open burning shall require a DNR burning permit.
- G. Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7011.
- H. Fumes or Gases. Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Chapter 5, "Physiological Effects" that contains such tables, in the "Air Pollution Abatement Manual" published by the Manufacturing Chemists' Association, Inc., Washington D.C., are hereby established as guides for the determination of permissible concentration and amounts. The City may require detailed plans for the elimination of fumes or gases before the issuance of a Zoning Permit.
- I. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.
- J. Wastes.

- (1) All waste generated shall be disposed of in a manner consistent with all Minnesota Pollution Control Agency rules.
- (2) Any accumulation of waste generated on any premises not stored in containers which comply with Minnesota Pollution Control Agency rules, or any accumulation of mixed solid waste generated on any premises which has remained thereon for more than one week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored or disposed in a manner consistent with Minnesota Pollution Control Agency rules, is a nuisance and may be abated and the cost of abatement may be addressed against the property where the nuisance is found.
- (3) The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Chapter.

K. Air Pollution. Every activity shall conform to State regulations relating to air quality standards and air pollution control.

L. Erosion and Drainage.

- (1) No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties.
- (2) All storm sewer inlets and drainage ways that are functioning during construction shall be protected so that sediment laden water does not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- (3) All on-site storm water conveyance systems must be designed and constructed to withstand the design volume of storm water with appropriate stabilization to prevent scour and erosion. Erosion controls must be provided at the outlets of all storm sewer pipes or drainage ways.
- (4) All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.
- (5) All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding or by mulching or covering or other equivalent control measure.
- (6) All temporary erosion control devices, including silt fence, gravel, hay bales or other measures shall be removed from the

construction site and properly disposed of or recycled. This removal and disposal must occur within 60 days of the establishment of permanent vegetative cover on the disturbed area.

- M. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. Adverse effects shall be measured by FCC standards.
- N. Fertilizers, herbicides and pesticides. No person shall place, spread or store fertilizers, herbicides and/or pesticides in any manner other than that recommended by the manufacturer or in any manner which allows any escape of nutrients or toxins into the air, ground water or surface water of the City.
- O. Abandoned Buildings. No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorated or a safety hazard. All abandoned, deteriorated or unsafe structures shall be removed. If the owner fails to remove the structure, the City shall do so and assess the cost against the property through the County taxation method.

Section 17-7.3 FENCES

1. Safety Hazards. Fences shall not be erected where they create a visual safety hazard in the opinion of the Zoning Administrator. Fences shall not be electrified or contain barbed wire except in areas where contact with the general public is not anticipated.
2. Location and Orientation. All boundary line fences shall be entirely located upon the property of the person constructing such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. Fences on property lines will require a survey to determine location. Fences may not be placed within a shore or bluff impact zone.
3. Construction. The “good side” of the fence shall face abutting properties, meaning that the posts shall face in toward the property on which the fence sits and the finished face of the fence shall face abutting properties.
4. Height. Height is regulated for each district in Article 5.
5. Maintenance. Fences shall be maintained to retain their aesthetic quality, screening abilities, and function. Missing boards, rusting wire and posts, and peeling paint shall be taken care of at the owner’s expense as they occur. If the fence is within two feet of a property line, the adjoining property owner abutting the fence is allowed to finish the side of the fence facing their property.

Section 17-7.4 MAINTENANCE

All structures shall be properly maintained in a clean and acceptable manner so as not to constitute a menace to the public health, safety, convenience, general welfare, property values, and aesthetics. All landscaping shall be properly maintained so as to preserve planting in a live state and free of noxious weeds.

Section 17-7.5 STORAGE

1. Exterior Storage.
 - A. There shall be no exterior storage allowed on lots that do not contain a principle or accessory structure.
 - B. Where there is a principle or accessory structure, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, licensed recreational equipment, construction landscaping materials and equipment currently being used for construction of the premises, woodpiles, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein.
 - C. No more than two fish houses and one recreational vehicle are permissible if they are currently licensed. Fish houses and recreational vehicles must be stored at least 10 feet distance from any property line and outside of the OHW setback.
 - D. Abandoned motor vehicles shall be stored within a structure or completely screened from view from adjacent properties and right-of-way. See Chapter 3, Article 8.
2. Bulk Storage.
 - A. All uses associated with the bulk storage of oil, gasoline, liquid propane, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall, the Minnesota Pollution Control Agency and Minnesota Department of Agriculture. When in excess of normal domestic allowances, the property owner shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainageway or public waters without providing complete containment.

Section 17-7.6 VISUAL STANDARDS – SCREENING

1. General. No use shall create, maintain or continue any activity or structure which has a strong negative visual impact or offends the morals or violates the standards of the City.

2. Standards. Screening requirements for each district are contained in Article 5.

Section 17-7.7 SANITATION STANDARDS

1. Solid Waste. All solid waste shall be disposed of in accordance with the standards of Crow Wing County.

2. Domestic Sewage.

- A. All plumbing shall discharge into a municipal sanitary system if available.
- B. All designs shall be submitted on Crow Wing County forms.
- C. All dwellings or structures with plumbing shall be served by an individual or common sewage disposal system meeting the requirements of Minnesota Pollution Control Agency (Chapter 7080 of the Minnesota Administrative Rules) and Crow Wing County Ordinances, as amended.
- D. All non-conforming systems shall be brought into conformance.
- E. Sewage tanks being abandoned shall be thoroughly pumped and filled with soil.
- F. All owners of individual sewage treatment systems shall have the system assessed every three (3) years according to Minnesota Pollution Control Agency Rules (Chapter 7080 of the Minnesota Administrative Rules) and Crow Wing County Ordinances, as amended.
 - (1) The person inspecting the system shall provide to the City a statement that the system appears to be in good working order or specifying any defects discovered and the date such defects were/will be corrected. The form shall also indicate if the septic tank was pumped.
 - (2) The Zoning Administrator shall maintain a file by legal description and shall notify any delinquent property owner when six (6) months have elapsed beyond the required period.
 - (3) The Zoning Administrator, or assistant, shall have the authority to verify the inspections and/or conduct inspections on behalf of the City.

3. Agriculture or Animal Wastes. Within the shoreland area, 1,000 feet from a lake or 300 feet from a watercourse, no waste products from agriculture or animal husbandry operations shall be deposited by man at any greater rate than the plant and soil system can absorb the nutrients; nor shall any wastes be allowed to accumulate where surface waters flow directly to public waters or watercourses. No livestock shall be allowed to water

directly in a stream or public water.

4. Water Supply.

- A. All potable water systems shall be connected to a municipal water supply, if made available.
- B. All domestic and agricultural wells shall conform to the Minnesota Department of Health Standards for wells.
- C. All water systems shall meet the requirements of the Minnesota Department of Health Standards for water systems.
- D. All wells being abandoned shall be sealed according to Minnesota Department of Health Standards and report to Minnesota Department of Health and the City.

Section 17-7.8 ANIMAL HUSBANDRY

1. Pets. Pets shall be properly cared for, shall not be allowed to create problems for neighbors or the City, or become a nuisance, and shall have sanitary standards maintained consistent with Section 17-7.7(3).

2. Livestock.

- A. Livestock may be raised as provided in Zoning Districts with proper permits provided that the standards of each District are not compromised.
- B. Livestock shall be properly cared for, shall not create problems for neighbors or the City and shall have sanitary standards maintained consistent with Section 17-7.7(3).

3. Wild Animals.

- A. The keeping of wild animals as pets - including but not limited to primates and large carnivores - is not allowed.
- B. Wildlife rehabilitation uses shall require a Conditional Use Permit and must meet the minimum standards established by the State of Minnesota Department of Natural Resources pursuant to Minnesota Rules Chapter 6244.

Section 17-7.9 VEGETATION REMOVAL

1. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Articles 5 and 6, is allowed subject to the following standards:

- A. No vegetation shall be removed along the shoreline, within shore impact zones, on steep slopes, and within bluff impact zones, except in conjunction with an approved site preparation or land alteration permit to accommodate the placement of stairways, landings, access paths, or authorized shoreland alterations.
- B. Except within bluff impact zones and steep slopes, between the shore impact zone and the building setback line, the removal of twenty-five percent (25%) of trees and one hundred percent (100%) of shrubs is allowed. Pruning and limbing of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways, landings, or access paths.
- C. All vegetative alterations are subject to the following conditions:
 - (1) The cutting is not done in any contiguous strip or row over twelve (12) feet wide from the OHW to the structure setback;
 - (2) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - (3) Along rivers, existing shading of water surfaces is preserved,
 - (4) All cutting is done by hand, without the use of heavy machinery, and topsoil is not disturbed; and
 - (5) Erosion and stormwater control plans must be approved by the Crow Wing Soil & Water Conservation District. A silt fence or other sediment control measures meeting SWCD standards must be properly installed between the project area and the lake or river before any construction begins and must remain in place until all permanent erosion control measures are in place.
- D. Diseased or dead trees that pose a hazard shall be removed immediately and disposed of and replaced with native tree species.
- E. Intensive vegetative clearing is allowed behind the structure setback.

Section 17-7.10 PARKING

- 1. General. Onsite parking or garage space shall be provided in all Districts, except as specifically exempted. There shall be adequate drive access to prevent the need to back onto collector streets or County Highways. Onsite parking spaces shall not be used for storage.
- 2. Dimensions. Parking sites shall be a minimum of 20 feet long and 10 feet wide.

3. Parking Ratios. Adequate parking shall be required, with the following standards to be guidelines subject to site specific review by the Planning Commission:

- A. Residential/Lodging. One (1) space per dwelling or unit in the Commercial and Downtown Mixed Use Zone.
- B. Office/Retail. One (1) space per 250 square feet of floor area in the Commercial Zone and One (1) space per 400 square feet of floor area for Structures greater than 3,000 square feet in the Downtown Mixed Use Zone.
- C. Event Orientated/Civic. One space per seven (7) students + one (1) per two (2) employees or one (1) per three (3) seats in the Commercial and Downtown Mixed Use Zone.

Section 17-7.11 LOADING AND UNLOADING REQUIREMENTS

There shall be adequate loading and unloading areas established for each property based on the use. It shall be the property owner's responsibility to ensure that their loading and unloading operations do not interfere with the flow of traffic, create a nuisance or pose a safety hazard. Operations are subject to review by the Planning Commission.

Section 17-7.12 DRAINAGE

1. General.

- A. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities and methods used to retain sediment on the site.
- C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds must be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.

2. Natural Drainage. All development shall provide for the continuance of natural drainageways, and structures shall be so constructed as to be 1 foot above the water level in the drainageway created by a storm of a 100 year return period or a 1% chance of

occurrence.

3. Drainage Storage Areas. The use of natural or manmade stormwater storage areas is encouraged. These areas should be vegetated and designed to naturally lower after a storm.
4. Filling. No filling of areas inundated by the 100-year, 24-hour storm along drainageways shall be allowed, except by Conditional Use Permit.
5. Impervious Areas. All parking areas, heavy soil areas, storage areas and impervious areas shall be designed to allow entrapment of silts and nutrients prior to discharge to a natural drainage way or public water.
6. Public Waters. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming or surface debris before discharge.
7. Erosion. Erosion control measures shall be provided in all areas disturbed during any grading or construction. All areas disturbed shall be covered with topsoils and seeded. Areas subject to concentrated runoff or steeper than 3:1 shall be sodded, planted with appropriate deep-rooted vegetation, or protected with an appropriate mulch cover as directed by the City Engineer.

Section 17-7.13 GRADING

1. General. The following activities must be authorized by permit, except for excavation for permitted structure, drives, sewer systems and parking areas:
 - A. Grading and filling in the shore or bluff impact zone,
 - B. Grading and filling of wetlands,
 - C. Grading in the bed of public waters,
 - D. Any alterations of the natural topography when the slope of the land is toward a public water or watercourse involving the movement of more than 10 cubic yards of material in a bluff or shore impact zone or more than 50 cubic yards of material anywhere else within a shoreland area.
 - E. Any alteration outside of the shoreland area where the amount of grading exceeds 500 cubic yards.
2. Conditions. The following conditions shall apply:
 - A. The smallest amount of bare ground is exposed for as short a time as feasible.
 - B. Four inches of topsoil is placed, temporary ground cover such as mulch is

used and permanent ground cover such as sod is planted.

