



## AGENDA ITEM # 3

### REPORT TO PLANNING COMMISSION

**Report Prepared by: Thomas Roloff**

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**Date:** October 28<sup>th</sup>, 2024

**Subject:** Ordinance Amendments to Chapter 17: Land Use (Zoning) and Subdivision Regulations.

**Report:** This report will outline the general updates to Chapter 17 as discussed during the September 2024 Pequot Lakes Planning Commission meeting. The specific sections of Chapter 17 for this report include 17-7.1 “Sign Concept Plans”, 17-6.4 & 17-11.13 “Extractive Use” & “Interim Use Permit”, and 17-11.9 “Subdivisions re; Boundary Line Adjustments”. The proposed updates to these sections are general “housekeeping” for clarity in procedure, process, application, and expedition of requests on the subject matter of this report.

**Commission Action Requested:**

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

**AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY CODE  
REGARDING SIGN CONCEPT PLANS  
CITY OF PEQUOT LAKES  
COUNTY OF CROW WING  
STATE OF MINNESOTA**

**Purpose and Intent:** The purpose of this ordinance is to amend Chapter 17 of the Pequot Lakes City Code regarding the requirement for a Conditional Use Permit application to be submitted for the review of a “Sign Concept Plan” by the Planning Commission. This amendment intends to remove the requirement for a Conditional Use Permit and allow for Sign Concept Plans to be presented as new business items during the Planning Commission’s regularly scheduled meetings.

**Amendment:** Chapter 17, Article 7 shall hereby be amended with the following language added and the following strikethrough language removed:

CHAPTER 17 – LAND USE (ZONING) AND SUBDIVISION REGULATIONS ARTICLE  
7. PERFORMANCE STANDARDS  
Section 17-7.1 SIGNS

1. General.
  - A. Non-maintained signs or signs for discontinued business, or signs that are not structurally sound 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 it's 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. 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 by ~~applying for a Conditional Use Permit~~ submitting a sign concept plan for review by the Planning Commission. 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 additional signage
- (b) Alternatives to additional signage, and
- (c) Aesthetic impacts.

- G. No signage shall be allowed to direct any light on to an adjacent parcel of land.

**AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY CODE  
REGARDING EXTRACTIVE USE  
CITY OF PEQUOT LAKES  
COUNTY OF CROW WING  
STATE OF MINNESOTA**

**Purpose and Intent:** The purpose of this ordinance is to amend Chapter 17 of the Pequot Lakes City Code regarding the permit requirement for Extractive Use. This amendment intends to remove the language in subpart 2 regarding conditional use permits to maintain consistency with the City of Pequot Lakes Land Use Matrix.

**Amendment:** Chapter 17, Article 6.4, 8.5, & 11.13 shall hereby be amended with the following underlined language added and the following strikethrough language removed:

**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~~ interim 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 17-8.5 EXTRACTIVE USES AND RESTORATION**

1. In all districts where permitted, as defined in 17-6.4 Extractive Use Overlay District, mining shall be permitted only by ~~CUP~~ Interim Use Permit (IUP). 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~~ IUP 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~~ IUP 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 ~~CUP~~ IUPs 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~~ IUP.
- 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~~ IUP 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 ~~CUP~~ IUPs, the following specific criteria shall be used in evaluating an application for an extractive use ~~CUP~~ IUP:
  - 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~~ IUP.

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

- A. Name of the person or corporation conducting the actual removal operation.
- B. Certificate of Survey labeled Map A indicating pre-mining conditions as they currently exist in the project area including all areas within 500 feet of the site at a scale of not less than one (1) inch equals one hundred (100) feet that includes the following:
- Description and location of existing vegetation within and adjacent to the project area;
  - Location of all structures within and adjacent to the project area and the purpose for which each structure is used, including buildings, pipelines, cables, railroads and power lines;
  - Existing drainage patterns, wetlands and permanent water areas;
  - Contours within the project area at five (5) foot intervals.
- C. Map B outlining size of the area from which the removal is to be made and the volume of material to be removed.
- D. Map C depicting proposed final grade with maximum five (5) foot contour intervals after deposit is removed and area restored.
- E. Type of resources or materials to be removed.
- F. Proposed method of removal and whether or not blasting or other use of explosives will be required.
- G. Description of equipment to be used, including any proposed accessory uses such as hot mix plants or crushing operations.
- H. Method of rehabilitation and reclamation of the pit area, including timeframe for rehabilitation.
- I. Identification of haul roads and amount of truck activity at highest and average levels on those routes, including ADT (average daily total) counts.
- J. Hours of operation and expected life of operation.
- K. 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.