- C. Methods to prevent erosion and trap sediment are employed.
- D. Fill is stabilized to acceptable engineering standards and must not create an unstable slope.
- E. Plans to place fill or excavated material on steep slopes must be reviewed by a qualified professional for continued slope stability and must not create finished slopes of 30% or greater.
- F. Fill or excavated material must not be placed in bluff impact zones.
- G. Fill placed in a public water below the ordinary high water line requires a DNR Waters Permit and a Corps of Engineers Permit.
- H. Excavation in the bed of public waters requires a DNR Waters Permit and a Corps of Engineers Permit.
- I. Only clean fill consisting of sand, gravel or rock will be allowed where contact with water is anticipated. Mineral soil may be allowed elsewhere.
- J. Alterations to topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

3. Wetlands. Grading or filling in any protected wetland is prohibited unless authorized by Federal, State, County and Local permitting agencies.

4. Public Waters. Connections to public waters of boat slips, canals, lagoons, harbors and similar inland excavations are prohibited.

5. Roads, Driveways, and Parking Areas. Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from public waters.

- A. Roads, driveways, and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zone, when other reasonable and feasible placement alternative exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.
- B. Private watercraft access ramps, approach roads, and access-related parking areas are prohibited on lakes with public access or more than one privately-owned but public access. On lakes with no public access, private watercraft access ramps, approach roads and access-related parking areas may be placed by permit within shore impact zones provided the vegetative screening and erosion control conditions of this

subpart are met.

6. Ice Ridges. If ice ridges occur annually, the property owner may restore the shoreline every year. Removal or grading of an ice ridge must not disturb emergent aquatic vegetation, unless authorized by an aquatic plant management permit from the DNR's Division of Fisheries. Restoration shall be permitted only where:

- A. The ice ridge resulted from ice action within the last year.
- B. The total length of shoreline zone to be affected does not exceed 50 feet.
- C. All ice ridge material that is composed of muck, clay, or organic sediment is deposited and stabilized at an upland site above the ordinary high water level of any public water.
- D. All ice ridge material that is composed of sand or gravel is removed or graded to conform to the original cross-section and alignment of the lakebed, with a finished surface at or below the ordinary high water level.
- E. No additional excavation or placement of fill material occurs on the site.
- F. All exposed areas are immediately stabilized as needed to prevent erosion and sedimentation.

7. Riprap. The City of Pequot Lakes encourages the use of riprap only as a last resort to control shoreline erosion. Other methods should be used, including the planting of native, deep rooted vegetation. If riprap has been found to be the only tool available, riprap installation shall have the following standards:

- A. Gradation. A well-graded mixture of rock sizes should be used instead of one uniform size.
- B. Quality of stone. Riprap must be durable so that freeze/thaw cycles do not decompose it in a short time; most igneous stones such as granite have suitable durability.
- C. Riprap depth. The thickness of riprap layers should be at least 2 times the maximum stone diameter.
- D. Vegetation.
 - (1) Existing vegetation on the shoreline and in the water should be maintained without disturbance.
 - (2) All bare soil on the slope above the riprap should be stabilized with seed and mulch, or sod.

- (3) Wooded, deep rooted vegetation should be planted among the riprap to help stabilize and create wildlife habitat.
- E. Filter material. Filter material is usually required between riprap and the underlying soil surface to prevent soil from moving through the riprap; a filter cloth material or a layer of gravel is usually used for the filter.
- (1) Leaching Protection. Leaching can be controlled by installing a riprap gradation small enough to act as a filter against the channel base material, or a protective filter can be installed between the riprap and the base material.
 - (2) Riprap Limits. The riprap should extend for a maximum flow depth, or to a point where vegetation will be satisfactory to control erosion.
 - (3) Curves. Riprap should extend to five times the bottom width upstream and downstream of the beginning and ending of the curve as well as the entire curved section.
 - (4) Riprap Size. The size of riprap to be installed depends on site-specific conditions.
 - (5) Riprap Prohibitions. Slopes on which riprap is used to stabilize shorelines shall be no steeper than 2:1.
- F. Maintenance. It shall be the property owners responsibility to perform maintenance on installed rip rap. Inspections shall be made of all sites immediately after the first rainfall following installation of riprap. This is particularly important in areas where riprap that is displaced during the storm would impact culverts. Thereafter, riprapped sites should be checked following large storms, especially those which are near or exceed the storm frequency used in the design. Displaced riprap should be removed from its downstream location and new riprap placed according to the specifications above.

Section 17-7.14 CAMPING

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.

2. Properties with principle structures.

- A. There shall be a maximum of two units allowed at any one time.
- B. No individual camping unit may be placed for use longer than 14 days within any 60 days.
- C. One camping unit may be allowed in outside storage. That unit may be stored year-round.

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.

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 12 months during construction, with extension for an additional 12 months in conjunction with extension of a zoning permit.

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 8. SPECIAL PROVISIONS

Section 17-8.1 RURAL CONSERVATION SUBDIVISION (RCS)

1. **Development Yield.** All Conservation Subdivisions shall meet or exceed the following standards:

A. Land Suitability. No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas determined to be environmentally sensitive may be included as common open space, but shall not be included in the development yield analysis. Areas identified as being environmentally sensitive include, but are not limited to:

- (1) All areas designated as 100-year floodplain by the Federal Emergency Management Agency (FEMA).

- (2) All wetlands, including a 30-foot buffer.

- (3) All areas having slopes greater than twelve (12) percent.

- (4) All areas within 30 feet of the top or toe of a bluff.

- (5) All areas within 30 feet of either edge of a drainageway. If the edges of a drainageway cannot be clearly established, the area defined as environmentally sensitive shall include all areas within 50 feet of the centerline of the drainageway or all areas that have a slope greater than twelve (12) percent extending from the centerline, whichever is more restrictive.

B. Development Yield.

- (1) The applicant shall submit a table showing the maximum number of dwelling units that would be permitted in the underlying zoning district where the parent parcel is located. Where the parent parcel encompasses multiple zoning districts, the maximum number of units shall calculate the allowable density for each district separately, consistent with the minimum lot size, lot widths, setbacks, and other provisions of the Zoning Ordinance. Land that is considered undevelopable, as described in 1(A) contained herein, shall be excluded from the development yield analysis.

- (2) The total number of units provided for within the development shall not exceed the amount calculated in the development yield.

2. **Design Criteria.** The following design criteria shall apply to all Conservation Developments.

- A. Minimum Lot Size and Width. None, subject to compliance with applicable standards for sewage disposal and the provision of water.
- B. Setbacks. All structures within the development shall maintain, at a minimum, a 50-foot buffer along the perimeter of the development parcel, so as to provide screening and buffering of the residential development on the development parcel.
- (1) Individual dwellings shall be separated by a minimum of twenty (20) feet from other dwelling.
 - (2) Accessory buildings, unless attached as an integral part of the dwelling, shall be separated by a minimum of ten (10) feet from dwellings and other accessory buildings.
 - (3) The Planning Commission may establish setbacks, as necessary to buffer agricultural, forestry, and water-use activities from residential uses.
 - (4) Larger setbacks may be required to provide safe distances between highways and development on the parcel or when otherwise determined necessary by the City to protect public health, safety or welfare.
- C. Maximum Impervious Coverage. The development shall be configured so as to minimize the amount of impervious surfaces. The maximum impervious coverage allowed, as measured across the whole of the development, shall be restricted as in the underlying zoning district. When a parent parcel involves multiple zoning districts, allowable impervious coverage in one district may be partially or entirely transferred to another part of the parent parcel, as allowed by the Planning Commission.
- D. Lots shall be configured to minimize the amount of road length required for the development.
- E. Individual lots and the overall development envelope shall be configured to minimize the loss of woodlands and other natural habitats.
- F. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- G. All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
- H. Lots shall be oriented around a key feature, including one or more of the following:
- (1) A central green or square that is landscaped and/or has a functional

purpose for the residents living nearby, including, but not limited to, shared mailboxes, a small park, a gazebo, or benches.

(2) A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.

I. Development envelopes should not be located on ridges, hilltops, bluffs, along peripheral public roads, or in other visually prominent areas.

J. Residential structures shall be oriented, whenever practical and consistent with other requirements of this ordinance, to maximize solar gain in the winter months.

K. A 30-foot vegetation buffer shall be maintained around open water areas.

3. **Residential Siting Standards.** All conservation subdivisions shall conform to the following standards for residential siting:

A. All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than ten (10) dwelling units and no less than three (3) dwelling units, while maintaining at least fifteen (15) feet between clusters.

B. Residential clusters shall be located to minimize negative impacts on the natural, scenic, and cultural resources on and adjacent to the site and to avoid or minimize conflicts between incompatible uses.

C. Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.

D. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.

E. Residential clusters should be sited to achieve the following goals, to the extent practicable.

(1) Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.

(2) Minimize disturbance to woodlands, wetlands, grasslands, steep slopes, bluffs, and mature trees.

(3) Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.

(4) Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other

features.

(5) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

F. The Planning Commission may require landscaping around the cluster to reduce off-site views of residences.

4. **Conservation Parcel Design Standards.** A conservation parcel shall be designated as part of the development. Each development shall contain a contiguous conservation parcel comprising 45% of the land area to be subdivided.

A. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required conservation parcel shall be undivided and restricted in perpetuity from future development.

B. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:

(1) parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.

(2) privately-held buildings or structures provided they are accessory to the use of the open space.

(3) Shared septic systems and shared potable water systems.

C. Road rights of way shall not be counted towards the required minimum open space.

D. No more than 50% of the required conservation parcel size may consist of water bodies, flood plain, or wetlands.

E. Any portion of the conservation parcel designed to provide plant and animal habitat shall be kept as intact as possible, and enhanced or restored as appropriate. Trails and roads shall be designed to avoid fragmenting these habitat areas.

F. Accessible open space in the upland portion of the conservation parcel may be made available for recreational uses such as trails, play fields, or community gardens, but shall be designed and located so as to avoid impacts on sensitive natural and cultural resources.

G. Where appropriate, a pathway system connecting open space areas to neighborhood residents and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be required and identified in the development plan.

5. **Ownership and Maintenance of Common Facilities.** The designated common open space and common facilities may be owned and managed by one or a combination of the following described in this Subdivision. The City may require any one, or a combination of the following, to ensure the long-term maintenance of the conservation parcel and any common facilities.

A. **Homeowner's Association.** A homeowners association shall be established if the common open space is proposed to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions, and restrictions of the homeowners association shall contain the following information:

- (1) The legal description of the common land;
- (2) A description of common facilities;
- (3) The restrictions placed upon the use and enjoyment of the lands or facilities;
- (4) Persons or entities entitled to enforce the restrictions;
- (5) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums;
- (6) A mechanism for resolving disputes among the owners or association members;
- (7) The conditions and timing of the transfer of ownership and control of land facilities to the association;
- (8) Any other matter the developer deems appropriate.

B. **A Nonprofit Conservation Organization.** If the common open space is to be held by a nonprofit conservation organization, the organization must be approved by the City. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

C. **Public Dedication of Open Space and Streets.** The City may accept the dedication of fee title or dedication of a conservation easement to the common open space. The City may accept the common open space provided:

- (1) The common open space is accessible to the residents of the Pequot Lakes;
- (2) The City agrees to and has access to maintain the common open space.
- (3) Streets or other public ways which have been designated on a duly adopted official map or element of the City's comprehensive plan shall be dedicated or reserved by the subdivider to the appropriate governing body. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.

D. **Individual Ownership.** An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.

6. **Maintenance Plan.** Every conservation subdivision must include a plan that provides evidence of a means to properly manage the conservation parcel in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be submitted and approved prior to final plat approval. The plan shall do the following:

- A. Designate the ownership of the open space and common facilities in accordance with the provisions contained herein.
- B. Identify a timeframe for adoption and implementation of the maintenance plan by the designated ownership group(s).
- C. Establish necessary regular and periodic operation and maintenance responsibilities.
- D. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- E. Include a timeline any interim use allowances and timelines for the ending or renewal of those uses.
- F. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative, based on the site analysis required in this Article, describing:
 - (1) Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
 - (2) The proposed end state for each common open space area; and the measures proposed for achieving the end state.

(3) Proposed restoration measures, including: Measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.

(4) The operations needed for maintaining the stability of the resources, including: mowing schedules; weed control; planting schedules; clearing and cleanup; at the City's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year. Projected cost estimates for the long-term maintenance operations shall also be included.

(5) A method for regular review and performance evaluation to ensure the long-term quality of the conservation parcel.

G. Management plans can be amended by the owner with the approval of the City.

Section 17-8.2

CONSERVATION SUBDIVISION AND PLANNED UNIT DEVELOPMENTS.

1. General.

A. Conservation Subdivision and Planned Unit Development (PUD) requires the assistance of professional planning and usually involves the approval of multiple agencies or other governmental bodies. Where circumstances are favorable, Conservation Subdivision and PUD's provide more latitude in land use than normal development to allow for planning, clustering facilities, consolidating green spaces and internal recreation amenities.

B. Mixed use PUD where appropriate, may be allowed provided the use not normally allowed in the zoning district does not exceed 35% of the building floor area.

C. Provisions of each zoning district shall govern within that district except where specifically addressed in this section.

2. Suitability. The City must consider the following criteria in the examination of a parcel for suitability as a PUD:

A. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;

B. Physical and aesthetic impacts of increased density;

C. Suitability of lands for the planned unit development approach;

- D. Level of current development in the area; and
- E. Amounts and types of ownership of undeveloped lands.
- F. Size of the parcel and amount, if any, of shoreline.

3. Design criteria for all new Conservation Subdivisions and PUDs.

A. Minimum Size. All developments must contain at least 3 contiguous acres of buildable area with a lot width of 400 feet.

B. Buffer. A 50-foot vegetative buffer will be maintained or established along the boundary of the PUD. There shall be no units or impervious coverage within this buffer with the exception of access roads or utilities. The buffer will serve to screen the adjacent parcels and the lake, where applicable, from the units within the PUD. The screening will contain both low growing (e.g. brush) and high growing (e.g. trees) vegetation. Adjacent parcels and the lake, where applicable, shall be a minimum of 50% screened, as measured by the Planning and Zoning Administrator, from the adjacent parcel or the lake during leaf-on conditions. An earthen berm may be used where, in the opinion of the Planning Commission, the existing vegetation cannot be enhanced to meet the 50% screening criteria. Use of a berm shall not preclude the maintaining of a 50-foot buffer or the installation of screening as part of the berm.

C. Minimum Structure Setbacks

Shoreland Class Ordinary high water level structure setback (feet)	
General Development	120
Recreational Development	150
Natural Environment	200

D. Common Open Space. At least 50 percent of the total project area must be permanently preserved as common open space. Common open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries, and at least 75 percent of the common open space must be upland area. At least 33 percent of the common open space shall be retained in a contiguous area.

(1) The land area of all dwelling units/sites and accessory structures, the space between buildings in a cluster, an area of 25 feet around each structure, all road rights-of-way, and all land covered by impervious surfaces, road surfaces, parking areas, or structures, shall not be included in the computation of common open space.

(2) Common open space may include any outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.

- (3) Common open space may include areas used for stormwater retention or management and areas used for sanitary sewer collection or disposal. Where common space includes sanitary sewage treatment systems, the use of the space shall be restricted where necessary to avoid adverse impacts on the systems.
- (4) All of the shore impact zones must be included as common open space.
- (5) Common open space must not include commercial facilities or uses, but may contain water-oriented facilities.
- (6) The appearance and use of common space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means acceptable to the City.

E. Sanitary Sewer and Water Supply Standards.

- (1) Planned unit developments shall be connected to 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 and the Minnesota Pollution Control Agency. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient area free of limiting factors must be provided for a replacement standard soil treatment system for each sewage system.
- (2) Conservation subdivisions shall be connected to publicly owned water supply and sewer systems, if available. Where publicly owned water supply and sewer systems are not available, conservation subdivisions shall either establish dedicated areas for individual sewage treatment systems or establish centralized water supply and sewage treatment systems to serve the entire subdivision.

F. Erosion control and Stormwater Management. Erosion control and stormwater management for developments must meet the standards in Section 17-8.2(3)(F). For planned unit developments, the impervious surface coverage shall not exceed 15 percent in either the total project area or the first tier. For conservation subdivisions, the impervious surface coverage for lots must meet the standards in 17-8.2(3)(F). Erosion control and stormwater management shall be designed by certified personnel in erosion and sediment control using the best management practices found in the latest Pollution Control Agency's stormwater best management

practices manual, approved by the local government, and effectively implemented.

- (1) For post construction stormwater management, when possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetated filter strips, bioretention areas, rainwater gardens, enhanced swales, off-line retention areas, and natural depressions for infiltration rather than buried pipes and human-made materials and facilities.
- (2) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Erosion prevention and sediment control practices must be used to retain sediment on site. Disturbed soil areas must be stabilized and protected as soon as possible. The maximum time the soil in a project area can remain exposed when the area is not actively being worked is 3 days. Temporary or permanent cover for the exposed areas is required at that time but should be installed sooner if possible. All deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems must be removed within 14 days unless precluded by legal, regulatory, or physical access restraints. The areas where sediment removal results in exposed soil must be stabilized within 7 days after completing the removal.
- (3) To the maximum extent possible, land-disturbing activities must not occur within the shore impact zone.

(4) Impervious surface Coverage:

Development or Use	Class or District	Coverage (percent of applicable area)	Applicable Area
Conservation Subdivision	General Development and Recreational Development	15	Riparian lots
Conservation Subdivision	Natural Environment, Special Protection, Sensitive Area and all river classes	12	Riparian lots
Conservation Subdivision	All classes and districts	35	Nonriparian lots
Planned Unit Developments	All classes and districts	15	total project st area and 1 tier

G. Exterior lighting. All exterior lighting shall be directed downward. Lighting shall not illuminate parcels adjacent to the development, either directly or indirectly.

H. Shore Recreation Facilities.

- (1) Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors.
- (2) No more than 20% of the shore impact zone shall be used for shore recreation facilities.
- (3) The number of spaces provided for continuous beaching, mooring or docking of watercraft shall not exceed one for each first-tier unit that would be allowed as calculated in part 6A of this section. The number may be reduced based on the suitability of the site.
- (4) Facilities for mooring of individual watercraft, including boat lifts and canopies, shall be earth-tone in color and shall be positioned so as to minimize their visibility from the lake. Canopies may be disallowed if they would have a strong visual presence.

I. Building standards. Units must be clustered in one or more groups and located on suitable areas of the development. All structures within a PUD must meet the minimum standards:

- (1) New multifamily dwellings of 4 units or larger shall be designed by an architect.
- (2) New multifamily buildings shall meet the state code for fire and sound ratings.
- (3) Water systems must be winterized.
- (4) Parking and driving areas must be paved.
- (5) All buildings shall be earth tone in color and shall be designed, constructed and positioned to be compatible, in color, character and mass, with the surrounding land use.

4. Design Criteria for existing PUDs.

- A. All existing PUDs shall meet the design criteria for a new PUD, where possible.
- B. Additional development within an existing PUD shall not bring the PUD further out of compliance with the basic design criteria.

5. Computing PUD Buildable Area. Buildable area in a PUD is calculated using the following procedure:

- A. The project parcel is divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

<u>Shoreland Tier Dimensions</u>	<u>Feet</u>
GD lakes - first tier	200
GD lakes - second tiers,	267
RD lakes – all tiers	267
NE lakes – all tiers	400

- B. The Buildable Area within each tier is next calculated. This area is then subjected to the development density evaluation steps to arrive at an allowable number of dwelling units/sites. In areas with overlapping tiers due to close proximity of public waters to each other, topographic divides shall be used to determine which shoreland standard would apply, and in those areas where the topographic divide can not be determined, the more restrictive rules for the area shall be used.

- C. Beyond the second tier, all property is classified as “third tier and beyond.”

6. Planned Unit Developments.

- A. Density. The Buildable Area within each tier is divided by the Shoreline Residential Buildable Lot Area contained in Section 17-5.8, Subpart 3. This calculation determines the maximum number of dwelling units or sites authorized for each tier. Structures that straddle tiers shall be rated as part of the tier closer to the ordinary high water level.
- B. Transferability. Allowable densities may be transferred from any tier to any other tier further from the shoreland water body or watercourse, but must not be transferred to any other tier closer.
- C. Administration and Maintenance Requirements. Prior to final approval of any residential planned unit developments, the City will require adequate provisions developed for preservation and maintenance in perpetuity of open spaced and for the continued existence and functioning of the development as a community.

- (1) Common open space preservation. Deed restrictions, permanent conservation easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure perpetual preservation and maintenance of common open space. For areas greater or equal to 10 acres, easements shall be held by the City, conservation organization, land trust or similar organization authorized to hold interest in real property pursuant to Minnesota Statutes, section 84C.01-05, as approved by the City. The City may also hold or co-hold an easement. The instruments of the easement must include all of the following protections:

- (a) Commercial uses shall be prohibited for noncommercial developments;
- (b) 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;
- (c) Construction of additional buildings, impervious surfaces, or storage of vehicles and other materials shall be prohibited;
- (d) Beaching of motorized watercraft shall be prohibited; and
- (e) Dumping, storage, processing, burning, burying or landfill of solid or other wastes shall be prohibited.

- (2) Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential developments shall use an owners association with the following features:
 - (a) Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers.
 - (b) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 - (c) Assessments must be adjustable to accommodate changing conditions.
 - (d) The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities, and it must enforce covenants, deed restrictions, and easements. The association must have a land stewardship plan for common open space areas greater or equal to 10 acres specifically focusing on the long-term management of these open space lands.
- (3) 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 City pursuant to Minnesota Statutes, section 515B.1-106. Under no circumstances shall covenants or deed restrictions be modified without the City's determination that the proposed changes fully comply with the requirements of Section 17-8.2.

D. Conversions. Existing commercial planned unit developments other land uses and facilities may be converted to residential developments if all of the following standards are met:

- (1) Proposed conversions must be evaluated using the same procedures and standards presented in this part for planned unit developments involving all new construction. 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 in Section 17-8.2 must be identified and corrected.

- (2) Deficiencies involving water supply and sewage treatment, impervious coverage, common open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- (3) Shore and bluff impact zone deficiencies must be corrected as part of the conversion. These improvements must include, where applicable, the following:
 - (a) removal of extraneous buildings, docks, mooring sites, boat launching areas, and ramps, or other facilities located in shore or bluff impact zones;
 - (b) remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water to meet shoreland vegetation buffer standards in Section 17-8.2(3)(B)
- (4) Dwelling units or dwelling site densities shall meet the standards in this part for conversion to planned unit developments and the standards in Section 17-8.2(6) for conversions to residential lots.

Section 17-8.3 MANUFACTURED AND PRE-BUILD HOUSING DEVELOPMENT

1. General. Manufactured housing development shall be considered a form of P.U.D. and administered as a Conditional Use in the zoning district where said use is allowed. Development of this type creates a heavy demand and reliance on municipal type facilities including roads, sewer, water and fire protection. In addition these developments are often the most dense in a community requiring heavier streets, more public recreation facilities and nearby shopping.

2. Minimum Standards.

- A. A Minnesota Department of Health Permit shall be required.
- B. Parcel size shall be a minimum of 20 acres.
- C. At least two (2) acres shall be set aside for parks & recreation.
- D. Minimum individual lot dimensions shall be 60' x 140'.
- E. At least 20% of the land shall be in common ownership not used for individual lots.
- F. The common roadway area, where private, shall be a minimum of 40-foot wide with a 24-foot wide bituminous surfaced road.
- G. There shall be a minimum of 2 and a maximum of three parking spaces for each unit.
- H. Each unit shall be a minimum of 640 square feet.
- I. All units must be skirted, unless placed on an enclosed foundation.
- J. Landscaping shall be required as per the direction of the Planning Commission.
- K. When served by public utilities, there shall be individualized sewer, water and electrical connection for each site.
- L. Solid waste storage and removal shall be centralized within the development and shall be the responsibility of the owner of the development.
- M. Each unit must meet the requirements of the state building code, HUD standards and Minn. Stat. §§327.21 -327.35, as amended; and shall be no older than five (5) years at time of installation and have the required state seal attached.
- N. Sufficient storm shelter shall be provided to accommodate all residents of

the development.