- L. Proposed methods of avoidance or mitigation of the impacts on natural resources caused by the proposed use.
- M. Detailed plans indicating anticipated vegetative and topographic alterations.

### **Section 17-11.13 INTERIM USE PERMITS**

1. Procedure. Uses defined as interim uses in Section 17-5.15 are allowed by the City pursuant to governing law contained in Minnesota Statutes, Section 462.3597 after appropriate review and approval in accordance with the criteria, standards and procedures for a Conditional Use Permit contained in Section 17-11.6 and the below requirements contained in this Section. An interim use will be reviewed in the same manner as a Conditional Use Permit except as otherwise provided in this Section. All submittal requirements in Section 17-11.6 shall be required for interim use permits.

A. Additional Standards. In addition to the forgoing, interim uses shall comply with all of the following standards:

- (1) The use is allowed in and conforms to the applicable zoning regulations for the respective zoning district, including applicable performance standards;
- (2) The date or event that will terminate the use is identified with certainty and is included in writing within the approved interim use permit;
- (3) The use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future;
- (4) There is adequate assurance that the property will be left in suitable condition after the interim use is terminated. The City Council may require a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and interim structures upon the expiration of the interim use permit; and
- (5) The user agrees to any conditions deemed appropriate by the City Council for the permission of the interim use. Such conditions shall be included in writing in the issued interim use permit or alternatively in a written agreement with the user attached to the approved interim use permit.

B. Termination. An interim use permit shall terminate on the happening of any of the following events, whichever occurs first:

- (1) The occurrence of the date stated in the interim use permit, ~~which shall not be for a period greater than five (5) years;~~
- (2) The occurrence of the event stated in the interim use permit;
- (3) Upon violation of conditions under which the permit was issued; or

- (4) Upon change in the City's zoning regulations which renders the use nonconforming.

C. Lapse, Extension. Unless the City Council approves a different time in an approved permit, an interim use permit shall expire without further action by the Planning Commission or City Council, unless the user/applicant commences the authorized interim use within one year of the date the interim use permit issued; or, unless before the expiration of the one year period, the applicant shall apply for an extension to initiate such use. The request for an extension by a user/applicant shall be made to the zoning administrator and the user/applicant shall provide evidence as required by the zoning administrator sufficient to demonstrate the user/applicant's good faith effort to complete or utilize the use permitted in the interim use permit within the one year period. A request for an extension may be granted by the zoning administrator for an additional period up to one year. A denial of an extension by the zoning administrator may be appealed in writing by the user/applicant to the City Council within 10 days of the date of the zoning administrator's decision. The user/applicant's written appeal shall state the grounds for the appeal and be submitted to the City Administrator within the 10 day period. Failure to timely appeal shall constitute a waiver of the right to appeal and shall not be considered. A timely filed appeal will be heard by the City Council within 60 days of the date the appeal is received by the City Administrator.

**AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY CODE  
REGARDING BOUNDARY LINE ADJUSTMENTS  
CITY OF PEQUOT LAKES  
COUNTY OF CROW WING  
STATE OF MINNESOTA**

**Purpose and Intent:** The purpose of this ordinance is to amend Chapter 17 of the Pequot Lakes City Code regarding the submission of a “boundary line adjustment” application for review by the City prior to recording & approval by Crow Wing County. This amendment intends to add a definition for a Boundary Line Adjustment and add language to Section 11.9 regarding the City approval process prior to County Recording.

**Amendment:** Chapter 17, Article 11.9 SUBDIVISIONS shall hereby be amended with the following underlined language added:

**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.

- 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. Boundary Line Adjustment Approval

- A. A boundary line adjustment is the moving of a boundary line between adjacent parcels. A boundary line adjustment does not create any new lots, tracts, parcels, or sites. A boundary line adjustment must also not create or result in any lot, tract, parcel, or site which contains insufficient area and dimension to meet minimum requirements for width, lot size, and area for building as required by this section. The newly acquired land must be combined on the same deed for recording purposes as the remainder of the owner's property.
- B. An owner proposing to undertake a boundary line adjustment must submit a complete application to the city together with applicable fees. The owner must submit the following additional information with its application in order for the application to be considered complete:
  - (1) A certificate of survey showing the current boundary lines and the proposed boundary lines after adjustment
  - (2) The current legal descriptions of the parcels; and
  - (3) The resulting legal descriptions of the altered parcels.
- C. Complete applications must be submitted to the Zoning Administrator. The Zoning Administrator shall review the application and make a determination. 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.
- D. Failure of the owners to act after an approval of a boundary line

adjustment within one (1) year shall void the approval unless extended by the Zoning Administrator. A second extension shall require a new review by the Planning Commission.