Section 17-8.4 CAMPGROUNDS/CAMPSITES

1. General - Campgrounds/RV parks shall be considered a form of planned unit development and administered thereunder as Conditional Uses in the zone where said use is allowed, except no density increases will be considered.
2. Minimum parcel size - No campground or recreational vehicle park shall be allowed on a parcel of less than 10 acres.
3. Dwelling site requirements - The dwelling sites must conform to the Minnesota Department of Health Standards and the following:
 - A. Campsites or recreational vehicle sites shall have a minimum of 3,000 square feet designated for each family unit, with a minimum of 40 feet, center to center.
 - B. A strip of land with a minimum width of 40 feet shall be reserved for a service road adjacent to each of the designated sites.
 - C. Parking shall be off the road.
 - D. Recreational facilities as determined by P.U.D.
 - E. A water system capable of providing 100 gallons per site, per day, at 20 psi at the most remote fixture for RV sites, or within 400 feet of each campsite for non RV sites.
 - F. Conforming onsite sewage collection and disposal system sized for 100 gallons per campsite per day.
 - G. Solid waste facilities consisting of one 30 gallon can for each 4 campsites or one dumpster for each 20 sites, constructed to prevent overturning or cover removal by animals, and screened.
 - H. Fire pit for each campsite.
 - I. Campsites for recreational vehicles shall have sewer connection, water connection and electric connection, or recreational vehicles shall be self-contained and a wastewater disposal station for the first and each 100 such vehicles at least 50 feet from the nearest campsite shall be provided.
 - J. Drinking water and restroom facilities with showers shall be provided, all within 400 feet of every site not served with full facilities.
 - K. Grass or other complete ground cover shall be maintained except in parking areas and roads.

- L. Evidence shall be provided, prior to final approval, that the licenses and approval process of Minnesota Department of Health has been adhered to.
 - M. All sites shall be well drained.
 - N. Sufficient storm shelter shall be provided to accommodate all occupants of the campground.
4. The submission requirements for a campground shall be the same as PUDs, except as determined not applicable by the Zoning Administrator.

Section 17-8.5 EXTRACTIVE USES AND RESOTRATION

1. In all districts where permitted, as defined in 17-6.4 Extractive Use Overlay District, mining shall be permitted only by CUP. Such permit shall include as a condition: a site plan, a completion plan and a haul route plan with provision for road restoration as provided below. An approved extractive use CUP shall be used solely for the operations detailed in the permit.

2. All excavation and extraction shall conform to the following:

A. Distance from property lines. No quarrying operation shall be carried on or any stock pile placed closer than 50 feet from any property line, unless a greater distance is specified by the CUP where such is deemed necessary for the protection of adjacent property. This distance requirement may be reduced to 25 feet only with written consent of the owners of the affected adjacent non-residence property. Proof of said agreement shall be submitted as a part of the application and maintained in City files for all approved CUPs for extractive uses. Without such agreement, the buffer area may be used only under the following circumstances:

- (1) The buffer area may contain the haul road if the City determines that, for safety purposes, the access to the use is best served in that area.
- (2) The haul road may be located in the buffer area to avoid wetlands or other sensitive environmental resources.
- (3) If authorized in an approved reclamation plan, one half of the buffer area may be used for the storage of topsoil and for final sloping. All topsoil storage areas shall be seeded to prevent erosion and dust. Berms, including those consisting of topsoil to be used for reclamation, may be placed in the buffer area, but they shall be seeded and mulched in a manner that prevents dust from blowing onto adjacent properties.

B. Distance from public right of way. In the event that the site of the mining

or quarrying operation is adjacent to the right of way of any public street or road, no part of such operation shall take place closer than 50 feet to the nearest line of such right of way.

- C. Fencing. Fencing shall be erected and maintained around the entire site or excavated portions thereof and shall be of a type specified in the CUP.
- D. Equipment. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Power drives or power producing machinery, not including vehicles, shall not be housed or operated less than 1,000 feet from a residential use district.
- E. Processing. Crushing, concrete mixing, washing, refining, or other similar processing may be authorized by the CUP as an accessory use, provided, however, that such accessory processing does not conflict with the use regulations of the district in which the operation is located. Processing shall not be permitted in the residential districts. All processing equipment shall be located at least 1,000 feet from any residence, 200 feet from the OHW of any lake or stream, and outside of the wellhead protection area. The City may not approve such accessory uses if they are found to be incompatible with the neighborhood, in conflict with the City's Comprehensive Plan, or do not meet the review criteria for the condition use permit.
- F. Depth to groundwater separation. The applicant must indicate the proposed depth to groundwater table in the plan. The proposed extraction shall maintain a minimum separation of five (5) feet.
- G. Water quality. The extractive use operation shall not adversely impact the quality or quantity of surface or groundwater resources as defined by the Minnesota Pollution Control Agency, Minnesota DNR, U.S. Army Corps of Engineers, or the Minnesota Department of Health. Surface water originating outside and passing through the extraction site shall be of equal quality at its point of departure from the site to the water at the point where it enters the extraction site. The applicant shall perform the water treatment necessary to comply with this provision and provide a lot of recorded water quality to the City on a regular basis.
- H. Waste materials and debris. No waste materials shall be disposed of on site unless authorized by the City. Stumps, brush, and other natural debris shall be removed or disposed of in accordance with local rules and regulations. Sanitary facilities acceptable to the City shall be provided for workers during the operation of the extractive use.
- I. Concurrent permits. All required permits applying to the proposed extractive use, which may include an NPDES permit for stormwater management, shall be obtained and copies submitted to the City prior to

the commencement of any extractive use or related activities.

3. Specific evaluation criteria. In addition to the criteria used in evaluating CUPs, the following specific criteria shall be used in evaluating an application for an extractive use CUP:

- A. The ability of the proposed haul routes to handle the additional traffic generated by the extractive use.
- B. Air quality, dust, and noise control measures and the ability to limit impact upon adjacent residential properties according to MPCA standards.
- C. The extent that the proposed extractive use, or its accessory uses, impact the groundwater.
- D. The ability of the applicant to control erosion and sedimentation that may result from the proposed use.
- E. The impact on the natural resources contained in the watershed in which the proposed extractive use is located and the ability of the applicant to avoid or mitigate any impacts.

4. Rehabilitation. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted an extraction/mining permit as herein provided shall furnish a performance bond running to the City in an amount to be determined by the City Engineer, and acceptable to the Planning Commission, as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land and haul road, shall, within a reasonable time and to the satisfaction of the City meet the following minimum requirements:

- A. Surface rehabilitation. All excavation areas shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Four (4) inches of black topsoil shall be placed on all areas, except beaches, that will remain above water level. Haul roads will be restored to their condition prior to the beginning of the extraction operation,
- B. Vegetation. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
- C. Banks of excavation not backfilled. The banks of all excavation not backfilled shall be sloped not steeper than three (3) feet horizontal to one (1) foot vertical and said bank shall require the establishment of vegetation.
- D. Reclamation of extractive use sites and designated haul roads shall be

completed within one (1) year after the cessation of the operation, unless modified by the CUP.

5. Application, contents, procedure. An application for such operation shall provide the following information in addition to that required by the CUP process:

- A. Name of the person or corporation conducting the actual removal operation.
- B. Size of the area from which the removal is to be made and the volume of material to be removed.
- C. Type of resources or materials to be removed.
- D. Proposed method of removal and whether or not blasting or other use of explosives will be required.
- E. Description of equipment to be used, including any proposed accessory uses such as hot mix plants or crushing operations.
- G. Method of rehabilitation and reclamation of the pit area, including timeframe for rehabilitation.
- H. Identification of haul roads and amount of truck activity at highest and average levels on those routes, including ADT (average daily total) counts.
- I. Hours of operation and expected life of operation.
- J. Types of barriers to be used, if necessary, to ensure the safety of people and livestock residing within proximity to the proposed area of excavation.
- K. Proposed methods of avoidance or mitigation of the impacts on natural resources caused by the proposed use.
- L. Detailed plans indicating anticipated vegetative and topographic alterations.

Section 17-8.6 HOME OCCUPATION

1. General. Each home occupation in the City shall require a permit. Home occupation permits are not transferable to a new owner/renter/occupant, thus the permit will not run with the property, nor be transferable to a different property.

2. Standards.

- A. All business activities, including storage, shall be inside buildings or completely screened from adjacent properties.

- B. All activities shall be clearly incidental to the use of the property for residential purposes. Not more than twenty-five percent (25%) of the gross floor area of the residence or 50% of the gross floor area of a garage or storage building shall be used for commercial purposes.
 - C. No home occupation shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities.
 - D. Not more than two non-residents may be employed on the premises by the home occupation.
 - E. On the premises, retail sales will be allowed only of products manufactured on those premises unless specifically authorized by Conditional Use Permit.
 - F. No articles for sale shall be displayed so as to be visible from the street.
 - G. All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes or litter.
 - H. The home occupation shall not generate more than two (2) customer vehicles at one time. Off-street parking shall be provided, but no more than two (2) spaces.
 - I. No mechanical or electrical equipment shall be used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
 - J. A person having a home occupation shall provide proof of meeting the above requirements upon request by the City.
3. Yard Sales/Garage Sales. Yard sales and garage sales do not require a home occupation permit so long as they do not exceed seven cumulative days in one calendar year.
4. Private Automobile Sales. One automobile displayed for sale on a property shall not require a home occupation permit so long as not more than two automobiles are sold over thirty cumulative days per calendar year.

Section 17-8.7 AUTO SALVAGE YARDS/JUNK YARDS

Auto salvage yards are to be allowed only as a service to the community. No more than two (2) will be allowed within the City limits. Such facilities are subject to the following, in addition to

CUP criteria and conditions:

1. On site sales are allowed along with parts salvage.
2. Fencing/screening sufficient to prevent the facility and all salvaged materials from being seen from a public roadway or adjacent property shall be provided.
3. A defined perimeter must be approved and maintained.
4. The facility shall not be located within a drainageway or wetland.
5. Landscaping, in addition to the required screening, may be required by the Planning and Zoning Commission.

Section 17-8.8 LANDFILLS

1. Landfills are not allowed in the City of Pequot Lakes due to the close proximity to the lakes and streams. Crow Wing County has the responsibility for this service.
2. Disposal of trees, stumps, rock, brush and other natural products by burying is allowed on construction sites as determined by the permit.

Section 17-8.9 CONTROLLED ACCESS LOTS

Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within a subdivision or planned unit development shall meet or exceed the following standards:

1. The access lot must be a minimum of two hundred (200) feet wide and be suitable for the intended uses of controlled access lots. For each non-riparian lot in excess of six, the minimum width (200') of the lot must be increased by 25 feet for each additional lot.
2. A minimum of twenty-five (25) foot side yard area on both sides of the private access lot shall be maintained with vegetative cover and screening from abutting lots. Screening shall be such that it blocks provides a minimum of fifty percent (50%) screening.
3. If docking, mooring, or over-water storage for more than six (6) watercraft is intended at a controlled access lot, then the minimum width (200') of that controlled access lot must be increased by 25 feet for each additional watercraft beyond six (6).
4. There shall be centralization of all facilities and activities in the most suitable locations on the lot to minimize topographic and vegetative alterations.
5. All buildings, parking areas and other facilities shall be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

6. The ownership and the responsibility for the maintenance and upkeep of a private access lot shall be vested in an incorporated association of the dwelling unit owners and their successors in interest who have access privileges over and upon such lots.

7. The non-riparian dwelling units and lots shall be subjected to restrictive conditions for the equitable assessment of the cost of maintenance and upkeep of the private access lot. Restrictions must be developed which specify which lot owners have authority to utilize the access lot, and activities that are allowed on such lots. Further, the restrictions shall limit the total number of vehicles parked and watercraft moored, docked, beached or otherwise situated to be visible to users of the public waters to a maximum of one of each per lot served. Restrictions shall be formalized in such a way as to ensure their enforcement in perpetuity.

8. No controlled access lot may provide access rights for more than twenty-five (25) non-riparian lots.

Section 17-8.10 TELECOMMUNICATION TOWERS

1. Purpose and Intent.

- A. To establish predictable and balanced regulations that protect the public health, safety, and general welfare of the City.
- B. Facilitate the provision of telecommunications services and facilities including commercial wireless telecommunication services in Pequot Lakes.
- C. Minimize adverse visual effects of towers through careful design standards.
- D. Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful siting, and setback requirements;
- E. Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the City.

2. Permits Required. It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect any tower, unless it shall replace a like tower, without first making application to the City and securing a permit. A change in construction, dimension, lighting design or design type shall also require a permit. The placement of antennae on previously approved towers may be administratively approved by the City.

3. Tower and Antenna Design Requirements. Proposed or modified towers and antennas shall meet the following design requirements:

- A. Towers and antennas shall blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by federal or state authorities.
 - B. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
 - C. Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards.
 - D. Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
 - E. Metal towers shall be constructed of, or treated with, corrosive resistant material.
4. Tower Setbacks. Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:
- A. Towers shall be set back from all property lines and existing structures an amount equal to the height of the structure.
 - B. Guy wires for towers shall be located no closer than twenty-five (25) feet to any property line and shall meet the setback of the underlying land use district with respect to the public road right of way.
 - C. Suitable protective anti-climbing fencing, with a minimum height of six (6) feet shall be provided around any tower and guy wires.
5. Tower Location. Towers less than two hundred (200) feet in height shall be located a minimum of one-half mile from the end of an airport clear zone as measured from the center point of the base of a free-standing tower. Towers that are 200 feet or more in height shall be located a distance of at least three miles from any public or private airport.
6. Co-Location Requirements. All commercial wireless telecommunication towers erected, constructed, or located within the City shall comply with the following requirements:
- A. Documentation of the area to be served including maps demonstrating the size of communication cells and a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one (1) mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.

- B. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:
- (1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost.
 - (2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost.
 - (3) Existing or approved towers and buildings within the search radius that are sixty (60) feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - (4) Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- C. Any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 99 feet in height, or for at least one additional user if the tower is between 35 and 99 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept mounting at varying heights.
- D. An agreement stating that the site will be designed for not less than three users with applicant and property owner commitment to co-location, whereby, any prohibition of additional users on a tower will be considered a violation of the permit and city policy. The agreement shall also include a statement that any unused or abandoned tower shall be removed by the property owner and/or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

7. Antennas Mounted on Existing Buildings or Towers. The placement of telecommunication antennas including wireless telecommunication antennas on existing buildings, towers or structures, shall meet the requirements of the underlying land use district and this section. A site plan and building plan must be submitted to the City as part of the land use permitting process. Where a tower is non-conforming due to the

requirements of this section additional telecommunication antennas may be permitted to be placed on the tower after being reviewed by the Zoning Administrator.

8. Accessory Utility Buildings. All buildings and structures accessory to a tower shall:

- A. Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for each land use district.
- B. Have ground mounted equipment screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

9. Tower Lighting. A tower shall not be illuminated by artificial means and shall not have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration or the Federal Communications Commission or state agency. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

10. Abandoned or Unused Towers. Abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed within the 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

11. Public Safety Telecommunications Interference. Commercial wireless telecommunications services shall not interfere with public safety telecommunications. All applications shall include adequate information that will be reviewed by the Planning & Zoning Commission before a permit may be issued. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the City at least ten (10) calendar days in advance of any changes and allow the City to monitor interference levels during the testing process.

12. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

13. Non-conforming Towers. In order to avoid requiring new towers and to minimize the number of towers needed to serve the city, the following provisions shall apply to non-conforming towers. Telecommunication towers in existence at the time of this Ordinance may be permitted to increase tower height after being issued a conditional use permit. The Planning & Zoning Commission shall consider the following criteria as part of the conditional use permit process:

- A. Tower safety concerns including tower collapse, falling ice, and airplane

traffic.

- B. Land use character and history of tower(s).
- C. Comparative visual impact to the surrounding lands of the proposed tower height increase.
- D. Disturbance or conflict with agricultural uses on the property.
- E. Other factors which tend to reduce conflicts or are incompatible with the character and need of the area.

14. Screening and Landscaping Requirement. A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures, and security fencing shall be submitted. The plan shall show the location, size, quantity, and type of landscaping materials. Landscape materials shall be capable of screening all year and must be six (6) feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

15. Additional Submittal Requirements. In addition to the information required elsewhere, applications shall include the following information:

- A. A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate.
- B. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- C. The location of all public and private airports within a three (3) mile radius of the tower site.
- D. Applicant must obtain FAA approval and/or provide documentation that FAA approval is not needed.
- E. Applicant must obtain FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed.
- F. An intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems, only if that is the basis for not co-locating
- G. The applicant must submit proof of Liability and Worker's Compensation.

- H. For towers over five hundred (500) feet, an Environmental Assessment Worksheet (EAW) is required and the applicant shall be responsible to provide the city with all information required to complete the EAW prior to the issuance of a permit from the city.
 - I. The owner of the tower shall provide the city with an acceptable financial guarantee in an amount equal to one and one-half (1&1/2) times the cost to remove the tower and related infrastructure, including footings and other underground improvements to a depth of thirty-six (36) inches below existing grade, and to restore the site. Failure to remove the structure shall be cause for the City to remove the tower and associated equipment at the expense of the property owners.
16. Towers Not Requiring a Permit. Permits are not required for the following:
- A. A satellite earth station antenna four (4) feet in diameter or less, located in an industrial or commercial district, meeting required setbacks.
 - B. A satellite earth station antenna three (3) feet or less in diameter, meeting the required setbacks.
 - C. A tower less than fifty (50) ft. as measured from the ground.

Section 17-8.11 ADULT USE

Adult uses are regulated by Chapter 9, Article 1 of the City Code which is incorporated herein by reference.

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 9. SUBDIVISION STANDARDS

Section 17-9.1 SKETCH PLAN

A sketch plan shall contain the following data:

1. Existing Conditions
 - A. Approximate exterior boundary drawn to a scale of not less than 1" = 100' with the scale and northerly direction shown thereon.
 - B. Indication of floodplains, wetlands, slopes over 12%, bluffs, tree cover and ordinary high water mark.
 - C. Use of adjoining properties including street locations, structure locations and property lines.
 - D. Significant historical sites.
 - E. Approximate locations of existing structures.
 - F. Approximate locations of existing wells and sewage treatment systems.
 - G. Location by Section, Town, & Range with small scale sketch showing location within the city.
 - H. The existing zoning classification and the zoning classification of adjacent parcels.
2. Proposed Design
 - A. Proposed roads and walkways.
 - B. Proposed lots with building setbacks and bluff impact zones.
 - C. Proposed Green Space.
 - D. Proposed City sewer and water system connections or sewage treatment systems and well locations.

Section 17-9.2 PRELIMINARY PLAT, PRELIMINARY COMMON INTEREST COMMUNITY PLAT, PRELIMINARY CONDOMINIUM PLAT OR METES AND BOUNDS SUBDIVISION RESULTING IN AT LEAST ONE PARCEL LESS THAN 10 ACRES.

A Preliminary Plat, Preliminary Common Interest Community Plat, Preliminary Condominium

Plat, or Metes and Bounds Subdivision resulting in at least one parcel less than 10 acres shall contain the following data: (except as waived in advance by the Planning Commission); along with other reasonable information required by the Commission needed to make a proper evaluation of the proposal:

1. Existing Conditions.
 - A. Boundary lines with lengths and bearings drawn to exact scale of no less than 1" = 100' taken from a boundary survey by a Licensed Land Surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor. North arrow and scale.
 - B. Topography consisting of 2-foot contour intervals, or, at the discretion of the Planning Commission during the sketch plan review, 10-foot contour intervals taken from USGS mapping with additional field determined spot elevations added to define drainageways, 100 year floodplains, wetlands, slopes and the Ordinary High Water Mark. Near shore aquatic conditions, including depths, types of bottom, sediments and aquatic vegetation.
 - C. Tree cover limits, specimen tree locations.
 - D. Soils as determined by hand borings on a random basis, to determine depth to ground water at lower elevations and suitability for sewage treatment systems. At least one boring for each unit unless waived by the Planning Commission.
 - E. Location of adjoining streets, wetlands, structures and property lines within 200-feet of subject parcel, including acreage of any property owned by the developer not included in the preliminary plat.
 - F. Significant historical sites.
 - G. Significant wildlife habitat areas.
 - H. Endangered, threatened, rare or critical species, both flora and fauna.
 - I. Date of boundary survey, topography and proposed plat.
 - J. Layout of existing streets, walkways, driveways, blocks, lots, and structures drawn to the same scale.
 - K. Locations of existing wells and sewage treatment systems.
 - L. Location by Section, Town, & Range with small scale sketch showing location within the city.
 - M. The existing zoning classification and the zoning classification of adjacent parcels.

2. Proposed Design
 - A. Layout of proposed streets, walkways, driveways, blocks, lots, buildings if known, drawn to same scale as existing data.
 - B. Dimensions scaled to nearest 5 feet of all lot lines, street widths, easement widths and lakeshore lengths.
 - C. Buildable areas of proposed lots.
 - D. Structure setback lines from streets, lot lines and Ordinary High Water Mark and a designation of the buildable area on the parcel.
 - E. Proposed Green Space with area shown.
 - F. Proposed public dedication areas other than streets or walkways with the area shown.
 - G. Proposed City sewer or water system connections and extensions existing and proposed with grades shown.
 - H. Potential locations and estimated depth to water table for all proposed onsite sewage disposal systems, two per lot.
 - I. Information regarding adequacy of domestic water supply,
 - J. Proposed storm drainage system and erosion control, both during and after construction activities.
 - K. Proposed street standards and profiles.
 - L. Potential principal structure and accessory structure locations and elevations.
 - M. Extent of anticipated vegetation and topographic alterations.
 - N. Proposed covenants.
 - O. Name of subdivision and proposed street names, which shall not duplicate or be alike another plat previously recorded.
 - P. Stages of development proposed.
3. Evidence of Authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.
4. Cost/Benefit Analysis. An analysis of the ongoing cost to the City to provide services and maintenance to the development shall be prepared using a form provided by

the City. This cost shall be compared on the same form to the estimated increased valuation of the property and the corresponding tax revenue. The development shall not be approved if public subsidy is required for ongoing services and maintenance.

Section 17-9.3 FINAL PLAT, FINAL COMMON INTEREST COMMUNITY PLAT, OR FINAL CONDOMINIUM PLAT.

A Final Plat, Final Common Interest Community Plat, or Final Condominium Plat shall contain all elements required by this Chapter and Minn. Stat. §§505, 515A or 515B respectively, and the State Plat Manual including but not limited to the following:

1. Conformance with approved Preliminary Plat or agreed upon portion thereof.
2. Design standards in conformance with the City of Pequot Lakes Zoning and Subdivision Ordinance.
3. Preparation by a Licensed Land Surveyor. Signatures of Mayor, Clerk, County Auditor, County Treasurer and all parties with legal interest in the fee ownership of the land.
4. Dedication to the public of easements, right-of-ways, walkways and land to become public.
5. Drainage and utility easements over natural drainageways and significant wetlands.
6. Reservation of private streets in Outlots.
7. Covenants: Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system is proposed for subdivision.
 - A. The Association shall consist of all benefited lot owners.
 - B. The Association shall be responsible for all costs of maintenance and replacement.
 - C. The costs shall be uniformly divided by lots served.
 - D. The costs shall be lienable against the lots by the Association if payment is not forthcoming.
 - E. The status of the facility shall be clearly stated as subject to perpetual private maintenance.
 - F. Provisions shall be made for emergency access or emergency maintenance by the City with subsequent reimbursement by the Association.

8. Concurrent documents.
 - A. Title Opinion, less than 60 days old, acceptable to the City Attorney and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided.
 - B. Financial security acceptable to the City Attorney in the amount of 125% of the cost estimated by the City Engineer for the uncompleted required improvements.
 - C. Development contract acceptable to the City Attorney, if required.

Section 17-9.4 DESIGN LAYOUT STANDARDS-MINIMUM

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the Zoning Administrator, City Attorney, City Engineer, Planning Commission and Council, except as waived by variance approved by the Board of Adjustment.

1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration required. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs, lands with slopes exceeding 25% or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sights, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. All non-conforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by motion of the Planning Commission.
3. Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.
4. Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.
5. Lot areas and dimensions shall conform to the requirements of the Zoning Chapter, without variance.
6. Lot layouts shall be compatible with the existing layout of adjoining properties and/or shall not constrain the future development of adjacent properties if those properties were to be developed as per the Pequot Lakes Land Use and Subdivision

Ordinance.

7. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall not contain bends or jogs unless topographic conditions necessitate a different arrangement. Existing structures shall not be construed to be a topographic condition.

8. Each lot shall have a minimum of 33 feet of frontage on a designated right of way. Commonly owned property or Green Space used for access in a Planned Unit Development shall have a minimum of 33 feet of frontage on a public right of way.

9. Proposed streets shall conform to the adopted road plan of the City of Pequot Lakes, County and State highway plans and existing boundary conditions.

- A. Streets shall be related to the topography so as to produce useable lots and reasonable gradients not in excess of 10% for collector roads and 12% for minor roads.
- B. Public access shall be given to adjacent properties unless the topography clearly indicated future connection is not feasible.
- C. When parcels abutting arterial or collector roads are subdivided, no new access points shall be created unless an equal number of access points are removed, unless access points are created not less than 500 feet apart in which case there shall be no limit on the number of accesses allowed.
- D. Half streets or connections of half streets to partial streets without providing for the full required right-of-way will not be permitted.
- E. Streets will be designed as collectors or local streets in accordance with the City of Pequot Lakes Road Plan.
- F. The number of streets that terminate without a through connection shall be minimized and the street connected to a cul-de-sac (turnaround) shall not exceed 1,200 feet in length.
- G. Access shall be given to all adjacent properties when required by the Planning Commission. All streets intended to be extended to adjoining property, shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the City. Landlocked areas shall not be created.
- H. Right of Way shall be dedicated to the public:

Cul-de-sac (turnaround).....	68' radius
Arterials	100' or as determined by Crow Wing Co
Collectors	66'
Local Streets.....	66'

Additional Right of Way may be required to promote public safety and convenience if special conditions require such as intersections, sight lines on corners or excessive cut or fill sections.

I. Intersections

- (1) Street centerlines shall intersect at not less than 75 degrees.
- (2) Street jogs shall be no less than 200' from centerline to centerline.
- (3) Gradients at intersections and for 50' approaching on each side of an intersection shall not exceed 2%. The approach shall contain no grades greater than 7% for 200' on each side of the intersection.

J. Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones.

K. Street names shall conform to the pattern of the City and continue an existing name on the same alignment, where determined applicable by the Planning Commission. Street names shall be coordinated with the Crow Wing County Surveyor's Office.

10. Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be following widths, minimum:

Watermain	20 feet
Sanitary Sewer	40 feet
Storm Sewer	20 feet
Electrical, telephone or cable television.....	10 feet
Drainageway	10 feet

11. Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

Section 17-9.5 SURVEY STANDARDS

Survey Standards shall be those required by Minnesota Statutes 505 including the placement of all monuments including block corners, lot corners, curve points and lake survey line points on lot lines. All US, State, County and other official bench marks, monuments or triangulation points in or adjacent to the proposed subdivision shall be preserved in position unless relocation is approved by the controlling agency.

Section 17-9.6 STREET IMPROVEMENT STANDARDS

All streets within the subdivision shall be constructed by the subdivider or otherwise provided for by agreement in a Development Contract between the subdivider and the City Council with all expenses borne by the subdivider. Local streets and collector streets shall be constructed

according to the established minimum standards and shall be approved by the City Engineer.

Section 17-9.7 SANITARY PROVISION STANDARDS

No land shall be subdivided for building purposes unless two adequate sites are available on the newly created lot for a conforming onsite sewage treatment system, or the subdivider constructs a cluster system serving the lots to be owned and maintained by a property owner's association or the lot is provided with sanitary service by a municipal sewer system at the expense of the subdivider.

1. A municipal sewer system shall be extended to the lot at the subdivider's expense by agreement in a Development Contract between the subdivider and the City Council if the existing system is adjacent to the parcel being subdivided or reasonably close in the opinion of the Engineer and Planning Commission or if the density of the proposed development necessitates a municipal sewer connection. The sewer shall also be extended to the exterior boundary of the subdivision at locations designated by the Engineer.
2. Onsite systems or cluster onsite systems shall conform to Minnesota Pollution Control Agency Standards, Individual Sewage Treatment Systems Standard, (Chapter 7080 of the Minnesota Administrative Rules), and provide for two (2) treatment sites for drainfields.
3. Municipal sewage facilities shall be designed by a Registered Engineer, approved by the City Engineer, approved by the Minnesota Pollution Control Agency, and installed according to "Standard Utilities Specifications", City Engineer's Association of Minnesota.

Section 17-9.8 WATER SUPPLY STANDARDS

The subdivider shall be responsible to provide the proposed subdivision with adequate spacing between building sites, onsite sewage disposal sites, and potential well locations to allow the well installations in conformance with the City of Pequot Lakes Zoning Ordinance requirements or the subdivider shall provide the lot with a cluster water supply system to be owned and operated by a property owner's association or the subdivider shall provide municipal water service to the lot.

1. A municipal water system shall be extended to the lot at the expense of the subdivider by agreement in the Development Contract between the subdivider and the Council if the existing municipal system is adjacent to the parcel being subdivided or reasonably close in the opinion of the engineer and Planning Commission or if the density of the proposed development necessitates a municipal water connection. The watermain shall also be extended to the exterior boundary at locations designated by the Engineer.
2. Onsite wells or cluster water systems shall conform to the Minnesota Department of Health Rules and Regulations MHD 210-230 "Water Well Construction Code", and the cluster system shall receive the approval of the City Engineer.

3. Municipal water facilities shall be designed by a Registered Engineer, approved by the City Engineer, approved by the Minnesota Department of Health and installed according to “Standard Utilities Specifications” City Engineer’s Association of Minnesota.

Section 17-9.9 DRAINAGE/GRADING STANDARDS

The subdivider shall consider the retention of natural stormwater/snowmelt drainage patterns in the design of his proposed subdivision. The subdivider shall be responsible to provide adequate drainage facilities for his development and upstream properties.

1. Drainage Plan(s). All subdivisions shall demonstrate provisions for adequate surface or subsurface runoff of storm water and snow melt directed to natural drainageways.
2. All natural drainageways draining properties upstream from the subject property shall be identified and preserved, and no structures shall be less than one (1) foot above the water level in the drainageway created by a storm of a 100-year, 24-hour rain event. No filling of areas inundated by the 100-year, 24-hour rain event shall be allowed.
3. Additional runoff for a 100-year, 24-hour rain event from all streets and building sites at build-out shall be accounted for and maintained within the development.
4. Natural or manmade storage areas shall be utilized where needed and shall be designated by drainage and utility easement by the subdivider. All storage areas shall be vegetated and designed to lower naturally after a storm.
5. All drainage structures or improvements provided shall be sufficient in size to pass a 100-year, 24-hour storm event through the natural drainageway.
6. All areas disturbed by grading, street construction or structure installation shall be covered with a minimum of 3-inches natural topsoil and seeded. Drainageways over 2% in gradient shall, at a minimum, be sodded.
7. All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silts and nutrients prior to discharge to a natural drainageway.
8. There shall be no discharge of untreated stormwater to a water body.
9. Erosion control measures shall be provided as needed to prevent and/or contain erosion.

Section 17-9.10 DEDICATION TO THE PUBLIC – STANDARDS

1. In accordance with the provisions of Section 462.358 of the Minnesota Statutes, or amendments thereto, the subdivider shall dedicate, to the public, lands for highway

rights-of-way, street rights-of-way, utility easements, wetland easements, and similar lands required for perpetual and public improvements.

2. The City of Pequot Lakes finds it in the public interest and necessary to provide future parks, trails and other public open and recreational spaces for the citizens of Pequot Lakes. As such, for every new subdivision of land involving three or more lots which are to be developed for residential purposes, the City Council, with the recommendation of the Planning Commission, shall require a payment or dedication to the City of any one of the following, to be reviewed on an annual basis at the beginning of each calendar year:

- A. A reasonable portion of a land dedication for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space, up to 0.016 acres per resident expected in the proposed development, using the most recent average household size as determined by the Minnesota State Demographer's Office and the U.S. Census Bureau.
- B. A payment of up to \$416 per expected resident in the proposed subdivision, using the most recent average household size as determined by the Minnesota State Demographer's Office and the U.S. Census Bureau.
- C. A combination of land dedication and cash payment to the City for parks and open space purposes that reflects the values contained herein and in the City's Comprehensive Land Use Plan.

3. The amount of land and/or payment shall be set by the City Council, from the recommendation of the Planning Commission, after taking into consideration the open space, park, recreational, or common areas facilities which the applicant proposes to reserve for public use within the subdivision. The City shall grant preference to payment in lieu of land dedication unless an area within the land to be platted has been identified by the City for park acquisition. The following factors shall be taken into consideration when reviewing potential lands for park dedication:

- A. The suitability of the land for its intended purpose.
- B. The future needs of the community regarding parks, trails, and open spaces.
- C. The amount of any fees imposed, consistent with the requirements and limitations contained in this Section.
- D. Whether the land is adjacent to or near other public recreation lands.
- E. Whether there is an opportunity to extend an existing or proposed trail or to enlarge an existing or proposed park or recreational facility.

- F. Whether the land dedication would protect environmentally or historically significant or sensitive sites.
 - G. Whether the land dedication provides a unique public benefit or contains unique natural features.
4. Where private open space for park or recreation purposes is provided in a Conventional Subdivision and such space is to be privately owned and maintained by the future residents of the subdivision or owners of the development, the Planning Commission may consider granting a credit for park dedication. A credit of up to 2.5% of the buildable area of the proposed open space may be given provided that the following conditions are met:
- A. The land area designated as open space and used in the calculation of the 2.5%-credit shall not include any area that is otherwise considered unbuildable, including, but not limited to, wetlands, steep slopes exceeding 12%, and the area within setbacks from property lines, required buffer zones, bluffs, and the ordinary high water mark, among others.
 - B. The land area designated as open space within the development is not occupied by non-recreational buildings, such as maintenance or caretaking buildings, and is available for use to all residents of the proposed subdivision.
 - C. The use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the development and which cannot be defeated or eliminated without the consent of the City of Pequot Lakes.
 - D. The area required to obtain increased densities shall not be included in the computation of such private open space.
5. For Conservation Subdivisions where the conservation parcel is publicly dedicated, there shall be no further dedication required. For Conservation Subdivisions where the conservation parcel is not publicly dedicated, the fee calculated in this section shall be reduced by 50% due to the permanent preservation of open space.
6. Funds received by the City, in lieu of land dedication, shall be placed in a special fund in accordance with Minn. Stat. §462.358 Subdivision 2b, as amended.
7. All land dedication pursuant to this Ordinance shall be conveyed to the City through a Warranty Deed drafted by the City Attorney.

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 10. IMPROVEMENTS

Section 17-10.1

Prior to the submission of a Final Plat application and prior to approval of a metes and bounds subdivision, the subdivider shall provide for the construction of the required improvements at their expense and shall have the work completed or shall enter a Development Contract and give bond or other financial assurance satisfactory to the Council in an amount equal to 125% of the estimated cost of the uncompleted improvements except as provided in 10.3. The bond shall be released by the City Council upon the recommendation of the City Engineer indicating the improvements are satisfactorily complete.

Section 17-10.2

The required improvements shall conform to the standards of this Chapter and shall include street cross section, signs and lighting in conformance with adopted City standards.

Section 17-10.3

The subdivider may request the City to construct municipal sewage facilities, municipal water facilities or bituminous street surfacing with all costs to be assessed against the benefited properties. If the City Council agrees, the subdivider shall enter a Development Contract and give a bond or other financial assurance satisfactory to the Council in an amount equal to 50% of the estimated costs. The assessments shall be paid in full upon sale of the property.

Section 17-10.4

All costs of the City Engineer, City Attorney, Bond Attorney, financial experts and other professional costs borne by the City in writing and/or executing Development Contracts, estimates of cost, inspectors, financial arrangements, assessments and pursuing legal remedies in event of default by the subdivider, shall be borne by the subdivider or their successors.

Section 17-10.5

Before final release of the bond, record drawings shall be provided by the applicant documenting final locations of improvements.

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 11. ADMINISTRATION

Section 17-11.1 ZONING ADMINISTRATOR

1. The Zoning Administrator shall be appointed by the City Council.
2. Duties of the Zoning Administrator:
 - A. Determine if applications are complete and comply with the terms of this Chapter.
 - B. Direct or conduct inspections of building, sewage systems and other uses of the land to determine compliance with the terms of this Chapter.
 - C. Maintain permanent and current records of this Chapter including, but not limited to, maps, amendments, Land Use or Use Permits, Conditional Use Permits, Variances, appeals and applications, and a separate file for future conditions or expiration of permits.
 - D. Review, file and forward applications for appeals, Variances, Conditional Uses and Zoning amendments in a timely manner.
 - E. Enforce the provisions of this Chapter by reviewing complaints and by pursuing contacts with any violator in accordance with standard procedures as adopted and modified from time to time.
 - F. Attend meetings and provide research and findings to the Board of Adjustment/Planning Commission.
 - G. Issue permitted Land Use Permits upon application for structures on lots conforming to this Chapter when the conditions of this Chapter are met; to issue Conditional Use Permits when directed; to issue notices of a Zoning change when directed.
 - H. To mail a copy of the findings to an applicant.
 - I. To file copies of Conditional Use Permits and Variances with the County Recorder.
 - J. To communicate with the DNR where required by this Chapter or State Law.
 - K. To ensure that the City Council, Planning Commission and Board Adjustment review land use application or public hearing applications as prescribed by State Statutes.

- L. To conduct periodic and final inspections with a member of the Planning & Zoning Commission, of property subject to conditions of approval relating to variances, conditional use permits and other land use applications.
 - M. To issue Land Use Certificates of Compliance, when applicable.
3. The Zoning Administrator and their duly authorized deputies shall have the right to trespass, consistent with state and federal laws and precedents, within the City of Pequot Lakes in the pursuit of their duties.

Section 17-11.2 BOARD OF ADJUSTMENT

- 1. The Board of Adjustment shall consist of the members of the Planning Commission, and shall hold its meetings concurrently with the Planning Commission meetings on a monthly or more frequent basis at the discretion of the Chairman.
- 2. Duties of the Board of Adjustment.
 - A. To consider appeals from the action of the Zoning Administrator wherein the Board will take the authority of the Administrator. Said appeals shall be filed with the City Clerk within ninety (90) days of the decision. The Board of Adjustment will hear any appeal within sixty (60) days of the Zoning Administrator's action.
 - B. To hold hearings on Variances after proper public notice in the official newspaper and individual notice by regular mail to any property owners within a minimum of 350 feet distance of any Variance in question. Such notice shall be given at least 10 days before the hearing date.
 - C. To act on Variances within the required time frame with complete findings to justify the action.
 - D. To keep a record of the proceedings, notifications and justifications for their actions.

Section 17-11.3 PLANNING COMMISSION

- 1. Organization of the Planning Commission.
 - A. The Planning Commission shall consist of no less than five (5) and no more than seven (7) members appointed by the City Council. A Council member shall be a non-voting additional member and shall act as a liaison to the City Council. Each member other than the council liaison shall hold office for 3 years and terms shall be staggered. The Mayor shall appoint the council liaison on an annual basis with the City Council concurrence. Vacancies shall be filled for the remainder of the term by the City Council.

- B. The Commission shall elect a chairman from its members for a term of one year.
 - C. The Commission shall meet a minimum of eleven times a year at a regular meeting unless the docket is empty in which case the Mayor and/or Chairman can approve suspension of a meeting. Special meetings shall be advertised in the official newspaper and posted in the City Hall at least 10 days in advance of the meeting.
2. Duties of the Planning Commission under this Chapter.
- A. To hold hearings after proper public notice in the official newspaper and individual notice by regular mail of any property owners within a minimum of 350 feet of any land use in question. Such notices shall be given at least 10 days before the hearing date.
 - B. To decide within the required time frame the following:
 - (1) Recommendations to the City Council regarding requested Zoning District boundary changes or amendments to this Chapter.
 - (2) To review and provide recommendations to the City Council on preliminary plats and final plats.
 - (3) To review and act on all metes and bounds property divisions within the City.
 - (4) To review and act on requests for Conditional Use Permits with complete findings to support the decision.
 - (5) To periodically review the Zoning map and Ordinances and consider their role in shaping the growth of the community and to recommend changes to the City Council of these documents to guide growth and current land use toward the goals of the Comprehensive Plan.
 - (6) To recommend on a timely basis that the City Council review the Comprehensive Plan when appropriate.
3. It shall be the duty of each individual member to be present at all meetings of the Planning Commission and Board of Adjustment. More than 3 absences in any one year period shall be grounds for replacement by the City Council.

Section 17-11.4 PARKS COMMISSION

- 1. Duties of the Parks Commission under this Chapter.
 - A. To make recommendations to the Planning Commission on park

dedication fees and/or land dedications within new subdivisions.

- B. To periodically review the Park Plan and Ordinances and consider its role in shaping the growth of the community and to recommend changes to the City Council of these documents to guide growth and current land use toward the goals of the Comprehensive Plan.

Section 17-11.5 CITY COUNCIL

- 1. The City Council shall have the following duties under this Chapter:
 - A. Appoint the Zoning Administrator by a majority vote, or terminate the Zoning Administrator by a 4/5 vote.
 - B. Confirm the appointments of the Mayor to the Board of Adjustment/Planning Commission members by a majority vote, or to remove members by a 4/5 vote.
 - C. To decide within the required time frame the following:
 - (1) Recommendations from the Planning Commission for changes in Zoning District boundaries.
 - (2) Recommendations from the Planning Commission for acceptance of preliminary plats and final plats.
 - (3) Appeals of the decision of the Planning Commission regarding Conditional Use Permits.
 - (4) Appeals of the decision of the Board Adjustment for variances from this Chapter.
 - (5) To hear appeals from the actions of the Board of Adjustment and the Planning Commission where their action is normally final. Said appeals shall be filed with the City Clerk within ninety (90) days of the decision. Said appeals shall be heard within sixty (60) days of the Planning Commission or the Board of Adjustment action and the city shall re-notify anyone noticed for the public hearing at which the decision was made.

Section 17-11.6 CONDITIONAL USE PERMITS

- 1. Conditional Use Permits shall be issued to the property for structures or other specified uses after a public hearing and approval by the Planning Commission. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator **30** days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property

shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and omit by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.

2. Submissions for Conditional Use Permit. The applicant shall complete the Conditional Use Permit application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:

- A. Increasing the required lot size or yard dimension.
- B. Limiting the height, size or location of buildings.
- C. Controlling the location and number of vehicle access points.
- D. Increasing the street width.
- E. Increasing or decreasing the number of required off-street parking spaces.
- F. Limiting the number, size, location or lighting of signs.
- G. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
- H. Designating sites for open space.
- I. Stormwater runoff management.
- J. Reducing impervious surfaces.
- K. Increasing setbacks.
- L. Restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

4. The Planning and Zoning Commission shall decide the issue with consideration to the following:

- A. The following must be met:
- (1) The use or development is an appropriate conditional use in the land use zone.
 - (2) The use or development, with conditions, conforms to the comprehensive land use plan.
 - (3) The use with conditions is compatible with the existing neighborhood.
 - (4) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
 - (5) For Conventional Subdivisions, the property contains physical constraints which make it unable to be developed by the Conservation Subdivision method.
- B. The following must be considered:
- (1) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
 - (2) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - (3) The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - (4) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
 - (5) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
 - (6) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.

- (7) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
 - (8) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.
5. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.
6. Conditional Use Permits may be transferable where requested by an applicant and approved by the Planning Commission.
7. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall determine conditions for reinstating the permit or revocation, if applicable.
8. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any Conditional Use Permit outstanding at the time of the Ordinance adoption.
9. Appeals from the action of the City shall be filed with District Court within 30 days after City Council action.
10. The Conditional Use Permit shall be filed with the County Recorder within 45 days of approval.
11. Planned Unit Development Procedure and Submissions.
 - A. Procedure.
 - (1) The applicant may submit a concept plan to the Planning Commission for review and discussion at least 14 days prior to the meeting.
 - (2) Based on discussion, the applicant can formally apply by submitting preliminary documents, prepared with professional help, including as a minimum the C.U.P. application, and further shall contain the following:
 - (a) Proposed concept of plan operation.

- (b) Proposed plat or floor plan, if applicable.
 - (c) Proposed recreational amenities.
 - (d) Proposed timing.
 - (e) Proposed final security.
 - (f) Proposed development contract.
- (3) The Planning Commission shall review the submissions and act on the application within the required timeframe with a complete finding of facts.
- (4) The applicant shall then proceed within the time frame accepted under the preliminary proposal to provide final documents as required, including:
- (a) Financial security.
 - (b) Development contract.
 - (c) Title opinion.
 - (d) Final plat or floor plan.
 - (e) Surveyors plat check.
 - (f) Final covenants and associated documents.
 - (g) Final time schedule.
 - (h) Final site plan which will control development.
 - (i) MPCA/MnDH approval letter on sewage system & water supply.

Section 17-11.7 VARIANCES

1. Variances shall not create a use not provided for in a zoning district.
2. Variances shall be issued to the property and are not transferable.
3. Variances shall be issued to the property for structures or other specified uses only after a public hearing and approval by the Board of Adjustment. All applications for a Variance shall be submitted to the Zoning Administrator **30** days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.
4. Submissions for Variances. The applicant shall complete the Variance application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact

information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

5. In evaluating all variances the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

6. Variances shall be decided within the required time frame with consideration for the following:

A. The applicant establishes that there are practical difficulties, as defined in this ordinance, in complying with the official control, and

B. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and

C. The deviation from the Ordinance with any attached conditions will still be in harmony with the general purposes and intent of the Ordinance and the Comprehensive Plan, and

D. The variance will not create a land use not allowed in the zone, and

E. The variance will not alter the essential character of the locality, and

F. The variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

7. The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

8. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.

9. Failure by the owner to act within 6 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding at the time of the Ordinance adoption.

10. Appeals from the action of the City Council shall be filed with the District Court within 30 days after Council action.

11. The Variance shall be filed with the County Recorder within 45 days.

Section 17-11.8 LAND USE PERMITS

1. Land Use Permits shall be issued for all new structures and any change in structure exterior, plumbing or number of bedrooms, any construction or repair of a sewage system and any grading and filling in shoreland not exempted by this ordinance. No person shall assemble, install, repair, remodel, remove or construct any structure prior to applying for and receiving a Land Use Permit.
2. Where a proposed use requires action of the Board of Adjustment, Planning Commission or Council or posting of financial security, said action shall occur and the Conditional Use Permit, Variance, Zoning District change, final plat plan approval or approval of metes and bound division shall be issued or security posted before the Land Use Permit is issued.
3. Lot corners shall be visible on the lot. The Zoning Administrator may require a new survey when stakes are not visible or have been removed through erosion, construction or other action and require that a new certificate with existing and recorded dimensions shall be provided. If survey monuments are not clearly available to establish the property boundary, a survey shall be required when a structure is proposed to encroach within 150% of a side or front setback or within 110% of an OHW setback or bluff setback.
4. The City shall not accept applications where the applicant has past due fees or charges due to the City or the County until the account is made current.
5. No applications shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Permits can only be issued to contractors or property owners with outstanding violations by majority vote of the Planning Commission after the violation has been resolved to the satisfaction of the Planning Commission.
6. The Land Use Permit application shall contain the parcel number of the property and the signature of the fee or contract owner of the property or his authorized agent.
7. Unless extended by the Zoning Administrator, where a Land Use Permit has been issued but no action has occurred within 12 months, the Land Use Permit shall be null and void. Exterior work on the structure shall be complete in 24 months from the issuance of the Land Use Permit. The time limit may be extended up to six months by the Zoning Administrator for good cause. A second extension shall be decided by the Planning Commission.
8. Granting of a Land Use Permit shall occur when all requirements of this Chapter have been met, but shall not be considered a statement of compliance with regional, State or Federal codes, statutes or laws or approval of the design of the structure or accessories, or description of the property. Subsequent actions of the Zoning Administrator shall not be considered acceptance of structural components or workmanship, but rather shall be for the purpose of determining general compliance with this Chapter.

9. If the Zoning Administrator determines that any violation of the permit or other section of the Ordinance has occurred, the permit shall become null and void.

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

Section 17-11.9 SUBDIVISIONS

1. Pre-Application Meeting. At the subdivider's option, a pre-application meeting shall be held including the subdivider, City Zoning Administrator, City Planner, City Engineer, if requested by the Zoning Administrator, and the City Clerk. Discussion at this meeting shall be limited to procedure, Chapter requirements and timing.

2. Sketch Plan Review Meeting with Planning Commission. At the subdivider's option, a review of a sketch plan will be made by the Planning Commission prior to a public hearing. Discussion at this meeting shall be limited to procedure, Chapter requirements and timing.

A. The subdivider shall submit 9 copies of the sketch plan, 14 days prior to the normal Planning Commission meeting, and request a position on the formal agenda.

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

3. The City of Pequot Lakes may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the City for direct costs relating to professional services provided during the review, approval and inspection of the project. The City may charge the applicant a rate equal to the value of the service to the City. Services provided by City staff or contract professionals will be billed at an established rate.

4. Metes and Bounds Subdivision Approval, Subdivisions 10 acres or greater in size and 500 feet or greater in width.

A. Shall be subject to approval by the Zoning Administrator if both of the resulting parcels are 10 acres or greater and 500 feet of width or greater.

B. Such subdivisions shall be limited to no more than one split of a parcel into two parcels in a three year period of time.

C. The proposed legal description for subdivision of land by metes and

bounds shall be prepared and certified by a Licensed Land Surveyor.

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

5. Metes and Bounds Subdivision Approval, Subdivisions less than 10 acres in size or less than 500 feet in width.

- A. Where appropriate, under the provisions of this Chapter, the subdivider shall submit documents containing the essential information of a proposed plat or plan and including dimensions computed to one hundredth (1/100th) of a foot and bearing computed to equivalent accuracy to the Planning Commission for approval.
- B. The review of the Planning Commission need not include a public hearing.
- C. The subdivider shall submit 9 copies of his proposal to the Zoning Administrator 30 days prior to the normal Planning Commission meeting and pay the corresponding fee.
- D. The Zoning Administrator shall review the proposed lot split for compliance with the Zoning Chapter including a field review at his discretion.
- E. The Planning Commission shall decide on the subdivision within the required time based on the resulting lots complying with this Chapter, the feasibility of the resulting lots for their intended purpose, and the provision for access to adjacent properties. Conditions may be attached to an approval requiring appropriate improvements. No more than one (1) split into two (2) parcels shall be allowed in a three (3) year period of time. An additional parcel for right of way or commonly owned driveway access may also be allowed.
- F. The decision of the Planning Commission may be appealed to the City Council.
- G. The resulting land descriptions shall be prepared and signed by a Licensed Land Surveyor and shall comply with all provisions of this Chapter.
- H. Failure of the subdivider to act after an approval of a Metes and Bounds subdivision within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new review by the Planning Commission.

6. Preliminary Plat or Preliminary Condominium Plat Approval. The preliminary Plat or Preliminary Condominium plan approval constitutes formal approval of the

concept and design of the subdivision. The Planning Commission review shall include a public hearing and may include a field review at their discretion. All reports of City staff, DNR and Road authorities shall be reviewed and included in the hearing record. Related variance requests, rezoning requests and conditional use requests shall be heard concurrently with a subdivision request.

- A. The subdivider shall submit 9 copies of the proposed plat or condominium plat to the Zoning Administrator 30 days prior to the normal Planning Commission meeting, pay the required fees and request a public hearing.
- B. The Zoning Administrator shall notify all property owner's within 350 feet, by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten (10) days ahead of the public hearing, including sufficient legal property description in the advertisement. The Zoning Administrator shall distribute one (1) copy to each Planning Commission member, if the proposal is adjacent to a County Highway, one (1) copy to the County Engineer, and if the plat is in shorelands, one (1) copy to the DNR postmarked at least ten (10) days before the public hearing for review and comment.
- C. The Zoning Administrator shall review the proposed plat or plan as to content standards, necessary variances, from this Chapter, necessary rezoning or necessary conditional use permits, and advise the subdivider and the Planning Commission of his findings.
- D. The subdivider shall make addition application for the necessary permits at least 30 days prior to the normal Planning Commission or Board of Adjustment meeting as applicable, if subdivider desires to have a concurrent public hearing for variance, conditional use or rezoning.
- E. The Planning Commission shall hold the Public Hearing and may continue the hearing as it deems necessary to allow all factual input it deems necessary to allow a decision. Lack of submission of comments by outside agencies shall be construed to mean the agency has no objections.
- F. The Planning Commission shall recommend the approval, where applicable, of the Preliminary Plat or Preliminary Condominium Plat to the Council within the required timeframe, and the findings shall be sent to the subdivider. The Planning Commission shall consider the following in it's decision:
 - (1) Is the property properly zoned?
 - (2) Does the proposal conform to the requirements of this Chapter?
 - (3) Does the proposal conform to the requirements of the Subdivision Chapter?
 - (4) Have the concerns of the affected agencies been addressed?
- G. The City Council shall review the findings and recommendations of the

Planning Commission at their next regular meeting and make the final determination.

- H. The City Council will hear any appeal within thirty (30) days of the Planning Commission action and will re-notify anyone noticed for the Public Hearing. Said appeals will be filed with the City Clerk within fifteen (15) days of the decision.
- I. Failure of the subdivider to act after an approval of Preliminary Plat or Preliminary Condominium Plat within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new public hearing.

7. Final Plat or Final Condominium Plat Approval. Upon approval by the Planning Commission, the subdivider shall cause the Final Plat or Final Condominium Plat, documents and concurrent documents to be prepared and submitted to the Planning Commission for recommendation to the City Council. All coincident variance requests, conditional use permit requests and/or rezoning requests shall either have been decided or be pending approval simultaneously with the Final Plat.

- A. The subdivider shall submit 9 paper copies of the Final Plat or Final Condominium Plat and concurrent documents to the Zoning Administrator 30 days prior to the Planning Commission meeting.
- B. The Zoning Administrator shall distribute the information received to the City Attorney and the City Engineer, who shall review the submission for conformance with the standards and comment thereupon to the Planning Commission. The Zoning Administrator shall compare the Final Plat to the Preliminary Plat and comment thereupon. The Attorney shall ascertain that all parties with an interest in the parcel to be divided are indicated as signers of the documents. The Engineer shall determine that the improvements required have been completed or have been included in a development contract and that the required security has been posted with the City Council. An independent Licensed Land Surveyor as designated by the City, shall compare the approved Preliminary Plat with the Final Plat, provide a plat check of the Final Plat, and verify that the Final Plat meets the survey standards required by Minnesota Statutes.
- C. The Planning Commission shall review the reports of the Attorney, Engineer, Zoning Administrator and independent Licensed Land Surveyor and make recommendation to the City Council within the required timeframe. The Planning Commission shall consider the following:
 - (1) Has the applicant complied with all conditions and requirements upon which the preliminary approval is expressly conditioned wither through performance or execution of appropriate agreements assuring performance?

- (2) Does the Final Plat or Final Condominium Plat agree with the Preliminary Plat or Preliminary Condominium Plat?
 - (3) Does the City Attorney agree that all parties with an interest in the property are shown as signers of the document?
 - (4) Does the City Engineer agree that all improvements required are satisfactorily completed or are guaranteed by contract with adequate financial security?
 - (5) Does an independent Professional Land Surveyor agree that the final document meets the statutory requirements?
 - (6) Has financial security been posted in the appropriate amount?
- D. Following approval by the City Council, the subdivider shall submit to the Zoning Administrator four (4) mylar prints of the Final Plat or Final Condominium Plat for signature by the Mayor and Clerk.
 - E. Upon signature, the subdivider shall file all pertinent documents with the County Recorder. Failure to file a Final Plat or Plan, within two (2) years shall void the approval unless extended by the Planning Commission.

Section 17-11.10 FEES

The Council shall adopt a schedule of fees from time to time for all permits. No permit shall be issued, or request brought before the Board of Adjustment or Planning Commission until the fees are paid. All late applications shall require the payment of an after-the fact fee as outlined in the fee schedule.

The City shall not accept applications where the applicant has any past due fees or charges due to the City until the account is made current.

Section 17-11.11 FINANCIAL REQUIREMENTS

Applications will not be accepted as complete where an applicant has any utility charges, delinquent taxes, delinquent assessments or other fees past due with the City or County. The past due account must be paid to bring the account current before an application will be accepted.

When costs associated with processing or reviewing an application exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to hire in reviewing permits. Outstanding fees shall be paid before issuance of the permit and any construction of the project begins.

Section 17-11.12 REQUIRED DECISION MAKING TIME FRAMES

The City shall follow the requirements of Minn. Stat. §15.99, as amended, for all land use permit and subdivision applications, zoning district boundary changes and appeals thereof.

It shall be the applicant's responsibility to submit a completed application packet, which shall by definition include the application forms approved by the City, site plan with all information required by this ordinance and remit proper fees for the land use application. Once the Zoning Administrator or appointee has received the completed application packet, the review time frame shall commence. The Zoning Administrator shall notify applicants in writing when a completed application has been received.

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 12. ENFORCEMENT

Section 17-12.1 VIOLATIONS AND PENALTIES

Violation of any provision of this Chapter shall be considered either an administrative offense subject to an administrative fine; a criminal offense; or a civil offense subject to enforcement through civil remedies. Each act of violation in every calendar day upon which said violation occurs or continues may be considered a separate offense.

In all cases where the City reviewing, investigating, or administering a land use application for purposes of enforcing compliance with this Chapter, the offending party, real estate owner, and/or permit holder shall be required jointly and severally to reimburse the City for the City's fees and costs associated with enforcing compliance with this Chapter. Fees and costs include, but are not limited to, attorney's fees, engineering fees, consultant fees, and other professional services deemed necessary by the City. The City also reserves the right to record a lien against real estate that is the subject of a land use enforcement action pursuant to Section 514.67 of Minnesota Statutes, for any of the aforementioned unpaid fees and services.

Section 17-12.2 LIABILITY OF CITY OFFICIALS

The failure of any officer of the City or Board or employees of the City to act pursuant to this Ordinance, except as an individual acting in his own behalf, shall not be an offense and shall not subject the officer, Board or employee to any penalty except those provided under the City personnel policies.

Section 17-12.3 EQUITABLE RELIEF

In the event of a violation or threatened violation of any provision of this Chapter the conditions of any permit issued pursuant to the ordinance, the City, in addition to other remedies, may act or institute action to prevent, restrain, correct, or abate such violation or threatened violation.

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS

ARTICLE 13. SEPARABILITY, SUPREMACY, EFFECTUATION, AMENDMENTS, NOTICES

Section 17-13.1 SEPARABILITY

Every section, provision or part of this Chapter or any permit issued pursuant to this Chapter is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Chapter or any permit issued pursuant to this Chapter shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

Section 17-13.2 SUPREMACY

When any condition implied by this Chapter on the use of land or buildings is more restrictive or less restrictive than applicable conditions imposed by statute, rules and regulations, other City ordinance or regulation or other jurisdiction, the more restrictive shall apply. This Chapter does not abrogate any easements, restriction or covenants imposed on the land by private declaration or agreement, but where such provisions are less restrictive than an applicable of this Chapter, this Chapter shall prevail.

Section 17-13.3 EFFECTUATION

This Chapter shall be in full force and effect from and after its passage by the City Council and subsequent publication.

Section 17-13.4 AMENDMENT

The City Council may adopt amendments pursuant to Minn. Stat. §462.357, as amended, to either the Zoning Chapter, Zoning Map or Overlay Maps in relation to the land uses within a District or the boundaries of the District(s). Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the City.

1. Procedure.
 - A. An amendment may be initiated by the Council, the Planning Commission or by a petition of affected property owner.
 - B. The Zoning Administrator shall review the proposed changes and make a recommendation to the Planning Commission.
 - C. The Planning Commission shall make a reasonable attempt to cause all property owners within a minimum of 350 feet of proposed Zoning District change to be notified by regular mail and shall publish a hearing notice for either a Zoning District change or Zoning Ordinance change in the legal section of the official newspaper and shall provide notice to the

DNR at least 10 days ahead of the public hearing. The Planning Commission shall hold the hearing and make a timely recommendation to the City Council. Adoption of a new Zoning map shall require published notice only. The Planning Commission shall consider the criteria for land use categories, in its decision.

- D. The City Council shall review the recommendations and shall make a timely decision. The City Council may amend the Land Use and Subdivision Chapter by a majority vote of all its members. The adoption of an amendment of any portion of the zoning chapter which changes all or part of the existing classification of a zoning district from residential to other commercial or industrial requires a two thirds majority vote of all members of the governing body.
- E. The City Clerk shall publish a summary of the text of the change or description of boundary change or a new Zoning map, whichever is appropriate, in the official newspaper within 30 days after action by the Council.

Section 17-13.5 NOTICES

The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this Chapter has been made.